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## Item No: 7.1

**Application:** 163196

**Applicant:** Prospect Farm Property Ltd

**Agent:** Robert Pomery

**Proposal:** Conversion of Former Warehouses and Public House (The Rising Sun) to 27 no. Flats, 3 no. Commercial Units for A1, A2, A3, B1 or D1 Use, 33 No. Off-Street Parking Spaces and Amenity Areas. (Planning Permission)

**Location:** The Rising Sun & Maponite Buildings, 3 Hythe Station Road, Colchester, CO2 8JZ

**Ward:** Greenstead

**Officer:** Bradly Heffer

**Recommendation:** Conditional Approval subject to signing of Section 106 Agreement

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

- 1.1 This application is referred to the Planning Committee because it relates to a major application proposal to which material planning objections have been received and which is recommended for approval.
- 1.2 Additionally, the recommendation to Members includes concluding an s106 agreement and Committee's authorisation is necessary to commit the Council to this type of agreement.

## **2.0 Synopsis**

- 2.1 Members should note that this report relates to an application for planning permission for a proposed development. An associated application for listed building consent is also included on the agenda. The key issues for consideration are the impacts arising from the proposed conversion works to the existing buildings – one of which is listed and the other locally-listed – in order to create a new residential development and commercial uses. The proposals would, in the opinion of your officers, constitute a sensitive and sympathetic re-use of the identified buildings which are established, heritage assets within the former port conservation area of the Hythe.
- 2.2 The application is consequently recommended for approval, subject to the imposition of conditions as listed at the end of this report and subject to the completion of an s106 agreement.

## **3.0 Site Description and Context**

- 3.1 The site for this proposal contains two buildings, together with associated courtyard and external hardstanding areas, located at Hythe Station Road Colchester. Specifically, the subject buildings are the Rising Sun public house (grade II) and an adjacent group of Victorian warehouse buildings, known locally as the Maponite warehouses (locally listed). Both buildings are currently unused – the public house having been empty for a period in excess of 20 years and subsequently fallen into disrepair. In the case of the warehouses these have been empty following the relocation of the former occupier (Williams and Griffin – now Fenwick) to alternative premises in Colchester.
- 3.2 The subject buildings occupy a prominent location in the former port area of the Hythe, positioned at the junction of Hythe Station Road with Hawkins Road. The two-storey public house faces Hythe Station Road and an associated single storey outbuilding, located in a walled courtyard area, abuts the eastern boundary of the site with Hawkins Road. A gated access to the courtyard is located close to the Hythe Station Road/Hawkins Road junction.

- 3.3 The majority of the remainder of the site is occupied by a linear group of three storey, brick warehouse and ancillary buildings that face and abut Hawkins Road. The red-line that defines the extent of the application site also includes a vehicular access from Hythe Station Road that leads to a linear hardstanding area between the subject buildings and the river Colne. An area of the hardstanding is also included within the application site.
- 3.4 The development surrounding the application site consists of a mix of commercial, industrial and residential uses. Immediately to the south, (and physically attached to the warehouse buildings) is a plant and tool hire use. On the opposite (east) side of Hawkins Road is land used for the storage of cars. Recently, residential redevelopment has taken place on land to the west, on the opposite bank of the river.

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

- 4.1 Under the submitted application planning permission is sought to convert the identified buildings to create 27 no. flats, with ancillary commercial uses proposed within 3 no. ground floor units. The bulk of the proposed residential development would be created within the converted warehouses – with a further 3 no. flats proposed for part of the public house building. 2 no. commercial units are proposed in the ground floor of the converted warehouses, with a further commercial unit proposed in the remainder of the public house – together with ancillary storage areas.
- 4.2 Parking spaces (including cycle and PTW facilities) to serve the proposed uses would be located in the courtyard area behind the public house and in part of the ground floor area of the warehouses – accessed via the existing gateway to the rear of the public house.
- 4.3 The submitted scheme proposes the provision of an enclosed amenity area to serve the occupiers of the converted warehouse buildings – located in the roof space. Additionally part of the courtyard to the rear of the public house building would also be used for this purpose.
- 4.4 This application submission is accompanied by a Planning Statement, Flood Risk Assessment, Design and Access Statement, Heritage Impact Assessment and Bat Assessment.
- 4.5 The following comments are included within the Planning Statement accompanying the planning application submission:

‘...The proposals are important, as they will see a historic building at risk restored, they involve a new use for locally listed buildings, they will enhance a Conservation Area and deliver low cost accessible housing in a highly sustainable location, within a regeneration area. In fact the proposals represent the very embodiment of regeneration development. On this basis, the proposals are in principle compliant with planning policy. In terms of their impact on heritage assets, the Heritage Impact Assessment submitted with the proposals considers the impact of the works proposed to result in some modest enhancement to the significance of

the heritage assets. This resultant enhancement is therefore entirely consistent with the aims of the historic building and Conservation Area policy...the site is within a highly sustainable location with excellent accessibility to frequent bus and train services. There are also on-street parking opportunities nearby, particularly at evenings and weekends when visitors are more likely. The applicant owns property in Colchester of a similar nature, which is let to the rental housing sector. In their experience, parking provision in these locations is not entirely taken up, as residents do not feel the need to own cars. The scheme is also a little light in the amount of amenity space, although good quality amenity space is provided within the scheme. Other amenity areas are accessible on foot nearby. These minor shortcomings in these provisions need to be considered against the challenging constraints of the site and the buildings concerned. The desire to bring back to life neglected listed buildings and find new life for non-designated heritage assets is a strong planning policy objective...Overall, it should not be forgotten that the development will provide 27 lower cost, high quality homes in a sustainable location, whilst enhancing heritage assets and making a meaningful contribution to housing supply in Colchester...'

