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Committee Report

Agenda item

7

To the meeting of **Planning Committee**
on: **5th November 2015**
Report of: **Head of Professional/Commercial Services**
Title: **Planning Applications**

7.1 Case Officer: Sue Jackson Due Date: 25/11/2015

MAJOR

Site: Car park at Sheepen Road, Colchester

Application No: 151825

Date Received: 26 August 2015

Agent: Kevin Whyte, Barefoot & Gillies

Applicant: Mr Reg Patterson, Colchester Borough Council

Development: Proposed phased development of 2 new office buildings and associated outbuildings, parking and landscaping.

Ward: Castle

Summary of Recommendation: Conditional Approval subject to no objections being raised by Anglian Water

1.0 Reason for Referral to the Planning Committee

1.1 This application is referred to the Planning Committee because the applicant is Colchester Borough Council. The application is also a major application and objections have been received

2.0 Synopsis

2.1 The key issues explored below are the development proposed and policy implications, flood risk issues, traffic and other matters raised in the representations.

3.0 Site Description and Context

- 3.1 The application site is situated on the edge of Middleborough Roundabout. The site is on the west side of the roundabout, bordered to the south and west by Sheepen Road. Vehicular access is from Sheepen Road using the existing access point.
- 3.2 Sheepen Road links the Middleborough Roundabout to the Avenue of Remembrance and serves Colchester Borough Council offices, the Colchester Institute, a small retail park, allotments, a car dealership, a small number of residential properties and a school.
- 3.3 The application site is currently a long stay public car park. The site area is approximately 0.4 hectares, consisting of the main area of car spaces, bounded by a mix of trees, bushes and hedgerows. A lorry park to the north west is separated from the site by a row of poplar trees.
- 3.4 Westway, a dual carriageway is to the north of the site, the other side of Westway are the back gardens of houses in Sheepen Place. To the east of the houses, on the north side of Middleborough roundabout, is Hiscox House, a three storey office block constructed in the 1990's of red and buff bricks with a slate pitched roof, occupied by an insurance firm. To the east of the site, and on the east side of Middleborough roundabout is a substantial office building called the Octagon. This was built in the 1970's, for Royal London Insurance and is a 3-4 storey red brick building with a mixture of flat roofs and tiled mansard sections and small turrets. To the south of the Octagon and on the south east side of Middleborough roundabout is a section of the town wall approximately 3m high, behind which is Colchester 6th Form College.
- 3.5 To the south of the site on the south west side of Middleborough roundabout is an Victorian water works building, consisting of 1-2 storeys with red brick walls and slate pitched roof. Adjacent is Rowan House, a late 20th century 3 storey a buff brick office building with slate pitched roofs occupied by Colchester Borough Council.
- 3.6 To the west of the site is Colchester Retail Park, which consists of two double height buildings set to the rear of a forecourt car park. The buildings currently house a total of five retail shops. These buildings are constructed from buff and red brick with slate mansard roofs and round brick turret detailing.

4.0 Description of the Proposal

- 4.1 This application is for the erection of two 3 storey office blocks totalling 3160 m² floor space. The buildings have the following dimensions: Building 1 – 36.5m x 18.5 m, Building 2 – 29.4m x 16.9m the buildings are both 11.5m high.
- 4.2 A solar array comprising 246 units in total is proposed on the roofs hidden from public view behind a parapet.
- 4.3 Pedestrian access from the site is onto Sheepen Road, across an existing raised table from the pavement outside Rowan House.

- 4.4 The external lighting for the development is primarily based on light fittings directly mounted on the building fabric providing an up-lighting strategy from fittings located within the pilaster column recesses of the building façade and an element of down-lighting from continuous linear edge-lighting of the front and side elevations of the building.
- 4.5 The application includes the following documents Design and Access Statement, Flood Risk Assessment, BREEAM Pre-Assessment, Sequential Test Report, Drainage report, Acoustic report, Air Quality report, Archaeological Evaluation, Site Investigation reports and Arboricultural report.

5.0 Land Use Allocation

- 5.1 The site is within a Mixed Use area on the Proposals Map. Appropriate Land Uses in Mixed Use Centres are defined in the Core Strategy and offices are identified as a primary land use.

