



Colchester
City Council

Planning Committee Meeting

**Grand Jury Room, Town Hall, High Street,
Colchester, CO1 1PJ
Thursday, 19 October 2023 at 18:00**

The Planning Committee deals with planning applications, planning enforcement, public rights of way and certain highway matters. If you wish to come to the meeting please arrive in good time. Usually, only one person for and one person against each application is permitted.

Information for Members of the Public

Access to information and meetings

You have the right to attend all meetings of the Council, its Committees and Cabinet. You also have the right to see the agenda (the list of items to be discussed at a meeting), which is usually published five working days before the meeting, and minutes once they are published.

Dates of the meetings are available here:

<https://colchester.cmis.uk.com/colchester/MeetingCalendar.aspx>.

Most meetings take place in public. This only changes when certain issues, for instance, commercially sensitive information or details concerning an individual are considered. At this point you will be told whether there are any issues to be discussed in private, if so, you will be asked to leave the meeting.

Have Your Say!

The Council welcomes contributions and representations from members of the public at most public meetings. At Planning Committee meetings, other than in exceptional circumstances, only one person is permitted to speak in support of an application and one person in opposition to an application. If you would like to speak at a meeting and need to find out more, please refer to the Have Your Say! arrangements here:

<https://colchester.cmis.uk.com/colchester/HaveYourSay/HYSPlanning.aspx>.

Audio Recording, Streaming, Mobile phones and other devices

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Access

There is wheelchair access to the Town Hall from St Runwald Street. There is an induction loop in all the meeting rooms. If you need help with reading or understanding this document please take it to the Library and Community Hub, Colchester Central Library, using the contact details below and we will try to provide a reading service, translation or other formats you may need.

Facilities

Toilets with lift access, if required, are on each floor of the Town Hall. A water dispenser is available on the first floor.

Evacuation Procedures

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www.colchester.gov.uk

COLCHESTER CITY COUNCIL
Planning Committee
Thursday, 19 October 2023 at 18:00

The Planning Committee Members are:

Cllr Lilley	Chair
Cllr Barton	Deputy Chair
Cllr Davidson	
Cllr Hogg	
Cllr Mannion	
Cllr MacLean	
Cllr McCarthy	
Cllr McLean	
Cllr Tate	
Cllr Warnes	

The Planning Committee Substitute Members are:

All members of the Council who are not members of this committee and who have undertaken the required planning skills workshop training:-

Councillors:

Cllr Arnold	Cllr Bloomfield	Cllr Burrows	Cllr Buston
Cllr Cory	Cllr Dundas	Cllr Ellis	Cllr Goacher
Cllr Hagon	Cllr Harris	Cllr Kirkby-Taylor	Cllr Law
Cllr Laws	Cllr Lissimore	Cllr Luxford-Vaughan	Cllr Naylor
Cllr Nissen	Cllr Pearson	Cllr Powling	Cllr Rippingale
Cllr Rowe	Cllr Scordis	Cllr Scott-Boutell	Cllr Smalls
Cllr Smith	Cllr Sommers	Cllr Sunnucks	Cllr Willetts
Cllr J. Young	Cllr T. Young		

AGENDA

THE LIST OF ITEMS TO BE DISCUSSED AT THE MEETING

(Part A - open to the public)

Please note that Agenda items 1 to 2 are normally dealt with briefly.

An Amendment Sheet is published on the Council's website by 4:30pm on the day before the meeting and is available to view at the bottom of the relevant Planning Committee webpage. Please note that any further information for the Committee to consider must be received no later than 5pm two days before the meeting in order for it to be included on the Amendment Sheet. With the exception of a petition, no written or photographic material can be presented to the Committee during the meeting.

Live Broadcast

Please follow this link to watch the meeting live on YouTube:

[\(107\) ColchesterCBC - YouTube](#)

1 Welcome and Announcements

The Chairman will welcome members of the public and Councillors and remind everyone to use microphones at all times when they are speaking. The Chairman will also explain action in the event of an emergency, mobile phones switched to silent, audio-recording of the meeting. Councillors who are members of the committee will introduce themselves.

2 Substitutions

Councillors will be asked to say if they are attending on behalf of a Committee member who is absent.

3 Declarations of Interest

Councillors will be asked to say if there are any items on the agenda about which they have a disclosable pecuniary interest which would prevent them from participating in any discussion of the item or participating in any vote upon the item, or any other registerable interest or non-registerable interest.

4 Urgent Items

The Chairman will announce if there is any item not on the published agenda which will be considered because it is urgent and will explain the reason for the urgency.

5 Have Your Say(Hybrid Planning Meetings)

At meetings of the Planning Committee, members of the public may make representations to the Committee members. This can be made either in person at the meeting or by joining the meeting remotely and addressing the Council via Zoom. These Have Your

Say! arrangements will allow for one person to make representations in opposition and one person to make representations in support of each planning application. Each representation may be no longer than three minutes(500 words). Members of the public wishing to address the Committee either in person or remotely need to register their wish to address the meeting by e-mailing democratic.services@colchester.gov.uk by 12.00 noon on the working day before the meeting date. In addition for those who wish to address the committee online we advise that a written copy of the representation be supplied for use in the event of unforeseen technical difficulties preventing participation at the meeting itself.

These speaking arrangements do not apply to councillors who are not members of the Committee who may make representations of no longer than five minutes each

6 **Minutes of Previous Meeting**

The Councillors will be invited to confirm that the minutes of the meeting held on 17 August 2023 are a correct record.

2023-08-17 CCC Planning Committee Minutes

7 - 16

7 **Planning Applications**

When the members of the Committee consider the planning applications listed below, they may decide to agree, all at the same time, the recommendations in the reports for any applications which no member of the Committee or member of the public wishes to address the Committee.

7.1 **231640 Land off, Hall Road, Copford, Colchester**

17 - 66

Application for creation of 50 no. two, three, four, and five bedroom houses and associated infrastructure, plus public open space in the centre of the site and access works on Hall Road.

7.2 **220317 Gamet Bearings, Hythe Station Road, Colchester, Essex, CO2 8LD**

67 - 110

Application for demolition of former Bearings Factory and Erection of new building comprising 3 no. blocks over four and five storeys containing 65 no. residential apartments and 2 no. commercial units (Class E), with undercroft car parking (Revised drawings received).

7.3 **231661 Car Park To North, Napier Road, Colchester**

111 -
118

Application to replace the existing information board with a smart locker installation and interpretation board in the form of a vinyl covering on locker (revised description).

7.4 **231611 The Kiln, The Folley, Layer De La Haye, Colchester, CO2 0HZ**

119 -
126

Application for installation of a ground mounted solar photovoltaic system using ground screws.

7.5 **231810 14 Trinity Square, Colchester, Essex, CO1 1JR** 127 -
Application for proposed replacement windows and roof coverings 134
along with brickwork repairs, replacement slate coverings for front
walls to second floor.

8 **Exclusion of the Public (not Scrutiny or Executive)**

In accordance with Section 100A(4) of the Local Government Act 1972 to exclude the public, including the press, from the meeting so that any items containing exempt information (for example confidential personal, financial or legal advice), in Part B of this agenda (printed on yellow paper) can be decided. (Exempt information is defined in Section 100I and Schedule 12A of the Local Government Act 1972).

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Part B
(not open to the public including the press)

PLANNING COMMITTEE

17 August 2023

<i>Present:-</i>	Cllrs Barton (Vice Chair), Davidson, Dundas, Hogg, Lissimore, MacLean, McCarthy, McLean, Warnes, and T. Young.
<i>Substitute Member:-</i>	Cllr T. Young for Councillor Lilley Cllr Dundas for Cllr Mannion Cllr Lissimore for Cllr Tate
<i>Also in Attendance:-</i>	Cllr Sara Naylor

1010. Site Visits

A site visit was conducted on the 17 August 2023 attended by Councillors Barton, Davidson, Hogg, Lissimore, Warnes and T. Young. The Member visited the following site:

- **231273 Oak House, 1 West Lodge Bungalows, Bounstead Road, Colchester CO2 0DE**

1011. Minutes

The minutes of the meeting held on the 27 July 2023 were confirmed as a true record.

1012. 220526 Land Adjacent to 67, Braiswick, Colchester, CO4 5BQ

The Committee considered an application for the approval of reserved matters following outline approval 191522 – erection of 27 dwellings and associated development. The application was referred to the Planning Committee as it had been called in by Councillor Naylor for the following reason:

- I doubt that high quality design can be delivered as required with a density of 27 houses.

The Committee had before it a report and Amendment Sheet in which all information was set out.

John Miles, Senior Planning Officer, presented the application to the Committee and assisted the Committee in its deliberations. The Committee heard that the application had previously been before the Committee on the 15 June 2023 where it had been deferred for the following reasons:

“That the application be deferred to allow the Development Manager to seek amendments to the design and layout of the site and to consider the danger of the location of the children’s play area location, public open space, and connectivity within the site, lack of community

space and that a reduction in dwellings would enhance the design.”

The Senior Planning Officer detailed that the applicant had responded to the points for deferral, and these were referenced in the report between 16.59- 16.75 but was noted that no changes had been made to the design since the application had previously been before the Committee. The Committee heard that the site was north of Braiswick Road and was currently rough grassland that exhibited a large decline in topography towards the A12. The site was noted as being part of a wider allocation in the Local Plan for up to 70 dwellings and confirmed that the proposal before the Committee was for 27 dwellings. Further detail was given that this application was following the conditions as set out in the Appeal from the Planning Inspectorate as well as the vehicle access which would serve the entirety of the Local Plan allocation. The Committee heard that there would be a Local Equipped Area for Play (LEAP) and that a refuse plan had been submitted as well as hard landscaping and it was noted that there had been changes made to the proposal since its original submission but not since the deferral. The Senior Planning Officer concluded by showing photographs of the site and detailing that the Officer recommendation was for approval as detailed in the Committee Report.

David Meighan addressed the Committee pursuant to the provisions of Planning Committee procedure Rule 8 in opposition to the application. The Committee heard that they and other Members of the community had returned as they had put their trust and support in the Committee noting that the applicant's duty with relation to the proposal ended on completion of the development which would set the tone for the area, hence why enhancements for the designs were being pursued. The speaker outlined that it was regrettable that the applicant had not changed the proposal noting that the Committee had previously undertaken a site visit to further understand the site and surrounding area as detailed in the Neighbourhood Plan. Members were asked to note that the proposal was causing ever increasing concern every day and outlined that the Committee's authority was being challenged. The speaker concluded by detailing that the design of the proposal should be of the highest quality and that this was a high bar and commented on the response from the Urban Design Officer in the report.

Jack Baron (Applicant) addressed the Committee pursuant to the provisions of Planning Committee procedure Rule 8 in support to the application. The Committee heard that they were the project architect and outlined that they had listened to the comments that had been raised at the meeting in relation to the open space on site and the topography and confirmed that their reasons on these issues had been addressed in a written response to the Council. The Committee heard that they continued to support the development and the Reserved Matters submission in its current form which accorded with the Local Plan and policies DM15 and DM18 whilst meeting the design requirements. It was noted that there had been extensive discussions on the open space and layout of the site and did agree that the proposal was not level in terms of topography. The speaker concluded by detailing that the allocation for the area was for 70 dwellings, that pre-application engagement had been sought, and asked that the Committee approve the proposal.

Councillor Naylor addressed the Committee as Ward Member for Lexden and Braiswick. The Committee heard that the proposal before them was a complex planning application and not straightforward for the Committee to make a decision on. The Ward Member outlined that more could be done on the proposal and for those who occupy the homes in the future so that there were no nasty surprises and drew Members attention to the letter sent by the applicant which needed to be addressed. Members heard that the letter from the applicant was incorrect in its view that the deferral of the application before was unlawful and detailed that the role of the Committee was to interrogate fact and detailed that the comments from

the Urban design Officer indicated that they did not have confidence in the scheme detailing that the proposal failed to achieve a high level of visual interest. The Committee heard that some of the site was unwalkable and that and concluded by asking that the Committee refuse or defer the application to look at the points raised by the Urban design officer whilst ensuring that if approved the applicant does not row back on previous promises.

The Democratic Services Officer read out the statement as follows from Councillor Barber, Ward Member for Lexden and Braiswick:

“Dear Committee

Thank you for your deferral at the previous committee meeting to ensure outstanding reserved matter concerns can be considered further and resolved. I ask you to further defer or refuse this application for the following reason. Colchester Council has adopted the Myland and Braiswick Neighbourhood Plan as planning policy of the Council. There are two policies I wish to draw to your attention on design, which are cited in the report:

HOU1: Developers should achieve the highest quality of design commensurate with current national and local design guidance.’; and

DPR1: ‘Developments will aim to attain the highest quality and design standards and where appropriate encourage the use of relevant national standards by developers in order to achieve the highest possible levels of overall sustainability in the design and layout of new developments.’

The Council’s Urban Design Officer has stated that the current proposals “fail to achieve a high degree of visual interest or distinctive character and identity across the wider scheme.” The Officer concludes that there is an “adequate” sense of place. Therefore, on this matter, the current application has not reached the standard the Council has adopted as policy.

I therefore do not consider that the application is at a stage that can be passed. I urge the committee to request that the application is reviewed further before it can be passed.”

At the request of the Chair the Senior Planning Officer and Development Manager responded to questions that were raised by the Committee following the Have Your Say speakers. The Committee heard that the scheme before the Committee had to be assessed on its own merits and to consider the design quality as detailed in the report. The Committee heard that the proposal was acceptable in planning terms and that it was a matter of planning judgement by the Committee to determine if it was appropriate. The Senior Planning Officer detailed that the scheme did have positive points of public open space and visitor parking provisions and commented that in terms of inflation and the possible watering down of the proposal the Committee were assured that this could be secured in an approval. Members heard that the Biodiversity implications and Tree canopy cover on the site would be secured through policies adopted in the Local Plan.

The Committee queried their options for the application as it had been deferred once with no change to proposal.

The Development Manager responded to the proposal and detailed that the Committee could choose to defer the application again but reminded the Committee that there was a clear statement from the applicant which could mean that a deferral would not achieve a positive outcome. The Development Manager further advised the Committee that they would be better to make a substantive decision.

Members debated the proposal on issues including: the history of the site and the comments from the Urban Design Officer on how the proposal was striving for mediocrity with the Public Open Space being stuffed in one corner. Some Members voiced their preference that the Public Open Space would be better placed in a central location on site. Members of the Committee discussed the appeal and the commented that the Planning Inspector did foresee that there would be some issues by allowing up to 27 dwellings with the proposal before the Committee matching that. Members commented that they did not find the letter from the applicant a helpful addition to the application as they had not engaged with the Committee's deferral resolution and had put forward a take it or leave it response. Some Members voiced concerns regarding the applicant's response letter and discussed constructive ways forward including the possibility of refusing the application.

The debate between Members continued with discussions surrounding improvements to design being raised as well as the quality of the proposal.

A proposal was made and seconded to defer the application for the following reasons:

That the application is deferred, and that delegated authority is given to the Development Manager to seek amendments to the urban design in consultation with the urban design officer as detailed in 8.15 of the report to improve the design on issues of layout and disjointed layout of the public open space being pepper-potted across the site, and consolidation of the open space on site. The Committee further resolved that the application is returned to the planning committee.

The Senior Planning Officer responded to questions from the Committee and detailed some of the response from the Planning Inspectorate regarding the local context of the development as well as the design of the proposal. The Officer added that there had been lengthy negotiations and alterations to the proposal since it had been received.

Members continued to debate the proposal on issues including: the tree cover on the site, the level access to the playground, the affordable housing provision, the response from the Urban Design Officer with some Members detailing that although it was not a ringing endorsement it was no objection to the proposal and that density could not be an issue on the site as it had received outline planning permission for up to 27 dwellings. At the request of the Chair the Senior Planning Officer showed the Committee the elevations of the Affordable Housing which had been shown in the original presentation. Members discussed the accessibility to the LEAP through the topography of the site and that there would not be stairs stopping access.

The Development Manager detailed that the design of the proposal was subjective and asked the Committee to look at the first principles including whether the proposal responded to the local character with a key view being taken from the main street and the retention of the tree buffer between the road and the development. The Committee heard that the proposal was a good example of where a development in its context was acceptable and contextually appropriate. The Committee heard that the proposal had responded positively to the landscape and that there was a common sense of local character along the frontage opposite and adjacent to the site with green space being incorporated. The Development Manager concluded that it could be argued whether the proposal achieved a high-quality design.

The Committee continued to debate the application on issues including: the rural nature of the site and the subjective basis of being compliant in terms of design and making them

beautiful, the rationale behind the placement of the LEAP and safety of it being self-managed surveillance from dwellings. Members raised further concerns regarding the viability of the site and the proximity of the LEAP to the A12 and the noise in that area. Members discussed the importance of the tree belt as well as the natural cover that this would create as well as the pathway on the access to the site.

At the request of the Chair the Senior Planning Officer responded to points that had been raised by the Committee including: that tree planting would be secured via condition, that the proposal would not look out of context in the area. It was noted that the play area's location had been driven by the levels of the site, that drainage had been secured via the outline planning permission, and that improvements to pathways and the installation of bus stops outside of the site had been secured.

