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Item No: 7.1

Application: 222839

Applicant: Bilaman Ltd

Agent: Mr Steve Norman

Proposal: Outline application for erection of 7 almshouse type one bedroom dwellings with associated parking facilities, alterations and improvements to existing vehicular access and diversion of part of footpath no. 137

Location: Land Adj, 62 Brook Street, Colchester, CO1 2UT

Ward: Castle

Officer: Chris Harden

Recommendation: Approval

1.0 Reason for Referral to the Planning Committee

- 1.1 This application is referred to the Planning Committee because Councillor Nissen had expressed a desire to call in the application combined with the fact that the application is locally controversial with an appeal history. Councillor Nissen stated: "A resident has just recently contacted me regarding the planned building of 7 new houses off Brook Street - application number 222839, which closed in mid-December. This is on ecological and infrastructure grounds. I appreciate the date has passed for the call-in, and I did receive the notification as per process; would there be any grounds on which yourself as Chair and the Planning Committee would be willing to accept a late call-in?"

2.0 Synopsis

- 2.1 The key issues for consideration are the principle of the proposal, the layout and the impact upon highway safety, residential amenity, wildlife, vegetation and the diversion of the footpath.
- 2.2 The application is subsequently recommended for approval. As the site lies within the settlement limits, the proposal should be judged on its planning merits in accordance with adopted Local Plan settlement policies which aim to direct such development to the most sustainable locations. The NPPF has similar provisions. The principle is therefore considered acceptable as this is deemed a sustainable location. The proposal has overcome previous highway concerns by providing adequate vehicular parking and manoeuvring space and a safe and visually acceptable access with appropriate visibility splays. The layout and access are thus considered acceptable subject to the diversion of part of the public footpath which will need to be formally approved prior to any commencement. It is not considered the diversion of part of the public Footpath would have a significant impact upon its users.
- 2.3 The layout shows that a scheme of single storey almshouses, aimed at people 60 years of age or over, could fit onto the site without resulting in overdevelopment or detracting from the street scene. It is considered there would not be a significant impact upon wildlife or upon important vegetation, as backed up by the submission of updated reports. There would not be a significant impact upon neighbouring residential amenity and there is no objection on flood risk grounds.

3.0 Site Description and Context

- 3.1 The site lies within the settlement limits of the City and is currently part of residential curtilage i.e. side and rear garden of the adjacent property. The site has constraints of potential contaminated land and with part of the site along the North East boundary within Floodzone 2/3. It is in an area that benefits from Flood defences. A footpath runs alongside of the site and a section of it would need to be diverted near Brook St.

4.0 Description of the Proposal

- 4.1 The proposal is an Outline application for erection of 7 Almshouse type dwellings comprising one bedroom dwellings with associated parking facilities, together with alterations and improvements to existing vehicular access and diversion of part of footpath No. 137. All matters are reserved apart from access and layout.
- 4.2 The proposed access and parking arrangement has been amended from the previous refusal ref:192822. The agent states that alterations to the geometry of the proposed access where it meets Brook Street, that are required to comply with the Highway Authority requirements, mean that the final 13m of public footpath 137 (which runs along the southern boundary of the site) as it connects with Brook Street would need to be realigned.
- 4.3 An updated Arboricultural Impact Assessment, updated Ecology Survey and Flood Risk Assessment have been submitted.
- 4.4 The agent states that the proposal is “still based on a development designed for those persons who do not necessarily rely on a motor vehicle, more importantly those over 60 years of age who may no longer have a car. A condition restricting occupancy to those over 60 years of age would be welcomed.”

5.0 Land Use Allocation

- 5.1 Residential curtilage

6.0 Relevant Planning History

- 6.1 192822 7 almshouses refused.

Resubmission of 171744 but with additional parking (13 in total)- appeal dismissed November 2018. The previous application was itself a resubmission of 170642 which was refused.

The site proposed for 7 one bedroom dwellings lies well beyond the town centre with access off a busy road and in area where parking provision is at a premium. The provision of a build out into Brook Street will introduce a further hazard and obstruction to road users contrary to highway safety and also fails to be supported by a Stage One Road Safety Audit together with the Designers response. The proposed build out into the carriageway will also provide an informal pedestrian crossing point and introduce pedestrians into the paths of moving traffic which rarely breaks and is relatively constant throughout the day but particularly heavy at peak flows contrary to highway safety.

The proposal fails to provide a vehicular access of sufficient width to enable vehicles to pass unopposed. The proposal is likely to lead to vehicles reversing into the highway contrary to the further detriment of highway safety. In addition the proposal fails to provide a vehicular access at right angles to the existing highway and straight for at least the first 6 metres within the site contrary to current design standards and highway safety.

The proposal fails to provide off street parking spaces with dimensions in accord with current Parking Standards which is likely to lead to vehicles being left parked in the access route or adjacent highway causing conditions of danger, obstruction or congestion contrary to highway safety. In addition the applicant does not appear to own or control sufficient land to provide the proposed access with adequate pedestrian visibility splays contrary to the recommended minimum standards for highway safety. The proposal will deprive the existing dwelling (No 62) of its vehicular access and off street parking facilities leading to additional vehicles being parked in the adjoining highway causing conditions of danger and obstruction to road users contrary to the interests of highway safety.

The proposal would therefore be contrary to the following policies of the Local Plan Development Policies document adopted 2010 (with selected Policies revised July 2014):

(i) DP1 which provides that all development should create a safe environment.

