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**Item No:** 7.1  
**Application:** 181281  
**Applicant:** Mr Kevin Warr, Victoria Hall Management (UK) Ltd  
**Agent:** Mr Max Plotnek, Maddox & Associates Ltd  
**Proposal:** Demolition of existing buildings and redevelopment of the site to deliver student accommodation (Use Class Sui Generis) across three blocks of up to four storeys to provide 250 bedspaces (50 units comprising, 46 cluster flats and four studio flats), communal facilities (to include bin stores, cycle parking, site management suite, quiet study area, common rooms, laundrette and communal external amenity areas), two car parking spaces, landscaping and a new public pathway through the site.  
**Location:** Former Bus Depot, Magdalen Street, Colchester, CO1 2LD  
**Ward:** New Town & Christ Church  
**Officer:** Sue Jackson  
**Recommendation:** Approval subject to a legal agreement

## **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 where a legal agreement is required. A single comment has been received.

## **2.0 Synopsis**

- 2.1 The key issues explored below are the planning history in particular the scheme approved in 2016, relevant policies including the draft Local Plan and the Magdalen Street Development Brief; issues relating to air quality, highways/ parking, impact on adjacent properties and the surrounding area, heritage assets, flood risk and drainage are explained. Details of the proposed legal agreement are also set out.
- 2.2 The planning merits of the application are assessed and it is concluded that the development is acceptable, planning permission is recommended subject to conditions and a legal agreement being signed.
- 2.3 The application is subsequently recommended for approval.

## **3.0 Site Description and Context**

- 3.1 The site is irregular in shape broadly rectangular with a small projection on the south boundary towards Military Road. It has an area of 0.4322 hectares and has twin frontages of 104 metres to Magdalen Street and 13 metres to Military Road. The site backs onto Winnock Road. It was last used as a bus depot and is owned by Colchester Borough Council. The supporting information states the site operated as a bus and tram depot for over one hundred years with different parts of the site being developed since 1904 when the municipal tram service opened.
- 3.2 The Magdalen Street frontage includes a range of buildings and hard surfaced areas which were used for parking buses and other vehicles. There are limited tree and shrubs on the site mainly along the rear boundary. At the east end of the site is a large parking area behind a high wall and gates with a dropped kerb access to the road. The Military Road frontage contains the brick façade of a locally listed building (Tram Shed) and a corrugated metal clad building set at an angle to the road.
- 3.3 The former bus depot building extends from the front to the rear of the site and has a road frontage of approx. 27 metres, it is approx. 37 metres deep and the brick façade to the road is approx. 7.5 metres high with the corrugated metal roofs projecting a further 2-3.5 metres. This brick and rendered frontage is divided by a series of substantial brick piers, it has large areas of glazing plus massive doors 6.5 metres in height. Behind the brick façade is the corrugated metal shed with a series of shallow pitched metal clad roofs. The site also contains various corrugated metal sheds generally open to the road with

shallow pitched metal clad roofs a maximum height of 9 metres. A former tram shed is set back from the Magdalen Street frontage but abuts Military Road where the brick building is locally listed. The rear elevation of one of the metal clad sheds also fronts Military Road. Between this shed and the boundary of adjacent almshouses is a narrow sliver of land previously used as a means of access to the buildings. The ownership of this land is unknown and it does not form part of application site.

- 3.4 The site also contains other smaller buildings including an electrical sub-station and fuel storage plus repair/servicing areas. There are three vehicular access points to Magdalen Street.
- 3.5 There is a significant change in ground level between Magdalen Street and Military Road with the latter being at a higher level. Section drawings of existing and proposed buildings clearly demonstrate the difference in ground levels and will form part of the presentation at the committee meeting. The grade II listed Kendalls Almshouses to the rear of the site are approx. 2.5 - 3.5 metres above the ground level of the site.
- 3.6 Magdalen Street is a classified road and described as a Radial Feeder, Military Road also classified is described as a Secondary Distributor. There are double and single yellow parking restriction lines in operation outside the site on Magdalen Street and a single yellow line in operation outside the site on Military Road. Residential streets in the vicinity have residents parking schemes.
- 3.7 The site is 250 metres from the town railway station, and 430 metres from the bus station. There are bus stops on both sides of Magdalen Street and Military Road. Colchester town centre is close to the site with Culver Square and High Street being a 10 minute walk away.
- 3.8 There are a range of uses and building of various styles and heights along Magdalen Street. On the opposite side of the road are buildings of a traditional design some of which are locally listed, generally 2 and 3 storey in height and include retail, office and residential use. There is also a restaurant and an MOT garage. The recently erected Emmaus building is of a contemporary style and whilst mainly 3 storey includes a 4 storey element; whilst the YMCA building which is also relatively new is constructed of brick with pitched tiled roof and is 3 storeys in height. To the east of the site is a modern residential building of a traditional style, 3 storey faced in yellow brick with a pitched tiled roof, adjacent is the Aldi store with residential development above constructed of red brick under a pitched tiled roof. On the west side of the site is Robertson's self-drive vehicle hire in a 2 storey building with offices in a converted dwelling; with residential properties adjacent. Magdalen Street is generally an area of a mixed uses; including residential, retail including food retail, office and commercial uses which include restaurants, a car dealership, petrol filling station and MOT garage; there are also sections of undeveloped or underdeveloped frontage.

- 3.9 The rear boundary of the site abuts Kendall Almshouses, no's 1-16 Kendall Terrace are Grade II Listed buildings other Almshouses in this group are locally listed. These Almshouses are located in close proximity to the site's southern boundary with their main amenity area to the front of the buildings. Kendall's Almshouses are within the New Town Conservation Area; the boundary of which is the almshouses boundary. There are also Almshouses to the west of the site and 8-22 Military Road also locally listed; these properties have small rear gardens ranging in length from 4-9 metres where they back onto the site. On the opposite side of Military Road is Winnocks Almshouses listed grade I. A former PH, no 25 Military Road on the corner with Golden Noble Hill is also listed and there is a further listed building on the corner of Military Road and Magdalen Street.

#### **4.0 Description of the Proposal**

- 4.1 The application is described "as proposing a dedicated student residence on the site". The applicants Victoria Hall Management Limited established in 1996, is a private company that specialises in the development and management of purpose-built student accommodation nationwide.
- 4.2 The application seeks planning permission for the demolition of the existing buildings and redevelopment of the site to provide student accommodation in three separate buildings, each building is between three and four storeys in height. Green sedum roofs are proposed to the three storey elements. A total of 250 bedspaces will be provided in 50 units comprising 4 studio flats and 46 cluster flats.
- 4.3 The development also includes communal facilities; (cycle parking, site management suite, quiet study area, common rooms, launderette, bin stores and communal external amenity areas), two car parking spaces, landscaping and a new public pathway through the site.
- 4.4 The three buildings described as Block A, B and C are set back from the Magdalen Street carriageway by approximately 6-8 metres and includes a widened footway of 2 metres. A loading bay is proposed outside Block B, visitor cycle parking is also indicated to the front of this block.
- 4.5 Block A is 3 storeys in height where it abutts the adjacent Robertson's vehicle hire premises and then rises to 4 storeys. It is "L" shaped with the east elevation facing the new pedestrian access between the two roads. A central landscaped area is proposed adjacent to the almshouse boundary. Block B is also in part 3 storey and part 4 storey in height. The ground floor of Block B includes the management suite and other communal facilities. The common room and communal study room face onto Magdalen Street with the main entrance reception and management office being off the proposed pedestrian route providing natural surveillance of the site. The blocks are all roughly "L" shaped with the leg of the "L" extending into the rear part of the site enclosing a courtyard amenity space. Each block includes covered cycle parking building with a green sedum roof.

- 4.6 The brick locally listed single storey façade to Military Road is retained and the building extended for use as a substation. The remaining Military Road frontage is opened up to provide the new footpath link through the site. Two parking spaces are proposed to the rear of the substation.
- 4.7 The pedestrian link through the site creates a new street frontage with the new buildings facing onto it. There is access from this path to the various Blocks and to private courtyard amenity spaces between buildings and to areas of cycle parking. Whilst the pedestrian path is accessible by the public the remainder of the site is secured by railings and gates.
- 4.8 The application proposes landscaping, including tree planting, along the Magdalen Street frontage and landscaped courtyards between the buildings.
- 4.9 In addition to the application drawings and section the following documents are submitted:
- Air quality statement
  - Archaeological assessment
  - Biodiversity survey and report
  - Daylight and sunlight assessment
  - Design and access statement
  - Flood risk assessment and drainage strategy
  - Health impact assessment
  - Heritage statement
  - Land contamination assessment
  - Landscape details
  - Noise impact assessment
  - Arboricultural report

## **5.0 Land Use Allocation**

- 5.1 East Colchester Special Policy Area  
East Colchester Regeneration and Growth Area  
Air Quality Management Area

## **6.0 Relevant Planning History**

- 6.1 The majority of the planning history relates to the former use of the site as a bus depot.
- 6.2 160103 Demolition of existing buildings and redevelopment of the site to deliver student accommodation (Use Class Sui Generis) across five blocks of one, two, three and four storeys to provide 230 bedspaces (61 cluster flats and 16 studio flats), communal facilities (to include bin stores, cycle stores, site management office, gym and communal amenity areas) as well as undercroft car park (20 car parking spaces), landscaping and a new public pathway through the site. Planning permission was granted on 20 December 2017 and is subject to a legal agreement.

- 6.3 Application 180710 use of part of the site as a public car park - temporary planning permission granted for 1 year (30 June 2019).

