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**Item No:** 9.2

**Application:** 190043

**Applicant:** Inland Homes

**Agent:** Michael Smith, JCN Design & Planning

**Proposal:** Amended proposal for creation of 119 no. one and two bedroom apartments in five blocks plus associated roads, landscaping and open space.

**Location:** Phase 2, Colchester (Phase 2), Land West of Brook Street

**Ward:** New Town & Christchurch

**Officer:** Sue Jackson

**Recommendation:** Approval

## **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 and material objections have been received. A legal agreement is also required.
- 1.2 The Mayor, Councillor Cope, has called-in the application for the following reasons “Over-crowding, over-development, impact on local amenity of surrounding residential area, lack of compliance with adjacent street scene”.

## **2.0 Synopsis**

- 2.1 The application seeks planning permission for 119 apartments and associated landscaping, open space, parking and road infrastructure. The report describes the site and its setting, details of the proposal, and the consultation responses received. Material planning matters are then considered together with issues raised in representations.
- 2.2 The key issues for consideration are: land use allocation, adopted policies and guidance, the development proposal, planning history, air quality, the impact on the area and neighbouring properties, the built form and detailed design, access and parking provision. The viability of the scheme will also be addressed, in so far as it relates to necessary planning contributions towards infrastructure. The planning merits of the case are assessed, leading to the conclusion that the proposal is acceptable.
- 2.3 The application is subsequently recommended for a conditional approval subject to a legal agreement.

## **3.0 Site Description and Context**

- 3.1 The application site has an area of approximately 2 hectares and comprises former railway depot/sidings. The site abuts land, also in the applicants' ownership, over which vehicular access will be provided. The applicant has recently converted a former rectory on this land fronting Brook Street into residential use and has planning permission for new residential units. The land immediately behind Brook Street is elevated above the road and has a high retaining wall to the road frontage.
- 3.2 The vehicular access to Brook Street which served the former Rectory has been modified to serve the rectory development and the application site.
- 3.3 As the name suggests, the site was formerly a railway depot/sidings and the Hythe to Colchester Town railway line forms the north boundary of the site in a cutting. The south and west boundaries abut residential development along George Williams Way, Simons Lane and Magdalen Green. The east boundary abuts the former Rectory and the other land in the applicant's ownership.
- 3.4 The site is characterised by changes in level to accommodate its former use. It comprises a man-made, engineered landform cut deeply into the

valley side creating an artificial, level terrace, significantly lower than the ground levels of the more natural sloping valley side to the south, the north-east and the east. The change in level between the terrace and the more natural adjacent valley side topography is now articulated with steep, engineered embankments.

- 3.5 The north part of the site, where the development is proposed, has an average level of approximately 14.25m Above Ordnance Datum (AOD). The two steep slopes close to the southern boundary have levels up to 18.30m AOD and 22.00m AOD, the land to the east boundary has levels up to 19.77m AOD. The site is therefore at a lower level than the surrounding residential streets; Brook Street, George Williams Way, Simons Lane and Magdalen Green. When the land was in use as a rail depot/siding it was accessed from Magdalen Street. This internal road whilst overgrown is still visible and runs close to the south boundary and then turns through 360 to serve the land at a lower level.
- 3.6 The site is overgrown and includes areas of trees, grass, scrub and small ponds. A public right of way (PROW) extends close to the south and west boundaries running along the boundary with the George Williams Way. It connects to a footpath to the east at Simons Lane leading to Magdalen Street. It also connects to a pedestrian foot bridge elevated above the application site which extends over the railway line connecting to Priory Street and the town centre. Whilst the PROW over the footbridge provides a good link to the town centre the route it is unlit with little natural surveillance and several blind spots.
- 3.7 The surrounding area has a mixed character. Magdalen Street includes Victorian buildings and has several listed buildings reflecting its role as the historic route from the town to the port at the Hythe. Recent development along the road includes the YMCA building, student accommodation under construction on the site of the former bus depot, an Aldi supermarket and flats. Storey heights range from 2 – 5 storeys. Rosebery Avenue comprises 1930's semis; Brook Street includes narrow fronted terraced dwellings built-up to the footway edge. Brooklands, Magdalen Green and Saw Mill Close are all of traditional design and materials; Simon Lane contains a small row of Victorian cottages. Development in George Williams Way includes 2 storey dwellings but also chateau style blocks of apartments of 3 and 4 storeys constructed of buff brick white render with a grey tiled roof and include a distinctive turret feature; these flats face towards the site.
- 3.8 Magdalen Street contains residential development, 3 and 4 storeys high, the street also includes a range of local facilities including food shops and takeaways. Magdalen Street is on a bus route. The site is within easy walking distance of Colchester Town Station which is approx. 850metres away, the bus station approx. 1 kilometre and Culver Square approx.1.4 kilometres distant.

## **4.0 Description of the Proposal**

- 4.1 This full application proposes the erection of one and two bedroom apartments in five blocks and the original application proposed 120 units. Following a range of amendments, 119 units are now proposed; comprising 14 no.1-bed and 105 no. 2-bed units. Access is proposed from Brook Street using an existing access which serves the converted rectory and then drops steeply into the site. The access road follows the bottom of the southern embankment. A 3 metre wide cycle and pedestrian way is proposed on the southern embankment following the line of the former access. This embankment is in effect in two parts; with one above the access road and one below it, the former is retained unaltered whereas the latter is remodeled to allow the provision of the new access road. The remodeling will result in the removal of some trees; however, these works are the same as were approved under the previous application. The new bank is retained with a timber crib wall. Landscaping, including new tree planting is proposed on the embankment, along the access road and in the parking areas.
- 4.2 The development comprises 5 blocks of 5 storey apartments parallel to the railway line. Parking is proposed on ground floor of each building and between several of the buildings. A dedicated parking space for a “car club” car is indicated along the access road. Two amenity areas are proposed, one for residents of the development, between buildings and the second an area of public open space with an equipped LEAP located at the west end of the built form adjacent to a proposed wildlife area. Along the boundary with the railway line, a 12 metre-wide strip of land is reserved for use as part of the East Colchester Rail Transit route (ECRTr).
- 4.3 Block A contains 23 units and the remainder each contain 24 units. Car and cycle parking and refuse storage facilities are provided on the ground floor of each building with a single 1-bed unit also on the ground floor of blocks B, C, D, and E. Block A is built part into the slope which separates the site from the former rectory site making it impossible to provide any ground floor accommodation to this building. The buildings are spaced 20 metres apart.
- 4.4 The ground level, where the new development is proposed, will be raised by 900mm due to the excavated site sitting at the same level as the water table. The raised level will tail off to the existing ground level through the open space and biodiversity area at the western end of the site.
- 4.5 The proposal has undergone several revisions hence the delay in bringing it to the planning committee, the revisions are summarized below;
- Additional landscaping to the north boundary
  - Pedestrian/cycle path to link to the edge of the land reserved for the ECRTr
  - Provision of an area of public open space
  - Revised landscaping proposals
  - Amendments to access road turning head so it is suitable for fire appliances
  - Additional section drawings across the site to George Williams Way

- Overlay drawings of the approved and proposed building footprint and building height
- Setting back of the top floor of each block behind a terrace reducing the number of units by 5
- The addition of a one-bedroom apartment to the ground floor of Blocks B, C, D and E increasing the number of units by 4
- Adding trees to the parking courtyards
- External balconies added to the sides of the blocks
- Additional cycle parking

4.6 In addition to the plans and drawings detailing the proposal, supporting documents include:

- Air Quality Assessment
- Arboricultural Impact Assessment & Method Statement
- Archaeological Assessment
- Daylight, Sunlight and Overshadowing Report
- Ecological Appraisal
- Ecological Appraisal – Confidential Badger Appendix
- Energy and Sustainability Strategy
- Geo-Environmental Assessment
- Habitats Regulations Assessment
- Health Impact Assessment
- Flood Risk Assessment Incorporation Surface Water and Foul Drainage Strategy,
- Noise Assessment
- Planning, Design & Access Statement
- Townscape / Visual Appraisal & Strategy Report
- Transport Statement
- Viability Appraisal

## **5.0 Land Use Allocation**

5.1 East Colchester Special Policy Area: The site is allocated for redevelopment comprising residential development with site access improvements.

5.2 The Magdalen Street Rail Sidings Development Brief Adopted August 2014 (an extension to the Adopted Magdalen Street Brief February 2014)

## **6.0 Relevant Planning History**

6.1 152730 Hybrid planning application comprising of an outline planning permission for the development of 58 residential dwellings (26 x 1 bedroom, 32 x 2 bedroom) together with associated car and cycle parking, landscaping and open space access and servicing arrangements & full planning permission for the change of the former Rectory building to C3 (residential) to provide 5 residential dwellings (5 x 2 bedroom) and new build (1x 1 bedroom and 2 x 2 bedroom) together with associated car parking, access and servicing arrangement. Application granted planning permission

on 24 October 2016 subject to a legal agreement. **This application granted outline planning permission and full planning permission for the conversion of the rectory and new build. The applicant has recently completed the conversion of the former rectory building.**

- 6.2 152705 Erection of 4no.1-bedroom flats and 2no.1-bedroom maisonettes and associated parking; land between", 145a-151 Magdalen Street, Colchester. Application approved 4th February 2016.

## **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  
SD3 - Community Facilities  
H1 - Housing Delivery  
H2 - Housing Density  
H3 - Housing Diversity  
H4 - Affordable Housing  
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

- 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  
DP4 Community Facilities  
DP11 Flat Conversions  
DP12 Dwelling Standards  
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 H1 Housing Allocations  
SA EC1 Residential development in East Colchester  
SA EC2 Development in East Colchester  
SA EC5 Area 3: Magdalen Street  
SA EC8 Transportation in East Colchester

- 7.5 Submission 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.

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.

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 a full and final examination, it is not considered to outweigh the material considerations assessed above in accordance with up-to-date planning policies and the NPPF.

The site is allocated for residential purposes both in the emerging Local Plan and adopted development plan.

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

The Essex Design Guide  
External Materials in New Developments  
EPOA Vehicle Parking Standards  
Backland and Infill  
Affordable Housing  
Community Facilities  
Open Space, Sport and Recreation  
Sustainable Construction  
Cycling Delivery Strategy  
Urban Place Supplement  
Sustainable Drainage Systems Design Guide  
Street Services Delivery Strategy  
Managing Archaeology in Development  
ECC's Development & Public Rights of Way  
Planning Out Crime  
Air Quality Management Guidance Note, Areas & Order

## **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.

### **8.2 ECCSUDS**

Having reviewed the Flood Risk Assessment and the associated documents which accompanied the planning application, we do not object to the granting of planning permission based on the imposition of conditions.

### **8.3 Environment Agency**

No comment

### **8.4 Contaminated Land Officer**

No objection subject to conditions

### **8.5 Archaeologist**

No material harm will be caused to the significance of below-ground archaeological remains by the proposed development. There will be no requirement for any archaeological investigation.



## 8.6 Essex Police

The published documents have been studied and, unfortunately, do not provide sufficient detail to allow an informed decision to be made as to whether the appropriate consideration of Sections 58 & 69 of the National Planning Policy Framework has been achieved. To ensure this development is a safe, secure place to live, e.g. uniform lighting without dark areas and effective physical security on each property, I would recommend the applicant incorporate Crime Prevention through Environmental Design and apply for nationally acknowledged and police recommended Secure By Design accreditation. Essex Police is able to support the applicant and provide free, impartial advice to achieve the Secure By Design requirements and is invited to contact Essex Police via [designingoutcrime@essex.pnn.police.uk](mailto:designingoutcrime@essex.pnn.police.uk)

## 8.7 Chelmsford City Council Scientific Team (consultant used by Environmental Protection in respect of air quality)

The assessment now follows an approved methodology, uses 2018 air quality monitoring data and up-to-date emission factors. The significance of impact has been identified as negligible across most receptors in Brook Street with the exception of one location where a slight adverse impact has been identified.

It should be noted that although the negligible impact has been predicted, the proposed development does cause an increase of emissions in Brook Street which at some locations are predicted to be borderline with the air quality objectives at the opening of the development. This should not prevent development as long as suitable mitigation measures are provided.