(ii) Policy DP12 which provides that residential development should be guided by high standards of layout including having regard to adopted vehicular parking standards.

(iii) Policy DP19 which refers to the adopted Essex County Council Parking Standards document which states that a minimum of 1 car parking space should be provided for each 1 bedroom dwelling plus 0.25 spaces per dwelling for visitors at a minimum size of 5.5m x 2.9 m each.

(iv) The proposal would also be contrary to the Borough Council's Supplementary Planning Document Backland and Infill (Adopted Sept 2009 and revised Dec 2010) which aims to ensure that for any such development, environmental impacts are minimised and that parking arrangements should be considered, including adequate parking provision. The Document also states that residential layouts should be safe and that adequate visibility splays will be required.

- 6.2 Apart from the previously refused applications ref:171744 & 170642 (7 dwellings), there is further planning history on the site including the appeal 146519 for 5 dwellings. This was dismissed on appeal on the grounds of the access impact upon the amenity of number 62 and also detriment to highway safety as the access visibility splays were poor.

14/6519 Inspector's comments: (impact upon amenity of 62

There is an existing vehicular access to the land at the rear of No 62 which the appellant says provides access to the allotments to the north of the site. However, at the time of my visit access to the site was obstructed by high locked gates and from the condition of the land it appeared that it is little used as there was no evidence of tyre tracks past the gates although there was some evidence of a vehicle being parked in front of the gates.

9. The proposed access to the development would run along the southern boundary of the site and would extend obliquely across almost all of the front garden of No 62. As Brook Street is higher than the level of the ground floor of the existing house the proposed access would not only pass close to No 62 but also at a higher level.

10. The appellant states that it is intended to remodel No 62 so that the main entrance to the property would be provided in the side elevation which would also allow direct access to the proposed new parking space. It is also suggested that there is enough separation between the new access and No 62 to provide soft landscaping that would reduce the visual effect of the proposed access.

11. However, the property contains a habitable room on the ground floor which would still face towards the proposed access that would cross very close to the front of the property. In addition, the proposed development would be likely to lead to a substantial increase in vehicular movements on and off the site. Consequently, the intensification of use, the topography and the proximity of the proposed access to No 62 would result in vehicles passing close to and across the front of No 62. The movement of the vehicles, the light from them during the hours of darkness and associated disturbance would all harm the living conditions of the occupants of No 62. Furthermore, there would be limited room for landscaping and I do not consider the suggested provision of soft landscaping or internal rearrangement of the property would mitigate the harm.

12. In support of the proposal the appellant refers to a number of matters. Reference is made to other developments in the locality which have small frontages and accesses onto significantly busier roads. I do not have the full details of these developments or the circumstances that led to the developments. However, from the information available to me these developments would seem to differ from the appeal proposal in that footways provide a greater separation between the carriageway and the dwelling than would be the case in this appeal where the need for separation is greater because of the level differences noted earlier. The appellant also states a previous application that was refused by the Council for 12 dwellings on the site did not include within the reasons for refusal any reference to the impact of the proposal on the living conditions of the occupants of No 62. That may be so but I must determine this appeal on its merits.

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
 ENV3 Green Infrastructure
 ENV5 Pollution and Contaminated Land
 CC1 Climate Change
 PP1 Generic Infrastructure and Mitigation Requirements
 DM1 Health and Wellbeing
 DM2 Community Facilities
 DM3 Education Provision
 DM4 Sports Provision
 DM7 Agricultural Development and Diversification
 DM8 Affordable Housing
 DM9 Development Density
 DM10 Housing Diversity
 DM12 Housing Standards
 DM15 Design and Amenity
 DM16 Historic Environment
 DM17 Retention of Open Space
 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

7.5 Some "allocated sites" also have specific policies applicable to them but this is not applicable this site.

7.6 There is no applicable Neighbourhood Plan.

7.8 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
Cycling Delivery Strategy
Urban Place Supplement
Sustainable Drainage Systems Design Guide
Street Services Delivery Strategy
Planning for Broadband 2016
Managing Archaeology in Development.
Developing a Landscape for the Future
ECC's Development & Public Rights of Way
Air Quality Management Guidance Note, Areas & Order

5 Year Housing Land Supply

Section 1 of the Colchester Local Plan 2017-2033 was adopted by the Council on the 1 February 2021, with Section 2 being adopted in July 2022. The complete Local Plan carries full statutory weight as the development plan.

Section 1 includes strategic policies covering housing and employment, as well as infrastructure, place shaping and the allocation of a Garden Community. Policy SP4 sets out the annual housing requirement, which for Colchester is 920 units. This equates to a minimum housing requirement across the plan period to 2033 of 18,400 new homes.

The Tendring Colchester Borders Garden Community is allocated in Section 1, all other site allocations are made within Section 2 of the Plan. Within Section 2 the Council has allocated adequate sites to deliver against the requirements set out in the strategic policy within the adopted Section 1. All allocated sites are considered to be deliverable and developable.

In addition and in accordance with the NPPF, the Council maintains a sufficient supply of deliverable sites to provide for at least five years' worth of housing, plus an appropriate buffer and will work proactively with applicants to bring forward sites that accord with the overall spatial strategy. The Council has consistently delivered against its requirements which has been demonstrated through the Housing Delivery Test. It is therefore appropriate to add a 5% buffer to the 5-year requirement. This results in a 5 year target of 4,830 dwellings (5 x 920 + 5%).

