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## Item No: 7.1

**Application:** 162607

**Applicant:** Crown House Homes

**Agent:** Pomery Planning Consultants

**Proposal:** Change of Use of Office Building B1(a) to 67 Self Contained Apartments (C3 Use) and the erection of additional floor and alterations to the buildings external appearance.

**Location:** Equity House, 2 Bergholt Road, Colchester, CO4 5EY

**Ward:** Mile End

**Officer:** Daniel Cameron

## **1.0 Reason for Referral to the Planning Committee**

- 1.1 This application is referred to the Planning Committee because it is a major application to which objections have been received, some of them regarding material planning considerations.

## **2.0 Synopsis**

- 2.1 The site already benefits from permitted development rights to convert from an office use to 64 self-contained flats. Such conditions that refer to highways impacts, contamination and flood risk have already been applied as per the provisions of the General Permitted Development (England) Order 2015.
- 2.2 The key issues for consideration with regards to this application are the strength of the developers' fallback position (the permitted development rights) as a material planning consideration and whether the change of use and conversion of the building is likely to result in significant issues of overlooking impact upon existing residents.
- 2.3 The application is subsequently recommended for approval as the strength of the fallback position of developers is such that they could convert the building to a residential use without the need for planning permission. Any positive contributions that this planning application could deliver to the local area, and any control of the development that could be exercised through use of planning conditions would be lost if the developer defaulted to the scheme permitted by the provisions of the GPDO (2015).

## **3.0 Site Description and Context**

- 3.1 Equity House is a large office building constructed in the 1970's and lying immediately to the north of Colchester North Station. Built in a brutalist style and deliberately turning away from the surrounding public realm the building has very limited architectural appeal. Due to its prominent position at a key gateway to the town, its impact is particularly pronounced (albeit screened by mature conifer hedging).
- 3.2 To the north-west of the site area a series of rear gardens serving the properties accessed along Three Crowns Road which are bounded by a large coniferous hedge; while to the north and north-east lies Bergholt Road and residential properties which line it. To the immediate east of the site is the North Station roundabout and beyond that Turner Rise Retail Park.
- 3.3 The site itself is well screened by planting with the exception of the southern elevation of Equity House which is open to the forecourt of North Station. None of the tree planting surrounding the building is protected. However, most of the planting is of good quality and substantially screens the existing building from the nearby residential uses.

## **4.0 Description of the Proposal**

- 4.1 This application proposes the change of use of Equity House to from a B1a office use to form 67 no. apartments (C3 residential dwellings). Proposals include the erection of an additional pent house storey together with alterations to the buildings external appearance.
- 4.2 The residential element of the application comprises self-contained flats and the 67 units are made-up of 35 no. one bedroom units and 32 no. two bedroomed units. The existing floors will each accommodate 19 units, while the new floor would provide the remaining 10 units.
- 4.3 Little alteration is proposed to the north, east and western elevations of Equity House. The existing ribbon windows would be retained, although it is proposed to replace the window frames. More dramatic changes are proposed to the front elevation (southern elevation) comprising a symmetrical window pattern incorporating Oriel bays which the scheme proposes to introduce flanking a central projecting feature over a replacement entrance.
- 4.4 The proposed pent house addition is proposed to be predominantly glazed with a narrow profile overhanging metal roof. This is to be set back from the edges of the existing building to allow some external balconies.
- 4.5 There is some proposed alteration to the surrounding external areas to provide the necessary secure cycle storage, electric vehicle charging points, vehicle parking, and bin stores. There is also some areas of new planting proposed.

## **5.0 Land Use Allocation**

- 5.1 Within the current Local Plan, the site is not allocated for any specific use although it does form part of a wider mixed use regeneration area. The relevant site allocation policy is SA TC1 setting out the appropriate uses for this area. The policy specifies that in general a mix of commercial and residential uses are considered appropriate for this location.

## **6.0 Relevant Planning History**

- 6.1 Equity House benefits from the ability to change from its previous B1 office use to create 64 no. C3 residential dwellings under Schedule 2, Part 3, Class O of the General Permitted Development (England) Order 2015 (as amended 2016).
- 6.2 Under the permitted development regime, the Local Planning Authority must give prior approval on aspects of the proposed development relating to highways, contaminated land and flood risk. No concerns were raised by stakeholders relating to these aspects of the development that could not be satisfied by condition.