## **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  
SD2 - Delivering Facilities and Infrastructure  
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  
TA3 - Public Transport  
TA4 - Roads and Traffic  
TA5 - Parking  
ENV1 - Environment  
ER1 - Energy, Resources, Waste, Water and Recycling

- 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  
DP2 Health Assessments  
DP3 Planning Obligations and the Community Infrastructure Levy  
DP13 Dwelling Alterations, Extensions and Replacement Dwellings  
DP14 Historic Environment Assets  
DP16 Private Amenity Space and Open Space Provision for New Residential Development  
DP17 Accessibility and Access  
DP18 Transport Infrastructure Proposals  
DP19 Parking Standards  
DP20 Flood Risk and Management of Surface Water Drainage  
DP21 Nature Conservation and Protected Lanes

- 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 EC1 Residential development in East Colchester  
SA EC2 Development in East Colchester  
SA EC5 Area 3: Magdalen Street

- 7.5 Regard should also be given to the following adopted Supplementary Planning Documents (SPD):

Magdalen Street Development Brief  
External Materials in New Developments  
EPOA Vehicle Parking Standards  
Community Facilities  
Open Space, Sport and Recreation  
Sustainable Construction  
Sustainable Drainage Systems Design Guide  
Managing Archaeology in Development.  
Planning Out Crime  
Air Quality Management Guidance Note, Areas & Order

- 7.6 Submission (Publication) Draft Colchester Borough Local Plan 2017-2033  
The Council is developing a new Local Plan that has been submitted to the Planning Inspectorate (October 2017). An Inspector has been appointed and the formal examination commenced in January 2018. The examination is ongoing.

The application site is shown as a new residential allocation in the emerging plan and is identified in policy EC3.

Relevant policies include:

SP1 - Presumption in Favour of Sustainable Development  
SP2 - Spatial Strategy for North Essex  
SP3: Meeting Housing Needs  
SP5: Infrastructure and Connectivity  
SP6 - Place Shaping Principles  
SG1: Colchester's Spatial Strategy  
SG2: Housing Delivery  
SG7: Infrastructure Delivery and Impact Mitigation  
ENV5: Pollution and Contaminated Land  
CC1: Climate Change  
PP1: Generic Infrastructure and Mitigation Requirements  
EC3: East Colchester  
EC4: Transport in East Colchester  
DM1: Health and Wellbeing  
DM9: Development Density  
DM10: Housing Diversity  
DM12: Housing Standards  
DM15: Design and Amenity

DM16: Historic Environment  
DM20: Promoting Sustainable Transport and Changing Travel Behaviour  
DM21: Sustainable Access to Development  
DM22: Parking  
DM23: Flood Risk and Water Management  
DM24: Sustainable Urban Drainage Systems  
DM25: Renewable Energy, Water, Waste and Recycling

- 7.7 Paragraph 48 of the Framework states that decision makers may give weight to relevant policies in emerging plans according to:
1. The stage of preparation of the emerging plan;
  2. The extent to which there are unresolved objections to relevant policies in the emerging plan; and
  3. The degree of consistency of relevant policies to the policies in the Framework.
- 7.8 The Emerging Local Plan is at an advanced stage and is, therefore, considered to carry some weight in the consideration of the application, but as it is yet to undergo examination, it is not considered to outweigh the material considerations assessed above in accordance with up-to-date planning policies and the NPPF. However it should be noted no objections have been received to the proposed allocation.

## **8.0 Consultations**

- 8.1 The stakeholders who have been consulted and who have given consultation responses are as set out below. More information may be set out on our website.

### **Essex County Council Lead Local Flood Authority (SUDS)**

- 8.2 The consultant acting on behalf of ECC has commented “Having reviewed the Flood Risk Assessment & Drainage Statement and the associated documents which accompanied the planning application, acting on behalf of ECC we do not object to the granting of planning permission subject to conditions being attached to the consent”.

### **Environment Agency**

#### Land Contamination Comments

- 8.3 The Red Rock Geoscience Ltd, Phase 1 Desk Study, dated January 2016 has confirmed the previous use of the site does have the potential to have caused land contamination and, as such, site investigation and detailed risk assessment work will be required to determine the extent of contamination and the level of remediation required to ensure the protection of the water environment. The site should be cleared and below ground infrastructure removed to allow site wide testing of soils / groundwater to be undertaken and assist in locating potential sources of the hydrocarbon contamination detected in groundwater.



The Surface Water Management The Drainage Statement by Bailey Johnson Hayes dated April 2018, Section 3b suggests that infiltration drainage may be possible in parts of the site. Given the presence of hydrocarbon contamination in soils and groundwater beneath the site, the use of infiltration drainage would not be recommended because of the potential for contamination to be mobilised.

### **Anglian Water**

#### **Assets**

- 8.4 There are assets owned by Anglian Water or those subject to an adoption agreement within or close to the development boundary that may affect the layout of the site. Anglian Water would ask that informative text be included within you Notice should permission be granted.

#### **WASTEWATER SERVICES**

The foul drainage from this development is in the catchment of Colchester Water Recycling Centre that will have available capacity for these flows

#### **Used Water Network**

Development will lead to an unacceptable risk of flooding downstream. A drainage strategy will need to be prepared in consultation with Anglian Water to determine mitigation measures. We request a condition requiring the drainage strategy issue(s) to be agreed.

#### **Surface Water Disposal**

The preferred method of surface water disposal would be to a sustainable drainage system (SuDS) with connection to sewer seen as the last option. Building Regulations (part H) on Drainage and Waste Disposal for England includes a surface water drainage hierarchy, with infiltration on site as the preferred disposal option, followed by discharge to watercourse and then connection to a sewer.

The surface water strategy/flood risk assessment submitted with the planning application relevant to Anglian Water is unacceptable. No evidence has been provided to show that the surface water hierarchy has been followed as stipulated in Building Regulations Part H. This encompasses the trial pit logs from the infiltration tests and the investigations in to discharging to a watercourse. If these methods are deemed to be unfeasible for the site, we require confirmation of the intended manhole connection point and discharge rate proposed before a connection to the public surface water sewer is permitted. We would therefore recommend that the applicant needs to consult with Anglian Water and the Environment Agency. We request that the agreed strategy is reflected in the planning approval.

### **Planning Policy:**

- 8.5 Commented on the 2016 application and concluded “Whilst the proposal is for a purely residential scheme, not the mixed uses encouraged in the Site Allocations DPD, it falls within a wider area of mixed use developments on Magdalen Street including recent retail additions. The scheme satisfies the principal rationale for local policy in this area which is to facilitate the regeneration and redevelopment of previously developed land, situated in a very sustainable location. The proposal is considered to achieve these objectives and is therefore in accordance with local and national policy”.

**Urban Design Officer:**

- 8.6 I would generally support proposals though at the detailed level suggest the need for some minor revisions, further clarity with regard to sensitive/contentious elements (which hopefully reassure) and key conditions. Informed by pre-application dialogue, the applicant has worked hard with a view to ensuring the scheme meets adopted and reasonably enforceable design standards whilst maximising site densities, considering national guidance and some challenging site constraints. With regard to the proposed density it should be noted this is an urban and highly sustainable location in close proximity to Town Station and the town centre which are both just 200m away. With regard to the (New London/Cambridge Vernacular) architectural style, I understand this might not be to everyone's taste and possibly appear quite basic. However, I would generally support this particular design here considering the mixed context, having studied the design in detail and appreciated the seemingly high quality attention to form, materials and details which are key to the concept, and from my knowledge of good and bad schemes elsewhere adopting this style. Nevertheless, it does appear appropriate to request slightly more architectural interest in places. Other recommendations primarily have regard to neighbour privacy (a complicated issue here), resident outlook, daylighting and massing.  
*Officer comment: amended plans addressing these issues have been received.*

**Highway Authority:**

- 8.7 From a highway and transportation perspective the impact of the proposal is acceptable to the Highway Authority subject to conditions.

**Historic England:**

- 8.8 Historic England Advise as follows:

Historic England were consulted in 2017 at pre-application stage on similar proposals for redevelopment of this site to create three blocks of accommodation, all five storeys in height to provide 52 cluster flats and 272 study bedrooms and community facilities.

Our advice regarding those proposals was that whilst the existing bus depot buildings do provide an intrinsically positive architectural contribution to the streetscene, the application site does not lie within the conservation area and we would not object to their demolition. The proposed change of use of the site to residential would have greater conformity with surrounding land uses and we were satisfied that the scale and massing of the blocks, with a maximum height of four storeys including a penthouse storey set-back, would not be over dominant in this prominent location. They would not cause harm to the setting of the grade II listed Kendall Almshouses. Whilst the new development could not be set at back of pavement as the existing bus depot buildings were, due to environmental health reasons, the resultant siting of the blocks provides the opportunity to soften their immediate setting.

There is a statutory requirement to pay special attention to the desirability of preserving a building and its setting and preserving or enhancing the character or appearance of a conservation area, Planning (Listed Buildings and Conservation Areas) Act 1990, ss 16 and 72. At the heart of the National Planning Policy Framework (NPPF) is a presumption in favour of sustainable development. This requires economic, social and environmental gains to be sought jointly and simultaneously (paragraphs 7, 8 & 14). The conservation of the historic environment is one of the 12 core principles identified (paragraph 17). The historic environment section sets out the desirability of preserving and enhancing heritage assets and of new development making a positive contribution to local character and distinctiveness (paragraph 131). Great weight should be given to the conservation of heritage assets and any harm requires clear and convincing justification (paragraph 132). Where an application would result in harm this should be weighed against the public benefits of the proposal (paragraph 134).

- 8.9 In our view the formally submitted scheme for the redevelopment of this major site adjacent to the Colchester New Town Conservation Area would, as stated in relation to the previous proposals, be an enhancement on the current streetscene in this prominent location on Magdalen Street. Historic England are satisfied that the scale, massing and detailed design of the overall proposals remain contextually appropriate and would not cause harm to the significance of the setting of the abutting grade II listed Kendall Almshouses or the adjacent Colchester New Town Conservation Area.

**Recommendation**

Historic England have no objections to the application on heritage grounds. We consider that the application meets the requirements of the NPPF, in particular paragraph numbers 128 and 137.

In determining the is application you should bear in mind section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas and section 38(6) of the Planning and Compulsory Purchase Act 2004 to determine planning applications in accordance with the development plan unless material considerations indicate otherwise.

**Environmental Protection**

- 8.10 Should planning permission be granted Environmental Protection wish to make the following comments:- no objection subject to conditions

Environmental Protection employ a specialist consultant to advise on Air Quality Matters the consultant has commented "The following air quality mitigation measures have been proposed within the AQIA and should be required by condition: Subject to provision of the mitigation measures, the application is acceptable on the grounds of air quality.