The Council's latest published Housing Land Supply Annual Position Statement (July 2022) demonstrates a housing supply of 5,074 dwellings which equates to 5.25 years based on an annual target of 920 dwellings (966 dwellings with 5% buffer applied) which was calculated using the Standard Methodology. This relates to the monitoring period covering 2022/2023 through to 2026/27.

8. Five Year Supply Calculation

8.1 The table below illustrates the 5-year supply calculation for the district during the period between 2022/2023 through to 2026/2027.

Housing Need OAHN	
Annualised objectively assessed housing need (OAHN)	920
5 year housing requirement (5x920)	4600
5 year housing requirement and 5% buffer	4830
Supply	
Permissioned sites, existing allocations and windfall allowance	5074
Total number of years' worth of housing supply including emerging allocations	
Supply against OAN with permissioned sites, existing allocations and windfall	5.25

8.2 The calculation above demonstrates that the Council has a sufficient supply of deliverable housing to meet the 5-year requirement. A total of 5.25 years is deliverable within this period.

In accordance with paragraph 73 of the NPPF, the adoption of the strategic housing policy in Section 1 of the Local Plan the adopted housing requirement is the basis for determining the 5YHLS, rather than the application of the standard methodology.

Given the above, it is therefore considered that the Council can demonstrate a five year housing land supply.

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 Contaminated land officer states:

“Phase II Geoenvironmental Assessment Report. Dated 22.04.2014.
Reference 77189-REP-ENV-R4

The above named report has been submitted as part of this application, however it is not supported by a Phase I report which would detail the history of the site.

This report is dated April 2014 and does not contain any site walkover photos or details. We would require a supporting Phase I detailing the historic use of the site, up to date site walkover photographs and relevant information detailing the use of the site from this report in 2014 to now.

The report mentions a further report:

MLMCEL 2014 PCA 771789 -REP-ENV-R1, which has not been submitted at this time and I would need to be in order to be considered.

Water pipework

It is noted the recommendation to contact the local water authority with regards to suitability of drinking water pipework and we would require evidence this has been completed. If any upgraded pipework is required, any verification reports must include evidence of these pipes being purchased and installed.

Clean capping

It is noted the recommendation for capping of gardens and soft landscaped areas. We would require waste transfer tickets for any soil removed from site and testing and delivery notes for any topsoil delivered to site which must be from a reputable supplier.

Ground gas testing

The report suggests that further ground gas testing may be required, and we would require this further information on this.

At the moment there is insufficient information in this application and as stated above we require further clarification.

However it would appear that the site could be made suitable for its proposed residential use and the following will apply;

If you were minded to grant permission for this development, we would apply the following conditions based upon the findings from the report:

ZGX - Contaminated Land Part 1 of 4 (Site Characterization)

ZGY - Contaminated Land Part 2 of 4 (Submission of Remediation Scheme)

ZGZ - Contaminated Land Part 3 of 4 (Implementation of Approved Remediation Scheme)

ZG0 - Contaminated Land Part 4 of 4 (Reporting of Unexpected Contamination)

ZG3 - *Validation Certificate*

8.3 **Natural England** Zone of Influence: (RAMS contribution would be required) : not objected and referred to standing advice about protected species.

8.4 **Highway Authority:**

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

No development shall be permitted to commence on site until such time as an Order securing the diversion of the existing definitive right of way to a route to be agreed with the Local Planning Authority has been confirmed and the new route has been constructed to the specifications of the Local Planning Authority.

Prior to the first occupation of the proposed dwellings, the proposed vehicular access shall be reconstructed to a width of 5.5m straight for at least the first 6m within the site tapering one-sided over the next 6m. to no less than 3.7m and shall be provided with an appropriate dropped kerb vehicular crossing of the footway/highway verge to the specifications of the Highway Authority.

The gradient of the proposed vehicular access shall be not steeper than 4% (1 in 25) for at least the first 6m. from the highway boundary and not steeper than 8% (1 in 12.5) thereafter.

No unbound materials shall be used in the surface treatment of the proposed vehicular access within 6m of the highway boundary.

Prior to the occupation of the proposed development the applicant shall provide a refuse/ recycling / bin store within 15m of the vehicular access within the site which shall be maintained free from obstruction and retained thereafter.

The development shall not be occupied until such time as car parking has been provided in accord with current Parking Standards together with and workable, convenient and efficient turning area to serve the proposed development site and number 62 Brook Street.

These facilities shall be retained in this form at all times and shall not be used for any purpose other than the parking and turning of vehicles related to the use of the development thereafter.

All footways should be provided at no less than 2.0m in width within the site and designed to ensure safe, efficient and convenient access for wheelchairs and mobility scooters.

No development shall take place, including any site clearance, ground works or works of demolition, until a Construction Management Plan (CMP) has been submitted as a scaled drawing to and approved in writing by the local planning authority. The approved plans shall be adhered to throughout the construction period. The plans shall provide for:

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

Prior to the occupation of the proposed dwellings, Public Footpath No 137 (Colchester) shall be improved by the removal of side growth to a height of 2.6m AGL on both sides of the footpath, resurfacing of the footpath with a suitable material (tram & road plannings etc) and compacted to current standards throughout the site to the eastern boundary of the proposed development site together with an appropriately constructed connection to the existing footway on Brook Street.

The development shall not be occupied until such time as details of the provision for parking and storage of bicycles, of a design that shall be

approved in writing with the Local Planning Authority. The approved facility shall be secure, convenient, covered and provided prior to the first occupation of the proposed development hereby permitted within the site which shall be maintained free from obstruction and retained thereafter.

