



Application No: 151755

Location: St Nicholas House, High Street, Colchester, Essex, CO1 1DN

Scale (approx): 1:1250

The Ordnance Survey map data included within this publication is provided by Colchester Borough Council of Rowan House, 33 Sheepen Road, Colchester CO3 3WG under licence from the Ordnance Survey in order to fulfil its public function to act as a planning authority. Persons viewing this mapping should contact Ordnance Survey copyright for advice where they wish to licence Ordnance Survey map data for their own use.

This map is reproduced from Ordnance Survey Material with the permission of Ordnance Survey on behalf of the Controller Of Her Majesty's Stationery Office © Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. Crown Copyright 100023706 2015



Committee Report

Agenda item

7

To the meeting of **Planning Committee**
on: **19th November 2015**
Report of: **Head of Professional/Commercial Services**
Title: **Planning Applications**

7.1 Case Officer: Daniel Cameron Due Date: 19/11/2015

MAJOR

Site: St Nicholas House, High Street, Colchester, Essex, CO1 1DN

Application No: 151755

Date Received: 20 August 2015

Applicant: Mr Nick Younger, Dove Properties

Development: Formation of new High St entrance lobby, conversion and change of use of vacant first and second floor ancillary retail accommodation creating 15 residential apartments, construction of new third storey to provide 4 residential apartments and associated external works to the existing rear parking area.

Ward: Castle

Summary of Recommendation: Conditional Approval subject to the signing of a Section 106 Agreement

1.0 Reason for Referral to the Planning Committee

1.1 This application is referred to the Planning Committee because it is a major application and objections have been received. Approval will necessitate the signing of a Section 106 Unilateral Undertaking.

2.0 Synopsis

2.1 The key issues explored below are the contents of the Section 106 Unilateral Undertaking and the objection to the application.

3.0 Site Description and Context

- 3.1 St. Nicholas House is a four storey purpose built detached department store comprising basement, ground, first and second floors. It was constructed in the late 1950's by the Colchester Co-Operative Society after the former church of St. Nicholas was demolished in 1955 by the Church of England.
- 3.2 The building is situated on the south side of High Street towards the eastern end within the outer retail core of the town centre. To the north side of High Street is the Dutch Quarter and Castle Park. The east side of the application site is defined by St Nicholas Street and the west side by a pedestrian lane known as St Nicholas Passage. Immediately to the south of the application site is a small landscaped area (former graveyard) enclosed by low walls and railings which remains in the ownership of the Church of England. The site is located within the Colchester Town Centre Conservation Area.
- 3.3 The ground floor and basement of the building is currently occupied by The Entertainer toy shop and Sweat Shop running store. Both of which are serviced by a rear parking area with access from Culver Street East and St. Nicholas Square. Neither would be affected by this proposal.

4.0 Description of the Proposal

- 4.1 The proposed development intends to redevelop the unused first and second floors of St. Nicholas House to provide 15 residential apartments and to add a third floor to provide 4 additional apartments.
- 4.2 The development would be accessed from two new entrances to be created within the front and rear elevations within the rear parking area and the High Street frontages. Refuse storage and 3 parking spaces would be created within the rear parking area for the use of the new residents and 24 secure cycle parking spaces would be created at ground floor level.

5.0 Land Use Allocation

- 5.1 St. Nicholas House is allocated as part of the Town Centre Outer Core.
- 5.2 The following land uses, as defined within Development Policy DP6 – Colchester Town Centre Uses, would be appropriate within the area:
- A1 – Retail;
 - A2 – Financial and Professional Services;
 - A3 – Restaurants;
 - D1 – Non-Residential Institutions;
 - B1 – Offices; and
 - C3 – Residential.
- 5.3 It should be noted that with reference to Office and Residential uses that support is given for these uses within the local plan to help bring the upper floors of buildings back into use rather than take up active street frontage.

6.0 Relevant Planning History

- 6.1 Following the demolition and reconstruction of the building in the mid 1950's the relevant planning history for St. Nicholas House concerns applications for advertising of the various businesses making use of the space. The upper floors have been previously used for commercial uses only.'

