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**Item No: 7.4**

**Application:** 192090

**Applicant:** University Of Essex And Uliving

**Agent:** Miss Catrin Davies, JTS Partnership

**Proposal:** Construction of five buildings to provide 1204 new student bedrooms arranged as cluster flats and 58 studios, with social and administrative facilities, associated hard and soft landscaping, cycle parking, bin stores and vehicle access and turning.

**Location:** West Knowledge Gateway Site, Capon Road & Annan Roads, Colchester

**Ward:** Wivenhoe

**Officer:** Annabel Cooper

**Recommendation:** Approval

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

- 1.1 This application is referred to the Planning Committee as it is a major application that requires S106 legal agreement and as it is a major application where an objection has been received.

## **2.0 Synopsis**

- 2.1 The application seeks full planning permission for the development of five buildings on University owned land. The buildings are to provide 1204 student bedrooms arranged in cluster flats and 58 studios, the development therefore is to provide accommodation for a total of 1262 students. The buildings will also include social and administrative facilities, hard and soft landscaping, cycle parking, bin stores, vehicle access and turning.
- 2.2 The key issues for consideration are design; scale and form of the buildings; impact on archaeology in relation to identified burial mounds; and contributions to mitigate the development.
- 2.3 The planning merits of the application are assessed, and it is concluded that the development is acceptable, resulting in a recommendation that planning permission is approved subject to conditions and a legal agreement.

## **3.0 Site Description and Context**

- 3.1 The application is made jointly by the University of Essex and their partner, a consortium comprising of Uliving and Equitix. The consortium work in partnership with the University to deliver and operate halls of residence on behalf of the University. The University retains responsibility for the pastoral care of student residents and maintains the grounds and provides security services.
- 3.2 The University's six-year strategy 2019 – 2025 aims to grow from 16,500 students to a community of about 20,000 students. The University seeks to provide accommodation to all students in their first year of study, plus other prioritised groups that have a need for on-campus accommodation (e.g. disabled students, under 18's). This target is currently being achieved, but to keep this promise to continue to grow and reduce the pressure on the market housing in Colchester, the University have identified a need to build new accommodation.
- 3.3 The site is currently vacant sitting at the edge of the University's land ownership, on the University campus. The site is bounded on the east and south by University estate roads Capon and Annan Roads, with Salary Brook to the west and north. The site was raised out of the flood plain of the Salary Brook as part of enabling infrastructure works undertaken in 2010 / 2011. The site is rough grass with no landscape features apart from a line of 12 Field Maple trees along the Annan Road boundary.

- 3.4 To the north west the nearest residential development at Triumph Close / Mascot Square is 78m from the application site boundary. The two houses at 57 and 59 Elmstead Road, are to the north east, 57 Elmstead Road lies 22m to the north of the site (boundary to boundary). The boundary of the ambulance station site adjoins the northern entrance to the application site.
- 3.5 The listed Salary Brook Farmhouse sits to the east of Capon Road. The farmhouse has later addition barns which form the farmyard. These barns block direct views between the site and the original farmhouse.
- 3.6 At the southwest corner of the site sits the pedestrian footbridge across Salary Brook and the railway line which is to the west of the site.
- 3.7 There are a group of four prehistoric barrows (burial mounds), two of which survive as upstanding remains, within and adjacent to the site. The group is currently being considered for identification as a Scheduled Ancient Monument. All but one of the barrows lie to the west of the development area. The site has been subject to previous phases of archaeological investigation; other archaeological remains were of post-medieval date and of low significance. Further trench investigations were requested by the local authority's Archaeological Officer. These investigations have been completed by the applicant with no additional finds.

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

- 4.1 The application seeks full planning permission for the development of five buildings on University owned land. The buildings are to provide 1204 student bedrooms arranged in cluster flats and 58 studios, the development therefore is to provide accommodation for a total of 1262 students. The buildings will also include social and administrative facilities, hard and soft landscaping, cycle parking, bin stores, vehicle access and turning.
- 4.2 The accommodation is split into three room types: 285 standard rooms which have shared bathrooms; 911 en-suite bedrooms and 58 studios. Standard rooms are arranged in 12- bed flats and en-suite rooms are arranged in 10 and 12 bed flats.
- 4.3 A new 'hub' will be located in Block C to provide a reception, post room and administrative area which will be the student service center for the wider Meadows Group (of The Quays, Meadows 1, The Copse and the proposed scheme). Staff welfare, facilities management store and bin store will also be located in Blocks A and C.
- 4.4 The buildings are arranged to create two undergraduate courtyards and a third neutral student space. Landscaping will also be used to define the barrows.

- 4.5 The development will proceed in two phases. Phase 1 works, comprising of blocks A and E, are scheduled to commence in Spring 2020 and completed by September 2021. Phase 2 which will comprise of blocks B, C and D will be completed by September 2022. The University needs to deliver a minimum numbers of rooms (at least 2 of the 5 buildings) by Sept 2021 if it is to meet its growth targets. Unfortunately, Building C which holds the student services is too 'large' to be completed by that crucial date, hence Phase 1 comprise Buildings A and E. There are existing facilities management offices in the Meadows 1 and at the Quays development, from which Phase 1 will be managed from until Phase 2 (and Building C) is completed. The whole facilities management operation, for all four sites, including the Meadows phase 3, phase 1, the Copse and the Quays will then move to The Hub located in Building C.
- 4.6 Block A is the building fronting Annan Road, the block is 6 storeys and contains 285 rooms, a total of 24 flats.
- 4.7 Block B creates one of the undergraduate courtyards with block D and is located closest to the existing residential development. The block is 4 storeys and contains 215 rooms including 1 adjustable room, a total of 24 flats.
- 4.8 Block C is the building fronting Capon Road. The block has both 5 and 6 storey elements and includes the single storey hub. The block contains 302 rooms including 1 adjustable room, a total of 24 flats. Block C also houses the 58 studio flats.
- 4.9 Block D creates one of the undergraduate courtyards and is within the centre of the development. The block has 5 storeys and contains 204 rooms in 20 flats.
- 4.10 Block E creates the second undergraduate courtyard with block A. The block has 6 storeys containing 246 rooms in 24 flats.
- 4.11 There are a variety of materials to be used on the development including brick, render, zinc and coloured cladding.

## **5.0 Land Use Allocation**

Vacant – allocated for residential development.

## **6.0 Relevant Planning History**

- 6.1 190182 – Preliminary Enquiry. The Council's response helped to inform the current proposal.
- 6.2 The Knowledge Gateway lies adjacent to the main University campus and was initially developed in accordance with three outline planning permissions (reference: 05/2046; 05/1134 renewed as 07/1531; and 05/1131 renewed as 09/1642).

- 6.3 These outline permissions expired in 2011/2012 and new development has since been the subject of applications for full planning permission which include: 146358 for Parkside II, 152219 for The Innovation Centre and 152613 for The Copse.

## **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
- UR2 - Built Design and Character
- PR1 - Open Space
- PR2 - People-friendly Streets
- TA1 - Accessibility and Changing Travel Behaviour
- TA2 - Walking and Cycling
- TA3 – Public Transport
- TA4 – Roads and Traffic
- TA5 – Parking
- ENV1 – Environment
- ER1 Energy, Resources, Waste, Water and Recycling

- 7.3 The adopted Colchester Borough Development Policies (adopted 2010, reviewed 2014) sets out policies that apply to new development. Specific to this application are policies:

- DP1 Design and Amenity
- DP2 Health Assessments
- DP3 Planning Obligations and the Community Infrastructure Levy
- DP12 Dwelling Standards
- DP14 Historic Environment Assets
- DP16 Private Amenity Space and Open Space Provision for New Residential Development
- DP17 Accessibility and Access
- DP18 Transport Infrastructure Proposals
- DP19 Parking Standards
- DP20 Flood Risk and Management of Surface Water Drainage
- DP21 Nature Conservation and Protected Lanes
- 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

- 7.5 There are no relevant Neighbourhood Plans.

- 7.6 Submission Colchester Borough Local Plan 2017-2033:

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

Paragraph 48 of the Framework states that decision makers may give weight to relevant policies in emerging plans according to:

1. The stage of preparation of the emerging plan;
2. The extent to which there are unresolved objections to relevant policies in the emerging plan; and
3. The degree of consistency of relevant policies to the policies in the Framework.

The Emerging Local Plan is at an advanced stage and is, therefore, considered to carry some weight in the consideration of the application, but as it is yet to undergo a full and final examination, it is not considered to outweigh the material considerations assessed above in accordance with up-to-date planning policies and the NPPF in this instance.

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

The Essex Design Guide  
External Materials in New Developments  
Community Facilities  
Open Space, Sport and Recreation  
Sustainable Construction  
Cycling Delivery Strategy  
Sustainable Drainage Systems Design Guide  
Managing Archaeology in Development.  
Planning Out Crime

## **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 Anglian Water

## Assets affected

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

## Wastewater Treatment.

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

## Recommended condition:

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

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

*[Planning Officer Comment: The recommended condition is not required as this will be fully mitigated by the conditions imposed with regards to sustainable drainage.]*

### 8.3 Arboricultural Officer

Regarding the proposed development and the Tree report provided: I am in agreement with the information provided. The proposal requires the loss of a small number of trees that are of low amenity value. This loss is more than compensated by the proposed tree planting scheme. In conclusion, I am satisfied with the arboricultural content of the proposal subject to the above.

Recommendation: Agreement to the landscape aspect of the application subject to condition Recommended Landscape Conditions: Make the tree report an approved document.

### 8.4 Archaeological Officer

An adequate programme of archaeological evaluation has been completed and the results submitted with the application. This work has demonstrated that no material harm will be caused to the significance of below-ground archaeological remains by the proposed development. There will be no requirement for any further archaeological investigation.

In terms of management of the group of barrows, which is the subject of a current Scheduled Monument application, the landscape management strategy should make provision for the adequate management of the upstanding barrows immediately outside of the application area (but which are part of a single monument complex). I would be pleased to provide further information on request.

It is anticipated that the provision of an information/interpretation panel relating to the presentation of the archaeological remains on the south side of the development will be secured by a S106 agreement.

## 8.5 Contaminated Land Officer

Re: Idom, 'Geo-environmental Assessment, University of Essex Student Accommodation Phase 2B/2C' Ref GEA- 21968-19-293, dated 05/07/19 I note the above is included on the planning file. This is an acceptable report for Environmental Protection's purposes (note that the geotechnical aspects of this report have not been assessed). As a result of a desk study and intrusive investigation, it is stated that: soils on site are generally considered to be chemically suitable for re-use, however, an area of asbestos cement contamination was identified; groundwater monitoring results do not show any significant source of potential contamination; gas monitoring has been undertaken on four occasions with some elevated levels of ground gas encountered at one location (MBH5); imported soils will be required for landscaped areas.

I note that some recommendations for further risk assessment and remediation have been made, including the removal of visible asbestos cement debris and further investigation, monitoring and risk assessment of the gassing regime in the vicinity of borehole MBH5, to confirm whether or not ground gas precautionary measures will be required. A detailed Remediation Method Statement is recommended to address these matters.

However, based on the information provided, the recommendations would appear reasonable and it would appear that the site could be made suitable for the proposed use, with these matters dealt with by way of planning condition. Consequently, should this application be approved, we would recommend inclusion conditions to secure site characterisation, remediation, and the process in the event of encountering any unexpected contamination.



## 8.6 Cadent Gas

There is apparatus in the vicinity of the application site which may be affected by the activities specified. Request that Plant Protection is informed of the decision that the Authority is likely to make regarding the application.

Advice that, due to the presence of Cadent and/or National Grid apparatus in proximity to the specified area, the contractor should contact Plant Protection before any works are carried out to ensure the apparatus is not affected by any of the proposed works.

## 8.7 Conservation and Built Heritage Officer

The application includes a Heritage Statement which complies with NPPF's Par. 189 that requires from applicants to describe the significance of any heritage assets affected by the proposal with a level of detail which is proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. The impact assessment on designated heritage assets involves mainly the setting of the Grade II Salary brook Farmhouse (List UID 1337705) to the NE of the application site. As discussed by the report, the wider setting of the 18th c. farmhouse has been altered already by existing development and is expected to be affected further in the future as the land around the listed building is allocated to further development for educational, commercial and residential use. Taking into account this context, the impact of the scheme on the setting of the farmhouse is classified as less-than substantial, according to the NPPF's definitions. As the project is linked to the University's expansion which is associated to strategic benefits for the growth and economy of the Borough, this less-than -substantial harm is considered sufficiently outweighed by the expected public benefits, to satisfy the requirement that are set by NPPF's Par. 196.

The impact on the Wivenhoe Park (Grade II Registered Park, List UID 1000371) is of lesser concern as there is greater distance between the application site and the registered park, while existing and planned development in between will serve to limit or screen entirely the views of the proposed buildings from the designated park.

In terms of the scheme's impact to the undesignated Barrows to the SW corner of the site, the constraint of the proposed Schedule Monument's presence was identified in the early planning stages and has been the subject of consultation with Historic England and the Council's Archaeological Officer.

Taking into account the above, there are no objections to the application on heritage grounds.

## 8.8 Colchester Cycling Campaign

This is a major development that will introduce a lot more people to the campus, and it is vital that the university caters for active travel and gets it right first time.