- Provision of a Travel Plan to encourage sustainable modes of transport to and from the site;
- Provision of tree planting along Magdalen Street and throughout the development to absorb pollution and increase deposition rates;

- Provision of secure cycle parking spaces; and
- Provision of one Electric Vehicle (EV) charging point, serving 50% of the total car parking spaces.

*Officer comment; these matters will be secured either by condition or in the legal Agreement.*

### **Contaminated Land Officer**

- 8.11 The submitted report has previously been reviewed (pre-application), together with some subsequent additional risk assessment and reporting, not submitted as a part of the supporting information for this application. Based on all of the information made available to Environmental Protection to date, it would appear that additional intrusive investigations, risk assessments, remediation and verification will be required in order to make this site suitable for the proposed use.

Since the potential risks identified to date include risks to controlled waters, and as the Environment Agency have made previous comments pre-application, I would recommend that the Environment Agency are also consulted on this application.

The applicant's attention is drawn to the recommendations in the submitted Red Rock Desk Study report for an asbestos survey to be undertaken prior to demolition and redevelopment, and for an unexploded ordnance risk assessment to be carried out prior to any intrusive investigations.

Consequently, should this application be approved, Environmental Protection would recommend inclusion of conditions

### **CBC Archaeologist**

- 8.12 The proposed development is located within an area of high archaeological interest.

The desk-based assessment has shown the application site to have a high potential for encountering medieval and post-medieval activity, particularly along the street frontage, and potential for earlier archaeological remains. In addition to below-ground remains, the application concerns the redevelopment of the Former Bus Depot, part of which is a locally listed heritage asset and aspects of the building are of historic significance.

There are no grounds to consider refusal of permission in order to achieve preservation in situ of any important heritage assets. However, in accordance with the National Planning Policy Framework (Paragraph 141), any permission granted should be the subject of planning conditions relating to archaeological investigation and building recording to record and advance understanding of the significance of any heritage asset before it is damaged or destroyed.

A condition relating to below-ground archaeological investigation and a second condition relating to historic building recording are recommended in accordance with the National Planning Policy Framework (Paragraph 141).

### **Landscape Officer**

- 8.13 Has commented that to accord with the Council's Landscape strategy for development sites the landscape element of the proposal needs to be cross-Checked against the Council's standard generic requirements under landscape Guidance Note LIS/A.

Detailed points relate to tree pit surfaces, the requirement for details of vehicular tree guards, comment that the proposed use of 'local natural stone' to create dry stone wall features is not recommended and brick walls are suggested as an alternative. It is noted the actual individual distances between tree planting positions and building façades needs to be clearly plotted, careful consideration needs to be given to the number and type of trees proposed alongside the retaining wall bounding Kendal Terrace given how close the Terrace is to the wall.

## **9.0 Parish Council Response**

- 9.1 N/A

## **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 No representations have been received from neighbouring properties, but the following comment has been submitted "I have information that when the tram shed was given to the council it had a covenant on it. It can only be used for transport. Is this being taken in consideration when planning the site".

*Officer comment: Members are aware covenants are not a planning matter however Colchester Amphora Trading Ltd - Head of Estates has been informed of the resident's comment.*

## **11.0 Parking Provision**

- 11.1 There is no category within the adopted Car Parking standards that deals with off-campus student accommodation. This application proposes 2 spaces one of which is a disability parking space.
- 11.2 Parking issues are discussed in the main report.

## **12.0 Open Space Provisions**

- 12.1 There is no policy requirement for the provision of open space for student accommodation. The main report describes the amenity spaces proposed around the buildings.

## **13.0 Air Quality**

- 13.1 The site is within the Air Quality Management Area.
- 13.2 The specialist consultant who advised Environmental Protection has considered the reports for both this and the 2017 application and has commented "The AQIA follows the methodology that was pre-agreed with the consultant. The following air quality mitigation measures have been proposed within the AQIA and should be required by condition:
- Provision of a Travel Plan to encourage sustainable modes of transport to and from the site;
  - Provision of tree planting along Magdalen Street and throughout the development to absorb pollution and increase deposition rates;
  - Provision of secure cycle parking spaces; and,
  - Provision of one Electric Vehicle (EV) charging point, serving 50% of the total car parking spaces.

Subject to provision of the mitigation measures, the application is acceptable on the grounds of air quality. These matters will be secured in the legal agreement or by condition.

## **14.0 Planning Obligations**

- 14.1 This application is classed as a "Major" application and therefore there was a requirement for it to be considered by the Development Team. It was considered that Planning Obligations/requirements should be sought via Section 106 (S106) of the Town and Country Planning Act 1990. The Obligations that were considered appropriate and satisfy the CIL tests and will be agreed as part of any planning permission are:
- Upgrading of buses with a catalytic reduction system;
  - Upgrading to current ECC specification, including real time information, of a bus stop;
  - Travel Plan including monitoring;
  - CCTV (the applicant will be installing a private CCTV system) but a financial contribution will fund the provision of 2 cameras one on each road frontage linking to the Council's CCTV network;
  - Provision of a pedestrian link through the site to connect Military Road to Magdalen Street with public access in perpetuity.

## **15.0 Report**

15.1 The main issues in this case are:

### **The Principle of Development**

15.2 Policy SAEC2 and SAEC5 in the Site Allocation Document are relevant to this application and are summarised below;

#### **Policy SA EC2 Development in East Colchester**

Development within the East Colchester Regeneration and Growth Area will be permitted provided it complies with all the relevant key criteria, as set out below:

- All developments shall provide for a balanced and integrated mix of uses that are compatible with the comprehensive regeneration of East Colchester as set out in the Core Strategy
- Contributions will be required from all developments towards the provision of infrastructure and/or environmental. Where appropriate contributions will also be sought towards the delivery of a comprehensive network of footpaths and cycleway across the whole of East Colchester, Public transport improvements, Environmental enhancements to improve green links through the area.
- All applications for development will be required to include, where appropriate; a transport impact assessment; flood risk assessment; proposals to provide and/or enhance infrastructure for the community or the environment; proposed decontamination measures.

#### **Policy SA EC5 Area 3: Magdalen Street**

To the north of Magdalen Street, housing areas will be extended and consolidated, but other small-scale uses will be permitted provided they are compatible with the overall housing proposals. New development on the south side of Magdalen Street shall continue the existing mix of commercial, industrial, service and retail uses. Proposals must not adversely affect the amenity of neighbouring housing areas. Development shall accord with the more detailed criteria set out in the adopted Magdalen Street SPD.

#### **Development Brief**

15,3 The development brief is a supplementary planning document and is a material consideration in the determination of the application. The brief states that it is not intended to be prescriptive, but is to be used to guide future development in the area. The brief is part of the decision making process and weight will be given to the details during the determination of relevant planning applications. The document provides general information for members of the public about possible future changes in the area and what type and form development may take.

- 15.4 The brief considers sites on the edge of the town centre which currently have relatively inefficient land uses and considered suitable for regeneration. These sites with the existing range of local facilities and uses makes this part of the borough a sustainable location.
- 15.5 The brief identifies the "vision for Magdalen Street is to regenerate this street as a 21st century gateway to the town centre. Architecturally the Council will seek contemporary responses to the existing character and densities appropriate to the edge of centre location. In most sites the expectation will be for three storey development with ground floors that offer a robust range of small scale use opportunities".
- 15.6 The purpose of the brief is to:
- Provide a sustainable and coherent development framework for the area that promotes comprehensive redevelopment of the sites;
  - Provide details of the local and national policies relevant to this area;
  - Outline the key constraints in the area and the opportunities that exist;
  - Promote a mix of uses that can co-exist and complement uses elsewhere in the vicinity;
  - Outline the Council's expectations of delivering improvements to accessibility of the area by walking and cycling, community infrastructure, the public realm and streetscape, and improving the air quality through the redevelopment of the area; and
  - Outline the design and development principles and the parameters of expected design quality.
- 15.7 The development brief provides the basis for a coordinated and comprehensive approach to future development that can achieve greater economic, social and environmental value in the area. The development brief provides a guide for proposals and must be considered alongside adopted local and national policies. The brief requires development to minimise impact on the Air Quality Management Zone for traffic levels associated with any development to be limited, buildings to be set back from the carriageway with large scale forecourts and tree planting and for a reduced parking standard to be considered. The brief also promotes an active frontage to Magdalen Street and it is acknowledged the proposed development will not achieve the same degree of activity as shops or commercial uses. However this is not sufficient reason to refuse the application.
- 15.8 Application 160103 for the redevelopment of the application site to provide student accommodation; 230 bedspaces (61 cluster flats and 16 studio flats) was granted planning permission on 20 December 2017. This extant planning permission is a material planning consideration. The applicant has explained the background to the revised application is "the development of a more appropriate design response to the site constraints to produce an economically viable proposal, this is achieved by a more efficient block core and cluster flat layout which has enabled an increase in bed numbers and the amount of external amenity space with less site coverage".

Student accommodation is acceptable in principle.



## Design and Layout

- 15.9 The principle difference between the approved scheme and the current proposal is the reduction in the number of blocks from five to three. The approved development involves the erection of five buildings, three buildings of 3 and 4 storeys fronted Magdalen Street with storey heights reducing to the rear. Two buildings of one to three storeys were also proposed; one along the rear boundary with the almshouses and the second behind Military Road, the revised scheme does not include these two buildings. A simple layout is now proposed comprising three “L” shaped blocks fronting Magdalen Street each with a wing extending towards the rear of the site. Each block has an internal courtyard and cycle parking. The gaps between the blocks have been widened to afford views into the site from Magdalen Street. A new pedestrian route is created through the site from Magdalen Street to Military Road.
- 15.10 The revised scheme proposes buildings of a similar design to the approved scheme but incorporating several refinements. The elevations and massing have been developed to respond to the heights of the surrounding buildings with the facades arranged as a series of overlapping planes to create a staggered building line. The penthouse storeys are recessed from the street elevations and will be clad in light-weight cedar boards which will weather to a soft, silver-grey colour.
- 15.11 Different brick treatments are proposed for the elevations which, when combined with the irregular rhythm of the facades, is designed to give the impression of a series of individual buildings. Punched openings in the brick facades with deep reveals provide articulation to the elevations and will create shadow and depth to reinforce the interplay of different planes. Recessed brickwork to the ground floor and perforated bricks and decorative panels will provide texture and articulation to the Magdalen Street elevations.
- 15.12 The design includes fully openable windows to all habitable rooms to allow ventilation, the openable portion of the window is a full height, inward opening, tilt & turn window which requires guarding when opened using the ‘turn’ function. Fixed internal timber louvres are proposed to the Block A south and west courtyard elevations to mitigate potential overlooking issues. The windows have a full brick reveal which sets the window back from the front of the façade and reduces the outward visibility. Windows will have translucent glass to allow light in but prevent views out. Further refinements include the inclusion of graded film on the windows to upper floors to the south elevation of blocks B and C and communal rooms to Block A and the increased height of a parapet at third floor level on Block A .