There shall be no vehicular access or vehicular connection from the highway to Number 62 Brook Street except from the proposed development sites car parking facility and reconstructed access to serve the site and number 62 Brook Street.

Informative1: The public's rights and ease of passage over Public Footpath No.137 (Colchester) shall be maintained free and unobstructed at all times and there shall be no access for any construction activities from the footpath.

Informative2: The necessary reconstructed vehicular access is likely to extend to and over the existing Public Footpath No.137 (Colchester), the proposed diversion of this footpath should provide a reasonable margin between the vehicular access and footpath so as there can be no vehicular overruns of the footpath and areas of conflict between pedestrians and motor cars is designed out.

Furthermore, the diverted section of footpath is likely to be required to be 2.0m in width and the footpath should be as open as possible, 1.8m high fencing on both sides avoided and minimised to retain a degree of intervisibility along the footpath throughout.

(Additional land maybe required from Number 64 Brook Street to accommodate both footpath and reconstructed vehicular access).

Informative3: All work within or affecting the highway is to be laid out and constructed by prior arrangement with and to the requirements and specifications of the Highway Authority; all details shall be agreed before the commencement of works.

The applicants should be advised to contact the Development Management Team by email at development.management@essexhighways.org.

8.5 **Environmental Health:** Recommend conditions

ZPA – Construction Method Statement

ZPD - Limits to Hours of Work

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

Weekdays: 08.00 – 18.00

Saturdays: 08.00 – 13.00

Sundays and Bank Holidays: none

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

8.6 **Tree Officer:** Comments that regarding the proposed development and AIA provided that he is in agreement with the tree report provided and the proposal. With All trees to be removed considered to be of low value and/or in a dangerous

condition In conclusion, he is satisfied with the arboricultural content of the proposal.

- 8.7 **Environment Agency:** Have no observations- previously stated “same response as before i.e. have no objection on flood risk grounds, providing that you are satisfied that the development will be safe for its lifetime and you assess the acceptability of the issues within your remit.

Flood Risk

Our maps show the site lies within tidal Flood Zones 3a, 2 and 1, defined by the ‘Planning Practice Guidance: Flood Risk and Coastal Change’ as having a high, medium and low probability of flooding respectively. The proposal is for new residential housing, which is classified as a ‘more vulnerable’ development as defined in Table 2: Flood Risk Vulnerability Classification of the Planning Practice Guidance. Therefore, to comply with national policy the application is required to pass the Sequential and Exception Tests and be supported by a site specific Flood Risk Assessment (FRA).

To assist you in making an informed decision about the flood risk affecting this site, the key points to note from the submitted FRA, by Hydrock, referenced R/C14010/001.02 and dated December 2014, are:

Actual Risk

- The site lies partly within the undefended flood extent for a 0.5% annual probability event (1 in 200 chance each year), including an allowance for climate change, with a flood level of 5.26mAOD.
- However the site benefits from the presence of the Colne Barrier at Wivenhoe. The site is not affected by the defended actual risk 0.5% annual probability event (1 in 200 chance each year), including an allowance for climate change, with a flood level of 3.15mAOD.
- Finished ground floor levels have been proposed at a minimum of 4.50m AOD. This is above the defended 0.5% annual probability flood level including climate change of 3.15m AOD and therefore dry in this event.
- Minimum site levels on the access route are also 4.5mAOD. Therefore this proposal does have a safe means of access in the event of an actual risk defended flood from all new buildings to an area wholly outside the floodplain (up to a 1% (1 in 100) / 0.5% (1 in 200) annual probability including climate change flood event). A Flood Evacuation Plan has not yet been proposed.
- Compensatory storage is not required.

Residual Risk

- The Colchester Strategic Flood Risk Assessment (SFRA) explores the residual risk of a failure of the Colne Barrier in Plan C23. This shows that the site would not flood should the Colne Barrier fail during the 0.5% (1 in 200) annual probability including climate change flood event up to the year 2107.
- Parts of the site are however within an area at risk of flooding if a reservoir was to fail and release the water that it holds. The LPA should determine if they are satisfied that the management plans of the reservoir will ensure the safety of the occupants of the development.”

- 8.8 **Archaeologist:** Suggests Archaeological programme of Works.

There is high potential for encountering important below-ground archaeological remains in this landscape setting, which is topographically favourable for early occupation of all periods, above the floodplain of the River Colne and in a similar landscape context to many known archaeological sites. Groundworks relating to the application would cause ground disturbance that has potential to damage any archaeological deposits that exist.

There are no grounds to consider refusal of permission in order to achieve preservation *in situ* of any important heritage assets. However, in accordance with the *National Planning Policy Framework* (Paragraph 199), 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.

The following archaeological condition (**Z00**) is recommended:

No works shall take place until the implementation of a programme of archaeological work has been secured.....

8.9 **Essex Police:**

The NPPF and Colchester Policy DM15: Design and Amenity, requires that developments are safe, secure places to live, that 'minimise the opportunities for crime and anti-social behaviour by ensuring good surveillance, clear definition between public and private spaces'.

Security forms a key part of a sustainable and vibrant development and Essex Police considers that it is important that this site is designed incorporating the maximum achievable benefit of crime prevention through environmental design for which Secured By Design (SBD) is the preferred enabler, in this case Secured by Design - Homes.