### CHANGES TO THE BRIDGE

As mentioned in the transport plan, a bridge links the campus with University Quays, the Wivenhoe Trail, private student accommodation on the Hythe and the proposed Sainsbury supermarket on Lightship Way.

The plan includes the bridge as part of the "cycle network" but goes on to point out that the university does not allow cyclists to ride over it.

This is despite the fact that it was intended to be a cycle/pedestrian bridge (see contemporary news reports and the original planning application).

## 8.9 Environmental Agency

We have reviewed the plans as submitted and we have no objection to this planning application because the site is currently defended and the SMP policy for this area has an aspiration to hold the line. If the SMP policy is not taken forward the development would be unsafe in the future. Please take note of this and the other flood risk considerations which are your responsibility. We have highlighted these in the flood risk section below.

### Flood Risk

Our maps show the site lies within fluvial and tidal Flood Zone 3 defined by the 'Planning Practice Guidance: Flood Risk and Coastal Change' as having a high probability of flooding. The proposal is for university student accommodation, which is classified as a 'more vulnerable' development, as defined in Table 2: Flood Risk Vulnerability Classification of the Planning Practice Guidance.

Therefore, to comply with national policy the application is required to pass the Sequential and Exception Tests and be supported by a site specific Flood Risk Assessment (FRA). To assist you in making an informed decision about the flood risk affecting this site, the Actual Tidal Risk

- The site is currently protected by flood defences and the Colne Barrier which is above the future 0.5% (1 in 200) annual probability flood level. Therefore the site is not at risk of flooding in this event. The defences will continue to offer protection over the lifetime of the development, provided that the hold the line SMP policy is followed, which is dependent on future funding.

### Actual Fluvial Risk

- The site has already been raised by approximately a metre to a height of 3.10mAOD, and compensatory flood storage has been constructed to ensure that the land raising did not increase flood risk elsewhere. The site is now above the extreme 0.1% (1:1000) annual probability flood level including climate change of 2.60mAOD so is not at risk of fluvial flooding from Salary Brook adjacent to the site. The land raising and compensatory flood storage was granted planning permission in application 091662, the

Environment Agency were consulted on these proposals and had no objections.

#### Residual Tidal Flood Risk

- Section 3.1.1 of the FRA explores the residual risk of a breach of the defences or Colne Barrier by using the worst-case undefended on site flood levels. The 0.5% (1:200) annual probability flood level including climate change is 5.04mAOD, and the 0.1% (1:1000) annual probability flood level including climate change is 5.28mAOD.
- The existing site level is 3.10mAOD, and the FRA proposes raising this to 3.80mAOD as part of the application.
- Therefore in the 0.5% (1:200) annual probability breach flood event including climate change the worst-case depth of flooding on the site would be 1.24m deep. In the extreme 0.1%(1:1000) annual probability breach flood event including climate change the worst-case depth of flooding is 1.48m deep.
- Therefore assuming a velocity of 0.5m/s the flood hazard is danger for all including the emergency services in the 0.5% (1 in 200) and 0.1% (1:1000) annual probability flood events including climate change.
- Finished ground floor levels have been proposed at 3.96 m AOD. This is below the 0.5% (1 in 200) annual probability breach flood level including climate change of 5.04 m AOD and therefore at risk of flooding by 1.08m depth in this event.
- Flood resilience measures have been proposed.
- All residential buildings are multi-storey and therefore there is refuge above the 0.1% (1 in 1000) annual probability breach flood level including climate change of 5.28m AOD with 1.32m of flooding on the ground floor. It is not clear whether the refuge accessible to ground floor occupants would be solely the stairwells or whether the apartment living areas would be open to all people within the building, and therefore provide a more adequate refuge area. A Flood Evacuation Plan has been proposed and is necessary to ensure the safety of the development in the absence of safe access and with internal flooding in the event of a breach flood.
- The site is downstream of three reservoirs so the LPA should ensure that the offsite plans of the reservoirs are sufficient to ensure the safety of the occupants in the event of a failure of a reservoir.

#### Shoreline Management Plan / Catchment Flood Management Plan

The current defences protect this community against a tidal flood with a 0.5% (1 in 200) annual probability of occurrence. However, the impacts of climate change on sea levels over the development's lifetime will gradually reduce the level of protection afforded by the defences if they are not raised within this timeline. Without the raising of the defence, the site could flood should a tide with a 0.5% (1 in 200) annual probability flood event plus climate change occur, which could be contrary to the advisory requirements of Paragraphs 059 and 060 of the National Planning Policy Framework's Planning Practice Guidance. These advise that there should be no internal flooding in 'more vulnerable' developments from a design flood. This could also present challenges to the safety of the users of the buildings and a future reliance on evacuation or emergency response. The Essex and South Suffolk Shoreline Management

Plan (SMP) has a policy of 'Hold the Line' until 2105 for the River Colne, so it is possible that the flood defences may be raised in line with climate change to continue to protect against the future 1 in 200 annual probability flood event for the lifetime of the development. The SMP policy is aspirational rather than definitive, so whether the defences are raised or reconstructed in the future will be dependent on the availability of funding. The level of funding that we can allocate towards flood defence improvements is currently evaluated through cost benefit analysis, and any identified shortfalls in scheme funding requirements would require partnership funding contributions from other organisations. When determining the safety of the proposed development, you should take this uncertainty over the future flood defences and level of flood protection into account. This may require consideration of whether obtaining the funds necessary to enable the defences to be raised in line with climate change is achievable. This would be required to prevent the proposed development being at unacceptable flood risk of internal flooding in the design event.

#### 8.10 Environmental Protection

Recommended conditions: Construction Method Statement; acoustic assessment; lighting; provision of refuse and recycling facilities; management of communal storage areas; and provision of facilities for litter disposal and collection.

*Planning Officer Comments:*

- *Noise report by Cole Jarman 18/0661/R3 reviewed and acceptable. Note plant noise limits have been set and must be adhered to.*
- *Environmental protection has reviewed the refuse and recycling facilities on the submitted plans and area satisfied.*
- *Full operating and management arrangement are set out in DAS. Reviewed by Environmental Protection and considered to be acceptable.*

#### 8.11 Essex Police

Essex Police wish to offer comment with regard this planning application in respect of the potential for Designing Out Crime in pursuance of the guidance offered within National Planning Policy Framework (NPPF).

The applicant and the Essex Police are already involved in constructive pre-application consultation and Essex Police is content the ethos of Crime Prevention Through Environmental Design (CPTED) is being addressed adequately.

Essex Police provide a free, impartial advice service to any applicants who request a service. The intended outcome of the service is to promote CPTED, a key enabler being encouraging and supporting applicants to achieve certification to an appropriate level under the nationally acknowledged and police recommended Secured by Design award system.

#### 8.12 Highways Authority

Provided the submitted Construction Management Plan is amended to show sufficient parking for those involved in constructing the development for each phase of construction and the overall University Travel Plan is updated to take the development into account, from a highway and transportation perspective the Highway Authority has no comments to make on the proposal.

### 8.13 Historic England

The proposed development will be situated within the setting of, and in close proximity to a group of prehistoric burial mounds which Historic England has recommended to the secretary of State the designated as scheduled monuments for this national archaeology importance. Historic England has engaged in pre- application discussion with the application which has influence the form of the development the treatment of the heritage assets so as to meet the aims and objective of the NPPF in respect of the historic environment.

The buried remains of Bronze Age barrow cemeteries are widespread, however, the additional survival of their extant earthwork mound is less so, and such earthworks are particularly rare in the East of England. The barrow cemetery north of Annan road now comprises the earthworks and buried archaeological remains of four barrows. The northernmost barrow sits within the proposed development area, while the others are within a fences area between the footbridge and the Salary Brook for with a local nature reserve is proposed.

Although changes to the local topography and the development of the railway and the university campus mean that the historic topographical setting of the cemetery has been eroded, the immediate setting of the barrows is one of open grassland, unencumbered by built features or hard landscaping. Within the context of the proposed development, the introduction of the new building would impact on the current opening setting of the barrow cemetery, and although amendments to the location of the blocks have been implemented, the development would result in a degree of harm to their significance, while the proposed landscaping proposals for barrow A (which falls within the development area) would provide a modest heritage benefit.

The NPPF states that non-designated heritage asses of archaeological interest which are demonstrably of equivalent significance to scheduled monument should be considered subject to the policies for designated heritage assets and that any harm or loss of, the significance of a designated heritage asset (from its alternation or destruction of from development within its setting), should require clear and convincing justification. Where a development proposed will lead to less that substantial harm to the significance of a designated heritage asset, this harm should be weighed agent the public benefits of the proposal.

In considering this application your council should weigh the harm which would be caused to the significance of heritage assets and measures which would provide heritage benefits with public benefits arising from the development in line with the aims and objective of the NPPF.

### 8.14 Landscape Officer

The landscape content/aspect of the strategic proposals lodged on 15/08/19 under drawing(s) M2B2C-OSP-XT-GF-GA-L-220001, 2, 3, 4, 5, 6 & 12 and M2B2C-OSP-XT-GF-SH-L-420000 and the Landscape & Visual Impact Assessment M2B2C.OSP.XT.ZZ.RP.L.020007.P04 & 020008.P03 would appear satisfactory.

In conclusion, there are no objections to this application on landscape grounds.

The following condition(s) is/are recommended to secure detailed landscape works and a landscape management plan.

Recommended informative:

'Detailed landscape proposals, if/when submitted in order to discharge landscape conditions should first be cross-checked against the Council's Landscape Guidance Note LIS/C (this available on this CBC landscape webpage under Landscape Consultancy by clicking the 'read our guidance' link).'

#### 8.15 Natural England

*Comments following submission of an Appropriate Assessment:*

#### **NO OBJECTION - SUBJECT TO APPROPRIATE MITIGATION BEING SECURED**

We understand that you have screened this proposed development and consider that it falls within scope of the Essex Coast RAMS, and that you have undertaken a Habitats Regulations Assessment (HRA) (Stage 2: Appropriate Assessment) in order to secure any necessary recreational disturbance mitigation, and note that you have recorded this decision within your planning documentation.

We consider that without appropriate mitigation the application would:

☐ have an adverse effect on the integrity of European designated sites within scope of the Essex Coast RAMS

We are satisfied that the mitigation described in your Appropriate Assessment is in line with our strategic-level advice (our ref: 244199, dated 16th August 2018 and summarised at Annex 1). The mitigation should rule out an 'adverse effect on the integrity' (AEOI) of the European designated sites that are included within the Essex Coast RAMS from increased recreational disturbance.

We advise that an appropriate planning condition or obligation is attached to any planning permission to secure the on-site mitigation measures, including cycle and footpath links to the surrounding area. The financial contribution should be secured through an appropriate and legally binding agreement, in order to ensure no adverse effect on integrity.

#### 8.16 NHS

The North East Essex Clinical Commissioning Group initially made a contribution request of £323,919 on the 9<sup>th</sup> September 2019. This request was withdrawn on the 21 November following negotiation to replace the contribution was a Memorandum of Understanding. Please see *appendix 1*.

#### 8.17 Colchester Planning Policy

As discussed, I confirm that the site the subject of this application is supported for residential development in the Adopted Local Plan. In terms of planning policy there is no justification to vary the approach for accommodation which is intended to provide for student accommodation, so therefore this is also supported in principle in this location. Its proximity to the University and other similar developments as envisaged in the Masterplan, is a logical location for further student accommodation supporting the growth ambitions of the university and the associated benefits for Colchester.

To conclude the proposal is supported by policy in principle, subject to all other detailed matters being satisfactorily addressed.

#### 8.18 Sustainable Drainage Systems

No objection subject to conditions for: detailed surface water drainage scheme; scheme to minimise the risk of offsite flooding caused by surface water run-off and groundwater during construction; and maintenance and management plan for the surface water drainage system.

#### 8.19 Transport and sustainability

Initially requested contributions:

Project	Total costs	% of total costs to be borne by this application	total costs to be borne by this application	Justification
University wayfinding	£170,000	10%	£17,000	The proposed accommodation is one of the

				accommodations contributing towards this project
Walking route to town centre (footpath and footway from Hythe Quay to Magdalen Street)	£300,000	10%	£30,000	This will be the route students at the new accommodation will use to access the town centre as well as others accommodation locations within and on the western side of the campus.
Walking & cycling route to Hythe rail station from (Elmstead Road, Greenstead Road and Hythe Station Road)	£250,000	10%	£25,000	This will be the route students at the new accommodation will use to access the rail station as well as others within campus
Upgrade the zig zag bridge and link to Wivenhoe Trail	£1,000,000	33%	£333,000	This will be the main walking and cycling route to the town centre for the proposed accommodation and existing University residents and students.
Car Club			£6,000	Contribution towards a University on site car club.
<b>Total</b>			<b>£411,000</b>	

Several meetings have been held to discuss the contribution requests.

The following has been agreed by both parties:

A pre-commencement contribution of £200,000 and minimum of £200,000 to implement initiatives of a new Travel Plan.

Please see *appendix 2* for the draft heads of terms for further details.