The transport statement identifies that new applications should enable charging of plug-in and ultra-low emission vehicles in safe accessible locations (paragraph 2.1.11). I would recommend EV charging points be conditioned for installation in parking areas, ideally within undercroft parking areas at a rate of 20%. In addition, I would recommend suitable arrangements to be provided within the cycle parking areas for charging ebikes

## 8.8 Urban Design Officer

In December 2019 the Urban Design Officer (UDO) left the Council and an Interim Urban Design Officer (IUDO) was appointed. The concerns of the UDO are summarized below followed by the comments of the IUDO

The UDO had two principal concerns firstly the lack of active frontage on the ground floor and secondly whether the 5 storey buildings would noticeably contradict and inappropriate distort (flatten) the otherwise pleasing sense of naturally-derived and historically evolved valley topography and views.

*Officer comment: A single 1-bed unit has been introduced on the ground floor of 4 of the buildings, it is not possible to have any living accommodation*

*on the ground floor of block A as it is built part into the adjacent bank. The Townscape / Visual Appraisal Report demonstrate that the valley topography is not readily visible; it is not an exposed valley side where tall buildings might be unacceptable. It is considered this concern is not justified in this instance.*

## 8.9 Interim Urban Design Officer

### Summary

The architectural response, amended to provide articulation to the 4th floor with a setback, is generally successful however residential standards in terms of privacy, amenity, parking, cycle parking is compromised by the ambitious density of development. A reduction in density would allow the necessary flexibility to address shortcomings.

*Officer comment: The existing scheme has been shown and independently confirmed to be challenged by limited viability and any reduction in unit numbers would threaten the deliverability of the scheme. The site is located in a highly accessible, edge of centre location on a brownfield site. It is concluded by officers that in these circumstances, a more flexible approach to parking and density may be justified having regard to the sustainability of the location and the low levels of car ownership in the vicinity. The Government has encouraged the delivery of higher residential densities in such locations that are close to transport hubs and well served by local facilities.*

### Ground Floor

"It is understood that the issue of informal surveillance has been adequately addressed"

### Under-croft parking

The provision of parking at ground level below buildings is the least satisfactory arrangement for compact urban developments as it tends to sterilise the space facing the parking. This proposal does not fall within the list of acceptable circumstances described in Essex Design Guide and the concern is that the public realm becomes surrounded and defined by areas of infrastructure, i.e. car parking, rather than architecture or social activity making it unattractive, unwelcoming and 'sterilised'. The outlook from flats in most cases would be directly to the neighbouring block across the car park. Much as the blocks may be designed with a modest amount of articulation / visual interest the close proximity of neighbouring blocks could be overbearing and, according to the standards of the Essex Design Guide, compromise privacy.

The recommended minimum separation for the purposes of privacy to bedrooms is 25m.

*Officer comment: The IUDO is concerned that some residents of the proposed development will have an outlook over parking areas and the privacy of these residents may be compromised by the separation of the buildings. The applicant has confirmed the buildings are no less than 20m apart. Tiered balconies have been introduced to the side elevation of all the*

*buildings so the 3 units on the first floor and the 2 units on the second, third and fourth floors have a private amenity space and an improved aspect. All the other units either face towards the front or rear of the site. The 25m separation referred to is the separation required when new residential units back onto existing residential properties*

#### Amount of Car Parking

The DAS advises that the provision is 119 spaces against a recommended standard of 259 spaces. If there is to be anything more than 4 visitor spaces then there would not be a 100% provision (1 space per dwelling) as stated in the DAS Update. The strategy relies on a low level of car ownership in the surrounding area however it is not clear if this is a matter of choice or a reflection of a low level of parking provision. If there was evidence of unused parking places locally the strategy would be more convincing. I note that all spaces are unallocated and visitor parking would be closely managed. I think that these circumstances the strategy could be made to work but I cannot say this with confidence.

#### Cycle Parking

##### Quantity

The Agents letter introducing the Update states that provision "...is one cycle parking space per dwelling, in line with the Borough's standards" However that is a 'minimum' standard that is applied with the minimum standard of 2 car parking spaces per 2-bed dwelling. If the number of car parking spaces is to be below the minimum then it should be expected that cycle parking provision should be above the minimum and 1 cycle space per bedspace would be a more appropriate standard.

##### Design

2-Tier Stands are proposed in order to accommodate the level of cycle parking required in the limited space available. The Cambridge Cycle Guide for New Residential Development says of 2-Tier Stands: Two-tier stands 3.5.3 Two-tier stands are generally not acceptable because cyclists often find them difficult to use, especially the top level. They may be considered for large volumes of student cycle parking (above 350 spaces) where significant space saving can be demonstrated. A minimum aisle width of 2500mm beyond the lowered frame is required to enable the cycle to be turned and loaded in comfort. The need to provide a wider aisle means that apparent density advantages of such systems are reduced. The proposed scheme is not for students and does not allow a 2.5m width aisle width below the lowered top rail (indeed it is only 2.2m wide without the top rail lowered).

*Officer comment; The Councils Sustainable Transport Officer have been asked to advise on the suitability of the cycle parking and has confirmed there is "no issue with two tier racks as such but they must be a quality design which make using the top deck as easy as possible (cantilever or gas/hydraulic powered) top row. They will need a maintenance plan to keep them in good condition/usable. They must also have noise dampers so as not to disturb residents". (These matters will be dealt with by condition). However, "the cycle parking must be secure and undercover; therefore the compound must be accessed via a key or similar. The racks should be located where they will be convenient and easy to use by the residents, and*

*covered by CCTV. The layout should be such that the bikes can easily be accessed – so if 2.5m space is recommended enable used to store the bikes securely then this should not be reduced. I agree 1 space per household is minimum, therefore 1 space per bed should be provided. The justification for this increase is that the car parking provision for this development is reduced. Also separate visitor cycle parking provision should be provided”.*

*Cycle parking has been increased from 119 to 140 cycle spaces.*

## 8.10 ECC Economic Growth and Development

Thank you for providing details of the above application for up to 120 new homes. From the information I have received, I have assessed the application on the basis of 120 flats. Based on the homes with two or more bedrooms, a development of this size can be expected to generate the need for up to 5.18 Early Years and Childcare (EY&C) places; 17.25 primary school, and 11.5 secondary school places. Please note that any developer contribution figures referred to in this letter are calculations only, and that final payments will be based on the actual dwelling unit mix and the inclusion of indexation.

### Early Years and Childcare

The proposed development is located within the Castle Ward. According to Essex County Council's childcare sufficiency data, published in summer 2017, there are 12 providers of early years and childcare in the area. Overall the data shows that there is sufficient places available to mitigate the impact of this development. As such a Contribution for EY&C will not be sought on this occasion.

### Primary Education

This proposed development is located within the priority admissions area of St James Primary School which is part of the Colchester Group 8 – South/ South West Primary Forecast Group set out in Essex County Council's document 'Commissioning School Places in Essex'. The School is currently about to exceed capacity and will in September alone have a shortfall of 4 places. The demand generated by this development would be in addition to this demand. A project to provide sufficient school capacity is, thereby, proposed that would add at least 17.25 places to Colchester Group 8 School admissions area. The estimated cost of the project is £263,597 at April 2018 costs. This equates to £15,281 per place and so, based on demand generated by this proposal set out above, a developer contribution of £263,597, index linked to April 2018, is sought to mitigate its impact on local primary school provision.

### Secondary Education

With regards to secondary school provision, the Priority Admissions Area school would be St Helena. As with primary school provision, there is just one year group in the School with any significant unfilled space. NHS data and evidence from primary school admissions suggests the size of future potential cohorts are significantly larger than the capacity of St Helena. According to forecasts set out in Essex County Council's Ten Year Plan, a substantial number of additional school places is needed to serve Colchester and, thereby, two new schools are planned. A project to provide sufficient capacity at St Helena is, thereby, proposed that would add at least

11.5 places. The estimated cost of the project is £266,961 at April 2018 costs. This equates to £23,214 per place and so, based on demand generated by this proposal set out above, a developer contribution of £266,961, index linked to April 2018, is sought to mitigate its impact on local secondary school provision. Having reviewed the proximity of the site to the nearest primary and secondary schools, Essex County Council will not be seeking a school transport contribution, however, the developer should ensure that safe direct walking and cycling routes to local schools are available.

In view of the above, I request on behalf of Essex County Council that if planning permission for this development is granted it should be subject to a section 106 agreement to mitigate its impact on education. Our standard formula s106 agreement clauses that ensure the contribution would be fairly and reasonably related in scale and kind to the development are available from Essex Legal Services. If your council were minded to turn down the application, I would be grateful if the lack of surplus education provision in the area to accommodate the proposed new homes can be noted as an additional reason for refusal, and that we are automatically consulted on any appeal or further application relating to the site.

8.11 Essex Wildlife Trust (EECOS Appointed by CBC to review the ecology survey work)

The ecological reports appear to sufficiently address the site's ecological issues and include reasonable recommendations.

Bats

Bats identified as using the site, trees are being retained, if retained trees are to be worked on, further survey work will be required, 'Bat friendly' lighting strategies are recommended, bat boxes will be installed on the trees and incorporated into the building design. No further recommendations needed.

Reptiles

Common Lizard on site, suggested gradual vegetation clearance and a destructive search, any reptiles found will be moved by an ecologist to surrounding suitable habitat. The applicant has suggested having some areas of rough grassland in the new habitat design and having habitat piles to support reptiles. No further recommendations needed.

Birds

Vegetation clearance to avoid March – August or to be preceded by a survey by an ecologist, active nests found need to be cordoned off, bird boxes are to be incorporated into the design.

No further recommendations needed.

### Badgers

Badger setts are present on site, a license is required, sett exclusion is needed, installation of badger gates, proofing, monitoring of the gates is required, trenches and pipes must be closed at night or there must be a method of escape. No further recommendations needed.

### Amphibians

Great Crested Newt not present, smooth newt, common newt, frog and common toad are present, a new pond has been recommended to enhance the site for amphibians. No further recommendations needed.

### Invertebrates

Over 550 invert species identified, several of which are of conservation concern or UK BAP species, installation of a pond will aid aquatic species, invert nest boxes should be incorporated into the design, there will be a two-year rotational cutting regime to help maintain invert populations. No further recommendations needed.

### Habitat

Herbicide to be applied to schedule 9 species, there should be continual management of the scrub and the management should be regularly reviewed, any monitoring should be carried out by an ecologist and areas of sandy bank and bare ground should be retained.

It is recommended that the preparation of an ecological management plan and its implementation be conditioned as part of any consent.

## 8.12 Natural England

### SUMMARY OF NATURAL ENGLAND'S ADVICE – European designated sites<sup>1</sup>

It has been identified that this development site falls within the 'Zone of Influence' (Zoi) of one or more of the European designated sites scoped into the Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS).

As you will be aware, the Essex Coast RAMS is a large-scale strategic project which involves a number of Essex authorities, including Colchester, working together to mitigate the recreational impacts that may occur on the interest features of the coastal European designated sites in Essex as a result of new residential development within reach of them; the European designated sites scoped into the RAMS are notified for features which are considered sensitive to increased levels of recreation (e.g. walking, dog walking, water sports etc.) which can negatively impact on their condition (e.g. through disturbance birds, trampling of vegetation, erosion of habitats from boat wash etc.). For further information on these sites, please see the Conservation Objectives and Information Sheets on Ramsar Wetlands which explain how each site should be restored and/or maintained. In the context of your duty as competent authority under the provisions of the Habitats Regulations<sup>2</sup>, it is therefore anticipated that, without mitigation, new residential development in this location is 'likely to have a significant effect' on one or more European designated site through increased recreational pressure, either when considered 'alone' or 'in combination' with other plans and projects.

No objection – subject to appropriate mitigation being mitigated

We understand that you have screened this proposed development and consider that it falls within scope of the Essex Coast RAMS, and that you have undertaken a Habitats Regulations Assessment (HRA) (Stage 2: Appropriate Assessment) in order to secure any necessary recreational disturbance mitigation, and note that you have recorded this decision within your planning documentation. We consider that without appropriate mitigation the application would have an adverse effect on the integrity of European designated sites within scope of the Essex Coast RAMS. We are satisfied that the mitigation described in your Appropriate Assessment is in line with our strategic-level advice (our ref: 244199, dated 16th August 2018 and summarised at Annex 1). The mitigation should rule out an 'adverse effect on the integrity' (AEOI) of the European designated sites that are included within the Essex Coast RAMS from increased recreational disturbance.