- 6.3 The site therefore has all the necessary planning approval required to change its use provided the conversion works are completed before the end of May 2019. No external changes are permitted under the permitted development regime meaning that Equity House would need to retain its uncompromising appearance.

## **7.0 Principal Policies**

- 7.1 Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. The National Planning Policy Framework (NPPF) must be taken into account in planning decisions and is a material consideration, setting out national planning policy. Colchester's Development Plan is in accordance with these national policies and is made up of several documents as follows below.

- 7.2 The adopted Colchester Borough Core Strategy (adopted 2008, reviewed 2014) contains local strategic policies. Particular to this application, the following policies are most relevant:

SD1 - Sustainable Development Locations  
H1 - Housing Delivery  
H2 - Housing Density  
H3 - Housing Diversity  
UR1 - Regeneration Areas  
UR2 - Built Design and Character  
PR1 - Open Space  
PR2 - People-friendly Streets  
TA1 - Accessibility and Changing Travel Behaviour  
TA2 - Walking and Cycling

- 7.3 The adopted Colchester Borough Development Policies (adopted 2010, reviewed 2014) sets out policies that apply to new development. Specific to this application are policies:

DP1 Design and Amenity  
DP11 Flat Conversions  
DP12 Dwelling Standards  
DP13 Dwelling Alterations, Extensions and Replacement Dwellings  
DP16 Private Amenity Space and Open Space Provision for New Residential Development  
DP17 Accessibility and Access  
DP19 Parking Standards

- 7.4 Some "allocated sites" also have specific policies applicable to them. The adopted Site Allocations (adopted 2010) policies set out below should also be taken into account in the decision making process:

SA TC1 Appropriate Uses within the Town Centre and North Station  
Regeneration Area

- 7.5 The Myland & Braiswick Neighbourhood Plan (2016) is also relevant. This forms part of the Development Plan in this area of the Borough.
- 7.6 Regard should also be given to the following adopted Supplementary Planning Documents (SPD):

The Essex Design Guide  
EPOA Vehicle Parking Standards  
Myland Parish Plan  
Myland Design Statement

## 8.0 Consultations

- 8.1 The stakeholders who have been consulted and who have given consultation responses are as set out below. The full text of consultation responses is available to view on the planning section of the corporate website.
- 8.2 Landscape – Minor revisions to the existing landscaping plans were requested to move two trees further away from the external wall of Equity House so that future issues surrounding structural stability being undermined by the roots of the trees were avoided. Revisions to the layout of the landscaping plan have responded to this and are acceptable subject to the imposition of condition detailing the management of the landscaping.
- 8.3 Network Rail – Owing to the proximity of North Station Network Rail responded that proposed development must not, either in construction or completion adversely affect the safe operation of the railway. These concerns were passed to the developer, however, owing to the distance between Equity House and the railway line itself, there are no adverse impacts to consider.
- 8.4 Environmental Protection – Should planning permission be granted Environmental Protection wished to see conditions attached to cover the installation and maintenance of refuse and recycling areas, details of the management company responsible for the communal storage areas within the development and limits to the hours of work during the construction phase of the project to protect the surrounding areas residential amenity.
- 8.5 Contaminated Land – Owing the previous uses of the site, some form of soil contamination is likely. In applying for the permitted development prior approval a phase 1 desk study into potential contamination on the site concluded that as no ground works were needed as part of the change of use of the site, however, it did mention that some form of procedure should be in place, should any unforeseen groundworks uncover any contaminated material. It has been recommended that this is secured by condition so that in the event that contamination is discovered, development shall cease until such time as an investigation into the contamination has been undertaken and remedial action required has been completed.

- 8.6 Urban Design – A number of points were raised, several of which have been addressed satisfactorily through the planning process. It has been noted that the relationship between the upper floors of accommodation and the existing properties on Three Crowns Road and Bergholt Road meets with the default privacy standards set out within the Essex Design Guide for living accommodation within upper floors. It has been suggested that certain aspects of detailed design and materials be conditioned.
- 8.7 Sustainable Drainage Systems (SuDS) – As the application was for change of use and did not increase the impermeable footprint of development, Essex SuDS have not provided formal comments.