RESOLVED (SIX votes FOR and FOUR votes AGAINST)

That the application is deferred, and that delegated authority is given to the Development Manager to seek amendments to the urban design in consultation with the urban design officer as detailed in 8.15 of the report to improve the design on issues of layout and disjointed layout of the public open space being pepper-potted across the site, and consolidation of the open space on site. The Committee further resolved that the application is returned to the planning committee.

A short break was taken between 7:20-7:30 after the completion of application 220526 but before the commencement of 230031.

1013. 230031 Land between, 7 & 15 Marlowe Way, Colchester, CO3 4JP

The Committee considered an application for variation of condition 2 following grant of planning permission of application 212888 (Daylight and Sunlight report received) Reduced Ridge height of plot 1 including introduction of two chimneys. The application was referred to the Planning Committee as it had been called in by Councillor Buston for the following reasons:

1. Over development
2. Ignoring the Planning Conditions imposed in 212888 approved 21 Apr 21
3. Development over a former publicly accessible Open Green Space
4. The Previous Application for development on this site (21 0304) was dismissed on 10 Sep 21, citing, as reason for dismissal (inter alia): "1. The proposed three dwellings, by reason of their detailed design, form and scale (including being higher than the adjacent properties) would be out of keeping with and harmful to the character of the established street scene and surroundings." Thus that the current building have been erected on site without reference to the plans Approved in 21 2888, in particular the height of these buildings. Policies UR 2 and DP1, and the (Borough) Council's adopted "Backland & Infill Development" SPD, in particular infringed.

The Committee had before it a report and Amendment Sheet in which all information was set out.

Chris Harden, Senior Planning Officer, presented the application to the Committee and assisted the Committee in its deliberations. The Committee heard that further revised plans

had been submitted to reduce the ridge height on plots 2 and 3 (in addition to plot 1 as previously proposed) It was detailed that the revised scheme sought approval for a reduction in ridge heights for all three dwellings as requested by the Committee. The revised plans show the following:

- That plot 1 would be reduced from 0.715m above the height of N.o7 to 0.300m.
- That plot 2 would be reduced by 0.374m (to 7.420m)
- That plot 3 would be reduced by 0.309m (to 7.470m) but that the gable end would not be amended and would be retained as built.

The Committee were asked to note the additional points as raised at previous meetings that the distance between plot 1 and N.o 7 Marlowe Way was 0.5m closer than approved and that the kitchens had been built 0.6-0.7m higher than approved and that it was recommended that these be retained as built. Members of the Committee were shown photos of the dwellings in their current built form as well the kitchens and the views from a neighbouring property. The Senior Planning Officer presented the elevations of the proposal as amended and their relationship with the existing properties. It was noted that an issue had arisen where letters of re-consultation had not been received and as such the consultation would not end until the 22 August 2023 and as such the application would not be determined until that date and receipt of no further representations raising materially new planning considerations, and that if these are received then then the matter would be referred back to the Committee for further consideration. The Senior Planning Officer detailed that it was considered that the application would be acceptable and there would be limited impact on neighbourhood amenity with no loss of light from the kitchens being built higher than approved. Furthermore, it was noted that there would not be any loss of outlook from the kitchens that were deemed to be visually acceptable. The Senior Planning Officer concluded by detailing that the officer recommendation was for approval as detailed in the report and amendment sheet with the added point that the if further representations raising materially new planning considerations were received before the 22 August 2023, then the matter would be referred back to the Committee for further consideration.

Simon Sorrell addressed the Committee pursuant to the provisions of Planning Committee procedure Rule 8 in opposition to the application. The Committee heard that the founding principle is that decisions should be taken in the public interest and that there was a clear instruction from the Committee to reduce the height and that it was in the public interest that it was altered as the proposed pitch appears incongruous and alien with the surrounding area. The speaker outlined that the applicant had put forward a partial resolution and outlined that the proposal had been granted on the basis of misleading drawings and which showed the development in line with the existing dwellings. The speaker detailed that all parties knew what the development statement said and that they continued to build the dwellings and that this was at the developers risk. The speaker concluded by detailing that the Committee were asked to favour the developer and requested that the dwellings be reduced in height.

Robert Pomery (Agent) addressed the Committee pursuant to the provisions of Planning Committee procedure Rule 8 in support to the application. The Committee heard that the proposal was not taller than the original dimensions as approved and detailed that enforcement action would not cause a reduction in height with rear storey projections of the kitchens being taller than approved but confirmed that Officers had found them acceptable. The speaker detailed that the buildings were at the correct height but that the street scene drawings were incorrect. The Committee heard that plans had been provided regarding the reduction of all three dwellings but outlined that the applicant did not think this was possible and asked Members to carefully reconsider the proposal as they had the power to decide over the scheme before them or the others that have been put in front of the Committee

previously. The speaker concluded that the preferred option would be to approve the proposal as built.

The Democratic Services Officer read out the statement as follows from Councillor Buston, Ward Member for Prettygate:

“Apology

My apologies to you and to residents for not being able to be with you this evening but I have to attend the funeral of an old Army chum in Salisbury – and as I am also an Executor, will likely be there for some days.

The Application

Both Members and Officers as well as the Residents I am instructed to represent are sadly all too familiar with this case and this site.

I have been asked as Ward Councillor , yet again, by what seems like the residents of the whole area , yet again, over the last 2 – 3 years following serial Applications in both Marlowe Way and Colvin Close involving the former Lexden Manor site - all at essentially the same place, to call in this latest iteration of the speculative and overbearing development of the former Lexden Manor site , and the former green open space land in Marlowe Way , used by the public for over 50 years , they have been deprived of as a result of it.

Bizarre indeed would be an understatement to note that only yesterday an application relating to Green open space such as this plot in Marlowe Way used to be (Application 23 1481) was comprehensively and correctly refused by CCC : this being the second time an application has been comprehensively refused on this Green open space. About 5 years from this site. I commend both Members of the Committee as well as Officers to study the reasons for this refusal carefully : as they are exactly those MPC as appertain to this site in Marlowe Way as well, and encapsulate the reasons that should have been applied to all the applications on this site to refuse development upon it.

Nonetheless , Officers will say, “we are where we are”. Again I have to I suggest that this is not , and cannot be so.

It is common ground before the Committee I submit :

1. *The Rooflines of the 3 dwelling houses as have now been built (and from the estate Agents board apparently 2 already sold) without consideration to the detail of the approved plans - being higher than they should be.*

2. *That at least one of the houses is built closer to the adjoining existing property than it should have been.*

3. *The rear portions of the 3 dwellings have been built larger than the approved plans permit.*

Whether these discrepancies be by 3 inches or 3 feet , and whether these errors be deliberate or negligent makes no difference in Law. They are wrong. They are not “de minimis”. They are cumulative, at worst, evidence of an “intent” to exceed permission given - or perhaps at best, a singular “negligent” inattention.

I suggest that the Committee now has 4 options :

1. *The preference of Residents :*

That as a result of the either deliberate , negligent or accidental infringements of the Planning Permission as was originally granted (and whether this was appropriately granted or not) , as have , to this day have deliberately not been addressed by the developer, the direction now be given that site be restored to its former green open space state and condition.

Residents , who have had to put up with all of this nonsense for the last 2-3 years deserve no less from the Council that they have to pay for : this being to apply the Planning Rules both even handedly correctly and appropriately according to both Equity as well as the Law.

2. *The least worst option :*

That the developer

a. be required to reduce the height of all the roofs of all 3 of the dwellings to the height originally laid down in the grant,

and further, in view of the continued inattention on the part of the Developer to the original plans and specifications,

b. the extensions to the rear of the properties now be required to be rebuilt to the dimensions shown on the original plans, and the walls of the dwellings themselves rebuilt to the right place apropos their neighbours.

The wrongful construction of these rear portions of the buildings to a larger size than was authorised by the Permission granted, in passing, has already been recorded formally as being admitted by the Applicants agent.

.....both a. and b. above , it should be pointed out, simply requiring the dwellings to be constructed as was set out and laid down by the Planning Permission originally granted.

3. *The second worst option :*

That the developer be allowed only to reduce the height of such of the dwellings as the developer chooses, and in addition the incorrect building of the rear portions of the buildings, and their position be ignored.

4. *The worst option :*

That the developer, as now, simply be allowed to do as it wishes, and the Council continue to take no action.

The officers report to this current scenario has again had to be presented in such a way as to minimise the significance of a situation where developers have paid scant attention to the detail of the permission as was originally granted - irrespective of whether that permission was worthy of being granted in the first place or not, and , significantly , the developer continues to take no action to rectify the errors it alone has commissioned. Thus the report one might assume favouring option 4 above ?

As I have said to the Committee before , and sadly I have to say again , such path should not be contemplated. Residents have every right to expect this Committee to afford them both recognition as well as ... dare I say it : justice - in an even handed application of the

Planning rules .

What is right is right.

What is wrong is wrong.

Planning Law is not a subject where you can either conveniently “ make it up as you go along” , or indeed “ run with the fox and hunt with the hounds” , in order to conjure up compelling arguments adjusted to suit your cause after an event has occurred, in order to attempt to excuse deficiencies as have been identified and committed during it.

Otherwise, gentlemen, ladies , yet again we have to ask ourselves : why we are here ?

Procedure

Finally residents have asked me to bring formally to the Committees attention a disappointing catalogue of procedural and other errors that seem to have occurred in the matter from its outset – such errors they lay firmly at the door of the Planning Department. I will put to one side for a minute residents accusations of a deliberate bias.

As an elected Member , their Councillor, it gives me no pleasure to be asked by them to address any of the above.

The sitting of this Committee has been deferred , we all understand, because , inter alia, the appropriate notices , residents indicate to me, had either not been sent out to them at all , or they indicate to me, when sent, such not in a realistic or timely manner.

Just to cite the most recent instance I have today been asked to address , residents refer to me formal letters from CCC to residents dated 08th August 23 , inviting comment upon the current proposals to be submitted within 14 days. Fine.

Or is it ? 14 days from 08th August 23 is , by my admittedly often disappointing Maths , 22nd August 23 .

Today , the date of the Committee Hearing when judgement will be handed down, is 17th August 23 ?

I am asked how can this Committee properly sit to impose a decision in a matter before the date for the closure of the advertised and declared consultation period has occurred ?

Residents ask me if there is any good reason why they should not commission a Judicial Review of CCCs Planning Department and the Committee ? If there are , perhaps I might be furnished with them , please, so I may respond ?”

At the request of the Chair the Senior Planning Officer responded to questions that were raised by the Committee following the Have Your Say speakers. The Committee heard that the proposed chimneys would be for decorative purposes only and would not be functional.

Members debated the proposal on issues including: the acceptability of the proposal in terms of the height of the dwellings being taller than the existing dwellings with some members expressing the view that the height of the proposal should be in line with the existing dwellings. A proposal was made to refuse the proposal but a seconder was not found.

Members continued to debate the proposal with some members expressing the view that the houses had been built to the correct height in the original plans as previously noted. A proposal was made and seconded that the application be approved as detailed in the officer recommendation and amendment sheet with the additional point as raised by the Senior Planning Officer regarding the receipt of further consultation responses.

Members continued to debate the application on issues including: that the principle of the development had been established, that the fault of this error was not that of existing residents and that any costs would be at the expense of the developer. Some Members expressed significant concern regarding the re-consultation not being received by some Members of the public and that the closing date was after the Planning Committee meeting. Further concern was raised regarding plot 3 and the gable end with some Members detailing that the retention of this was not acceptable and that further improvements were required.

RESOLVED (SIX votes FOR and FOUR votes AGAINST) That the Committee Delegate Authority to the Joint Head of Planning to approve the most recent set of amended drawings showing a reduction in the ridge height of all three units, subject to consideration of any additional consultation responses received following expiration of the consultee response date and receipt of no further representatives raising materially new planning considerations. If these are received, then the matter will be referred back to the planning committee for further consideration.

1014. 231273 Oak House, 1 West Lodge Bungalows, Bounstead Road, Colchester, CO2 0DE

The Committee considered an application for an extension of existing garage to facilitate granny annex to rear of garden. The application was referred to the Planning Committee as it had been called in by Councillor Pearson for the following reasons:

- This appears to be an additional residence on a plot which falls within the remit of Policy ENV1.
- Should this application be approved there is a risk of applications being made for neighbouring plots which could be the wedge that undermines ENV1 as it pertains to this rural area of the City.

The Committee had before it a report and Amendment Sheet in which all information was set out.

RESOLVED (UNANIMOUSLY) That the application be approved as detailed in the officer recommendation.



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Item No: 7.1

Application: 231640

Applicant: Dandara Homes

Agent: Michael Smith

Proposal: Creation of 50 no. two, three, four and five bedroom houses and associated infrastructure, plus public open space in the centre of the site and access works on Hall Road.

Location: Land off, Hall Road, Copford, Colchester

Ward: Marks Tey & Layer

Officer: James Ryan

Recommendation: Approval subject to s.106 agreement

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 due to concerns about highway safety and the acceptability of the access point.

2.0 Synopsis

- 2.1 The key issues for consideration are the planning history, the policy principle since the previous application, the design and layout of the scheme and the suitability of the access.
- 2.2 The application is subsequently recommended for approval.

3.0 Site Description and Context

- 3.1 Copford stands on Stane Street, a Roman road that followed the route of an iron age track, where a ford crossed the Roman River. Just to the west of Colchester on the main road to London, the character of Copford is distinctly different to the character of the rest of the parish, with Copford Green and Easthorpe reflecting their growth as small centres within a wider rural hinterland. London Road is now designated as the B1408, with through traffic by-passing the village on the A12 (built in the 1960s) but the linear form of Copford remains clear to see – the road links the residents of the village with the railway station at Marks Tey to the west and the Tollgate centre at Stanway (Tollgate and Stane Park).
- 3.2 The application site is towards the eastern side of the village, around six kilometres (four miles) from the centre of Colchester and 1.5 kilometres (one mile) from the station at Marks Tey. It is set behind houses which create frontage to the south side of London Road, meaning that it will read as part of the later additions to the village: Queensbury Avenue and Allendale Drive are post-war cul-de-sac streets hidden from the historic through route. Access to the site is from Hall Road, which is enclosed by houses at its northern end but soon becomes a single track lane through the countryside to the south of the village, heading through fields and woodland on its way to the parish church and manor house before turning west to arrive at Copford Green. It has been closed to through traffic, protecting its rural character.
- 3.3 The site is behind the street frontage on the southern side of London Road, towards the eastern end of the village where the main road meets Hall Road. London Road is an important east-west route and although it was by-passed by the A12 in the 1960s, it retains bus services which link the village to Colchester's city centre. There are bus stops on London Road that are within a 400 metre walk of the centre of the site.
- 3.4 The relatively dense form of development which follows the street means that the site is mainly hidden from view when passing by on the main road, although it can be seen through the gaps for gates in the field boundary which runs along Hall Road and a public footpath runs along the western boundary. The public footpath provides a useful connection to London Road and it is noted that the allocation of the site for residential development in the *Colchester Borough Local Plan 2017 – 2033* secures improvements to Hall Road that will make it safer for pedestrians walking to the main road. Footpath connections from the site also

link into the countryside, either heading east towards Roman River or south to Hall Road and on through Pitts Wood to the village hall.

- 3.5 The land is currently in agricultural use as arable land forming part of the larger field that wraps around the south side of the village from Hall Road to School Road; it is almost flat and contains no features apart from the trees and hedges that create the field boundaries, although there is no demarcation of the southern boundary that will be the new edge of the built-up area of the village.

4.0 Description of the Proposal

- 4.1 Creation of 50 no. two, three, four and five bedroom houses and associated infrastructure, plus public open space in the centre of the site and access works on Hall Road.

5.0 Land Use Allocation

- 5.1 Currently agricultural but allocated for residential development in the adopted Local Plan.

6.0 Relevant Planning History

- 6.1 The most relevant application was application 201236, an outline application for up to 49 dwellings.
- 6.2 At the Planning Committee on 10 December 2021, the report for 201236 was deferred for further consideration with the proviso that it would come back to Committee for determination on the basis of the scheme being premature and due to highways concerns. The scheme was then withdrawn by the applicants prior to the Examination in Public of the Local Plan section 2.

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
 SG3 Economic Growth Provision
 SG7 Infrastructure Delivery and Impact Mitigation
 SG8 Neighbourhood Plan
 ENV1 Environment
 ENV3 Green Infrastructure
 ENV5 Pollution and Contaminated Land
 CC1 Climate Change
 OV1 Development in Other Villages
 DM1 Health and Wellbeing
 DM2 Community Facilities
 DM3 Education Provision
 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 Neighbourhood Plan for Copford is also relevant. This is now to be afforded almost full weight as will be set out below.

- 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
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
Planning Out Crime

8.0 Consultations

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

Air Quality Officer

Notes EV charging points are proposed. These and a travel information pack should be conditioned. It would be useful if any public / sustainable transport improvements could be negotiated i.e. tactile paved area for boarding buses or installation of bus shelters. In terms of air quality, no further observations or comments.

Anglian Water

No objection – the Copford WSTP has the capacity for this development.

Arboriculture Planner

I am in agreement with the AIA. Condition tree protection.