- 4.6 The full text of all documents that comprise the planning application and associated listed building application submission are available to view on the Council's website.

## **5.0 Land Use Allocation**

- 5.1 Within the adopted Local Plan the application site is located within an area allocated for Predominantly Residential use. Furthermore it is located in the East Colchester Special Policy Area – Area 4 Hawkins Road, as well as a designated Conservation Area.

## **6.0 Relevant Planning History**

- 6.1 Prior to the submission of this application, the site has been subject to various applications related to the former uses of the buildings. None are considered to be specifically relevant to the current application proposal.

## **7.0 Principal Policies**

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

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

- SD1 - Sustainable Development Locations
- SD2 - Delivering Facilities and Infrastructure
- CE1 - Centres and Employment Classification and Hierarchy
- CE2a - Town Centre
- H1 - Housing Delivery
- H2 - Housing Density
- H3 - Housing Diversity
- H4 - Affordable Housing
- UR1 - Regeneration Areas
- UR2 - Built Design and Character
- PR1 - Open Space
- 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 The adopted Colchester Borough Development Policies (adopted 2010, reviewed 2014) sets out policies that apply to new development. Specific to this application are policies:

- DP1 Design and Amenity
- DP3 Planning Obligations and the Community Infrastructure Levy
- DP4 Community Facilities
- 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
- DP20 Flood Risk and Management of Surface Water Drainage
- DP25 Renewable Energy

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

- SA EC1 Residential development in East Colchester
- SA EC2 Development in East Colchester
- SA EC6 Area 4: Hawkins Road
- SA EC8 Transportation in East Colchester

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

The Essex Design Guide  
External Materials in New Developments  
EPOA Vehicle Parking Standards  
Affordable Housing  
Community Facilities  
Open Space, Sport and Recreation  
Sustainable Construction  
Cycling Delivery Strategy  
Urban Place Supplement  
Sustainable Drainage Systems Design Guide  
Street Services Delivery Strategy  
Planning for Broadband 2016  
Managing Archaeology in Development.  
ECC's Development & Public Rights of Way  
Colne Harbour Masterplan  
Air Quality Management Guidance Note, Areas & Order

## 8.0 Consultations

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

8.2 The **Landscape Planning Officer** has advised that conditions should be attached to a grant of planning permission. It is also proposed that a feature tree is provided in the amenity area serving the former public house.

*Officer comment: the provision of the requested tree could be secured via the standard landscaping condition.*

8.3 The **Essex SUDS** team commented as follows:

‘This development is for a conversion of buildings and therefore is unlikely to have an effect on surface water drainage. Therefore we will not be providing any formal comments at this time.

However, can you please check with the applicant that not over 1000sqm of impermeable area is being created by this development. If over 1000sqm of impermeable area is being created, then please reconsult us and we will provide formal comments.

Please note that the site is in flood zone 3 and therefore the EA should be consulted on the proposal if they have not been already.’

*Officer comment: the applicant's agent has confirmed that the proposal does not seek to create over 1000 sq.m of impermeable area. Furthermore the Environment Agency has been consulted on the application.*

8.4 **Network Rail** has made the following observations:

‘As safety is paramount to Network Rail, we note there is Hythe level crossing in proximity to the development. We do not encourage the use of crossings and observe that the applicant & future residents on site must be aware of the Rail user crossing which is still a part of our Network.

Therefore please see below link for safety awareness where level crossings are in proximity to developments,

<http://www.networkrail.co.uk/level-crossings/>.

Network Rail can also provide further information to the applicant on the importance of safety, whilst using railway crossings, however we would also insist that the developer educate the new residents about the risks of the rail infrastructure.

After reviewing the information provided in relation to the above planning application, Network Rail has no objection or further observations to make.'

8.5 The **Ramblers Association** state that '...Public Right of Way footpath 234 Colchester runs along the riverbank edge by the property. We look forward to a useable path, as shown in one of the drawings! Mention should be made within the application of how the route will be improved.'

8.6 The following comment has been received from the **Spatial Policy Team**:  
'Colchester Borough Council's current Development Plan consists of the Core Strategy (adopted in 2008 and subject to a Focused Review in 2014), Site Allocations DPD (adopted in 2010), Development Policies DPD (adopted in 2008 and subject to a Focused Review in 2014), Myland and Braiswick Neighbourhood Plan and Boxted Neighbourhood Plan (both adopted in 2016). The Development Plan guides new development proposals within the Borough up to 2023, including the allocation of new housing sites.

The adopted Core Strategy sets out the strategic policies in the borough over the plan period. Fundamental to these priorities is the spatial strategy which focuses growth within Colchester to five distinct growth areas in the town. These growth areas have been identified for their potential to support regeneration, promote sustainable transport and reduce the need to develop on greenfield land.

The site is situated in the East Growth Area which is specifically recognised for its potential to regenerate 'rundown and underused industrial land'. The Core Strategy also identifies the benefits of focusing new development in this area because of its location close to Hythe railway station, the University of Essex and the Town Centre. The Core Strategy also recognises the lack of adequate transport infrastructure in the area which would need to be addressed through new development proposals.

In addition to the Core Strategy, the adopted Site Allocations DPD provides more detail on the development opportunities and constraints in the East Growth Area. Policy SA EC1 identifies the need to improve pedestrian and cycle connectivity in the area and Policy SA EC2 specifically states that public access to the riverside should be provided to create a continuous walkway and cycleway along the river. Such a riverside cycleway and footway would substantially improve these modes of transport not only around the vicinity of the site but also improve access in the wider area by contributing to a safe and fast route to the heart of the town centre.