## 8.20 Urban Designer



Proposals have improved through lengthy dialogue but sadly still don't represent good design as required by national and local policy guidance and from experience I am unconvinced that concerns can be adequately addressed through condition. The key obstacle appears to be lack of design investment, noting comparable recent local student accommodation schemes (e.g. St Botolphs, Magdalen Street and Hythe Mills) appear noticeably more invested in, despite comparable rents and this site being within the universities own greenfield grounds. I understand no viability appraisal has been provided to justify reduced design standards. I would therefore object to the scheme without further suitable revision, or suggest the decision is deferred to secure further improvements through delegated powers as proved effective in suitably improving the Hythe Mills scheme.

It should be noted the scheme is not without merit and good aspects include:

- The car-free approach supported by remote parking, enables a safe, tranquil and gardened external environment including some promising internal amenity spaces;
- The layout provides some interesting building footprints and spaces, whilst still relating to adjoining straight streets;
- Buildings have a good legible sense of hierarchy and structure focussed on defined communal areas, and aided by geometry and symmetry;
- Building designs are ordered;
- There has been some attempt to break down the massing into smaller design elements; and
- There is some good quality detailing and fenestration, e.g. deep reveals (albeit to be clarified on plans), rusticated brickwork and some full height openings to priority communal areas.

However, I would highlight the following outstanding issues:

- Materials generally lack good materiality needed for such a stripped-back design approach, noting much better materials are provided on the above referred to student accommodation schemes. There is additional concern that the white render will become dirty over time (as per Meadows Phase 1) but without any mitigating form interest to distract (as benefitting Meadows Phase 2 – The Copse);
- The massing still appears excessively monolithic, not being adequately broken down into distinct parts and/or benefitting from sufficient architectural interest;
- The horizontally emphasised fenestration lacks structural elegance, contributes to the development's sense of horizontally monolithic massing and is overly repetitive;
- There is insufficient high-quality detailing to architecturally refine and express buildings;
- Gable area designs do not appear adequately resolved and especially in relation to the Burrows SAM open space and focal plaza space; and
- The scheme fails to directly extend the strategic foot and cycle green link from Elmstead Road through to the bridge over the railway, i.e. aligned to Salary Brook.

## 9.0 Parish Council Response

- 9.1 The Wivenhoe Town Council (WTC) have stated that they support this application.

The proposed development falls within the existing footprint of the university. WTC requests that historic sites are considered appropriately, and that consideration is given to the use of the River Colne for construction transportation.

## 10.0 Representations from Notified Parties

- 10.1 The application resulted in a number of notifications to interested third parties including neighbouring properties. The full text of all of the representations received is available to view on the Council's website. However, a summary of the material considerations is given below.

There is one objector of which multiple letters of objection have been received.

A summary of the matters raised:

- Consultation period was flawed as the application has been amended thought-out the planning process.
  - *Planning Officer Comment: The Planning Officer has reviewed the Council's records and consultation letters were sent to the objector's residence on the 15 August and the 28 August 2019. Site notices at four locations where also put up on 27 August and following a change of description further new site notices where put up in the same locations on the 1 Sept 2019. There were also adverts in the press. Therefore, the Council has fulfilled its obligations with regards to consultation. The application has been negotiated throughout the application it is at the officer's discretion as to whether the changes required formal re-consultation as per Government guidance.*
- Planning Officer response – Preliminary Enquiry – principle of the proposed was deemed acceptable.
  - *Planning Officer comment: The application was subject to a preliminary enquiry and was assessed by the Council Principle Planning Officer in accordance with National and Local Policy.*
- Divergence from Master Plan
  - *Planning Officer comment: Please see comments from Planning Policy and section 8.17.*
- Privacy

- *Planning Officer comment: See section Impact on Surrounding area 16.28.*
- Loss of light
  - *Planning Officer comment: See section Impact on Surrounding area 16.28.*
- Light Nuisance
  - *Planning Officer comments: This matter has been assessed by the Council's Environmental Protection Officer and as such a pre-commencement condition requiring 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 EZ2 RURAL, SMALL VILLAGE OR DARK URBAN AREAS is submitted to be approved by the Local Planning Authority.*
- Noise
  - *Planning Officer comment: This matter has been assessed by the Council's Environmental Protection Officer a Noise report by Cole Jarman 18/0661/R3 submitted in support of the application this has been reviewed and is deemed acceptable.*
- Separation and open space
  - *Planning Officer comment: There is to be a landscaping strip to the north of the site and there is a separation of 22m between the boundary of the development site and the 57 Elmstead Road boundary which is considered to be an adequate level of separation.*
- Barrows
  - *Planning Officer comment: See section on archaeology 16.39.*

- Density of Development
  - *Planning Officer comment: The density of the development is in keeping with the density of the existing university campus to which the proposed site most strongly relates too. Paragraph 123 of the National Planning Policy Framework (NPPF) states that it is important that planning policies and decisions avoid development being built at low densities, and ensure that developments make optimal use of the potential of each site.*
- Building appearance, design and materials
  - *Planning Officer comment: See section Design, Scale, Form and Layout 16.12.*
- Construction method and construction traffic
  - *Planning Officer comment: This matter has been assessed by the Council's Environmental Protection Officer and as such a pre-commencement condition requiring the submission of a Construction Method Statement to be approved by the Planning Authority is required.*
- Impact on property not considered
  - *Planning Officer comment: The local planning authority has considered all neighbouring residential development in reaching the recommended decision.*
- Car parking impact on adjacent roads
  - *Planning Officer comments: The University have a policy that students that are residents on campus are not allowed cars. The proposed scheme is a car free development. It is also considered that the students would have little requirement for a personal vehicle as they live and work on the campus. With regards to the requirement to leave the campus this has been fully assessed and will be mitigated by the reviewing Travel Plan and the financial contribution to improved sustainable modes of travel. It is therefore considered that the impact on car parking on adjacent roads have been fully considered.*

## **11.0 Parking Provision**

- 11.1 The proposed application is for a car free development with the exception of disabled residents use and parking for staff associated with the Hub Building.

## **12.0 Accessibility**

- 12.1 With regards to the Equalities Act and compliance with policies DP12 and DP17 with regards to accessibility standards, the proposed provides 4 disabled and adjustable rooms and 4 associated car parking spaces.

## **13.0 Open Space Provisions**

- 13.1 The proposed includes the creation of 3 courtyards, each of the 3 courtyards will have a different landscape treatment to differentiate the spaces.

## **14.0 Air Quality**

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

## **15.0 Planning Obligations**

- 15.1 As a “Major” application, there was a requirement for this proposal to be considered by the Development Team. It was considered that Planning Obligations should be sought. The Obligations that would be agreed as part of any planning permission would be:

### **9.1 Summary of S106 Contributions:**

- Archaeology: £2,400
- RAMS: £30,868.52
- Transport and Sustainability: £200,000 and minimum of £200,000 to implement initiatives of a new Travel Plan.
  - See *appendix 2* for Draft Heads of Terms.

## **16.0 Report**

- 16.1 The main issues in this case are:

- The Principle of Development
- Design, Scale, Form and Layout
- Impact on the Surrounding Area
- Archaeology – The Barrows
- Flood Risk and Sustainable Drainage
- Landscape and Trees
- Highways, parking and sustainable transport

- Student Amenity
- NHS
- Built Heritage
- Ecology and RAMs
- Environmental and Carbon Implications
- Sustainable design and construction
- Other Matters (refuse and recycling/ contaminated land)

#### Principle of Development

- 16.2 The applicant is made jointly by the University of Essex, and their partner, a consortium comprising of Uliving and Equitix. The consortium work in partnership with the University to deliver and operate halls of residence on behalf of the University. The University retains responsibility for the pastoral care of student residents and maintains the grounds and provides security services.
- 16.3 The University's strategy 2019-2025 aims to grow overall student numbers to 20,000 by 2024/25, of which approximately 16,000 to 16,500 (currently circa 13,500) will be based at the Colchester Campus - the University has satellite campuses at Southend and Loughton.
- 16.4 The University seeks to provide accommodation to all students in their first year of study, plus other prioritised groups that have a need for on-campus accommodation for example disabled students, under 18's. This target is currently being achieved, but to keep the promise to continue to grow, the University needs to build new accommodation. The university have leased 152 rooms in the private sector for the 19/20 academic year. On campus accommodation helps to reduce the pressure on the market housing in Colchester.
- 16.5 It is estimated that the development will create about 30 full time equivalent jobs, of which 8 to 12 will be administration staff based in the Hub Building. The other jobs will mostly be cleaners and maintenance staff.
- 16.6 The University of Essex is a leading research-intensive university and is ranked in the top 20 for research excellence within the UK. The University currently provides 1870 jobs and indirectly supports a further 2,693 jobs, as well as contributing (latest estimate) £500 million to the local economy.

- 16.7 The Knowledge Gateway lies adjacent to the main University campus and was initially developed in accordance with three outline planning permissions (reference: 05/2046; 05/1134 renewed as 07/1531; and 05/1131 renewed as 09/1642). These outline permissions expired in 2011 / 2012 and new development has since been the subject of applications for full planning permission which include: 14/6358 for Parkside II, 15/2219 for The Innovation Centre and 15/2613 for The Copse. Whilst these recent developments have been the subject of stand-alone permissions, they have generally followed the masterplan approved under ref 05/2046 and a draft revision that was shared with the Council in 2014.
- 16.8 The Knowledge Gateway lies adjacent to the main University campus and has been developed since 2005 with a series of buildings, including student accommodation at the Meadows and the Copse. A 2005 Masterplan allocated the central and eastern parts of the Knowledge Gateway for commercial development, the western part for housing and the southern plots for student accommodation. A 2014 Plan incorporated a number of changes including the reallocation of the western part of the site for further student accommodation, in place of housing.
- 16.9 The 'Spatial Vision', as set out in the adopted Core Strategy, provides that: *'By 2021, Colchester will be a prestigious regional centre.... Key community facilities will be delivered and expanded including the University of Essex...'*
- 16.10 Therefore, the principle of development is long established. The adopted local plan also shows the site being allocated for predominantly residential use. In terms of planning policy there is no justification to vary the approach for accommodation which is intended to provide for student accommodation, therefore the proposed student accommodation is supported in principle in this location. Its proximity to the University and other similar developments as envisaged in the Masterplan, is a logical location for further student accommodation supporting the growth ambitions of the university and the associated benefits for Colchester. The principle of development is therefore considered to be acceptable in planning terms.
- 16.11 Design, Scale, Form and Layout
- 16.12 Core Strategy Policy UR2 states that the Council will promote and secure high quality and inclusive design. Development Policy DP1 requires that all development is designed to a high standard in terms of architectural approach, height, size, scale, form, massing, materials and design details. Good quality design ensures attractive and functional places.
- 16.13 Through the planning process the proposals have improved through lengthy dialogue with the Planning Officer and the Urban Designer.
- 16.14 Particular concerns raised by the Council Urban Designer during the planning application process included:

- The stair towers should be the focus of the buildings.
  - Strongly symmetrical with design and materials.
  - The gables should be stronger features particularly those relating to the barrows.
  - Use the plant buildings on the roof to add extra interest to the form.
  - The bottom floor looks weak particularly on the 5 and 6 storey blocks.
  - Entrances and interest on the public facing sides of the buildings along the estate roads.
  - Poor inappropriate materials.
- 16.15 Following lengthy negotiations, the proposal was revised in order to address design concerns.
- 16.16 Particular changes include:
- Reconfiguration of the buildings to address street frontages at Annan Road and Capon Road.
  - Reconfiguration of the buildings B and D, that lie adjacent to the barrows, to provide a buffer zone as requested by Historic England.
  - Creating a large positive 'student realm' square at the key entrance.
  - Selecting an acceptable palette of materials.
  - Introduction of windows to create active frontages at key locations.
  - Improved integration of escape stairs into the building.
  - strengthening the ground floors with a brick treatments,
  - emphasising the verticality of the cores;
  - introducing activity to gables ends;
  - increasing the steps and breaks in the built form; and
  - introducing relief to the facades.
- 16.17 Despite the changes to the design the Council's Urban Designer still has concerns with the proposed, the Urban Designer considers that the massing still appears excessively monolithic, in that it is not adequately broken down into distinct parts and/or benefitting from sufficient architectural interest and that the horizontally emphasised fenestration lacks structural elegance and is overly repetitive.
- 16.18 The comments from the Urban Designer have been carefully assessed and it is considered that the proposed elevations do constitute good design in line with the policy requirements. It should also be acknowledged that the



design has evolved considerably, and that the applicant have chosen to submit the proposed scheme as the final iteration of the design to be determined in its current format, the applicant is satisfied that the proposed scheme is a high-quality scheme.