Archaeological Consultant

There is already a need for an archaeological mitigation excavation, which is programmed into the same phase of work, and this may need to be extended depending on what comes up across the rest of the site. I am visiting the site once the trenches are open and will decide on this then.

It may well be that everything is wrapped up pre-determination and that there is no need for an archaeological condition, but I will update you again once I have seen the site.

Cadent Gas

No objection - please impose an informative

Colchester Cycling Campaign

We request a s106/CIL contribution to improving cycling and walking.

In addition, all cycle parking should be in line with LTN 1/20 and the Essex Parking Guide.

If a charge is levied for the use of cycle hangars, each car parking space should also have a fee of four times that for cycling.

Contaminated Land

No objection subject to conditions.

Environment Agency

Confirmed they do not want to comment.

It is noted that this scheme falls outside of the EA's consultation guidance but they were consulted as Anglian Water asked them to be. They did not comment on the withdrawn scheme either.

Environmental Protection

No objection – conditions requested.

Essex Country Fire and Rescue

Access for Fire Service is considered satisfactory subject to fire brigade access and water supplies for firefighting purposes to the proposed development being fully compliant with Building Regulations Approved Document B, B5.

Essex Green Infrastructure

No objection – conditions suggested.

Essex Police

General advice for developers was provided.

Forestry Commission

No comment received.

Highway Authority

No objection – conditions requested.

Highways England

No objection. A transport statement setting out the anticipated traffic generations of the proposed uses has been submitted, this indicates there will not be severe. There is a proposal to upgrade the A12 between j19 and J25 which is close to this site although there is no direct interaction.

Historic Buildings and Areas Officer

No objection – see full response in main body of the report.

Historic England

Historic England provides advice when our engagement can add most value. In this case we are not offering advice.

Landscape Advisor

No objection to the scheme subject to conditions.

LLFA (EC SuDS)

Having reviewed the Flood Risk Assessment and the associated documents which accompanied the planning application, we do not object to the granting of planning permission based subject to conditions.

Natural England

The LPA needs to carry out a Habitats Regulations Assessment/Appropriate Assessment.

Officer note, this is on the file and a contribution to the Essex Coast RAMS has been agreed.

North Essex Parking Partnership

Whilst the development is not in the vicinity of any significant parking pressures, we would suggest the installation of double yellow lines as you enter/exit into Hall Lane, double yellow lines on the internal junction, double yellow lines on both turning hammerheads, as these service garage areas and other properties, and on the bend opposite the open space, as this also services individual properties.

Consideration and supply of these measures will ensure that access is provided to larger vehicles at all times, particularly those associated with the emergency services.

NEPP is available at a later date to assist with the suggested measures.

Private Sector Housing

Private Sector Housing have no objection to the above amended submission, and again, we have no comments to make.

Urban Designer

No objection – see comments in main body of report.

9.0 Parish Council Response

9.1 The Parish Council have objected to the scheme and stated (in full) that:

Copford with Easthorpe Parish Council strongly object to this Planning Application for 50 homes.

Whilst the application does have some improvements over the previous 'dropped' one there are too many issues associated with the site and in particular the access from the site onto Hall Road and beyond.

The width of Hall Road now does not support two cars passing side by side and this is with only 9 or so residents living off the road, with a potential 50 additional homes-2 cars per home perhaps-this would contribute a significant amount of additional traffic to this narrow former rural lane. The width two cars is 4.3m and of a van e.g. transit is 2.474 m with wing mirrors, of tractors which regularly use this road for access to agricultural land is 2.4m, for refuse lorries 3.4m sewerage tankers 3m+ (Anglian water have confirmed to the Parish Council that between 3 and 5 sewage tankers regularly use Hall Road to remove waste from Copford Water recycling works.

The width of the road as stated by developers is 4.3m width which is less than the 4.8 m minor road access usually required. as can be seen this may allow two cars to pass-just- but no other combination of vehicles e.g. car and van would be able to pass along the road.

The suggestion by developers of a 1.2 'run over' footpath within the proposed 4.3m roadway poses a significant risk to public safety for a number of reasons. In theory any vehicles moving along this road must give way to pedestrians on the raised 25mm run over footpath. This in itself poses an issue let alone if there are any vehicles e.g. car/van which will take up more than the available space and will not be able to pass.

The developers in their public consultation documents talked of cycle access but this is not mentioned beyond that, with no provision for sustainable cycling along Hall Road.

There is a lesser standard of road width and shared surface for Hall Road than there is for other developments within the City area including one nearby which has a 2m footway to protect pedestrians. This is not consistent and places a significant risk to public safety along the very popular Hall Road used by a significant number of walkers and dog walkers daily.

The proposed 1.2m footpath requires any user to cross over from the exit of the development onto the other side.

There is concern by the Parish Council that notwithstanding the risk to mobile residents, that both the 25mm upstand and the footpath provision which is 1.2m for the majority of its length is inadequate to meet DDA, and may be considered discriminatory. For wheelchair access a minimum of 1.5m is required along the whole length of the footpath this is clearly not achieved in the developers plans and maps showing 'highway improvements'

The fact that there is a change of level will also impact wheelchair and visually impaired users. The footpath access does not allow a resident with a double or even single buggy to pass safely.

The closeness of the 1.2m shared footpath to the new bell mouth opening of Hall Road is also of concern especially when deliveries are made by drivers who are not aware of the shared footpath.

The inadequate provision of the footpath and the width of the road overall makes for a significant public safety risk which is unnecessary. More detailed proposals are needed to ensure that vehicle movements and public safety are not compromised. If the development is approved then Hall Road and the whole of the proposed development should be subject to a mandatory 20mph speed limit or lower.

Given the potential number of cars on development (up to 100?) most of whom will use cars for school transport and work, Hall Road will become more problematic for all users.

The location of the homes on site does pay some attention to the emerging Copford with Easthorpe Neighbourhood Plan in terms of palette, style and layout, however the commissioned RCCE Housing Needs survey has been ignored, there is no provision for bungalows which are in high demand and the affordable homes are not linked to anyone who lives in the Parish area or has connections with the Parish which is disappointing as the average house price locally makes it very difficult for relatives of local residents to remain here.

The access/egress point from the development is of concern as during night time lights from vehicles will shine directly into the homes of several residents.

The development has a direct and potentially damaging effect on the significant, nearby Grade 2 listed Brewers Cottage and Keepers Cottage. In the case of the former the 2.5 storey homes shown on the plans will have a significant effect on the curtilage, place and setting of the listed building and for these reasons alone the siting of homes here should be reconsidered.

There has been a holding action regarding the flood risk on site which is well known and documented locally, it is not a 'once in a 100 years' event, but far more regular with significant flooding towards the rear of the site by the

PROW to London Road, the suggestions to mitigate this require much closer attention as seems probable that the flood will not be removed and it may be displaced onto the lower gardens of the homes backing on to the site from London Road.

The increased biodiversity is mandatory and will not sufficiently screen the site.

There is also an issue as to the impact on two Local Wildlife sites, Keepers Wood and Pits Wood which together with the nearby Roman River Conservation zone provide much needed green corridors which will be impacted by this development.

The archaeological survey states very clearly that a more detailed examination of the site will be needed in advance of building out.

The developers talk of 1 million pounds being contributed to local infrastructure but do not outline where this money will go. NPPF 85 talks of 'development sensitive to its surroundings which does not make an unacceptable impact on local roads'

The Parish Council strongly believe that this development is neither sensitive to its surroundings and will have an unacceptable impact and for this reason believes the development as it is should be withdrawn and reconsidered.

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. At the time of writing 57 objections and 13 general comments were received, some from the same addresses. A number of the representations were very detailed and it is beyond the scope of this report to reproduce them all in full, but the full text of all of the representations received is available to view on the Council's website. A letter of objection from an external planning consultant and external heritage consultant was also received. A summary of the objections raised is given below.

- It will be visually intrusive.
- Copford is at capacity.
- The Highway network can't cope.
- The Transport Statement is inaccurate.
- Hall Road is a narrow rural lane, not a road, and its intensification is not appropriate and accidents have happened recently.
- Detailed comments with regards to the workability of the access point.
- Hall Road is used by walkers, runners and cyclists.
- London Road is extremely busy and the junction is blind.
- There are lots of other developments in the area so we don't need this
- this one too – for example in Stanway.
- The other facilities in the area can't cope, for example

schools/doctors/dentists.

- The sewage treatment works can't cope and won't cope with this.
- Harm to setting of listed buildings is more significant than the applicant's consultants suggest.
- Harm to nearby ecology.
- Drainage issues.
- Scheme will be materially harmful to my amenity.
- Light from headlights will be materially harmful.
- Loss of good agricultural land which is actively farmed for food.
- The Doctor's surgery can't cope and is highly oversubscribed.
- This will destroy wildlife/ecological impact/trees.
- Increase in pollution.
- Flooding and drainage issues.
- How would this scheme be built out without compromising the access to the existing dwellings on Hall Road.
- Harm to archaeology.
- What will the Section 106 money be spent on?
- Light pollution from the development.
- Will refuse lorries be able to access the development.
- This is a visually important site on the rural edge.
- Fails DM15 or SP6, is not sustainable or safe.
- Dandara do not own all the land required for the highway changes.
- The scheme is too dense.
- After rain Hall Road becomes a fast flowing stream and in winter it freezes.
- The design is poor so the scheme fails SS4, SP7, DM1 and DM9.
- This application contains a lack of detail.
- Poor public transport in the area.
- Are there sufficient utilities to serve this development?
- The proposed development is firmly considered to have an unacceptable detrimental impact on the following heritage assets, the setting of the grade II listed Brewers Cottage located on London Road, the setting of the non-designated heritage asset known as Keepers Cottage located on Hall Road and historic lane of Hall Road by virtue of widening and formalising its informal character.
- The amendments have not changed my opinion on the scheme.
- A serious traffic incident recently occurred in Hall Road regarding a reversing refuse truck.
- The works appear to have started already (the archaeological investigation/site and utilities surveys).
- A telegraph pole will need to be moved.
- The Council must make the applicant comply with health and safety regulations.

11.0 Parking Provision

11.1 The scheme accords with the adopted parking standards.

12.0 Accessibility

12.1 For all CBLP allocations the accessibility standard for 10% of market housing and 95% of affordable housing will meet Building Regulations Part M4 Cat 2. 95% (excluding upper floor dwellings). 5% of affordable housing should meet Part M4 Cat 3 (2) (b) as set out in Policy DM12 vi. In this instance one fully wheelchair compliant home is proposed and is a dwelling that contains a lift.

13.0 Open Space Provisions

13.1 The scheme provides 10% on site public open space. This is set out at the frontage of the site where the new access road meets hall road to help with the visual softening of the entrance of site. The main area of open space and is located centrally in the site in an area framed by dwellings. A Local Area of Play is proposed on the central open space.

The main part of the site (excluding Hall Road, which is inside the red line of the application boundary) measures 1.72 hectares and the open space at the entrance and in the centre of the site measures 0.18 hectares. As such, the scheme is slightly over the 10% 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

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

ECC Libraries: £3890

Communities: £165,339.11

Parks and Recreation : £203,081.64

NHS: £30,551.00

Affordable Housing: 15 units including one wheelchair unit.

A contribution to the Essex Coast RAMS will also be secured via the legal agreement.

16.0 Report

- The main issues in this case are:
- Policy Principle

16.1 The application site is allocated for residential development through *Policy SS4: Copford* in the *Colchester Borough Local Plan 2017 – 2033 Section 2*. The policy considers two sites in the village and the part which relates to the site reads:

West of Hall Road

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) Up to 50 new dwellings of a mix and type of housing to be compatible with surrounding development;**
- (ii) A single site access via Hall Road;**
- (iii) Detailed flood modelling to assess flood risk at Hall Road from Roman River; and**
- (iv) A safe pedestrian footway agreed with the Highways Authority from the site to London Road to enhance connectivity with Copford.**

Development must conserve, and where appropriate, enhance the significance of heritage assets (including any contribution made by their settings). Designated heritage assets close to the two allocated sites include the Grade II Copford Place and stable, Brewers Cottage, Stanway Bridge and Brook Cottage.

In addition, the Copford with Easthorpe Neighbourhood Plan 2019-2033 has passed through the examination stage and referendum. It is expected that it will become part of the statutory development plan in the near future and it is therefore reviewed in detail.

The Proposals Map shows that the application site is a “new residential allocation” (coloured red) and within the settlement boundary of Copford (shown with a thick black line) but is otherwise not subject to any other allocation or designation. It is outside the flood zone that runs along the Roman River, set away from the Local Wildlife Sites in the countryside to the south of the village and beyond the setting of the conservation area that covers most of Copford Green. Although the application site and allocation are on former farmland, it is not subject to any designation that relates to nature conservation, green infrastructure or landscape value.

Policy SP 1 Presumption in Favour of Sustainable Development states that the council will take a positive approach that reflects the NPPF, working pro-actively with applicants to find solutions that allow proposals to be approved wherever possible, and that development which complies with the plan will be approved without delay, unless material considerations indicate otherwise.

A minimum housing requirement for the plan period (2013 – 2033) is set by *Policy SP 4 Meeting Housing Needs*, providing for the delivery of at least 18,400 new homes (920 new homes per annum), with *Policy SP 3 Spatial Strategy for North Essex* emphasising that existing settlements will be the principal focus for additional growth. *Policy SG1: Colchester's Spatial Strategy* confirms that growth will be located at the most accessible and sustainable locations in accordance with the spatial strategy and the spatial hierarchy at Table SG1 – the site is on the second tier of the hierarchy, part of the “Sustainable Settlement” at Copford and Copford Green. The policy also highlights that development will be focussed on accessible locations to reduce the need to travel and that development will be supported where real travel choice is provided and sustainable travel for different purposes is promoted throughout the day, which was an important factor in the decision to allocate the site for the creation of up to 50 new homes.

The same principles are applied in more detail by *Policy DM20: Promoting Sustainable Transport and Changing Travel Behaviour* and *Policy DM21: Sustainable Access to Development*. Furthermore, the strategy of focussing development in sustainable locations is backed up by *Policy SG7: Infrastructure Delivery and Impact Mitigation*, confirming that all new development should be supported by, and have good access to, all necessary infrastructure and that contributions towards infrastructure provision will be sought on small sites to address the potential for a cumulative impact and repeated by *Policy PP1: Generic Infrastructure and Mitigation Requirements* and the requirement for contributions to the cost of infrastructure improvements and/or community facilities in addition to addressing site-specific issues.

16.2 Neighbourhood Planning Policy

The Copford with Easthorpe Neighbourhood Plan 2019-2033 has passed through all the steps in its preparation and has been through the process of referendum where it received more than 50% of the vote. It will now pass to full Council for agreement to be formally made and this may potentially occur on the 18th of October. An update will be provided at the planning committee meeting but in any event at this stage the NP can be given virtually full weight.

The local plan places the application site within the settlement boundaries of the village through the allocation of the land for residential development in *Policy SS4*, therefore it meets requirement in *Policy CE1 Settlement Boundaries and Development* that supports the principle for new development if it is within the settlement boundaries.

It is important to note that there is nothing in the Emerging Copford NP that would suggest this site is not acceptable for residential development.

16.3 Copford Design Guidance and Codes

Prepared as part of the neighbourhood plan and now given formal status via policies CE3 and CE5, 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 Hall Road, but the site itself is not considered.

Chapter 4 sets out the design guidance and codes, with the latter split into six sections that are grouped around the themes of settlement layout, rural character, local character, built heritage, safe movement and sustainability. Not all the codes are directly applicable to the application site, although many include principles that can be applied so that the character and appearance of the villages is not harmed by development at the scale anticipated by the local plan. For example, *SL 02.1. Gateway* and *SL 02.2. Edge sites* set themes that address the relationship between the built-up area of the villages and the surrounding countryside, and there is no reason why they should not be applied to the greater scale of development which is proposed.

However, there are some which are directly applicable; *SL 03. Layout of buildings* states that “new developments should respect the particular building patterns of each settlement in order to contribute positively to their character”. Although the linear pattern of development along London Road cannot realistically be replicated on a broadly square site such as this, the seven bullet points and accompanying diagram provide guidance that should be used: “any new development in the countryside should be carefully sited to minimise negative impacts on the landscape”, “new development must demonstrate an understanding of the scale, building orientation, enclosure and façade rhythm of the surrounding built environment” and “new development should comprise a variety of dwelling types”.

Other codes of note include *RC 01. Views and landmarks*, *RC 02. Trees and Landscaping*, *BH 02. Respect the character*, *SM 01. Interconnected street network*, *SM 03.1. On-plot side or front parking*, *SM 03.2. On-plot garage* and *SM 04. Legibility and signage*.

Most important are the codes set out under the heading of “promote local character”, which have an important role to play in guiding the form of development proposed in this application. They are:

- *LC 01. Proportion and scale*
- *LC 02. Enclosure*
- *LC 03. Boundary treatment*
- *LC 04. Building line and setback*
- *LC 05. Roofline*
- *LC 07. Architectural details*
- *LC 08. Materials and colour palette*
- *LC 09. Street lighting / dark skies*

There are also codes that summarise standards set outside the planning system, providing encouragement to step beyond the Building Regulations, requirements for adoption of sustainable drainage systems and the forthcoming central government policy on biodiversity net gain (*SU 01. Energy efficient housing and energy production*, *SU 02. Biodiversity*, *SU 03. Sustainable drainage* and *SU 04. Permeable pavements*).