Notwithstanding issues with highways and flooding, the proposal presents an excellent opportunity to bring back into use important heritage assets and make a valuable contribution to the borough's supply of new housing in a sustainable location. In principle therefore the change of use and redevelopment of the site is in accordance with many aspects of locally adopted policies. However given the site's ability to contribute to the local objective of improving cycling and pedestrian links in the borough (and the East Growth Area specifically), it is essential a new cycleway and footway is incorporated into the scheme. If such a facility is not provided, then the opportunity to deliver such a riverside corridor would be lost for

the lifetime of the development, resulting in unacceptable conflict with local planning policy and therefore warranting refusal on this ground.'

8.7 **Environmental Protection** and the **Contaminated Land Officer** would require the imposition of conditions on a grant of planning permission.

8.8 The following comment has been received from **ECC Highway Authority**:

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

- Prior to the occupation of the proposed development, the refuse/recycling storage facilities, the off street car parking and bicycle storage facilities shall be provided as shown detailed in the amended drawing numbered 9027-10E.  
Reason: To ensure that on-street parking of vehicles in the adjoining streets does not occur, to promote the use of sustainable means of transport and to limit and reduce the time a refuse freighter is left waiting within the highway causing congestion and obstruction in the interests of highway safety and 9 of the Highway Authority's Development Management Policies February 2011.
- No development shall take place, including any ground works or works of demolition, until a Construction Method Statement (CMS) has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction and fitting out period.  
The Statement shall provide for:
  - i. the parking of vehicles of site operatives and visitors
  - ii. loading and unloading of plant and materials
  - iii. storage of plant and materials used in constructing the development
  - iv. wheel and under body washing facilities
  - v. HGV Routing plan  
Reason: To ensure that on-street parking of these vehicles in the adjoining streets does not occur, in the interests of highway safety and Policy DM 1 of the Highway Authority's Development Management Policies February 2011.
- Prior to occupation of the proposed development, the Developer shall be responsible for the provision and implementation of a Residential Travel Information Pack for sustainable transport (including bus and rail travel) approved by Essex County Council.  
Reason: In the interests of reducing the need to travel by car and promoting sustainable development and transport in accordance with policies DM9 and DM10 of the Highway Authority's Development Management Policies February 2011.
- Prior to the occupation of any of the proposed dwellings, the land shown hatched grey, bounded by a red line immediately adjacent to the vehicular access and alongside the River Colne and at no less than 4.0m wide as shown in Drawing Numbered 9027-10E shall be constructed to provide a section of the riverside walk pedestrian footway/cycleway which shall be approved in writing by the Local Planning Authority entirely at the Applicant/Developer's expense

including new kerbing, surfacing, drainage, any adjustments in levels or accommodation works and making an appropriate connection in both directions to the existing footway/cycleway to the specifications of the Highway Authority. Reason: To make adequate provision for the additional pedestrian traffic generated within the highway as a result of the proposed development in accord with Policy DM 9 of the Highway Authority's Development Management Policies February 2011.

- Prior to the occupation of the proposed development, loading, off-loading and manoeuvring facilities, as shown in Drawing Numbered 9027-10E shall be provided within the site which shall be maintained free from obstruction and retained thereafter.

Reason: To ensure that the adjoining highway is not obstructed by servicing activity, in the interests of highway safety and in accordance with Policy DM 1 of the Highway Authority's Development Management Policies February 2011.

#### 8.9 The Council's **Archaeological Adviser** comments as follows:

This proposal is located in an area of archaeological interest, defined in the Colchester Historic Environment Record, within the area of Hythe quayside. There is high potential for encountering the archaeological remains of the historic wharf at this location. There is also potential for encountering palaeo-environmental remains (waterlogged archaeological deposits). Groundworks relating to the proposed development would cause significant ground disturbance that has potential to damage any archaeological deposits that exist.

In addition to potential below-ground archaeological remains, the application concerns the redevelopment of the Rising Sun Public House, a designated heritage asset (NHLE no. 1306772), dating from the late 18<sup>th</sup> century, and adjacent former Maponite warehouse, a locally listed building, which dates from the 19<sup>th</sup> century.

There are no grounds to consider refusal of permission in order to achieve preservation *in situ* of any important heritage assets. 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 the case of the standing buildings, an Historic England Level 3 analytical survey must be undertaken prior to alteration.
- A trial-trenched archaeological evaluation, incorporating palaeo-assessment, will be required to establish the archaeological potential of the site. Decisions on the need for any further investigation (excavation before any groundworks commence and/or monitoring during groundworks) will be made on the basis of the results of the evaluation.

Pre-determination archaeological evaluation is not required for this proposal. However, I would recommend that the applicant undertakes the trial-trenching at the earliest opportunity to assess the archaeological potential at this location, in order to quantify the risk in terms of cost and time for any further archaeological investigation that might be required.

## **9.0 Parish Council Response**

9.1 Not applicable as the site is located in a Town Ward – Greenstead.

## **10.0 Representations from Notified Parties**

10.1 As a result of local notification a total of 10 representations of objection have been received. The points made may be summarised as follows:

- The proposal does not have sufficient parking provision. Additionally there is inadequate loading and delivery facilities for the proposed businesses. It is identified that if the amount of development was reduced there would be ample parking provision.
- The scheme proposes too many residential units.
- The submitted scheme does not include a path alongside the river; this should be provided.
- The existing buildings should be retained and alternative uses explored such a club or music venue.