We advise that an appropriate planning condition or obligation is attached to any planning permission to secure these mitigation measures

#### 8.13 Fire and Rescue Service

Access for Fire Service purposes has been considered in accordance with the Essex Act 1987 Section 13. With regard to fire appliance access, to comply with ADB B5 it would appear the hammer-head turning circle needs to be extended by 3m. More detailed observations on access and facilities for the Fire Service will be considered at Building Regulation consultation stage.

*Officer comment: the hammer-head turning circle has been revised and extended by 3 metres.*

#### 8.14 NHS

The proposed development is likely to have an impact on the services of 4 GP practices including 2 branch surgeries operating within the vicinity of the application site. These GP practices and branch surgeries do not have capacity for the additional growth resulting from this development. The proposed development will be likely to have an impact on the NHS funding programme for the delivery of primary healthcare provision within this area and specifically within the health catchment of the development. North East Essex CCG would therefore expect these impacts to be fully assessed and mitigated. A Healthcare Impact Assessment (HIA) has been prepared by North East Essex CCG to provide the basis for a developer contribution towards capital funding to increase capacity within the GP Catchment Area. The existing GP practices do not have capacity to accommodate the additional growth resulting from the proposed development. The development could generate approximately 276 residents and subsequently increase demand upon existing constrained services. The intention of NHS NEE CCG is to promote Primary Healthcare Hubs with co-ordinated mixed professionals. This is encapsulated in the strategy document: The NHS Five Year Forward View. The development would give rise to a need for

improvements to capacity, in line with emerging STP Estates Strategy; by way of refurbishment, reconfiguration, extension, or potential relocation for the benefit of the patients of Castle Gardens Surgery or through other solutions that address capacity and increased demand via digital solutions or health and wellbeing initiatives. For this a proportion of the cost would need to be met by the developer. A developer contribution will be required to mitigate the impacts of this proposal. North East Essex CCG calculates the level of contribution required, in this instance to be £43,516. Payment should be made before the development commences.

North East Essex CCG therefore requests that this sum be secured through a planning obligation linked to any grant of planning permission, in the form of a Section 106 planning obligation.

#### 8.15 Highway Authority

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

#### 8.16 North East Essex Badger Group

We have just, belatedly, come to know about this Application and have noted the comments from EWT that a Licence will be needed and one way gates installed. As a Group we monitor all the Setts we get to know about on a regular basis and to our knowledge there are no other related Setts in the area outside the development site. Therefore, there will be nowhere for the badgers to move out to if they are excluded from the setts on this land. As you are aware they are a protected species so do you know if the developer is arranging for an area to be set aside to accommodate them or an artificial sett being thought about? – just a few thoughts.

*Officer comment: these works will require a license from Natural England.*

#### 8.17 Landscape Officer

The landscape content/aspect of the strategic proposals lodged on 10/01/19 would appear satisfactory and there are no objections to this application on landscape grounds subject to conditions.

#### 8.18 Arboricultural Officer

I am in agreement with the Arboricultural Impact Assessment and recommend the tree report is conditioned as an approved document.

#### 8.19 Environmental Protection

Should planning permission be granted Environmental Protection have no objection subject to conditions.

### 9.0 **Parish Council Response**



9.1 N/A Unparished area.

## **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 The Civic Society comment on original application  
We object to the proposal on the following grounds  
Highway grounds.

There will be an unacceptable impact on highway safety and the residual cumulative impact on Brook Street will be severe. Brook Street is a modestly sized road carrying a heavy traffic load particularly at peak times where it acts as a part of an informal inner ring road in both directions. It is the site of continual new traffic management systems some more successful than others. Always it is an attempt to deal with queuing in both directions.

The proposed site will produce at worst 120 additional vehicles needing access and egress. There is no designed solution to a need for right turns across the traffic flow unlike the access to the Sawmill Lane development with its mini roundabout.

### **Parking**

There is only a very limited provision for residents parking of 57 parking places on a site for 120 flats. There is an acknowledged design requirement for 235 places from the E.C.C There is an idealistic reliance on cycling and walking plus public transport. The cycle path forms no part of a designed cross-town route and exits only to the dangerous overused Brook Street or Magdalen Street. There is no nearby on street parking and the inner access road will of course be heavily used for resident parking to the disadvantage of public and emergency services.

### **Brook Street pollution levels**

The traffic causation of pollution in Brook Street is an acknowledged issue and a long-term aim of the Council is the reduction of same. This scheme will bring no benefit to this aim. In all traffic aspects this scheme can bring no benefit to the residents of the local area. It offers no improvement to health management and provision for the large additional impact on the local NHS services.

The design of the housing blocks appears to offer little architectural value to the locality other than to maximise the possibilities of the site. Featureless bland blocks with little merit except to offer some low cost housing .

## Civic Society comment on amended plans (September 2019)

The Society acknowledges that the application has enhanced the number of available parking places to residents to a figure now greater than the number of apartments. We note that parking on the access road will be attractive to commuters and the management company will be given responsibility for controlling parking within the site. We note too that the air quality expert regards any extra traffic from the site will have a negligible effect on the local air condition in the area of Brook Street etc from these improvements. This does seem extraordinary and rather hard to believe in one of the areas of Colchester with the worst of traffic induced air pollution. Naturally the additional traffic ingress and egress will only add to the considerable congestion in this overused street used as a means to cross the town from north to south in a commuter route. Much value is accorded to the through site pathway and cycle route. Clearly this will allow residents to access the local bus routes, but it has little value as a link in an otherwise invisible cycle route from the town centre to the Hythe. A cycle route that finishes with the middle of Brook Street has little advantage to safety or access or indeed at its other end into the middle of Magdalen Street. It is not our idea of an East Transit Corridor sadly. We note too, the redesigned nature of the blocks which now offer the local residents greater height now balanced by larger gaps through which to hope for the view of the Highwoods Country Park. The mass of these rightly called "Blocks" is hard to justify in these more enlightened days except as a method to compress as many small housing units as possible. The scheme does afford the future residents a modest area of open space and an over designed square. Is this enough for this many apartments?

We are far from convinced that this design is the best that our town can hope for or expect.

- 10.3 Three representations were received to original application objecting for the following reasons;
- Adding to existing vehicle congestion and pollution. Whilst the parking standards document mentions "reduced parking" it does not say what level is acceptable in this case it will be less than 50% required by the standards. Residents of existing flats own more than one car
  - Colchester is already overdeveloped and the development will add pressure to already oversubscribed schools, doctors, hospital, dentists and other facilities
  - Impact on wildlife
- 10.4 In May/June 2019 16 further representations were received, they include the objections set out above but also include the objections on grounds of;
- Increased use of the public footpath from Simons Lane alongside George Williams Way adding to crime and antisocial behavior.
  - Loss of green space
  - Development overbearing
  - Design not local vernacular
  - Loss of views
  - Proximity to the railway line

- 10.5 In July 2019 a petition was received with 580 signatures. The petition states;..... the main roads I focused on are as follows:  
George Williams Way  
Magdalen Street (Magadalen Green & Simons Lane)  
Brook Street (Brooklands, Saw Mill Road development)  
Hythe Hill (Barrack Street, Providence Place, Cannon Street & Rebow Street)  
East Hill (Roman Road)  
Wimpole Road  
Kendall Road  
Winnock Road

The majority of signatures are from residents of these streets but a few are from much further afield and states;

“The residents I spoke to were completely unaware of the application and once informed expressed shock, dismay, anger and incredulity that such an application was even being considered in this already highly developed area of Colchester. Also, reference was made by many to residents to the student accommodation which is currently being constructed in Magdalen Street opposite George Williams Way which will have a knock-on effect on the area. Clearly residents of George Williams Way will have additional concerns to residents of neighbouring streets but the residents of the neighbouring streets were extremely concerned about the high volume of traffic already within the area and the impact on their day to day life, traffic noise, poor air quality and subsequent health issues, lack of parking especially that residents from other roads (including George Williams Way due to the woefully inadequate parking arrangement since the introduction of the permit parking scheme) will park outside their properties and extra pressure on local public services. They recognized that these were areas of concern already and that the proposed development would inevitably exacerbate the situation”.

- 10.6 A resident of Saw Mill Close has detailed a complaint she made in February 2019, including correspondence to the local MP and the Environmental Health team, in relation to damage she alleges was caused to her property as a result of the conversion works and drainage works undertaken by the applicant.

*Officer comment: Whilst this is not a planning matter the applicant has been asked to comment and their response is set out below*

*“Her home is more than 100 metres from the application site, across Brook Street and behind the terrace that faces the east side of the road, and whilst the conversion of the former rectory to residential use included the installation of new drainage and construction of the new road that serves the whole site, no drilling was involved and the operation of a 360° excavator would not cause buildings to shake or cause damage. A subsequent inspection of the property by a representative of the applicant’s contractor found that there were some minor shrinkage cracks because of her new-build home drying out, but no evidence of damage caused by construction*

*works. Inland Homes takes pride in its proactive approach with adjoining residents on all their developments and the scheme at Brook Street has been no exception – this was the only complaint received during the whole of the construction works on Phase 1”.*

10.7 During late 2019 early 2020 a further 3 representation were received raising additional objections

- Lack of pitched roofs no building in the area are higher than 3 storey .The existing development at George Williams Way is constantly referenced as having "3 to 4 storeys". This statement is highly misleading because the profile of the George Williams Way development does not exceed three storeys at any point. A fourth storey (if you will) only ever emerges where the valleyed topography of the site allows an extra row of apartments to effectively be "slotted in" below the rest of the building. As such, the bottom storey appears from most angles as being at basement level.

10.8 May 2020 following consultation on the amended drawings

The Colchester Civic Society has noted the amended plans from the applicant for this development. The Society does not regard the tiered galvanised balconies as an acceptable improvement to the design .Indeed the phrase regarding pigs ears and a silk purse is called to mind .The Society stands by our earlier comments on the concept , the design and the location and continue to believe that this is not a development that brings a quality of housing that our town should demand for its residents.

Eight representations have been received raising the following objections

- The 580 signatories of the Petition included residents of George Williams Way and Brook Street who will be those most directly affected by the proposed development, together with residents of neighbouring roads who will also be severely impacted due to the already high volume of traffic and associated traffic noise, poor air quality and subsequent health issues, lack of adequate parking arrangements and the additional pressure on the local services. It is generally recognised that Colchester is a town which is over-developed, with a high proportion of new constructions being flats, and has a worrying pollution problem.
- The issue of pollution within Colchester is often addressed in the local newspaper – and reference has, on a number of occasions, been made specifically to Brook Street as studies have shown that extremely poor levels of air quality have been recorded. A selection of articles from the Colchester Gazette illustrating the significance of pollution in Colchester in general and also specifically in Brook Street have been submitted. The articles demonstrate, the concerns the local residents with regard to this proposed development are validated/substantiated – various charities, organisations and even Colchester Borough Council itself acknowledges that various issues need to be urgently addressed in respect of the existing high volume of traffic, poor air quality and related health concerns in Colchester and, most significantly, in Brook Street. We are

justified in our position that we consider planning permission for any further flats should not be granted when taking into consideration the detrimental impact it will inevitably have on the existing issues already faced by residents of Brook Street and the surrounding area – especially in terms of health concerns.

- The creation of 120 flats will clearly generate further difficulties for Brook Street and neighbouring roads – causing a substantial amount of additional traffic, noise and pollution. In addition to the residents' vehicles, there will also, for example, be visitors' vehicles, taxis, Royal Mail vans and delivery vans/lorries to take into account.
- We understand that the two developments will be “linked” with the residents of the proposed development being able to access the George Williams Way site via gates which will lead to an increase in footfall. I believe it would be more desirable for the George Williams Way residents if the two developments were regarded as two separate entities without an immediate access. George Williams Way does already experience a variety of anti-social problems i.e. graffiti on the buildings facing the proposed development, bins set alight and undesirables loitering around the communal green area/bin stores the level of anti-social behaviour will be increased.
- The George Williams Way development was created with insufficient parking provision. The situation has been further exacerbated by the introduction of the permit parking scheme which has not only affected the George Williams Way residents but also inadvertently the residents of neighbouring roads – the George Williams Way residents unfortunately having no other option but to park on nearby roads thus causing difficulties for those residents.
- Loss of wildlife
- Impact on services
- Loss of outlook and views, overlooking
- I am for the 3rd or 4th time writing to highlight the destruction, this awful building company caused to my property and the surrounding area.

