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**Item No:** 7.1

**Application:** 230033

**Applicant:** Mr N Hodgskin

**Agent:** Mrs Karen Crowder-James

**Proposal:** The erection of one assisted living block (for the over 55s) of 72 units comprising 32no. one bedroom flats and 40 no. two bedroom flats and associated communal facilities; erection of sheltered housing accommodation of 18 units (as an extension to the existing scheme at Dorothy Curtice Court for over 55s), comprising 13no. one bedroom flats and 5no. two bedroom flats; together with associated access, amenity space, vehicle and bicycle parking, EVC points, hard and soft landscaping, sub-station, drainage ponds, boundary treatments and other associated works.

**Location:** Land to the rear of, Dorothy Curtice Court, London Road, Copford, Colchester, CO6 1DX

**Ward:** Marks Tey & Layer

**Officer:** Nadine Calder

**Recommendation:** Approval subject to S106 agreement and conditions

## 1.0 Reason for Referral to Planning Committee

- 1.1 This application was discussed at the Planning Committee of 25th January 2024 when a decision on the application was deferred to investigate the following matters:
- i. Alternative access arrangements;
  - ii. Reduction in no units to achieve compliance site allocation policy SS4 (70 units); and
  - iii. Reduction in size and scale of blocks from 3 storeys.

### Alternative access arrangements

- 1.2 Access arrangements via Dorothy Curtice Court and/or Willow Park were assessed, and ultimately discounted, within the Transport Statement, which forms part of the original application submission. Following the Committee's request to reconsider these alternative access routes, the following four alternative access arrangements have been assessed as part of a Transport Addendum:
- Access via Dorothy Curtice Court;
  - Access via Willow Park;
  - In via Queensberry Avenue and out via Willow Park; and
  - In via Willow Park and out via Queensberry Avenue.
- 1.3 The sole access route via the existing Dorothy Courtice Court access off London Road has been discounted due to this resulting in the partial demolition of two existing buildings which accommodate a total of eight households. These properties provide sheltered housing accommodation which forms part of an existing community. There is no need for them to be modernised and the only justification for their demolition would be to provide access to the site. This would be unreasonable. Consequently, Dorothy Courtice Court has been discounted as a viable alternative access route to the site.
- 1.4 Willow Park currently serves three residential properties and the New Copford Place residential care home. The existing access route is approximately 3m wide, except at its junction with London Road, where it widens to around 5.5m.
- 1.5 Willow Park would need to be widened to 5.5m to be suitable to provide the sole means of vehicular access to the site. This would be required in order to allow a car and large vehicle (such as a refuse vehicle) to pass comfortably and incorporate a 2m wide footway along at least one side to allow two wheelchair users to pass.
- 1.6 The Council and Highway Authority acknowledge that the applicant does not control enough land to provide an access in compliance with the requirements set out above and consequently, a two-way route serving the site via Willow Park is not feasible. For this reason, a sole access via Willow Park has been discounted.
- 1.7 This leaves a one-way system along Willow Park to be considered with ingress/egress provided via Queensberry Avenue respectively. For a one-way system in or out of Willow Park, a carriageway of 3m would need to be

maintained, with a 2m wide footway along one side. Again, your Officers and Officers from the Highway Authority acknowledge that the applicant does not control enough land to provide this. It is noted that the current carriageway may be some 3m wide, but there is no footpath along it which would be required to make this access route acceptable.

- 1.8 In addition to the above, there are other matters which prevent a one-way system utilising Willow Park. There are residential dwellings to the west of Willow Park which, together with the care home, have legal access rights over Willow Park and therefore, the whole route could not be made one-way. This could cause confusion as well as danger due to lack of passing places, reduced visibility around the bend or the potential for vehicles having to reverse south along Willow Park towards the junction at London Road which could cause a danger to highway safety. For these reasons, it was concluded that a one-way route along Willow Park would not provide safe and suitable access to the proposed development.
- 1.9 The above reasons for discounting an alternative access route via Willow Park are all based on highway safety matters. As set out in paragraph 16.35 of the Committee Report, the Council would however also have reservations in relation to a proposed access along Willow Park due to its potential impact on the setting of the Grade II listed Copford Place which lies directly to the east of Willow Park. This means that, even if an access to the site via Willow Park were to be accepted on highway safety grounds, there may be other factors which would ultimately lead to this access arrangement not being supported by your Officers.
- 1.10 In summary, having reassessed alternative access routes, it is concluded that Dorothy Curtice Court and Willow Park do not present suitable or viable alternative access arrangements to the site. Access via Dorothy Curtice Court would require the demolition of existing dwellings which are not otherwise in need of demolition. Utilising Willow Park as the sole means of access cannot be supported as it would require land outside the applicant's control to make this route suitable while the use of Willow Park as a one-way route has the potential to result in unsafe conditions due to a lack of appropriate intervisibility and passing places. There are also concerns with regards to the intensification of this access in terms of its impact on the setting of the historic environment.
- 1.11 In contrast, access via Queensberry Avenue does not present any such problems. This route does not require the demolition of any homes, is wide enough to accommodate a refuse vehicle and car (for example) passing one another, benefits from footways along both sides of the carriageway and does not have any impact on the setting of nearby listed buildings. It also complies with Policy SS4 and therefore represents a suitable form of access to the site.

Reduction in number of units to achieve compliance with site allocation policy SS4 (70 units) / Reduction in size and scale of blocks from 3 storeys

- 1.12 In response to the second and third reasons for deferring a decision on the proposed development, consideration has been given to reducing the number of units in conjunction with lowering the height of the assisted living element. The removal of the third floor would result in the loss of 26 units (resulting in

the provision of 64 units overall). The applicant advised that a scheme of that scale would no longer be viable or financially sustainable. A decision was therefore made not to reduce the number of units or the size and scale of the assisted living block.

- 1.13 Instead, additional justification has been provided in the form of images of existing and proposed views of the development from public vantage points (with the proposed development inserted to scale) and a scaled section drawing which demonstrate that the development is appropriately placed within the site, where the level difference in combination with existing and proposed landscaping would ensure that the development blends in with the locality. This additional evidence shows that any impact of the proposed development would be localised only and not affecting the surrounding area to a degree that would be visually or materially harmful. Officers therefore consider that the proposed development, without amendments, remains acceptable in this context.

#### Conclusion

- 1.14 On the basis of the above, no amendments to the scheme have been made since the application was presented to Members at the Committee of the 25th January 2024. Notwithstanding the concerns that were raised by Members during the Committee, it is your Officers' opinion that the development, as proposed, is acceptable as it would be contained within the site, thereby not significantly impacting on the character of the surrounding area and would bring significant economic, social and environmental benefits, including the provision of a 100% affordable scheme and significant biodiversity enhancements which tip the planning balance strongly in favour of the proposed development.
- 1.15 The recommendation to Members therefore remains one for approval subject to a S106 agreement and conditions, as set out in paragraph 18.1 of the Committee Report, which is attached as an appendix to this Addendum (with the matters of the Amendment Sheet for the previous Committee having been incorporated into the Committee Report).

## APPENDIX 1- Copy of Committee Report considered at meeting 25 January 2024

### 1.0 Reason for Referral to the Planning Committee

1.1 This application is referred to the Planning Committee because it was called in by Councillor Ellis for the following reasons:

*“The fact that this is an allocated site in CCC Local Plan section 2 is not in dispute. It was allocated, albeit contrary to the wishes of the village of Copford, with circa 130 objections to the allocation. This particular planning application has a considerable number of issues which need addressing prior to any approval for development in this location.*

*Policy SS4 clearly states that access will be via Queensbury Avenue AND/OR London Road, the expectation being that the access will be from London Road. It clearly states AND London Road, OR London Road, however one reads that, it can only be interpreted as London Road being an access point. The development proposal accesses the entire site from Queensbury Avenue, this is simply unacceptable. ‘Avenue’ is a misnomer, Queensbury is in fact a cul de sac, serving a quiet and close community. The road is of insufficient standard to accept a great deal more traffic.*

*The Local Plan allocation is for 70 dwellings, the application is for 90! To accommodate this quantum of development on site the developer has had to increase the height of buildings, this has led to a development out of scale and therefore character with the local area. It does nothing to ‘enhance’ the location in which it sits. There are issues with size, scale, landscaping, ecology, highways and woeful under provision of on site parking. All of these can be addressed at Committee, but it really does need to be a Committee decision should the recommendation be for approval.”*

### 2.0 Synopsis

2.1 The key issues for consideration are the principle of development, highway matters, flood risk and drainage, heritage, ecology, impact on the character of the area, and impact on amenity.