## **9.0 Community Council Response**

- 9.1 Myland Community Council have stated that they object to the development on the following grounds:
1. The plans do not offer enough amenity space, in conflict with Colchester Borough Council's minimum policy standards;
  2. The addition of a third floor will cause overshadowing, overlooking and will impact upon the privacy of properties to the north of the site on Three Crowns Road and Bergholt Road. It will also affect the public realm of the area;
  3. There is no social housing contribution;
  4. There is concern regarding air quality. The area surrounding North Station has a high level of air pollution, this should be considered and mitigated; and
  5. This land is designated employment land, how will the loss of employment land be mitigated?
- 9.2 They have further requested that if permission is granted then the following condition should be applied to this application. "Should the mural by Henry Collins and Joyce Pallot not be reused within the building, the applicant shall, before removal of the piece, consult and agree in writing with Colchester Borough Council's Historic Buildings and Areas Officer to determine the method for best removing the mural, and with Colchester and Ipswich Museum Service regarding recording, storage and potential display of the mural. The mural will then be removed in accordance with the details agreed.  
Reason: To ensure the safety and continued enjoyment of this nationally and locally significant undesigned heritage asset."
- 9.3 With regards to the fourth point raised by the Community Council in their response, the area around North Station is not designated an air quality management area, so no specific mitigation relating to air quality is required. There is no policy within the Myland and Braiswick Neighbourhood Plan which deals with air quality either.
- 9.4 Furthermore, the Equity House site is not allocated as employment land. It is not specifically allocated for any particular purpose within the current Local Plan. As already mentioned Site Allocation Policy SA TC1 suggests that residential and commercial development be located around North Station.

## **10.0 Representations from Notified Parties**

10.1 The application resulted in a number of notifications to interested third parties including neighbouring properties. The full text of all of the representations received is available to view on the Council's website. However, a summary of the material considerations is given below.

10.2 Of a total of 79 notifications issued to members of the public, a total of four representations were received. They raised issues surrounding:

- Overlooking from additional third storey (x3);
- Nuisance from existing trees – leaf litter;
- Lack of parking along Bergholt Road;
- Existing boundary planting should remain (x2);
- Overcrowding of site, could create neighbor disruption or disputes;
- Lack of amenity space for future residents;
- Existing trees overshadowing existing properties;
- Additional storey should not be added;
- New frontage is an improvement.

10.3 Of the above issues, only those relating to the potential for overlooking from the additional penthouse storey are material to this planning application and will be discussed later within this report.

10.4 Representations from ward members were also received. They highlighted concerns in relation to the following issues:

- Lack of amenity space;
- Overlooking potential from additional storey;
- Parking – how will the private and commuter parking be monitored, managed and if necessary, enforced;
- Scheme does not provide policy compliant affordable housing;
- No details of any management company is given for the building or amenity space;
- No cycle parking is provided, nor are electric vehicle charging points.

10.5 These issues led to the application being called-in by ward members. Following a meeting between planning officers, the applicants and their agent, and ward members to discuss the issues raised, additional information was to be submitted by the applicants in relation to parking and other alterations to the submitted plans. It was agreed at the meeting that should these be provided by the applicants, the call-in would be rescinded.

## **11.0 Parking Provision**

- 11.1 Equity House already benefits from a large area of car parking totalling some 176 spaces. According to adopted vehicle parking standards 99 parking spaces are required to serve the future residents of the development and 25 spaces are required for visitors. The applicants have stated that any additional spaces are to be sold or let to commuters or local residents.
- 11.2 UK Parking Control Ltd have submitted a report indicating how the parking scheme would operate, how it would be managed and how any enforcement would operate. It has been conditioned that prior to occupation of the development, the operation, management and enforcement of any parking scheme will be submitted and agreed with the Council.
- 11.3 Alongside the car parking provision, there is a requirement to provide sufficient cycle parking for future residents, this has been provided as a secure, covered solution to be sited on the lower ground floor of the building.
- 11.4 Electric vehicle charging points have also been provided for the use of future residents and those purchasing parking at the site.

## **12.0 Open Space Provisions**

- 12.1 Development Policy DP16 requires 25m<sup>2</sup> of open space per unit to be provided communally within flatted developments. This would equate to a total of 1,675m<sup>2</sup> for a development of this size, although where balconies are provided, their area can be taken from this total.
- 12.2 This development proposes to create two internal gardens to act as part of their open space requirements each totalling 400m<sup>2</sup>. 231m<sup>2</sup> is to be provided as balcony space, which further reduces the total open space requirement.
- 12.3 This leaves some 644m<sup>2</sup> of open space to be provided to meet policy requirements. Although it is noted that several areas of open space including Highwoods Country Park and Castle Park and the Bergholt Road allotments and open space are within easy walking distance of the site.