## **11.0 Parking Provision**

- 11.1 The adopted Vehicle Parking Standards for Class C3 dwelling houses are set out below

Use	Vehicle	Cycle	PTW	Disabled
	Minimum	Minimum	Minimum	Minimum
1 bedroom	1 space per dwelling*	1 secure covered space per dwelling. None if garage or secure area is provided within curtilage of dwelling	N/A	N/A if parking is in curtilage of dwelling, otherwise as Visitor/ unallocated
2+ bedroom	2 spaces per dwelling*			

Visitor/ unallocated	0.25 spaces per dwelling (unallocated) (rounded up to nearest whole number)	If no garage or secure area is provided within curtilage of dwelling then 1 covered and secure space per dwelling in a communal area for residents plus 1 space per 8 dwellings for visitors	1 space, + 1 per 20 car spaces (for 1 <sup>st</sup> 100 car spaces), then 1 space per 30 car spaces (over 100 car spaces)	<b>200 vehicle bays or less</b> = 3 bays or 6% of total capacity, whichever is greater, <b>Over 200 vehicle bays</b> = 4 bays plus 4% of total capacity
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## 11.2 The informative notes include the following statements;

Reductions of the vehicle standard may be considered if there is development within an urban area (including town centre locations) that has good links to sustainable transport (See Parking Standards in Urban Areas section).

Car Clubs should be promoted in low provision/car free residential developments and car club spaces provided.

### Parking Standards in Urban Areas

For main urban areas a reduction to the vehicle parking standard may be considered, particularly for residential development. Main urban areas are defined as those having frequent and extensive public transport and cycling

and walking links, accessing education, healthcare, food shopping and employment.

- 11.3 The application proposes 119 car parking spaces and provision for 140 cycles.

## **12.0 Accessibility**

- 1.21 Please refer to Design & Access Statement regarding duties under the Equalities Act. This states “The preparation of the scheme has been undertaken in line with current best practice contained in BS8300:2018 (Design of an accessible and inclusive built environment) and Building Regulations Approved Document M (2016 edition). It is the intention of Inland Homes that everyone can enjoy their developments with no discrimination and no barriers.” The development provides for some units at street level with direct entry for those with restricted mobility. The remainder of the apartments at upper floor levels are however served by a stair core.

## **13.0 Open Space Provisions**

- 13.1 The development includes a private amenity area of approx. 2000 square metres; a public open space, including a LEAP, of approx. 1270 square metres; a biodiversity zone of approx. 862 square metres and in addition approx. 1/3 of the whole site will remain as a green space. The public open space is more than 10% of the developable area of the site and satisfies the Councils standard of 10%. In addition to the private amenity area all the apartments (other than those on the ground floor) have a balcony, approx. 50% of the balconies exceed 5 square metres and therefore form part of the private amenity space calculation. The Councils standard require 25 square metres of private amenity space per flat which equates to 2975 square metres. The private amenity space provided is 2000 square metres and 50% of the apartments have a balcony of 5 square metres and the minimum private amenity space required is therefore exceeded.

## **14.0 Air Quality**

- 14.1 The site is within the Air Quality Management Area. An Air Quality Assessment has been submitted with the application which has been assessed by Environmental Protection and their specialist, following the submission of a revised report they commented “The assessment now follows an approved methodology, uses 2018 air quality monitoring data and up-to-date emission factors. The significance of impact has been identified as negligible across most receptors in Brook Street with the exception of one location where a slight adverse impact has been identified. It should be noted that although the negligible impact has been predicted, the proposed development does cause an increase of emissions in Brook Street which at some locations are predicted to be borderline with the air quality objectives at the opening of the development. This should not prevent development as long as suitable mitigation measures are provided. The transport statement identifies that new applications should enable charging of plug-in and ultra-

low emission vehicles in safe accessible locations (paragraph 2.1.11). I would recommend EV charging points be conditioned for installation in parking areas, ideally within undercroft parking areas at a rate of 20%. In addition, I would recommend suitable arrangements to be provided within the cycle parking areas for charging ebikes”.

## **15.0 Planning Obligations**

15.1 As a “Major” application, there was a requirement for this proposal to be considered by the Development Team. The following planning obligations were requested;

- Affordable Housing 20%
- Communities a contribution of £198,000
- OpenSpace Sport and Recreation a contribution of £67,716 subject to satisfactory on site provision
- Education a total contribution of £530,558.00 ECC are not seeking a school transport contribution, however, the developer should ensure that safe direct walking and cycling routes to local schools are available
- CBC Transport & Sustainability – Walking and Cycle Link to the Town Centre and University and Hythe Station/walking and cycle link through to the town centre to the west of the site. Modify the design of the open space area to allow a potential connection to be made through the northern boundary at a later date by the local authority to connect a walking and cycle route towards the town centre for delivery with the transit corridor. Improvements to the bridge and Ernulph Walk (CCTV and lighting needed) to allow better access to Priory Street. (via S278) Provide a suitable, safe crossing point on Brook Street to allow pedestrian and cycle access to the Saw Mill Road development and access to the Wivenhoe Trail and beyond. (via S278)
- ECC Highways - Works to be conditioned and delivered either as part of the site or by a s278 agreement a) Upgrade to current Essex County Council specification the two bus stops which would best serve the proposal site b) Upgrading of the footway along the western side of Brook Street between the proposal site access and the mini roundabout to the south to a shared footway/cycleway c) A cycle link between Brook Street and the site's westernmost boundary d) Improvements to the north-south footpath (which crosses over the railway) between the east-west footpath and Priory Street e) Residential Travel Information Packs
- NHS a contribution of £41,630, increased to £43,217 (following the addition of 4 units a total of 119).

15.2 In addition to the above a RAMS contribution of £14,944 is required.

15.3 Following confirmation of the planning obligations required, the Applicant submitted a Viability Appraisal, which concluded that the development would be unviable if the financial contribution exceeded £400,000. Paragraph 173 of the NPPF states that ‘pursuing sustainable development requires careful attention to viability and costs in plan-making and decision-taking. Plans should be deliverable. Therefore, the sites and the scale of development identified in the plan should not be subject to such a scale of



obligations and policy burdens that their ability to be developed viably is threatened. To ensure viability, the costs of any requirements likely to be applied to development, such as requirements for affordable housing, standards, infrastructure contributions or other requirements should, when taking account of the normal cost of development and mitigation, provide competitive returns to a willing land owner and willing developer to enable the development to be deliverable.’ Therefore, issues surrounding the viability of the scheme need to be assessed and taken into consideration.

- 15.4 The appraisal underwent an Independent Viability Review by BPS Chartered Surveyors who agreed that the development would be unviable if all the planning obligations were pursued and the financial contribution should not exceed £400,000.
- 15.5 The application has therefore been re-considered by the Development Team to decide how the £400,000 should be apportioned. Whilst the BPS report is accepted Development Team considered a mechanism for reviewing viability was required as costs could change as and when the site is actually developed leading to a potential surplus over and above the developer’s accepted profit of 17.5%.
- 15.6 The Development Team agreed the £400,000 should be apportioned as follows;
- RAMS £14,944.00
  - NHS £43,217
  - To fund a single affordable 2-bed unit off-site estimated £150,000
  - CCTV/ lighting(estimated cost)
  - Computer facilities within nearby community facility £5000
  - Once these projects are funded any remaining monies to go to ECC Education

## **16.0 Report**

### **16.1 The main issues in this case are:**

#### **The Principle of Development Policy Background and Principle of the Development**

- 16.2 One of the core planning principles set out by the National Planning Policy Framework (NPPF) is to encourage 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 is brownfield land, so its redevelopment would be encouraged, subject to material planning considerations.
- The Council’s Core Strategy (CS) provides the spatial strategy for the Borough and this directs development towards the most accessible and sustainable locations, and plans for the provision of transport, employment and community facilities to support identified growth areas. Within the adopted Core Strategy policy SD1 identifies the “East Growth Area” (which includes the site) as a strategic area for new development. Policy H1

confirms that housing development will be focused in strategic areas, to meet the Borough's housing target. The site also has a specific allocation within the adopted Site Allocations Development Policies Document where the site forms part of "Land to North of Magdalen Street", and allocated for 'predominantly residential' development under policy SA EC1. The site is also within "East Colchester Special Policy Area 3" (Magdalen Street) – policy SA EC5. Here, housing development will be extended and consolidated, and other small scale uses that are compatible with overall housing proposals will be permitted. In addition, the policy confirms that land will be safeguarded adjacent to the railway line, in order to provide for a future transit link (ETC) and will also include footpaths and a cycleway.

- 16.3 Policy SA EC8 refers to 'Transportation in East Colchester', and confirms that land will be safeguarded for the transit link between Colne Causeway and Recreation Road, and alongside the south of the railway from Hythe Station (Station Road) to Colchester Town. Supporting paragraph 5.80 confirms that the exact requirements of safeguarding shall be agreed on a site by site basis either within an agreed Development Brief.
- 16.4 In 2014 the "Magdalen Street Rail Sidings Site brief was adopted as Supplementary Guidance. The aim of the brief was to guide future development at the site and not to be prescriptive. The brief identifies that the site is in close proximity to the Town Centre, as such, suitable development to create connectivity between this part of the Town and main Town Centre is desirable. It states a cycle way/pedestrian access needs to be provided to allow ease of movement between Brook Street and Magdalen Street/St Botolphs and land must be safeguarded for the Eastern Transit Corridor. Due to the levels of the site buildings ranging from 2 to 3 storeys were considered acceptable. The brief proposed a linear form of development comprising 70 units with 6 buildings at right angles to the road with vehicle parking between some buildings. The brief assumed vehicular access would involve upgrading the existing access road on the embankment from George Williams Way. At the end of the embankment this road had to turn through 180 degrees to return along the lower part of the site to provide access to the development, this resulted in a smaller developable area.
- 16.5 The application reserves land required for the transit link and includes a footpath cycleway link these matters will be secured in a legal agreement.
- 16.6 The development of the site for residential purposes is acceptable in principle and in conformity with adopted policy.

## **Design and Layout**

- 16.7 As described above the topography of the site means it is set below the surrounding landform and therefore there is little opportunity to create a relationship with adjoining residential development. The design ethos the applicant has adopted is “to establish a distinctive contemporary character that makes the most of the relative isolation of the built form” “Lifting the buildings so that they stand above the car parking on piloti.”
- 16.8 The scheme has undergone extensive amendment since the original submission to achieve good design in terms of providing an active frontage on the ground floor and to achieve appropriate form and architectural detailing.
- 16.9 The units are split between five buildings, regularly spaced at 20 metre intervals along the northern side of the road. Each building is almost identical to the next, creating rhythm to the street. The internal layout of the apartments means they face outwards in all directions creating informal surveillance of the public realm to the south, the parking and amenity spaces.
- 16.10 Officers were concerned that the regularly spaced buildings with a repeating design could lack interest, particularly when viewed from a distance. A range of amendments have been agreed, the most significant is the articulation of the top floor of each building. The top floor is now “stepped in on all sides from the main elevation; there is also a change in material as this floor will be clad in vertical timber boarding. These amendments produce greater interest and modulation in the roofscape and visually this floor will appear more visually recessive and subordinate. This amendment resulted in the loss of 5 units a total of 115. Architectural detailing to the buildings has been enhanced by inset balconies on the southern elevation to either side of the central stair core, wrapping around the corners to the east and west sides of the buildings and finished in an orange, yellow or green render; and by expressing the stair core as a separate element that projects forwards and above the main part of the building and finished in off-white render, recessed panels in the brickwork which will add shadow lines and texture to the side elevations. Architectural interest is added to the functional elements in the undercroft space by the addition of the brick paneling and painted metalwork. The principle material is buff brick.
- 16.11 To create active frontage to the street four individual one bedroom units have been introduced into the proposed scheme, one each to blocks B, C, D and E (there is no ground floor to Block A because it sits against bank and is effectively entered on the first floor) bringing the total number of units to 119.
- 16.12 A final amendment is the addition of external balconies to the sides of the blocks, a stepped form is proposed with each balcony extending 500mm beyond the one above; this stepped form was negotiated to improve the outlook of the units which overlook the car parking courts. The stepped form also compliments the set back to the upper floor of the building.