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 also be taken into account in planning decisions and sets out the Government's planning policies are to be applied. The NPPF makes clear that the purpose of the planning system is to contribute to the achievement of sustainable development. There are three dimensions to sustainable development: economic, social and environmental.

- 7.2 Continuing the themes of the NPPF, the adopted Colchester Borough Core Strategy (adopted 2008, amended 2014) adds detail through local strategic policies. Particular to this application, the following policies are most relevant:

SD1 - Sustainable Development Locations
SD2 - Delivering Facilities and Infrastructure
CE2a - Town Centre
H1 - Housing Delivery
H2 - Housing Density
H3 - Housing Diversity
H4 - Affordable Housing
UR2 – Built Design and Character
TA1 - Accessibility and Changing Travel Behaviour
TA2 - Walking and Cycling
TA5 - Parking
ENV1 - Environment

- 7.3 In addition, the following are relevant adopted Colchester Borough Development Policies (adopted 2010, amended 2014):

DP1 Design and Amenity
DP6 Colchester Town Centre Uses
DP11 Flat Conversions
DP12 Dwelling Standards
DP14 Historic Environment Assets
DP16 Private Amenity Space and Open Space Provision for New Residential Development
DP17 Accessibility and Access
DP19 Parking Standards

- 7.4 Further to the above, the adopted Site Allocations (adopted 2010) policies set out below should also be taken into account in the decision making process:

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

- 7.5 Regard should also be given to the following adopted Supplementary Planning Guidance/Documents:

The Essex Design Guide
External Materials in New Developments

8.0 Consultations

- 8.1 Consultations were undertaken with:

- Environmental Protection;
- Arboriculture Officer;
- Landscape Officer;
- Highways Authority;
- Waste Management Service;
- Archaeological Advisor;
- Historic Buildings and Areas Officer; and
- Planning Policy.

- 8.2 Environmental Protection commented that the application was acceptable provided acoustic grade secondary glazing was secured for all windows fronting onto High Street and that details of the management company responsible for the maintenance of communal storage areas be conditioned and agreed with the Local Planning Authority.
- 8.3 The Arboricultural Officer was content with the application provided that details of measures to ensure that the trees to the immediate rear of the building are protected during the construction of the development are secured via condition.
- 8.4 The Landscape Officer has requested that the landscaping of the rear parking area take into account the adopted Landscape Strategy and in particular address issues of design and layout for the rear parking and bin storage areas. These details can be secured by condition.
- 8.5 The Highways Authority did not wish to raise an objection to the application subject to the securing of Travel Information Packs for all residents. This can be secured as part of the Section 106 package for the development.
- 8.6 Waste Management Services were consulted on the application to assess whether they would be able to service the properties. Provided that future access to the rear parking area was secured by condition, there would be no impact upon their ability to service the site and therefore no objections.
- 8.7 With regards to the rear parking area the Council's Archaeological Advisor has requested that a Written Scheme of Investigation be secured by condition. Given the application is located in an area of high archaeological interest; there is high potential for encountering archaeological remains.

- 8.8 The Historic Buildings and Area Officer has requested changes be made to the design of the third floor which the applicant has made and is reflected within the updated drawings. Further, it has been recommended that specific details of the High Street entrance and railings proposed to surround the rear parking area be conditioned to be submitted and agreed with the Council prior to their installation.
- 8.9 Finally, Planning Policy was consulted regarding the principle of the development. Their response is as follows: *The proposal lies within the Outer Core of the Town Centre Uses for that area are covered by Core Strategy Policies CE2a (Town Centre), H1 (Housing Delivery), and UR1 (Regeneration Areas); Site Allocation Policy SA TC1 (Appropriate Uses within the Town Centre and North Station Regeneration Areas); and Development Policy DP6 (Colchester Town Centre Uses). All of these policies encourage a mix of uses to help underpin the vitality of the Town Centre, including residential uses on upper floors. Specifically, Policy DP6 provides that 'within the Town Centre support will also be given to bringing upper floors back into use'. The proposed use of the upper floors for residential purposes is accordingly supported.*

In addition to the details reported above, the full text of all consultation responses is available to view on the Council's website.