## **13.0 Air Quality**

- 13.1 The site is outside of any Air Quality Management Area and will not generate significant impacts upon the zones.



## **14.0 Planning Obligations**

- 14.1 As a “Major” application, there was a requirement for this proposal to be considered by the Development Team. The developer has offered £50,000 to the Council to be allocated to such Section 106 projects as may be appropriate. Given the strength of the developer’s fall-back position, Development Team judged this to be sufficient as it was made clear that they could not support fully policy compliant contributions.
- 14.2 A Unilateral Undertaking has been prepared, splitting the offered contribution between affordable housing provision in the Borough and the expansion of medical facilities closest to Equity House. Additionally, the developer has agreed to transfer land to the Council to support and enhance two public highway improvement schemes.

## **15.0 Report**

### **15.1 Policy Considerations**

In terms of the principle of development there is clear policy support for the change of use from office to residential on this site from the relevant Site Allocations policy which covers it. Further, regard must be given to the support this form of conversion receives from its permitted development rights, and it should be recognised that the developer, should they wish, exercise these rights. Doing so would prevent any exterior alterations from being applied to Equity House and would also mean that the Council would be unable to exert any control or monitoring over the development in the form of planning conditions.

- 15.2 Under the permitted development rights the site would be converted for use as 64 residential flats, spread over the ground, first and second floors. As previously mentioned there is no ability to alter the external appearance of Equity House under permitted development rights, nor are normal considerations for planning applications such as providing minimum levels of amenity space or vehicle parking. Further, no facility exists to attach a Section 106 Agreement to a development undertaken under permitted development rights, so no planning contributions would be due.

- 15.3 The site is in a highly sustainable location, close to rail and bus links and is also well positioned within Colchester to make use of the town centre and other local amenities via walking and cycle links.

### **15.4 Design and Layout**

In terms of the design context of the area, the immediate station forecourt is quite bleak. Equity House itself is brutalist in appearance and makes no positive contribution to the area. North Station is largely functional. The wider station forecourt reflects this. To the north of the site the area is residential in character and typified by polite, traditional, two storey house types finished in red brick or render.

- 15.5 In terms of external alterations to Equity House, only the front elevation will undergo significant change from what is already present on the site. A symmetrical

window pattern is to be introduced either side of a central feature. The articulation and interest create relief and visual interest in the appearance of Equity House from the station forecourt. The remaining elevations will be largely unchanged although replacement windows are proposed.

15.6 The proposed pent house is shown to be set back from the existing outer elevations of Equity House, although balconies are proposed on all sides. The additional floor is to be contemporary in appearance and is to be constructed from visually lightweight materials to avoid adding to the bulk of Equity House. The erection of the additional floor allows for larger residential units to be developed than would be the case if the development were built out under permitted development rights.

15.7 In terms of providing amenity space, the development falls short of meeting the minimum requirements of policy DP16. Without completely redeveloping the site, it is unlikely that it will be able to comply with this policy. The units on the new additional storey would access to balconies, while some significant internal open space is to be provided which can be accessed by all residents. In considering the location of the development, future residents would have easy walking access to both Highwoods Country Park, Kingsmeadow and Hillyfields.

#### 15.8 Scale, Height and Massing

Under this proposal Equity House would be increased in height by one storey. While it is substantial in scale, it is not a particularly tall building. It is considered that the additional storey will help with alleviate the building's squat appearance and improve its overall appearance.

#### 15.9 Impact on Immediate Area

It is considered that the design of the proposed development would do much to improve the station forecourt area. Alterations to the front elevation of Equity House would create interest and focus to the streetscene. Similar residential conversions have been achieved within the town centre with no negative impacts. The introduction of residential uses has added to the vitality of the area and increased opportunities for natural surveillance.

#### 15.10 Impact on Neighbouring Properties

The impact of the development upon the existing residential properties along Bergholt Road and Three Crowns Road is clearly of importance to the local residents. The Essex Design Guide operates a back to back distance of 35m between residential properties where living accommodation is provided at above first floor level. The back to back distance that occurs between Equity House and the nearest property on Bergholt Road is 34.8m. At the common boundary of the properties an established line of tall, coniferous trees assists in the protection of the privacy of these residents.