2.2 The report describes the site and its setting, the proposal itself, and the consultation responses received including those from statutory consultees. The material planning considerations which are relevant to the proposal are detailed in the report. The report considers this submission documentation alongside the key material planning matters and comments set out in representations received.

2.3 The application is subsequently recommended for approval.

### 3.0 Site Description and Context

3.1 The site (which equates to some 3.13ha) is located to the north of the existing settlement, forms part of the historic rural hinterland beyond developments fronting London Road and lies adjacent to a historic estate development. The site’s immediate context consists of the Queensbury Avenue estate to the west, existing assisted living and residential developments to the south/west

and open countryside with the A12 beyond, to the north. The site is undeveloped and laid to pasture, with established landscape features along the majority of its boundaries and within the site, relative to historic field boundaries. The site's existing character is verdant and relatively open, akin to the adjacent open countryside, by virtue of its established landscape features and historic use/designation as open countryside.

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

4.1 The application proposes the erection of two blocks of living accommodation; one block of 72 units comprising 32no. one bedroom flats and 40no. two bedroom flats and associated communal facilities for assisted living (or extra-care housing which offers more support than sheltered housing, but still allows the resident to live independently) and one sheltered housing accommodation block of 18 units (as an extension to the existing scheme at Dorothy Curtice Court for over 55s to provide accommodation for elderly or disabled people consisting of private independent units with some shared facilities and a warden), comprising 13no. one bedroom flats and 5no. two bedroom flats together with associated access, amenity space, vehicle and bicycle parking, electric charging points, hard and soft landscaping, sub-station, drainage ponds, boundary treatments and other associated works.

#### **5.0 Land Use Allocation**

5.1 The site forms part of a housing allocation (Policy SS4 Copford, 'East of Queensbury Avenue'), which is identified to accommodate 70 new dwellings of a mix and type of housing.

#### **6.0 Relevant Planning History**

6.1 None relevant to this planning application.

#### **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 Local Plan 2017-2033 Section 1**

The shared Section 1 of the Colchester Local Plan covers strategic matters with cross-boundary impacts in North Essex. This includes a strategic vision and policy for Colchester. The Section 1 Local Plan was adopted on 1 February 2021. The following policies are considered to be relevant in this case:

- SP1 Presumption in Favour of Sustainable Development
- SP2 Recreational disturbance Avoidance and Mitigation Strategy (RAMS)
- SP3 Spatial Strategy for North Essex
- SP4 Meeting Housing Needs
- SP6 Infrastructure & Connectivity
- SP7 Place Shaping Principles

### 7.3 Local Plan 2017-2033 Section 2

Section 2 of the Colchester Local Plan was adopted in July 2022. The following policies are of relevance to the determination of the current application:

- SG1 Colchester's Spatial Strategy
- SG2 Housing Delivery
- SG7 Infrastructure Delivery and Impact Mitigation
- SG8 Neighbourhood Plan
- ENV1 Environment
- ENV5 Pollution and Contaminated Land
- CC1 Climate Change
- PP1 Generic Infrastructure and Mitigation Requirements
- DM1 Health and Wellbeing
- DM2 Community Facilities
- DM8 Affordable Housing
- DM9 Development Density
- DM10 Housing Diversity
- DM12 Housing Standards
- DM15 Design and Amenity
- DM16 Historic Environment
- DM18 Provision of Open Space and Recreation Facilities
- DM19 Private Amenity Space
- DM20 Promoting Sustainable Transport and Changing Travel Behaviour
- DM21 Sustainable Access to development
- DM22 Parking
- DM23 Flood Risk and Water Management
- DM24 Sustainable Urban Drainage Systems
- DM25 Renewable Energy, Water Waste and Recycling

### 7.4 Some "allocated sites" also have specific policies applicable to them. The adopted local plan policies set out below are of direct relevance to the decision making process:

SS4 Copford

### 7.5 The Copford with Easthorpe Neighbourhood Plan is also of relevance. The Copford and Easthorpe Neighbourhood Plan was made in October 2023 and sets out the vision for development until 2033. The policies within the Neighbourhood Plan that are of relevance are:

CE3 Design and Character

CE4 Housing

CE6 Environment

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

The Essex Design Guide

External Materials in New Developments

EPOA Vehicle Parking Standards

Backland and Infill  
Affordable Housing  
Community Facilities  
Open Space, Sport and Recreation  
Sustainable Construction

## **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** - No objections, informatives recommended.
- 8.3 **Archaeological Consultant** - No objection subject to recommended condition.
- 8.4 **Contaminated Land Officer** - No objection subject to recommended conditions.
- 8.5 **Environmental Protection** - No objections subject to recommended conditions.
- 8.6 **Essex County Council as the Lead Local Flood Authority** - No objections subject to recommended conditions.
- 8.7 **Essex County Council as the Waste Planning Authority** - No objections.
- 8.8 **Essex Green Infrastructure** - No objections subject to recommended conditions.
- 8.9 **Essex Police** - Recommends Secure By Design.
- 8.10 **Fire and Rescue** - Recommends compliance with Building Regulations.
- 8.11 **Highway Authority** - No objections subject to recommended conditions.
- 8.12 **Historic Buildings and Areas Officer** - Concerns raised, harm to be weighed against public benefits.
- 8.13 **HSE (Health and Safety Executive)** - No comments to make.
- 8.14 **Landscape Advisor** – No detailed comments provided at time of writing this report.
- 8.15 **Natural England** - Habitats Regulations Assessment required.
- 8.16 **Place Services Ecology** - No objection subject to recommended conditions.
- 8.17 **Planning Policy** - No objection in principle subject to compliance with Development Plan as a whole. Potential conflict with Policy SS4 to be weighed up in the planning balance.



8.18 **Tree Officer** – No objection in principle but asked consideration be given to making the building smaller or reconfigure it to give more space between trees and building.

8.19 **Urban Design Officer** - Raised concerns which have been partially overcome by amendments. Outstanding concerns to be weighed up in planning balance.

## **9.0 Parish Council Response**

9.1 The Parish Council have objected to the proposal, providing a lengthy letter of objection, which can be accessed on the Council's website. The main reasons for objection can be summarised as follows:

- Conflict with Policy SS4 (increased number of housing)
- Design of three storey building is out of character with surrounding buildings
- Contrary to Neighbourhood Plan
- Queensberry Avenue is unsuitable for access
- Insufficient on-site parking
- Impact on Copford Water Recycling Centre
- Not enough capacity at local GP surgeries and dentists
- Parts of the site are liable to flooding
- Removal of trees
- Insufficient information provided in relation to archaeology
- Insufficient information provided in relation to contaminated land

## **10.0 Representations from Notified Parties**

10.1 The first consultation exercise has resulted in 150 letters of objection from 99 households including four letters from outside the Copford area and an additional four letters from outside the administrative area of Colchester. The full text of all of the representations received is available to view on the Council's website. The main reasons for objecting can be summarised as follows:

- No evidence to support the need for additional homes for older people
- Conflict with Policy SS4
- Queensberry Avenue is unsuitable for construction traffic
- Queensberry Avenue is unsuitable for the proposed volume of traffic
- Congestion along London Road / Copford / Stanway
- Insufficient parking
- Increased on-street parking
- Impact on residential amenity
- Loss of privacy
- Loss of light
- Increased traffic noise / noise pollution
- Increased danger to pedestrians and children walking/cycling to school
- Design/3 storey buildings is out of keeping with the village
- Overdevelopment
- Damage and loss to wildlife and trees
- Lack of infrastructure (school, dentist, GPs)
- Copford Recycling Works is over capacity

10.2 Two rounds of reconsultation were undertaken as part of which 33 letters of objection from 27 households (including six which did not comment as part of

the original consultation) and 36 letters of objection from 28 households (including three that did not comment on either of the previous consultations) were received respectively. No new material planning considerations were raised with objections repeating previous objection comments.