- 16.19 The Urban Designer still has concerns with regards to the materials particularly with regards to the use of cladding and render. However, it is considered that the negation of the proposal has elevated the materials used and is considered to be acceptable. It is also considered that the pallet of the materials are in keeping with the context of the wider university campus, particularly the Copse and Meadows 1 developments.
- 16.20 Prominent gable ends now feature zinc standing seam cladding with additional fenestration to gable end bedrooms and stair cores; providing greater visual interest depth and animation. The Urban Designer still has concerns with regards to gables stating that they do not appear adequately resolved. Yet it is considered that the introduction of the fenestration and the zinc which is considered to be a high-quality materials is a suitable manner to treat the gables and adds interest to the prominent features which is particularly importation with regards to the context of the gable facing the Barrows.
- 16.21 The buildings which face onto the Capon and Annan Road have been reconfigured to locate entrances on the road facing side, so creating active frontages. Buildings have been repositioned so as to ensure that there is a good landscape margin for tree planting. The Urban Designer is in states that the layout provides some interesting via the building footprints and spaces, whilst still relating to adjoining straight streets. The elevations onto Annan Road and Capon Road have an enhanced palette of materials and treatments; reflecting their importance as adjacent to the public routes. It is therefore considered that the relation of the development to the University Estate Roads have been successfully resolved.
- 16.22 There are a total of 12 stair cores across the scheme and a mixture of eight core types, which have been used in response to differing contexts. Throughout the negotiations the stair cores have been redesigned in order to rationalise their layout, emphasise verticality and apply a rigorous geometry. Dual access has been introduced to aid permeability through the site. It is focus of the design around the stair cores is a successful element of the design, breaking down the massing and adding additional interest and variety.
- 16.23 The plant rooms that were originally located to the rear of the stair cores have been repositioned to the roofs of the buildings. This has resulted in a more positive and active frontage to the street elevations and greater variety to the roof form.
- 16.24 The building at the junction of Capon and Annan Road forms the main entrance / reception to the site. To aid way finding, this building adopts a unique palette of materials and has a distinct character. Accents of copper

cladding are used at key locations (on projecting canopies and signage) to highlight the entrance and focal point for the development. This is a particularly prominent and important section of the development and the treatment is considered to be successful.

16.25 Although, the Urban design acknowledges the improvement of the scheme there has been an objection received on design grounds. However, the Urban Designer has noted that in their opinion there are good aspects of the scheme including:

- The car-free approach supported by remote parking, enables a safe, tranquil and gardened external environment including some promising internal amenity spaces;
- The layout provides some interesting building footprints and spaces, whilst still relating to adjoining straight streets;
- Buildings have a good legible sense of hierarchy and structure focussed on defined communal areas, and aided by geometry and symmetry;
- Building designs are ordered;
- There has been some attempt to break down the massing into smaller design elements; and
- There is some good quality detailing and fenestration, e.g. deep reveals (albeit to be clarified on plans), rusticated brickwork and some full height openings to priority communal areas.

16.26 The layout, scale and massing of the proposals were established and agreed at the pre-application stage and are considered to be acceptable. The design has been significantly amended and negotiation thought out the planning process, although the Urban Designer has retained some reservation and objects to the scheme. It is considered that the scheme will create a visually attractive, high-quality scheme that positively responds to the site and which will enhance the character and quality of the university campus. It is considered that the proposed is considered to be acceptable in design terms, there is a clear architectural approach, suitable use of materials, the scale, form, height and massing is also considered to be acceptable therefore it is considered to comply with policies DP1 and UR2.

#### Impact on the Surrounding Area

16.27 Policy UR2 of the Core Strategy and Development Policies DP1 and DP13 state that any development must respect existing residential amenity with regards to privacy, overlooking, security, noise, disturbance, pollution, daylight and sunlight.

16.28 The site is in close proximity to the existing student accommodation at Meadows Phase 1 which is 21m metres away from Block A of the proposed scheme. The two developments are separated by Annan Road one of the university estate roads and a landscaping belt. It is considered that as the

proposed scheme is also student accommodation that there would be no adverse impacts on the amenity of the residents of the Meadows Phase 1 development in terms of security, noise, disturbance, pollution and privacy. Due to the orientation of the blocks there will also be no impact to the daylight and sunlight levels of the existing development.

- 16.29 The nearest large residential receptors are at dwellings Triumph Close/Mascot Square, sitting at 78m from the application site boundary. Salary Brook provides a physical boundary between the two areas. Due to the distances involved the proposal is not considered to have a detrimental impact upon residential amenity. The proposed is therefore considered to be acceptable.
- 16.30 There are also two houses at 57 and 59 Elmstead Road, to the north east and sit at 33m to the nearest part of the proposed development. There have been objections received from residents of one of the dwellings expressing concerns.
- 16.31 The dwelling 57 Elmstead Road lies 22m to the north of the site (boundary to boundary). The nearest part of Block B is about 33m from the rear elevation of the property; block B is a four storey block.
- 16.32 The adopted Master Plan that was approved as part of the original outline planning permission for the Knowledge Gateway in 2006 comprised of a housing schemes which included flats along the northern boundary, the proposed flats were to be 3 storeys units. It is therefore considered that although this outline planning permission was not implemented that the principle of flatted residential units of similar heights to the north of the site near the existing residential development is acceptable. It is considered that the additional storey and the use as student accommodation is not sufficiently materially different.
- 16.33 The Essex Design guide states that upper-storey flats can cause problems due to overlooking from living rooms. Any rear-facing upper-storey living room should therefore be no closer than 35m from the rear of any other dwelling. Block B is 33m from 57 Elmstead road at the closest point however due to the location of the communal living spaces in the block the windows serving these living areas are a greater distance away and at a more oblique angle in relation to the dwellings on Elmstead Road. It is therefore considered that the proposed meets the tests for assessing this issue.
- 16.34 New development should mitigate impacts on daylight and sunlight. The Essex Design Guide states that adequate daylight in interiors is achieved at an unobstructed 25° angle from a point 2m above floor-level at the facade. In support of the application a section showing the relationship of Block B and 57 Elmstead Road has been provided. This demonstrated that an unobstructed 25° angle from a point 2m above floor-level at the façade is achieved. Therefore, it is considered that there will be no adverse impact to the rear elevation of the dwelling with regards to daylight and sunlight.

- 16.35 An LVIA has been submitted by the objecting neighbor, however it is not clear which viewpoints have been used to assess the proposed or whether the assessment has been made by a competent person. It is considered that there will be views of the development however there is not right to a view. The site is remote enough from the proposed site that it is considered although the development will be visible it will not be overbearing. A number of other concerns have been raised these have been assessed and commented on in section 10 of this report.
- 16.36 It is considered that the proposed is therefore acceptable with regards to impact on neighbouring amenity and the surrounding area. The proposed development therefore accords with Policies DP1, DP11 and DP12 and the NPPF.

### Archaeology

- 16.37 The proposed development will be situated within the setting of, and in close proximity to a group of prehistoric burial mounds (barrows). Historic England has recommended to the secretary of State that the barrows be designated as a scheduled ancient monument due to their national importance. The buried remains of Bronze Age barrow cemeteries are widespread, however, the additional survival of their extant earthwork mound is less so, and such these earthworks are particularly rare, especially in the East of England.
- 16.38 The barrow cemetery north of Annan road comprises of four barrows. The northernmost barrow sits within the proposed development area, while the others are within the Universities wider landownership situated between the site and the railway line.
- 16.39 At time of writing this committee report the barrows have not yet been designated as a Scheduled Ancient Monument.
- 16.40 The National Planning Policy Framework (NPPF) 2018 as amended states that non-designated heritage assets of archaeological interest, which are demonstrably of equivalent significance to scheduled monuments, should be considered subject to the policies for designated heritage assets.
- 16.41 Paragraph 193 of the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). Paragraph 194 states that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Paragraph 196 states where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

- 16.42 Historic England had engaged in pre-application discussion with the application which has influenced the form of the development and the treatment of the heritage assets so as to meet the aims and objectives of the NPPF in respect of the historic environment.
- 16.43 It is considered that the setting of the of Barrows has already been eroded by the changes to the topography, the development of the railway and the university campus. The immediate setting of the barrows is one of open grassland, unencumbered by built features or hard landscaping. Within the context of the proposed development, the introduction of the new buildings would impact on the current opening setting of the barrow cemetery. It is considered that there will be a degree of harm to their significance.
- 16.44 However, the location of the buildings has been amended following discussions with Historic England. The landscape master plan submitted shows that the barrow within the site and the three outside of the site but still within the University's ownership will be managed. An Environmental Management Plan was submitted and approved when the site was raised out of the fluvial floodplain and the roads and services were put in for the Knowledge Gateway. It provides that the whole of the Salary Brook Valley (within the University's ownership) is to be managed as a 'hay marsh'. The management regime it would appear to be in accordance with Historic England's requirements. It is considered to be an appropriate management. A condition to provide a landscape management plan is also recommended which will ensure that the barrows are correctly managed.
- 16.45 The provision of an information/interpretation panel relating to the presentation of the archaeological remains will be secured by a S106 agreement, allowing greater appreciation of the importance of the site. It is therefore considered that the landscaping and education would provide a modest heritage benefit.
- 16.46 It is considered that the harm to the to the heritage asset is less than substantial and the public benefits of the development are significant. The development of the student accommodation is a key factoring is the university achieving the projected growth to 2025. The university is a significant key economic stakeholder within Colchester Borough. There is also a social and welfare benefit of the proposal as it will allow the university to accommodate all first years and other prioritised groups on campus this in turn also reduces the pressure on the private rental sector.

- 16.47 On balance it is considered that the public benefits of providing the student accommodation outweighs the less than substantial harm to the heritage asset. It is also considered that the heritage asset will be modestly benefited by the landscape management and the interpretation panel. Therefore, it is considered that the proposed is in line with the aims and objectives of the NPPF and is acceptable.
- 16.48 The rest of the site has also been subject to phases of archaeology investigation, other archaeological remains other than the barrows were of post-medieval date and of low significance. Archaeological trench investigations were requested by the local authority's Archaeological Officer. This work has demonstrated that no material harm will be caused to the significance of below-ground archaeological remains by the proposed development.

#### Flood Risk and Sustainable Drainage

- 16.49 The NPPF seeks to direct development to flood zones 1, stating that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere.
- 16.50 The Council's Development Policy DP20 (Flood Risk and Management of Surface Water Drainage) states that development will only be supported where it can be demonstrated that the proposal meets requirements in PPS25 (Development and Flood Risk), recommendations in Colchester's Strategic Flood Risk Assessment, and includes satisfactory flood defence measures or flood mitigation measures such as Sustainable Drainage Systems (SuDS) to minimise the risk of increased flooding both within the development boundary and off site in Flood Zones 2 and 3. Proposals that include measures to enhance the flood resilience of new or renovated buildings will be encouraged. The policy goes on to state that all development proposals shall incorporate measures for the conservation and sustainable use of water. These measures shall include appropriate SuDS for managing surface water runoff within the overall design and layout of the site and measures to conserve water within individual building designs. The use of SuDS will be particularly important as part of green field developments to manage surface water run-off rates, and in areas close to underground aquifers and landfill sites to reduce the risk of pollution.
- 16.51 The site is located in Flood Zones 2 and 3a. In 2010/211 the site was raised out the flood plan of the Salary Brook as part of enabling infrastructure works; application reference 091662. The ground level was raised by approximately 1.1m. The ground levels of the site are now above the fluvial 1% AEP plus climate change flood level.
- 16.52 *Note: Annual Exceedance Probability. (**AEP**) is the likelihood of occurrence of a **flood** of given size or larger occurring in any one year. **AEP** is*

*expressed as a percentage (%). 1% AEP means a large flood which may be calculated to have a 1% **chance** to occur in any **one** year.*

- 16.53 Across the Knowledge Gateway flood risk matters, were covered in detailed Flood Risk Assessments submitted with application 05/2046 and the reserved matters applications for the 2010 / 2011 infrastructure works. These studies fully addressed both the risks of on-site flooding (limited to the western part the Gateway nearest the railway line) and the potential for the development to increase the risk of flooding elsewhere and compensatory flood storage has been constructed as part of the enabling works to ensure that the land raising did not increase flood risk elsewhere.
- 16.54 The latest Flood Risk for Planning Map, still shows that the site lies within Flood Zone 3 this is because, although the site has been raised out of the fluvial flood plain, the site as with much of the Hythe area it still lies within the tidal flood plain (adjusted for climate change), but is protected by the Colne barrier and other flood defences.
- 16.55 Policy SA EC2 states that in and around areas of flooding (Flood Zone 2&3) uses should be organised according to risk, to provide good flood risk management, to create a greater flexibility for adaptation over time, and to respond to changing conditions. Less vulnerable, more vulnerable, essential infrastructure and water compatible uses could be accommodated within these flood zones.
- 16.56 The site is located upstream of the Colne Barrier and the site is unaffected by tidal flooding under the defended scenario. As the site is currently protected by flood defenses and the Colne Barrier which is above the future 0.5% (1 in 200) annual probability flood level. Therefore, the site is not at risk of flooding in this event. The defences will continue to offer protection over the lifetime of the development, provided that the hold the line Shoreline Management Plan/ Catchment Flood Management Plan policy is followed.
- 16.57 However, this is dependent on future funding therefore there is a level of uncertainty over the future flood defences due to the need to obtain funds necessary to enable the defences to be raised in line with climate change.
- 16.58 A Flood Risk Assessment was submitted with the application and the Environment Agency have confirmed, following consultation, that they have no objection to the proposal provided that the LPA is satisfied that the development would be safe for its lifetime, that they assess the acceptability of the issues within its remit.
- 16.59 As the site is located in Flood Zones 2 and 3a and the under NPPF the development is classified as “more vulnerable” therefore a Sequential and Exception Test is required these tests where completed as part of the Flood Risk Assessment.