16.4 Policy Conclusion

Unlike the previous withdrawn application, this application is to be determined against a far clearer policy backdrop. The adopted Local Plan Section 2, is recent, up to date and holds full weight.

It is important to noted that in order to get to this policy position, the whole plan, including this policy was tested in detail at the Examination in Public. The Examining Inspector found the plan sound and that includes policy SS4. This policy was discussed at the Examination in detail and notwithstanding the representations made to it both in writing and verbally at the hearings, the Inspector did not ask for the policy to be removed or substantially changed.

Following the Inspectors letter finding the plan sound it was adopted at full Council. Whilst officers argued that some weight could be afforded to the plan in the determination of the withdrawn scheme, there is no doubt that policy SS4 holds full weight now. The site is therefore wholly acceptable for residential development.

16.5 Access

In addition to the site allocation requirements discussed below, policy PP1 sets out standard mitigation requirements for all development proposals. In respect of highway matters, the policy requires safe pedestrian access from the site to existing footways to ensure connectivity, as well as proportionate mitigation for area wide transport issues as identified in relevant transport policies. Proposals that impact on the highway network will be required to provide contributions towards mitigation and improvements to identified highway projects. In addition to this, policies DM21 and DM15 require all new developments to enhance accessibility for sustainable modes of transport and to incorporate any necessary infrastructure and services including highways and parking.

As was the case with the withdrawn scheme, the majority of the representations consider the access arrangements to be inadequate.

Part (iv) of Policy SS4 requires the delivery of a “safe pedestrian footway... from the site to London Road to enhance connectivity with Copford” and that the design is agreed with Essex County Council in their role as the highway authority. A detailed engineering design is submitted as part of the application for planning permission (shown on drawing 49896/PP/004).

Visibility splays of 2.4 metres by 43 metres can be achieved onto Hall Road, with vegetation clearance where required as with the withdrawn scheme. The existing hedge, south of the proposed access will be replanted and set back behind the visibility splay on to Hall Road. A traffic survey undertaken on Hall Road during March 2023, identified the maximum 85th percentile road speed (in either direction) was 20.5mph and existing traffic volumes are very low (less than 100 vehicles per day during the survey). The traffic survey data is included in the Transport Statement. It is noted that some of the representations dispute these number, but as they form part of the Transport Statement that must be taken as accurate.

The improvements to Hall Road that the applicants propose comprise a consistent 4.3 metre carriageway width (widening near to the junction with London Road), which is in excess of the minimum required to allow two cars to pass each other, or a larger vehicle to pass a cyclist, together with a footway of minimum 1.2 metre width, primarily along the eastern side of Hall Road, which can allow a vision impaired person to be guided or a wheelchair user to turn 90 degrees. The Manual for Streets also indicates 1.2 metres is the width that is required for an adult accompanying a child. Where achievable, the footway width would be increased to 1.5 metres, allowing for an adult to walk alongside another with a pushchair or a pedestrian to pass a wheelchair user. This footway area would be 25mm higher than the carriageway and defined by a kerb line. This would allow the combined footway/carriageway area to be a shared surface arrangement given Hall Road would only serve the proposed dwellings along with the existing uses. The footway will require the provision of minor retaining features such as a paving slab revetment for low level retained heights and a concrete retaining wall of less than 1.5 metres retained height. This is acceptable and is not held to be discriminatory to wheeled users of the footway.

The overall width of 5.5m would allow, if required and without being specifically encouraged, for two large vehicles to pass (which is not presently possible) although it is intended that the passing manoeuvre would require overrunning of the footway after giving way to any pedestrians. This has been noted in a number of the representations but is not intended to be an event that occurs regularly.

It should be noted that there were a maximum of just two HGVs in a single direction per day recorded in the traffic survey and would likely be limited to a weekly refuse collection and occasional delivery vehicle. Improvements are also indicated at the junction between Hall Road and London Road junction to shrink the kerb radii so that vehicle speeds entering and exiting Hall Road are reduced and to reduce the crossing distance across the junction for pedestrians.

This approach has been confirmed to be acceptable to ECC Highways who were involved in pre-application discussions with the applicant.

It is very clear from the Call-in, the Parish representations and the neighbour representation that the applicant's argument as set out in the transport statement are not accepted. These have been very carefully considered by officer and by the Highway Authority.

As noted above the site has been allocated in the adopted Local Plan (Section 2) and has a policy requirement at SS4 criterion (ii) which explicitly requires a single site access on Hall Road. This scheme provides that. Any other solution would not comply with the policy.

At SS4 criterion (iv) a safe pedestrian footway agreed with the Highways Authority from the site to London Road to enhance connectivity with Copford is required. This scheme provides a footway and it has been agreed with the Highway Authority.

A refusal of this scheme is not held to be reasonable or sustainable at appeal as it is clear that the scheme complies with the requirements of the adopted policy.

It is noted that the Highway Authority have requested a number of conditions to be imposed and these are suggested at the end of this report.

16.6 Public Right of Way

A Public Right of Way runs north/south along the western end edge of the site, within the red line. From the north west corner of the site it connects to London Road between existing dwellings. This scheme will result in the improvement of the PRow. It will provide a very useful pedestrian link to London Road from the site. It will mean that pedestrians will be able to exit and enter the along London Road without using the Hall Road junction. This additional pedestrian permeability is a benefit of the scheme.

Also conditioned as requested by the highway authority is a condition that requires that prior to commencement of the development, details of improvements to Footpath 2 Copford between London Road and Hall Road also Footpath 4 Copford between Hall Road and School Road, shall be submitted to and approved in writing by the Local Planning Authority. This is a public benefit of the scheme.

16.7 Design

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. Policies DM8, DM8, DM10, and DM12 set out detailed requirements in respect of affordable housing, development density, housing diversity, and housing standards to ensure the efficient use of land and achieve high standards for design, construction, and layout in order to create inclusive and sustainable communities that suit a range of different households.

As set out above, the Copford NP also has a separate Design Guide/Codes and the developers have been mindful of these requirements.

The in-house **Urban Designer** has stated:

The application site consists of a relatively rectangular parcel of agricultural land, measuring circa 2.1ha and located to the rear of properties fronting the south side of London Road and to the west of Hall Road. The northern and southern boundaries of the site abut the rear gardens of existing properties fronting London Road, featuring a variety of boundary treatments and existing vegetation. A Public Right of Way (PRow) also runs along the western boundary of the site. The eastern boundary runs parallel to Hall Road and features native hedging, whilst the southern boundary has an open aspect to the remainder of the agricultural field parcel. The principle of the proposed development is established via the site's allocation within the Local Plan and the concurrent extension of the settlement boundary. The quantum of development proposed is guided by the Local Plan allocation and is considered appropriate given the size and context of the site.

Given the size of the site, its shape and the proposed quantum of development a degree of compromise has been accepted regarding how the development responds

to sensitive edges. Units are backed on to the northern boundary to create a back-to-back relationship between proposed and existing properties in a traditional manner. Priority has then been given to fronting units on to the public facing eastern and western boundaries, in order to promote good levels of activity and natural surveillance. The compromise has come on the southern boundary where guidance would seek to avoid dominance of countryside views by rear boundary treatments. In order to mitigate the fact that units are backing onto this boundary, a softer boundary treatment will be applied, and space has been made for the planting of a native hedge. This has allowed the development to front the other two boundaries and for the public open space to be located centrally within the scheme, which are both considered to be positive design features, in terms of access and place making.

Further to the treatment of the sites edges, the rectangular shape of the site and its general lack of constraints, combined with adopted guidance, technical requirements and the use of traditional housing and parking typologies, the proposed layout appears relatively suburban in character. The central location of the public open space is welcomed, though it is disappointing that it is dominated by parking and carriageway on three out of four sides. The layout also offers public benefit in making provision for a connection between the PROW along the site's western boundary and the PROW to the east of Hall Road. The layout also accommodates policy compliant levels of public open space, parking provision and gardens, as well as appropriate back-to-back distances.

The proposed built environment adopts generally vernacular forms, materials and detailing. Though plan form and associated composition are relatively simple and generic, application of materiality and detailing provides variety in the appearance of units across the site, resulting in a degree of visual interest. Enhanced detailing is applied to units fronting the central public open space, providing a degree of character for the site and somewhat grounding the built environment in its context.

In light of the above assessment , it is considered that the proposed development achieves an acceptable and policy compliant standard of design, subject to appropriate conditions.

Given the sites size, shape, adjacencies and the surrounding context, it is considered that the proposal achieves an acceptable standard of design and placemaking. On this basis, notwithstanding a couple of minor issues that can be resolved via condition, there is no objection to the proposed development on design grounds, subject to conditions.

The majority of the new homes proposed will be two storeys tall, although care has been taken to ensure that there is variation in the roofscape through the use of a range of roof designs, including ridges running parallel to the streets broken up by strategically placed gables, corner turning house types that present different roofs forms to their two frontages, and varying roof pitches so that there is no consistent ridge height across the site. This approach is in keeping with design code LC 05. Roofline, with extra scale added by the four semi-detached pairs of houses on the

north side of the central open space that include accommodation within the attic space to create a 2½ storey form.

The applicants argue that clustering the semi-detached properties around the central open space uses the density of development to establish a difference in character between the houses in the middle of the scheme and the houses that face outwards or are backing on to the outer edges. The proposed density is relatively low, ensuring that the appearance of the proposed scheme is generally in keeping with the wider village as required by Policy DM19, avoiding an urban or suburban street scene. The outer edges of the perimeter block form present the houses in a landscaped setting, making space for the proposed soft landscaping scheme against the public footpath to the west and on the frontage to Hall Road to the east, as well as highlighting the gaps between the buildings because they can be viewed from a distance across the fields to the south as part of the new edge to the village: the space between the new homes is an important element of the character, establishing a transition from the countryside to the south so that a hard edge to the built-up area is avoided, as sought by design code SL 02.2. Edge sites.

Throughout the site, the relationship between public and private space is reasonably well defined: the public open space and play area in the centre, the estate roads and the connections through the site to public footpaths are the public realm; any land that is hidden from the public realm by being behind buildings or garden walls, or that is accessed by turning off the estate roads, is private. The change from public to private areas is marked by the form of the buildings that enclose the space and no private areas are able to be accessed directly from the public realm, with the private amenity space to the rear of each new home protected by a lockable gate.

The landscaped front gardens of the detached houses on the outer edges of the site respond to the “green” feel of the relatively low density development in the older parts of the village, bringing an element of the semi-rural character of the wider area into the proposed scheme. Low level walls and hedging which were negotiated at pre-app stage and will be used to mark the boundary between the public street and the private space to the front of all dwellings, with the front gardens intended to be semi-private, indicating where the entrance to each property is positioned but providing a buffer between the house and the road. All houses have a private garden to the rear, separating the properties from one another where back-to-back or back-to-side relationships are proposed, avoiding the creation of un-neighbourly relationships and preventing any overlooking of habitable rooms.

The application state that classic cul-de-sac form favoured by the Secured by Design process is used so that the boundaries between public and private areas are made clear, minimising opportunities for anti-social behaviour and making it easy to spot anyone that strays from the public realm. Views along the short and straight estate roads emphasise surveillance of the public realm, the semi-private cul-de-sac streets and through to the surrounding landscaping.

16.8 House Types

The proposed scheme will expand the built-up area of Copford to the south east, although the new homes will be set behind the linear form of London Road and will not read in the context of the main street through the village. In parallel to local plan

Policy DM15 Design and Amenity, neighbourhood plan Policy CE3 Design & Character and the Copford Design Guidelines and Codes, the appearance of the scheme has been designed to be harmonious with the surrounding land uses, including the delivery of a transition from the countryside to the extended built-up area of the village. The analysis of the village in this statement builds upon the assessment of the character, scale and appearance of Copford, Copford Green and Easthorpe that forms the basis of the neighbourhood plan and the accompanying design code.

The applicants state that this application for planning permission places a focus on the design codes that can be applied to the proposed scheme and the appearance pays close regard to codes that seek to promote the local character – the code states that “these design principles describe the elements that contribute to Copford’s character and new development should pay particular attention to the layout, form, scale, materials and detailing”. As such, the proposed scheme will create a newly defined edge to Copford, establishing a coherent relationship with the open countryside to the south, most of which is either in agricultural use or woodland. This is important to the design of the development, ensuring that the relatively low density of development, predominantly two storey scale and the character of the scheme is harmonious with the existing properties that line London Road and Hall Road, with the latter setting character by being the street which runs up to the site.

Traditional building forms and materials can be found throughout Copford, including pitched roofs, door canopies, porch canopies and combinations of brickwork and render. A number of these elements have been incorporated into the proposed dwellings, creating modern buildings that reflect the traditional Essex vernacular where possible in a scheme that comprises a mixture of detached and semi-detached houses. A simple palette of materials that includes variation in facing bricks, roof tiles and weatherboarding is proposed, enlivened by varied fenestration, a detailed roofscape and door canopy detailing. In addition, selected variations in house design respond to the proposed layout of the site, ensuring that a neighbourly relationship is created with the existing properties to the north and that a strong frontage is created along the western and eastern boundaries, with the latter establishing continuity with the appearance of the existing properties on Hall Road. Details, such as doors, canopies and boundary treatments are borrowed from the surrounding area and are employed to create subtle variations across the site.

As such, the scheme seeks to define a distinct character, but responds sensitively to its location at the edge of the settlement, particularly because it will be the backdrop to long views from Hall Road to the north of Pitts Wood and will create the new edge of the village; houses on the south side of the scheme will be the first part of the village that can be seen from the public footpaths through the countryside between Copford and Copford Green. The landscaping design has driven the form of the development with a distinct edge to the perimeter block form, using landscaping to create the transition from rural edge to built-up area. The hard and soft landscaping creates the setting for the buildings and highlights the public realm on the street frontage and footpath frontage, delivers tree-lined streets and defines the appearance of the new open space as an integral part of the character of the proposed development.

Some representations note the layout to be poor and state that the layout chosen is only one way of developing the site and others may be better. These have been given careful consideration but on balance it is held that this scheme comprises a high-

quality layout that will achieve a real sense of place on this site where a sensitive transition from the urban to rural is important.

16.9 Housing Mix

The housing mix is as follows:

Private

Two bedroom – 2
Three bedroom – 12
Four bedroom – 17
Five bedroom – 4
Total – 35

Affordable Rent

Two bedroom – 3
Three bedroom – 7 (including wheelchair house)
Four bedroom – 2
Total – 12

Shared ownership

Two bedroom – 1
Three bedroom – 2
Total – 3

Overall scheme

Two bedroom – 6
Three bedroom – 21
Four bedroom – 19
Five bedroom – 4
Total – 50

This is considered appropriate in line with policy DM 10 Housing diversity which seeks a range of housing types and tenues on developments to encourage diverse communities. It is noted that a number of the representation do not consider the mix and/or the house types proposed to be appropriate. These have been carefully considered but in this instance the mix is held to be acceptable.

16.10 Affordable Housing

In accordance with Policy DM8 Affordable Housing, 15 of the 50 new homes will be designated as affordable housing, equating to 30% of the total. These homes will be delivered for affordable rent and shared ownership, with details of the provision to be agreed with Colchester City Council's housing team via the Section 106 legal agreement. They are shown on the affordable housing plan as being located in two separate parcels one in the north of the site and one in the east. One dwelling will be

fully wheelchair accessible and has a lift to enable that. The provision of affordable housing is a significant public benefit of the scheme.

It is noted that the allocations for the affordable homes will be dealt with via the normal process and that is held to be acceptable.

16.11 Impact on Amenity

Section 2 Policy DM15 requires all development to be designed to a high standard that protects and promotes both public and residential amenity, particularly with regard to privacy, overlooking, security, noise and disturbance, and daylight and sunlight.

The position of the access point is considered to be sensible as forcing it further down Hall Road would result in further erosion of the rural character of the lane. It is accepted that the existing residents will notice the increased in traffic movements including headlights from cars pulling out of the access onto Hall Road. This has been carefully considered but the impact on amenity is not to a point that is held to be unacceptable. It is noted that the bell mouth of the proposed access it is in a position that is close to other residential dwellings – opposite Trewe House, the access to Kyle and 1 and 2 Hall Road, but on balance that is not held to cause demonstrable harm in term of its impact on amenity.

The layout supplied broadly complies with the back-to-back guidance as set out in the Essex Design Guide. The houses that back on to the northern edge of the site are set 15 metres from the shared boundary, in line with the dimension set by the Essex Design Guide. The majority of the existing properties are on the frontage to London Road and face towards it, but there is some backland development where houses have been inserted into rear gardens, with numbers 15 and 33 hidden behind the building line. As such, care has been taken to ensure that an appropriate relationship is created so that these properties do not become hemmed in by built development, with a building-to-building offset from plot 11 to number 33 at 24.5 metres measured to the main rear elevation (so just slightly below the 25m) and from plot 4 to number 15 at 26 metres.