- 16.13 The contemporary design proposed, takes advantage of the relatively isolated nature of the site. There is no development nearby that can be seen or read in the same context as the proposed development and the design is considered acceptable
- 16.14 A linear layout, on an east -west axis, is proposed with the 5 blocks on the north side of the access road. At the end of the road is an area of public open space, including a play area, available to the wider public and creating a destination at the far end of the street. This open space takes access directly from the street and is overlooked by the new homes in the westernmost block of apartments, making it safe and secure to use. A private area of open space for residents is also proposed.
- 16.15 Car and cycle parking and refuse facilities are provided on the ground floor of the buildings with further car parking provided between blocks A-B, B-C D-E. The land to the south of the access road is remodeled and retained with a timber crib wall. It will be maintained as amenity land and will also contain the pedestrian cycle path on the line of the former access from George Williams Way. The path will join the new access road and to the edge of the rapid transport route.
- 16.16 The steeply sloping southern edge to either side of the former access way already contains mature landscaping and it is proposed to be landscaped further as part of the redevelopment of the site, meaning that there will be a buffer of planting that interrupts direct views between the buildings. In addition to being placed at a lower level so that the new buildings are no taller than the existing block of apartments, the face-to-face distance is always more than 30 metres, rising to more than 40 metres at the south eastern corner where houses face towards the site
- 16.17 The relocation of the boundary to the East Colchester Rail Transit route creates more space to the north of the buildings, where additional landscaping is proposed. Approximately half of the site is now used as amenity and green space.

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

- 16.18 Although the bulk of the built form would be significant on this site it is considered that the design and arrangement of the development ensures that it would not appear as monolithic within this setting. The articulation of the upper floor of the buildings and a simple palette of materials help to break up the mass of individual elements. Furthermore, architectural detailing and use of balconies add visual interest to the buildings. Whilst there is a repeating design with equally-spaced blocks and a consistent height of the buildings it is not possible to view all of the blocks together from within the site, other than at an oblique angle along the length of the new estate road. There are only limited long views of the site from the outside and the gaps between the buildings ensure that their bulk and mass is carefully managed and the five blocks do not read together. The long frontage of the buildings to the south on George Williams Way has become

a feature of the Colchester skyline and the white rendered, four storey elevations can be seen from many parts of the town including Firstsite. The proposed scheme will sit at a lower level and in front of the existing buildings, with the separate blocks ensuring that they have a lesser visual impact.

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

- 16.19 Although the site is at a lower level than the surrounding development the buildings are all 5-storeys high. A Townscape and Visual Appraisal report was requested by officers to determine the visual impact of the buildings and an assessment of the impact of the increased height and mass of the buildings when compared to the approved scheme. Officers were particularly concerned at potential views from the grounds of St Botolphs Priory and Priory Street. The Urban Design Officer was also concerned that the proposed height might contradict and inappropriately distort the valley topography and views.
- 16.20 The report looks at the extent of the visibility of the approved and proposed development from the surrounding roads, public footpaths and residential properties within the surrounding townscape. It also assesses how views from viewpoints within the country park to the north would change. Viewpoints were agreed with officers and further viewpoints submitted following a site meeting.
- 16.21 Following a detailed site visit officers established the development would not be conspicuous from North Hill, Brook Street or Priory Street and that the long view across the town from High Woods Country Park would not be compromised. The development will be seen through the gaps between buildings on Brooklands and George Williams Way, the PROW and the footbridge that crosses the site. The site is screened from the wider townscape by the buildings to the south, by the houses and intervening garden trees to the north and from Brook Street by a change in ground levels.
- 16.22 The drawings compare the proposed development with that approved under application 152730. This was a hybrid application part full for the conversion of the former rectory, now completed, and new build and part outline, for the same land as the current application, whilst in outline layout and form were approved with only design left for the approval of reserved. Approval was given for a linear building fronting the access road. The buildings were part 2 storey, part 3 storey with a pitched roof equivalent to 2.5 – 3.5 storeys of if a steeply pitched roof equivalent to 3 to 4 storeys.
- 16.23 The information in the report and site visits identified a semi-public view from decked terrace to the rear of Firstsite, a view from the square within the centre of the grounds of St Botolphs Priory, a view from the centre of the station (Britannia) car park to the west and a semi-public view from the platform at Colchester Town Railway Station to the west. There is also view from public seating adjacent to the obelisk within the square on George Williams Way.

- 16.24 Having assessed the submitted information and having walked the area viewed the site from the key viewpoints officers are satisfied the development would not have an adverse impact upon views from the station, St Botolphs Priory or First site. Whilst the buildings will be at the same height as those on George Williams Way they are at a greater distance from these viewpoints and they will also be located behind a wildlife area and area of open space. This vegetation and new landscaping will effectively filter any views. It must also be remembered that current views are across land, the former bus station rear of Queen Street and Britannia car park, where redevelopment is likely to take place.

### **Impacts on Neighbouring Properties**

- 16.25 The new buildings face towards the existing flats in George Williams Way, these flats in are built right up to their north site boundary and separated from the site by a PROW. This development is high density with little amenity space, they do not have a traditional front and rear elevation, the north elevation has “borrowed” amenity across the application site and the south elevation faces parking areas. The application site is set at a lower level than the surrounding land and the proposed buildings will be the same level as the flats in George Williams Way. The new buildings will be over 30 metres distant, increasing to more than 40 metres from the face of the apartments in George Williams Way. Retained trees in groups and individual trees on the southern embankment and on the south boundary will filter views of the buildings. It is considered that due to the intervening separation distance and the existing and proposed landscaping the resultant impact on amenity is acceptable. Residents have expressed concern regarding overlooking from balconies, it is possible to add a condition requiring a privacy screen to the end of the balconies on the side elevation to remove the possibility of overlooking from these balconies.
- 16.26 The proposed parking provision, which is below the Councils adopted parking standard, is detailed above. Residents are concerned vehicles from the development would put pressure on the already limited number of roadside parking spaces. George Williams Way, Brooklands and Saw Mill Road all benefit from a controlled parking zone and on-street parking is therefore only available to holders of a parking permit. A permit to park in a particular road can only be purchased by residents of that road. Residents of the proposed scheme will not be able to obtain a permit to park in other adjacent roads. Brook Street and Magdalen Street both have parking restrictions. It is therefore considered parking on adjacent streets will consequently not be adversely impacted by the development.
- 16.27 A Noise Assessment is submitted as part of the application for planning permission. In addition to considering the potential impact of railway noise on the new homes, it also reviews noise from road traffic generated by the proposed scheme and finds that there will be a 0.1 dB increase on Brook Street and Wimpole Road and no change on Barrack Street and Magdalen Street. This report concludes changes to the existing noise environment will be negligible. The construction phase is likely to cause noise and disturbance and, as such, the Council’s Environmental Protection team has

recommended conditions to limit the hours of work and establish a construction method statement. This is considered to ensure that the amenity of local residents is protected as far as reasonable.

- 16.28 A public footpath extends from Magdalen Street along Simons Lane and then along the boundary of the site with the apartments in George Williams Way. Residents are concerned the development will increase footfall along these paths leading to an increase in the existing anti-social behaviour and disturbance. The proposed scheme does not change any connections but does include improvements to lighting and CCTV. It is expected that more people walking and cycling through George Williams Way will create better surveillance of the public realm, reducing opportunities for anti-social behaviour and creating a more vibrant public realm. The same principle applies to Simons Lane, Childwell Alley and Ernulph Walk, all of which would benefit from the informal policing that would be generated by greater use.
- 16.29 Residents are also concerned at the impact on air quality. The site is within the Air Quality Management Area and an Air Quality Assessment has been submitted, the report has been independently assessed and concludes emissions should not prevent development as long as suitable mitigation measures are provided including electric charging points for cars and bikes.
- 16.30 Residents refer to the loss of an important local wildlife habitat. The principle of development was established by the previous outline permission. Furthermore, the site is not subject to any statutory or non-statutory wildlife designations. Habitats on the site are not considered to be of ecological importance, as described in the Ecological Appraisal. Mitigation measures are proposed to minimise harm to protected species and secure the opportunity to create biodiversity benefits in the land at the eastern end of the site and to the south of Magdalen Green. Works affecting badger setts will require prior consent license from Natural England.

**Highway Matters Parking and Cycling Provision (including sustainability and accessibility)**

- 16.31 Vehicular access into the site will be gained via Brook Street; the first section of the vehicle access route has already been constructed and is in use to serve the former Rectory. A simple priority junction arrangement is provided, with site access being the minor arm. The design speed of the access road is 30mph and the required visibility splay of 43m can be achieved in both directions. The proposed vehicular access to the site includes footways on both sides of the carriageway. The access road is designed in accordance with the standards for adoption set by Essex County Council and has been subject to tracking and swept path analysis to ensure that it can safely accommodate emergency vehicles and refuse freighters. However, due to the gradient of the slope down from Brook Street the road will not be adopted, it will be privately owned and maintained in perpetuity by a management company that will also be responsible for the maintenance of the site.

- 16.32 A 3.0m wide cycle and footpath link is proposed along the southern length of the site using the former access way from George Williams Way. This path will link to Magdalen Street via George Williams Way and also link to the pedestrian footbridge over the railway line leading to Priory Street to the north.
- 16.33 The application includes a Transport Statement (TS) the scope of which has been agreed with the Highway Authority. The TS includes
- Assessing the accessibility of the site by walking, cycling and public transport;
  - Reviewing personal injury accident data for the most recent five-year period (2011 to 2016);
  - Assessing parking requirements, based on the Essex's Parking Standards and car ownership data (based on 2011 census);
  - Assessing the impact of the proposed development for the year of application (2018) and the year of application + 5 years (2023);
  - Factoring the surveyed traffic flows to 2023, using locally adjusted NTM growth forecasts;
  - Determining trip generation rates for the proposed development based on a review of TRICS 7.5.1 trip generation database;
  - Distributing development generated traffic based on 'Journey to Work' statistics from the 2011 Census; and,
  - Considering the impact of the proposed development on the surrounding highway network
- 16.34 Accident analysis includes personal injury data obtained for the period 2012 to 2016 (inclusive) for the area around the site. The study area; includes key routes and junctions surrounding the site, together with the location and severity of accidents that occurred within it. The data indicates that five serious and 17 slight accidents occurred in the study area, which resulted in 22 casualties. It further indicates that
- 13 accidents involved cyclists, of which four were serious;
  - Three accidents involved motorcyclists; and,
  - Three accidents involved pedestrians.
- The TA considered that this is typical for the nature of the road and traffic flow and it therefore, considers that the proposed development will have only a minimal impact on road safety.
- 16.35 Information in the TA regarding car ownership in the area indicates car ownership is lower than Colchester as a whole due to its sustainable location. It reports that in the immediate area, each home owns 0.64 to 0.84 cars compared to a car ownership rate of 1.26 in Colchester as a whole and 1.37 across Essex.
- 16.36 The development proposes 119 car parking spaces which equates to one car parking space for each residential unit, provision is also made for 140 cycles. The adopted parking standards for residential dwellings are set out in the Parking Provision section above. 119 units are proposed comprising 14 1-bed and 105 2-bed units. To satisfy the adopted standard 249 spaces are required, (14 x 1 + 105 x 2 + 30 visitor spaces = 254), 119 spaces



represents 47% of the total. The cycle parking exceeds the minimum required. Policy DP19: Parking Standards of the Development Policies DPD (2010, 2014) states within the explanatory text that “Highly accessible town centre locations, however, are considered to be examples of appropriate candidates where car free and low car developments could succeed given the ready access to alternatives transport methods to private vehicles.”