- 15.13 The supporting information confirms the intention to use high-quality materials such as brick and timber- Long format, light red multi bricks (typically 288x88x48mm), Cream multi, stock bricks (typically 215x102.5x65mm), Grey, stock bricks laid in Flemish bond (typically 215x102.5x65mm), Vertical cedar boarding (varied width), Sedum roofs are proposed for the lower level roof areas to the rear of the scheme.
- 15.14 Members will note the scheme is supported by the Urban Design Officer subject to agreement on architectural details and materials these matters will be secured by condition.

### **Scale, Height and Massing**

- 15.15 The 3-4 storey elements of the buildings where they front onto Magdalen Street are of a similar scale and height to those approved. The proposed heights of the buildings has to be considered in the context of the surroundings and the difference in ground levels. Recent developments include the Emmaus and the YMCA buildings both are 3 storeys high and the former includes a 4 storey element. Residential development on the east side of the site is 3 storeys height but the pitched roof means it is higher than the 4 storey elements of the proposed buildings. It is considered that the design and arrangement of the development is acceptable within this setting. The upper storeys are generally set back from the principal façade in the manner of a penthouse.
- 15.16 Whilst the buildings will be visible from Military Road, the taller elements will be set behind the road frontage.
- 15.17 The proposals are described in the following terms;  
The proposed development has been rationalised into three distinct blocks which form an animated frontage to Magdalen Street. A set-back building line has been applied to the buildings to create defensible space for the ground floor flats and to provide space for street trees which will improve air quality, absorb traffic noise and enhance the public realm along Magdalen Street. The reception, management suite and communal student facilities are located centrally within Block B to create a street level hub.
- 15.18 The proposed subdivision of the Magdalen Street frontage relates to the rhythm of the smaller plots on the north side of Magdalen Street and increases the visual permeability through the site. The building height along Magdalen Street is staggered to reflect the varied building heights of the area. The larger, four storey elements step down to three storeys towards the southern section of the site.

15.19 The building form has been broken down into a series of staggered blocks of varying heights which generates a vertical rhythm along the street and avoids creating a strong horizontal axis. This vertical emphasis is proportionate to the existing buildings along Magdalen Street. The facade has been developed to appear as a series of projecting and receding planes which are treated in different materials to create a layered street scene with architectural interest.

15.20 The scale and height of the buildings is considered acceptable.

### **Impact on the Surrounding Area**

15.21 The site comprises vacant buildings and unsightly gaps which present an unattractive and run-down appearance on one of the main approaches to the town centre. The proposal will have a positive impact in the street scene. It will also introduce a soft landscape edge incorporating trees across the frontage in a street which currently has limited landscape features.

15.22 The use will generate limited vehicular movements this is also a positive impact particularly when compared to the previous bus depot use.

15.23 The frontage to Military Road will also be improved by the demolition of the depot sheds and the opening up of the frontage to provide a pedestrian link. This link will benefit local residents providing easier and safer access to town centre, the Town station and other bus services. Local businesses are also likely to benefit from an increase in trade.

### **Impacts on Neighbouring Properties**

15.24 The demolition of the existing buildings, will have a positive impact on neighbouring properties, in particular the removal of metal sheds which built into the boundary wall.

15.25 Whilst the site has not been operational for many years when in use it would have been a noisy neighbour with buses leaving early in the morning and arriving late at night. The scheme has the potential to impact on neighbouring properties in two main ways by overlooking/loss of privacy and the operation of the use resulting in noise/disturbance.

### **Overlooking/Privacy**

15.26 The scheme has paid regard to the amenities of neighbouring properties; in particular the listed and locally Almshouses to the side and rear of the site. The cross section drawings show the height and location of the Almshouses in relation to the proposed buildings. These drawings will form part of the presentation to committee and will demonstrate the difference in ground levels between the two sites. The uses next to the site on the Magdalen Street frontage are Robertson's vehicle hire premises and a flatted residential building it is considered there is no adverse impact on these properties.

- 15.27 The buildings are “L” shaped with two elevations facing the rear of the site (the rear of the element fronting Magdalen Street and the rear of the wing which extends into the site). Block A is approx. 16 metres from the rear boundary of the Military Road almshouses, and the wing extends to within approx 17 metres of Military Road. Block B is approx 19 metres from the rear boundary of the Kendall Road almshouses, and the wing extends to within approx. 7 metres of this boundary while Block C is approx 13 metres from the rear boundary of the Kendall Road almshouses, and the wing extends to within approx. 7 metres of this boundary.
- 15.28 The Essex Design Guide considers rear privacy and recommends a minimum of 25 metres between the backs of houses but also states; “where new development backs on to the rear of existing housing, existing residents are entitled to a greater degree of privacy to their rear garden boundary, and therefore where the rear faces of the new houses are approximately parallel to the existing, the rear of new houses may not encroach any closer than 15 metres to an existing rear boundary”.
- 15.29 The difference in height between the site and the almshouses is approx 3 metres, (the almshouses are at the higher level), when the boundary fence at the top of the retaining wall is taken into account the ground and first floor of the buildings are screened from the almshouses. It is reasonable therefore to only assess the impact of the windows in the upper floors. Whilst most of the windows satisfy the 15m requirement the 25m distance is not achieved as the almshouses all have small rear gardens which in some cases provide no more than a rear access. Due to the shape of the site and the relationship to the almshouses in Military Road Building A has the potential to result in a loss of privacy due to overlooking from the south (rear) and side (west) elevations, this is mitigated as described above namely fixed internal timber louvres, translucent glass to allow light in but prevent views out and the inclusion of graded film on communal rooms and a small section of parapet wall. Blocks B and C have no windows in the rear elevation of the projecting wing, but there are windows in all four storeys in the rear of the Magdalen Street element. Whilst graded film is proposed to some windows it is considered there are still potential issues with overlooking and a condition is recommended requiring a scheme of mitigation to be submitted and approved. It is considered that due to the difference in ground levels, new screening proposed and the mitigation condition proposed the amenity of residents will be satisfactorily protected.

### **Noise/Disturbance**

- 15.30 The following extracts are taken from the Operational Management Plan submitted with the application. This document states “Each Victoria Hall residence is self-managed with an on-site management suite containing a team of administration staff, caretaker and security cover that ensures the complex is maintained 24 hours a day, 7 days a week throughout the year. Our objective is to commit to the local areas in which we operate and to form lasting relationships with the local community - our onsite teams, staffed by local people, are responsible for achieving this.

“We are acutely aware of the close proximity of existing residential properties to the site and the need to protect the amenities and general wellbeing that existing residents currently enjoy... we therefore propose to establish a Community Steering Group that will create a regular forum which would include members of the local community with a specific invitation to representatives of the nearby Almshouses and Ward Councillors to participate, along with senior Victoria Hall Operations Management, the accommodation Hall Manager and most importantly student representatives.... We would initially propose that the Steering Group meet on a monthly basis, but upon inception it would be for the members themselves to determine the frequency of meetings.

Security Arrangements- Victoria Hall employ 24-hour Caretaking/Security staff specifically in order to provide assistance and support to students, staff, visitors and members of the local community. The 24-hour team are a proven aid to Victoria Hall's focus on the control of noise and anti-social behaviour on-site out of office hours. Caretaking / Security staff are responsible, throughout the 24-hour period, for patrolling the exterior and interior of the complex and for responding to incidents”.

- 15.31 The document also explains staff responsibilities for grounds maintenance cleaning and waste management. In respect of the latter the site caretaker will supervise collection days, ensuring that the bins are returned to the store once refuse vehicles have left the site. The refuse store will be subject to regular cleaning
- 15.32 The submitted document demonstrates the applicant is aware of the potential the development has to impact on the amenity of an area and residential amenity. It sets out staffing arrangements and describes how matters including security, waste management and parking will be dealt with. The legal agreement will secure the submission and agreement to an Operational Management Plan to include the various matters described above plus student arrivals and departures described below. Subject to the mitigation proposed and operational arrangements it is considered the proposed development will not adversely impact on existing residents. Indeed the removal of the existing derelict depot buildings should enhance the quality of the local environment.

### **Highway Safety and Parking Provisions (including Cycling)**

- 15.33 Members should note that there is no specific category within the adopted Car Parking standards that deals with off-campus student accommodation.
- 15.34 This application proposes 2 spaces. The supporting information states that those students that are not eligible for a parking space will be required to sign a lease that includes a clause preventing them from bringing a vehicle to Colchester during term time.

15.35 A Travel Plan is proposed to encourage students to make use of more sustainable modes of transport when travelling to/from the site and an Operational Management Plan will be implemented which will include measures relating to pedestrian, cyclist and vehicle access, as well as measures to manage student arrivals and departures at the beginning and end of the academic year.

15.36 The Operational Management Plan will amongst other matters include measures to manage student arrivals and departures at the beginning and end of the academic year.

The key elements are set out below:

#### Student Arrivals

- The vast majority of student arrivals are evenly spread over a three-day period (i.e. Friday to Sunday) between 9am and 6pm, usually during the third week of September; Prior to arrival, every student is allocated an arrival slot (for a duration of circa 20-minutes) and is provided with directions to the site. All students are informed that once belongings are unloaded, cars must be removed to nearby public car parking;
- Residents will also be encouraged to use nearby public car parks rather than parking directly outside the site for unloading; albeit the shared footway / drop off / pick up and loading bay provided on Magdalen Street will also be made available;
- The on-site management team will employ students to act as guides/traffic marshals, who manage the flow of vehicles; and
- Students will also be employed to help unload cars so that they can be moved to nearby car parks.