10.2 Two further general observations have identified that planning policies should protect and enhance public rights of way: the walkway adjacent to the river should be reinstated. Local authorities should seek opportunities to provide better facilities for users.

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

## **11.0 Parking Provision**

11.1 Members are advised that the originally-submitted application plans showed the provision of 33 no. off –street parking spaces to serve the development. Of these, 24 no. spaces were proposed to be located in the converted warehouse building and the courtyard of the converted public house. The remainder of spaces were shown in the access way to the west of the subject building (adjacent to the river) and in total 9 no. were shown in this area.

11.2 Following on from discussion with the applicant's agent, the number of spaces in the subject buildings/courtyard area has increased to 31. However, the line of spaces shown adjacent to the river wall has been removed – on the basis that the location of parking spaces in this position would effectively preclude the provision of an area of riverside walk. Further comment in relation to parking provision is made below (please see Highway Safety and Parking Provisions section).

## 12.0 Open Space Provisions

12.1 The submitted Planning Statement advises as follows:

‘...The scheme includes three main areas of amenity space, two external and one within a central courtyard. In total the amenity space area extends to some 432 sq m. This space equates to some 16 sq m. per flat, which is a little short of the 25 sq m required by Policy DP16. Whilst it is slightly below standard, the spaces provided are of high quality and semi-private. Public open spaces where recreation opportunities are available within walking distance can be found at Old Health Rec and along the River Colne...’

12.2 Members are advised that the three identified areas of amenity space are located to the rear of the converted public house, and within the converted warehouse buildings – at first floor level and within a roof terrace.

## 13.0 Air Quality

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

## 14.0 Planning Obligations

14.1 As a “Major” application, there was a requirement for this proposal to be considered by the Development Team. When it was initially presented for determination it was agreed that the following Obligations should be sought as part of any planning permission:

- Transport Policy – Secure land to deliver cycle and pedestrian route along river. Contribution of £5 000 to signpost river route
- Highways – Cycle and pedestrian route to be 4 metres wide
- Affordable Housing – Agree with Vacant Building Credit approach taken. No contribution required
- Open Space – £50 000 contribution requested. Lack of open space within Hythe Area generally, would look to either expand nearby allotment site or provide open space on the moors. Contribution could, if necessary, be put towards river wall pathway improvements
- Community Facilities – potential for assembly space in one of the 3no. ground floor commercial units but cannot guarantee its delivery.

14.2 Members are advised that the viability of the application proposal has now been independently assessed as a result of the original Development Team request. The assessment has concluded that the submitted scheme is not viable. The following extracts have been taken from the conclusion section of the viability assessment report:

*‘...we are of the view that the proposed scheme costs have been significantly undervalued...Through adopting BCIS based costs it is apparent that the development would generate a negative residual value. This represents not just a loss of profit but an actual material loss in addition. This must raise questions about*

*the deliverability of this development...On the basis of our analysis, we conclude that the proposed scheme is in deficit and cannot viably provide any affordable housing contributions. If the scheme is granted consent we would advise the Council to include a review mechanism within the legal s106 agreement...'*

- 14.3 Following on from receipt of the viability assessment report the application was reported back to the Development Team for reconsideration. As a consequence, it was determined that no contributions could be sought. However, it was agreed that, as part of a s106 agreement attached to a grant of planning permission, a suitable mechanism should be in place whereby viability could be reviewed should market conditions change at a later date. Alternatively, it was suggested the time limit condition for commencement of development could be amended to allow a shorter period. If development does not take place during this time a reassessment of viability could take place through a new application submission.
- 14.4 Members are also advised that the re-use of this site for residential purposes would require that the s106 agreement includes a mechanism whereby the part of the river wall adjacent to the site is surveyed and, if necessary, repaired as part of the works to achieve the footway and cycleway link along this side of the river. A similar requirement has been inserted in legal agreements linked to residential development schemes that have been approved elsewhere along the river frontage.

## **15.0 Report**

### The Principle of Development

- 15.1 In the case of the proposed development, it involves the conversion and re-use of a listed building and also a group of locally-listed warehouse and ancillary buildings – both of which have clear heritage significance as established elements in the historic former Hythe port conservation area of the town, and as townscape elements in this visually-prominent location. It is considered that the retention and re-use of the subject buildings is worthy of support in principle – particularly as their continued disuse will lead, inevitably, to their further decline. Consequently the realistic likelihood of their re-use, particularly the listed building on the site, would become less likely. As an adjunct to this it is noted that in the adopted local plan the buildings are located in an area that is specifically identified for *inter alia* residential development as follows:

*'To the west of Hawkins Road housing areas will be extended and consolidated and other small-scale uses will be encouraged provided they are compatible with the overall housing and regeneration proposals...Proposals must not adversely affect the amenity of neighbouring housing areas. New development should incorporate public realm enhancements focused on providing improved pedestrian cycle routes.'* Policy SA EC6 Area 4: Hawkins Road - Adopted Site Allocations

- 15.2 Clearly the main use of the site would be for residential development, with some ancillary commercial uses. This would be in accordance with the requirements of the adopted policy. Combined with the location of the application site within a defined regeneration area, it is felt that the principle of the proposed development taking place on the site would be acceptable in planning terms.