Representations have noted the 2.5 storey dwellings that back on to the houses that front London Road. The distance between these 2.5 storey houses and the boundary to confirm that the minimum distance set by the Essex Design Guide (15 metres). Perhaps the most important thing to note is that the Parham house type has accommodation in the roof space but isn't a true 2½ storey house (the eaves are raised a little, but not half a storey) and doesn't include top floor windows that face towards the existing properties to the north apart from rooflights to the en-suite and staircase, but no dormers where you could stand and look out. This means that the relationship looks a lot more like what you would expect for a 2-storey house.

Due to the long gardens of the dwellings to the to the west of the PRoW, that extend the depth of the application site, for example number 45 London Road, there will inevitably be new overlooking from the proposed dwellings to some sections of neighbouring gardens. It is not possible to protect the privacy of the whole length of a very long garden and it would be an unreasonable expectation for this to happen. The

layout is therefore acceptable in that regard. In addition plot 50 has an oblique relationship with the neighbour at Keepers Cottage and its side garden across Hall Road. This relationship has also been carefully considered but is held to be acceptable.

The scheme raises no concerns with regards to loss of light 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. This proposal has been sensitively designed with the Essex Design Guide guidance in mind. Officers consider the layout does not materially compromise neighbouring residential amenity.

16.12 Impact on Heritage Assets

Local Plan Policy ENV1 and DM16 reflect the statutory obligations as set out in Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving a listed building or its setting. In a similar vein, the National Planning Policy Framework (2021) gives great weight to the conservation of designated heritage assets, noting that the more important the asset, the greater the weight should be. This is irrespective of the level of harm (Par.199) . Any harm to the significance of designated heritage assets from development within their setting should also require clear and convincing justification (Par.200) . Where this harm is identified as less than substantial , the Framework instructs that this harm should be weighed against the public benefits of the proposal (Par.202). This planning balance is also prescribed in Policy DM16. The Framework also requires a balanced judgement having regard for any indirect impact applications on the significance of a non-designated heritage assets (Par.203).

The in-house **Historic Buildings and Areas Officer** has stated:

Brewers Cottage, which is located to the north of the application site, is listed at Grade II for its special architectural or historic interest (NHLE List Entry Number 1239137). The timber-framed cottage dates from the 17th century and is rendered with red plain tile gambrel half hipped roof , two 'catslide' dormers with horizontal sliding sashes and a 19th century lean-to at the rear. The significance of Brewers Cottage is considered to derive primarily from its historical, evidential and aesthetic value as an attractive post- medieval cottage.

To the east of Hall Road, Keepers Cottage is present in the 1841 Copford Tithe Map and the subsequent Ordnance Survey maps. Although it has not been properly investigated, the building appears to have sufficient heritage interest to be regarded as a non-designated heritage asset for planning purposes.

In terms of setting, Brewers Cottage is set in a private garden which provides screening and enclosure. Historically, the cottage had a direct relationship with the surrounding agricultural land (which includes the application site) and forms part of its wider setting . The cartographic evidence shows Brewers Cottage relatively isolated

until the end of the 18th century , with the exception of another cottage in its vicinity and a corn mill to the north-west. Two pockets of development, near Brewers Cottage and to the east of the corn-mill , emerged in the 19th century . No remarkable changes occurred until the 1920s when linear development appeared along London Road to the west of the corn-mill (demolished by that time). The greatest change in the area happened in the second half-of the 29th century further development along London road and additional expansion to the north and south, as well as ribbon development along School Road that links Copford to Copford Green.

Brewers Cottage is located on the section of London Road where development did not extend beyond the street front (with the exception of 15 and 33 London Road) and the site boundaries reflect the historic field pattern as shown on historic maps . Despite the presence of no 33 to the south-east of Brewers Cottage, the relationship of the listed cottage to the south is preserved . This land contributes to the significance of the listed building by preserving the open landscape aspect that formed its context historically. The development of the application site which will urbanise this agricultural land would cause harm to the significance of the listed cottage through loss of this landscape character. This harm would be in the spectrum of less than substantial, as per the classification of the NPPF.

Keepers Cottage would also be affected by the development of the application site , although the landscape strategy seeks to preserve the soft frontage along Hall Road. Moreover, the link of the historic cottage to the open land that extends to its south and south-east would remain unaltered and the dwelling would still be appreciated as a building on the fringe of the Copford Village.

In accordance with the statutory obligations imposed, the NPPF and Local plan Policies ENV1 and DM16, great weight should be given to the anticipated harm to significance of Brewers Cottage. In accordance with the provisions of the Framework and DM16, the harm caused by this proposal needs to be weighed against the public benefits that the development would secure.

Representations have also noted that the scheme will have a negative impact on the historic lane of Hall Road. Whilst this scheme will inevitably change the character of this section of Hall Road to a certain degree, it is not held that the change that will occur from formalising the northern end, the removal of planting where needed and the invisibility of the new dwellings from Hall Road will cause a change that outweighs the public benefit of the scheme.

It is noted that a number of representations cite the harm to heritage assets and this includes an objection letter from Sam Falco, Heritage Consultant, who stated in conclusion:

In conclusion, the proposed development is firmly considered to have an unacceptable detrimental impact on the following heritage assets: - The setting of the grade II listed Brewers Cottage located on London Road. - The setting of the non-designated heritage asset known as Keepers Cottage located on Hall Road. - The historic lane of Hall Road by virtue of widening and formalising its informal character. It is considered that the Heritage Statement accompanying the application is inadequate for the scope and reach of the works and fails to adequately assess or justify the heritage impacts of this development.

Whilst this has been carefully considered, in this instance it is not held that the less than substantial harm to the heritage assets identified outweighs the benefits of the scheme, namely the provision of market and affordable housing which carry significant weight in the planning balance.

16.13 Landscape and Landscaping

Policy ENV1 seeks to conserve and enhance Colchester's natural and historic environment, countryside and coastline, with Development Plan Policy DP1 requiring development proposals to demonstrate that they, and any ancillary activities associated with them, will respect and enhance the character of the site, context and surroundings in terms of (inter alia) its landscape setting. Policy PP1 requires suitable design and screening/landscaping to minimise any negative impact on the surrounding landscape and/or heritage assets.

The landscape strategy considers the strategic spatial arrangement envisaged for the Site in order to provide a high-quality landscape setting and strong green infrastructure framework within which the proposed dwellings will sit. The landscape objectives of the proposed development include:

- Strategic green infrastructure to create a framework for development.
- Additional planting to screen and soften potential views from existing residential settlement to the north and west of the site.
- To protect views to the south across the site, from the Listed Building located immediately north of the site boundary.
- To ensure, wherever possible, retention and enhancement of existing vegetation within the site and along boundaries, ensuring nature conservation habitats for a range of locally occurring species.
- To create tree lined streets.
- To ensure pedestrian links to existing rights of way along the western site boundary and to Hall Road to the eastern site boundary.
- Ensure new vegetated edge to settlement along the southern site boundary with native hedge and hedgerow trees to screen and soften views.

The applicants state that the development has been designed to incorporate areas of subtly different character to define and create a sense of place. Development frontages should face outwards towards open space and street scenes to ensure that rear garden boundaries are hidden and not a feature of the street scene. As a result planting will be designed to respond to the individual character areas. Semi native and ornamental hedges and ornamental shrub beds should be used in more formal areas to define the street and soften the built form. In other areas planting has the potential to be more rural in character with strategic planting used to soften the development edge and open spaces. Native species will be used adjacent to open

spaces and along the Site boundaries to create an appropriate transition to the surrounding area and wider countryside. Appropriate street trees will be used within the residential areas to soften built form and frame local views.

The scheme has been assessed at both pre-app stage and application stage by the in-house Landscape Advisor. He is broadly satisfied with the scheme subject to a number of minor tweaks that can be made via the standard landscape condition. The scheme is therefore held to be acceptable in terms of the impact on landscape character and the landscaping proposed on site, subject to conditions.

16.14 Trees

Core Strategy Policy ENV1 seeks to conserve and enhance Colchester's natural and historic environment, countryside and coastline, with Development Plan Policy DP1 requiring development proposals to demonstrate that they, and any ancillary activities associated with them, will respect and enhance the character of the site, context and surroundings in terms of (inter alia) its landscape setting.

In terms of trees, the scheme has been accompanied by a Tree Survey and Arboricultural Impact Assessment (AIA) by Enviroarb Solutions.

The trees and hedgerows surveyed in relation to the site are principally located along or near to the site boundaries and are mainly situated off-site. There are hedges located on the western, northern and eastern site boundaries, and there are intermittent trees within these, as well as in residential gardens near to the site and along the nearby public highways. The most significant trees surveyed were located within residential gardens to the north west of the site and along London Road to the north east of the site. A majority of the trees surveyed were of low quality and landscape value, although some trees of moderate or good amenity value were surveyed on the site boundaries and within nearby residential gardens.

The main tree related issues to be considered in respect of the development proposal are as the requirement to provide detailed arboricultural protection methods to ensure the protection of retained trees situated off-site within private residential gardens and hedgerows during the proposed development works.

Some trees will need to be removed. It is proposed to fell and replace the 11 'U' category trees required to be removed due to the dead / dying condition. It is also proposed to fell T16 and a short section of H3 for the proposed new site junction and visibility splay.

Whilst this scheme will result in the loss of some vegetation that has a beneficial softening in the streetscene, in particular from London Road, no trees with a realistic possibility of long-term longevity are to be removed. The in-house Arboriculture Officer concurs with the findings of the Tree Report/AIA. It is noted that as part of the landscaping scheme it will be ensured that good quality tree planting will be secured. This is held to be acceptable.

16.15 Canopy Cover

The individual trees (excluding hedges and hedge groups) located within or extending into the site that are proposed to be removed have a total canopy coverage of approximately 112m², which represents a reduction of 9.89%. In order for the site to achieve a 10% increase in canopy cover (including replacing the cover lost by felling, as described above), the proposals will need to include new planting sufficient to provide 236m² of additional canopy cover. The soft landscaping proposals will be designed with this in mind and will ensure the site achieves at least a 10% increase in canopy cover, as per the requirements of the adopted Local Plan (2022).

16.16 Ecology

Section 40 of the Natural Environment and rural Communities (NERC) Act 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 NPPF is that planning should contribute to conserving and enhancing the natural environment. Policy ENV1 of the Local Plan states that the Local Planning Authority will conserve and enhance Colchester's natural and historic environment, countryside and coastline. Furthermore, proposals for development that would cause direct or indirect adverse harm to nationally designated sites or other designated areas, protected species or result in the loss of irreplaceable habitats such as ancient woodland, important hedgerows and veteran trees will not be permitted.

Ecological Assessment (Ecology Solutions, July 2023), Measured Works Schedule Hard And Softworks (James Blake Associates, July 2023), Biodiversity Net Gain Report (Ecology Solutions, July 2023) and Biodiversity Metric relating to the likely impacts of development on designated sites, protected species and Priority species and habitats and identification of appropriate mitigation measures have all been provided. This sets out how on the basis of the current evidence there is no overriding ecological constraint to the development of the allocated site. The survey work that was undertaken identified the site as being of limited ecological value. The proposed loss of part of a hedgerow to facilitate the new access element proposals will be offset through the provision of new replacement habitats and bolstering of retained features which aim to significantly improve the site's ecological interest. The development has scope to offer biodiversity net gains and meet with all relevant planning policy. The reports consider that there is therefore no ecological justification to refuse planning permission.

ECC Place Services ecology have noted that there is sufficient ecological information available for determination of this application. This 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 Assessment (Ecology Solutions, July 2023) should be secured by a condition of any consent and implemented in full. This is necessary to conserve and enhance protected and Priority species.

16.17 Biodiversity Net Gain

All strategic planting will incorporate species that are native and locally appropriate to the area; plant stock will be of local provenance where possible. Existing boundaries

will be enhanced to reinforce and expand ecological corridors throughout the Site and to the wider Site setting where possible. These corridors will create habitat and foraging opportunities for local fauna and connect Site features.

Green links throughout the development have the potential to connect areas of public space and link the development to the wider landscape.

The use of further tree planting and buffering along the western and southern development edge can increase the biodiversity around the site whilst also strengthening the natural defensible boundary to the development area.

Wildflower meadow planting has been introduced throughout the site to increase plant diversity, and provide habitat and food for a range of species.

The Biodiversity Metric 4.0 was used to calculate the pre-development baseline units. A total of 4.56 habitat units and 1.06 hedgerow units. The proposed development will deliver a net gain of 33.48% in habitat units and 260.75% in hedgerow units, although there is a failure to meet the trading standards for medium distinctiveness habitat due to a minor net loss of other neutral grassland.

These net gains are as a result of extensive hedgerow planting combined with the provision of green infrastructure in the form of urban trees, modified grassland and introduced shrub planting, in addition to biodiverse wildflower seeding towards the north-western corner of the site.

Overall, when based against the Biodiversity Metric version 4.0, the current iteration of the landscape plans succeeds in meeting the recommended 10% net gain in both habitat and hedgerow units as set out in the Environment Act 2021 and local policy, albeit with a failure to meet the trading standards for medium distinctiveness habitat.

Place Services Ecology have assessed the BNG calculation and are satisfied with the methodology. They have suggested conditions that will be imposed.

16.18 Green infrastructure

The applicants have considered green infrastructure in their design approach and state that multi-functionality is central to their green infrastructure concept. It refers to the potential for green infrastructure to have a range of functions, to deliver a broad range of ecosystem services. The provision of new green spaces as part of the Green Infrastructure as indicated on the proposals will be 'multifunctional', enabling the land to perform a range of functions, such as the provision for natural play with mounding, alongside healthy recreation whilst contributing to a wide range of species to increase and enhance biodiversity. These functions are not limited to recreation, but also include ecological enhancement, visual amenity improvement resulting in mental and physical health benefits for the users.

The Essex Green Infrastructure team have assessed the scheme and are satisfied with it, subject to conditions that are suggested at the end of this report. The scheme is therefore held to be acceptable in that regard.

16.19 Sustainable drainage/SUDS and Flood Risk

Flood Risk and Drainage Local Plan Policies CC1 and DM23 state that development will be directed to locations with the least impact on flooding or water resources. Major development proposals required to reduce post development runoff rate back to the greenfield 1 in 1 year rate, with an allowance for climate change. On brownfield sites where this is not achievable, then a minimum betterment of 50% should be demonstrated for all flood events. DM24 requires all new residential and commercial development, car parks and hard standings to incorporate Sustainable Drainage Systems (SuDS) appropriate to the nature of the site. Policy PP1 also seeks appropriate SuDS within the overall design and layout of development sites. In addition, the policy requires adequate wastewater treatment, water supply network enhancements, and sewage infrastructure enhancements for the relevant catchment area.

The adopted policy SS4 criterion (iii) requires Detailed flood modelling to assess flood risk at Hall Road from Roman River.

The site falls from south to north, dropping by around two metres, with low points in the north western and north eastern corners. Ground investigations have confirmed that the geology comprises clay overlaid on sand and gravel, which is reflected by existing issues caused by water running across the ground and pooling in the lower corners. However, the sand and gravel under the clay mean that the site benefits from infiltration rates that allow the whole site to be drained into the ground: permeable paving is proposed for all roads and drives, while the roofs of the houses and garages will drain to soakaway crates under the rear gardens.

An allowance for “urban creep” is designed into the drainage scheme to accommodate extensions to the houses and expanded driveways equivalent to a 10% increase in the impermeable surfacing, plus the permeable paving and soakaway crates include a substantial allowance for storage so that they can hold water during a storm event before it percolates back into the sand and gravel beneath the site with no need for attenuation basins or balancing ponds – the design standard is a 1 in 100 year storm event plus an additional 45% allowance for climate change. The permeable paving in the streets will be made from 60mm blocks on top of graded stone to a total depth of no more than 700mm deep and designed to carry a fire engine or refuse freighter, while the private drives will not be used by large vehicles on a regular basis and the storage can be up to 1000mm deep. The soakaways in the gardens will be set 500mm below ground level and vary between 400mm and 800mm deep, depending on how much water they need to hold, but they are always at least one metre above the water table and five metres from the nearest building. In addition, a management and maintenance plan for the sustainable drainage system is submitted as part of the application for planning permission.

The Flood Risk Assessment confirms that the site is in Flood Zone 1 and therefore is at the lowest probability of flooding from rivers and the sea. As part of the proposed scheme, the low points in the north western and north eastern corners will be raised so that surface water can no longer flow towards the existing properties to the north because the ground will slope gently away from the shared boundary. Furthermore, the comprehensive drainage scheme means that the surface water that currently collects in the corners will be captured by the new sustainable drainage system and returned to the groundwater, using the new infrastructure the address the existing

flooding issue that has been identified by the neighbours. Furthermore, the ability of the geology to accommodate the drainage means that there is no need for connections to existing surface water drains or to nearby watercourses to be used; the sustainable drainage system means that whole scheme is self-contained, does not rely on off-site infrastructure and has no impact on the existing drainage network.

During the course of the application the LLFA (ECC SuDS team) noted four points that they considered needed further information/justification. This additional information has since been provided. Following analysis, the LLFA have confirmed they are satisfied with the scheme subject to the conditions set out at the end of this report.

In addition, a number of the representations have noted the lack of capacity at Copford Water Recycling Centre. Anglian Water have confirmed it does have capacity however and that is held to be acceptable.