- 10.3 The proposal has also resulted in three letters of support (two of which were sent from outside the Copford area) with the main reasons for objecting being the provision of affordable housing for the elderly and the development being a logical extension to an existing estate.

### **11.0 Parking Provision**

- 11.1 The proposal includes a total of 72 parking spaces (including ten disabled spaces, eleven visitor spaces and five staff parking spaces), with the sheltered housing benefitting from 16 parking spaces for residents and two visitor spaces and the assisted living being provided with 40 residents parking spaces, nine visitor spaces and five staff parking spaces.

### **12.0 Accessibility**

- 12.1 The proposal has the ability to comply with the provisions of the Equality Act in respect of access for all new dwellings.

### **13.0 Open Space Provisions**

- 13.1 The proposal includes the provision of 2.46ha of Public Open Space (POS) which far exceeds the 10% requirement sought by policy.

### **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 This application is classed as a “Major” application and therefore it has been considered by the Development Team. The below contributions are considered to be required to mitigate the scheme and be sought via Section 106 of the Town and Country Planning Act 1990:

#### **Affordable Housing**

Scheme to be 100% affordable

#### **Highways**

Residential Travel Plan and Travel Information Packs in accordance with Essex County Council guidance plus Essex County Council’s Travel Plan monitoring fee(s).

#### **Community – £110,809.35**

##### Project

Copford Village Hall Refurbishment and/or extension/new build to Copford Village Hall, creating a community hub space for parish council, residents, police, NHS etc. Full costs yet to be gained.

**Parks & Recreation – £72,309.22**

Ward Project - £28,023.92

Borough Projects to improve disabled access to Stanway Country Park

Borough Project - £44,285.30

Castle Park Sensory Garden Tactile/Visual/Scents planting and interpretation (For Visual Impaired) enhancement works.

**Transport - £25,000**

Towards walking and cycling provision as per LCWIP 3 linking the development to Colchester and or other sustainable Transport measures

**Archaeology - £15,153.00** contingent on finds

£14,400 for museum quality display case, design and display material

£753 for enhancement of the Colchester HER

£348 will be required if no archaeological remains are affected by the development, to integrate the information from the archaeological investigation

**Libraries - £7,002**

To improve, enhance and extend the facilities and services provided at Stanway library.

**NHS - £55,000**

**16.0 Report**

Principle of Development

16.1 Section 1 of the Colchester Local Plan provides a shared strategic policy context and addresses cross boundary matters for North Essex together with Braintree and Tendring Councils. This was adopted by Colchester City Council in February 2021. Section 2 of the Colchester Local Plan 2017-2033 provides the policy framework, site allocations and development management policies for the Borough up to 2033. This was adopted by Colchester City Council in July 2022.

16.2 Section 2 of the Local Plan allocates land to meet the housing targets up to 2033 in accordance with the Spatial Strategy set out in Policy SG1. Copford is identified as a Sustainable Settlement in the spatial strategy and Policy SS4 allocates 70 dwellings on Land East of Queensberry Avenue and up to 50 dwellings on land west of Hall Road.

16.3 Policy SS4, in respect to this current application, states the following:

***East of Queensberry Avenue***

*In addition to the infrastructure and mitigation requirements identified in policy PP1, development will be supported on land within the area identified on the policies map which provides:*

- (i) 70 new dwellings of a mix and type of housing to be compatible with surrounding development;*
- (ii) Access via Queensberry Avenue and/or London Road;*
- (iii) The permanent diversion and/or upgrade to the existing Public Right of Way which runs along the western boundary edge of the site.*

16.4 The explanatory text in paragraph 6.148 states that:

*“Development of land to the east of Queensberry Avenue represents a sensible and logical extension to the existing built up area of Copford to the north of London Road. The site has been proposed for allocation for residential use, but the delivery of new extra care facilities at this location would also be supported, given its proximity to existing similar facilities to the north of London Road. Access to this site will be via Queensberry Avenue or London Road, where feasible. There is a Public Right of Way running along the western boundary of the site and development proposals will need to consider a permanent diversion or upgrade to the public footpath. The site on Land to the East of Queensberry Avenue has been identified to be suitable for development given its location adjacent to an existing development boundary and being surrounded by development on three sides. The site is located just off the main London Road which provides good access to shops, services and facilities in both Stanway and Marks Tey, including the train station. There are bus stops along London Road.”*

16.5 The proposal the subject of this application is for a total of 90 units (72 assisted living units, 18 sheltered accommodation units) which is higher than the 70 new dwellings set out in Policy SS4 and therefore does exceed the requirements of Policy SS4.

16.6 The application site also exceeds the Local Plan allocation to the north east of the site. The area that is located outside the allocation would however provide public open space with the built form being firmly contained within the Local Plan allocation.

16.7 The Council accept that there is a need to provide specialist housing across the city for older people as well as other sectors of the community. This is set out in Policy DM10, which states (amongst other things) that the *‘Local Planning Authority will seek to provide for the needs of particular groups’* including older people and specialist housing and that the Council will *‘support proposals that make specific provision for older persons housing, subject to proposals meeting other policy requirements or the need outweighing other considerations.’* It also states that the Local Planning Authority will support provision of schemes providing higher levels of care for specialist groups. *‘New development proposals for these groups will be supported where there is a proven need; they are located within settlements; and are accessible by public transport.’* The principle for providing new extra care facilities on this site was also supported in the supporting text to Policy SS4 (as set out in paragraph 16.4 above).

16.8 The Copford with Easthorpe Neighbourhood Development Plan was made on 18<sup>th</sup> October 2023 and forms part of the Development Plan for Colchester. The application site lies largely within the settlement boundary for Copford through the allocation of the land for residential development in Policy SS4. Consequently, it meets the requirements of Policy CE1 Settlement Boundaries and Development of the Neighbourhood Plan which supports the principle for new development if it is within the settlement boundaries. There is nothing contained within the Neighbourhood Plan that would suggest this site is not acceptable for residential development.

- 16.9 The site is considered to be an appropriate location for new residential development (including much needed specialist housing) in accordance with Policy SS4. The acceptability of a proposal that seeks an increase in numbers will need to be considered against other criteria set out in the Local Plan in relation to density and design, and in relation to compatibility with the surrounding development, which is a requirement of Policy SS4.
- 16.10 The proposal could be said to comply with Policy SS4 in principle if it is considered that, despite the additional numbers, the proposal provides for a mix and type of housing that is compatible with surrounding development.
- 16.11 In the event that the policies in the Plan, which enable the assessment of the proposed development, do not provide support, the proposal would consequently be in conflict with Policy SS4 in principle.
- 16.12 These material planning considerations will now be assessed in the report below and will need to be factored into the planning balance.

#### Design and Appearance

- 16.13 Section 2 Plan Policies SP7 and DM15 seek to secure high quality and inclusive design in all developments, respecting and enhancing the characteristics of the site, its context and surroundings. Policy SP7 states, in particular, that all new development must meet high standards of urban and architectural design. In addition to that, Section 2 Plan Policies DM10 and DM12 set out detailed requirements in respect of development density, housing diversity, and housing standards to ensure the efficient use of land and to achieve high standards for design, construction, and layout in order to create inclusive and sustainable communities that suit a range of different households.
- 16.14 The proposed use of the site for a mixture of residential uses is welcome in terms of place making. While the development, which consists of three storey buildings, would be higher than other dwellings in the area, this site can accommodate taller buildings without appearing overly prominent or over bearing in the wider area as it is very well screened from wider public vantage points (with the exception of the western public right of way). This also assists in ensuring the scheme delivers the most efficient use of land in a sustainable location. The site currently comprises existing grass land and thus any development will inevitably be seen as more dominant in the townscape than the grass land. However, the site is allocated for residential use via the local plan site allocation process and the principle is thus established.
- 16.15 Prepared as part of the Neighbourhood Plan and now given formal status via policies CE3, the Design Guidance and Codes covers a wide area to the west of Roman River which includes Copford, Copford Green and Easthorpe, as well as the rural area between them. A character analysis is carried out for each village, although only the analysis for Copford is relevant to the proposed scheme. This analysis includes a review of the “sub-character areas” of London Road and Queensberry Avenue, but the site itself is not considered.