### Design and Layout

- 15.3 The fact that the proposal relates to an existing group of buildings means that, to a significant extent, the layout of the development is pre-determined. The submitted proposals include a rationalisation of vehicular access to the site; the scheme relying on a single point of access adjacent to the former public house.
- 15.4 Members will note that the ground floor of the development is mainly given over to provision of parking spaces and commercial floorspace, together with some amenity space to serve the residential conversion of the former public house. Due to the location of the buildings within a flood zone it is not possible to introduce more vulnerable uses such as residential development within ground floor areas.
- 15.5 In terms of the design of the proposals, it is important to note that the submitted scheme does not seek to add to the existing fabric by way of extensions or enlargements. Rather, the main changes relate to the alteration and replacement of windows, subdivision of the large internal spaces in the warehouses and ancillary buildings in order to create the proposed living accommodation, together with the introduction of new private amenity areas within the converted warehouse space. Members are advised that, in relation to the proposed conversion works, ongoing liaison has taken place between the applicant's agent and your officers – specifically regarding the impact of the works on the character of the buildings, given their listed and locally listed status. This matter is discussed in more detail in the accompanying listed building application report.

### Scale, Height and Massing

- 15.6 As noted, it is the case that the submitted scheme does not propose any physical enlargements to the existing buildings. Therefore, the existing scale, height and massing of the subject buildings remains unaltered under this planning application and consequently their overall visual impact would be the same.

### Impact on the Surrounding Area

- 15.7 The authorised uses of the subject buildings includes A4 (drinking establishments) and B8 (Storage or distribution) activities. Clearly the re-use of the buildings for their authorised uses would not require planning permission and, in themselves, would have a level of impact on the surrounding area.
- 15.8 In contrast, the proposed reuse of the buildings would significantly reduce the level of commercial activity on the site, replacing it with a predominantly residential (and a limited element of commercial) development. In overall terms it is not anticipated that the introduction of a mainly residential use here would cause harm to the surrounding area. Infact, the established commercial uses in the vicinity could, arguably, have more impact on the amenity of the occupiers of the proposed residential units.

- 15.9 The applicant has requested that a range of uses be permissible within the commercial units; in this regard it is noted that the Environmental Control officer recommends a series of conditions to be attached to a grant of planning permission. These include *inter alia* a condition that would specifically restrict the level of external noise impacts. Furthermore, in relation to the proposed commercial units it is noted that the officer has requested the imposition of conditions in relation to restricting hours of operation and delivery times etc. It is considered that controls such as these would enable the potential impacts of individual uses to be adequately controlled.

#### Impacts on Neighbouring Properties

- 15.10 It is considered that the proposed uses would not have a deleterious effect on the surrounding properties which are predominantly commercial in nature – the nearest established residential development being located to the south-west of the application site, on the opposite (western) side of the Colne. At this stage, the application submission does not propose defined uses for the commercial units within the scheme – these being identified for a range of uses in the A1 (shops), A2 (financial and professional services), A3 (food and drink), B1 (Business) or D1 (Non-residential Institutions). None of the range of uses proposed is considered to be particularly harmful to the amenity of the neighbouring uses in themselves.

#### Landscape and Trees

- 15.11 The location of the application site in an established urban, commercial location has defined its character and little if any soft landscaping exists. The introduction of a residential use on the site would require the provision of hard and soft landscaping in order to improve the amenity of the occupiers of the site. In the submitted scheme the key landscaped area would be located within the courtyard of the converted public house – consisting of hard surfaced areas, seating and planting. It is considered that these features could be successfully incorporated without compromising the setting of the listed building. Members will note that the Landscape Officer has recommended that a feature tree be introduced into this space, in order to improve its amenity value whilst at the same time introducing a softening element within the street scene. This could be achieved as part of the requirements of the suggested landscape condition.

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

- 15.12 The Highway Authority has not raised an objection to the rearranged means of vehicular access to the site. Clearly the authorised uses of the site would generate a level of traffic – particularly the former warehousing use. When this application was first submitted a bank of spaces was also shown adjacent to the site's boundary with the river wall.

- 15.13 With regard to the proposed parking provision on the site it is considered that the number of spaces that would be provided is acceptable, given the location of the development which benefits from established public transportation links; the Hythe train station and local bus links being adjacent to the site. Additionally, the area generally is benefitting from expanding footpath and cycleway links. Indeed, a requirement of the development taking place on this site would be the provision of that part of the footway and cycleway that would be contained within the application site where it abuts the river. As regards off-street parking provision it is noted that the proposal does not achieve the amount applicable, were the full standard to be applied. That said, Members will be aware that the Council's adopted parking standards do recognise that a lesser number of spaces may be acceptable in appropriate locations as follows:

*'...For main urban areas a reduction to the vehicle parking standard may be considered, particularly for residential development. Main urban areas are defined as those having frequent and extensive public transport and cycling and walking links, accessing education, healthcare, food shopping and employment...' (para. 2.5.1 – Parking Standards Design and Good Practice September 2009 – Essex Planning Officers Association).*

- 15.14 In the view of your officers this planning application site is within such a location. As well as access to alternative transportation modes the area is, for example, served by food shopping facilities such as the Tesco superstore to the east in Greenstead Road.

#### Public Open Space Provision

- 15.15 Under the adopted policy the provision of public open space is expected of all new residential development. Clearly, in cases where developments take place on unconstrained sites for example, areas of the site (usually a minimum of 10%) can be planned as publically-accessible open space. In the case of conversions of existing buildings, the provision of open space is not as easily achieved. In the case of the subject buildings, their value both individually and as a group in this location means that the loss of fabric in order to create additional space on the site is not an option.
- 15.16 Therefore, the normal requirement would be for a contribution to be secured that would be used to provide or enhance off-site open space provision in the locality. However, Members will note that the submitted scheme cannot realistically provide any mitigation through s106 contributions, having been independently assessed on behalf of the Council. As a planning judgement it is considered that, in this instance, the lack of public open space provision, or a contribution in lieu, is acceptably off-set by the fact that the submitted scheme enables buildings of identified historic value to be brought into reuse.