6.0 Relevant Planning History

- 6.1 None

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
CE2 - Mixed Use Centres
UR2 - Built Design and Character
PR2 - People-friendly Streets
TA1 - Accessibility and Changing Travel Behaviour
TA2 - Walking and Cycling
TA3 - Public Transport
TA4 - Roads and Traffic
TA5 - Parking
ER1 - Energy, Resources, Waste, Water and Recycling

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

DP1 Design and Amenity
DP3 Planning Obligations and the Community Infrastructure Levy
DP6: Colchester Town Centre Uses
DP17 Accessibility and Access
DP19 Parking Standards
DP20 Flood Risk and Management of Surface Water Drainage
DP25 Renewable Energy

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

Vehicle Parking Standards
Sustainable Construction
External Materials in New Developments
Cycling Delivery Strategy

8.0 Consultations

8.1 Arboricultural Officer

Comments : "I am in agreement with the conclusions and recommendations of the tree report."

8.2 Archaeology Officer

Comments: 'This application lies in an area of high archaeological interest recorded in the Urban Archaeological Database. An adequate pre-determination archaeological evaluation has been undertaken by Colchester Archaeological Trust in 2014 (CAT report 808). This showed that there has been a considerable amount of post-medieval build-up on the site and that the potential for archaeological remains of national importance (i.e. unrecorded designated heritage assets) is low. On this basis, there are no grounds to consider refusal of permission in order to achieve preservation in situ of any important heritage assets.

However, in accordance with the National Planning Policy Framework (Paragraph 141), any permission granted should be the subject of a planning condition to record and advance understanding of the significance of any heritage asset before it is damaged or destroyed.

In this case, an archaeological condition requiring prior submission of and agreement to a Written Scheme of Investigation.'

8.3 Contaminated Land Officer

Comments: 'I am in receipt of the above in support of this application. I note that, based on the investigations undertaken, it has been recommended that precautionary ground gas and hydrocarbon resistant protection is adopted, details to be provided. In addition, the petrol interceptor is recommended for specialist inspection and cleaning. However, based on the information provided, it would appear that the site could be made suitable for the proposed use. Consequently, should permission be granted for this application, conditions are recommended.'

8.4 Landscape Officer

Comments that:

- To accord with the Council's adopted Landscape Strategy the landscape element of the proposal needs to be cross checked against the Council's standard generic requirements
- Where tree types are identified, any tree type/position proposed needs to allow for an anticipated mature crown spread & height and be at a sufficient distance to avoid potential root damage to existing structures, maturity should be considered as 25yr for trees used for early impact and fast establishment. In order to facilitate this requirement the phase 1 building footprint should be shifted west by a couple of meters and north by a meter this would then allow sufficient room for the retention of G002 and T011, T012, T013 & T014 to the site frontage
- Any proposal needs to remove rather than retain tree(s) identified in any tree survey as BS 5837 'C' category in almost all cases and removal of all 'R' category trees. This in order to ensure retention of these poorer quality trees does not compromise the envisaged developments long-term landscape quality/structure. Given the importance of the C category trees on site, consideration could be given to retaining these trees in order to maintain the amenity value they offer, albeit their lifespan and the amenity value offered may be limited. In order to secure the amenity value in the long term additional tree planting should be considered on either side of the existing boundary hedge to help reinforce the boundary.

8.5 Environmental Protection

Comments:' No objection subject to conditions.'

8.6 Highway Authority

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

8.7 Essex County Council SUDS

Comments that "Further to a series of emails sent in response to our objection, we now do not object planning permission.

The proposed development will only meet the requirements of the National Planning Policy Framework if the following measures as detailed in the FRA and the above mentioned documents submitted with this application are implemented and secured by way of a planning condition on any planning permission.

Summary of Flood Risk Responsibilities for your Council

We have not considered the following issues as part of this planning application as they are not within our direct remit; nevertheless these are all very important considerations for managing flood risk for this development, and determining the safety and acceptability of the proposal. Prior to deciding this application you should give due consideration to the issue(s) below. It may be that you need to consult relevant experts outside your planning team.

- Sequential Test;
- Safety of people (including the provision and adequacy of an emergency plan, temporary refuge and rescue or evacuation arrangements);
- Safety of the building;
- Flood recovery measures (including flood proofing and other building level resistance and resilience measures);
- Whether insurance can be gained or not;
- Sustainability of the development.

In all circumstances where warning and emergency response is fundamental to managing flood risk, we advise local planning authorities to formally consider the emergency planning and rescue implications of new development in making their decisions.

Please see Appendix 1 at the end of this letter with more information on the flood risk responsibilities for your council.

PLEASE NOTE: Any drainage features proposed for adoption by Essex County Council should be consulted on with the relevant Highways Development Management Office.

Changes to existing water courses may require separate consent under the Land Drainage Act before works take place. More information about consenting can be found in the attached standing advice note.

Whilst we have no further specific comments to make at this stage, attached is a standing advice note explaining the implications of the Flood and Water Management Act (2010) which could be enclosed as an informative along with your response issued at this time."