16.20 Habitats Regulations Assessment (HRA) /Appropriate Assessment (AA)

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 AA. On that basis it is held that the scheme will mitigate the potential off site impact to off-site protected areas. This will also be secured by the Legal Agreement

16.21 Loss of Agricultural Land

Some representations have argued that the scheme will result in the loss of good quality agricultural land. The previous LVIA for the withdrawn scheme rated the land as Grade 2. This scheme will therefore result in the loss of good quality agricultural land however at roughly 2 ha in area this loss is not held to be significant and is outweighed by the public benefits associated with delivery of new homes in the planning balance. This issue would have been considered as part of the site allocation process and examination.

16.22 Contamination

Development Plan policy ENV5 requires new development to undertake appropriate remediation of contaminated land.

The applicants provided a Phase One Desk study report by Richard Jackson. This report is acceptable for the purposes of the Environmental Protection Team. The findings of the report were reasonable and as stated in the report, the ground gas monitoring is ongoing and will be required to be completed and submitted prior to any works being undertaken at the site.

It is noted in the findings that no soil contamination has been found as per the testing carried out to date on site as per the report previously submitted (Richard Jackson Engineering. Ground Investigation report for land off Hall Rd, Copford. September 2019 Final. Reference 49896).

Based upon the information provided to date, the Council's in-house experts have confirmed the site could be made suitable for the proposed use based upon the information provided. Conditions have been suggested by the Contaminated Land officer that will be imposed.

16.23 Health

Representations have addressed the oversubscription of GP surgeries and the local school. Adopted Policy DM1 (Health and Wellbeing) does not require a Health Impact Assessment for schemes under 100 units. The NHS have assessed the scheme requested a financial contribution to mitigate the increase in demand this scheme will generate. The scheme is therefore acceptable in that regard.

16.24 Education

The Education Authority (ECC) has not made a request for a financial contribution as set out in the Development Team section of this report. They did request a contribution when commenting on the withdrawn scheme but they have noted that at the time of writing they now do not require mitigation. The scheme is therefore acceptable in that regard.

16.25 Archaeology

The developers have been liaising with the Council's consultant Archaeologist who has confirmed that a partial archaeological evaluation was undertaken pre-submission and the rest of the evaluation is currently underway at the time of writing. He agreed the written scheme of investigation.

There is already a need for an archaeological mitigation excavation, which is programmed into the same phase of work, and this may need to be extended depending on what comes up across the rest of the site. The consultant Archaeologist is programmed to visit the site once the trenches are open and will decide on this then. He notes that it may well be that everything is wrapped up pre-determination and that there is no need for an archaeological condition. This will be confirmed via the update sheet.

16.26 Environmental and Carbon Implications

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 National Planning Policy Framework.

Achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways. These are economic, social and environmental objectives.

This report has taken into account the Climate Emergency and the sustainable development objectives set out in the NPPF.

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.

The new homes will be constructed with modern materials that use the minimum of energy and resources in their production. These accord with the current standards and regulations and, in some cases exceed them, to meet the required levels of quality, safety and energy efficiency. Modern methods of construction will be employed wherever possible, delivering an efficient construction process and ensuring that the new homes will be ready for occupation in a timely manner.

Provisional assessment of the house types proposed demonstrates that baseline Part L compliant emissions for the development will be 77,032 kgCO₂ per annum, with an energy demand of 372,574 kWh per annum.

From this baseline, further energy demand reduction has been prioritised as part of the widely supported 'fabric first' approach. The benefits to the resident of this approach have been discussed in detail, which include an improvement in thermal comfort, lower energy bills, reducing the risk of fuel poverty and minimal maintenance requirements. These benefits are realised alongside the crucial aspect of the long-term reduction in energy demand that is built into the lifetime of the dwellings.

Applying this approach through a combination of the fabric specification proposed, detailing to avoid thermal bridging, reducing air leakage and employing passive and active design measures, the dwellings will secure a saving in CO₂ emissions of 10,289 kgCO₂/year, equating to an energy demand reduction of 47,631 kWh/year.

The energy statement also sets out how Solar photovoltaic, ground/air source heat pumps and Waste Water Heat Recovery System will also be used on this site.

The proposed strategy will provide a 35.97% carbon reduction over a development built to comply with the CO₂ targets under the latest revision of the Building Regulations, Part L1 2021. This also represents a 44.83% energy demand reduction.

In addition to this Environmental Protection have suggested EV charging points to be conditioned and the applicants have agreed to a condition requiring approval of a scheme for EV charging. This will help facilitate the uptake of ultra-low emission vehicles.

It is therefore considered that on balance the application is considered to represent sustainable development.

17.0 Planning Balance and Conclusion

17.1 National policy requires planning to be genuinely plan-led. Unlike the policy context applicable at the time of the previous withdrawn scheme, the proposal is now considered to fully accord with the adopted Local Plan. S.38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications are determined in accordance with the provisions of the development plan and any relevant material planning considerations, In this case the proposals are considered to accord with the adopted local plan and relevant Neighbourhood Plan policies.

17.2 The National Planning Policy Framework (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. 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.

17.3 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. In respect of the third dimension (environmental), the proposal will provide housing in a sustainable location so that future residents would not be reliant on private car, being able to walk or use public transport to access necessary services and facilities, thereby minimising environmental impacts; ecological enhancements can also be secured as part of the development.

17.4 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. The design is held to be acceptable and will create a high quality and beautiful development. Whilst the proposed development would have an impact on the existing character of the site (i.e. by introducing built development where there is none currently) through a general suburbanising effect on the wider setting and on the setting of heritage assets as set out in detail above, the positive economic and social effects, as well as the sustainability of the proposal would weigh in favour of this scheme on what is an allocated site for housing in the adopted Local Plan. Significant weight is

afforded to the supply of new homes and new affordable homes in the Framework.

17.5 In conclusion, it is considered that the benefits of the scheme convincingly outweigh any adverse impacts identified and the proposal is considered to be acceptable on this basis. 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. ZAA - Time Limit for Full Permissions

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

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

2. 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.

3. ZAM - *Development to Accord With Approved Plans*

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

Location Plan	DN005-PL-01
Development Layout	DN005-PL-02 rev. A
Detailed Layout	DN005-PL-03 rev. A
Parking Layout	DN005-PL-04 rev. A
Storey Heights Layout	DN005-PL-05 rev. A
Refuse Layout	DN005-PL-06 rev. A
Materials Layout	DN005-PL-07 rev. A
Affordable Housing Location Plan	DN005-PL-08 rev. A
Garden Areas Layout	DN005-PL-09 rev. A
Landscape Masterplan	JBA 23/007 SK02 rev. B

Landscape Strategy Plan	JBA 23/007 SK03
Detailed Soft Landscape Proposals (Sheet 1 of 2)	JBA 23/007-01 rev. B
Detailed Soft Landscape Proposals (Sheet 2 of 2)	JBA 23/007-02 rev. B
Detailed Hard Landscape Proposal (Sheet 1 of 2)	JBA 23-007-03 rev. C
Detailed Hard Landscape Proposal (Sheet 2 of 2)	JBA 23-007-04 rev. C
Indicative Highway Access Strategy	49896/PP/004 rev. A
House Type Blenheim BLa, Plans and Elevations A	DN005-HT-BLa-01 rev.
House Type Blenheim BLb, Plans and Elevations A	DN005-HT-BLb-02 rev.
House Type Charleston CAa, Plans and Elevations A	DN005-HT-CAa-01 rev.
House Type Chartwell CHa, Plans and Elevations A	DN005-HT-CHa-01 rev.
House Type Chartwell CHb, Plans and Elevations A	DN005-HT-CHb-02 rev.
House Type Frogmore FRa, Plans and Elevations A	DN005-HT-FRa-01 rev.
House Type Frogmore FRb, Plans and Elevations A	DN005-HT-FRb-02 rev.
House Type Goodwood GWa, Plans and Elevations A	DN005-HT-GWa-01 rev.
House Type Goodwood GWb, Plans and Elevations A	DN005-HT-GWb-02 rev.
House Type Gosford GOa, Plans and Elevations A	DN005-HT-GOa-01 rev.
House Type Gosford GOB, Plans and Elevations A	DN005-HT-GOb-02 rev.
House Type Gosford GOCa, Plans and Elevations rev. A	DN005-HT-GOCa-01
House Type Gosford GOcb, Plans and Elevations rev. A	DN005-HT-GOCb-02
House Type Hertford HEa, Plans and Elevations A	DN005-HA-HEa-01 rev.
House Type Huntingdon HDa, Plans and Elevations A	DN005-HA-HDa-01 rev.
House Type Kingstone KIa, Plans and Elevations A	DN005-HT-KIa-01 rev.
House Type Kingstone KIb, Plans and Elevations A	DN005-HT-KIb-02 rev.
House Type Oakham OHa, Plans and Elevations A	DN005-HA-OHa-01 rev.
House Type Oakham OHb, Plans and Elevations	DN005-HA-OHb-02
House Type Parham PAa, Plans and Elevations A	DN005-HA-PAa-01 rev.
House Type Penhurst PEa, Plans and Elevations A	DN005-HT-PEa-01 rev.
House Type Penhurst PECa, Plans and Elevations rev. A	DN005-HT-PECa-01
House Type Penhurst PECb, Plans and Elevations rev. A	DN005-HT-PECb-02

House Type Vyne VYa, Plans and Elevations A	DN005-HT-VYa-01 rev.
House Type Woburn WOa, Plans and Elevations A	DN005-HT-WOa-01 rev.
House Type Woburn WOb, Plans and Elevations A	DN005-HT-WOb-02 rev.
House Type Woburn WOc, Plans and Elevations	DN005-HT-WOc-03
Garages SG1 and SG2, Plans and Elevations	DN005-GR-01
Garage DG1, Plans and Elevations	DN005-GR-02
Garage SG3, Plans and Elevations	DN005-GR-03 rev. A
Street Elevations A & B	DN005-ST-01 rev. A
Street Elevations C & D	DN005-ST-02 rev. A
Street Elevations E, F, G & H	DN005-ST-03 rev. A
Tree Pit Detail in Soft Landscape	JBA 23-007-DT1 rev. A
Tree Pit Detail in Soft Landscape Verge, Root Barrier	JBA 23/007-DT2 rev. A
Multi-Stem Tree Pit Detail, Soft Adjacent to Hard	JBA 23/007-DT5 rev. A

Arboricultural Impact Assessment Report (reference EAS-034.2023)
 Archaeological Evaluations (October 2016)
 Biodiversity Net Gain Report (July 2023)
 Ecological Assessment (July 2023)
 Energy Strategy Statement (July 2023)
 Heritage Statement (June 2023, Revision A)
 Landscape Management Plan for Areas at Land at Hall Road, Copford
 Landscape and Visual Impact Assessment (September 2023)
 Landscape Management and Maintenance Plan: Guide to the Management of
 Landscape Areas (Revision A, September 2023)
 Updated Phase One Desk Study Report & Data Review (reference 62381, September
 2023)
 Site Specific Flood Risk Assessment (June 2023)
 Site Specific Flood Risk Assessment: Letter from Richard Jackson Engineering
 Consultants, 23 August 2023
 Site Specific Flood Risk Assessment: Letter from Richard Jackson Engineering
 Consultants, 25 September 2023
 Transport Statement (Revision A, September 2023)

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

4. 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 to 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.

5. 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 (for developments above 50 units a specific Dust Management Plan is required);
- a scheme for recycling/disposing of waste resulting from demolition and construction works (no waste materials should be burnt on the site);
- the appointment of a public liaison person to update residents on the development and deal with complaints, including dust and noise, contact details to be displayed at the site entrance (for developments above 50 units).

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.

6. 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.

7. EV Charging points

Residential development should provide EV charging point infrastructure to encourage the use of ultra-low emission vehicles at the rate of 1 charging point per unit (for a dwelling with dedicated off road parking) and/or 1 charging point per 10 spaces (where off road parking is unallocated).

Reason: To encourage the uptake of low emissions vehicles.

8. GI - Construction

Environmental Management Plan (CEMP) is 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 Construction Environmental Management Plan (CEMP) will be required to set out how retained GI, such as trees, hedges, and vegetation, will be protected during construction. This also includes setting out how GI assets adjacent to the development proposal will be protected.

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.

9. GI Condition 2

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

Reason: To ensure the 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.

10. Ecology ACTION REQUIRED IN ACCORDANCE WITH ECOLOGICAL ASSESSMENT, MEASURED WORKS SCHEDULE HARD AND SOFTWORKS AND BIODIVERSITY NET GAIN REPORT RECOMMENDATIONS “All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Ecological Assessment (Ecology Solutions, July 2023), Measured Works Schedule Hard And Softworks (James Blake Associates, July 2023) and Biodiversity Net Gain Report (Ecology Solutions, July 2023) as already submitted with the planning application and agreed in principle with the local planning authority prior to determination.

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 s40 of the NERC Act 2006 (Priority habitats & species).

11. Ecology PRIOR TO ANY WORKS ABOVE SLAB LEVEL: BIODIVERSITY ENHANCEMENT STRATEGY “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) timetable for implementation demonstrating that works are aligned with the proposed phasing of development; e) persons responsible for implementing the enhancement measures; f) 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.”

12. SuDS/LLFA Condition 1 No works shall take place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and

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

- Verification of the suitability of infiltration of surface water for the development. This should be based on infiltration tests that have been undertaken in accordance with BRE 365 testing procedure and the infiltration testing methods found in chapter 25.3 of The CIRIA SuDS Manual C753. Groundwater level should be monitored to confirm that the base of the soakaways will be at least 1m from the highest average groundwater level.
- 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 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.
- Provision of 10% urban creep allowance.
- Final modelling and calculations for all areas of the drainage system. Storm ranges should be run for both summer and winter rainfall profiles.
- 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.
- An updated drainage strategy incorporating all of the above bullet points including matters already approved and highlighting any changes to the previously 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 • Failure to provide the above required information before commencement of works may result in a system being installed that is not sufficient to deal with surface water occurring during rainfall events and may lead to increased flood risk and pollution hazard from the site.

13. SuDS/LLFA Condition 2 No works shall take place until a scheme to minimise the risk of offsite flooding caused by surface water run-off and groundwater during construction works and prevent pollution has been submitted to, and approved in writing by, the local planning authority. The scheme shall subsequently be implemented as approved.

Reason: The National Planning Policy Framework paragraph 167 and paragraph 174 state that local planning authorities should ensure development does not increase flood risk elsewhere and does not contribute to water pollution. Construction may lead to excess water being discharged from the site. If dewatering takes place to allow for construction to take place below groundwater level, this will cause additional water to be discharged. Furthermore, the removal of topsoils during construction may limit the ability of the site to intercept rainfall and may lead to increased runoff rates. To mitigate increased flood risk to the surrounding area during construction there needs

to be satisfactory storage of/disposal of surface water and groundwater which needs to be agreed before commencement of the development. Construction may also lead to polluted water being allowed to leave the site. Methods for preventing or mitigating this should be proposed.

14. SuDS LLFA Condition 3 Prior to occupation a maintenance plan detailing the maintenance arrangements including who is responsible for different elements of the surface water drainage system and the maintenance activities/frequencies, has been submitted to and agreed, in writing, by the Local Planning Authority. Should any part be maintainable by a maintenance company, details of long term funding arrangements should be provided.

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

15. SuDS LLFA Condition 4 The applicant or any successor in title must maintain yearly logs of maintenance which should be carried out in accordance with any approved Maintenance Plan. These must be available for inspection upon a request by the Local Planning Authority.

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

16. Landscaping 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.). Including a litter bin within the POS (outside the LAP area), and a dog/litter bin alongside the PRow link.
- Proposed and existing functional services above and below ground (e.g. drainage power, communications cables, pipelines etc. Indicating lines, manholes, supports etc.).
- Earthworks (including the proposed grading and mounding of land areas including the levels and contours to be formed, showing the relationship of proposed mounding to existing vegetation and surrounding landform)
- Planting plans (drainage and building foundation detailing shall take account of the position of the trees as so indicated). Including ensuring the trees within

the southern boundary hedge complement existing field hedges, by comprising a mix of Crataegus monogyna and Acer campestre, and the existing hedge onto Hall Road includes, where space allows, Quercus robur tree planting alongside it.

- Written specifications.
- Schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate.
- Implementation timetables and monitoring programs.
- Confirmation that the southern elevations to units 16 & 26 are blind at the ground floor.
- Demonstration that the 10% canopy cover as set out in the supporting justification is achieved via the planting scheme.
- The areas proposed to be managed by a management company are clearly identified on plan, these including the southern and eastern site boundary hedges and their margins and the western PRoW link, as well as the central LAP POS and open space at the access point onto the site.

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.

17. Landscape Management Plan Prior to the first occupation of the development, a landscape management plan including long term design objectives, management responsibilities and maintenance schedules for all landscape areas other than small, privately owned, domestic gardens shall be submitted to and agreed, in writing, by the Local Planning Authority. The landscape management plan shall thereafter be carried out as approved at all times.

Reason: To ensure the proper management and maintenance of the approved landscaping in the interests of amenity and the character and appearance of the area.