- 16.17 The Urban Design Officer notes that the site's shape and existing natural features result in awkward shaped areas of developable land, that do not lend themselves particularly well to traditional housing typologies. The type of development put forward as part of this application however would make more efficient use of the developable areas of the site and enable the retention of a high proportion of existing green features. The spatial approach adopted appears broadly appropriate with regard to access to the site and the areas that are suitable to accommodate built environment. The plans show good levels of POS, accommodating a network of SUDs features and a generous degree of landscaping. This also facilitates relatively extensive walking routes and numerous informal and incidental spaces for the enjoyment of potential residents and the wider public. These walking routes combine well with a variety of pedestrian access points to provide good access to the site, to establish good levels of pedestrian connectivity and permeability within the scheme.
- 16.18 The form, scale, massing and materiality of the sheltered block are broadly consistent with existing examples of surrounding built environment. The mass is relatively well concealed by the composition of elements and the consistent rhythm achieved on the elevational treatments.
- 16.19 The plan form, architectural form and height of the assisted living block are at odds with the surrounding suburban built environment. However, the plan form responds efficiently to the site constraints and also looks to accommodate partial transition of the existing variable topography of the site. While the creation of three storey development is criticised locally, the proposed height results in minimal harm in itself, given the site's generally enclosed nature. However, the proposed height combined with the plan form, results in a structure of considerable mass. The proposal seeks to visually mitigate the resulting mass through its architectural form and materiality. Improvements have been made in this regard through negotiations, including; increased depth of set backs and projections on building facades, variation of fenestration, increased variation in heights of building elements varied ridge lines and roof forms and more logical application of materials.
- 16.20 There remain a handful of instances where the application of materials continues to lack logic. Notwithstanding these instances, the amendments referred to above have increased the authenticity of the visual articulation of individual elevations, establishing a variety of visually individual modules. The composition of the various modules remains relatively random and incohesive, resulting in a lack of comprehensive legibility within the wider composition. However, this approach does establish a good degree of visual interest and articulation which visually mitigates the mass of the proposed structure. Additionally, whilst on paper it is evident that this is a singular mass cloaked in a variety of architectural treatments and materials, it is unlikely this will be readily perceivable to future users from the site.
- 16.21 On balance, the amendments have improved the overall design of the scheme and ensure that the revised scheme better accords with Policy DM15 of the adopted Local Plan.

### Historic Environment

- 16.22 The Planning (Listed Building and Conservation Areas) Act 1990 requires that special regard is paid to the desirability of preserving listed buildings and their setting. The Framework sets out the desirability of sustaining and enhancing the significance of heritage assets (paragraph 203). It establishes that great weight should be given to an asset's conservation and the more important that asset, the greater that weight should be (paragraph 205). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. Any harm to, or loss of significance of a designated heritage asset (from its alteration or destruction, or from development within its setting) should require clear and convincing justification, (paragraph 206). Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, that harm should be weighed against the public benefits of the proposal, including securing its optimum viable use (paragraph 208). The Framework also promotes good design advising that permission should be refused for development of poor design. These statutory obligations are echoed within Section 2 Local Plan Policies ENV1 and DM16.
- 16.23 There are four designated heritage assets in the wider vicinity of the site, with Old Mill House (Grade II, List Entry Number 1273846) and Shrub House (Grade II, List Entry Number 1239076), which are located to the south of the site, having been identified as the heritage assets that would be affected the most by the proposed development. Nevertheless these dwellings are set at over 50 m from the application site in private gardens which provide screening and enclosure and contribute towards their setting. Historically, the buildings had a direct relationship with the surrounding agricultural land which includes the application site and forms part of their wider setting. This matter was considered as part of the local plan site allocation process via the supporting evidence base through a Heritage Impact Assessment (HIA)
- 16.24 Old Mill House and Shrub House are located on a section of London Road where development did not extend beyond the street frontage. The relationship of the listed houses with the land to the north has therefore not been disrupted. This land contributes to their significance by preserving the open landscape aspect that formed their context historically. The development of the application site would infill the area between the development at Queensberry Avenue to the west and Belingham Drive to the east and would urbanise this agricultural land which would cause wider harm to the significance of the listed buildings through loss of this agricultural landscape character. This harm would be in the spectrum of *less than substantial*, as per the classification of the Framework.
- 16.25 In line with the statutory obligations imposed, the Framework and Local Plan Policies ENV1 and DM16, great weight should be given to the anticipated harm to the significance of Old Mill House and Shrub House. In accordance with the provisions of the Framework and Policy DM16, the less than substantial harm that has been identified to be caused by this proposal needs to be weighed against the public benefits that the development would secure. This will be assessed in the Planning Balance below.

16.26 The current application includes vehicular access from Queensberry Avenue to the west of the site with no changes proposed to Willow Park to the south east. This is beneficial from a heritage perspective given that access through Willow Park has the potential to affect the setting of Copford Place (Grade II, List Entry Number 1239077) and Stable to north of Copford Place (List Entry Number 239078) by way of creating a busy junction in the vicinity of these listed buildings.

#### Residential Amenity

16.27 Section 2 Plan Policy DM15 states that all development must be designed to a high standard and protect and promote public and residential amenity, particularly with regard to privacy, overlooking, security, noise and disturbance. Section 1 Policy SP7 echoes these sentiments, requiring all development to protect the amenity of existing and future residents, including with regard to noise and vibration.

16.28 The scheme raises no concerns with regards to loss of light or privacy nor will the new dwellings be materially oppressive to the existing neighbours. The representations that cite harm to neighbouring amenity have been carefully considered. A development site such as this will inevitably change the manner in which neighbours enjoy their dwellings to a certain extent as development causes a degree of impact. It is however considered that the proposed layout does not materially compromise neighbouring residential amenity.

16.29 The amenity of future occupiers of the proposed development also needs to be assessed and to this extent, a Daylight and Sunlight Report has been submitted. This highlights general issues resulting from north facing elevations, single aspect units and deep plan living spaces. Following some minor internal and external changes to the development (including changes to the room layout and the removal of balconies), on balance, it is considered that the amended proposals do not give rise to any demonstrable concerns with regards to the amenities of future occupiers of the development in this regard.

16.30 Enhancements have been made during the determination of this application to improve the distinction between public and private space within the site and to create defensible space outside of ground floor units. As a result, the communal courtyards benefit from a greater deal of enclosure which enhances their privacy. Similarly, the ground floor units now benefit from appropriate levels of privacy. In light of the quantum of POS provided by the scheme, the quantum of private amenity space appears reasonable and justified. On this basis, the scheme delivers an appropriate standard of residential amenity.

#### Highway Matters and Parking

16.31 Section 2 Policy DM21 requires all new developments to seek to enhance accessibility for sustainable modes of transport. Policy DM22 states that parking standards for non-residential development should be agreed through joint discussions with the local Highway Authority and the Local Planning Authority in accordance with the most recent local Parking Standards, with a more flexible approach to the parking standards only considered if supported by a parking survey and accumulation data.