8.8 Environment Agency

Comments: "We have inspected the application, as submitted, and have no objection, provided the conditions below are appended to any planning permission granted. We also have the following advice:

Contaminated Land

National Planning Policy Framework (NPPF) paragraph 109 states that the planning system should contribute to and enhance the natural and local environment by preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of water pollution. Government policy also states that planning policies and decisions should also ensure that adequate site investigation information, prepared by a competent person, is presented (NPPF, paragraph 121).

We refer to the Supplementary Site Investigation report by Delta Simons, dated September 2015. The investigations carried out to date have indicated the presence of soil contamination by PAHs and hydrocarbons. Further investigation should determine the extent of any hotspots and determine whether groundwater has been impacted upon.

We consider that planning permission could be granted to the proposed development as submitted if the following planning conditions are included as set out below. Without

these conditions, the proposed development on this site poses an unacceptable risk to the environment and we would object to the application.

Flood Risk

Our maps show the site is located in Flood Zones 1 and 2, the low and medium probability zones. This application is therefore covered by our Flood Risk Standing Advice.

However, we are aware that there is a grill on Sheepen Road Ditch, at the north east corner of the site, and consideration should to be given in the Flood Risk Assessment to the increased risk from this not been cleared by either Colchester Borough Council or Essex County Council who own it.

Flood Defence Consent

Under the terms of the Water Resources Act 1991 and the Anglian Land Drainage Byelaws, our prior written consent is required for any proposed works or structures in, under, over or within 9 metres of the top of the bank of Sheepen Road Ditch, which is designated a 'main river'.

Foul Water Disposal

The submitted information indicates that the development will be connected to the public foul sewer. Anglian Water Services should be consulted regarding the available capacity in the foul water infrastructure. If there is not sufficient capacity in the infrastructure then we must be consulted again with alternative methods of disposal.

Sustainability

Climate change is one of the biggest threats to the economy, environment and society. New development should therefore be designed with a view to improving resilience and adapting to the effects of climate change, particularly with regards to already stretched environmental resources and infrastructure such as water supply and treatment, water quality and waste disposal facilities. We also need to limit the contribution of new development to climate change and minimise the consumption of natural resources.

Opportunities should therefore be taken in the planning system, no matter the scale of the development, to contribute to tackling these problems. In particular we recommend the following issues are considered at the determination stage and incorporated into suitable planning conditions:

☐ Overall sustainability: a pre-assessment under the appropriate Code/BREEAM standard should be submitted with the application. We recommend that design Stage and Post-Construction certificates (issued by the Building Research Establishment or equivalent authorising body) are sought through planning conditions.

☐ Resource efficiency: a reduction in the use of resources (including water, energy, waste and materials) should be encouraged to a level which is sustainable in the long term. As well as helping the environment, Defra have advised that making simple changes resulting in the more efficient use of resources could save UK businesses around £23bn per year.

☐ Net gains for nature: opportunities should be taken to ensure the development is conserving and enhancing habitats to improve the biodiversity value of the immediate and surrounding area.

☐ Sustainable energy use: the development should be designed to minimise energy demand and have decentralised and renewable energy technologies (as appropriate) incorporated, while ensuring that adverse impacts are satisfactorily addressed.

These measures are in line with the objectives of the NPPF as set out in paragraphs 7 and 93-108."

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

10.0 Representations

10.1 (5 objections have been received from 3 residents of Sheepen Place and from Colchester Cycling Campaign the issues raised are summarised below.

10.2 Colchester Cycling Campaign "Please note that the cycle parking in phase one does not meet the standards laid down at 3.6.2 of the Essex parking design guide. In my opinion, it falls because it has a less convenient location than that for cars at the front of the building (adjacent to entrance), and because it is tucked down the side of the building (enjoying good natural observation). I would appreciate it if this could be addressed".

Officer comment: The cycle spaces are positioned close to the pedestrian access to the site from Sheepen Road, cyclists are more likely to use this access than the vehicular access. The position of these spaces is therefore considered acceptable.

10.3 Residents' comments

"Traffic grinds to a halt nearly every morning and afternoon/evening because of the Institute and people battling in and out of town to get home/work or to one of a handful of car parks still available. To get out of Sheepen Place and Middleborough every day heading in any direction is an utter disaster, it is noisy and dangerous particularly for emergency vehicles. The junction cannot take increased traffic flow as it currently stands. Adequate consideration has not been given to this. A traffic assessment/appraisal is required."

Officer comment: This proposal will result in a reduction in traffic.