9.0 Parish Council Response

- 9.1 N/A. The application site lies within an unparished town centre ward.

10.0 Representations

- 10.1 One representation was received in objection to the application. The objection stated that:
- Conversion of the upper floors of St. Nicholas House to residential, which was purpose built as retail space, should be refused as it runs contrary to Government policies;
 - To allow conversion would be contrary to Colchester Borough Council's aim of promoting the Town Centre; and
 - Any additional increase in height would be out of keeping with most of the other buildings in the High Street.
- Officer comment: Government policy is to support the change of use of former commercial floor area to residential uses to address the national housing shortage.*
- 10.2 General comments were received from Colchester Cycle Campaign regarding the type of cycle parking to be provided on site. They pointed out that hanging storage is not ideal for all users and recommended either double decker cycle storage. The applicant is happy that details of the cycle storage be secured and agreed by condition.

The full text of all of the representations received is available to view on the Council's website.

11.0 Parking Provision

- 11.1 It is proposed that three parking bays will be created within the existing parking area to service three of the residential units.

- 11.2 It is also proposed to create 24 cycle parking spaces with access from the rear parking area for the benefit of the residents.

12.0 Open Space Provisions

- 12.1 No open space provision is offered as part of this application although the 4 residential units to be provided on the proposed third floor would all benefit from balconies. There is no space within the curtilage of the application site to provide any open space for the residents; however, the application site is located close to Castle Park and would benefit from the public amenity space offered closeby.

13.0 Air Quality

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

14.0 Development Team and Planning Obligations

- 14.1 This application is classed as a “Major” application and therefore there was a requirement for it to be considered by the Development Team. It was considered that Planning Obligations should be sought via Section 106 (S106) of the Town and Country Planning Act 1990. The Obligations that would be agreed as part of any planning permission would be:
- 20% Affordable Housing or suitable commuted sum;
 - £31,721 contribution towards the improvement of St. Nicholas Square;
 - £10,000 contribution towards the refurbishment of St. Peters Church Hall; and
 - Travel Information Packs for all residents.
- 14.2 The applicant submitted a viability report which showed that the development was unable to support the required S106 contributions and remain economically viable. A £5,000 contribution towards the improvement of St. Nicholas Square was offered.
- 14.3 This viability report was queried by the Council and subjected to an independent review. It concluded: *We agree that the applicant's appraisal indicates that the scheme is currently unable to deliver a normal market level of profit. The applicant's appraisal indicates that the scheme without affordable housing will deliver a shortfall on normal profit expectations of 17%...Given the potential for the scheme to generate higher sales values than are prevailing within the second hand market we recommend an outturn review of viability be undertaken to establish whether the scheme is capable of delivering an in lieu contribution towards affordable housing and to meet the Council's required S106 contributions.*
- 14.4 This view was put to the applicant who has agreed to enter into a S106 which contained a viability review. This would establish whether higher profit levels were achieved for the development in line with the view of the independent viability review. This profit would then be split between the developer and the Council.

- 14.5 The item was reconsidered by Development Team in light of these recommendations. It was agreed that Planning Obligations should be sought via S106. The obligations would be:
- £5,000 contribution towards hard landscape improvements to St. Nicholas Square;
 - Travel Information Packs for all residents; and
 - A viability review mechanism which, if higher profit levels were to shown to be achieved for the development, would utilise the Council's share towards a commuted sum for Affordable Housing.