- 15.11 It should be noted that the relationship between Equity House and the residential properties along Bergholt Road is formed of oblique angles meaning that it is not possible for direct views to be secured into the rear of the existing resident's properties. Furthermore, the two balconies provided along the elevations facing the existing residential area are set back into the additional roof level, meaning that views from this point will be restricted to longer views out from Equity House, rather than down, whilst the rooms along that elevation are bedrooms, rather than rooms more frequently occupied, such as living rooms.
- 15.12 It should be remembered that if the permitted development rights option available to the developer was enacted, residential occupation of Equity House up to the existing second floor level would occur.

## **16.0 Conclusions**

- 16.1 In summary, while it is accepted scheme has some shortcomings in terms of residential amenity, the fall-back position of the developer is a strong material planning consideration. A decision is therefore required as to whether a compromise on these policies can be justified given the benefits the scheme brings.
- 16.2 In considering this application, there is clear support for the principle of the development, both from national and local planning policy. The site is also highly sustainable which is a significant factor carrying weight. The alteration of the front elevation of Equity House is a clear improvement over the existing, not only with regards to the building itself, but also to the wider public realm.
- 16.3 With regards to amenity provisions, it is unlikely that the site would be able to accommodate the level of communal outdoor space required by Development Policy DP16 without full demolition and redevelopment of the site. It is considered that the amount of amenity space provided within the development in terms of communal areas and balconies are sufficient given the close proximity of the site to significant areas of open space/recreation facilities.
- 16.4 It is not considered that the addition of a third floor to the building will lead materially to issues of overlooking, or that existing residents will have their existing privacy unacceptably impacted upon. The relationship between Equity House and the existing residents satisfies the policy standard required by the Essex Design Guide.
- 16.5 Finally, it should be remembered that the developer can convert Equity House for a residential use without the need for planning permission. Any positive benefits of this scheme would be lost and the chance to control aspects of the development through planning conditions would be lost.

## **17.0 Recommendation to the Committee**

- 17.1 Based on the conclusions set out below and details listed within this report, it is recommended to Committee that they issue an APPROVAL of planning permission subject to the following conditions, informatives, positivity statement and subject to the prior completion of the agreed Unilateral Undertaking under s.106 of the Act.

## **18.0 Conditions**

### **1 - ZAA - Time Limit for Full Permissions**

The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.

### **2 - ZBC - Materials To Be Agreed**

No works shall take place until precise details of the manufacturer and types and colours of the external facing and roofing materials to be used in construction have been submitted to and approved, in writing, by the Local Planning Authority. Such materials as may be approved shall be those used in the development.

Reason: In order to ensure that suitable materials are used on the development as there are insufficient details within the submitted planning application.

### **3 - ZAM - \*Development to Accord With Approved Plans\***

The development hereby permitted shall be carried out in accordance with the details shown on the submitted Drawing Numbers 6385-1103-P1, 6385-1210-P1, 6385-1211-P1, 6385-1212-P1, 6385-1213-P1, 6385-1214-P1, 6385-1215-P1, 6385-1301-P1, 6385-1302, 6385-1303, 6385-1304, 6385-1401, and 6385-1402-P1.

Reason: For the avoidance of doubt as to the scope of this permission and in the interests of proper planning.

### **4 – Non Standard Condition - Further Detail on Northern Elevation**

Further to the detail presented on the plan showing the northern elevation of Equity House, drawing number 6385-1303, additional drawings showing the roof level in greater detail, including the proprietary doubled glazed Aluminium units and any sections of obscured glazing including the level of said obscured glazed shall be submitted to and agreed by the Local Planning Authority in writing prior to its installation.

Reason: There is insufficient detail on the existing submitted plans to sufficiently outline these details to secure a satisfactory standard of architectural detailing.

### **5 – Non Standard Condition – Obscured Glazing to Northern Elevation Balconies**

The glass balustrades on the balconies serving the third floor residential dwellings marked 305 and 306 on drawing number 6385-1214-P1, shall be obscured glazed to at least level 3 on the Pilkington scale and thereafter shall remain as such.

Reason: To protect the residential amenity of the existing neighbouring properties to the north of the development.

#### **6 - Non Standard Condition - Further Detail on Entrance**

Further to the detail presented on the plan showing the southern elevation of Equity House, drawing number 6385-1301-P1, additional drawings illustrating the treatment of the entrance to Equity House; including signage, materials and lighting shall be submitted to and approved in writing by the Local Planning Authority prior to the installation of any new entranceway.

Reason: There is insufficient detail on the existing submitted plans to sufficiently outline these details in order to secure a satisfactory standard of design.