SBD is the national official police security initiative that works to improve the security of building and their immediate surroundings to provide a safe and secure environment to help reduce the opportunities for crime and minimise the fear of crime, as referenced in the NPPF, 'Promoting Healthy and Safe Communities'.

Whilst there are no apparent concerns with the layout of this site, Essex Police recommend that the developer seeks to achieve the Secured by Design accreditation in respect of all relevant aspects of this proposed development, Achieving the award will demonstrate to residents that their security has been considered and incorporated "by design" to the current approved, and therefore proven effective, standard.

We would welcome the opportunity to consult with the developer to provide a safe and secure environment for this development and would invite them to contact us via designingoutcrime@essex.police.uk.

8.10 **Senior Scientific Officer:**

The site is within AQMA1 but previously undertaken air quality dispersion modelling for Brook Street suggests that the proposed dwellings will not be exposed to exceedances of the air quality objectives.

Requests that the electric vehicle charging point condition should be added for this application.

9.0 Parish Council Response

9.1 Non-Parished.

10.0 Representations from Notified Parties

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

10.2 **11 letters objection and 6 other letters** have been received raising points about the following issues:

- Undermine environment and disrupt nearby residents.
- Not in keeping with scenic nature of area.
- Exacerbate pollution and congestion, including parking demand. Brook st already has history of pollution problems.
- Existing traffic noise will increase.
- Dangerous on road parking is an issue on Brook street.
- no reason for footpath 137 to be affected by this development. Wivenhoe trail.
- Meadowbrook Court is privately owned land, providing accommodation for private owners, rented accommodation and social housing for people with social and mental health issues. Could disrupt them.
- Possible illegal parking.
- object to the potential access from anywhere other than via Brook Street.
- Natural ground subsidence in Brook street is Moderate to High. Digging/building on the terrain could destabilise the terrain and adjacent properties.
- Should preserve site for wildlife.
- Will destroy wooded area.
- Brook St should be rejuvenated but not with more houses.

11.0 Parking Provision

11.1 12 car spaces

12.0 Accessibility

12.1 With regards to the Equalities Act, the proposal has the potential to comply with the provisions of Policy DM21 (Sustainable Access) which seeks to enhance accessibility for sustainable modes of transport and access for pedestrians (including the disabled), cyclists, public transport and network linkages.

13.0 Open Space Provisions

13.1 N/A

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 not classed as a “Major” application and therefore there was no requirement for it to be considered by the Development Team. A Unilateral Undertaking is required to secure spd compliant contributions for community facilities and sport.

16.0 Report

Principle

16.1 As the site lies within the settlement limits the proposal should be judged on its planning merits in accordance with adopted Local Plan settlement policies SP1, SP3, SG1 and SG2 which aim to direct such development to the most sustainable locations. The NPPF has similar provisions, with a presumption in favour of sustainable development. The principle of development is therefore considered acceptable as this is deemed a sustainable location and therefore key issues relate to highway safety, streetscene and neighbouring residential amenity along with impact upon trees and vegetation and wildlife. The diversion of a section of the public footpath also needs to be considered. At the previous appeals and latest refusal, residential development was not objected to in principle.

16.2 The Council is able to demonstrate a five year housing land supply and as such paragraph 11(d) of the NPPF is not engaged.

Highways and Parking Issues:

16.3 In terms of parking provision, it is proposed that there will be 7 parking spaces for the proposed dwellings (one per dwelling), 2 visitor spaces, 2 for the existing house (62 Brook Street) and 1 disabled space. That totals 12 spaces and represents 1 more than was suggested to be required by the Highway Authority. It is therefore considered there is adequate parking provision on site for the 7 new dwellings and adjacent existing house, as the standards indicate 1 space per one bedroom dwelling and 2 for other dwellings plus visitor space. The proposal thus complies with Policy DM22. An informative will be applied to indicate the sizes of each parking space will need to comply with the sizes specified in the parking standards. In addition, a condition will be applied restricting occupancy to those over 60 years of age (or their dependents), as referred to in the details submitted in the planning statement indicating the Almshouses houses are for people over 60, which may reduce parking demand.

16.4 The revised access arrangement is also considered acceptable in terms of width and visibility splays, and all the conditions suggested by the Highway Authority will be applied including diversion of footpath and appropriate widths. There is also scope for cycle provision. The travel information pack can be conditioned.

16.5 It is also considered the proposal would not cause a severe impact upon the Highway network, as referred to in the NPPF (para.111) to justify refusal on highway grounds in accordance with the NPPF. It is therefore considered the proposal is acceptable on highway safety grounds.

Layout and Design

16.6 With regard to the layout and design of the proposal, Policies SP7 and DM15 of the Local Plan provide that development must respect and enhance the character of the site, its context and surroundings in terms of architectural approach, height, size, scale, form and massing.

16.7 As this is outline, the layout and access only are to be agreed so the illustrative design and form of the units is not agreed in detail. Nevertheless, the illustrative details indicate 7 units in this or similar form could be accommodated satisfactorily on the site without an over intensification or detriment to the street scene. The scheme was not previously refused on design and layout grounds. The frontage area is not particularly prominent from Brook St. As before, the layout/positioning of the dwellings appears reasonable in this context.

16.8 It is not considered the alterations to the footpath would be detrimental to the amenity of users. However, a footpath diversion would need to be completed before the scheme could be implemented.