15.0 Report

Principle of Development

- 15.1 As previously mentioned the application lies within the Town Centre Outer Core. As such the appropriate land uses classes within this area are outlined within the Site Allocation Policy SA TC1 and Development Policy DP6. Policy SA TC1 designates the Town Centre a mixed use area meaning that a mixture of residential and commercial uses would be appropriate. The proposed use is therefore policy compliant.
- 15.2 Development Policy DP6 states that A1, A2, A3 and D1 uses would be supported provided they contributed to the vitality of the Town Centre and did not result in more the 50% of the active street frontage being used for non-retail purposes. It goes on to state that: *support will also be given to bringing upper floors back into use, particularly for C3 residential purposes and B1 business uses.*
- 15.3 Given that the proposed development accords with both the above policies, which were revised in July 2014 to ensure that they were in compliance with the National Planning Policy Framework's aim of securing the vitality of town centres, policy support for the application is given in principle.
- 15.4 Further, within The Town and Country Planning (General Permitted Development) (England) Order 2015 support is given, within Schedule 2, Part 3, Sections M and O for the conversion of existing retail premises and offices, respectively, to form C3 residential dwellings. Given that these works would not require planning permission it is consequently understood that support is also given from national policy as expressed in this statutory instrument.

Design and Layout

- 15.5 In terms of design context there is a mix of building styles evident along High Street and in the surrounding area mainly dating from the Georgian and Victorian periods interspersed with modern infill and redevelopment, especially at ground floor level. The area forms part of Colchester Conservation Area 1 which covers the Town Centre and in general terms High Street is notable for the commercial robust architectural character of the built frontages within it.
- 15.6 St. Nicholas House is shares the well- composed character typical of the wider conservation area and it is proposed that the majority of the building be left unchanged by the proposed works.

- 15.7 The only item of works which requires consideration regarding design is the addition of the proposed third floor. This has been designed in pent house format to minimise its impact, both upon St. Nicholas House and the wider conservation area when viewed from the existing streetscene as far as possible, being set back from the existing roof parapet and clad in dark grey panelling. It is considered that the proposed design would be visually recessive and subordinate to the existing built form.
- 15.8 In design terms, the third floor is designed in a more contemporary idiom in keeping with the Culver Street retail development to the south of the application site and the penthouse additions to the residential conversions to the north.
- 15.9 Given the attempts to screen the third floor from view it is unlikely to have significant detrimental impacts upon the wider area, either in terms of impact to the amenity enjoyed on the High Street, or on the character of the conservation area. To this end, Historic England were consulted on the proposed development at Preliminary Enquiry stage and did not raise an objection.

Scale, Height and Massing

- 15.10 In terms of scale, height and massing, St. Nicholas house would be increased by one storey in height. The immediate surrounding buildings to the east and west are both four storeys in height and recent development to the north of the site have been developed at a similar scale.

Impact on Surrounding Area

- 15.11 The impact on the surrounding area will be minimal. Conversion of the upper floors of existing premises within the Town Centre to provide residential accommodation has occurred elsewhere within the Town Centre with no negative impacts. The introduction of more residential uses would add vitality and provide surveillance of the public realm after closing hours thereby increasing public safety.

Impact on Neighbouring Properties

- 15.12 The greatest impact of the development will be felt by the businesses currently occupying the ground floor of St. Nicholas House. Given that the developer is also the landlord for these retail/leisure uses it is in their interest to ensure that as little disruption as possible is caused as the result of the proposed works which in any case will cease upon the completion of the building works.

Amenity Provisions

- 15.13 No amenity provision is offered as part of this application and there is insufficient space within the curtilage of the site to provide it onsite. This is inevitable in the context of a town centre development. The four residential units proposed as part of the new third floor would all benefit from balconies. It is considered that given the proximity of Castle Park residents could readily make use of the significant public amenity space available.

Highway Issues

15.14 The Highways Authority has not raised an objection to this application.

16.0 Conclusion

16.1 The proposed development is in conformity with the provisions of the adopted local plan that seeks to promote sustainable development and enhance the vitality of the town centre.