#### Student Departures

- Students move out of accommodation more gradually, over a period of 5-6 weeks during late May to June, meaning there is not the same pressure as during the arrivals period; and
- During the departures period, students will be able to utilise the drop off/pick up layby provided on Magdalen Street to collect their belongings. Cars will not be permitted to be left unattended, and once loading has finished students will be directed to nearby public car parks.

The considerable reduction in vehicle movements will be a significant benefit to the Area. The legal agreement will secure the provision of a Travel Plan and the management of student arrivals and departures.

### **Heritage and Archaeology**

15.37 Although the site is not within a conservation Area and does not include statutorily listed buildings the rear boundary abuts the boundary of the New Town Conservation Area. There are listed and locally listed Almshouses to the rear and along Military Road. There are also locally listed buildings in Magdalen Street

- 15.38 When considering an application that affects a conservation area the Planning Authority must pay special attention to the desirability of preserving or enhancing the character or appearance of that area. Similarly when considering an application that affects the setting of a listed building the Planning Authority must have special regard to the desirability of preserving that setting (s.72(1) and 66(1) of the PI (Listed Buildings & Conservation Areas) Aft 1990). Historic England has not been consulted and raises no objection to either the demolition of the buildings or the redevelopment of the site in the detailed manner proposed.
- 15.39 A local list was prepared on behalf of the Colchester Historic Building Forum and adopted by the Council in 2011. A former tram shed is on the local list, this building includes an attractive brick façade to Military Road which is retained and incorporated into the development.
- 15.40 Existing tram tracks are to be retained and will be incorporated into the courtyard amenity areas. An existing plaque of the Borough's coat of arms will also be retained and incorporated and reused.
- 15.41 The setting of the Kendall Almshouses carries a legal duty to preserve and this aspect has been afforded special consideration in the design of the scheme. Given the existing buildings and their brutal qualities, their replacement by the proposals has the potential to enhance the current situation. Historic England state "In our view the formally submitted scheme for the redevelopment of this major site adjacent to the Colchester New Town Conservation Area would, as stated in relation to the previous proposals, be an enhancement on the current street scene in this prominent location on Magdalen Street. Historic England are satisfied that the scale, massing and detailed design of the overall proposals remain contextually appropriate and would not cause harm to the significance of the setting of the abutting grade II listed Kendall Almshouses or the adjacent Colchester New Town Conservation Area.
- 15.42 The setting of the Conservation Area will be enhanced by the demolition of the existing metal clad shed on the Military Road frontage, and the introduction of a pedestrian link. The new development, in part due to the change in ground level, will not be prominent in views from the Conservation Area.
- 15.43 The proposed development is located within an area of high archaeological interest. The desk-based assessment has shown the application site to have a high potential for encountering medieval and post-medieval activity, particularly along the street frontage, and potential for earlier archaeological remains. In addition to below-ground remains, the application concerns the redevelopment of the Former Bus Depot, part of which is a locally listed heritage asset and aspects of the building are of historic significance. The Councils archaeologist recommends further archaeological investigation and recording of the buildings should be undertaken and these matters will be secured by conditions.

## **Air Quality**

- 15.44 The site is within the Air Quality Management Zone and the development may produce adverse air quality effects at sensitive locations and also lead to the exposure of future users to elevated pollution levels
- 15.45 However air quality was considered as part of the design development and a number of design features are incorporated to mitigate any likely impacts on air quality. These design features have been established within the indicative layout plan within the Council's Magdalen Street Development Brief. Gaps have been included between the buildings to prevent a 'canyon' effect from forming on Magdalen Street. The gaps allow air pollutants to disperse. Furthermore the blocks are set back from the public footpath. This set back allows for the inclusion of a soft landscaping strip (including tree planting) to be located in front of the blocks. These measures assist in mitigating any impacts on air quality. The proposed use will generate only low levels of traffic and this should have a positive impact on the AQMA. In fact this use will generate significantly fewer movements than the bus depot and probably less than other potentially acceptable uses.
- 15.46 An Air Quality Assessment was required in order to determine baseline conditions, consider site suitability for the proposed end-use and assess potential impacts as a result of the scheme.
- 15.47 During the construction phase air quality could be impacted as a result of demolition, earthworks, construction and track out activities. These activities have all been assessed and it is concluded that the use of good practice control measures would provide suitable mitigation for a development of this size and nature and reduce potential impacts to an acceptable level.
- 15.48 During the operational phase of the development there is the potential for air quality impacts as a result of variations to the local urban topography and as a result of changes in traffic flow on the local road network. Dispersion modelling has been undertaken to assess changes in pollutant concentrations at sensitive locations as a result of potential changes to the structural geometries of Magdalen Street. An assessment of the results indicates that predicted air quality impacts as a result of changes to the urban topography associated with the development were generally beneficial when considered on balance.
- 15.49 The assessment also indicated that predicted pollution levels were above the relevant air quality standard at the northern façade of Block A and C at ground and first floor levels. Mitigation in the form of mechanical ventilation has been specified for the affected units and it is considered this should ensure future occupants are not exposed to poor air quality.



15.50 Mitigation measures in respect of Air Quality include the following:

- Provision of a Travel Plan to encourage sustainable modes of transport to and from the site;
- Provision of tree planting along Magdalen Street and throughout the development to absorb pollution and increase deposition rates;
- Provision of secure cycle parking spaces; and,
- Provision of one Electric Vehicle (EV) charging point, serving 50% of the total car parking spaces

15.51 The specialist consultant employed by Environmental Protection to assess the Air Quality Assessment Report has confirmed that subject to the proposed mitigation being conditioned he is satisfied that the development is acceptable on air quality grounds.

### **Drainage/Flood Risk**

15.52 The site is within flood zone 1 where Government policy directs new development. The submitted flood risk assessment provides an assessment of the risk of flooding to the proposed development. The report concludes that the site is situated in Flood Zone 1, which is defined as having a low annual probability of flooding and overall, there is a low risk of flooding from all sources.

15.53 It is anticipated that the surface and foul water drainage systems will continue to discharge to the surrounding sewers, in common with the existing development on the site.

15.54 Essex County Council Flood & Water Management Planning & Environment team (SUDS) has reviewed the Flood Risk Assessment & Drainage Statement together with the associated documents and has raised no objection subject to conditions. Anglian Water has also raised no objection subject to conditions.

### **Landscaping/ Ecology**

15.55 The Arboricultural Report indicates that the trees within the development site Are self-seeded and consisted mainly of sycamore and ornamental species such as viburnum and Portugal laurel. These features are mainly on the rear boundary with the almshouses. They are all assessed as being of low quality and value (C category). The proposal is to remove all the trees and vegetation within the site. Crown pruning works will be necessary to a tree just outside but overhanging the site. The proposals include the planting of new trees and shrubs including tree planting along Magdalen Street. In the long term, the new tree planting has the potential to significantly enhance the public realm and provide effective screening to the rear boundary.

- 15.56 The application indicates hard and soft landscaping between buildings and along the rear boundary. Areas for cycle parking are included within the hard landscaped areas. The former tram lines are proposed to be retained and incorporated as part of the landscape scheme. The submitted landscaping plan includes full details of the proposed landscaping scheme is acceptable, in principle.
- 15.57 The application documents include a Biodiversity Phase 1 Habitat Survey which assesses the vegetation and habitat types within the site. The survey report concluded there was negligible potential for presence on the site of any protected species other than bats where there is medium potential for roosting in some buildings and birds nesting in buildings. The report includes the following recommendations
- Roof coverings and soffits on Building B to be dismantled by hand under the supervision of a bat licenced ECoW.
  - Nesting birds (vegetation): Remove vegetation outside of the bird nesting season (i.e. between October and February inclusive, subject to weather conditions).
  - Nesting birds (Buildings A and C): remove roofs outside the main bird nesting season. ECOW to be present to oversee the removal of the roofs to minimise the risk of disturbing birds nesting in these buildings.

These matters will be secured by condition. If bats are present a license will be required from Natural England.

### **Land Contamination**

- 15.58 The site comprises a former bus/tram depot with an electrical sub-station and includes fuel storage and repair/servicing areas; these uses suggest there is potential for localised contamination to be present and this is confirmed in the submitted phase 1 desk study. The report recommends additional intrusive investigation is undertaken to confirm (or otherwise) the presence of contamination that could pose a risk to human health and the wider environment and to determine adequate remedial measures prior to the commencement of development. These conclusions are agreed by the Contaminated Land Officer and appropriate conditions are recommended.

### **Private Amenity Open Space Provision**

- 15.59 Members are advised that there is no specific policy standard that relates to the provision of private amenity or open space for student accommodation.
- 15.60 The submitted scheme includes a landscaped area to the Magdalen Street frontage. It also proposes a pedestrian link between Magdalen Street and Military Road which will be available for public use between dawn to dusk. In addition there is south facing courtyard amenity space within the site between the buildings. These courtyard spaces will be screened from the Almhouses with tree planting. Their use will be managed by a Management Company. The proposed amenity space provision is considered acceptable.

## **16.0 Conclusion**

- 16.1 The application proposes the development of a brown field site in a sustainable location on the edge of Colchester town centre. One of the core planning principles contained in the National Planning Policy Framework encourages '...the effective use of land by reusing land that has been previously developed (brownfield land), provided that it is not of high environmental value ...' The application site has clearly been developed in the past and does not have a high environmental value. It is considered that the application site matches this requirement. Following on from this the site is also within a defined regeneration area within Colchester. The site is also within the Magdalen Street development brief area. When a brief is prepared it is not possible to predict all uses that may come forward and the documents main function is to set out parameters for development and identify constraints. In this instance the main constraints to development are the location of the site with the Air Quality Management Zone and the requirement for a reduced parking standard. Student accommodation has the advantage of being a use where it is possible to restrict cars brought to the site and therefore limiting the number of parking spaces and the amount of traffic generated. This development will have neither an adverse impact on air quality nor the road network. In this respect the proposed use will have far less of an impact than many other potential uses. The demolition of the buildings, removal of the former bus depot use and the redevelopment of the site will be a significant benefit to the public realm and residential amenity.
- 16.2 The site benefits from an extant permission for student accommodation comprising 230 bed spaces; this is a material planning consideration.
- 16.3 The development satisfies many of the parameters identified in the brief namely public realm and street trees to Magdalen Street and a pedestrian link between Magdalen Street and Military Road. The brief identifies a contemporary architectural style as appropriate and the detailed design and layout of buildings is considered acceptable. The buildings facing Magdalen Street would be a mix of 3-4storeys, the height of the buildings is also mitigated by being set back from the street and the use of a recessed top floor with set-backs from the main façade. The massing will be broken down by the variation in fenestration and gaps between buildings.
- 16.4 Careful consideration has been given to the amenity of adjacent residents and the layout and detailed design together with change in ground levels will ensure residents' amenity is protected. The development will not have an adverse impact on any heritage assets and retains the locally listed building façade and other features of local interest.
- 16.5 The application involves the redevelopment of a vacant site with a run-down appearance on a main road into the town centre. It is considered the proposed development satisfies the Council's aspirations for the regeneration area in general and Magdalen Street in particular. Subject to a legal agreement a conditional planning permission is recommended.