### Private Amenity Space Provision

- 15.17 The relevant policy (DP16) in relation to private amenity space states *inter alia*:

*‘...All new residential development shall provide private amenity space to a high standard, where the siting, orientation, size and layout make for a secure and useable space, which has an inviting appearance for residents and is appropriate to the surrounding context...’*

- 15.18 Members will be aware of the Council’s adopted policy requirements in relation to the provision of amenity space to serve residential development. In the case of flatted development a communal area of 25 square metres amenity space per unit is normally required. This amount can be reduced where balconies are provide to serve individual units. Members will note that the submitted scheme does not propose the provision of balconies – indeed these features would potentially be harmful to the overall character of the warehouses and listed building. The number of units proposed for the scheme would require a provision of 675 sq m of private, communal amenity space to be policy compliant. The amount of amenity space that is proposed is significantly less than the amount prescribed by the relevant policy – the information submitted as part of the application states that 432 sq m of amenity space would be provided – a shortfall of 243 sq m. That said, it is recognised that the conversion of established historic buildings to alternative uses – at an achievable cost – can represent a significant constraint with regard to the provision of open space areas, particularly in the context of an urban environment. Additionally, the predominantly commercial nature of the surrounding form of development means that there isn’t an opportunity to link to and enhance existing public open space provision in the area.

### Other Matters - Ecology

- 15.19 The application site is relatively remote from land recognised for its ecological value – the nearest Colchester Local Wildlife Site being located on a site known as The Moors, located away to the northwest. Furthermore, given the overall former commercial nature of the application site, and its location, it is considered that the likelihood of protected species being affected is limited at best. That said, the established nature of the application buildings, and the fact that they are constructed utilising traditional methods, means it is possible that they may have value for bats.
- 15.20 To this end, the application submission is accompanied by a bat assessment document. The following extracts are taken from the document for Members’ information:

‘...The warehouse building on site, including the small lean-to section, was considered to have very limited potential for bats to access the internal space of the building. In addition, the asbestos type sheeting and metal roofing structure of this building had little potential to support roosting bats...The public house had some potential for bats to access the loft spaces...where loft spaces were accessible, much of the roof was unlined, the roof timbers were modern and provided little roosting potential and no signs or evidence of bats were found...Given the relatively low value of the surroundings for bats, overall there was considered to be a very

low risk of bats roosting in the buildings on site, but given the adjacent river and that some areas could not be accessed to check for signs and evidence of bats, impact avoidance measures outlined in this report should be undertaken. There were also active bird nests on the site, and impact avoidance measures outlined in this report for birds should also be undertaken...'

- 15.21 The ecology report also suggests that elements could be incorporated into the development in order to enhance the site for bats and nesting birds – primarily by provision of nesting boxes. And the use of native species in any landscaping or planting schemes.

#### Flood risk

- 15.22 The planning application submission included a Flood Risk Assessment – bearing in mind that the site is located in a flood zone (Flood Zone 3). As mentioned previously, the submitted proposal does not include more vulnerable uses on the ground floor – such as residential. The findings of the FRA have been considered by the Environment Agency and that authority does not have an objection to the proposal, subject to the imposition of a condition on a grant of planning permission. This condition relates to the issue of land contamination. Members are advised that the 'suite' of conditions that were requested by the Council's Contaminated Land Officer would incorporate the conditional requirements of the Environment Agency.

### **16.0 Conclusion**

- 16.1 To summarise, the subject buildings are established, valued elements within the historic port conservation area of the town – one having a grade II listing and the remainder being included on the local list. In the case of the former Rising Sun public house, it is clear that having been unused and empty for a significant period of time, the building has suffered and it is now in a derelict state. Indeed, it is included on the Essex Heritage at Risk register as well as the Building at Risk Register produced by Save Britain's Heritage. The scheme submitted for Members consideration would bring this building back into reuse – thereby ensuring that the only listed building on the east bank of the Hythe is retained.
- 16.2 The warehouse buildings, whilst not listed, are also established elements – having been located on the site since the late Victorian period. These are a direct historic link with the maritime past of the Hythe area and their retention and reuse is considered to be an important material consideration in relation to this planning application.
- 16.3 As identified in the report, elements of the proposed development do not meet the full policy standards. However, balanced against this is the fact that the proposal does represent an opportunity for the buildings to be reused, and thereby retained to the overall benefit of the area.

## **17.0 Recommendation to the Committee**

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

APPROVAL of planning permission for the development proposed under planning application ref. 163196 subject to the signing of a legal agreement under Section 106 of the Town and Country Planning Act 1990, within 6 months from the date of the Committee meeting. In the event that the legal agreement is not signed within 6 months, to delegate authority to the Head of Service to refuse the application, or otherwise to be authorised to complete the agreement, to provide the following:

- A review mechanism whereby the viability of the scheme is reassessed during the development to determine whether mitigation is payable.
- A requirement that the part of the river wall that is adjacent to the application site be surveyed and, if necessary, repaired as part of the overall works to create the required extension to the riverside footway and cycleway.

On completion of the legal agreement, the Head of Service be authorised to grant planning permission subject to the following conditions, with delegated authority to revise as may be necessary:

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

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

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

The development hereby permitted shall be carried out in accordance with the details shown on the submitted Drawing Numbers 9027 – 01, 10E, 11A, 12A, 13A, 14A, 15A, 16A, 17A, 18B, 19A, 20A, 21A, 22A, 23, 24, 25, 26, 27 and 28.