- 16.37 The TS acknowledges that the proposal does not meet minimum parking standards and draws attention to the parking standards guidelines (also referred to in the parking Provision section above) which state that ‘reductions of the vehicle standard may be considered if there is development within an urban area (including town centre locations) that has good links to sustainable transport’
- 16.38 The TS provides the following justification; “It is considered appropriate to reduce the parking requirement as the site meets a number of the points that are usually considered when determining parking provision, including:
- The scheme consists entirely of apartments, which typically have lower car ownership rates than houses. Flats and houses are treated the same in the standards despite evidence showing that lower car ownership rates are associated with flats;
  - The parking spaces will be unallocated as this provides the most efficient use of parking and spaces can be shared across residents with different car ownership and usage profiles;
  - The site is located within easy walking distance of Colchester town centre;
  - There is good access to public transport; and,
  - The level of cycle parking provided meets the standards”.
- 16.39 The TA also refers to National Planning Policy Framework (NPPF) July 2018 In particular paragraph 108 the matters to be taken into account in assessing new development
- Appropriate opportunities to promote sustainable transport modes can be – or have been taken up given the type of development and its location;
  - Safe and suitable access to the site can be achieved for all users; and
  - Any significant impacts from the development on the transport network, (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.
- 16.40 The TR also refers to paragraph 109 of the NPPF which states “Development should only be prevented or refused on highway grounds if there would be an ‘unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe’.
- 16.41 The site is in a very sustainable location. Magdalen Street includes a Tesco Express, an Aldi food store and Takeaways. There is a dentist in Wimpole Road and doctors’ surgeries on East Hill. The site is within easy walking distance of Colchester town centre where there is a full range of retail, social

and employment opportunities. A foot path/cycle way is proposed within the site which will link to existing footways to the town centre, local schools and the wide range of other facilities in the vicinity. To the north of the site there is a pedestrian footway which extends over the railway line to Childwell Alley and Priory Street. The closest local cycleway is part of the National Cycle Network (NCN) 400m to the north of the site on East Street, this long-distance route (Ipswich -Harwich) passes through Colchester a second cycle route can be joined via St Botolph's Street linking Colchester to Chelmsford and Ipswich. Local buses provide hourly services to Greenstead, Clacton, Brightlingsea, Jaywick and Frinton-on-Sea. There are bus stops on Magdalen Street, additional bus services can be boarded on East Hill and at Colchester Bus Station. Colchester Town railway station is located approximately 850m walking distance from the site. Residents will be provided with Residential Travel Information Packs.

- 16.42 Of the 119 parking spaces, 20% will be equipped with electric vehicle charging points. Provision is also made for 140 cycles and electric bicycle charging points will also be provided.
- 16.43 The application also includes the creation of a car club, in association with Love ur car (LUC). A car will be purchased and based at the site with a dedicated space. In addition, each resident will be provided with a free three-year membership and £50 driving time credit.
- 16.44 Whilst car parking is below the Councils adopted standard, the site is in a sustainable location within easy walking distance of Colchester town centre and there are a range of facilities available in the nearby streets. Sustainable modes of transport form part of the application and the site is conveniently located for access to the Colchester town railway station and Colchester bus station with some bus routes close by on Magdalen Street.
- 16.45 The access road will be managed by a management company who will also control parking, keeping the street clear and ensuring that the parking areas are restricted for use by residents and their visitors. Parking in the residential streets adjacent to the site is controlled either by "resident only parking" measures or by parking restrictions. The Colchester Parking Partnership only issue parking permits to residents who live in the street to which the permit relates. So it would not be possible for residents of the development to have a permit to park elsewhere.

- 16.46 The sustainable location of the site and the justification put forward in the TA are considered to be sufficient to justify a lower car parking provision, given the high levels of connectivity and accessibility (in accordance with the provisions of DP DPD Policy DP19). The TA also demonstrates that the proposal would not result in adverse harm to the road network. The Highway Authority has confirmed the proposed layout and access are acceptable in highway terms and they have not expressed any concerns regarding the findings and conclusions of the Transport Assessment. Policy DP19 of the Council's Adopted Development Policy document also confirms that "*A lower (parking) standard may be acceptable...where it can be clearly demonstrated that there is a high level of access to services, such as town centre location*". A legal agreement and conditions will secure the sustainable modes of transport identified in order to improve the connectivity of the site and reduce the reliance on the private car.

### **Drainage and Flood Risk**

- 16.47 Council policy seeks to direct new development towards sites with the lowest risk from flooding and promotes the use of flood mitigation measures (SUDS) to help manage risk and follows advice in the NPPF which states at paragraph 155 "inappropriate development in areas at risk of flooding should be avoided by directing development away from areas of highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere." and at paragraph 165 that all major developments should incorporate SuDS unless there is clear evidence that this would be inappropriate".
- 16.48 There are 3 flood zones 1, 2 and 3, "Flood Zone 1: Low Probability, defined as land assessed as having less than a 1 in 1,000 annual probability of river or sea flooding (<0.1%). The overall aim of Government and Local policy is to direct new development to Flood Zone 1 (FZ1).
- 16.49 The site including the development footprint is located entirely within Flood Zone 1. A Flood Risk Assessment (FRA) is not normally required within FZ1 except in certain defined circumstances. one of which is where a site exceeds 1 hectare where a site specific FRA is required. As the site exceeds 1 hectare the supporting documents include a FRA incorporating a Surface Water and Foul Water Drainage Strategy and Geo-Environmental Assessment. These documents have been considered by the Lead Local Flood Authority and Anglian Water. The Environment Agency was also consulted and responded to say the application was not within their remit.
- 16.50 The FRA explains that the River Colne is located approximately 340m east of the site boundary, and a secondary water course, Salary Brook river is located approx. 2km south east of the development. Although the site is in FZ1, Environment Agency mapping shows the west bank of the River Colne benefits from flood defences. Due to the close proximity of the River Colne flood levels for the site were obtained from the Environment Agency and this data indicates that the flood level for 1 in 100 year (1%) including climate change is at 5.10m AOD, the site is at a level of approx. 14.25m AOD and

is surrounded by steep slopes with levels from 18.30m AOD to 22.00m AOD therefore the site is above the potential flood level.

- 16.51 The FRA also indicates Environment Agency mapping identifies the site as being outside any Groundwater Source Protection Zones and that it is not susceptible to groundwater flooding. Anglian Water mappings shows there are foul, surface and combined sewers located within the area. The site is therefore not at risk from tidal flooding or fluvial flooding (rivers) or reservoir flooding.
- 16.52 However, notwithstanding the above, the applicants Geo-Environmental Report has identified that the groundwater level within the site can be very high and seasonally influenced. Tests have shown that in January the groundwater was encountered 'at' or 'close to surface' levels for the lower lying parts of the site those areas of approx. 14metres AOD. Two separate registered cases of weather-related flooding have been identified, one is located within the development's boundary, and the second one is located at close proximity to the boundary. A single area of potential high risk will form part of an open space with soft landscape only. To overcome this issue the ground level where the buildings are proposed will be raised by approx. 1metre resulting in an average lowest ground levels around the new buildings in the region of 15.40m AOD. This will reduce the groundwater flooding risk to the new buildings and the site.
- 16.53 As the site is currently undeveloped the proposed development will change the drainage regime of the existing site by increasing the impermeable surface water area and could therefore increase the runoff flow rate, volume and the potential risk of surface water contamination. To overcome this surface water runoff will be collected using porous paving draining into a tanked storage facility providing attenuation. Subsequently the flows will be discharged via a pipe network at a controlled rate to the existing AW surface water network located along the site entrance. The SuDS system for the site has been designed to accommodate surface water flows for a 1 in 100 year storm event plus 40% climate change this will mitigate the risk from overland flows within the proposed development. The foul drainage system will connect to the public sewer system. The foul water flows will be directed to the rear of the development via gravity sewer and subsequently pumped, via an onsite pumping station, to the existing foul sewer into Brook Street.
- 16.54 The drainage proposals and the conclusions in the submitted documents are accepted by both the Lead Local Flood Authority and Anglian Water. The Environment Agency has confirmed they have no comment to make on the application.

## **Trees and Landscape**

- 16.55 The site contains a number of tree groups and individual trees, there are no tree preservation orders or category A trees; the majority of trees being self-seeded. The tree groups comprise sycamore, goat willow, willow and birch with individual tree mainly sycamore and goat willow with a single holm oak and a walnut. The groups of trees are located in the west corner and south boundary of the site; linear groups are also on the southern embankment either side of the former access road and along part of the east boundary. Individual trees are mainly located close to the south boundary. A number of the tree groups and individual trees are required to be removed to facilitate the proposed development a further two individual trees are recommended to be removed based on their condition.
- 16.56 Much of the tree removal relates to tree groups made up of self-seeded species predominantly sycamore and willow. The application documents include an Arboricultural Impact Assessment, Arboricultural Method Statement, Tree Constraints Plan and Tree Protection Plan and Tree Survey these documents categorise the trees and identify in written form and on drawings which are to be retained and which removed.
- 16.57 Although, a number of groups of trees and individual trees are to be removed; the majority were approved for removal under the earlier planning permission. Trees on the southern embankment to the north of the tarmac road will be removed where the embankment is remodeled to accommodate the new access road. Part of the group of trees in the west corner will be removed to accommodate the open space. Whilst the trees are all low category; they do have some screening value, particularly those on the southern embankment either side of the existing access way and those close to the southern boundary. The landscape proposals seek to mitigate tree lost by replacement of trees with larger, longer lasting species; a new planting scheme is secured by condition.
- 16.58 The Council's Arboricultural Officer has advised that the Arboricultural Impact Assessment submitted is acceptable; the vegetation that would be removed from within the site as a result of the development is of moderate value at best. Conditions will be required to ensure that the impact assessment is an approved document and that tree protection measures will be carried out during demolition and construction works. Subject to these conditions, the proposal is not considered to have an adverse impact on trees and therefore respects its landscape setting. The Landscape Officer is satisfied with the proposed landscape scheme.

## **Habitat/ Ecology**

- 16.59 The Ecological Appraisal accompanying the application describes the site "as comprising an open mosaic habitat including scrub and grassland which has colonized over hardstanding, other habitats present include an Ephemeral pond, two wet ditches and areas of common reed". The site and the area adjacent to the site are not subject to any statutory or non-statutory nature conservation designations and the submitted Phase 1 habitat survey

confirms that the site is dominated by habitats not considered to be of ecological importance. However, the report indicates that “where open mosaic habitat is to be found it is considered to be of elevated value and the proposals for the redevelopment of the site are therefore required to mitigate for any loss through new habitat creation as part of the soft landscaping scheme”.

- 16.60 The phase 1 habitat survey assessed the trees for their suitability to support roosting bats and the site was walked to ascertain the level of usage for foraging or commuting bats, a badger survey was undertaken with 2 subsequent surveys for evidence of badger setts and badger activity, all the water bodies within and adjacent to the site were surveyed for great crested newts and reptile survey, breeding birds invertebrate surveys were also carried out.
- 16.61 In respect of bats the reports conclude that, although there are tree groups and individual trees on the site only one tree was identified as suitable for a bat roost a semi -mature sycamore which is to be retained and there were only low level of bat activity during the walk over of the site. The site is therefore of low level value to bats and subject to a lighting condition and enhancements bats will be fully safeguarded under the proposals. The survey work resulted in no records of any other protected, rare or notable mammal species either within or adjacent to the site. Mammals which are likely to utilise the site such as foxes do not receive specific protection. Hedgehogs were recorded, however they remain common and widespread and there is abundant similar habitat in the form of dense scrub present in the local area. There is no evidence to suggest the proposal will significantly affect local populations of these species. The report recommends precautionary safeguards which are secured by condition.
- 16.62 A Badger Survey report has been submitted, this document which identifies a number of badger setts is confidential as badgers are a protected species. The report indicates the site was first surveyed in 2014/15 when no badger setts were found, in 2017 during site clearance works 2 setts were recorded although not all were recorded to be active. A further field survey was carried out in 2018 when six confirmed badger setts were recorded, however not all were recorded as active. Foraging scrapes and mammal trails were also recorded within the site, although these could not be confirmed as Badger. Of the six setts 3 are identified as Likely Inactive Outlier/Subsidiary Sett and three as Likely Active Outlier/Subsidiary Sett. The report states “As the use of setts by Badgers is a dynamic process and new setts can appear at any time or disused setts become reinstated, it is strongly recommended that a check survey be undertaken within 3 months of site preparation/construction works commencing, in order to verify that the level and location of any Badger activity has not significantly altered and to inform the license application. This will also be a requirement of the license application. The report indicates one of the likely active setts will be retained and should have a buffer around it and 2 are likely to require temporary closure to facilitate the development and safeguard the badgers. The main sett, which would be of higher importance, is not present within the site and is likely to be located within other suitable habitat within the local area. As such, it is

considered that the potential disturbance of a sett and the temporary closure of 2 setts would not significantly affect Badgers within the local area. The temporary closure of the 2 setts would require a mitigation license from Natural England for which a detailed method statement to safeguard the local Badger population would be produced.