18. Highways CMP Prior to commencement of the development a construction traffic management plan, to include but shall not be limited to details of vehicle/wheel cleaning facilities within the site and adjacent to the egress onto the highway, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in accordance with the agreed plan

Reason: To protect highway efficiency of movement and safety in accordance with policy DM1 of the Highway Authority's Development Management Policies as adopted as County Council Supplementary Guidance in February 2011

19. Highway Geometry amendments Prior to commencement of the development the planning application drawings shall be revised and submitted to and approved in writing by the Local Planning Authority to show the following:

- a) All junction and forward visibility splays (which should be clear of any obstruction over 600mm in height, including parked vehicles)
- b) The first 15 metres of the site access straight and at 90 degrees to Hall Road
- c) All on-plot parking spaces marked (should be immediately at the back of highway or no more than 1 metre from it)

- d) The footpath link opposite Footpath 3 Copford
- e) All visitor parking spaces having a straight alignment
- f) A standard transition at plot 12 and 21
- g) A size 3 turning head adjacent plot 16 (private drive exceeds 45 metres in length)
- h) A straightened turning head adjacent plot 37
- i) A size 5 turning head in front of plot 35 (private drive exceeds 18 metres in length)

The development shall be carried out in accordance with the approved drawings

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, in accordance with policy DM1 and DM9 of the Highway Authority's Development Management Policies as adopted as County Council Supplementary Guidance in February 2011

20. Highways Footpath Improvements Prior to commencement of the development details of improvements to Footpath 2 Copford between London Road and Hall Road also Footpath 4 Copford between Hall Road and School Road shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: To ensure the proposal site is accessible by more sustainable modes of transport such as public transport, cycling and walking, in accordance with policy DM9 of the Highway Authority's Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

21. Highways Off Site Works No occupation of the development shall take place until the following have been provided or completed:

- a) A priority junction off Hall Road to provide access to the proposal site
- b) Improvements to Hall Road between the proposal site access and London Road as shown in principle on the planning application drawings
- c) Upgrade to current Essex County Council specification of the two bus stops which would best serve the proposal site (details shall be agreed with the Local Planning Authority prior to commencement of the development)
- d) The agreed details of improvements to Footpath 2 Copford between London Road and Hall Road also Footpath 4 Copford between Hall Road and School Road
- e) Residential Travel Information Packs in accordance with Essex County Council guidance

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, in accordance with policy DM1, DM9 and DM10 of the Highway Authority's Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

22. ZDC - Removal of PD for All Residential Extensions & Outbuildings

Notwithstanding the provisions of Classes A, B, C, D and E of Part 1 Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 (or the equivalent provisions of any order revoking and re-enacting that Order), no

extensions, ancillary buildings or structures shall be erected unless otherwise subsequently approved, in writing, by the Local Planning Authority.
Reason: In the interest of visual amenity and to ensure the development avoids an overdeveloped or cluttered appearance.

23. ZDE - Removal of PD for Open Plan Fences/Walls

Notwithstanding the provisions of Class A of Part 2 Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 (or the equivalent provisions of any order revoking and re-enacting that Order), no fences, walls, gates or other means of enclosure, other than any shown on the approved drawings, shall be erected in advance of any wall of the dwelling to which it relates (including a side or rear wall) which faces a highway (including a footpath or bridleway) unless otherwise subsequently approved, in writing, by the Local Planning Authority.
Reason: In the interests of visual amenity with regard to the context of the surrounding area.

24. ZDG - *Removal of PD - Obscure Glazing But Opening*

Notwithstanding the provisions of Article 3, Schedule 2, Part 1 of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), the rooflight windows in the rear elevation of the dwellings on plots 3 to 12 shall be glazed in obscure glass to a minimum of level 4 obscurity before the development hereby permitted is first occupied and shall thereafter be permanently retained in this approved form.

Reason: To avoid the overlooking of neighbouring properties in the interests of the amenities of the occupants of those properties.

25. ZFS - Tree and Hedgerow Protection: General

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.

26. ZGX - 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 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

27. ZGY - 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

28. ZGZ - 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.

29. ZG0 - 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 26, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 27, 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 28.

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.

30. ZG3 - *Validation Certificate*

Prior to the first OCCUPATION/USE of the development, the developer shall submit to the Local Planning Authority a signed certificate to confirm that the remediation works have been completed in accordance with the documents and plans detailed in Condition 28.

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.

31. Boundary Walls Notwithstanding the details shown on the approved drawings, the eastern boundary treatment to the rear gardens of plots 37 and 50 (as long as it sits outside of the gas easement) will comprise of a brick wall.

Reason: In the interests of visual amenity with regard to ensuring a consistent approach to legibility of the space is achieved across the site.

32. Windows Notwithstanding the details shown on the approved drawings, no works shall commence (above ground floor cill level) until revised details of the windows (size and disposition of glazing panels) 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: To ensure a consistent approach is applied to the proposed dwellings in their entirety, in the interests of visual amenity and establishing an appropriate standard of design.

33. Materials No external facing or roofing materials (including those of the on-site sub-stations), or brick boundary walls, 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.

34. 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 (including details of the depth of reveal and any dormer features); rooflights to be used; doors, cills, lintels, arches, eaves, verges, ridge, brickwork /stone work detailing, chimneys; recessed/projecting/decorative brickwork; bays, porches, 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.

35. 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.

36. Parking Spaces Notwithstanding the details shown on the approved drawings, the parking spaces to plots 16-20 shall be demarcated from the adjacent private drives in a manner that matches the demarcation of the parking to plots 13-15.

Reason: To ensure a consistent approach to legibility of the space is achieved across the site.

37. 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.

19.1 Informatives

19.1 The following informatives are also recommended:

ZT0 – Advisory Note on Construction & Demolition

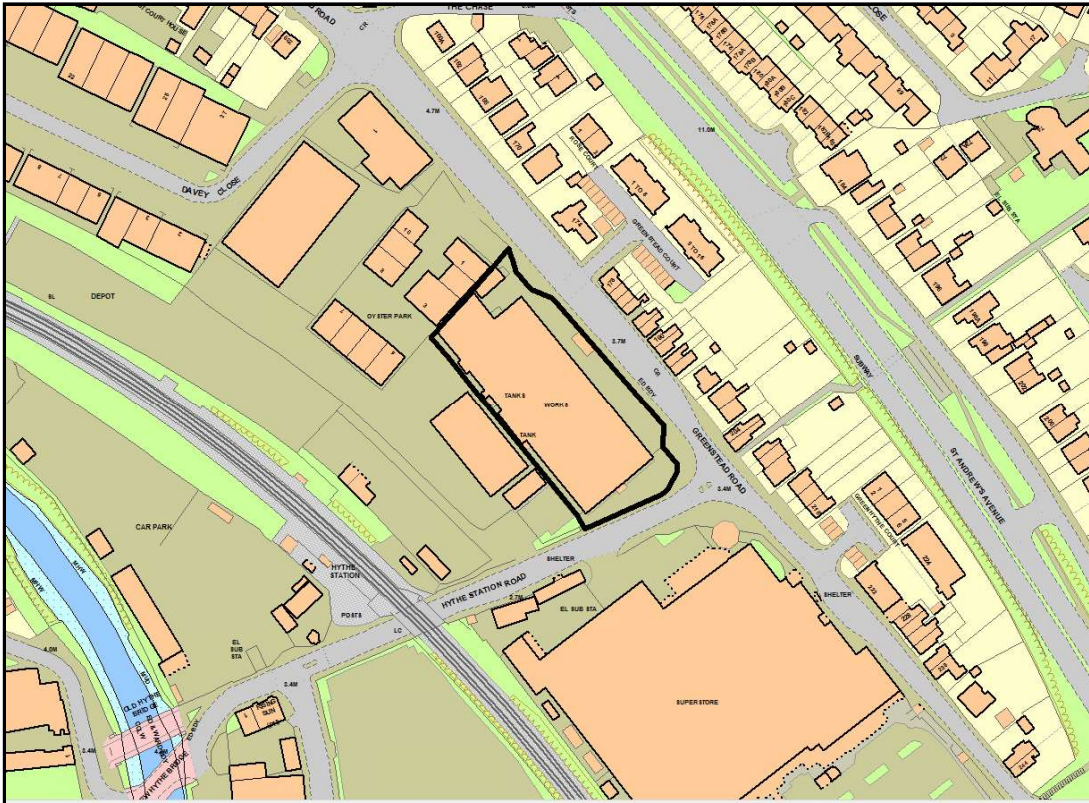
The developer is referred to the attached advisory note *Advisory Notes for the Control of Pollution during Construction & Demolition Works* for the avoidance of pollution during the demolition and construction works. Should the applicant require any further guidance they should contact Environmental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



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Item No: 7.2

Application: 220317

Applicant: Mr Raj Singh Rathore.

Agent: Mr Robert Pomery

Proposal: Demolition of Former Bearings Factory and Erection of New Building comprising 3 no. blocks over four and five storeys containing 65 no. Residential Apartments and 2 no. Commercial Units (Class E), with undercroft car parking (REVISED DRAWINGS RECEIVED)

Location: Gamet Bearings, Hythe Station Road, Colchester, Essex, CO2 8LD

Ward: Greenstead

Officer: John Miles

Recommendation: Approval subject to recommended conditions and S106 agreement.

1.0 Reason for Referral to the Planning Committee

- 1.1 This application is referred to the Planning Committee because Cllr Young has called-in this application for the following reason:

“Overbearing residential development proposed for an industrial site which will result in loss of amenity for residents of Greenstead Road. This will also result in serious parking and congestion issues on an already busy road.”

2.0 Synopsis

- 2.1 The key issues for consideration are, the design of the proposal, heritage impacts, the impact the scheme will have on neighbouring amenity and the level of parking provision.

- 2.2 The scheme, as revised since first submitted, is considered to ultimately represent sustainable development and will provide a number of public benefits, including supporting wider policy aspirations for the regeneration of the Hythe Special Policy Area. The proposed development is considered to achieve an appropriate quality of design, will not result in material harm to neighbouring amenity, makes suitable parking provisions and is otherwise acceptable with regard to wider material planning considerations.

- 2.3 The scheme is held to be in general compliance with adopted local plan policy and in any areas where a degree of policy conflict has been identified, this is considered to be outweighed by the wider benefits of the scheme. The recommendation put forward to members is one of approval, subject to conditions and completion of a suitably worded Section 106 agreement.

3.0 Site Description and Context

- 3.1 The site is located on the corner of the Hythe Station and Greenstead Road, totalling approximately 0.43Ha.

- 3.2 The site is rectangular in shape and has a gradual fall from north to north-east. The previous Gamet Bearings building remains on site, it is a large industrial building which spans across the majority of the site. This building was formally Colchester Machine Tool Solutions, this was a division of 600 Group Plc and in Colchester was renowned for machine tool brand names such as Colchester Lathes & Harrison Lathes. Since the group has moved the site has remained vacant. A number of large trees and billboards run along the north-eastern boundary fronting onto Greenstead Road. These billboards are subject to an on-going discontinuous notice.

- 3.3 The main access to the site is via Greenstead Road at the northern part of the site. Access can also be gained along Hythe Station Road along the south east boundary, which currently has a small parking court.

4.0 Description of the Proposal

4.1 The proposed scheme is for a mixed use development comprising of 65 residential dwellings and commercial spaces. The proposal is split into 3 blocks sitting on a podium deck with commercial and duplex units on the ground floor.

5.0 Land Use Allocation

5.1 East Colchester / Hythe Special Policy Area

6.0 Relevant Planning History

6.1 None directly 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
- SP5 Employment
- 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
- SG3 Economic Growth Provision
- SG7 Infrastructure Delivery and Impact Mitigation
- ENV1 Environment
- 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
- DM5 Tourism, leisure, Culture and Heritage
- DM8 Affordable Housing
- DM9 Development Density
- DM10 Housing Diversity
- DM12 Housing Standards
- DM15 Design and Amenity
- 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. The adopted local plan policies set out below are of direct relevance to the decision making process:

EC2 East Colchester / Hythe Special Policy Area
 EC3 East Colchester

7.6 There is no Neighbourhood Plan in this area.

7.7 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
 Biodiversity
 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

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.

Private Sector Housing – No objection. Raised comments in relation to windows and ventilation.

Environment Agency – No objection subject to the recommended conditions.

SuDs – No objection subject to the recommended conditions.

Environmental Protection - No objection subject to recommended conditions.

Natural England – Notes the scheme will need to comply with the Recreational disturbance Avoidance and Mitigation Strategy (RAMS).

Colchester Civic Society - The Colchester Civic Society do have concerns regarding this application to develop the Garnet Bearings site. We share the concerns from the reports, regarding noise from both road traffic and the very close nearby, rail traffic. The reports acknowledge that the noise levels will require a need to close windows and balcony doors to provide an acceptable level for the noise to manage sleep and a reasonable daytime living standard. This noise level is acknowledged by further reports into air quality to be compromised by volume of passing traffic. This to will require a requirement to keep windows closed and the installation of a mechanical ventilation system to deliver satisfactory levels for human living standards. The site provides no opportunity for external recreational space except for those with a balcony that are already compromised. This is a particular problem in an area devoid of public open space. Again, we have concerns with the apartment sizes. At least two 1 bedroom apartments are below the required space size of 50m². and ten of the 2 bedroom apartments are under the requirement of a minimum of 61m². Our last concern is the height for the proposed blocks. This is an area of low level warehouse development and the equally low level Tesco store as well as standard housing of two floors. The blocks of a proposed four and five floors will present a mass that quite dominates and threatens to overwhelm the surrounding area. Even worse, it will set a precedent for development of the adjacent warehouse area. We do though appreciate the underground parking scheme but would suggest that the scheme should be reduced in apartment numbers to balance the provision. Local street parking is virtually impossible and further numbers would lead to an increase in undesirable local stress.

Essex Police – Recommends Secure by Design

Essex Fire and Rescue – No objections.

Urban Designer – Consultation response set out in the design section below.

Contaminated Land Officer - Phase II report received but further information needs to be clarified, however residual contamination risks can be controlled by way of conditions, to ensure the site is made suitable for its intended use.

Landscape Advisor –

In support and addition to the policy/policies and guidance detailed in 3.1 below, the following point(s) should be taken into consideration. This to avoid potential harm to the existing and future character/amenity of the site and its environs that might occur through agreement of the currently proposed scheme, as it is

considered it may not adequately conserve/enhance the landscape element of the site's townscape setting:

1. Include Type 1 visualisations for all viewpoints in the TVIA, i.e., clearly and accurately illustrating the extent of the development, and Type 2 visualisations for key landscape viewpoints 5, 6, 8 & 11, i.e., wireframe. This in order that the location of the development within visualisations can be appreciated and the visual impact of the development from key landscape viewpoints assessed.
2. The existing mature trees to the site frontage should be clearly proposed and identified for retention, subject to agreement by the Arboricultural Officer, this to help protect public amenity as these trees have an important softening impact on the street scene.
3. A hedge should not be proposed up against the frontage wall (consider climbers) and any proposed trees set a minimum 2m away from the wall, this in order to allow sufficient space for the hedging/trees to mature unimpeded and to retain the viability of the frontage wall (e.g. foundations). Alternatively, consideration should be given to reducing the frontage wall height to 1.2m, this to better complement such existing flatted development site frontages onto Greenstead Road, increasing light levels into the garden space and increasing the public amenity value of the space whilst better softening the street scene.

The detail (as opposed to concept) landscape element of the proposals submitted at this the application stage under 2426-LLA-XX-00-DR-0100-P02, 0301.P02, 0600-P02, 0601.P02, 0101.P02, 0302-P02, 0603-P02 & 0604.P02, are not required at this the planning application stage but would normally be addressed under landscape condition(s) through an application to discharge condition, this so as not to unduly protract the planning application process, as finalising landscape detail can take some time. If full landscape details are intended to be submitted at this the application stage, then that needs to be clarified as part of the proposal within a covering letter. The detail proposals will then need to be cross-checked against Guidance Notes C (LIS/C) (this is available on this CBC landscape webpage under Landscape Consultancy by clicking the 'read our guidance' link).

Officer Note: Additional visualisations have been submitted and it has been confirmed the mature trees to the frontage are outside the site boundary and are not proposed to be removed. Exact landscape details are to be secured by condition and the applicant has been made aware of the requested amendments to the frontage planting and that these are expected to be included in any final scheme submitted for approval.

Highway Authority – Provided the development is carried out in accordance with planning application drawing number 6783-A-1107-P4, from a highway and transportation perspective the impact of the proposal is acceptable to the Highway Authority subject to the following requirements:

1. Prior to commencement of the development a construction traffic management plan, to include but shall not be limited to details of vehicle/wheel cleaning facilities within the site and adjacent to the egress onto the highway, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in accordance with the agreed plan Reason: To protect highway efficiency of movement and safety in accordance with policy DM1 of the Highway Authority's Development Management Policies as adopted as County Council Supplementary Guidance in February 2011 2.
2. No occupation of the development shall take place until the following have been provided or completed: a) The vehicle and pedestrian site access arrangements as shown in principle on planning application drawing number 6783-A-1107-P4 b) Upgrade to Essex County Council specification the two bus stops which would best serve the proposal site (details shall be agreed with the Local Planning Authority prior to commencement of the development) c) Residential Travel Information Packs in accordance with Essex County Council guidance 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, in accordance with policy DM1, DM9 and DM10 of the Highway Authority's Development Management Policies as adopted as County Council Supplementary Guidance in February 2011

Archaeological Advisor - While this proposed development is large in scale, it is not in a part of Colchester that is recognised to have particular archaeological potential. Equally, archaeological deposits, should they have been present, are likely to have been disturbed by the construction of the existing building. Borehole logs provided by the applicant show circa 1m of made ground across the site, directly on top of clays, suggesting that layers with archaeological potential may have been removed. There are no archaeological requirements.