16.9 For the above reasons it is therefore considered the proposal would comply with adopted Local Plan Policy DM15 as the proposal respects the character of the site and its surroundings. Local Plan Policy SP7 (Place Shaping Principles) has similar provisions.

Residential Amenity:

16.10 It is considered impact upon residential amenity from vehicular disturbance is acceptable as the access does not cross the entire frontage of No.62 whereas in the case of the previous appeal in 2014 it cut completely across the frontage. It is not considered an objection can be sustained on the grounds of detriment to neighbouring residential amenity on other grounds. Whilst some parking is shown alongside the side boundary, a fence can be constructed to minimise impact and disturbance. Environmental Protection has not raised an objection on residential amenity grounds. A scheme, particularly adopting the single storey form shown, could be designed that would avoid potential overlooking, a overbearing relationship or loss of light impact.

16.11 The proposal would thus comply with Policies SP7 and DM15 which provide that all development should avoid unacceptable impacts upon amenity, including the protection of residential amenity with regard to noise and disturbance and overlooking.

Flood Risk

16.12 As with the previous applications, it is not considered an objection can be raised on flood risk grounds. The Flood zone 2 area designation is shown just clipping

the rear of the site. It is also an area that benefits from flood defences. A Flood Risk assessment has been submitted which recommends finished floor levels and concludes that there will be no increase flood risk elsewhere due to the proposed development through loss of flood plain storage or impedance of flood flows. Accordingly, it is not considered the sequential test or exception test are contravened. Flood risk was not a reason for refusal on the previous appeals. Accordingly, it is not considered the proposal conflicts with Flood Risk policy DM23.

Archaeology

- 16.13 An archaeological programme of works condition will be applied as recommended by the Council's Archaeologist, in accordance with Policy DM16.

Unilateral Undertaking:

- 16.14 A Unilateral Undertaking has been completed in order to secure the required contributions as requested.

Wildlife Impact

- 16.15 It is not considered an objection can be maintained in terms of impact upon ecology. The ground is generally well-maintained grass and an Ecological assessment has been submitted which indicates the site is considered to be of low ecological value. The proposal therefore does not conflict with Policy ENV 1 which aims to conserve or enhance ecology.
- 16.16 A wildlife enhancement condition will be applied to ensure it is demonstrated that there is a 10% Biodiversity net gain delivered in accordance with Local Plan Policy ENV1. The Defra Biodiversity Metric 3.1 is the biodiversity accounting tool that can be used for the purposes of calculating biodiversity net gain.
- 16.17 A RAMS wildlife mitigation payment has been incorporated into the Unilateral Undertaking.

Other Issues

- 16.18 An updated Arboricultural Impact Assessment has been submitted and, given the comments from the tree officer including previous comments, previous appeal case and the nature of vegetation on site, it is not considered impact on vegetation could form part of the refusal. This is consistent with the previous application. A landscaping condition can be applied at Reserved Matters stage if not submitted with the Reserved Matters application.
- 16.19 The contaminated land issue will be conditioned in accordance with the recommendation from the contaminated land officer.
- 16.20 Environmental Protection have not raised objections on air quality grounds.
- 16.21 The site has space to provide adequate amenity space in accordance with Policy DM19.

16.22 No comments have been received from Network Rail and the dwellings are a significant distance from the railway line.

17.0 Planning Balance and Conclusion

17.1 In conclusion, as site lies within the settlement limits the proposal should be judged on its planning merits in accordance with adopted Local Plan settlement policies which aim to direct such development to the most sustainable locations. The NPPF has similar provisions. The principle is therefore considered acceptable as this is deemed a sustainable location. The proposal has overcome previous highway concerns by providing adequate vehicular parking and manoeuvring space and a safe and visually acceptable access with appropriate visibility splays. The layout and access is thus considered acceptable subject to the diversion of part of the public footpath which will need to be formally approved prior to any commencement. It is not considered the diversion of part of the public Footpath would have a significant impact upon its users.

17.2 The layout shows that a scheme of single storey almshouses could fit onto the site without resulting in overdevelopment or detracting from the wider street scene. It is not considered there would be a significant impact upon wildlife or upon important vegetation, a view supported by the submission of updated reports. There would not be a significant impact upon neighbouring residential amenity and there is no objection raised on flood risk grounds

18.0 Recommendation to the Committee

18.1 The Officer recommendation to the Committee is for:

APPROVAL of planning permission subject to the following conditions:

1. **ZAC - Time Limit outline**

No development shall be commenced until plans and particulars of "the reserved matters" referred to in the below conditions relating to the APPEARANCE, LANDSCAPING AND SCALE have been submitted to and agreed, in writing, by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: The application as submitted does not provide sufficient particulars for consideration of these details.

2. **ZAD – Time Limit Outline**

Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

Reason: To comply with the requirements of Section 92 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

3. **ZAE- Time Limit Outline**
The development hereby permitted shall be begun before the expiration of two years from the date of approval of the last of the reserved matters to be approved.
Reason: To comply with the requirements of Section 92 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.
4. **ZAM – Development Accord with Approved Plans**

The development hereby permitted shall be carried out in accordance with the details shown on the submitted Drawing Numbers: 1924/1 Rev A , 1924/2 Rev A, 1942/3, IT2012/SK/001 Rev B Rec'd 14.11.22, IT2012_ST_001-1 Rec'd 14.11.23 re-indexed 7.6.23, Arboricultural Impact Assessment Rec'd 6.4.23.