#### **7 - ZPA – Construction Method Statement**

No works shall take place, including any demolition, until a Construction Method Statement has been submitted to and approved, in writing, by the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period and shall provide details for:

- the parking of vehicles of site operatives and visitors;
- hours of deliveries and hours of work;
- loading and unloading of plant and materials;
- storage of plant and materials used in constructing the development;
- the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- wheel washing facilities;
- measures to control the emission of dust and dirt during construction; and
- a scheme for recycling/disposing of waste resulting from demolition and construction works.

Reason: In order to ensure that the construction takes place in a suitable manner and to ensure that amenities of existing residents are protected as far as reasonable.

#### **8 - ZPD - Limits to Hours of Work**

No demolition or construction work shall take outside of the following times;

Weekdays: 08:00 – 18:00

Saturdays: 08:00 – 13:00

Sundays and Bank Holidays: No work.

Reason: To ensure that the construction phase of the development hereby permitted is not detrimental to the amenity of the area and/or nearby residents by reason of undue noise at unreasonable hours.

### **9 – Non Standard Condition - Reporting of Unexpected Contamination**

In the event that land contamination is found at any time when carrying out works in relation to the development, it must be reported in writing immediately to the Local Planning Authority and all development shall cease immediately. Development shall not re-commence until such times as an investigation and risk assessment has been submitted to and approved in writing by the Local Planning Authority, and where remediation is necessary, a remediation scheme has been submitted to and approved in writing by the Local Planning Authority. Development shall only re-commence thereafter following completion of measures identified in the approved remediation scheme, and the submission to and approval in writing of a verification report. This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and the Essex Contaminated Land Consortium's 'Land Affected by Contamination: Technical Guidance for Applicants and Developers'.

Reason: The site lies on or in the vicinity of a former laundry and in the vicinity of railway sidings, where there is the possibility of contamination.

### **10 ZFR - Tree and Natural Feature Protection: Entire Site**

No burning or storage of materials shall take place where damage could be caused to any tree, shrub or other natural feature to be retained on the site or on adjoining land (see BS 5837).

Reason: To protect the health of trees, shrubs and other natural features to be retained in the interest of amenity.

### **11 – ZFS - Tree and Hedgerow Protection: General**

All existing trees and hedgerows shall be retained throughout the development construction phases, unless shown to be removed on the approved drawing and all trees and hedgerows on and immediately adjoining the site shall be protected from damage as a result of works on site in accordance with the Local Planning Authorities guidance notes and the relevant British Standard. All existing trees and hedgerows shall then be monitored and recorded for at least five years following contractual practical completion of the development. In the event that any trees and/or hedgerows die, are removed, destroyed, fail to thrive or are otherwise defective during such a period, they shall be replaced during the first planting season thereafter to specifications agreed, in writing, with the Local Planning Authority. Any tree works agreed to shall be carried out in accordance with BS 3998.

Reason: To safeguard the continuity of amenity afforded by existing trees and hedgerows.

## **12 - ZFE - Landscape Management Plan**

No works shall take place until full details of all landscape works have been submitted to and agreed, in writing, by the Local Planning Authority and the works shall be carried out prior to the occupation of any part of the development unless an alternative implementation programme is subsequently agreed, in writing, by the Local Planning Authority. The submitted landscape details shall include:

- PROPOSED FINISHED LEVELS OR CONTOURS;
- MEANS OF ENCLOSURE;
- CAR PARKING LAYOUTS;
- OTHER VEHICLE AND PEDESTRIAN ACCESS AND CIRCULATION AREAS;
- HARD SURFACING MATERIALS;
- MINOR ARTEFACTS AND STRUCTURES (E.G. FURNITURE, PLAY EQUIPMENT, REFUSE OR OTHER STORAGE UNITS, SIGNS, LIGHTING ETC.);
- PROPOSED AND EXISTING FUNCTIONAL SERVICES ABOVE AND BELOW GROUND (E.G. DRAINAGE POWER, COMMUNICATIONS CABLES, PIPELINES ETC. INDICATING LINES, MANHOLES, SUPPORTS ETC.);
- EARTHWORKS (INCLUDING THE PROPOSED GRADING AND MOUNDING OF LAND AREAS INCLUDING THE LEVELS AND CONTOURS TO BE FORMED, SHOWING THE RELATIONSHIP OF PROPOSED MOUNDING TO EXISTING VEGETATION AND SURROUNDING LANDFORM)
- PLANTING PLANS;
- WRITTEN SPECIFICATIONS (INCLUDING CULTIVATION AND OTHER OPERATIONS ASSOCIATED WITH PLANT AND GRASS ESTABLISHMENT);
- SCHEDULES OF PLANTS, NOTING SPECIES, PLANT SIZES AND PROPOSED NUMBERS/DENSITIES WHERE APPROPRIATE; AND
- IMPLEMENTATION TIMETABLES AND MONITORING PROGRAMS.