- 16.32 It is noted that many of the objections that have been received in relation to the proposed development have identified the perceived inadequacy of the local highway network and the problems experienced by local residents, pedestrians and cyclists at present, especially concerns in relation to the adequacy of Queensberry Avenue and the traffic impact the proposal would have upon this residential road. The concern is that the proposed development would exacerbate current problems and also create highway safety issues. These views are fully acknowledged and appreciated.
- 16.33 Essex County Council Highways have been consulted on the acceptability of the use and proposed development in this location on highway safety and efficiency. The Highway Authority has advised in its consultation response that the existing highway infrastructure provision would be sufficient to cater for both the existing traffic and that likely to be generated by the development.
- 16.34 If the recommended Highway Authority conditions are placed on any permission then it is considered the development would be acceptable on highway safety grounds.
- 16.35 The Local Plan allocation states that access to the development should be via Queensberry Avenue and/or London Road, with this development proposing access off Queensberry Avenue only. The proposal has considered alternative access arrangements. However, access via the Willow Park/London Road junction has been ruled out due to the narrow width of this access that is incapable of accommodating two way vehicular traffic and the Council's concerns with regards to the likely impact that this would cause on the setting of designated heritage assets. Access through the existing Dorothy Curtice Court was also considered as a potential alternative. However, this would have required the demolition of existing homes of elderly residents and the potential removal of a sensitive memorial garden located within the grounds of Dorothy Curtice Court. With the Local Plan identifying Queensberry Road as a suitable access, other options having been considered and there not being any objection to the proposed access arrangements by the Highway Authority, it is not considered that a refusal on the grounds of impact on local road infrastructure could be justified.
- 16.36 In terms of parking, it is not possible in this case to directly apply the adopted car parking standard as the use does not fall neatly within either use class C2 (Residential Institutions) or C3 (dwelling houses). Officers consider it reasonable to conclude that the proposed use would not require the C3 parking standard to be applied in full. However, it is also expected that some residents will have cars and consideration has to be given to staff and care workers who will potentially regularly visit the site.
- 16.37 The proposal includes a total of 72 parking spaces (including ten disabled spaces, eleven visitor spaces and five staff parking spaces). The sheltered housing would be provided with 16 parking spaces for residents and two visitor spaces and the assisted living accommodation would benefit from 40 residents parking spaces, nine visitor spaces and five staff parking spaces.

- 16.38 The proposal also includes parking provision for 37 bicycles (ten for sheltered housing residents, 18 for assisted living residents and nine for visitors to assisted living residents) as well as 22 spaces for mobility scooters (six for the sheltered housing residents and 16 for assisted living residents). Given the sustainable location of the site and proximity to local services and facilities, these facilities would encourage the use of a suitable alternative modes of transport to the private car.
- 16.39 In light of the circumstances of this case, the proposed level of parking provision is considered to be appropriate in this instance.

#### Flood Risk and Drainage

- 16.40 Section 2 Plan Policies CC1 and DM23 state that development will be directed to locations with the least impact on flooding or water resources. Policy DM23 includes the provision that, where proposals include driveways, hard standing or paving, the use of permeable materials and landscaping will be sought to minimise the cumulative impacts of flooding from such developments.
- 16.41 The site is located within Flood Zone 1 which means that there is low probability of flooding (less than 0.1%), with no recording of flooding on site. The development itself is therefore unlikely to be susceptible to flooding. The grounds to the north of the site are within Flood Zone 2 and 3, however additional built form is not proposed in these areas of higher flood risk.
- 16.42 Notwithstanding the above, a Flood Risk Assessment (FRA) is required as the site exceeds 1 hectare. The submitted FRA has been reviewed by Essex County Council as the Lead Local Flood Authority who raised no objection to the proposed development in principle, subject to conditions including the submission of a detailed surface water drainage scheme; a scheme to minimize the risk of offsite flooding caused by surface water run-off and groundwater during construction works and prevent pollution; a maintenance plan detailing the maintenance arrangement of the surface water drainage system; and the maintenance of yearly logs of maintenance. These are considered to be relevant and necessary in order to make the development acceptable. Subject to these conditions, it is held that the proposed development would comply with the aims of the above-mentioned policies.
- 16.43 Concerns were raised with regards to capacity issues at the Copford Water Recycling Centre, however, in an updated consultation response, Anglian Water confirmed that the Copford Water Recycling Centre will have the available capacity for the flows of this development and consequently, raised no objection to the proposed development subject to informatives.

#### Ecology

- 16.44 Section 40 of the Natural Environment and rural Communities Act (NERC) 2006 places a duty on all public authorities in England and Wales to have regard, in the exercise of their functions, to the purpose of conserving biodiversity and a core principle of the Framework is that planning should contribute to conserving and enhancing the natural environment.

16.45 Various Section 2 Local Plan Policies seek opportunities to safeguard and enhance biodiversity throughout the City. In particular, Policy ENV1 requires development proposals to be supported by appropriate ecological surveys where necessary; conserve or enhance the biodiversity value of greenfield and brownfield sites (minimising fragmentation of habitats); maximise opportunities for preservation, restoration, enhancement, and connection of natural habitats; and incorporate biodiversity net gain (BNG) of at least 10% in line with principles outlined in the Natural England Biodiversity Metric.

16.46 The application is supported by an Ecological Report, Biodiversity Net Gain Assessment Report and Biodiversity Net Gain Metric which assess the likely impacts of the proposed development on designated sites, protected species and Priority species and habitats and identify appropriate mitigation measures. These reports have been reviewed by Essex County Council Place Services Ecology and Green Infrastructure Environment & Climate Action who have confirmed that sufficient ecological information is available for the determination of this application. The information submitted provides certainty for the LPA of the likely impacts on designated sites, protected and Priority species & habitats and, with appropriate mitigation measures secured, the development can be made acceptable. The mitigation measures identified in the Ecological Report should be secured by a condition of any permission and implemented in full. This is necessary to conserve and enhance protected and Priority species.

Habitats Regulations Assessment / Appropriate Assessment

16.47 It is necessary to assess the application in accordance with the Habitats and Species Regulations 2017 (as amended). The whole of Colchester Borough is within the zone of influence of a European designated site and it is anticipated that the development is likely to have a significant effect upon the interest of key features of relevant habitat sites through increased recreational pressure, when considered either alone or in-combination with other plans and projects. An Appropriate Assessment was therefore required to assess recreational disturbance impacts as part of the draft Essex Coast Recreational disturbance Avoidance Mitigation Strategy (RAMS). The applicants have agreed to pay the RAMS contribution as required by the Council's Appropriate Assessment (£156.76 x 90). On that basis it is held that the scheme will mitigate the potential off-site impact to off-site protected areas. The contribution will need to be secured by the Legal Agreement.

Biodiversity Net Gain

16.48 The Biodiversity Metric 4.0 was used to calculate the pre-development baseline units which identified a total of 14.55 habitat units and 1.19 hedgerow units. The proposed development is expected to deliver a net gain of 9.6% in habitat units and 99.37% in hedgerow units. The proposed development is therefore considered to succeed in meeting the recommended 10% net gain in as set out in the Environment Act 2021 and local policy, albeit with a slight shortfall in the net gain of habitat units. Essex County Council Place Services Ecology and Green Infrastructure Environment & Climate Action have assessed the BNG calculation and are satisfied with the methodology. They support the proposed biodiversity enhancements to secure measurable net gains for biodiversity which they consider to be reasonable. These measures should be outlined within a Biodiversity Enhancement Strategy and be secured via

condition. Subject to recommended conditions, the impact of the proposed development will be minimized such that the proposal is acceptable.

### Trees

- 16.49 Section 2 Local Plan seeks to conserve and enhance Colchester's natural and historic environment, countryside and coastline. Policy CC1 seeks, where appropriate, to increase the level of canopy cover on site by a minimum of 10%.
- 16.50 A Canopy Cover Assessment was provided as part of the submitted Arboricultural Impact Assessment. This identified that the existing canopy cover on the site is 5,726m<sup>2</sup>. It is noted that 382m<sup>2</sup> of canopy cover is proposed to be removed, which will have to be replaced in conjunction with the additional 573m<sup>2</sup> of canopy cover that is required to be delivered as part of this proposal. The landscape proposals submitted together with this application include the planting of 274 new, mainly native, trees which would result in a canopy cover of 12,000m<sup>2</sup> (representing an increase of 6,274m<sup>2</sup>), thus significantly exceeding the 10% policy requirement.