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

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

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

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

#### **4. ZBF - Surfacing Materials to be Agreed**

Prior to commencement of the development hereby approved full details of the surfacing materials to be used for all private, non-adoptable accessways, driveways, footpaths, courtyards, parking areas and forecourts shall be submitted to and agreed, in writing, by the Local Planning Authority. The development shall thereafter be carried out in accordance with the agreed details.

Reason: There is insufficient information within the submitted application to ensure that these details are satisfactory in relation to their context and where such detail are considered important to the character of the area.

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

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

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

#### **6. ZCG - Communal Storage Areas**

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

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

#### **7. ZCI - Connection to Foul Sewer**

All sewage and waste water shall be discharged to the foul sewer.

Reason: To meet the requirements of Circular 3/99 and to ensure that the environmental, amenity and public health problems that can arise from non-mains sewerage systems do not occur.

#### **8. ZFB - \*Full Landscape Proposals TBA\***

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.

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.

### **9. ZFE - Landscape Management Plan**

Prior to the first occupation of the development, a landscape management plan including long term design objectives, management responsibilities and maintenance schedules for all landscape areas 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.

### **10. Non-standard condition – Private amenity space**

Prior to the first occupation of the development hereby permitted, the communal amenity areas to serve residents. as proposed on the approved drawings shall be laid out and be permanently available for use by the occupants of all the flats to which this permission relates or in such a manner as may otherwise have previously been agreed, in writing, by the Local Planning Authority.

Reason: In the interests of residential amenity, as these communal amenity areas are an essential element of the development.

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

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

Weekdays: 08.00 – 18.00

Saturdays: 08.00 – 13.00

Sundays and Bank Holidays: Not at All

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.

### **12.ZGG - Site Boundary Noise Levels**

Prior to the first use or occupation of the development as hereby permitted, a competent person shall have ensured that the rating level of noise emitted from the site's plant, equipment and machinery shall not exceed 0dB(A) above the background levels determined at all boundaries near to noise-sensitive premises. The assessment shall have been made in accordance with the current version of British Standard 4142 and confirmation of the findings of the assessment shall have been submitted to, and agreed in writing by, the Local Planning Authority and shall be adhered to thereafter. Reason: To ensure that the development hereby permitted is not detrimental to the amenity of the surrounding area by reason of undue noise emission and/or unacceptable disturbance, as there is insufficient information within the submitted application.

### **13.ZGK - \*External Noise\***

Prior to the commencement of development, a noise survey for proposed residential properties that are in the vicinity of the ROAD/RAILWAY/Commercial Premises shall have been submitted to and approved, in writing, by the Local Planning Authority. The survey shall have been undertaken by a competent person, shall include periods for daytime as 0700-2300 hours and night-time as 2300-0700 hours, and identify appropriate noise mitigation measures. All residential units shall thereafter be designed so as not to exceed the noise criteria based on current figures by the World Health Authority Community Noise Guideline Values/BS8233 "good" conditions given below:

Dwellings indoors in daytime: 35 dB LAeq,16 hours

Outdoor living area in day time: 55 dB LAeq,16 hours

Inside bedrooms at night-time: 30 dB LAeq,8 hours (45 dB LAm<sub>ax</sub>)

Outside bedrooms at night-time: 45 dB LAeq,8 hours (60 dB LAm<sub>ax</sub>)

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

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

### **14.ZGI - Sound Insulation on Any Building**

Prior to the first use or occupation of the development as hereby permitted, the building shall have been constructed or modified to provide sound insulation against internally generated noise in accordance with a scheme devised by a competent person and agreed, in writing, by the Local Planning Authority. The insulation shall be maintained as agreed thereafter.

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

**15.ZGF - Self-Closing Doors**

Prior to the first use or occupation of the development hereby permitted, all doors allowing access and egress to non-residential premises shall be self-closing and shall be maintained as such, and kept free from obstruction, at all times thereafter.

Reason: To ensure that the development hereby permitted is not detrimental to the amenity of the area and/or nearby residents by reason of undue noise including from people entering or leaving the site, as there is insufficient information within the submitted application, and for the avoidance of doubt as to the scope of this permission.

**16.ZGA - \*Restriction of Hours of Operation\***

The commercial use hereby permitted shall not BE OPEN TO CUSTOMERS outside of the following times:

Weekdays 08.00 – 23.00

Saturdays: 08.00 – 23.00

Sundays and Public Holidays: 10.00 – 23.00

Reason: To ensure that the development hereby permitted is not detrimental to the amenity of the area and/or nearby residents by reason of undue noise including from people entering or leaving the site, as there is insufficient information within the submitted application, and for the avoidance of doubt as to the scope of this permission.

**17.ZGB - \*Restricted Hours of Delivery\***

No deliveries shall be received at, or despatched from, the site outside of the following times:

Weekdays: 08.00 – 20.00

Saturdays: 08.00 – 18.00

Sundays and Public Holidays: 10.00 – 16.00

Reason: To ensure that the development hereby permitted is not detrimental to the amenity of the area and/or nearby residents by reason of undue noise including from delivery vehicles entering or leaving the site, as there is insufficient information within the submitted application, and for the avoidance of doubt as to the scope of this permission.

**18.ZGR - \*Light Pollution for Minor Development\***

Any lighting of the development (including resultant sky glow, light trespass, source intensity and building luminance) shall fully comply with the figures and advice specified in the CBC External Artificial Lighting Planning Guidance Note for zone EZ2 RURAL, SMALL VILLAGE OR DARK URBAN AREAS.

Reason: In order to safeguard the amenity of the surrounding area by preventing the undesirable, disruptive and disturbing effects of light pollution.