Reason: To ensure that there is a suitable landscape proposal to be implemented at the site for the enjoyment of future users and also to satisfactorily integrate the development within its surrounding context in the interest of visual amenity.

## **13 – ZFK - \*External Noise\***

No works shall take place until a noise survey for proposed residential properties that are in the vicinity of the RAILWAY has been submitted to and approved, in writing, by the Local Planning Authority. The survey shall have been undertaken by a competent person, shall include periods for daytime as 0700-2300 hours and night-time as 2300-0700 hours, and identify appropriate noise mitigation measures. All residential units shall thereafter be designed so as not to exceed the noise criteria based on current figures by the World Health Authority Community Noise Guideline Values/BS8233 “good” conditions given below:

- Dwellings indoors in daytime: 35 dB LAeq,16 hours;
- Outdoor living area in day time: 55 dB LAeq,16 hours
- Inside bedrooms at night-time: 30 dB LAeq,8 hours (45 dB LAm<sub>ax</sub>); and
- Outside bedrooms at night-time: 45 dB LAeq,8 hours (60 dB LAm<sub>ax</sub>).

Such detail and appropriate consequential noise mitigation measures as shall have been agreed, in writing, by the Local Planning Authority shall be implemented prior to occupation of ANY/SPECIFY building on the site and shall be maintained as agreed thereafter.

Reason: To ensure that the development hereby permitted is not detrimental to the amenity of the future residents by reason of undue external noise where there is insufficient information within the submitted application.

#### **14 - ZCF - Refuse and Recycling As Shown**

Prior to the first occupation of the development, the refuse and recycling storage facilities as shown on the approved plans shall have been provided and made available to serve the development. Such facilities shall thereafter be retained to the satisfaction of the Local Planning Authority at all times.

Reason: To ensure that adequate facilities are provided for refuse and recycling storage and collection.

#### **15 - ZCG - Communal Storage Areas**

Prior to the first occupation of the development hereby permitted, details of the management company responsible for the maintenance of communal storage areas and for their maintenance of such areas, shall be submitted to, and agreed in writing by, the Local Planning Authority. Such detail as shall have been agreed shall thereafter continue.

Reason: The application contains insufficient information to ensure that the communal storage areas will be maintained to a satisfactory condition and there is a potential adverse impact on the quality of the surrounding environment.

#### **16 - ZIR - Vehicle Parking**

Prior to the first occupation of the development, the vehicle parking, including electric vehicle charging areas, indicated on the approved plans, including any parking spaces for the mobility impaired, shall have been hard surfaced, sealed, marked out in parking bays and made available for use to the satisfaction of the Local Planning Authority. The vehicle parking area shall be retained in this form at all times and shall not be used for any purpose other than the parking of vehicles that are related to the use of the development.

Reason: To ensure that there is adequate parking provision to avoid on-street parking of vehicles in the adjoining streets in the interests of highway safety.

#### **17 - ZJB - Cycle Parking (as approved plan)**

Prior to the first OCCUPATION of the development, the bicycle parking facilities indicated on the approved plans shall be provided and made available for use. These facilities shall thereafter be retained as such.

Reason: To ensure that adequate provision is made for cycle parking in order to encourage and facilitate cycling as an alternative mode of transport and in the interests of both the environment and highway safety.



### **18 - ZJD - \*Travel Information and Marketing Scheme\***

Prior to the first occupation of the development, the developer shall be responsible for the provision and implementation of a Travel Information and Marketing Scheme for sustainable transport, which shall have been previously submitted to and approved, in writing, by the Local Planning Authority. Once approved these shall be provided to every residential unit within the development. Reason: In the interests of promoting sustainable development and transport.

### **19 – Non Standard Condition – Management of Car Parking**

Unless alternative details are submitted to and approved in writing to the Local Planning Authority, management of the private residents and private commercial car parking on site shall be undertaken in accordance with the report submitted by UK Parking Control Ltd dated 29<sup>th</sup> November 2016.

Reason: To ensure the ongoing management of the vehicle parking on site.