17.0 Recommendation

17.1 APPROVE subject to the signing of a legal agreement under Section 106 of the Town and Country Planning Act 1990 within 6 months from the date of the Committee meeting. In the event that the legal agreement is not signed within 6 months, to delegate authority to the Head of Environmental and Protective Services to refuse the application, or otherwise to be authorised to complete the agreement to provide the following:

- *£5,000 contribution towards hard landscape improvements to St. Nicholas Square;*
- *Travel Information Packs for all residents; and*
- *A viability review mechanism which, if higher profit levels were to shown to be achieved for the development, would utilise the Council's share towards a commuted sum for Affordable Housing.*

17.2 On completion of the legal agreement, the Head of Service be authorised to grant planning permission subject to the following conditions:

18.0 Conditions

1 - 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 - Materials to be Agreed

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

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

3 - *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 9241-PL-40, 9241-PL-41, 9241-PL-42, 9241-PL-43 Revision B, 9241-PL-44 Revision B, 9241-PL-45 Revision A, 9241-PL-46 Revision A, 9241-PL-47 Revision B, 9241-PL-48 Revision A, 9241-PL-49 Revision A, 9241-PL-50 and 9241-PL- 51.

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

4 - Refuse and Recycling As Shown

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

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

5 - Simple Landscaping Scheme Part 1 of 2

No works shall take place until a scheme of hard and soft landscaping works for the publicly visible parts of the site has been submitted to and agreed, in writing, by the Local Planning Authority. This scheme shall include any proposed changes in ground levels and also accurately identify positions, spread and species of all existing and proposed trees, shrubs and hedgerows on the site, as well as details of any hard surface finishes and external works, which shall comply with the recommendations set out in the relevant British Standards current at the time of submission.

Reason: In order to ensure that there is a sufficient landscaping scheme for the relatively small scale of this development where there are public areas to be laid out but there is insufficient detail within the submitted application.

6 - Simple Landscaping Scheme Part 2 of 2

All changes in ground levels, hard landscaping, planting, seeding or turfing shown on the approved landscaping details shall be carried out in full prior to the end of the first planting and seeding season following the first occupation of the development or in such other phased arrangement as shall have previously been agreed, in writing, by the Local Planning Authority. Any trees or shrubs which, within a period of 5 years of being planted die, are removed or seriously damaged or seriously diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority agrees, in writing, to a variation of the previously approved details.

Reason: In order to ensure that there is a sufficient landscaping scheme for the development where there is insufficient detail within the submitted application.

7 -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. 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.

8 - No Gates to Access

At no point shall gates be provided at the vehicular access and the access shall remain open and free from obstruction for use in perpetuity.

Reason: To give vehicles using the access free and unhindered access to and from the highway in the interest of highway safety.

9 - Vehicle Parking

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

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

10 - Parking Space/Hardstanding Sizes (Open)

Any vehicular hardstanding shall have minimum dimensions of 2.9 metres x 5.5 metres for each individual parking space, retained in perpetuity.

Reason: To ensure adequate space for parking off the highway is provided in the interest of highway safety.

11 - *Cycle Parking TBA

Prior to the first occupation of the development hereby permitted, cycle parking for 24 bicycles shall have been laid out within the site in accordance with details that shall have previously been submitted to and agreed, in writing, by the Local Planning Authority. The agreed cycle parking provisions shall thereafter be maintained and made available for this use at all times.

Reason: There is insufficient detail shown to ensure that there is satisfactory cycle parking available at the site at the time that it becomes occupied.

12 - Ground Floor Doors and Windows Abutting Highway

No doors or windows to ground floor rooms shall be capable of opening outwards over the public highway at any time.

Reason: To ensure the unimpeded passage of pedestrians and cyclists, in the interests of highway safety.

13 - *Lighting Affecting the Highway

Prior to the first use of any external lighting within the development site, the light source shall be so positioned, in perpetuity, to ensure that users of the highway are not affected by dazzle or glare, in accordance with details to be submitted to and approved, in writing, by the Local Planning Authority.

Reason: To ensure that users of the highway are not subjected to glare and dazzle from lighting within the development in the interest of highway safety.

14 - Railings to be Black

The railings shown on the approved plans shall be painted black within one month of installation and shall be retained as such thereafter.

Reason: In the interests of preserving the character and appearance of the listed building and its setting.

15 - Construction Method Statement

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

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

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

16 - Limits to Hours of Work

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

Weekdays: 6:00 to 22:00

Saturdays: 6:00 to 22:00

Sundays and Bank Holidays: 9:00 to 18:00

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.