"Will roads be maintained adequately? Sheepen Place was clearly not 'improved' after the development of flats or even the additional office block there. What will happen to the state of the roads and any likely improvements required during and after construction?"

Officer comment: highways have not required any works to the road network

"This car park is generally always very full and well used by workers, students and visitors, as stated in the D&A statement it is a 10 minute walk to such attractions like the town centre, institute and the railway station. My Family members have also had to use this car park with Middleborough being full, St Marys being overpriced and no resident parking/dropped kerbs for residents in Sheepen Place. Where do you propose people park once a block of 2 offices with 48 private parking spaces is put in its place? Use the 'park & ride'? Certainly not easy as a resident. No encouragement is shown in this proposal for use of the 'park and ride' facilities supposedly provided to reduce the level of Traffic".

Officer comment: the site is very close to bus stops including the park and ride and Colchester North Station. In addition a Travel Plan is proposed which will promote and encourage staff to use non car modes of transport.

With Informa/Spicer Haart/The Octagon/Colchester Council offices/the Institute/the Retail Centre, as well as local businesses and residents in the local vicinity of the site

proposed, is it truly necessary to place 2 further office blocks in this area? They do not look particularly attractive from the designs. They do not appear in character with the rest of the streetscape. Has an environmental impact assessment been prepared?
Officer comment: the site is allocated for mixed use where office use is acceptable; an Environmental Impact Assessment is not required.

“Drainage in Sheepen Place and most likely Sheepen Road, is old with pipes known to have burst in recent years and our street often floods in heavy rain as the drainage cannot cope - the River Colne also plays it part here. Will the impact of 2 further offices add to this considering being close to Flood Zones 2 and 3 and a river line nearby and an area that would benefit some improvement? How can you judge the impact a flood may have? The report appears otherwise very sparse.”

Officer comment: The site is not within flood zone 3. A Flood Risk Assessment has been submitted and considered by Essex County Council SUDS Team and subject to the imposition of conditions they have not objected to the application.

“The notification of a new planning application arriving through my door was the first I knew of this proposal, incidentally, the council website given in the letter doesn't work, this was not exactly a surprise having been excluded from this decision so far, so, having found another way to access the information, and also having looked through the affiliated stuff on file I note the rather conspicuous omission of having canvassed opinions from anyone in this road beyond no 7, myself included, surely it would not have been asking TOO much to canvas a further 12 tenants in a long established Colchester road, who will be directly affected by this development, but then historically we are used to the council bulldozing it's way through our objections.”

Officer comment: all the residents of Sheepen Place, 16 in total, have been notified of the application. In addition the application has been advertised in the local newspaper and on site.

“I object to the loss of yet another car park to benefit a council who have already apparently owned and sold various developments for financial gain, I.E. The Grange in Lexden Road and Angel Court in High Street, I have no confidence that this proposed new construction will not go the same way once developed.”

“I'm keeping a close eye on this proposal now and read with interest about the flood zone 2 requirements, but some other things have come to my attention as well, and I am hoping I can get local people to think more deeply about things which might otherwise escape scrutiny, for instance, the fact that it was remarked that noise from the proposed office development was not expected to be a problem, but nobody even raised the point that it's traffic QUANTITY which would be an issue, not the noise it may make. Nobody has questioned the amount of noise which will be generated during the development of this site by the attendant heavy vehicles, how noisy the services, like heating, etc; would be, or how long us residents are going to have to suffer with it. We already have considerable intrusive noise from the ex-Royal London heating plant, which we hear clearly if we have a quiet weekend.”

Officer comment: the Noise Report was informed by CBC Environmental Protection Officers, conditions are recommended in respect of noise from fixed plant and equipment and to limit working times.

“The plans show provision for signage for Birkett and Long, a firm of solicitors who are currently situated in Crouch Street, so as previously suspected, this is NOT just for the use or benefit of the council, or incidentally, for us.”

Officer comment: Two applications have been submitted the first the subject of this report proposes 2 office buildings Colchester Borough Council is the applicant and the intention is to lease the buildings. The Council has signed a lease with Birkett Long to occupy the first building. The second application, the following item on this agenda, is for advertisement consent for a Birkett Long sign in front of the building.

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

11.0 Parking Provision

11.1 The adopted parking standard for office use is a maximum of 1 space per 30 square metres, 48 spaces are proposed; (the maximum is 106 spaces).