- 16.60 The aim of the Sequential Test is to steer new development to areas with the lowest probability of flooding. Development should not be permitted if there are reasonably available sites appropriate for development in areas at a lower risk of flooding. The sequential test is a general approach designed to ensure that areas at little or no risk of flooding from any source are developed in preference to areas at higher risk. The aim should be to keep development out of medium and high flood risk areas (Flood Zones 2 and 3) and other areas affected by other sources of flooding where possible. The National Planning Practice Guide states that, for individual planning applications where there has been no sequential testing of the allocations in the development plan, or where the use of the site being proposed is not in accordance with the development plan, the area to apply the Sequential Test across will be defined by local circumstances relating to the catchment area for the type of development proposed. The guide goes on to state that, when applying the Sequential Test, a pragmatic approach on the availability of alternatives should be taken.
- 16.61 There is not a great deal of alternative sites within these areas, as many have already been developed, or have current planning permissions for development. The application site was approved for development in an outline permission, initially dwellinghouses. Therefore, the Sequential Test has been deemed to have passed.
- 16.62 The Exception Test must demonstrate that the development provides wider sustainability benefits to the community that outweigh flood risk and a site-specific flood risk assessment must demonstrate that the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and where possible, will reduce flood risk overall.
- 16.63 The proposal forms part of the University of Essex expansion and therefore provides a community value, locating the students on the Colchester Campus also have a sustainability value. Therefore, it is deemed that the first step of the Exception Test is deemed to be passed.
- 16.64 Paragraph 60 of the NPPF Planning Practice Guidance states:

*Resistance and resilience measures are unlikely to be suitable as the only mitigation measure to manage flood risk, but they may be suitable in some circumstances, such as:*

- *water-compatible and less vulnerable uses where temporary disruption is acceptable*
- *and an appropriate flood warning is provided;*
- *in some instances where the use of an existing building is to be changed and it can be demonstrated that no other measure is practicable;*
- *as a measure to manage residual flood risk.*



- 16.65 Flood Risk Assessment (FRA) set out a number of flood mitigations measures required in case the tidal defences fail these have been conditioned.
- 16.66 It is considered that the proposed mitigation measure are required to manage a residual flood risk. In this instance the FRA recommends a Water Entry Strategy which essentially permits the passage of floodwater through the buildings and prevents any displacement of floodwater during the event, flood resilience techniques are incorporated to reduce the consequences of flooding. It also recommends that the development is registered with the Environment Agency Flood Warnings Direct service and that a Business Flood Plan, and Flood Response Plan (where ground floor residents are moved to safe refuge on upper floors).
- 16.67 The NPPF paragraphs 59 and 60 advise that there should be no internal flooding in 'more vulnerable' developments. However, it is considered that the Water Entry Strategy has been justified in the submitted FRA and is in this instance a suitable strategy. Also, the site at this current time is also defend by existing flood defenses. On balance it is considered that with regards to flood risk the proposal is acceptable.
- 16.68 The Environment Agency also refer, in their consultation response, to The Reservoirs Act 1975, as amended in 2013, which requires the Environment Agency to designate large raised reservoirs as high-risk or not (High Risk being where in the event of an uncontrolled release of water human life could be endangered). The Abberton and Ardleigh reservoirs risks are still to be determined, but the proposed development is identified as being partially within the inundation extent of these reservoirs, which may have future implications for the risk designation, once it is assessed, due to the increased amount of downstream development.
- 16.69 On the basis that the Environment Agency has not provided any assessment of relative risk, it is considered that the reasonable way forward is to assess the proposal in accordance with Environment Agency advice, along with the Lead Local Flood Authority and Anglian Water comments. As the specific reservoir risk associated with proposals has not been identified it is not considered reasonable to refuse the application on the grounds of flood risk.
- 16.70 The infrastructure works applications included full details of Knowledge Gateway wide surface water drainage works (including a balancing pond that has been provided in the south-western corner of the Gateway).

- 16.71 The Drainage Assessment submitted with this application includes a surface water strategy, which, in part, utilises the existing Knowledge Gateway surface water network and attenuation pond. With infiltration not being a practical option, surface water will also be attenuated on site through the use of permeable surfaces and tanks under the three open spaces (around which the buildings are located).
- 16.72 Taking into account the comments of the Environment Agency, Anglian Water and the LLFA, as well as an assessment of other material matters concerning flood risk, it is concluded that the proposal is acceptable in terms of flood risk, subject to necessary conditions. The Assessment demonstrates that the proposal is acceptable.

### Landscape and Trees

- 16.73 Core strategic policy ENV1 and development policy DP1 seek to ensure that new developments have an acceptable impact upon the landscape and the landscape character. Accordingly, a Landscape and Visual Impact Assessment was submitted in support of the application.
- 16.74 The site sits within the Colchester Borough Council 'Colne Drained Estuarine Marsh' Landscape Character Type, which generally follows the Colne river towards its estuary. The site sits within the northern end of this Character Type which, over recent years, has been extensively urbanised and no longer reflects the key characteristics of the remaining character type. The site and surrounding land now identify more clearly with the adjacent Colchester urban edge and the nearby Colchester Townscape. The character assessment, therefore, assessed the proposed development in the light of its surrounding context. The value of the landscape receptor to the wider landscape was assessed as low, the sensitivity of the landscape character receptor to change was also assessed as low and the magnitude of landscape effects was too assessed as low.
- 16.75 The proposed development was also assessed for its visual impact on a number of identified receptors agreed with the Landscape Officer. Each of the six visual receptors was identified as having a clear view of the proposed development site. The sensitivity of the visual receptors to change was been assessed as high for one viewpoint, moderate for one viewpoint and low for four viewpoints. The magnitude of impact was assessed as high for four viewpoints and assessed as low for two viewpoints. The high magnitude of impact for four of the viewpoints was due to very close proximity of these viewpoints to the proposed development.

- 16.76 Mitigation of the effects on the character and visual receptors has been addressed in different ways. With regards to the design, scale and form the proposed development is in keeping with the surrounding developments in that it is a residential student campus with similar massing to the adjacent student residential developments such as Meadows 1 and the Copse.
- 16.77 The proposed development will be fully landscaped including 3 courtyards. Various trees will be planted to reflect the parkland character across the wider university campus. In addition, a range of spring flowering trees and trees with strong winter interest will also be planted adjacent to both Annan Road and Capon Road to enhance the street scene.
- 16.78 The Landscape Visual Impact Assessment was evaluated by the Council's Landscape Adviser and was considered to be acceptable; conditions with regards to a Landscape Management Plan is recommended. It is considered that the proposed accords with policies ENV1 and DP1 in that the development respects the character of the site, its context and surroundings in terms of its landscape setting.
- 16.79 A full Arboricultural Report covering Arboricultural Impact Assessment, Arboricultural Method Statements and Tree Protection Measures was provided in support of the application. The Council's Tree Officer concluded that the proposal requires the loss of a small number of trees that are of low amenity value and that this loss is more than compensated by the proposed tree planting scheme. Therefore, the proposed complies with policy DP1 as it respects the landscape and other assets that contribute positively to the site and the surrounding area.

#### Highways, parking and sustainable transport

- 16.80 Core Strategy policy TA1 seeks to improve accessibility and change travel behaviour and encourages development within highly accessible locations to reduce the need to travel. Core Strategy Policy TA2 promotes walking and cycling as an integral part of sustainable means of transport. Policy TA4 seeks to manage the demand for car use. Development Policy DP17 states that all developments should seek to enhance accessibility for sustainable modes of transport by giving priority to pedestrians, cycling and public transport access.
- 16.81 Core strategy Policy TA5 refers to parking and states that development proposals should manage parking to accord with the accessibility of the location and to ensure people friendly street environments. Development Policy DP19 states that the Council will refer developers to the Essex Planning Officers Association (EPOA) Vehicle Parking Standards which was adopted by Colchester Borough Council as a Supplementary Planning Document (SPD) in November 2009.
- 16.82 The submitted Construction Management Plan shows sufficient parking for those involved in constructing the development for each phase of

construction. No objections have been received from the Highways Authority with regards to highways safety.

- 16.83 A Transport Statement was submitted in support of the application. With regards to parking spaces provided there are 4 wheelchair accessible or adjustable rooms. Car parking will be limited to disabled residents' use, with one accessible car parking space for each wheelchair-accessible/adjustable rooms. Otherwise there will be no parking provided for student residents of the development, the proposed scheme is car free. The development is a C2 '*Residential Education Establishments*' the adopted car parking standards are maximum vehicle standards not minimum. 7 car parking spaces for staff associated with the Hub Building is also proposed and is incorporated into the landscape design. Staff will also be eligible to use all Campus car parks at staff discount rates. There are 3 large temporary car parks on the adjacent site (to east) which should be replaced by a multi-deck car park in about 5 years.
- 16.84 The University of Essex and Uliving will put in place a detailed Operational Management Strategy for student arrival and departures days. The busiest period is the beginning of each academic year, when most students are dropped off by their parents. As with the existing stock of University accommodation, the Operational Management Strategy will include:
- Staggered arrival days/times;
  - Prohibition of access by refuse collection, delivery and servicing vehicles during arrival and departure days;
  - Marshalls to direct cars;
  - University arranged coach pick-up from Stansted and Southend airports for overseas students.
  - The layout of the service area has been designed to assist the smooth arrival and departure of students.
- 16.85 The site also provides bike storage, promoting cycling as a sustainable means of transport complying with Policy DP17 enhancing accessibility to cycling. A total of 432 long-stay cycle parking spaces will be provided in a number of cycle stores across the site (i.e. within the red line boundary) and on campus, slightly over the minimum standard of one space per three rooms, in line with the Essex cycle parking standards.
- 16.86 It is considered that to mitigate the impact of the development there will need to be a financial contribution with regards to sustainability and transport. There have been a number of projects identified by the Transport and Sustainability team that would mitigate the proposed. It is considered that the contributions are required to make the development acceptable in planning terms, the contribution is directly related to the development and is fairly and reasonable related to the scale of the development. The contributions agreed are £200,000 towards identified projects to be apportioned as the Council sees fit. A new Travel plan will be brought forward in collaboration with the University and the Council and a minimum

of £200,000 will be spent to roll out the initiatives by 2025 in line with the universities planned growth period.

- 16.87 The contributions proposed for the projects will help mitigate this impact of an additional 1,262 students living on the Colchester Campus. It is anticipated that the residents at the Meadows 2 accommodation will wish to travel west of the development to visit friends in other accommodations, the retail areas at Hythe as well as Colchester town centre and other attractions. Students and their visitors will also wish to access Hythe Rail station and an improved walking and cycling environment will benefit them and encourage sustainable travel.
- 16.88 The University of Essex's Colchester Campus's current Travel Plan is for 2016-2020, it is proposed that the new travel plan will be for 2020 – 2029. The objectives of a Travel Plan is to develop a set of practical measures, travel initiatives and targets that can enable organisations to reduce the impact of travel on the environment. Measures suggested within a Travel Plan are intended to encourage travel by more sustainable modes of transport, including walking and cycling.
- 16.89 It is considered that with the contributions to be secured by a S106 agreement that the proposed development accords with national and local policies with regards to transport and highways and is deemed acceptable.

#### Student amenity and health

- 16.90 Development Policy DP2 provides that, *“all development should be designed to help promote healthy lifestyles and avoid causing adverse impacts on public health”*.
- 16.91 The application documents include a Health Impact Check / Screening, which has been undertaken in accordance with the Essex Planning Officers Association Guidance Note – Health Impact Assessment. It concludes that the proposal will either have a positive, or neutral, impact upon the relevant determinants of health, the document demonstrates that the scheme is fully compliant with Policy DP2.
- 16.92 In addition to the new accommodation, the development will also provide ancillary administrative, community and service space. It will be operated by Uliving in conjunction with The Meadows, The Copse and The Quays, which presents the opportunity to create a social, community and administrative hub serving all four developments (with satellite facilities remaining at The Quays as it lies on the opposite side of the railway line).
- 16.93 The buildings will be set within landscape grounds and the layout incorporates open space which will encourage students to socialise and thus create a sense of community. A noise report recommends measures to mitigate impact from noise arising from the adjacent railway line.

- 16.94 The development will meet best practice Secure By Design Standards. The frontages either face each other or face an open space, increasing community surveillance. There will be CCTV coverage of the main external and internal areas and 24hr warden service on site. Essex Police is content that the ethos of Crime Prevention Through Environmental Design (CPTED) is being addressed adequately.

#### NHS

- 16.95 The addition of 1,262 students to the Colchester Campus will result in additional pressure of the health and wellbeing services in the local area. As such the North East Essex Clinical Commissioning Group (CCG) sought a developer's contribution of £323,919. However, following meetings and conference calls the NHS decided that the best way to mitigate the impacts of the development was to engage with the University to work collaboratively in ensuring opportunities are taken to optimize potential solutions of healthcare provision to the students of the University rather than an upfront financial contribution. Therefore, the North East Essex CCG have withdrawn their contribution request.
- 16.96 A Memorandum of Understanding has been prepared and signed by relevant parties including University of Essex, North East Essex Health and Wellbeing Alliance and the North East Essex CCG. Colchester Borough Council are also to be a signatory should the planning application be approved. Though there are no obligations on the Council.
- 16.97 The Memorandum of Understanding see *appendix 1* sets out how the university and the health sector will commit the necessary resources to understand the NHS workforce challenges, to develop solutions at a local level through the training and education of appropriate skills, to collaborate to pursue technology platforms to access health services, to identify and secure the necessary physical property and funding to deliver primary health care services to students as well as to identify benefits that would arise for the wider community.
- 16.98 A joint Task and Finish Group has been established between all parties to agree a series of tasks and outcomes to be agreed in line within this Memorandum of Understanding. The first meeting is set to take place in January 2020.