Reason: For the avoidance of doubt and to ensure that the proposed development is carried out as approved.
5. **Z00- Footpath Diversion**
No development shall be permitted to commence on site until such time as an Order securing the diversion of the existing definitive right of way to a route to be agreed with the Local Planning Authority has been confirmed and the new route has been constructed to the specifications of the Local Planning Authority.
Reason: To ensure the continued safe passage of pedestrians on the definitive right of way.
6. **Z00- Access** Prior to the first occupation of the proposed dwellings, the proposed vehicular access shall be reconstructed to a width of 5.5m straight for at least the first 6m within the site tapering one-sided over the next 6m. to no less than 3.7m and shall be provided with an appropriate dropped kerb vehicular crossing of the footway/highway verge to the specifications of the Highway Authority.
Reason: To ensure that all vehicles using the private drive access do so in a controlled manner and to ensure that opposing vehicles may pass clear of the limits of the highway, in the interests of highway safety.
7. **Z00- Access Gradient**
The gradient of the proposed vehicular access ramp shall be not steeper than 4% (1 in 25) for at least the first 6m. from the highway boundary and not steeper than 8% (1 in 12.5) thereafter.
Reason: To ensure that vehicles using the access both enter and leave the highway in a controlled manner, in the interests of highway safety
8. **Z00- No unbound**
No unbound materials shall be used in the surface treatment of the proposed vehicular access within 6m of the highway boundary.
Reason: To ensure that loose materials are not brought out onto the highway, in the interests of highway safety
9. **Z00- Refuse**
Prior to the occupation of the proposed development the applicant shall provide a refuse/ recycling / bin store within 15m of the

vehicular access within the site which shall be maintained free from obstruction and retained thereafter.

Reason: To limit and reduce the time a refuse freighter is left waiting within the highway causing congestion and obstruction in the interests of highway safety

10. **Z00- Parking**

The development shall not be occupied until such time as car parking has been provided in accord with current Parking Standards together with and workable, convenient and efficient turning area to serve the proposed development site and number 62 Brook Street.

These facilities shall be retained in this form at all times and shall not be used for any purpose other than the parking and turning of vehicles related to the use of the development thereafter.

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

11. **Z00-Footways**

All footways should be provided at no less than 2.0m in width within the site and designed to ensure safe, efficient and convenient access for wheelchairs and mobility scooters.

Reason: To ensure that footways are constructed to an acceptable standard for all users, in the interests of highway safety

12. **ZPA- Construction Method Statement**

No development shall take place, including any site clearance, ground works or works of demolition, until a Construction Management Plan (CMP) has been submitted as a scaled drawing to and approved in writing by the local planning authority. The approved plans shall be adhered to throughout the construction period. The plans shall provide for:

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

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

13. **Z00- Public Footpath Surface**

Prior to the occupation of the proposed dwellings, the new element of Public Footpath No 137 (Colchester) shall be surfaced with a suitable material (terram & road planings etc) and compacted to current standards throughout the site to the eastern boundary of the proposed development site together with an appropriately constructed connection to the existing footway on Brook Street with all such details submitted to and agreed in writing by the Local Planning Authority.

Reason: To ensure the continued safe passage of pedestrians on the definitive right of way.

14. **Z00- Bicycle Storage**

The development shall not be occupied until such time as details of the provision for parking and storage of bicycles, of a design that shall be approved in writing with the Local Planning Authority. The

approved facility shall be secure, convenient, covered and provided prior to the first occupation of the proposed development hereby permitted within the site which shall be maintained free from obstruction and retained thereafter.

Reason: To promote the use of sustainable means of transport.

15. **Z00- Access**

There shall be no vehicular access or vehicular connection from the highway to Number 62 Brook Street except from the proposed development site's car parking facility and reconstructed access to serve the site and number 62 Brook Street.

Reason: To ensure the removal of and to preclude the creation of unnecessary points of traffic conflict in the highway and to prevent indiscriminate access and parking on the highway, in the interests of highway safety.

16. **Z00- Contaminated Land**

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 all relevant, current, best practice guidance, including 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

17. **Z00- Contaminated Land**

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

18. **Z00 Contaminated Land**

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

19. **Z00- Contaminated Land**

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 16 and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 17, 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 18.

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

20. **Z00- Contaminated Land**

Prior to the first OCCUPATION/USE of the development, the developer

shall submit to the Local Planning Authority a signed certificate to confirm that the remediation works have been completed in accordance with the documents and plans detailed in Condition 17.

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

21. **Z00- Work hours**

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

Weekdays: 08.00 – 18.00

Saturdays: 08.00 – 13.00

Sundays and Bank Holidays: none

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

22. **Z00- Tree Hedge Retention**

All existing trees and hedgerows shall be retained throughout the development construction phases, unless shown to be removed on the approved drawing and all trees and hedgerows on and immediately adjoining the site shall be protected from damage as a result of works on site in accordance with the Local Planning Authorities guidance notes and the relevant British Standard. All existing trees and hedgerows shall then be monitored and recorded for at least five years following contractual practical completion of the development. In the event that any trees and/or hedgerows die, are removed, destroyed, fail to thrive or are otherwise defective during such a period, they shall be replaced during the first planting season thereafter to specifications agreed, in writing, with the Local Planning Authority. Any tree works agreed to shall be carried out in accordance with BS 3998.

Reason: To safeguard the continuity of amenity afforded by existing trees and hedgerows.

23. **ZNL- Full Archaeological Condition**

No works shall take place until the implementation of a programme of archaeological work has been secured, in accordance with a Written Scheme of Investigation that has been submitted to and approved, in writing, by the Local Planning Authority.