11.2 Cycle parking is a minimum of 1 space per 100 sqm for staff plus 1 space per 200sqm for visitors.

11.3 Powered Two Wheelers is a minimum of 1 space, + 1 per 20 car spaces (for 1st 100 car spaces), then 1 space per 30 car spaces (over 100 car spaces)

11.4 Disabled parking is a minimum of 200 vehicle bays or less = 2 bays or 5% of total capacity, whichever is greater.

11.5 The site is close to Colchester town centre where a lower parking standard is appropriate, the approved parking standard document states the following "A lower provision of vehicle parking may be appropriate in urban areas (including town centre locations) where there is good access to alternative forms of transport and existing car parking facilities. In all cases adequate provision shall be made for the parking and turning of service vehicles serving the site, off the highway.

11.6 The following extract from the Transport and Travel Statement provides details of the parking provision and transport facilities and demonstrates the site is in a sustainable location. *"The site has excellent transport links and is well served by bus and train. The proposal includes 48 car parking spaces, 4 motorcycle spaces and 50 cycle spaces. The nearest bus stops are 368m away (5 minute walk) in Middleborough. They are served by multiple routes with frequencies of up to 5 buses an hour, including the park and ride service, which is located at junction 28 of the A12, the main trunk road serving Colchester. Colchester North railway station, with mainline services to London and Norwich and branch line services to Harwich, Clacton and Walton on the Naze is 0.9 miles away (20 minute walk). Colchester town centre, where there are additional bus routes available, is 0.5 miles away (10 minute walk)".*

11.7 The parking provision is considered acceptable in this highly sustainable location and will be secured by condition.

11.8 A Travel Plan is also proposed which will promote and encourage staff to use sustainable forms of transport

12.0 Open Space Provisions

12.1 N/A

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 are a Travel Plan plus monitoring of the plan.

15.0 Report

Design and Layout

15.1 The proposed office buildings would be clad in light buff brickwork with recessed mortar joints. The proposed east elevation includes a band of ‘honeycomb bond’ perforated brickwork which conceals ventilation intakes behind. The main entrances would be defined by copper-clad ‘portal’ frames around, with copper and glass canopies above. The proposed windows and doors are aluminium-clad and timber framed. The proposed scheme is targeting a BREEAM ‘Very Good’ rating.

15.2 The phase 1 building would face the roundabout set behind the retained trees and both buildings would present built form to Sheepen road and help to provide enclosure in the street scene.

15.3 The design of the proposed offices will complement existing buildings and add an attractive feature in the street scene.

Scale, Height and Massing

15.4 The scale and massing of the proposed office buildings reflects existing buildings. The new offices will be 3 storeys in height which is in the middle of the range of existing buildings which are 2-4 storeys.

Impact on the Surrounding Area

15.5 The proposal will have a positive impact on the townscape of the surrounding area replacing a surface car park with built form whilst retaining the majority of the landscape features on the site.

Impacts on Neighbouring Properties

- 15.6 Whilst objection has been received from residents in Sheepen Place it is considered the proposed offices will have minimal impact. The land is currently in use as a long stay public car park available for use 7 days a week and throughout the day. It is considered that not only will the amount of traffic be reduced but will occur over a shorter period and less days. Whilst there may be some disturbance during construction Environmental Protection are recommending a condition to restrict working times to mitigate any adverse impact.
- 15.7 The site is separated from residential properties in Sheepen Place by West Way a dual carriageway. The office buildings will be a minimum of 35 metres from the nearest residential boundary and a minimum of 65 metres from the residential building and over 90 metres from residential buildings at its furthest point.

Amenity Provisions Landscaping

- 15.8 The majority of the existing trees are scheduled to remain and this has been achieved by a minor repositioning of the phase 1 building. Several of these trees are category 3 and would normally be removed as they have a limited life. However as these trees have a high amenity value they will be retained and supplemented with new tree planting. Once the new planting is established when existing trees fail they can be removed without a significant impact on visual amenity.

Highway Issues

- 15.9 The Highway Authority has raised no objection. Traffic generated by the two office buildings will be significantly less than the existing car park. Parking provision is considered acceptable for this edge of town location. A Travel Plan is proposed which will make staff aware of and encourage the use of sustainable means of transport. The existing vehicular access will be retained with cycle parking adjacent to the pedestrian access to the site.

Other Matters

Loss of Car Park

- 15.10 The Head of Operational Services has confirmed this carpark has been underused over the last few years by the general public, although usage has increased since CBC employees have been allowed to use it as staff car parking site. As a long stay car park it was also recognised that usage would be impacted on by the introduction of ECC's Park & Ride at Cuckoo Farm. The development of the car park will encourage modal shift away from the private car thereby reducing congestion. There is alternative parking available in the locality (Middleborough) and it is considered that the development of this car park meets the strategic objectives of the local plan.