#### Built Heritage

- 16.99 Salary Brook Farm House is a Grade II listed building, is situated across Elmstead Road, some 45 metres from the northeast corner of the site. As discussed by the submitted Heritage Assessment, the wider setting of the 18th c. farmhouse has been altered already by existing development and is expected to be affected further in the future as the land around the listed building is allocated to further development for educational, commercial and residential use. Taking into account this context, the impact of the scheme on the setting of the farmhouse is classified as less-than substantial,

according to the NPPF's definitions. As the project is linked to the University's expansion which is associated to strategic benefits for the growth and economy of the Borough, this less-than -substantial harm is considered sufficiently outweighed by the expected public benefits satisfying the requirements set by NPPF's Par. 196.

- 16.100 Wivenhoe Park, which is a protected park and garden, lies some 500m to the east of the site. The impact on the Wivenhoe Park (Grade II Registered Park, List UID 1000371) is of lesser concern as there is greater distance between the application site and the registered park, while existing and planned development in between will serve to limit or screen entirely the views of the proposed buildings from the designated park. It is therefore concluded that the development will not have any impact upon its setting.
- 16.101 The application has demonstrated that the proposal is compliant with National Policy as well as Local Plan Policies UR2, ENV1 and DP14 which seek to protect the historic environment across the Borough.

#### Ecology and RAMS

- 16.102 Policies ENV1 and DP21 seek to preserve the Borough's natural environment, including its river corridors; protect its species and habitats; and enhance biodiversity.
- 16.103 The site was raised out of the flood plain in 2010-2011 and has since self-seeded. It comprises mown grassland, with no discernible landscape or ecological features, save for a line of semi-mature trees that were planted, along the Annan Road boundary, as part of the strategic landscape works.
- 16.104 In support of the application a Preliminary Ecological Appraisal was submitted, which concluded that the site is of little ecological value and does not support any protected species or habitats. The valley of the adjacent Salary Brook is, however, identified as being of some ecological interest but, subject to appropriate mitigation measures (such as the use of low impact lighting along the western boundary of the development), it concludes that the scheme will have minimal impact upon that area. There is, therefore, no conflict with the requirements of Policies ENV1 and DP21.
- 16.105 The site lies within the 'zone of influence' of the Special Protection Areas and Special Areas of Conservation and therefore there is a need to adhere to the terms of the Emerging Essex Recreational Avoidance Mitigation Strategy. Under the Conservation of Habitats and Species Regulations 2017 (commonly referred to as the Habitat Regulations) a Habitat Regulations Assessment (HRA) is required for land use plans and for planning applications, which are likely to have significant effects on a Habitat Site. Accordingly, a Habitat Regulations Assessment has been under taken and relevant mitigation identified.

- 16.106 Habitat Sites are protected at the highest level and are of international importance. They are designated through the EU Birds Directive and EU Habitats Directive, and these Directives are transposed into UK law. In Colchester we have the Colne Estuary Special Protection Area (SPA), the Blackwater Estuary Special Protection Area (SPA), Abberton Reservoir Estuary Special Protection Area (SPA) and the Essex Estuaries Special Area of Conservation (SAC). The three SPAs are also Ramsar sites, which are wetlands of international importance. The Essex Estuaries SAC includes the Colne and Blackwater estuaries. Due to the close proximity of the River Stour, the southern shore of the Stour and Orwell Estuaries Special Protection Area (SPA) is also likely to be affected by development in Colchester.
- 16.107 Population growth in Essex is likely to significantly affect Habitat Sites through increased recreational disturbance in-combination with other Local Plans. Consequently, in partnership with Natural England, the Government's advisor on the natural environment, and other LPAs in Essex, Colchester Borough Council is preparing a Recreational disturbance Avoidance and Mitigation Strategy (RAMS) for the Essex Coast. The RAMS identifies necessary measures to avoid and mitigate likely significant effects from recreational disturbance in-combination with other plans and projects. The whole of Colchester Borough is within the Zone of Influence. All residential proposals within the borough should make a contribution towards the measures in the RAMS to avoid and mitigate adverse effects from increased recreational disturbance to ensure that Habitat Sites are not adversely affected, and the proposal complies with the Habitat Regulations.
- 16.108 Therefore, an Appropriate Assessment was required to be undertaken to secure mitigation measures necessary to avoid adverse effects. The Appropriate Assessment identified a number of on-site and off-site mitigation measures.
- 16.109 On-site measures are designed to encourage students to use the local recreational facilities rather than seek out the wider coastal facilities:
- Car free campus
  - Pet free campus
  - Cross campus cycle routes with link to the wider cycle network
  - Secure cycle storage
  - Fully landscaped grounds, three large green spaces.
  - Ample seating and student recreational spaces and student facilities.
  - Preserving the proposed Scheduled Monument, incorporating four barrows into a quiet space within an ecological corridor. Public seating and information boards.
  - Across the wider campus there is access to Wivenhoe Park and various walks.

16.110 Off-site measures:



- A monetary contribution can be secured in line with Essex Coast RAMS Guidelines for proposals for student accommodation. It would not be appropriate to expect the RAMS tariff of £122.30 for each unit of student accommodation. This would not be a fair and proportionate contribution.
- 2.5 student accommodation units will be considered a unit of residential accommodation. It is considered that the level of impact from student accommodation would be half that of C3 housing and thus the scale of the mitigation package should also be half that of traditional housing.
- Contribution: **£30,868.52**

16.111 It is considered that with on-site mitigation and the financial contribution that will be secured by S106 agreement that the project will not have an Adverse Effect on the Integrity of the European sites included within the Essex Coast RAMS. Natural England be consulted and agree with the Appropriate Assessment. Therefore, the proposed complies with regulation 63 of the Conservation of Habitats and Species Regulations 2017.

#### Environmental and Carbon Implications

16.112 The Council has declared a Climate Emergency and has committed to being carbon neutral by 2030.

16.113 The purpose of the planning system is to contribute to the achievement of sustainable development as defined in the National Planning Policy Framework. Achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways. These are economic, social and environmental objectives.

16.114 The consideration of this application has taken into account the Climate Emergency and the sustainable development objectives set out in the NPPF. It is considered that on balance the application is considered to represent sustainable development in accordance with policy ER1.

#### Sustainable design and construction

16.115 Core policy ER1 'Energy, Resources, Waste, Water and Recycling' states that the Council's commitment to carbon reduction includes the promotion of efficient use of energy and resources, alongside waste minimisation and recycling. New developments will be encouraged to provide over 15% of energy demand through local renewable and low carbon technology (LCT) sources. Sustainable construction techniques will also need to be employed in tandem with high quality design and materials to reduce energy demand, waste and the use of natural resources, including the sustainable management of the Borough's water resources. Developments will be encouraged to achieve a minimum BREEAM rating of 'Very Good'.

- 16.116 The application includes a Planning Energy Statement which considers the development against the Borough Council's objectives as set out in Policies ER1. It demonstrates, among other matters, that 30% of energy will be generated through on site renewables, as opposed to a policy requirement of 15%.
- 16.117 The proposed energy strategy comprises the following elements; communal distribution of hot water, central generation of hot water using efficient air source heat pump technology and electric space heating within rooms.
- 16.118 As the grid is decarbonised the sustainability credentials of this technology will continue to improve. An air source heat pump is classified as a low and zero carbon technology. Heat is extracted from the air to heat the building and the hot water. The hot water generation plant rooms are located on the roof of each core. A louvers enclosure containing the air-source heat pumps and a room containing the hot water storage cylinders, circulation pump and ancillary equipment. These plant removes have been location in a way that they are integral to the design of the development.
- 16.119 High thermal fabric performance targets have been set to reduce heat loss and therefore minimise heating requirements. While largely dictated by site constraints, the building massing minimises the number of north-facing only apartments as much as possible. Combined with 3.2 meter floor to ceiling heights, generous glazing areas and lack of internal partitioning, daylight to apartments has been optimised. This reduces the reliance on artificial lighting, and therefore reduces energy consumption, but also is a critical factor in ensuring occupant health and well-being.
- 16.120 Energy efficient LED and fluorescent lighting shall be specified throughout with daylight and occupancy linked lighting controls to further reduce lighting associated energy consumption (and associated heat gains).
- 16.121 The pre-assessment BREEAM score that is targeted for the development at the Site is 62.85%, which is equivalent to a BREEAM rating of 'Very Good'.
- 16.122 To minimise the environmental impact of construction materials, and maximise the potential for responsible sourcing, a Sustainable Procurement Plan shall be developed.
- 16.123 In addition to the future-proofed energy strategy previously discussed a Climate Change Risk Assessment shall be undertaken. This will examine the most likely hazards to arise from Climate Change, estimate their proposed risk to project and identify potential mitigation measures that can be implemented.
- 16.124 The report also sets out Water and Material and Waste strategies and confirms that, as required by Council policy, the scheme should achieve a minimum BREEAM 'Very Good' rating.

#### Other Matters

- 16.125 The application is supported by a Phase 1 & 2 Geo-Environmental Assessment which assesses available records and the results of onsite investigations. It identifies some isolated incidence of potential ground contamination and puts forward a preliminary remediation strategy.
- 16.126 The Council's Contaminated Land Officer concludes that the Phase 1 & 2 Geo-Environmental Assessment is an acceptable report for Environmental Protection's purposes (note that the geotechnical aspects of this report have not been assessed). As a result of a desk study and intrusive investigation, it is stated that: soils on site are generally considered to be chemically suitable for re-use, however, an area of asbestos cement contamination was identified; groundwater monitoring results do not show any significant source of potential contamination; gas monitoring has been undertaken on four occasions with some elevated levels of ground gas encountered at one location (MBH5); imported soils will be required for landscaped areas.
- 16.127 Based on the information provided, the recommendations in the assessment would appear reasonable and it would appear that the site could be made suitable for the proposed use, with these matters dealt with by way of planning condition.
- 16.128 Refuse and recycling – there are to be 13 general waste and 8 dry mixed recycling bins, 4 glass recycling and 2 paper recycling bins. The bins will be separated into two stores. The bin stores have been located to be convenient yet as concealed as possible from the pedestrian routes and social spaces. The provision of refuse and recycling is considered to be acceptable and complies with policy DP1.

## **17.0 Conclusion**

- 17.1 To summarise, construction of five buildings to provide accommodation for 1262 students. The development will support the Universities expansion and provide economic, social and environmental benefits for the borough. Colchester. The proposed is considered to be sustainable development and is an optimal use of the site.
- 17.2 The proposal complies with local development framework policies and national policy. The scheme is considered to be acceptable with regards to the design, impact to the surroundings, archaeology, flood risk, landscaping, highways, parking, student amenity, health services, built heritage, ecology and sustainability.
- 17.3 In conclusion, it is considered that the proposal presents significant benefits and that the objections raised have been sufficiently addressed. Members are asked to endorse the officer recommendation that planning approval should be granted subject to the suggested conditions provided below.

## **18.0 Recommendation to the Committee**

18.1 The Officer recommendation to the Committee is for:

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

**ZAA - Condition 1 - Time limit**

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.