The scheme shall include an assessment of significance and research questions; and:

- a. The programme and methodology of site investigation and recording.
- b. The programme for post investigation assessment.
- c. Provision to be made for analysis of the site investigation and recording.
- d. Provision to be made for publication and dissemination of the analysis and records of the site investigation.

e. Provision to be made for archive deposition of the analysis and records of the site investigation.

f. Nomination of a competent person or persons/organisation to undertake the works.

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

Reason: To safeguard archaeological assets within the approved development boundary from impacts relating to any groundworks associated with the development scheme and to ensure the proper and timely investigation, recording, reporting and presentation of archaeological assets affected by this development, in accordance with Policy DM16 of the Colchester Borough Local Plan (2017-33) and the Colchester Borough Adopted Guidance titled Managing Archaeology in Development (2015).

24. **ZAN- Site Levels Plan**

No works shall take place until detailed scale drawings by cross section and elevation that show the development in relation to adjacent property, and illustrating the existing and proposed levels of the site, finished floor levels and identifying all areas of cut or fill, have been submitted and agreed, in writing, by the Local Planning Authority. The development shall thereafter be completed in accordance with the agreed scheme before the development is first occupied.

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 of the surrounding area.

25. **Z00- Travel Packs**

The Developer shall be responsible for the provision, implementation and distribution of Residential Travel Information Packs for sustainable transport for the occupants of each dwelling together with details of public transport (timetables and locations of bus stops etc), walking and cycling being prominently displayed and regularly updated and maintained in perpetuity within the site, which shall be approved by Local Planning Authority, to include six one day travel vouchers for use with the relevant local public transport operator.

These packs (including tickets) are to be provided by the Developer to each dwelling free of charge prior to first occupation.

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

26. **Z00- Surface Water**

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

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

27. **Z00- Biodiversity Net Gain**

Prior to first occupation of the development hereby approved, precise details of a scheme of wildlife enhancement measures to deliver a 10% Net Biodiversity Gain, together with an implementation timetable shall be submitted to and agreed in writing by the Local Planning Authority. The measures shall thereafter be implemented in accordance with the approved detailed scheme and implementation timetable and thereafter so maintained.

Reason: To ensure adequate wildlife mitigation in accordance with Local Plan Policy ENV1 c).

28. **Z00- Boundary Details**

The dwelling(s) hereby approved shall not be occupied until details of the provision, siting, design and materials of screen walls and fences have been submitted to and agreed, in writing, by the Local Planning Authority. The approved screen walls and fences shall then be erected prior to the first occupation of the dwelling to which they relate and shall thereafter be retained in the approved form.

Reason: There are insufficient details within the submitted application to ensure that the boundary treatments are satisfactory in relation to amenities and the surrounding context.

29. **Z00- Age Restriction**

The occupation of the dwellings hereby approved shall be limited to a person over 60 years of age or to their spouse/partner or widow or widower of such a person and to any resident dependants.

Reason: For the avoidance of doubt as to what has been considered and approved.

30. **Z00 – PROW Diversion Scheme**

Prior to occupation of the dwellings a scheme for the diversion of Footpath No.137 shall be submitted to and agreed by ECC Highways. The approved scheme of diversion shall thereafter be implemented strictly in accordance with the approved scheme by the developer. Reason: To ensure that the PROW is not obstructed in accordance with NPPF para. 100 and local plan policies DM20 and DM21.

31. Z1A – Street Name Signs

Prior to the first occupation of any of the dwellings hereby approved street name signs shall have been installed at the junction of the new highway with the existing road network.

Reason: To ensure that visitors to the development can orientate themselves in the interests of highway safety.

19.1 Informatives

19.1 The following informatives are also recommended:

Informative1: The public's rights and ease of passage over Public Footpath No.137 (Colchester) shall be maintained free and unobstructed at all times and there shall be no access for any construction activities from the footpath.

Informative2: The necessary reconstructed vehicular access is likely to extend to and over the existing Public Footpath No.137 (Colchester), the proposed diversion of this footpath should provide a reasonable margin between the vehicular access and footpath so as there can be no vehicular overruns of the footpath and areas of conflict between pedestrians and motor cars is designed out. Furthermore, the diverted section of footpath is likely to be required to be 2.0m in width and the footpath should be as open as possible in its new position, 1.8m high fencing on both sides avoided and minimised to retain a degree of intervisibility along the footpath. (Additional land maybe required from Number 64 Brook Street to accommodate both footpath and reconstructed vehicular access).

Informative3: All work within or affecting the highway is to be laid out and constructed by prior arrangement with and to the requirements and specifications of the Highway Authority; all details shall be agreed before the commencement of works.

The applicants should be advised to contact the Development Management Team by email at development.management@essexhighways.org.

ZT0 – Advisory Note on Construction & Demolition

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

ZTA - Informative on Conditions Stating Prior to Commencement/Occupation

PLEASE NOTE that this permission contains a condition precedent that requires details to be agreed and/or activity to be undertaken either **before you commence the development or before you occupy the development**. This is of critical importance. If you do not comply with the condition precedent you may invalidate this permission and be investigated by our enforcement team. Please pay particular attention to these requirements. To discharge the conditions and lawfully comply with your conditions you should make an application online via www.colchester.gov.uk/planning 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.

ZTB - Informative on Any Application With a Site Notice

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

Positivity Statement

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.