- 16.63 The report identifies a range of measures to safeguard Badger should they enter the site during construction works including;
- trenches within the site that are to be left open overnight will be provided with a means of escape should a Badger enter
  - temporarily exposed open pipes should be blanked off at the end of each working day
  - trenches/pits will be inspected each morning to ensure no Badgers have become trapped overnight
  - storage of topsoil etc. in the site will be given careful consideration
  - storage of any chemicals at the site will be contained in such a way that they cannot be accessed or knocked over by any roaming Badgers
  - fires will only be lit in secure compounds away from areas of Badger activity and not allowed to remain lit during the night
  - unsecured food and litter will not be left within the working area overnight.
- 16.64 The surveys found no evidence to suggest Great Crested Newts were utilizing the water bodies or habitats within the site and whilst there was a population of smooth newts and common toad in wet ditches over time the suitability of aquatic habitats has reduced and habitat on site is of negligible value to Great Crested Newts and limited value to amphibians. Common lizard was present on the site they are of local importance and mitigation measures are recommended.
- 16.65 Whilst no records of any protected rare or notable bird species within or adjacent to the site; the site as a whole offers a range of nesting and foraging opportunities for birds 20 species were recorded but comprise relatively common species typical of the urban setting of the site and they do not pose a constraint to development.
- 16.66 No invertebrate priority species were recorded within the site but it has interest for the diversity of common species recorded. Whilst proposal will result in the loss of some habitats the report notes that these habitats, of open mosaic and damp habitat will soon be lost to succession in any event. However the report recognizes it is important to mitigate the loss of current habitats and compensatory planting and habitat management is recommended plus enhancement measures. These matters will be secured by condition.

- 16.67 Subject to conditions to secure ecological enhancement measures, it is considered that the proposed development accords with adopted policy ENV1 and the requirements of the NPPF which seek to minimise impacts on biodiversity and, where possible, to provide net gains in biodiversity.

### **Other Matters**

#### Archaeology

- 16.68 The Archaeological assessment concludes that when the sidings were constructed over 4m depth of material was removed and the proposed development in this area will therefore have no archaeological impact. An archaeological evaluation has taken place and also concludes there will be no impact on any archaeological assets. The Councils Archaeology specialist agrees with this conclusion and no archaeological investigation is required.

#### Contamination

- 16.69 The Contaminated Land Officer has considered the WDE Consulting, 'Geo-Environmental Assessment and notes the report has identified contamination/potential for contamination/ uncertainties within the site and that further assessment, ground gas monitoring and the completion of a remedial strategy is required. However, it is concluded that based on the information provided and on the assumption the matters identified are adequately addressed it would appear that the site could be made suitable for the proposed use consequently, should this application be approved, Environmental Protection would recommend inclusion of conditions.

#### Health Impact Assessment

- 16.70 A Health Impact Assessment (HIA) is required for all residential development in excess of 50 units. An HIA identifies the potential health consequences of a proposal on a given population, and looks to maximise the positive health benefits and minimise potential adverse effects on health and inequalities. A HIA must consider a proposal's environmental impact upon health, support for healthy activities such as walking and cycling, and impact upon existing health services and facilities. Where significant impacts are identified, planning obligations will be required to meet the health service impacts of the development. Any HIA must be prepared in accordance with the advice and best practice for such assessments. A Health Impact Assessment has been submitted with the application, taking into account personal/family lifestyles and characteristics, the social environment, physical environment, and access to quality services. NHS Essex were consulted on the application and did not provide any comments in respect of the Health Impact Assessment, other than to confirm that a contribution would be required to mitigate the impact of the development on health services (in this case, Castle Gardens Surgery being identified).

#### RAMS



16.71 The application has to be assessed in accordance with the Habitats and Species Regulations 2017 (as amended). Colchester Borough is within the zone of influence of a European designated site and it is anticipated that the development is likely to have a significant effect upon the interest features of relevant habitat sites through increased recreational pressure, when considered either alone or in-combination with other plans and projects. An appropriate assessment was therefore required to assess recreational disturbance impacts as part of the Essex Coast Recreational disturbance Avoidance Mitigation Strategy (RAMS). To support the Local Planning Authority Appropriate Assessment, a Habitats Regulations Assessment was submitted as part of the application. The assessment provided details that the development would include both on-site and off-site mitigation measures. The appropriate assessment concluded that the on-site and off-site mitigation proposed would mean that the development would not have an adverse effect on the integrity of the European sites included in the Essex Coast RAMS. Natural England was advised of this assessment and confirms their agreement provided that the mitigation measures are secured.

## **17.0 Conclusion**

17.1 To summarise, National policy requires planning to be genuinely plan-led. The proposal is considered to be acceptable with regards to the relevant policies contained in the Council's adopted development plan. The NPPF makes it plain that the purpose of the planning system is to contribute to the achievement of sustainable development, identifying three dimensions to sustainable development – economic, social and environmental. In respect of the first of these, the current proposal would provide economic benefits, for example in respect of employment during the construction phase, as well as establishing new residential development where residents can readily utilise and support nearby businesses, services and facilities. The social role of sustainable development is described as supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community's needs and support its health, social and cultural well-being. The proposal is considered to meet these objectives. In respect of the third dimension (environmental), the proposal will secure benefits in terms of ecology and biodiversity, as well as provide homes in an area that is highly accessible so as to encourage more sustainable means of transport and reduce the need to travel by private car. Members are recommended to resolve to grant planning permission subject to a legal agreement and the conditions set out below.

## **18.0 Recommendation to the Committee**

### **18.1 The Officer recommendation to the Committee is for:**

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. The agreement is required to secure the matters referred to in the Planning Obligation section 15.0 above plus the purchase of a car club car to be made available to the general public, the provision of an area of Public Open space with an equipped leap. The agreement to also include a mechanism to review viability (using the same criteria as the Viability Assessment submitted with the application) prior to the occupation of 25% and 50% of the units. Any further viability identified would then be apportioned on the basis of an equal split between affordable housing and education.

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. The Permission will also be subject to the following conditions:

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

The development hereby permitted shall be begun before the expiration of three years from the date of this permission. Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.

#### **2. Z1A – Street Name Signs**

Prior to the first occupation of any of the dwellings hereby approved street name signs shall have been installed at the junction of the new highway with the existing road network.

Reason: To ensure that visitors to the development can orientate themselves in the interests of highway safety.

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

The development hereby permitted shall be carried out in accordance with the details shown on the submitted Drawing Numbers

IN003-AP-A-01 I APARTMENT BLOCK 'A' PROPOSED ELEVATIONS

IN003-AP-A-02 I APARTMENT BLOCK 'A' BASEMENT, GROUND & FIRST FLOOR

IN003-AP-A-03 H APARTMENT BLOCK 'A' SECOND/THIRD FLOOR & FOURTH FLOOR

IN003-AP-B-01 K APARTMENT BLOCK 'B' - PROPOSED ELEVATIONS

IN003-AP-B-02 J APARTMENT BLOCK 'B' - GROUND, FIRST & SECOND FLOOR

IN003-AP-B-03 H APARTMENT BLOCK 'B' - THIRD/FOURTH FLOOR AND ROOF

IN003-AP-C-01 K APARTMENT BLOCK 'C' - PROPOSED ELEVATIONS

IN003-AP-C-02 J APARTMENT BLOCK 'C' - GROUND, FIRST & SECOND FLOOR

IN003-AP-C-03 H APARTMENT BLOCK 'C' - THIRD/FOURTH FLOOR & ROOF

IN003-AP-D-01 K APARTMENT BLOCK 'D' - PROPOSED ELEVATIONS

IN003-AP-D-02 J APARTMENT BLOCK 'D' - GROUND, FIRST & SECOND FLOOR

IN003-AP-D-03 H APARTMENT BLOCK 'D' - THIRD/FOURTH FLOOR & ROOF

IN003-AP-E-01 L APARTMENT BLOCK 'E' - PROPOSED ELEVATIONS

IN003-AP-E-02 K APARTMENT BLOCK 'E' - GROUND, FIRST & SECOND FLOOR

IN003-AP-E-03 I APARTMENT BLOCK 'E' - THIRD/FOURTH FLOOR & ROOF

IN003-PL-02 Q GROUND FLOOR AND ROOF PLAN

IN003-PL-03 L PARKING STRATEGY

IN003-PL-04 J HIGHWAY DIMENSIONS

IN003-PL-05 I REFUSE STRATEGY Public

IN003-PL-08 I AMENITY SPACE

DFCC\_2899-L02 A West POS Detail

DFCC-2899-L03 CENTRAL COURTYARD POS DETAIL

AG086-LP-01 00 LOCATION PLAN

IN003-SS-01 00 PROPOSED SUB-STATION FLOOR PLANS AND ELEVATIONS

Reason: For the avoidance of doubt and to ensure that the proposed development is carried out as approved.

#### **4. ZAN - Site Levels Plan**

No works shall take place until detailed scale drawings by cross section and elevation that show the development in relation to adjacent property, and illustrating the existing and proposed levels of the site, finished floor levels and identifying all areas of cut or fill, have been submitted to and agreed, in writing, by the Local Planning Authority. The development shall thereafter be completed in accordance with the agreed scheme before the development is first occupied.

Reason: In order to allow more detailed consideration of any changes in site levels where it is possible that these may be uncertain and open to interpretation at present and where there is scope that any difference in such interpretation could have an adverse impact of the surrounding area.

#### **5. ZBC - Materials To Be Agreed**

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

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

#### **6. Architectural Detailing**

Notwithstanding the details submitted, no works shall commence (above ground floor slab level) until additional drawings (at scales between 1:20 and 1:1), that show details of the architectural detailing of the development hereby approved, have been submitted to and approved in writing by the Local Planning Authority. Details shall include but not be limited to window detailing including details of the depth of reveal, recessed/projecting/decorative brickwork and cladding, balconies and metalwork. The development shall then be implemented in accordance with the approved drawings.

Reason: Insufficient detail has been submitted to ensure that the proposed works are of high quality design in the interests of visual amenity

#### **7. ZCE - Refuse and Recycling Facilities**

Prior to the first occupation of the development hereby permitted, refuse and recycling storage facilities shall be provided in accordance with a scheme which shall have been previously submitted to and agreed, in writing, by the Local Planning Authority. Such facilities shall thereafter be retained to the satisfaction of the Local Planning Authority at all times.

Reason: The application contains insufficient information to ensure that adequate facilities are provided for refuse and recycling storage and collection.

## **8. ZCO - Public Open Space & Communal Storage Areas Management Company**

Prior to the first occupation of the development hereby permitted details of the management company responsible for the maintenance of any public open space and communal storage areas and provide for the long term maintenance of such areas, shall be submitted to, and agreed in writing by, the Local Planning Authority. Such detail shall include the constitution of the company which shall follow best practice including the code of conduct of the Royal Institution of Chartered Surveyors (RICS) and shall be accredited by the Association of Residential Managing Agents (ARMA).

Reason: The application contains insufficient information to ensure that the public open space and any communal storage areas will be appropriately maintained to a satisfactory condition and there is a potential adverse impact on the quality of the environment for residents and the wider community.

## **9. ZFE - 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.

## **10. ZFS - Tree and Hedgerow Protection: General**

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

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

## **11. ZF0 - Communal Gardens**

Prior to the first occupation of the development hereby permitted, a phasing plan/strategy/timetable for the provision of the communal garden areas as shown on approved drawing to be laid out and made permanently available for use by the occupants of all the flats to which this permission relates or in such a manner as may otherwise have previously been agreed, shall be submitted to and approved in writing, by the Local Planning Authority. The

communal garden area/s shall be provided in accordance with the agreed phasing plan/strategy/timetable

Reason: In the interests of residential amenity, as this communal garden is an essential element of the development.