**ZAM - Condition 2 – Approved documents**

The development hereby permitted shall be carried out in accordance with the details shown on the submitted Drawings and Documents:

EXISTING SITE LAYOUT- M2B2C-WIA-XT-XX-GA-A-000102-P02 indexed 15 August 2019

PROPOSED SITE LAYOUT- M2B2C-WIA-XT-XX-GA-A-00000-P09 indexed 18 November

PROPOSED BUILDING LEVELS- M2B2C-WIA-XT-XX-GA-A-000104-P06 indexed 18 November

ACCESSIBLE ROOMS AND PLANT ROOM LOCATIONS- M2B2C-WIA-XT-XX-GA-A- 000105-106 indexed 18 November

EXISTING SITE SECTIONS- M2B2C-WIA-ZZ-ZZ-SC-A-000110-P01 Indexed 15 August

PROPOSED SITE SECTIONS- M2B2C-WIA-ZZ-ZZ-SC-A-000120-P03 indexed 18 November

BLOCK A - GROUND, FIRST FLOOR 1/200 - M2B2C-WIA-BA-ZZ-GA-A-001200-P04 indexed 18 November

BLOCK A - SECOND, THIRD, ROOF FLOOR 1/200- M2B2C-WIA-BA-ZZ-GA-A-001201-P04 indexed 18 November

BLOCK B - GROUND, FIRST FLOOR 1/200- M2B2C-WIA-BB-ZZ-GA-A-001210-P04 indexed 18 November

BLOCK B - SECOND, THIRD, ROOF FLOOR 1/200- M2B2C-WIA-BB-ZZ-GA-A-001211-P03 indexed 18 November

BLOCK C - GROUND, FIRST, SECOND FLOORS 1/200 - M2B2C-WIA-BC-ZZ-GA-A-001220-P04 indexed 18 November

BLOCK C - THIRD, FOURTH, FIFTH, ROOF FLOORS 1/200- M2B2C-WIA-BC-ZZ-GA-A-001221-P03 indexed 18 November

BLOCK D - GROUND, FIRST, SECOND FLOOR- M2B2C-WIA-BD-ZZ-GA-A-001230-P05 indexed 18 November

BLOCK D - THIRD, FOURTH, ROOF FLOOR- M2B2C-WIA-BD-ZZ-GA-A-001230-P03 indexed 18 November

BLOCK E - GROUND, FIRST, SECOND FLOOR- M2B2C-WIA-BE-ZZ-GA-A-001240-P05 indexed 18 November

BLOCK E - THIRD, FOURTH, FIFTH, ROOF FLOOR- M2B2C-WIA-BE-ZZ-GA-A-001241-P03 indexed 18 November

BLOCK A - ELEVATIONS 1/200- M2B2C-WIA-BA-ZZ-EV-A-001300-P04 indexed 18 November

BLOCK B - ELEVATIONS 1/200- M2B2C-WIA-BB-ZZ-EV-A-001310-P04 indexed 18 November

BLOCK C - ELEVATIONS 1/200- M2B2C-WIA-BC-ZZ-EV-A-001320-P04 indexed 18 November

BLOCK D - ELEVATIONS 1/200- M2B2C-WIA-BD-ZZ-EV-A-001330-P05 indexed 18 November

BLOCK E - ELEVATIONS 1/200- M2B2C-WIA-BE-ZZ-EV-A-001340-P04 indexed 18 November

BLOCK A - SECTIONS- M2B2C-WIA-BA-ZZ-SC-A-000400-P07 indexed 18 November

BLOCK B - SECTIONS- M2B2C-WIA-BB-ZZ-SC-A-000410-P07 indexed 18 November

BLOCK C - SECTIONS- M2B2C-WIA-BC-ZZ-SC-A-000420-P07 indexed 18 November

BLOCK D - SECTIONS- M2B2C-WIA-BD-ZZ-SC-A-000430-P07 indexed 18 November

BLOCK E - SECTIONS- M2B2C-WIA-BE-ZZ-SC-A-000440-P07 indexed 18 November

ENSUITE BEDROOM - M2B2C-WIA-ZZ-ZZ-GA-A-003000-P03 indexed 15 August 2019

STANDARD BEDROOM- M2B2C-WIA-ZZ-ZZ-GA-A-003010-P03 indexed 15 August 2019

STUDIO BEDROOM- M2B2C-WIA-ZZ-ZZ-GA-A-003020-P03 indexed 15 August 2019

ACCESSIBLE BEDROOM- M2B2C-WIA-XT-XX-GA-A000105-P06 indexed 15 August 2019

ADJUSTABLE BEDROOM- M2B2C-WIA-ZZ-ZZ-GA-A-003055-P02 indexed 15 August 2019

ENSUITE BLOCK 12 PERSON KITCHEN- M2B2C-WIA-ZZ-ZZ-GA-A-003070-P02 indexed 15 August 2019

STANDARD BLOCK 12 PERSON KITCHEN- M2B2C-WIA-ZZ-ZZ-GA-A-003060-P03 Indexed 15 August 2019

ENSUITE BLOCK 10 PERSON KITCHEN- M2B2C-WIA-ZZ-ZZ-GA-A-003050-P03 Indexed 15 August 2019

BIN & BIKE STORES- M2B2C-WIA-ZZ-GF-GA-A-004000-P01 indexed 15 August 2019

Flood Risk Assessment and Drainage Study indexed 20 August 2019

Preliminary Ecological Appraisal M2B2C-OSP-XT-RP-L 020000 indexed 27 August 2019

Tree Protection Plan M2B2C-OSP-XT-GF-GA-L-220007-P02 indexed 18 November 2019

Arboricultural Report indexed-P03 18 November

Revised Construction Management Plan Rev.2 dated 04/11/19

Stage 1 Acoustic Report- M2B2C-COJ-ZZ-ZZ-RP-YA-000003-P01 indexed 15 August 2019

Landscape master plan M2B2C-OSP-XT-GF-GA-L-220001-P06 indexed 18 November

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

### **Condition 3 – Phasing**

No works shall take place until a scheme including a plan for the carrying out of the development in two phases is submitted to, and approved in writing by, the Local Planning Authority. The scheme must not be carried except in strict accordance with the approved documents.

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

### **Condition 4 – Biodiversity Management Plan**

Prior to commencement of the development no works shall take place until ecological enhancements and mitigation are defined and identified in a Biodiversity Management Plan to be submitted to and approved in writing by, the Local Planning Authority. This shall include the provision of a lighting strategy for the land associated with Salary Brook to maintain this as a dark zone.

Reason: In order to safeguard protected wildlife species and their habitats and in the interest of ecological enhancements.

### **Condition 5 – No floodlighting**

No floodlighting shall be constructed, installed or illuminated at any time unless otherwise subsequently agreed, in writing, by the Local Planning Authority.

Reason: To ensure that there are no undesirable effects of light pollution.

### **Condition 6 – Plant noise limits**

Plant noise limits shall be adhered to as stated in section 6 of the Stage 1 Acoustic Report indexed 15 August 2019.

Reason: To ensure that the development hereby permitted is not detrimental to the amenity of residents.

### **Condition 7 – Contaminated Land Assessment**

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

report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

(i) a survey of the extent, scale and nature of contamination, including contamination by soil gas and asbestos;

(ii) an assessment of the potential risks to:

- human health,
- property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
- adjoining land,
- groundwaters and surface waters,
- ecological systems,
- archaeological sites and ancient monuments;

(iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and the Essex Contaminated Land Consortium's 'Land Affected by Contamination: Technical Guidance for Applicants and Developers'.

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

### **Condition 8 – Contaminated land remediation plan**

If the investigation and risk assessment approved under condition 7 identifies the need for remediation, 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

### **Condition 9 – Contaminated land remediation action**

The approved remediation scheme must be carried out in accordance with the details approved under condition 8. 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.

### **Condition 10 - Contaminated land verification reporting**

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 7, and where remediation is

necessary a remediation scheme must be prepared in accordance with the requirements of condition 8, 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 9.

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.

### **Condition 11 – Sustainable Drainage Part 1**

No works shall take place until a detailed 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 certified as technically acceptable in writing by the SuDs approval body or other suitably qualified person(s). The certificate shall thereafter be submitted by the developer to the Local Planning Authority as part of the developer's application to discharge the condition. No development shall commence until the detailed scheme has been approved in writing by the Local Planning Authority. The approved scheme shall subsequently be implemented prior to occupation and should include but not be limited to:

Verification of the suitability of infiltration of surface water for the development.

This should be based on infiltration tests that have been undertaken in accordance with BRE 365 testing procedure and the infiltration testing methods found in chapter 25.3 of The CIRIA SuDS Manual C753.

Limiting discharge rates to 10.1l/s for all storm events up to and including the 1 in 100 year rate plus 40% allowance for climate change.

Demonstrate that all storage features can half empty within 24 hours for the 1:100 plus 40% climate change critical storm event. Final modelling and calculations for

all areas of the drainage system. Detailed engineering drawings of each component of the drainage scheme.

A final drainage plan which details exceedance and conveyance routes, FFL and ground levels, and location and sizing of any drainage features.

A written report summarising the final strategy and highlighting any minor changes to the approved strategy.

Reason: In order to mitigate prevent flooding from surface water. To ensure the effective operation of SuDS features over the lifetime of the development. To provide mitigation of any environmental harm which may be caused to the local water environment. Failure to provide the above required information before commencement of works may result in a system being installed that is not sufficient to deal with surface water occurring during rainfall events and may lead to increased flood risk and pollution hazard from the site.

## **Condition 12 – Sustainable drainage part 2**

Prior to each phase of the development as per agreed details pursuant to condition 3 of this permission, no works shall take place until a scheme to minimise the risk of offsite flooding caused by surface water run-off and groundwater during construction works and prevent pollution has been submitted to, and approved in writing by, the local planning authority. The scheme shall subsequently be implemented as approved.

Reason: The National Planning Policy Framework paragraph 163 and paragraph 170 state that local planning authorities should ensure development does not increase flood risk elsewhere and does not contribute to water pollution.

Construction may lead to excess water being discharged from the site. If dewatering takes place to allow for construction to take place below groundwater level, this will cause additional water to be discharged. Furthermore the removal of topsoils during construction may limit the ability of the site to intercept rainfall and may lead to increased runoff rates. To mitigate increased flood risk to the surrounding area during construction there needs to be satisfactory storage of/disposal of surface water and groundwater which needs to be agreed before commencement of the development. Construction may also lead to polluted water being allowed to leave the site. Methods for preventing or mitigating this should be proposed.

### **Condition 13 – Sustainable drainage part 3**

Prior to occupation a maintenance plan detailing the maintenance arrangements including who is responsible for different elements of the surface water drainage system, the maintenance activities/frequencies and yearly logs of maintenance, has been submitted to and agreed, in writing, by the Local Planning Authority. Should any part be maintainable by a maintenance company, details of long term funding arrangements should be provided.

Reason: To ensure appropriate maintenance arrangements are put in place to enable the surface water drainage system to function as intended to ensure mitigation against flood risk. Failure to provide the above required information before commencement of works may result in the installation of a system that is not properly maintained and may increase flood risk or pollution hazard from the site.

### **Condition 14 – Water Entry Strategy**

Prior to the commencement of the development a Water Entry Strategy shall be submitted to be agreed in writing, by the local planning authority. Ground supported floors are to require to have a damp-proof membrane. The agreed Water Entry Strategy is to be implemented and adhered to thereafter before occupation of each phase of the development.

Reason: Though the site benefits from defences the site is within Flood Zone 3 an area with high probability of flooding from tidal sources, these measures are to protect the safety of the occupants of the buildings during a flood event.

### **Condition 15 – Flood Management Plan**

Prior to the occupation of each phase as per agreed details pursuant to condition 3 of this permission a Flood Management Plan shall be submitted to to be agreed in writing, by the local planning authority. Residents of each phase shall receive a copy of the Flood Management Plan on their arrival. Flood Plan notices shall be advertised within all of the buildings.

Reason: Though the site benefits from defences the site is within Flood Zone 3 an area with high probability of flooding from tidal sources, these measures are to protect the safety of the occupants of the buildings during a flood event.

### **Condition 16 – Design additional details**

Prior to the commencement of any works, additional drawings that show details of, but not limited to, windows, doors, rusticated brickwork, reveals, eaves, rain water goods, parapet, cills, soffits, and joints between different materials, 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: In order to ensure that suitable architectural details are used on the development as there are insufficient details within the submitted planning application

### **Condition 17 – BREEAM**

Within 12 months of the occupation of the second phase of the development, a final Certificate shall have been submitted to the Local Planning Authority certifying that BREEAM rating 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.

### **Condition 18 – Lighting PHASE 1**

Prior to the first occupation of phase one of the development as per agreed details pursuant to condition 3 of this permission, 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 EZ2 RURAL, SMALL VILLAGE OR DARK URBAN AREAS; 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.

### **Condition 19 – Lighting PHASE 2**

Prior to the first occupation of phase two of the development as per agreed details pursuant to condition 3 of this permission, 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 EZ2 RURAL, SMALL VILLAGE OR DARK URBAN AREAS; 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.

### **Condition 20 – Landscape Management Plan PHASE 1**

Prior to the first occupation of phase one of the development as per agreed details pursuant to condition 3 of this permission, 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 that form part of

that phase 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.

### **Condition 21 – Landscape Management Plan PHASE 2**

Prior to the first occupation of phase two of the development as per agreed details pursuant to condition 3 of this permission, a landscape management plan for the entire development including long term design objectives, management responsibilities and maintenance schedules for all landscape areas other than small, privately owned, domestic gardens that form part of that phase 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.

### **Condition 22 – Landscaping PHASE 1**

No groundworks shall take place for the development of phase one as per agreed details pursuant to condition 3 of this permission until full details of all landscape works have been submitted to and agreed, in writing, by the Local Planning Authority and the works for phase one shall be carried out prior to the occupation of phase one of the development unless an alternative implementation programme is subsequently agreed, in writing, by the Local Planning Authority. The submitted landscape details shall include where relevant:

- 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.).
- Earthworks (including the proposed grading and mounding of land areas including the levels and contours to be formed, showing the relationship of proposed mounding to existing vegetation and surrounding landform)
- Retained historic landscape features.
- Planting plans.
- Written specifications (including cultivation and other operations associated with plant and grass establishment).
- Schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate.
- Implementation timetables and monitoring programs.

Reason: To ensure that there is a suitable landscape proposal to be implemented at the site for the enjoyment of future users and also to satisfactorily integrate the

development within its surrounding context in the interest of visual amenity.