## **17.0 Recommendation to the Committee**

17.1 The Officer recommendation to the Committee is for:

17.2 APPROVAL of planning permission subject to the signing of a legal agreement under Section 106 of the Town and Country Planning Act 1990, within 6 months from the date of the Committee meeting. In the event that the legal agreement is not signed within 6 months, to delegate authority to the Head of Service to refuse the application, or otherwise to be authorised to complete the agreement.

17.3 The agreement to secure the following

- Restrict occupancy to students
- Agreement to employ an on-site manager/s and for there to be a 24/7 presence on site
- Travel Plan in accordance with Essex County Council guidance to include but not limited to monitoring fees to be prepared and agreed, a Travel Plan Co-ordinator to be employed and agreement that the Travel Plan will be regularly monitored by the council
- Details of an Operational Management Plan to be submitted and agreed to be substantially in accordance with the submitted document to include amongst other matters the management of the on-site parking spaces, the arrival and departure of students, the setting up and details of management and operation/membership of a Community Steering group, on site security measures, Management of all external areas including communal refuse storage areas. Rental Agreement Terms to provide for amongst other matters the occupation of units only by eligible students, a clause that eligible students cannot apply for residents parking permits or bring vehicles to Colchester whilst they are living at the approve development.
- A Financial contribution of £170,00 to be used to fund upgrading of buses with a catalytic reduction system, and/or the upgrading to current ECC specification, including real time passenger information, of a bus stop, and /or CCTV the provision of 2 cameras one on each road frontage linking to the Council's CCTV network
- Pedestrian path from Magdalen Street to Military Road to be available for public use in perpetuity between dawn to dusk and agreement that this path will not be to used as a vehicular through route

17.4 The Town & Country Planning pre-commencement conditions Regulations which came into force on 1 October requires the Local Planning Authority to give an applicant 10 working days' notice of any pre- commencement conditions and they have an opportunity to respond and to not agree to the condition/s. Conditions including archaeology, drainage and contamination are proposed as pre-commencement conditions. The 10 day period expires on the 18th October (the date of the Committee meeting) any amendment to the wording of condition/s will be reported on the amendment sheet or in a verbal update at the meeting.

**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. 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 1745-10-001, 1745-10-005 B, 1745-20-001 B, 1745-20-002 B, 1745-20-003 B, 1745-20-004 B 1745-20-004 B, 1745-20-005 A, 1745-20-005 B, 1745-20-010 B, 1745-20-011 A, 1745-20-012 A, 1745-20-013 A, 1745-20-020 A, 1745-20-021 B, 1745-20-022 A, 1745-21-001 A, 1745-21-002 and 1745-21-003 except where the conditions below require amended or further details.

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

**3. Non Standard Condition – In accordance with approved plans**

Development in accordance with approved plans including cross section

The development shall be constructed in accordance with the submitted cross section and elevation drawings that show the development in relation to adjacent property, and illustrating the existing and proposed levels of the site and finished floor levels.

Reason: To ensure the development does not have an adverse impact on the surrounding area or residential amenity.

**4. Non Standard Condition - Additional drawings of architectural features**

Prior to the commencement of any above ground works, additional drawings that show details of all architectural features and screening features including, but not limited to, parapet to Block A, graded film to communal rooms brick recessed panels, recessed brick work, perforated brick panel, reveals, coping, windows, doors, brick bonds, brise-soleil, glazed screens, recessed rain water goods, parapet, to be used, by section and elevation, at scales between 1:20 and 1:1, as appropriate, shall be submitted to and approved, in writing, by the Local Planning Authority. The development shall thereafter be implemented in accordance with the approved additional drawings.

Reason: There is insufficient detail with regard to these features which are essential elements of the design.

**5. Non Standard Condition - Materials To Be Agreed**

No above ground works shall take place until precise details of the manufacturer and types and colours of the external facing and roofing materials and including a schedule of all types and colours of external 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. The materials shall be of the quality indicated in the application documents.

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

- 6. Non Standard Condition - Scheme of Features To Mitigate Overlooking**  
Prior to any above ground works taking place a detailed scheme, including samples where appropriate, to mitigate overlooking from the south elevation of Blocks A, B and C and the west elevation of Block A shall be submitted to and approved in writing by the local planning authority. The scheme shall include, but not be limited to, the measures described in the application documents and shown on the submitted plans. The approved scheme shall be implemented in full prior to the occupation of the development and shall thereafter be retained.  
Reason: To protect the privacy and amenity of adjacent residents.
- 7. Non Standard Condition - Vehicle Parking**  
Prior to the first occupation of the development, the vehicle parking area 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 in the interests of highway safety.
- 8. Non Standard Condition - Cycle Parking**  
Prior to the first OCCUPATION/USE 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.
- 9. Non Standard Condition - Construction Method Statement/ Traffic Management Plan**  
No works shall take place, including any demolition, until a Construction Method Statement including a Traffic Management Plan has been submitted to and approved, in writing, by the Local Planning Authority. The approved Statement shall be adhered to throughout the demolition and construction period and shall provide details to include, but not be limited to;
- 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
  - vehicle wheel washing facilities within the site and adjacent to the egress onto the highway
  - 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
  - measures to control noise.

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 and to protect highway efficiency of movement and safety in accordance with policy DM1 of the Highway Authority's Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

**10. Non Standard Condition - Timing of construction and demolition**

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 working.

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.

**11. Non Standard Condition - Management Company for 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 unless otherwise subsequently agreed, in writing, by the Local Planning Authority.

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.

**12. Non Standard Condition - No external lighting**

No external lighting fixtures shall be constructed, installed or illuminated until details of all external lighting proposals have been submitted to and approved, in writing, by the Local Planning Authority. Thereafter, no lighting shall be constructed or installed other than in accordance with those approved details.

Reason: To reduce the risks of any undesirable effects of light pollution

**13. Non Standard Condition - Site Boundary Noise Levels (for any fixed plant and equipment)**

Prior to the first use or occupation of the development as hereby permitted, a competent person shall have ensured that the rating level of noise emitted from the site's plant, equipment and machinery shall not exceed 0dB(A) above the background levels determined at all boundaries near to noise-sensitive premises. The assessment shall have been made in accordance with the current version of British Standard 4142 and confirmation of the findings of the assessment shall have been submitted to, and agreed in writing by, the Local Planning Authority and shall be adhered to thereafter.

Reason: To ensure that the development hereby permitted is not detrimental to the amenity of the surrounding area by reason of undue noise emission and/or unacceptable disturbance, as there is insufficient information within the submitted application.

Note: Although some information was provided with the acoustic survey, further information to demonstrate compliance with the above condition will be required once the noise level of the proposed equipment and its specific location is known. Single background noise levels for the reference time periods should be provided.

**14. Mechanical or Enhanced Passive Ventilation Noise**

Where the internal noise levels exceed those stated in the current version of BS8233 with windows open, a scheme of mechanical or enhanced passive ventilation with appropriate sound insulating properties shall be submitted to and approved by the local planning authority prior to the commencement of any above ground works. The scheme shall ensure compliance with the current version of BS8233 with windows closed and that maximum internal noise levels at night do not exceed 45dBA on more than 10 occasions a night. In addition, noise levels in external amenity spaces shall not exceed 55dBLAeq 16 hours, daytime. The development shall thereafter be carried out in accordance with the details approved, prior to the occupation of the development, and shall be retained in accordance with these details thereafter.

Note: In order to comply with the above standard, especially for maximum noise levels in bedrooms at night, we estimate the minimum sound reduction for bedrooms located on the facades exposed to Magdalen Street to be 45dB, rather than the 40dB specified in the acoustic report. This will require mechanical ventilation, the noise from which should be considered when calculating internal levels.

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.

**15. Non Standard Condition - Mechanical Ventilation Air Quality**

Prior to any above ground works to Block A and Block C a scheme of mechanical ventilation to the ground and first floors of the north (front) facing elevation of these blocks shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall also include the position of the proposed air inlet, or alternative, on facades where AQO exceedences are not predicted.

Reason: To ensure future occupants are not exposed to poor air quality.

**16. Non Standard Condition - Hard and Soft Landscape Scheme**

Prior to any above ground works full details of all landscape works shall have been submitted to and agreed, in writing, by the Local Planning Authority and the approved 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 are not acceptable in all respects and the new landscape details shall include:

- THE RETAINED TRAM LINES
- WORKS TO EXISTING AND NEW RETAINING WALLS
- GREEN SEDUM ROOFS
- PROPOSED FINISHED LEVELS OR CONTOURS;



- TREE PLANTING TO MAGDALEN STREET
- MEANS OF ENCLOSURE;
- CAR PARKING LAYOUTS;
- OTHER VEHICLE AND PEDESTRIAN ACCESS AND CIRCULATION AREAS;
- HARD SURFACING MATERIALS; full details of the surfacing materials to be used for all private, non-adoptable accessways, driveways, footpaths, courtyards, parking areas and forecourts
- 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.);
- RETAINED HISTORIC LANDSCAPE FEATURES;
- PROPOSALS FOR RESTORATION;
- 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.