### **20 – Non Standard Condition – Hiterto Undiscovered Artwork**

Should the mural by Henry Collins and Joyce Pallot be discovered during the course of the works hereby permitted and is not to be reused within the building, the applicant shall, before removal of the piece, consult and agree in writing with Local Planning Authority to determine the method for best removing the mural, and with Colchester and Ipswich Museum Service regarding recording, storage and potential display of the mural. The mural will then be removed in accordance with the details agreed.

Reason: To ensure the safety and continued enjoyment of this nationally and locally significant undesigned heritage asset.

## **19.0 Informatives**

### **1 - ZT0 – Advisory Note on Construction & Demolition**

The developer is referred to the attached advisory note *Advisory Notes for the Control of Pollution during Construction & Demolition Works* for the avoidance of pollution during the demolition and construction works. Should the applicant require any further guidance they should contact Environmental Control prior to the commencement of the works.

### **2 - ZTA - Informative on Conditions Stating Prior to Commencement/Occupation**

PLEASE NOTE that this permission contains a condition precedent that requires details to be agreed and/or activity to be undertaken either **before you commence the development or before you occupy the development**. This is of critical importance. If you do not comply with the condition precedent you may invalidate this permission and be investigated by our enforcement team. Please pay particular attention to these requirements. To discharge the conditions and lawfully comply with your conditions you should make an application online via [www.colchester.gov.uk/planning](http://www.colchester.gov.uk/planning) or by using the application form entitled 'Application for approval of details reserved by a condition following full permission or listed building consent' (currently form 12 on the planning application forms section of our website). A fee is also payable, with the relevant fees set out on our website.

### **3 - ZTB - Informative on Any Application With a Site Notice**

PLEASE NOTE that a site notice was erected in a publicly visible location at the site. Colchester Borough Council would appreciate your co-operation in taking the site notice down and disposing of it properly, in the interests of the environment.

### **4 - ZTC - Informative on Noise and Sound Insulation Competent Persons**

PLEASE NOTE that, with regard to and noise measurement and sound insulation, a competent person is defined as 'someone who holds a recognised qualification in acoustics and/or can demonstrate relevant experience'.

### **5 - ZTF - Informative on Unilateral Undertaking**

PLEASE NOTE: This application is the subject of a Unilateral Undertaking legal agreement and this decision should only be read in conjunction with this agreement

### **6 - ZTJ - \*Informative on Land Contamination Advisory Note\***

PLEASE NOTE that the site is known to be contaminated. Please be aware that the responsibility for the safe development and secure occupancy of the site rests with the developer. Tiered risk assessment shall be carried out in accordance with the procedural guidance and UK policy relating to the contaminated land regime. Submission of reports should also be made to the Environment Agency for comment with regard to their remit to protect ground and surface waters from pollution and their obligations relating to contaminated land. The Local Planning Authority will determine the application on the basis of the information made available to it. Please be aware that should a risk of harm from contamination remain post-development and that the applicant had prior knowledge of the contamination, the applicant is likely to be liable for this under Part IIA of the Environmental Protection Act 1990 and as such become an "Appropriate Person". In this event the applicant will be lawfully responsible to remove the risk posed by the contamination. Equally if during any site works a pathway for any contaminant on site is created and humans, waters, property or ecological systems are exposed to this the applicant or those acting on his behalf will be liable under Part IIA of the Environmental Protection Act 1990 if the risks are not adequately addressed during the site redevelopment. During investigation and remediation works the applicant and those acting on behalf of the applicant must ensure that site workers, public, property and the environment are protected against noise, dust, odour and fumes. The applicant is advised that should there be a requirement as part of the Remediation Strategy to treat, reuse or remove contaminated material on the site, the Environment Agency must be consulted, as these activities may need to be licensed or permitted. Contaminated materials identified for removal off site must be disposed of at an appropriately licensed landfill site. The Local Planning Authority will provide a Validation Certificate mentioned in the Condition hereby attached for completion by the applicant/developer. This certificate will not only provide confidence in the site for the local authority in terms of development control and the Part IIA regime but will help discharge conditions applied by the approved inspector and also provide confidence for solicitors and homebuyers in the conveyancing process.

### **7 - ZUI - Informative When Advertisement Consent May Be Required**

PLEASE NOTE: A separate consent may be required under the Town and Country Planning (Control of Advertisement) Regulations 2007 in respect of the display of advertisements on these premises. Advice may be sought from the Local Planning Authority.