### **Condition 23 – Landscaping PHASE 2**

No groundworks shall take place for the development of phase two as per agreed details pursuant to condition 3 of this permission until full details of all landscape works have been submitted to and agreed, in writing, by the Local Planning Authority and the works for phase two shall be carried out prior to the occupation of phase two of the development unless an alternative implementation programme is subsequently agreed, in writing, by the Local Planning Authority. The submitted landscape details shall include where relevant:

- 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.).
- Earthworks (including the proposed grading and mounding of land areas including the levels and contours to be formed, showing the relationship of proposed mounding to existing vegetation and surrounding landform)
- Retained historic landscape features.
- Planting plans.
- Written specifications (including cultivation and other operations associated with plant and grass establishment).
- Schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate.
- Implementation timetables and monitoring programs.

Reason: To ensure that there is a suitable landscape proposal to be implemented at the site for the enjoyment of future users and also to satisfactorily integrate the development within its surrounding context in the interest of visual amenity.

### **Condition 24 – Sustainable Procurement Plan and Climate Change Risk Assessment PHASE 1**

Prior to commencement of phase one of the development as per agreed details pursuant to condition 3 of this permission, a Sustainable Procurement Plan and Climate Change Risk Assessment shall be submitted to, and agreed in writing by the Local Planning Authority.

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

### **Condition 25 – Sustainable Procurement Plan and Climate Change Risk Assessment PHASE 2**

Prior to commencement of phase two of the development as per agreed details pursuant to condition 3 of this permission, a Sustainable Procurement Plan and Climate Change Risk Assessment shall be submitted to, and agreed in writing by the Local Planning Authority.

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

### **Condition 26 – Refuse and recycling storage PHASE 1**

Prior to the first occupation of phase one of the development as per agreed details pursuant to condition 3 of this permission, the refuse and recycling storage facilities as set out in the approved Phasing Scheme, shall have been provided and made available to serve phase one of the development. Such facilities shall thereafter be retained to the satisfaction of the Local Planning Authority at all times until phase two has been fully constructed.

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

### **Condition 27 – Refuse and recycling storage PHASE 2**

Prior to the first occupation of phase two of the development as per agreed details pursuant to condition 3 of this permission, the refuse and recycling storage facilities as shown on the approved plans as per condition 2 shall have been provided and made available to serve the development. Such facilities shall thereafter be retained to the satisfaction of the Local Planning Authority at all times.

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

### **Condition 28 – Construction Method Statement PHASE 1**

No works shall take place with respect to phase one of the development as per agreed details pursuant to condition 3 of this permission, including any demolition, until a construction Method Statement has been submitted to and approved, in writing, for phase one of the development by the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period of that phase and shall provide details for:

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

Reason: In order to ensure that the construction takes place in a suitable manner

and to ensure that amenities of existing residents are protected as far as reasonable.

### **Condition 29 – Construction Method Statement PHASE 2**

No works shall take place with respect to phase two of the development as per agreed details pursuant to condition 3 of this permission, including any demolition, until a Construction Method Statement has been submitted to and approved, in writing, for that phase by the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period of phase two and shall provide details for:

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

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

### **Condition 30 – PTW and Cycle parking PHASE 1**

Prior to the first occupation of phase one of the development as per agreed details pursuant to condition 3 of this permission, the POWERED TWO WHEELER/CYCLE PARKING facilities within phase one as set out in the approved Phasing Scheme, 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.

### **Condition 31 – PTW and Cycle parking PHASE 2**

Prior to the first occupation of phase two of the development, the POWERED TWO WHEELER/CYCLE PARKING facilities as shown on the approved plans as per condition 2, 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.

### **Condition 32 – Litter PHASE 1**

Prior to the first occupation of the phase one of the development as per agreed details pursuant to condition 3 of this permission, 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.

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

### **Condition 33 – Litter PHASE 2**

Prior to the first occupation of the phase two of the development as per agreed details pursuant to condition 3 of this permission, 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.

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

### **Condition 34 – Materials to be agreed PHASE 1**

No external facing or roofing materials shall be used in the construction of phase one of the development as per agreed details pursuant to condition 3 of this permission until precise details of the manufacturer, types and colours of these have been submitted to and approved, in writing, by the Local Planning Authority. Such materials as may be approved shall be those used in the development.

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

### **Condition 35 – Materials to be agreed PHASE 2**

No external facing or roofing materials shall be used in the construction of phase two of the development as per agreed details pursuant to condition 3 of this permission until precise details of the manufacturer, types and colours of these have been submitted to and approved, in writing, by the Local Planning Authority. Such materials as may be approved shall be those used in the development.

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

## **Informatives:**

### **(1) Section 106 agreement**

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.

### **(2) Demolition and construction note**

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.

### **(3) Conditions stating prior to commencement**

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.

### **(4) The Barrows**

Historic England have recommended the 'Barrows' to be scheduled as an Ancient Monument.

### **(5) Plant protection**

Due to the presence of Cadent and/or National Grid apparatus in proximity to the specified area, the contractor should contact Plant Protection before any works are carried out to ensure the apparatus is not affected by any of the proposed works.

### **(6) Landscape**

'Detailed landscape proposals, if/when submitted in order to discharge landscape conditions should first be cross-checked against the Council's Landscape Guidance Note LIS/C (this available on this CBC landscape webpage under Landscape Consultancy by clicking the 'read our guidance' link).'

### **(7) Memorandum of Understanding**

There is a Memorandum of understanding relating to the provision of health care and wellbeing for the associated development.

## **(8) Sustainable Drainage Informative**

Essex County Council has a duty to maintain a register and record of assets which have a significant impact on the risk of flooding. In order to capture proposed SuDS which may form part of the future register, a copy of the SuDS assets in a GIS layer should be sent to [suds@essex.gov.uk](mailto:suds@essex.gov.uk).

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. Law if the drainage scheme proposes to discharge into an off-site ditch/pipe. The applicant should seek consent where appropriate from other downstream riparian Landowners.

The Ministerial Statement made on 18th December 2014 (ref. HCWS161) states that the final decision regarding the viability and reasonableness of maintenance requirements lies with the LPA. It is not within the scope of the LLFA to comment on the overall viability of a scheme as the decision is based on a range of issues which are outside of this area of expertise.

We will advise on the acceptability of surface water and the information submitted on all planning applications submitted after the 15th of April 2015 based on the key documents listed within this letter. This includes applications which have been previously submitted as part of an earlier stage of the planning process and granted planning permission based on historic requirements. The Local Planning Authority should use the information submitted within this response in conjunction with any other relevant information submitted as part of this application or as part of preceding applications to make a balanced decision based on the available information.

## **(9) Design informative 1**

A 200mm minimum change in building line is needed to coincide with horizontal changes in material.

Reason: To suitably define changes in material as an integral rather than superficial design element.

## **Design informative 2**

All downpipes should be in a suitably detailed recessed channel.

Reason: To ensure downpipes appear as a discreet integral part of the building design.

### **Design informative 3**

All windows and doors should be inset at least 200mm.

Reason: Deep reveals are considered essential to the design style.

### **Design informative 4**

High quality stock bricks (e.g. with handmade type qualities such as creasing) will be used which are consistent with the local context. For reference, bricks considered high quality and approved on the student accommodation scheme on Magdalen Street were Wienerberger Forum Smoked Branco and Wienerberger Bronsgroen.

Reason: High quality bricks are considered essential to the design style.

## **Appendix 1**

### **Memorandum of Understanding between the following Parties:**

University of Essex  
NE Essex CCG  
Members of the Rowhedge GP practice  
Colchester Borough Council  
North East Essex Health & Wellbeing Alliance

### **Background**

The University of Essex seek to build on their success and to grow student numbers.

Colchester Borough Council are supportive as it supports sustainability and economic growth.

The University of Essex development plans include increased student accommodation to support the growth in student numbers.

North East Essex CCG objective is to ensure that the local population (typical and atypical) have access to the health care that they need.

The local GP practice is a key stakeholder and delivery partner.

The University of Essex have entered into an agreement with their chosen development partner Bouygues UK and Uliving to develop proposals for additional students.

A professional team has also been appointed. Planning consultants are JTS Partnership LLP.

A Planning Application Reference: 192090 has been submitted to Colchester Borough Council for new student accommodation.

Statutory consultees include Health and Wellbeing represented by North East Essex CCG.

### **Current position**

At a recent meeting the statement of requirement under s106 by the NHS was discussed.

This statement proposed a developer's contribution of approx. £323,919.

This level of contribution was challenged by the developers however NHS representatives were able to articulate their reasoning.

Whereas it is open to the developers to challenge the requirement under s106 of the NHS, it is open to the NHS to continue to seek to justify the necessary contribution.

## **It is agreed that**

There is a degree of alignment of interests

The university seek to attract students by, amongst other factors, providing reassurance about the safety of students through the provision of health and wellbeing services at their establishment.

The NHS is committed to facilitating Health and Wellbeing services including; primary care, community care and acute care to the local population.

There are a wide range of opportunities for the local population to benefit from increased and wide collaboration between the health and education sectors, with support from local government.

It is important to align the outcomes of this agreement through the emerging North East Essex Health and Wellbeing Alliance strategy and ensure members of the alliance part-take in all opportunities identified by all parties.

## **Therefore**

It is agreed between the parties to this memorandum that:

- To utilise this as an opportunity to collaborate for the benefit of the local population, through co-operation at different levels.
- The university and the health sector will commit the necessary resources to create a smart understanding of the NHS workforce challenges and to develop solutions at a local level through the training and education of appropriate skills.
- The university and the health sector will collaborate in the technology space – recognising that access to health services will increasingly be across technological platforms in the future. The university and the health sector both recognise the opportunity to jointly develop technology solutions which address the primary health care needs of a growing student population.
- The University will also work with CCG to identify and secure the necessary physical property and environment, from which to deliver face to face primary health care services to students, which may be located on-campus but which could also be provided as part of an existing, or new, off-campus hub. The University will contribute towards capital funding, with funding for service provision predominantly coming from the revenue funding in the NHS
- North East Essex Health and Wellbeing Alliance will play an active role in working with partners identified in this agreement to enable the benefits that arise through partnership working improve the health and wellbeing of the wider community.
- Colchester Borough Council will perform its duty as Local Planning Authority to determine initiatives that require planning permission that may arise as a result of the memorandum of understanding.
- All parties agree that the beneficial outcomes of this will enable the NHS to withdraw the s106 claim submitted and to be confident in the parties to this

agreement to ensure that the population effectively receive a significantly larger benefit than would be achieved from the £323,919 contribution which is currently sought.

- All parties will agree a timeline for each element of the agreement through the task and finish group and will ensure a project plan and highlight report will be produced on a regular basis to reassure all parties of the progression of the agreement.

## **Resourcing**

It is agreed that a joint Task and Finish Group be established between all parties including subject matter experts to agree a series of tasks and outcomes to be agreed in line within this Memorandum of Understanding. It is agreed that all parties will commit relevant resources to enable this agreement to be fulfilled within an agreed timescale. The Task and Finish Group will meet at a frequency to be determined in agreement with all parties and with clear leadership and named stakeholders to actively participate throughout the duration of the agreed named projects.

A agreed governance process with terms of reference to be agreed and approved by all parties including regular reporting of activities through the North East Essex Health and Wellbeing Alliance.

## **Funding**

It is agreed that funding opportunities will be sought through NHS, the Education system and other local government sources to enable agreed outcomes to be effectively implemented and benefits to both students of the University of Essex and the local population realised through this agreement.

## **Signatures**

### University of Essex:

Name .....

Title: .....

Position: .....

### North East Essex Clinical Commissioning Group:

Name .....

Title: .....

Position: .....

Rowhedge GP practice:

Name .....

Title: .....

Position: .....

Colchester Borough Council:

Name .....

Title: .....

Position: .....

North East Essex Health and Wellbeing Alliance

Name .....

Title: .....

Position: .....



## **Appendix 2**

# **Application 192090 University of Essex - Meadows 3 Draft Heads of Terms**

### **Contributions**

Archaeology – £2,400 to be paid prior to the commencement of the development and to be used to secure interpretive display boards relating to the barrow mounds which lie within, and adjacent to, the southwest corner of the site.

RAMS - £30,868.52 to be paid prior to the commencement of development and to be used for off-site habitat mitigation.

Sustainable Transport – £200,000 to be paid prior to the commencement of development and to be used towards sustainable transport measures / initiatives, which will improve links between the Campus / Knowledge Gateway and the Hythe / East Colchester area and / or the town centre.

Any contributions not used by the Borough Council, for the purposes for which they are collected, within 3 / 5 years of the date of payment, shall be returned to the University.

### **Other Provisions**

The Agreement is also to include commitments by the University to: -

1. Comprehensively review the existing Campus Travel Plan, to cover the period up to 2029 and to either:
  - cover both the Campus and the Knowledge Gateway, together with all planned developments therein; or to
  - provide separate Travel Plans for the Campus and the Knowledge Gateway, to cover all planned developments therein.
2. Prepare and submit a revised draft Travel Plan(s) to the Borough Council by 31<sup>st</sup> December 2020 and to implement the Plans(s) prior to the first occupation of Phase 1 of the development (anticipated in October 2021).
3. Share with the Borough Council the University's emerging Campus Signage and Wayfinding Plan and Transport Feasibility Study.
4. Spend a minimum of £200,000, by October 2025, on sustainable transport measures / initiatives on the Campus / Knowledge Gateway.
5. Work & cooperate with the Borough Council on the production of the new Travel Plan and sustainable transport strategies.