Flood Issues

- 15.11 The site lies within Flood Zone 2, with the Sheepen Road Ditch running along the northern boundary of the site. A Flood Risk Assessment has been undertaken to support the planning application and demonstrates that the proposal can provide appropriate safety of the development from flood risk. The Sequential Flood Risk Assessment documents how alternative sites in the locality, with lower probability of flooding, have been considered, in line with the requirements set out within the National Planning Policy Framework (NPPF). This report considers the planning policy context, followed by details of the alternative sites together with the application of the sequential test required by the NPPF. Conclusions are that there are no sequentially preferable reasonably available town centre sites and, given the vulnerability of the proposed use of the building, the proposal represents an acceptable form of development for the site. The Environment Agency defines uses as either Essential Infrastructure, Highly Vulnerable, More Vulnerable, Less Vulnerable or Water-Compatible Development. Offices fall within the Less Vulnerable category.
- 15.12 Essex Council Council SUDS Team has referred to this Council's Flood Risk Responsibilities. The following response is provided:-
- “The site is within a sustainable location on the edge of the town centre and close to existing office uses.”
- 15.13 The Council's Corporate Governance Manager has commented that “the Borough Council has never experienced an issue with insuring properties in the designated flood zones in Colchester, for example Leisure World. We have not had any terms imposed, cover reductions or increased rates”.
- 15.14 The applicant has also confirmed the following matters
- Safety of the building- The building flood safety strategy is to provide flood resistance through a raised ground floor level; The existing ground levels, which are largely to be retained, ensure that the building is surrounded by surfaces that slope northwards to the existing ditch. In line with good practice recommendations the suspended ground floor of the building will be constructed with finished floor level 150mm above the external ground level, with all hard surfacing running away from the building. The highest extent of flooding (1 in 1000 year event) has been calculated by the Environment Agency to be 7.46m AOD. Accordingly, the finished floor level has been set higher than this, at 7.60m AOD, to keep both the ground floor and the escape route above flood level. The risk of flood damage to the building would therefore be low.
 - Safety of people - In line with the above strategy, the flood evacuation plan will include evacuation of occupants to higher ground along dry routes.
 - Sustainability of the development - The Sequential Test has found the location to be appropriate in flooding terms; The site is very well located for proximity to transport links and facilities; The development is designed achieve BREEAM 'Very Good' and includes a roof-mounted solar panel array.
 - The agent has also confirmed the proposed conditions raise no issues – the detailed proposals will be in line with the submitted SW drainage design.

16.0 Conclusion

16.1 The proposal is in compliance with adopted land use policies and represents sustainable development on the edge of the town centre in conformity with the aims of the NPPF. The sequential test has been applied and the flood risk assessment agreed with the County SUDS team. The office buildings are considered acceptable and permission is recommended.

17.0 Recommendation

17.1 That subject to no objection(s) being raised by Anglian Water planning permission be granted 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 - *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 1842 DE 10- 01A, 10-03B, 10-04B, 20-01A, 20-02A, 20-03A, 20-10A, 20-11A, 20-12A, 30-01A, 35-01A, 35-02A, 35-03A, SK30-10A, 30-11A, 40-02A, 30-02A, 40- 01A.

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

3 - 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).

NB In this case, further trial-trenching will be required in advance of development. Decisions on the need for any further investigation (excavation before any groundworks commence and/or monitoring during groundworks) will be made on the basis of the results of the evaluation.

4- 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:

- (i) human health,
- (ii) 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

5 - 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

6 - Contaminated Land Pt. 3 of 4 (Implementation of Approved Remediation)

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

7 -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 4, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 5, 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 6.

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.

8 - *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 4.

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

9 - Non-Standard Condition/Reason

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: None

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.

10 - Non-Standard Condition/Reason

Prior to commencement of the development details of a wheel cleaning facility within the site and adjacent to the egress onto the highway shall be submitted to and approved in writing by the Local Planning Authority. The wheel cleaning facility shall be provided prior to commencement and during construction of the development.

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.

11 - Non-Standard Condition/Reason

No occupation of the development shall take place until the applicant has demonstrated that there is a satisfactory travel plan with appropriate approval, monitoring and review mechanism in place.

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

12 - Non-Standard Condition/Reason

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

The scheme shall include:

- Limiting the discharge from the site to a maximum of 2l/s.
- Provide attenuation storage for all storm events up to and including the 1:100 year storm event inclusive of climate change.
- An appropriate level of treatment for all runoff leaving the site in line with table 3.3 of the CIRIA SuDS Manual.
- Provide suitable mitigation measures against any high seasonal groundwater levels found on site.

Reason To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site. To ensure the effective operation of SuDS features over the lifetime of the development.