## **12. ZIR - Vehicle Parking**

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

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

## **13. ZJB - Cycle Parking (as approved plan)**

Prior to the first OCCUPATION of each block, the bicycle parking facilities indicated on the approved plans for that block 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.

## **14. ZPA – Construction Method Statement**

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

the parking of vehicles of site operatives and visitors;

hours of deliveries and hours of work;

loading and unloading of plant and materials;

storage of plant and materials used in constructing the development;

the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;

wheel washing facilities;

measures to control the emission of dust and dirt during construction; and

a scheme for recycling/disposing of waste resulting from construction works.

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

## **15. Scheme to control risk of offsite flooding during construction**

No works shall take place until a scheme to minimise the risk of offsite flooding caused by surface water run-off and groundwater during construction works and prevent pollution has been submitted to, and approved in writing by, the local planning authority. The scheme shall subsequently be implemented as approved.

Reason: The National Planning Policy Framework paragraph 163 and paragraph 170 state that local planning authorities should ensure

development does not increase flood risk elsewhere and does not contribute to water pollution. Construction may lead to excess water being discharged from the site. If dewatering takes place to allow for construction to take place below groundwater level, this will cause additional water to be discharged. Furthermore the removal of topsoils during construction may limit the ability of the site to intercept rainfall and may lead to increased runoff rates. To mitigate increased flood risk to the surrounding area during construction there needs to be satisfactory storage of/disposal of surface water and groundwater which needs to be agreed before commencement of the development. Construction may also lead to polluted water being allowed to leave the site. Methods for preventing or mitigating this should be proposed.

#### **16. 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. 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.

#### **17. 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'.

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.

#### **18. 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.

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.

#### **19. 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.

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.

#### **20. 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 17, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 18, 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 19.

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.

#### **21. Contamination 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 Condition 17.

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.

#### **22. EV Charging Points Cars**

No works shall commence above ground floor slab level until a detailed scheme, including design, a cantilever or gas/hydraulic powered top row, maintenance plan, details of noise dampers, location and implementation timetable, of the EV charging points to be installed within a minimum of 20% of parking spaces has been submitted to and approved in writing by the local planning authority. The approved details shall be implemented. Reason: In the interests of sustainability and air quality by encouraging the use of ultra-low emission vehicles.

#### **23. EV Charging Points Bicycles**

No works shall commence above ground floor slab level until details, including number location and implementation timetable, of EV charging points for bicycles has been submitted to and approved in writing by the local planning authority. The approved details shall be implemented. Reason: In the interests of sustainability.

#### **24. Ecological Mitigation and Management Plan (EMMP)**

No works shall take place until an Ecological Mitigation and Management Plan (EMMP) has been submitted to and approved in writing by the Local Planning Authority. The EMMP shall include, but not be limited to, all the mitigation measures set out in Chapter 6 of the Ecological Appraisal December 2018 and Chapter 4 of the Confidential Badger Appendix December 2018. The development shall then be carried out and maintained in accordance with the approved EMMP.

Reason: In order to mitigate the impact of the development upon ecology and biodiversity and in the interest of ecological enhancement.

#### **25. Traffic Construction Management Plan**

No works shall take place (above ground floor slab level) until a construction traffic management plan, to include but shall not be limited to details of vehicle/wheel cleaning facilities within the site and adjacent to the egress onto the highway, has been submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in accordance with the agreed plan

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

## **26. Highway Works**

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

- a. A priority junction off Brook Street to provide access to the proposal site as shown in principle on the planning application drawings
- b. A yellow cage road marking at the eastbound bus stop in Barrack Street (east of Brook Street, known as "Cannon Street ID 33042008")
- c. Upgrading of the footway along the western side of Brook Street between the proposal site access and the mini roundabout to the south to a shared footway/cycleway
- d. A cycle link between Brook Street and the proposal site's westernmost boundary (details to be submitted to and agreed with the Local Planning Authority prior to commencement of the development)
- e. Improvements to the north-south footpath (which crosses over the railway) between the east-west footpath and Priory Street (details shall be agreed with the Local Planning Authority prior to commencement of the development)
- f. Residential Travel Information Packs in accordance with Essex County Council guidance

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

## **27. ZFE – 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 other than small, privately owned, domestic gardens 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.

## **28. Landscape Scheme**

No works shall take place, (above ground floor slab level) until full details of all landscape works have been submitted to and agreed, in writing, by the

Local Planning Authority and the works shall be carried out prior to the occupation of any part of the development unless an alternative implementation programme is subsequently agreed, in writing, by the Local Planning Authority. The submitted landscape details shall include:

- Proposed finished levels or contours.
- Means of enclosure.
- Car parking layouts.
- Other vehicle and pedestrian access and circulation areas;
- Hard surfacing materials.
- Minor artefacts and structures (e.g. dog litter bins, furniture, play equipment, refuse or other storage units, signs, lighting etc.).
- Proposed and existing functional services above and below ground (e.g. drainage power, communications cables, pipelines etc. Indicating lines, manholes, supports etc.).
- Earthworks (including the proposed grading and mounding of land areas including the levels and contours to be formed, showing the relationship of proposed mounding to existing vegetation and surrounding landform)
- Planting plans. +
- Written specifications (including cultivation and other operations associated with plant and grass establishment).
- Schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate.
- 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.

Note: in order to revise the above bespoke condition to a prior to occupation condition proposals will need to be revised to:

1. Clearly identify the proposed tree species (giving the botanic (Latin) name) for individual tree(s), as well as its/their position.
2. Confirm (verbatim) on any proposal drawing (against the tree symbol(s) in the key) that 'principal tree planting positions have/will been/be designed to lie well outside of and take precedence over any lighting/service/drainage locations/routes'.

## **29. Arboricultural Impact Assessment**

No works or development adjacent to retained trees shall take place until a scheme of supervision for the arboricultural protection measures as set out in the Arboricultural Impact Assessment has been approved in writing by the local planning authority. This scheme will be appropriate to the scale and duration of the works and will include details of:

- a. Induction and personnel awareness of arboricultural matters
- b. Identification of individual responsibilities and key personnel
- c. Statement of delegated powers
- d. Timing and methods of site visiting and record keeping, including updates
- e. Procedures for dealing with variations and incidents.
- f. The scheme of supervision shall be carried out as agreed.

g. The scheme of supervision will be administered by a qualified arboriculturist instructed by the applicant and approved by the local planning authority.

Reason: To safeguard existing trees, shrubs and other natural features within and adjoining the site in the interest of amenity.

### **30. ZPD - Limits to Hours of Work**

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

Weekdays: 08:00-18:00

Saturdays: 08:00-13:00

Sundays and Bank Holidays: No 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.

### **31. Noise**

All residential units shall be designed so as not to exceed noise criteria based on figures by the World Health Authority Community Noise Guideline Values given below:

\*Dwellings indoors in daytime: 35dB LAeq 16 hours

\*Outdoor living area in daytimes: 55dB LAeq 16 hours

\*Inside bedrooms at night time: 30 dB LAeq 8 hours (45 dB LAmax)

\*Outside bedrooms at night time: 45 dB LAeq 8 hours (60 dB LAmax)

Appropriate noise mitigation measures shall be implemented, to ensure compliance with the above levels, prior to occupation of the development on the site and thereafter maintained. Where the internal noise levels exceed those stated in the current version of BS8233 with windows open, enhanced passive ventilation with appropriate sound insulating properties shall be provided to 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. Where units share a party wall from a bedroom to a kitchen, an increase in sound insulation of 3db above building regulation shall be provided.

Reason: To ensure that there are unacceptable levels of noise to residents and to protect bedrooms from living noises from adjacent dwellings.

### **32. Wheelchair Accessible Units**

Notwithstanding the approved drawing the ground floor one bedroom apartments shall be amended internally to enable them to be suitable for a wheelchair user.

Reason: To ensure an inclusive development that is accessible to all.

## **19.0 Informatives**

19.1 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.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.

### **5.ZTS - Informative on Fire Tenders**

PLEASE NOTE that under Building Regulations B5, access for fire tenders is required to a point not further than 45 metres from the entrance to the dwelling. Any road or private drive forming part of such a fire access must be no less than 3.7 metres wide between kerbs (this may be reduced to 3.1 metres for a gateway or similar short narrowing) and should have a minimum centre line bend radius of 6.55 metres. The access way should be capable of carrying a 12.5 tonne vehicle. A cul-de-sac which is more than 20 metres long must have a turning head of at least Size 3.

## **6.ZTX - Informative on Public Rights of Way**

PLEASE NOTE: The applicant/developer is advised that the application site is, or appears to be, affected by the existence of a public right of way. It should be noted that:

(i) it is an offence to obstruct or divert a public right of way (or otherwise prevent free passage on it) without the proper authority having been first obtained. In the first instance contact should be made with the Public Rights of Way Office, Highways and Transportation Services, Essex County Council, County Hall, Chelmsford, Essex CM1 1QH. The telephone number is 01245 437563.

(ii) The granting of planning permission does not authorise the undertaking of any work on a public right of way. Where it is necessary for a right of way to be stopped-up or diverted in order that development may take place, no work may take place upon the line of the right of way until an appropriate order has been made and confirmed (see (i) above). The applicant/developer should note that there is a charge for making a change to the rights of way network.

(iii) Where a private means of access coincides with a public right of way, the granting of planning permission cannot authorise the erection of gates across the line or the carrying out of any works on the surface of the right of way and that permission for any changes to the surface must be sought from the highway authority (Essex County Council).

**7. PLEASE NOTE:** It is likely that a protected species may be present at the site, which are fully protected by the Wildlife and Countryside Act (1981). Further advice on surveys and compliance with the legislation can be obtained from Natural England, Eastbrook, Shaftesbury Road, Cambridge CB2 8DR, Tel. 0300 060 3787.

## **8.ZUL - Informative on Badgers**

PLEASE NOTE that it is understood that a badger sett exists within or adjacent to the application site. Badgers are a statutorily protected species, and it is the developer's responsibility to ensure the requirements of the Badgers Act 1991 are fully complied with.

## **9.ZUM - Informative on Bats**

PLEASE NOTE that it is understood that bat roosts exist within the application site. Bats are a statutorily protected species, and it is the developer's responsibility to ensure the requirements of the Wildlife and Countryside Act 1981 which relate to the protection of bats and their roosts are fully complied with.

## **10. Highway Informatives**

- The above requirements should be imposed by way of negative planning conditions or planning obligation agreements as appropriate
- All residential developments in Essex which would result in the creation of a new street (more than five dwelling units communally served by a single all-purpose access) will be subject to the Advance Payments Code, Highways Act 1980. The developer will be served with an appropriate notice within 6 weeks of building regulations approval being granted and prior to commencement of the development must provide guaranteed deposits, which will ensure the new street is constructed in accordance with a specification sufficient to ensure future maintenance as highway by the Highway Authority

- 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 work within or affecting the highway should be laid out and constructed by prior arrangement with and to the requirements and satisfaction of the Highway Authority, details to be agreed before commencement of the works. An application for the necessary works should be made to [development.management@essexhighways.org](mailto:development.management@essexhighways.org) or SMO1 – Essex Highways, 653, The Crescent, Colchester Business Park, Colchester, CO4 9YQ

### **11.ZUP - Informative on Surface Water Drainage**

PLEASE NOTE that it is the responsibility of the developer to ensure proper provision is made for the surface water drainage of the site to ground, watercourse or surface water sewer. To avoid foul sewer flooding, surface water must not be drained to a foul sewer. The use of sustainable drainage systems (known as SUDS) is very much encouraged. SUDS offer an alternative approach to traditional engineered drainage solutions by detaining run-off on site and releasing it slowly into watercourses or to ground (e.g. dry ditches/swales, detention/attenuation ponds, integrated wetlands). Source control techniques are also increasingly popular, e.g. the use of porous (as opposed to impermeable) paving and 'green roofs' which allow rainwater re-use. These techniques reduce the likelihood of flash flooding, result in greatly improved water quality, are often cheaper and easier to maintain than traditional engineered drainage solutions (i.e. involving seal-trapped gullies and petrol interceptors), and can provide wildlife habitats.