### Archaeology

- 16.51 The proposals are for a sizeable development in close proximity to Stane Street a Roman road of regional importance (Colchester Historic Environment Record no. 8754), with consequent potential for below ground Roman remains. Furthermore, archaeological features dating to the early Iron Age were identified during excavations circa 200m to the south east, just to the west of Hall Road (CHER no. 10051). In order to achieve preservation in situ of any important heritage assets, any permission granted should be the subject of a planning condition to record and advance understanding of the significance of any heritage asset before it is damaged or destroyed.

### Contaminated Land

- 16.52 Section 2 Plan Policy ENV5 supports proposals that will not result in an unacceptable risk to public health or safety, the environment, general amenity, or existing uses due to the potential of air pollution, noise nuisance, surface / ground water sources or land pollution.
- 16.53 A Geotechnical and Geoenvironmental interpretive Report has been submitted in support of this application which was reviewed by the Contaminated Land Officer. They accept the notes in the report, however, as a result of contradictory comments within the report, it is considered that the worst-case scenario has not been captured with regards to ground gas monitoring. Further ground gas testing and a subsequent report are therefore required. However, it would appear that the site could be made suitable for its intended residential use based on the information provided to date and any planning permission would need to be the subject of the standard contaminated land conditions.

### Environmental and Carbon Implications

- 16.54 The Council has declared a Climate Emergency and has committed to being carbon neutral by 2030. The purpose of the planning system is to contribute to the achievement of sustainable development as defined in the 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. This report has taken into account the Climate Emergency and the sustainable development objectives set out in the Framework. Local Planning Policy for the development requires that demand reduction measures are implemented to achieve an improvement of Building Regulation standards or better, over Part L1 2021 standards.

16.55 The application is supported by an Energy & Sustainability Statement which confirms that it is the intention to incorporate energy saving measures and on site zero carbon generation beyond the current building regulations benchmark (contained within Part L). The development includes air source heat pumps and photovoltaic panels as well as a 'fabric first' approach to energy conservation which includes enhanced levels of insulation above that required by Building Regulations, thermally efficient windows including triple glazing and construction that is warm all the way round (reduced thermal bridges). These measures will last for the lifetime of the building and reduce the size of heating systems required.

16.56 The Energy & Sustainability Statement sets out that the proposed measures will result in a close to net zero building from the outset. Initial calculations have been undertaken that show the proposed strategy will result in emissions less than half of the new 2021 Building Regulations benchmark. It is therefore considered that the application represents sustainable development.

#### Other Matters

16.57 Concerns have been raised with regards to oversubscription of GP surgeries, dentists etc. Section 2 Plan Policy DM1 (Health and Wellbeing) does not require a Health Impact Assessment for schemes under 100 units. The NHS have assessed the scheme and requested a financial contribution to mitigate the increase in demand this scheme will generate. On this basis, the scheme is acceptable in that regard.

### **17.0 Planning Balance and Conclusion**

17.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that applications for planning permission should be determined in accordance with the Development Plan unless material considerations indicate otherwise. The Council can demonstrate an up to date adopted local plan and five-year housing land supply and therefore paragraph 11(d) of the Framework is not engaged.

17.2 The Framework makes it plain that the purpose of the planning system is to contribute to the achievement of sustainable development and identifies three dimensions to sustainable development: economic, social and environmental. In respect of the first of these, the current proposal would provide economic benefits, for example in respect of employment during the construction phase, as well as support for existing and future businesses, services, and facilities by introducing additional residents that would make use of them and provide future spend in the local economy. This should be given moderate weight.

- 17.3 The social role of sustainable development is described as supporting strong, vibrant and healthy communities by providing the supply of housing required to meet the needs of present and future generations and by creating a high-quality built environment with accessible local services that reflect the community's needs and support its health, social and cultural well-being. The proposal is considered to meet these objectives as it would contribute towards the number of dwellings required to support growth in Copford and is located within walking distance of a number of key local services and facilities required for day-to-day living. There is a body of evidence to support the provision of housing for older people, such as extra care housing, which allows for and enables social contact and interaction, helping to address issues of loneliness and isolation that can occur. To be successful in this, such developments need to be situated in the community, close to local amenities and facilities, to ensure that people within the scheme can stay independent and involved members of that community for as long as possible. The entire site would include a mix of uses with associated comings and goings and activities. Future occupants would have the benefit of living as a community with associated opportunities for social interaction with each other. This would help tackle issues of isolation. Future residents of the development would therefore benefit from improved well-being and health. These benefits are given considerable weight and are held to outweigh any shortcomings of the development with regard to its design.
- 17.4 In respect of the environmental dimension, the proposal would provide housing in a sustainable location so that future residents would not be reliant on a private car, being able to walk or use public transport to access necessary services and facilities, thereby minimising environmental impacts. It would also secure ecological enhancements which weigh in favour of the proposed development. These benefits should be given moderate weight.
- 17.5 The proposed development, however, has also been found to cause *less than substantial harm* to the setting of nearby heritage assets. Paragraph 208 of the Framework requires development proposals which will lead to less than substantial harm to the significance of a designated heritage asset to weigh this harm against the public benefits of the proposal. The public benefits in this instance include the provision of 90 new residential units of a specialist nature, a large area of POS and provision of various walking routes together with the above-mentioned biodiversity enhancements. The identified benefits represent wider public benefits which are considered to outweigh the less than substantial harm to the identified heritage assets.
- 17.6 There is also sufficient evidence to be confident that overall, the development would not cause significant harm to the amenity of nearby residents or have a severe impact upon the highway network.
- 17.7 On the basis of the above, it is concluded that the benefits of the scheme convincingly outweigh any adverse impacts identified and the proposal is therefore acceptable. The planning balance therefore tips strongly in favour of an approval.

## **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. Delegated authority to make non-material amendments to planning conditions as necessary. The Permission will also be subject to the following conditions:

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

The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.

### **2. Development To Accord With Approved Plans**

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

5277-TF-ZZ-SP-DR-A-2000 Rev P6 (Proposed Master Layout Plan)

5277-TF-AL-SP-DR-A-2001 Rev P4 (Site Plan – Assisted Living)

5277-TF-AL-GF-DR-A-2002 Rev P7 (Ground Level Plans Assisted Living)

5277-TF-AL-1F-DR-A-2003 Rev P8 (First Level Plan Assisted Living)

5277-TF-AL-2F-DR-A-2004 Rev P6 (Second Level Plan Assisted Living)

5277-TF-AL-3F-DR-A-2005 Rev P5 (Third Level Plan Assisted Living)

5277-TF-AL-RF-DR-A-2006 Rev P3 (Roof Level Plan Assisted Living)

5277-TF-SB-SP-DR-A-2010 Rev P2 (Site Plan Sheltered Block)

5277-TF-SB-GF-DR-A-2011 Rev P3 (Ground Level Plan Sheltered Block)

5277-TF-SB-1F-DR-A-2012 Rev P3 (First Level Plan Sheltered Block)

5277-TF-SB-RF-DR-A-2013 Rev P2 (Roof Level Plan Sheltered Block)

5277-TF-SP-XX-DR-A-2015 Rev P3 (Parking Strategy Plan)

5277-TF-SB-XX-DR-A-2020 Rev P1 (Substation Switchroom & Refuse)

5277-TF-SB-00-DR-A-2030 Rev P1 (Proposed Sheltered Block Adjacency)

5277-TF-AL-XX-DR-A-2100 Rev P5 (Elevations 01 Assisted Living Block)

5277-TF-AL-XX-DR-A-2101 Rev P6 (Elevation02 Assisted Living Block)

5277-TF-AL-XX-DR-A-2102 Rev P4 (Site Section A-A)

5277-TF-AL-XX-DR-A-2103 Rev P4 (Elevation 05 Assisted Living Block)

5277-TF-SB-XX-DR-A-2110 Rev P2 (ShelteredBlockElevation03)

5277-TF-SB-XX-DR-A-2111 Rev P3 (Sheltered Block Elevation 04)

5277-TF-ZZ-XX-DR-A-2112 Rev P1 (Architectural Treatment)

5277-TF-ZZ-XX-BP-A-1000 Rev P3 (Location Plan)

Arboricultural Assessment & Method Statement by M Welby Ltd (Reference MW.21.0825.AIA, dated 28 October 2022)

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

### **3. Materials**

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

Planning Authority. Such materials as may be approved shall be those used in the development.