13 - Non-Standard Condition/Reason

The development hereby permitted shall not be commenced until such time as a scheme to minimise the risk of offsite flooding caused by surface water run-off and groundwater during construction works has been submitted to, and approved in writing by, the local planning authority. The scheme shall be implemented as approved. Reason The National Planning Policy Framework paragraph 103 states that local planning authorities should ensure flood risk is not increased elsewhere by development. 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.

Reason: To mitigate against increased flood risk to the surrounding area during construction therefore, there needs to be satisfactory storage of/disposal of surface water and groundwater which needs to be agreed before commencement of the development.

14 - Non-Standard Condition/Reason

Prior to commencement of the development the applicant must submit 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.

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.

15 - Non-Standard Condition/Reason

The adopting body responsible for maintenance of the surface water drainage system must record yearly logs of maintenance which should be carried out in accordance with any approved Maintenance Plan. These must be available for inspection upon a request by the Local Planning Authority.

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

16 - 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.

17 - Non-Standard Condition/Reason

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

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

The submitted landscape proposal requires amendment to ensure compliance with the Councils Adopted Landscape Strategy.

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.

18 - Non-Standard Condition/Reason

No development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), shall take place until a scheme that includes the following components to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:

- (1) A preliminary risk assessment which has identified:
 - all previous uses
 - potential contaminants associated with those uses
 - a conceptual model of the site indicating sources, pathways and receptors
 - potentially unacceptable risks arising from contamination at the site.
- (2) A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
- (3) The results of the site investigation and detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
- (4) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action. Any changes to these components require the express written consent of the local planning authority. The

scheme shall be implemented as approved.

Reason: To protect and prevent the pollution of controlled waters (particularly groundwater associated with the underlying Secondary and surface water of the River Colne, from potential pollutants associated with current and previous land uses) in line with National Planning Policy Framework (NPPF; paragraphs 109 and 121), EU Water Framework Directive, Anglian River Basin Management Plan and Environment Agency Groundwater protection: Principles and practice (GP3:2013) position statements.

19 - Non-Standard Condition/Reason

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

Reason: To protect and prevent the pollution of controlled waters (particularly groundwater associated with the underlying Secondary and surface water of the River Colne, from potential pollutants associated with current and previous land uses) in line with National Planning Policy Framework (NPPF; paragraphs 109 and 121), EU Water Framework Directive, Anglian River Basin Management Plan and Environment Agency Groundwater protection: Principles and practice (GP3:2013) position statements.

20 - Non-Standard Condition/Reason

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

Reason : To protect and prevent the pollution of controlled waters (particularly groundwater associated with the underlying Secondary and surface water of the River Colne, from potential pollutants associated with current and previous land uses) in line with National Planning Policy Framework (NPPF; paragraphs 109 and 121), EU Water Framework Directive, Anglian River Basin Management Plan and Environment Agency Groundwater protection: Principles and practice (GP3:2013) position statements.

21 - Non-Standard Condition/Reason

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

Reason: To protect and prevent the pollution of controlled waters (particularly groundwater associated with the underlying Secondary and surface water of the River Colne, from potential pollutants associated with current and previous land uses) in line with National Planning Policy Framework (NPPF; paragraphs 109 and 121), EU Water Framework Directive, Anglian River Basin Management Plan and Environment Agency Groundwater protection: Principles and practice (GP3:2013) position statements.

22 - 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.

23 - Non-Standard Condition/Reason

No works shall take place until evidence that the development is registered with a BREEAM certification body and a pre-assessment report (or design stage certificate with interim rating if available) has been submitted indicating that the development can achieve a final BREEAM rating level of at least Good.

Reason: To ensure that the completed development is sustainable and makes efficient use of energy, water and materials.

24 - Non-Standard Condition/Reason

Within 3 months of the occupation of the development, a final Certificate shall have been submitted to the Local Planning Authority certifying that BREEAM rating Good/Very Good has been achieved for this development.

Reason: To ensure that the completed development is sustainable and makes efficient use of energy, water and materials.

25 - 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.

26 - Cycle Parking (as approved plan)

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

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

27 - *Powered Two Wheeler/Cycle Parking As Shown

Prior to the first occupation of the development, the POWERED TWO WHEELER/CYCLE PARKING facilities as shown on the approved plans are to be provided and shall thereafter be retained as such at all times.

Reason: To ensure appropriate POWERED TWO WHEELER/CYCLE PARKING is provided.