**17. Non Standard Condition - Landscape Management Plan**

Prior to the first occupation of the development, a landscape management plan including long term design objectives, management responsibilities and maintenance schedules for all landscape areas shall be submitted to and agreed, in writing, by the Local Planning Authority. The landscape management plan shall thereafter be carried out as approved at all times.

Reason: To ensure the proper management and maintenance of the approved landscaping in the interests of amenity and the character and appearance of the area.

**18. Non Standard Condition - Tree Protection:**

No works shall take place until the tree identified in the Arboricultural Report as T9 has been safeguarded behind protective fencing in accordance with BS 5837. All agreed protective fencing shall thereafter be maintained during the course of all works on site and no access, works or placement of materials or soil shall take place within the protected area(s) without prior written consent from the Local Planning Authority.

Reason: To safeguard existing tree adjoining the site in the interest of amenity.

**19. Non Standard Condition - No Burning or Storage of Materials**

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.

**20. Non Standard Condition - 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.

**21. Non Standard Condition - Retention of Historic Features**

Prior to the commencement of any demolition works the plaque of the Borough Coat of Arms shall be removed, retained and incorporated in the façade of the locally listed building Military Road frontage. The brick façade to the locally listed building fronting Military Road shall be retained in situ. Prior to any demolition taking place the façade shall be made secure in accordance with a detailed scheme (including elevations and proposed materials) submitted to and approved in writing by the local planning authority, the details shall include the making good of the façade, details of the substation and the re-location of the plaque of the Borough Coat of Arms within the brick façade. The approved scheme shall be constructed prior to the occupation of any part of the development.

Reason: To ensure these features of local historic importance are retained on the site.

**22. Non Standard Condition - Boundary Fence**

Prior to any works taking place, with the exception of demolition works, details, including design and materials, of a 2 metre high closeboarded fence to be erected, on the site boundaries (with the exception of the Magdalen Street and Military Road frontages) shall be submitted to and approved in writing with the Local Planning Authority. The extent of the 2 metre high fencing required shall be agreed in writing with the Local Planning Authority and the approved details shall be implemented in full prior to any occupation and shall thereafter be retained.

Reason: In the interests of residential amenity.

**23. Non Standard Condition - No amplified sound**

No amplified sound is permitted outside the buildings.

Reason: To protect the amenities of adjacent neighbours.

**24. Non Standard Condition - Contamination**

No development approved by this planning permission, shall take place until a scheme that includes the following components to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:

1) A preliminary risk assessment which has identified:

- all previous uses
- potential contaminants associated with those uses
- a conceptual model of the site indicating sources, pathways and receptors
- potentially unacceptable risks arising from contamination at the site.

2) A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

3) The results of the site investigation and detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

4) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express written consent of the local planning authority. The scheme shall be implemented as approved.

Reason: To protect and prevent the pollution of the water environment (particularly groundwater associated with the underlying Secondary aquifer, from potential pollutants associated with current and previous land uses) in line with National Planning Policy Framework (NPPF; paragraphs 109 and 121), EU Water Framework Directive, Anglian River Basin Management Plan and Environment Agency Groundwater Protection Position Statements (2017) A4 – A6, J1 – J7 and N7. National Planning Policy Framework (NPPF) paragraph 109 states that the planning system should contribute to and enhance the natural and local environment by preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of water pollution. Government policy also states that planning policies and decisions should also ensure that adequate site investigation information, prepared by a competent person, is presented (NPPF, paragraph 121).

## **25. Non Standard Condition - Verification Report**

No occupation, of any part of the permitted development shall take place until a verification report demonstrating completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a “long-term monitoring and maintenance plan”) for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan. The long-term monitoring and maintenance plan shall be implemented as approved.

Reason: To protect and prevent the pollution of the water environment (particularly groundwater associated with the underlying Secondary aquifer, from potential pollutants associated with current and previous land uses) in line

with National Planning Policy Framework (NPPF; paragraphs 109 and 121), EU Water Framework Directive, Anglian River Basin Management Plan and Environment Agency Groundwater Protection Position Statements (2017) A4 – A6, J1 – J7 and N7. National Planning Policy Framework (NPPF) paragraph 109 states that the planning system should contribute to and enhance the natural and local environment by preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of water pollution. Government policy also states that planning policies and decisions should also ensure that adequate site investigation information, prepared by a competent person, is presented (NPPF, paragraph 121).

**26. Non Standard Condition - Monitoring and Maintenance Plan in Respect of Contamination**

No development should take place until a long-term monitoring and maintenance plan in respect of contamination including a timetable of monitoring and submission of reports to the Local Planning Authority, shall be submitted to and approved in writing by the Local Planning Authority. Reports as specified in the approved plan, including details of any necessary contingency action arising from the monitoring, shall be submitted to and approved in writing by the Local Planning Authority. Any necessary contingency measures shall be carried out in accordance with the details in the approved reports. On completion of the monitoring specified in the plan a final report demonstrating that all long-term remediation works have been carried out and confirming that remedial targets have been achieved shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To protect and prevent the pollution of the water environment (particularly groundwater associated with the underlying Secondary aquifer, from potential pollutants associated with current and previous land uses) in line with National Planning Policy Framework (NPPF; paragraphs 109 and 121), EU Water Framework Directive, Anglian River Basin Management Plan and Environment Agency Groundwater Protection Position Statements (2017) A4 – A6, J1 – J7 and N7. National Planning Policy Framework (NPPF) paragraph 109 states that the planning system should contribute to and enhance the natural and local environment by preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of water pollution. Government policy also states that planning policies and decisions should also ensure that adequate site investigation information, prepared by a competent person, is presented (NPPF, paragraph 121).

**27. Non Standard Condition - Previously Unidentified Contamination**

If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved.

Reason: To protect and prevent the pollution of the water environment (particularly groundwater associated with the underlying Secondary aquifer,

from potential pollutants associated with current and previous land uses) in line with National Planning Policy Framework (NPPF; paragraphs 109 and 121), EU Water Framework Directive, Anglian River Basin Management Plan and Environment Agency Groundwater Protection Position Statements (2017) A4 – A6, J1 – J7 and N7. National Planning Policy Framework (NPPF) paragraph 109 states that the planning system should contribute to and enhance the natural and local environment by preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of water pollution. Government policy also states that planning policies and decisions should also ensure that adequate site investigation information, prepared by a competent person, is presented (NPPF, paragraph 121).

**28. Non Standard Condition - Drainage Systems**

No drainage systems for the infiltration of surface water drainage into the ground is permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with the approved details.

Reason: Infiltration through contaminated land has the potential to impact on groundwater quality.

**29. Non Standard Condition - Surface Water Drainage**

No works shall take place until a detailed surface water drainage scheme for the site has been submitted to and approved in writing by the local planning authority based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development.

The scheme should demonstrate compliance with the NSTS and ECC's Sustainable Drainage Systems design Guide, and should include but not be limited to:

- Verification of the suitability of infiltration of surface water for the development. This should be based on infiltration tests that have been undertaken in accordance with BRE 365 testing procedure. Please submit infiltration tests that satisfy BRE 365 requirements or similar approved. Confirmation of contamination at the site should be provided if this is the reason why infiltration is precluded
- Surface water drainage features should replicate natural drainage with preference for at surface drainage features to ensure the SuDS principles are satisfied.
- Limiting discharge rates from the site to as close as reasonably practicable to an absolute minimum of 50% betterment on existing runoff rates for all rainfall events up to and including the 100 year rainfall.
- Provide sufficient surface water storage so that the runoff volume is discharged or infiltrating at a rate that does not adversely affect flood risk and that unless designated to flood that no part of the site floods for a 1 in 30 year event, and 1 in 100 year event in any part of a building, utility plant susceptible to water within the development.

- Provide sufficient storage to ensure no off-site flooding as a result of the development during all storm events up to and including the 1 in 100 year plus climate change event. Provide details of pre- and post-development 100 year, 6 hour runoff volume.
- Final detailed modelling and calculations for all areas of the drainage system.
- The appropriate level of treatment for all runoff leaving the site, in line with the CIRIA SuDS Manual C753.
- Detailed engineering drawings of each component of the drainage scheme.
- A final drainage plan which details exceedance and conveyance routes, FFL and ground levels, and location and sizing of any drainage features.
- A written report summarising the final strategy with evidence that adequately demonstrates that the receiving authority for the surface water discharge has confirmed acceptability.

The scheme shall subsequently be implemented prior to occupation.

Reason:

To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site.

To ensure the effective operation of SuDS features over the lifetime of the development.

To provide mitigation of any environmental harm which may be caused to the local water environment.

NB Failure to provide the above required information before commencement of works may result in a system being installed that is not sufficient to deal with surface water occurring during rainfall events and may lead to increased flood risk and pollution hazard from the site.

### **30. Non standard condition - Maintenance Plan for Surface Water Drainage**

No works shall take place until a Maintenance Plan detailing the maintenance arrangements including who is responsible for different elements of the surface water drainage system and the maintenance activities/frequencies, has been submitted to and agreed, in writing, by the Local Planning Authority.

Should any part be maintainable by a maintenance company, details of long term funding arrangements should be provided.

Reason: To ensure appropriate maintenance arrangements are put in place to enable the surface water drainage system to function as intended to ensure mitigation against flood risk.

NB Failure to provide the above required information before commencement of works may result in the installation of a system that is not properly maintained and may increase flood risk or pollution hazard from the site.

**31. Non Standard Condition – Yearly Logs of Maintenance**

The applicant or any successor in title must maintain yearly logs of maintenance which should be carried out in accordance with any approved Maintenance Plan. These must be available for inspection upon a request by the Local Planning Authority.

Reason: To ensure the SuDS are maintained for the lifetime of the development as outlined in any approved Maintenance Plan so that they continue to function as intended to ensure mitigation against flood risk.

**32. Non Standard condition - Electric Vehicle and Bicycle Charging Points**

Prior to the occupation of any part of the development an Electric Vehicle charging point, and four Electric Bicycle charging points shall be provided in accordance with details previously submitted to and approved in writing by the Local Planning Authority. The approved details shall be provided and thereafter retained.

Reason: To ensure that adequate provision is made for electric charging points to encourage and facilitate alternative modes of transport and in the interests of both the environment and highway safety.