17 - *Illuminated Advert Light Pollution

Any illuminated elements of the building frontage (including resultant sky glow, light trespass, source intensity and building luminance) shall have a maximum luminance as specified below:

WITHIN ZONE E4 TOWN/CITY CENTRES WITH HIGH LEVELS OF NIGHT- TIME ACTIVITY;

1. BELOW 10m² SURFACE AREA = MAXIMUM LUMINANCE OF 1000 CD/m²

2. ABOVE 10m² SURFACE AREA = MAXIMUM LUMINANCE OF 600 CD/m²

Reason: In order to safeguard the character and amenity of the surrounding area by preventing the undesirable, disruptive and disturbing effects of light pollution, and in the interests of highway safety from any glaze or dazzle.

18 - Flashing or Intermittent Display

Notwithstanding any details shown on the approved drawings, this permission does not authorise any flashing, intermittent or recurring form of illumination.

Reason: It is considered that these forms of illumination may cause harm.

19 - Non-Standard Condition/Reason

Acoustic grade secondary glazing (6.8mm glass) shall be installed prior to occupation behind every window fronting onto the High Street.

Reason: The site is adjacent to a busy area of the Town Centre and the dwellings need to be adequately protected from noise arising from this area.

20 - Communal Storage Areas

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

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

21 - Non-Standard Condition/Reason

Prior to the first occupation of the development hereby permitted, details of access arrangements for the adequate servicing of the waste storage areas to the rear of this building shall be submitted to, and agreed in writing by the Local Planning Authority. Such details as shall have been agreed shall thereafter continue.

Reason: To ensure that the waste storage areas can be accessed and the refuse stored there collected and disposed of and any potential adverse impact on public health or the quality of the surrounding environment is avoided.

22 - Non-Standard Condition/Reason

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

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

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

Reason: To safeguard archaeological assets within the approved development boundary from impacts relating to any groundworks associated with the development scheme and to ensure the proper and timely investigation, recording, reporting and presentation of archaeological assets affected by this development, in accordance with Policy SD1 and ENV1 of Colchester Borough Council's Core Strategy (2008).

23 - Non-Standard Condition/Reason

Prior to commencement of the development hereby permitted, detailed drawings of the new High Street entrance shall be submitted to, and agreed in writing by the Local Planning Authority.

Reason: There is insufficient detail within the planning application to ensure that the new entrance to be created shall be in keeping with the character of the conservation area.

19.0 Informatives

(1) **ZT0 – Advisory Note on Construction & Demolition**

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

(2) All works affecting the highway should be carried out by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority and application for the necessary works should be made by initially telephoning 08456 037631.

(3) **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. Please pay particular attention to these requirements.

(4) 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.

(5) 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.

(6) Informative on trees in Conservation Areas

PLEASE NOTE that the site lies within a Conservation Area where the topping, lopping, felling or uprooting of most trees cannot be carried out without first giving the Local Planning Authority six weeks notice. Failure to comply with this statutory requirement may result in prosecution.

(7) Informative on Archaeology

PLEASE NOTE The submitted scheme of archaeological investigation should be in accordance with an agreed brief. This can be procured beforehand by the developer from Colchester Borough Council. Please see the Council's website for further information: <http://www.colchester.gov.uk/article/13595/Archaeology-and-the-planning-process>

(8) 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.

(9) INF01 Highway Works

All work within or affecting the highway is to be laid out and constructed by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority, details to be agreed before the commencement of works.

The applicants should be advised to contact the Development Management Team by email at development.management@essexhighways.org or by post to: Essex Highways, Colchester Highways Depot, 653 The Crescent, Colchester, CO4 9YQ.

(10) INS - INF02 Cost of Works

The Highway Authority cannot accept any liability for costs associated with a developer's improvement. This includes design check safety audits, site supervision, commuted sums for maintenance and any potential claims under Part 1 and Part 2 of the Land Compensation Act 1973. To protect the Highway Authority against such compensation claims a cash deposit or bond may be required.

20.0 Positivity Statement

- 20.1 The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.