28 - Non-Standard Condition/Reason

Prior to the first Occupation/Use of the development hereby permitted, a validation report undertaken by competent persons that demonstrates that all lighting of the development (including resultant sky glow, light trespass, source intensity and building luminance) fully complies with the figures and advice specified in the CBC External Artificial Lighting Planning Guidance Note for zone EZ4 town/city centres with high levels of night-time activity shall be submitted to, and agreed in writing by, the Local Planning Authority. Any installation shall thereafter be retained and maintained as agreed therein.

Reason: In order to allow a more detailed technical consideration of the lighting at the site, as there is insufficient information submitted within the application to ensure adequate safeguarding of the amenity of nearby properties and prevent the undesirable, disruptive and disturbing effects of light pollution.

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) Highway Informatives

All highway related details should be agreed with the Highway Authority. The proposal should be in accordance with the Parking Standards Design and Good Practice Supplementary Planning Document dated September 2009. Under Section 23 of the Land Drainage Act 1991, prior written consent from the Lead Local Flood Authority (Essex County Council) is required to construct any culvert (pipe) or structure (such as a dam or weir) to control or alter the flow of water within an ordinary watercourse. Ordinary watercourses include ditches, drains and any other networks of water which are not classed as Main River. If the applicant believes they need to apply for consent, further information and the required application forms can be found at www.essex.gov.uk/flooding. Alternatively they can email any queries to Essex County Council via watercourse.regulation@essex.gov.uk. Planning permission does not negate the requirement for consent and full details of the proposed works will be required at least two months before the intended start date.

(5)Essex County SUDS Informatives

PLEASE NOTE: Any drainage features proposed for adoption by Essex County Council should be consulted on with the relevant Highways Development Management Office. Changes to existing water courses may require separate consent under the Land Drainage Act before works take place. More information about consenting can be found in the attached standing advice note.

Whilst we have no further specific comments to make at this stage, attached is a standing advice note explaining the implications of the Flood and Water Management Act (2010) which could be enclosed as an informative along with your response issued at this time.

(6)Environment Agency Informatives

Advice to Applicant We recommend the applicant refers to our document, Piling and Penetrative Ground Improvement Methods on Land Affected by Contamination: Guidance on Pollution Prevention (NC/99/73 May 2001).

Flood Risk

Our maps show the site is located in Flood Zones 1 and 2, the low and medium probability zones. This application is therefore covered by our Flood Risk Standing Advice.

However, we are aware that there is a grill on Sheepen Road Ditch, at the north east corner of the site, and consideration should to be given in the Flood Risk Assessment to the increased risk from this not been cleared by either Colchester Borough Council or Essex County Council who own it.

Flood Defence Consent.

Under the terms of the Water Resources Act 1991 and the Anglian Land Drainage Byelaws, our prior written consent is required for any proposed works or structures in, under, over or within 9 metres of the top of the bank of Sheepen Road Ditch, which is designated a main river.

Foul Water Disposal.

The submitted information indicates that the development will be connected to the public foul sewer. Anglian Water Services should be consulted regarding the available capacity in the foul water infrastructure. If there is not sufficient capacity in the infrastructure then we must be consulted again with alternative methods of disposal.

Climate change is one of the biggest threats to the economy, environment and society. New development should therefore be designed with a view to improving resilience and adapting to the effects of climate change, particularly with regards to already stretched environmental resources and infrastructure such as water supply and treatment, water quality and waste disposal facilities. We also need to limit the contribution of new development to climate change and minimise the consumption of natural resources.

Opportunities should therefore be taken in the planning system, no matter the scale of the development, to contribute to tackling these problems. In particular we recommend the following issues are considered at the determination stage and incorporated into suitable planning conditions:

- Overall sustainability: a pre-assessment under the appropriate Code/BREEAM standard should be submitted with the application. We recommend that design Stage and Post-Construction certificates (issued by the Building Research Establishment or equivalent authorising body) are sought through planning conditions.
- Resource efficiency: a reduction in the use of resources (including water, energy, waste and materials) should be encouraged to a level which is sustainable in the long term. As well as helping the environment, Defra have advised that making simple changes resulting in the more efficient use of resources could save UK businesses around £23bn per year.
- Net gains for nature: opportunities should be taken to ensure the development is conserving and enhancing habitats to improve the biodiversity value of the immediate and surrounding area.
- Sustainable energy use: the development should be designed to minimise energy demand and have decentralised and renewable energy technologies (as appropriate) incorporated, while ensuring that adverse impacts are satisfactorily addressed. These measures are in line with the objectives of the NPPF as set out in paragraphs 7 and 93-108. Reference should also be made to the Climate Change section of the draft National Planning Practice Guidance, in particular: “Why is it important for planning to consider climate change” and “Where can I find out more about climate change mitigation and adaptation?”

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.