**33. ZGX - Contaminated Land Part 1 of 4 (Site Characterisation)**

No works shall take place until an investigation and risk assessment, in addition to any assessment provided with the planning application, has been completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval, in writing, of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

- (i) a survey of the extent, scale and nature of contamination, including contamination by soil gas and asbestos;
- (ii) an assessment of the potential risks to:
  - human health,
  - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
  - adjoining land,
  - groundwaters and surface waters,
  - ecological systems,
  - archaeological sites and ancient monuments;
- (iii) an appraisal of remedial options, and proposal of the preferred option(s).

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'. (Contaminated Land Part 1 of 4)

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors

**34. ZGY - Contaminated Land Part 2 of 4 (Submission of Remediation Scheme)**

No works shall take place until a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment has been prepared and then submitted to and agreed, in writing, by the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation. (Contaminated Land Part 2 of 4).

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors

**35. ZGZ - Contaminated Land Part 3 of 4 (Implementation of Approved Remediation Scheme)**

No works shall take place other than that required to carry out remediation, the approved remediation scheme must be carried out in accordance with the details approved. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works. Following completion of measures identified in the approved remediation scheme, a verification/validation report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority. (Contaminated Land Part 3 of 4).

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors

**36. ZG0 - Contaminated Land Part 4 of 4 (Reporting of Unexpected Contamination)**

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition Contaminated Land Part 1 OF 4, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition Contaminated Land Part 12 OF 4, which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition Contaminated Land Part 3 of 4.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development



can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors

**37. ZG3 - \*Validation Certificate\***

Prior to the first OCCUPATION/USE of the development, the developer shall submit to the Local Planning Authority a signed certificate to confirm that the remediation works have been completed in accordance with the documents and plans detailed in Conditions above.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors

**38. Non Standard Condition - Archaeology Recording**

No works shall take place, including demolition, until the implementation of a programme of below ground archaeology recording has been secured, in accordance with a Written Scheme of Investigation that has been submitted to and approved, in writing, by the Local Planning Authority. The Scheme shall include an assessment of significance and research questions; and:

- The programme and methodology of site investigation and recording.
- The programme for post investigation assessment.
- Provision to be made for analysis of the site investigation and recording.
- Provision to be made for publication and dissemination of the analysis and records of the site investigation.
- Provision to be made for archive deposition of the analysis and records of the site investigation.
- Nomination of a competent person or persons/organisation to undertake the works.

The site investigation shall thereafter be completed prior to development, or in such other phased arrangement, as agreed, in writing, by the Local Planning Authority. The development shall not be occupied or brought into use until the site investigation and post investigation reporting has been completed in accordance with the programme set out in the Written Scheme of Investigation approved and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.

(NB A trial-trenched archaeological evaluation will be required to establish the below-ground archaeological potential of the site. Decisions on the need for any further investigation (excavation before any groundworks commence and/or monitoring during groundworks) will be made on the basis of the results of the evaluation. Whilst pre-determination archaeological evaluation is not required for this proposal it is recommended that the applicant undertakes the trial-trenching at the earliest opportunity to assess the archaeological potential at this location, in order to quantify the risk in terms of cost and time for any further archaeological investigation that might be required).

Reason: To safeguard archaeological assets within the approved development boundary from impacts relating to any groundworks associated with the development scheme and to ensure the proper and timely investigation, recording, reporting and presentation of archaeological assets affected by this development, in accordance Adopted Development Policy DP14 (2010,

Revised 2014) and the Colchester Borough Adopted Guidance titled Managing Archaeology in Development (2015).

**39. Non Standard Condition - Building Recording**

No demolition works shall take place until, a programme of building recording and analysis shall have been undertaken and a detailed record of the buildings shall have been made by a person or body approved by the Local Planning Authority and in accordance with a written scheme which first shall have been submitted to and approved, in writing, by the Local Planning Authority. {In this case, a historic building survey should be carried out, by a historic buildings specialist. The objective should be to compile a record of the affected building at Historic England Level 3, as described in Understanding Historic Buildings: A Guide to Good Recording Practice (Historic England 2016)}. Reason: To secure provision for recording and analysis of matters of historical importance associated with the site, which may be lost in the course of works.

Informative on Archaeology:

PLEASE NOTE The submitted scheme of archaeological investigation should be in accordance with an agreed brief. This can be procured beforehand by the developer from Colchester Borough Council. Please see the Council's website for further information:

<http://www.colchester.gov.uk/article/13595/Archaeologyandtheplanningprocess>

**40 Non Standard Condition - Ecology**

The roof coverings and soffits on Building B to be dismantled by hand under the supervision of a bat licenced Ecology Clerk of Works (ECOW). Any vegetation shall be removed outside of the bird nesting season (i.e. between October and February inclusive, subject to weather conditions). The roofs of buildings A and C shall be removed outside the main bird nesting season, the ECOW shall be present to oversee the removal of these roofs to minimise the risk of disturbing birds nesting in these buildings.

Reason: To ensure that adequate measures are taken to protect wildlife species.

**41. Non Standard Condition - Highway Works**

No occupation of the development shall take place until the following have been provided or completed:

a) A vehicular access off Magdalen Street in the location shown in principle on the planning application drawings. Access shall have but be limited to a clear to ground 43 x 2.4 x 43 metre visibility splay. This may require the loading bay to be located further east

b) A minimum 2 metre wide footway along the proposal site frontage in Magdalen Street

Reason: To protect highway efficiency of movement and safety and to ensure the proposal site is accessible by more sustainable modes of transport such as public transport, cycling and walking, in accordance with policy DM1, DM9 and DM10 of the Highway Authority's Development Management Policies as adopted as County Council Supplementary Guidance in February 2011

**42. Non Standard Condition – Highway Works**

There shall be no vehicular connection through the proposal site between Magdalen Street and Military Road

Reason: To protect highway efficiency of movement and safety in accordance with policy DM1 of the Highway Authority's Development Management Policies as adopted as County Council Supplementary Guidance in February 2011

Notes:

- The above requirements should be imposed by way of negative planning conditions or planning obligation agreements as appropriate
- Prior to any works taking place in the highway the developer should enter into an agreement with the Highway Authority under the Highways Act 1980 to regulate the construction of the highway works
- All or some of the above requirements may attract the need for a commuted sum towards their future maintenance (details should be agreed with the Highway Authority as soon as possible)
- All highway related details should be agreed with the Highway Authority

**43. Non Standard Condition - Foul Water Strategy**

No development shall commence until a foul water strategy has been submitted to and approved in writing by the Local Planning Authority. No dwellings shall be occupied until the works have been carried out in accordance with the foul water strategy so approved unless otherwise approved in writing by the Local Planning Authority.

Reason: To prevent environmental and amenity problems arising from flooding.

**44. Non Standard Condition - Surface Water Management Strategy**

No drainage works shall commence until a surface water management strategy has been submitted to and approved in writing by the Local Planning Authority. No hard-standing areas to be constructed until the works have been carried out in accordance with the surface water strategy so approved unless otherwise agreed in writing by the Local Planning Authority.

Reason: To prevent environmental and amenity problems arising from flooding.

FOR THE ATTENTION OF THE APPLICANT – in respect of the above two conditions please see below information:

Next steps

Desktop analysis has suggested that the proposed development will lead to an unacceptable risk of flooding downstream. We therefore highly recommend that you engage with Anglian Water at your earliest convenience to develop in consultation with us a feasible drainage strategy.

If you have not done so already, we recommend that you submit a Pre-planning enquiry with our Pre-Development team. This can be completed online at our website <http://www.anglianwater.co.uk/developers/pre-development.aspx>

Once submitted, we will work with you in developing a feasible mitigation solution.

If a foul or surface water condition is applied by the Local Planning Authority to the Decision Notice, we will require a copy of the following information prior to recommending discharging the condition:

Foul water:

Feasible drainage strategy agreed with Anglian Water detailing the discharge solution including:

- Development size
- Proposed discharge rate (Should you require a pumped connection, please note that our minimum pumped discharge rate is 3.8l/s)
- Connecting manhole discharge location (No connections can be made into a public rising main)

Notification of intention to connect to the public sewer under S106 of the Water Industry Act (More information can be found on our website)

Feasible mitigation strategy in agreement with Anglian Water (if required)

Surface water:

Feasible drainage strategy agreed with Anglian Water detailing the discharge solution, including:

- Development hectare size
- Proposed discharge rate (Our minimum discharge rate is 5l/s. The applicant can verify the site's existing 1 in 1 year greenfield run off rate on the following HR Wallingford website -<http://www.uksuds.com/drainage-calculation-tools/greenfield-runoff-rate-estimation>)
- For Brownfield sites being demolished, the site should be treated as Greenfield. Where this is not practical Anglian Water would assess the roof area of the former development site and subject to capacity, permit the 1 in 1 year calculated rate)
- Connecting manhole discharge location

Sufficient evidence to prove that all surface water disposal routes have been explored as detailed in the surface water hierarchy, stipulated in Building Regulations Part H (Our Surface Water Policy can be found on our website)

## **18.0 Informatives**

18.1 The following informatives are also recommended:

### **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. Anglian Water informative**

Anglian Water has assets close to or crossing this site or there are assets subject to an adoption agreement. Therefore the site layout should take this into account and accommodate those assets within either prospectively adoptable highways or public open space. If this is not practicable then the sewers will need to be diverted at the developers cost under Section 185 of the Water Industry Act 1991. or, in the case of apparatus under an adoption agreement, liaise with the owners of the apparatus. It should be noted that the diversion works should normally be completed before development can commence.

### **5. HIGHWAY AUTHORITY INFORMATIVES**

- Prior to any works taking place in the highway the developer should enter into an agreement with the Highway Authority under the Highways Act 1980 to regulate the construction of the highway works
- All or some of the above requirements may attract the need for a commuted sum towards their future maintenance (details should be agreed with the Highway Authority as soon as possible)
- All highway related details should be agreed with the Highway Authority

### **6. 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'.

### **7. ZTG - Informative on Section 106 Agreements**

PLEASE NOTE: This application is the subject of a Section 106 legal agreement and this decision should only be read in conjunction with this agreement.