**19.ZGO - Food Premises (Control of Fumes and Odours)**

Prior to the first use of the development hereby permitted, control measures shall be installed in accordance with a scheme for the control of fumes, smells and odours that shall have been previously submitted to, and agreed in writing by, the Local Planning Authority. This scheme shall be in accordance with Colchester Borough Council's Guidance Note for Odour Extraction and Control Systems. Such control measures as shall have been agreed shall thereafter be retained and maintained to the agreed specification and working order.

Reason: To ensure that there is a scheme for the control of fumes and odours in place so as to avoid unnecessary detrimental impacts on the surrounding area and/or neighbouring properties, as there is insufficient detail within the submitted application.

**20.ZHA - Grease Traps Required**

Prior to the first use of the development hereby permitted, any foul water drains serving the kitchen shall be fitted with grease traps that shall at all times thereafter be retained and maintained in good working order in accordance with the manufacturer's instructions.

Reason: To prevent unnecessary pollution of the groundwater environment quality in the area and/or blocking of the drainage system.

**21.ZCE - Refuse and Recycling Facilities**

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

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

**22.ZCH - Litter**

Prior to the first occupation of the development hereby permitted, equipment, facilities and other appropriate arrangements for the disposal and collection of litter resulting from the development shall be provided in accordance with details that shall have previously been submitted to, and agreed in writing by, the Local Planning Authority. Any such equipment, facilities and arrangements as shall have been agreed shall thereafter be retained and maintained in good order unless otherwise subsequently agreed, in writing, by the Local Planning Authority.

Reason: In order to ensure that there is satisfactory provision in place for the storage and collection of litter within the public environment where the application lacks sufficient information.

**23.Non-standard condition - External Light Fixtures TBA**

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

Reason: To reduce the risks of any undesirable effects of light pollution and to ensure that new lighting is of a satisfactory appearance.

**24. Non-standard condition – Refuse/recycling storage facilities**

Prior to the occupation of the proposed development, the refuse/recycling storage facilities, the off-street car parking and bicycle storage facilities shall be provided as shown detailed in the amended drawing numbered 9027-10E.

Reason: To ensure that on-street parking of vehicles in the adjoining streets does not occur, to promote the use of sustainable means of transport and to limit and reduce the time a refuse freighter is left waiting within the highway causing congestion and obstruction in the interests of highway safety.

**25. Non-standard condition – Construction Method Statement**

No development shall take place, including any ground works or works of demolition, until a Construction Method Statement (CMS) has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction and fitting out period. The Statement shall provide for:

- i. the parking of vehicles of site operatives and visitors
- ii. loading and unloading of plant and materials
- iii. storage of plant and materials used in constructing the development
- iv. wheel and under body washing facilities
- v. HGV Routing plan

Reason: To ensure that on-street parking of these vehicles in the adjoining streets does not occur, in the interests of highway safety.

**26. Non-standard condition – Residential Travel Information Packs**

Prior to occupation of the proposed development, the Developer shall be responsible for the provision and implementation of a Residential Travel Information Pack for sustainable transport (including bus and rail travel) approved by the Local Planning Authority.

Reason: In the interests of reducing the need to travel by car and promoting sustainable development and transport in the interests of highway safety.

**27. Non-standard condition – Pedestrian Footway/Cycleway**

Prior to the occupation of any of the proposed dwellings, the land shown hatched grey, bounded by a red line immediately adjacent to the vehicular access and alongside the River Colne and at no less than 4.0m wide as shown in Drawing Numbered 9027-10E shall be constructed to provide a section of the riverside walk pedestrian footway/cycleway which shall be approved in writing by the Local Planning Authority entirely at the Applicant/Developer's expense including new kerbing, surfacing, drainage, any adjustments in levels or accommodation works and making an appropriate connection in both directions to the existing footway/cycleway to the specifications of the Highway Authority.

Reason: To make adequate provision for the additional pedestrian traffic generated within the highway as a result of the proposed development.

**28. Non-standard condition – Loading and offloading facilities**

Prior to the occupation of the proposed development, loading, off-loading and manoeuvring facilities, as shown in Drawing Numbered 9027-10E shall be provided within the site which shall be maintained free from obstruction and retained thereafter.

Reason: To ensure that the adjoining highway is not obstructed by servicing activity, in the interests of highway safety.

### **29.ZMM - Additional Detail on Windows & Doors etc.**

Prior to the commencement of any works, additional drawings that show details of any proposed new windows, doors, eaves, verges, cills and arches to be used, by section and elevation, at scales between 1:20 and 1:1, as appropriate, shall be submitted to and approved, in writing, by the Local Planning Authority. The development shall thereafter be implemented in accordance with the approved additional drawings.

Reason: There is insufficient detail with regard to this to protect the special character and architectural interest and integrity of the building in accordance with the requirements of Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

### **30.ZNL - Full Archaeological Condition**

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).

### **Informatives**

The following informatives are also recommended:

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

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

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

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

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

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

## **4. Non-standard Informative**

All work within or affecting the highway is to be laid out and constructed by prior arrangement with and to the requirements and specifications of the Highway Authority; all details shall 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](mailto:development.management@essexhighways.org) or by post to:

SMO1 – Essex Highways  
Colchester Highways Depot,  
653 The Crescent,  
Colchester.  
CO4 9YQ.

## **5. Non-standard Informative**

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.

## **6. Non-standard Informative**

The applicant should be advised to contact the Essex County Council travel plan team on [travelplanteam@essex.gov.uk](mailto:travelplanteam@essex.gov.uk) to make the necessary arrangements for the provision of the Residential Travel Information Packs.

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

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

**8. 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.