Reason: In order to ensure that suitable materials are used on the development in the interests of good design and visual amenity as there are insufficient details within the submitted planning application.

#### **4. Architectural Detailing**

Notwithstanding the details submitted, no works shall commence (above ground floor slab level) until additional drawings that show details of the architectural detailing of the development hereby approved have been submitted to and approved in writing by the Local Planning Authority. Details shall include window detailing (opening casement should match fixed element); doors, cills, lintels, arches, eaves, verges, ridge, brickwork /stone work detailing, transitions between materials, chimneys; recessed/projecting/decorative brickwork; bays, porches, canopies, balconies, plinths; blank and faux windows; and any rainwater goods to be used, by section and elevation, at scales between 1:20 and 1:1, as appropriate. The development shall thereafter be implemented in accordance with the approved additional drawings.

Reason: Insufficient detail has been submitted to ensure that the proposed works are of high quality design and that the character and appearance of the area is not compromised by poor quality architectural detailing.

#### **5. Utilities**

No works shall commence (above ground floor slab level) until details (including position) of all external plant (including solar PV), extract ducts, vents, grilles and meter housings have been submitted to and approved, in writing, by the Local Planning Authority. The development shall thereafter be implemented in accordance with the approved details.

Reason: In the interests of good design and visual amenity, as there are insufficient details within the submitted planning application.

#### **6. Site Levels**

Notwithstanding the details shown on the approved drawings, prior to the commencement of any development detailed drawings illustrating the existing and proposed levels across the site, by way of appropriate spot heights and finished floor levels, shall be submitted to and approved, in writing, by the Local Planning Authority. Where levels are proposed to be altered adjacent to site boundaries, the details should evidence levels on the adjacent land beyond the site boundary. In instances where the details illustrate substantial variances in the proposed levels, details shall be submitted that demonstrate how the transition between the levels will be facilitated. The development shall thereafter be carried out in accordance with the approved details.

Reason: In order to allow more detailed consideration of any changes in site levels where it is possible that these may be uncertain and open to interpretation at present and where there is scope that any difference in such interpretation could have an adverse impact on placemaking, public amenity or residential amenity.

#### **7. Full Landscape Details**

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



agreed, in writing, by the Local Planning Authority. The submitted landscape details shall be in full compliance with the Councils Landscape Guidance Note LIS/C and include:

- Finished levels or contours, where notable changes are proposed.
- Means of enclosure.
- Car parking layouts and 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.).
- Planting plans (drainage and building foundation detailing shall take account of the position of the trees as so indicated).
- Written specifications.
- 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

## **8. Landscape Management Plan**

Prior to the first occupation of the development, a landscape management plan detailing long term design objectives and management responsibilities for all landscape areas other than small, privately owned, domestic gardens shall be submitted to and agreed, in writing, by the Local Planning Authority. The landscape management plan shall thereafter be carried out as approved at all times. Reason: To ensure the proper management and maintenance of the approved landscaping in the interests of amenity and the character and appearance of the area.

## **9. Contaminated Land Part 1 of 4 (Site Characterisation)**

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

- (i) a survey of the extent, scale and nature of contamination, including contamination by soil gas and asbestos;
- (ii) an assessment of the potential risks to:
  - human health,
  - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
  - adjoining land,
  - groundwaters and surface waters,
  - ecological systems,

- archaeological sites and ancient monuments;

(iii) an appraisal of remedial options, and proposal of the preferred option(s). This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and the Essex Contaminated Land Consortium's 'Land Affected by Contamination: Technical Guidance for Applicants and Developers'.

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

#### **10. Contaminated Land Part 2 of 4 (Submission of Remediation Scheme)**

No works shall take place until a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment has been prepared and then submitted to and agreed, in writing, by the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

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

#### **11. Contaminated Land Part 3 of 4 (Implementation of Approved Remediation Scheme)**

No works shall take place other than that required to carry out remediation, the approved remediation scheme must be carried out in accordance with the details approved. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works. Following completion of measures identified in the approved remediation scheme, a verification/validation report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

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

#### **12. Contaminated Land Part 4 of 4 (Reporting of Unexpected Contamination)**

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition 9, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 10, 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 11.

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

### **13. Validation Certificate**

Prior to the first occupation of the development, the developer shall submit to the Local Planning Authority a signed certificate to confirm that the remediation works have been completed in accordance with the documents and plans detailed in Condition 12.

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.

### **14. Surface Water Drainage Scheme**

No works except demolition 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 scheme should include but not be limited to:

- Limiting discharge rates to 1:1 Greenfield runoff rates for all storm events up to and including the 1 in 100 year rate plus 40% allowance for climate change
- Provide sufficient storage to ensure no off site flooding as a result of the development during all storm events up to and including the 1 in 100 year plus 45% climate change event.
- Demonstrate that all storage features can half empty within 24 hours for the 1 in 30 plus 45% climate change critical storm event.
- Demonstrate that features are able to accommodate a 1 in 10 year storm events within 24 hours of a 1 in 30 year event plus climate change, if hal drain times are not sufficient.
- Final modelling and calculations for all areas of the drainage system.
- The appropriate level of treatment for all runoff leaving the site, in line with the Simple Index Approach in chapter 26 of the CIRIA SuDS Manual C753.
- 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.

The scheme shall subsequently be implemented prior to occupation.

Reason: To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site. To ensure the effective operation of SuDS features over the lifetime of the development. To provide mitigation of any environmental harm which may be caused to the local water environment

### **15. Scheme to Minimise Risk of Offsite Flooding**

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 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. The scheme shall subsequently be implemented as approved.

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

### **16. Surface Water Drainage Maintenance Plan**

Prior to occupation a surface water drainage maintenance plan detailing the maintenance arrangements (including who is responsible for different elements of the surface water drainage system, the maintenance activities/frequencies, and maintenance logs) 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.

### **17. Construction Environmental Management Plan**

No development shall take place until a Construction Environmental Management Plan (CEMP) has been submitted to and approved, in writing by, the Local Planning Authority. Ideally, strategic elements of the GI framework are brought forward in phase one of the development to create a landscape structure or evidence is shown that substantive GI is secured as early as possible in initial phases of delivery to allow early establishment. Therefore, a CEMP will be required to set out how retained GI, such as trees, hedges and vegetation, as well as any nature designed sites (e.g. SSSI's etc.) will be protected during construction.

Reason: The phased implementation of new GI of the development construction will allow for the GI to mature and it will provide further benefit of reducing/buffering the aesthetic impact from the construction work.

### **18. Landscape Ecological Management and Maintenance Plan**

No development shall take place until a landscape ecological management and maintenance plan and work schedule for a minimum of 10 years has been submitted to and approved, in writing, by the Local Planning Authority. Details should include who is responsible for GI assets (including any surface water drainage system), the maintenance activities/frequencies and details on how management company services for the maintenance of GI assets and green spaces shall be funded and managed for the lifetime of the development.

Reason: To ensure appropriate management and maintenance arrangements and funding mechanisms are put in place to maintain high-quality value and benefits of the GI assets.

### **19. Yearly Logs of Maintenance**

The applicant or any successor in title must maintain yearly logs of maintenance which should be carried out in accordance with any approved LEMP/Maintenance Plan. These must be available for inspection upon a request by the Local Planning Authority.

Reason: To ensure the GI are maintained for the lifetime of the development as outlined in any approved Maintenance Plan so that they continue to function as intended to ensure the high-quality and multi-functional benefits of GI assets.

### **20. Biodiversity Enhancement Strategy**

Prior to any works above slab level being undertaken, a Biodiversity Enhancement Strategy for protected and Priority species shall be submitted to and approved in writing by the Local Planning Authority.

The content of the Biodiversity Enhancement Strategy shall include the following:

- a) Purpose and conservation objectives for the proposed enhancement measures;
- b) Detailed designs to achieve stated objectives;
- c) Locations of proposed enhancement measures by appropriate maps and plans;
- d) Persons responsible for implementing the enhancement measure;
- e) Details of initial aftercare and long-term maintenance (where relevant).

The works shall be implemented in accordance with the approved details prior to occupation and shall be retained in that manner thereafter.

Reason: To enhance protected and Priority species & habitats and allow the LPA to discharge its duties under the s40 of the NERC Act 2006 (Priority habits & species).

### **21. Habitat Management and Monitoring Plan**

No development shall commence until a Habitat Management and Monitoring Plan has been provided to ensure that there is a minimum 10% net gain in biodiversity within a 30 year period as a result of the development has been submitted to and agreed in writing by the Local Planning Authority. The net biodiversity impact of the development shall be measured in accordance with the Secretary of State's biodiversity metric as applied in the area in which the site is situated at the relevant time.

The content of the Habitat Management and Monitoring Plan should include the following:

- a) Proposals for the on-site biodiversity net gain;
- b) A management and monitoring plan for onsite biodiversity net gain including 30 year objectives, management responsibilities, maintenance schedules and a methodology to ensure the submission of monitoring reports in years 2, 5, 10, 15, 20, 25 and 30 from commencement of development, demonstrating how the BNG is progressing towards achieving its objectives, evidence of arrangements and any rectifying measures needed;
- c) Proposals for any off-site biodiversity net gain provision;
- d) A management and monitoring plan for all offsite biodiversity net gain including 30 year objectives, management responsibilities, maintenance schedules and a methodology to ensure the submission of monitoring reports in years 2, 5, 10, 15, 20, 25 and 30 from commencement of development, demonstrating how the BNG is progressing towards achieving its objectives, evidence of arrangements and any rectifying measures needed:

The development shall be implemented in full accordance with the requirements of the approved Habitat Management and Monitoring Plan.

Reason: To allow the development to demonstrate measurable biodiversity net gains and allow LPA to discharge its duties under the Framework and s40 of the NERC Act 2006 (Priority habitats & species).

## **22. Construction Method Statement**

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

- the parking of vehicles of site operatives and visitors;
- hours of deliveries and hours of work;
- loading and unloading of plant and materials;
- storage of plant and materials used in constructing the development;
- the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- wheel washing facilities;
- measures to control noise and vibration;
- measures to control the emission of dust and dirt;
- a scheme for recycling/disposing of waste resulting from demolition and construction works (no waste materials should be burnt on the site).

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.

## **23. Highway works**

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

- a) The vehicular and pedestrian access arrangements as shown in principle on the approved drawings.

- b) Upgrade of the bus stops which would best serve the site to Essex County Council specification (details shall be agreed with the Local Planning Authority prior to commencement of the development)

Reason: To protect highway efficiency of movement and safety and to ensure the proposal site is accessible by more sustainable modes of transport such as public transport, cycling and walking.

#### **24. Cycle Parking**

Notwithstanding the details hereby approved, prior to the development hereby permitted coming in to use, details of the number, location and design of cycle parking facilities shall be submitted to and approved, in writing, by the Local Planning Authority. The approved facilities shall be secure, convenient and covered and shall be provided prior to occupation and retained for that purpose at all times thereafter.

Reason: To ensure appropriate cycle parking is provided in the interest of highway safety.

#### **25. Ecological Mitigation**

All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Ecology Report (Applied Ecology Ltd, October 2022), Landscape Softworks Plan (Portus+Whitton LLP, project no. 1750, Drg no. 02, Rev F, October 2022), Landscape Master Plan (Portus+Whitton LLP, project no. 1750, Drg no. 01, Reg G, October 2022) and Biodiversity Net Gain Assessment Report (Applied Ecology, AEL2037\_v2.0\_20230609).

This may include the appointment of an appropriately competent person e.g. an ecological clerk of works (ECoW) to provide on-site ecological expertise during construction. The appointed person shall undertake all activities, and works shall be carried out, in accordance with the approved details.

Reason: To conserve and enhance protected and Priority species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended and S.40 of the NERC Act 2006 (Priority habitats & species).

#### **26. Wildlife Sensitive Lighting Design Scheme**

Prior to the first occupation of the development hereby approved, a lighting design scheme for biodiversity shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall identify those features on site that are particularly sensitive for bats and that are likely to cause disturbance along important routes used for foraging; and show how and where external lighting will be installed (through the provision of appropriate lighting contour plans, Isolux drawings and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory.

All external lighting shall be installed in accordance with the specifications and locations set out in the scheme and maintained thereafter in accordance with the scheme. Under no circumstances should any other external lighting be installed without prior consent from the Local Planning Authority.

Reason: To allow the Local Planning Authority to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife &

Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species).

## **27. External noise**

The recommendations in the accompanying acoustic report shall be implemented to ensure internal noise levels comply with the current version of BS8233 and that maximum internal noise levels at night do not exceed 45dBA on more than 10 occasions a night. The development shall thereafter be carried out in accordance with any details approved, and shall be retained in accordance with these details thereafter.

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

## **28. Limits to Hours of Work**

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

Weekdays: 08:00-18:00

Saturdays: 08:00-13:00

Sundays and Bank Holidays: No working.

Reason: To ensure that the construction phase of the development hereby permitted is not detrimental to the amenity of the area and/or nearby residents by reason of undue noise at unreasonable hours.

## **19.1 Informatives**

19.1 The following informatives are also recommended:

### **Advisory Note on Construction & Demolition**

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

### **Informative on Conditions Stating Prior to Commencement/Occupation**

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

### **Landscape**

Detailed landscape proposals, when submitted in order to discharge landscape conditions should first be cross-checked against the Council's Landscape Guidance Note LIS/B/C (this available on this CBC landscape webpage:



<https://www.colchester.gov.uk/info/cbcarticle/?catid=which-application-form&id=KA-01169> under Landscape Consultancy by clicking the 'read our guidance' link)

### **Archaeology**

PLEASE NOTE The submitted scheme of archaeological investigation should be in accordance with an agreed brief. This can be procured beforehand by the developer from Colchester Borough Council. Please see the Council's website for further information:

<http://www.colchester.gov.uk/article/13595/Archaeology-and-the-planning-process>

### **Informative on Section 106 Agreements**

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

### **Anglian Water**

Notification of intention to connect to the public sewer under S106 of the Water Industry Act Approval and consent will be required by Anglian Water, under the Water Industry Act 1991. Contact Development Services Team 0345 606 6087.

### **Anglian Water - Protection of existing assets**

A public sewer is shown on record plans within the land identified for the proposed development. It appears that development proposals will affect existing public sewers. It is recommended that the applicant contacts Anglian Water Development Services Team for further advice on this matter. Building over existing public sewers will not be permitted (without agreement) from Anglian Water.

### **Anglian Water - Building near to a public sewer**

No building will be permitted within the statutory easement width of 3 metres from the pipeline without agreement from Anglian Water. Please contact Development Services Team on 0345 606 6087.

### **Anglian Water**

The developer should note that the site drainage details submitted have not been approved for the purposes of adoption. If the developer wishes to have the sewers included in a sewer adoption agreement with Anglian Water (under Sections 104 of the Water Industry Act 1991), they should contact Anglian Water's Development Services Team on 0345 606 6087 at the earliest opportunity. Sewers intended for adoption should be designed and constructed in accordance with Sewers for Adoption guide for developers, as supplemented by Anglian Water's requirements.

### **Informative on Any Application With a Site Notice**

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