Heritage Officer –

Local Plan Policy ENV1 and DM16 reflect the statutory obligations as set out in Section 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving a listed building or its setting and the desirability of preserving or enhancing the character or appearance of Conservation Areas. In a similar vein, the National Planning Policy Framework (2021) gives great weight to the conservation of designated heritage assets, noting that the more important the asset, the greater the weight should be. This is irrespective of the level of harm (Par.199). Any harm to the significance of designated heritage assets from development within their setting should also require clear and convincing justification (Par.200). Where this harm is identified as less than substantial, the Framework instructs that this harm should be weighed against the public benefits of the proposal (Par.202). This planning balance is also prescribed in Policy DM16.

The application site is situated in the vicinity of the designated Hythe Conservation Area whose northernmost boundary is situated at approximately 120 m to the south-west of the site. Originally a small settlement around the mid-12th century St Leonards Church, the Hythe expanded in the 14th, both as a port and as a suburb, when the borough leased land for quays and warehouses in the 1330s and 1340s. The area remained a busy industrial centre in the post-medieval period and continued into the mid-19th century when the railway line was extended from Colchester to Hythe Station to serve the port. The transport links fuelled the development of new industries and the commercial activity at the Hythe reached a peak in the 1930s and 1940s. From the mid-20th century, the industrial activities of the Hythe declined, quays were subjected to clearance works and various areas have since been redeveloped with a mix of residential, industrial and commercial properties. The Hythe Conservation Area comprising a section of Hythe Hill that is centred around St Leonard's Church and includes a cluster of listed building at the east end of the road. The boundary of the Conservation Area also extends to east to include a section of Hythe Quay, the former Rising Sun Public House and the Maponite Buildings.

The former Rising Sun Public House on Hythe Station Road is listed at Grade II for its special architectural and historic interest (NHLE List Entry Number 1306772). The building dates from the late 18th century and is built in rendered brick with double-pitch tiled roof and 2 canted bay windows on the ground floor and two doors with flat hoods over.

With regard to the wider impacts on the setting of the Hythe Conservation area to the south-west, the principal effect will be experienced in terms of the long views towards the river corridor out from and into the Conservation Area. By virtue of their height and massing, the three blocks would be prominent among the existing development in their vicinity. Their erection would affect the townscape as experienced from within the Conservation Area (Perspective Viewpoint 6 and 8) and introduce a scale that would sit more comfortably with the development on Hawkins Road and the area further south on River Colne. Perspective Viewpoint 4a confirms that the development would be appreciated together with the former Rising Sun PH. However, this impact on the views of the listed building has a rather static character and the historic pub would be fully appreciated as the viewer moves westwards on Hythe Station Road and the building comes into focus, leaving the application site behind. However, the development would intrude into the views of the listed building as seen from the west end of Hythe Bridge where the Rising Sun and the Maponite Buildings are the main focal points in the views to the east, with the low-rise development at Greenstead Road forming an unobtrusive backdrop to these heritage assets. The proposed blocks would challenge the prominence of the Rising Sun in these views but their impact would be peripheral and would not screen or prevent the appreciation of the historic building as the viewer moves eastwards. By virtue of the impact on the townscape character in the vicinity of the Hythe Conservation Area and the effect on views that include the listed Rising Sun PH, the proposed development would cause a level of harm to their significance though adverse impact on their setting and appreciation. This harm would be at the lower end of the less than substantial spectrum, as per the classification of the NPPF.

In accordance with the provisions of the Framework and DM16, the harm caused by this proposal needs to be weighed against the public benefits that the development would secure.

Colchester Cycling Campaign –

Convenient secure covered cycle storage should be provided for residents, and commercial staff and customers, e.g., at one space per residential bedroom, including spaces for non-standard cycles, e.g. [e-]cargo bikes

There should also be a cycle maintenance area(s).

Moreover, loading space, access, and facilities (e.g. chargers, parcel lockers) for [e-]cargo bikes should also be provided close to the entrance of each block, and the retail, including for third parties, e.g. PedalMe

The vehicle access should give priority to pedestrians and cyclists over vehicle movements.

S106 contributions should be made:

- Borough-wide to cycle infrastructure maintenance
- to local LCWIP routes, including LCWIP 4 between the Town and Greenstead
- towards improved cycle permeability between Greenstead Rd., St. Andrew's Av., and Greenstead

9.0 Parish Council Response

9.1 Non-Parished

10.0 Representations from Notified Parties

10.1 The application has been advertised by site notice procedure and letters of notification to occupiers of neighbouring properties. The application resulted in letters of objection from eleven 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.

- Overdevelopment
- Insufficient Parking
- Too much parking
- Underdevelopment
- Inappropriate Design
- Not tall enough
- Overly Dominant
- Overlooking/loss of privacy
- Noise and disturbance
- Not enough parking
- Adds to traffic
- Lack of infrastructure
- Loss of light
- Loss of employment land
- Flood risk
- Below the national space standards

11.0 Parking Provision

11.1 A total of 71 car parking spaces are proposed and a total of 124 cycle parking spaces. More information on parking provisions is included in the Highways and Parking section of the report.

12.0 Accessibility

12.1 In considering the application due regard has been given to the Local Planning Authority's duties under the Equality Act 2010. The proposed development comprises of 5no. two bedroom duplex units, 12no. one bedroom flats and 48 two bedroom flats, all of which have been designed to Accessible and Adaptable dwelling standards. Representations received have not identified any specific equality implications potentially arising from the proposed development and requiring additional consideration. Taken as a whole the proposal does not give rise to any concerns from an accessibility or equality perspective more widely.

13.0 Open Space Provisions

13.1 Amenity provisions are considered in more detail in the main body of the report.

14.0 Air Quality

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

15.0 Planning Obligations

15.1 As a "Major" application, there was a requirement for this proposal to be considered by the Development Team.

15.2 The proposals have been the subject of a viability review produced by Morley Riches & Ablewhite Chartered Surveyors ("MRA") on behalf of the applicant. This has since been subject to numerous revisions and independent assessments by BNP Paribas. The most recent independent viability review undertaken by BNP Paribas concluded that, with 100% private housing, the scheme would generate a surplus of £238,639 against the viability benchmark.

The application and identified viability issues were considered by Development Team at the meeting on Thursday 28th September 2023. Following discussion, in light of the viability work undertaken, it was accepted that at this time the scheme is able to contribute a maximum of £238,639 towards Section 106 contributions, with 100% market housing. The Obligations agreed are as follows:

NHS - £39,000.00

Moneys to help mitigate anticipated increase demand on existing primary healthcare services in the local area.

Parks and Recreation - £77,783.42

For Castle Park Play Area improvements

Transport & Sustainability - £25,000.00

For additional CCTV deployment

Community - £96,855.58

Contribution towards delivering a program of works to improve the Light Ship at Hythe Quay, including improving access.

The above identified contributions are in addition to a proportionate financial contribution to the Essex Coast RAMS of £10,189.40 (65 x £156.76).

In the event there are improvements in the scheme's viability over the lifetime of the development, to ensure any such improvements in viability are coupled with a proportionate increase in financial contributions provided by the developer, any S106 agreement will be subject to early and late-stage viability review mechanisms.

Delegated authority is sought for the completion of the S106 agreement, as outlined above.

16.0 Report

Principle

- 16.1 The National Planning Policy Framework (NPPF) sets out the Government's planning policies for England and how they should be applied, it affirms that the determination of applications should be in accordance with Development Plans, including spatial development strategies.
- 16.2 In terms of the principle of development, Section 1 Policy SP3 and Section 2 Policy SG1 state existing settlements will be the principal focus for additional growth across the North Essex Authorities area within the Local Plan period and development will be accommodated within or adjoining settlements according to their scale, sustainability and existing role both within each individual district and, where relevant, across the wider strategic area. Policy SG1 places a focus on Colchester for new sustainable growth. The spatial hierarchy ranks areas of Colchester in order of their sustainability merits and the size, function and services provided in each area.
- 16.3 Development will be focused on accessible locations to reduce the need to travel. Development will be supported where a real travel choice is provided and sustainable travel for different purposes is promoted throughout the day.
- 16.4 The Hythe area is a former commercial harbour which includes some rundown and underused industrial land in East Colchester. Together with the University of Essex, the eastern area of Colchester has experienced a period of significant change and growth.
- 16.5 The site is located in the established Hythe regeneration area that seeks to deliver sustainable, mixed-use neighbourhoods. Over the plan period the

East Colchester/Hythe Special Policy Area provides capacity to accommodate approximately 800 new dwellings including those already committed. The regeneration of this area needs to secure the viable re-use of heritage assets and provision of a distinctive public realm. Growth needs to be supported by improvements to transport infrastructure and services, flood mitigation and open space to ensure that sufficient amenity space is included to support the increasing population. Regeneration will involve partnership working with public sector agencies, the local community, and the private sector, including support for community-based initiatives such as community land trusts.

- 16.6 Given the above, the proposed mixed-use development is considered to be acceptable in principle, however there are strict policy considerations that the scheme would need to comply with. These are discussed further in the below report. Of most relevance is Policy EC2: East Colchester / Hythe Special Policy Area, which is provided in full below for transparency and ensuring a thorough analysis of the policy consideration has taken place.

Development within the area defined on the Policies Map as the East Colchester/ Hythe Special Policy Area will be encouraged and supported where it contributes to achieving the following key objectives:

- (i) *Regeneration of the area at densities appropriate to an urban area with good public transport connections and a mix of commercial, community and residential uses to provide additional jobs, homes and community and environmental enhancements, in line with the site allocations shown on the East Colchester Policies EC1-4 map, and create a strong sense of identity for the area;*

- 16.7 It can be argued that the proposals will directly support the regeneration of the local area by providing development on an underutilised parcel of land. Opportunities for enhancement of the public realm and environmental enhancement exist as a result of the proposals. The proposal would also deliver a mix of commercial and residential uses.

- (ii) *Maximise the potential benefits of the location adjacent to the University, enhanced by its expansion (Policy EC1) and supporting development associated with the University Research Park to provide significant office floor space and high-quality new jobs;*

- 16.8 While the development is not specifically intended for use by the University, given the location the proposal could certainly assist in providing accommodation for employees of the University. The scheme would also provide ground floor commercial units which could support the University in wider terms.

- (iii) *Deliver significant public realm enhancements appropriate to local context, maximising the potential of the riverside location and improving the environment, increasing connectivity and providing convenient public access for pedestrians and cyclists;*

16.9 The proposals will provide significant public realm improvements and improve connectivity and sustainable movement within the area, including the establishment of secure cycle parking. The existing building is disused, and the site has been the subject of antisocial behaviour since becoming redundant. The proposed new commercial and residential units will increase footfall in the area and improve natural surveillance of the existing public realm, with anticipated safety and vitality benefits. Upgrades to the two bus stops best placed to serve the site can also be secured by condition.

(iv) Ensure new developments are responsive to the distinctive historic character of the area and reinforce the significance of the Conservation Area designation through the re-use of heritage assets;

16.10 The site is not located within the conservation area nor does it form part of the immediate setting of any designated heritage assets. Proposals on the site do however still have the potential to impact heritage assets which are relatively distant from the site and these issues are commented upon in the relevant section below. Taken as a whole the proposals are considered to have been designed in a manner that complements the local context and character of the area.

(v) Contribute to the delivery of the East Transit Corridor which will bring significant improvements to public transport and accessibility, through enhanced services, improved links to the Town Centre and new Garden Community;

16.11 The proposals will result in significant public realm enhancements and improve connections within the Transit Corridor particular when accessing the university from the town centre and vice-versa.

(vi) Enhance provision of Green Infrastructure to maximise potential opportunities for biodiversity and habitat creation, benefit nature conservation and landscape, enhance connectivity including linkages with the new garden community and establish new areas of open space for public enjoyment including an urban park to serve the community;

16.12 The application site mostly comprises hardstanding. As shown on the accompanying landscape drawings, the development is proposed to introduce green infrastructure through soft landscaping to the site and provide opportunities for biodiversity enhancement and habitat creation including appropriate planting. This application is also accompanied by a Preliminary Ecological Appraisal, which is commented upon further below.

(vii) Contribute towards flood risk solutions, in accordance with Flood Risk Management policy DM23 and SWMP recommendations for CDAs 01, 02 and 03;

16.13 A Flood Risk Assessment accompanies this planning application which demonstrated the proposals have been developed to mitigate any flood risks and this is assessed later in the report. Ensuring flood risk is appropriately mitigated (in accordance with the details submitted) and that the scheme makes suitable provisions for sustainable urban drainage can be controlled by condition. The proposals are considered acceptable in these regards.

(viii) Provide for a compatible mix of uses having regard to neighbouring amenity;

16.14 As established above, residential accommodation is seen as a wholly compatible use within the area. Ground floor commercial uses will also assist in creating active frontages. In respect of neighbouring amenity, assessments regarding the heights of the proposals and its suitability within the locality are assessed within the Landscape, Townscape and Visual Impact Assessment and the Daylight/sunlight assessments that accompany this planning application and are discussed later in this report.

(ix) Situate proposals for residential development away from land which is contaminated. Where necessary mitigation measures will be required to be agreed with the Local Planning Authority;

16.15 A Phase I and Phase II contamination risk assessment have been submitted and subject to conditions the Council's Contaminated Land Officer considers the site can be made safe for the intended use from a contamination perspective.

(x) Development should also seek to soften the environment around the electricity sub-station to minimise its intrusive impact on the surrounding area. Opportunities to maximise the potential for comprehensive regeneration of King Edward Quay will be encouraged including exploring the potential to redistribute uses to allow for clustering of complementary uses and to respond to site constraints such as flood risk and land contamination.

16.16 The proposal is not considered to present any conflict with this criterion of Policy EC2.

16.17 For the reasons outlined above the development proposed in this location is considered acceptable in principle, subject to a thorough assessment of the application details, material considerations and compliance with all relevant policy criteria, as considered in more detail in the sections below.

Design and Appearance

16.18 The National Planning Policy Framework (2023) sets out the Government's planning policies for England and how these are expected to be applied. The framework sets out that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve, going on to state that 'good design is

a key aspect of sustainable development'. The framework also states that 'development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design'.

- 16.19 Government guidance on design is provided by the National Design Guide and National Model Design Code, both of which form part of the government's Planning Practice Guidance. The National Design Guide seeks to deliver places that are beautiful, enduring and successful by setting out the characteristics of well-designed places and outlining what good design means in practice. Whilst the National Model Design Code sets out clear design parameters to help establish what good quality design looks like and provides a common overarching framework for design. These documents are intended to help create beautiful and distinctive places, with a consistent and high-quality standard of design.
- 16.20 At a local level these policies are carried through to Section 1 Plan Policy SP7, which seek to ensure development responds positively to local character and context to preserve and enhance the quality of existing places and their environs. These policies are supported by more detailed guidance provided by supplementary planning documents such as the Essex Design Guide.
- 16.21 Section 2 of the Colchester Borough Local Plan 2013-2033 Policy DM15 is also of particular relevance with regard to setting design standards and amongst other requirements seeks to ensure proposed developments respect and enhance the character of the site, its context and surroundings in terms of its layout, architectural approach, height, scale, form, massing, density, proportions, materials, townscape and/or landscape qualities, and detailed design features.

Context

- 16.22 The application site sits on the corner of Hythe Station Road and Greenstead Road. There is mix of uses within the area and given this there is a mix of architectural styles within the area. The area surrounding the application site comprises houses and flatted developments of various scale, mass and design. The surrounding area is of no particular or prevailing architectural style or significant features of special interest. To the east of Greenstead Road is a majority of two storey residential developments which range in age and style. There are some properties which are C19th and more modern developments, with interspersed bungalows. Further to the north (and still on Greenstead Road) are flatted developments which range up to four storeys in height although these are mostly flat roofed. To the north and west of the application site are commercial and industrial uses which are fairly utilitarian in design with waves of hard standing with no particular landscaping features of assist in the assimilation in the area.
- 16.23 Notably, there are a number of mature trees to the east of the site, these are located on the pavement and are believed to be within the ownership of

the Highway Authority. To the south of the site is a Tesco Superstore of fairly typical Tesco design and branding. The height of the Tesco is generally two storeys in height with generous parking provided for the customers. Greenstead Road is a fairly well used thoroughfare providing access to the nearby Hythe train station, East Street (to access the Town Centre) and Clingo Hill (to access the University). Further to this, there are a number of bus stops within the area which connect to the wider hubs of Colchester.

Design Analysis

- 16.24 The Council's Urban Design Officer has reviewed the scheme (as amended since first submitted) and their comments are provided in full below.
- 16.25 *The scale and massing of the proposed built form have been reduced slightly and set back further from the southern boundary. As a result, the proposed structures are set back within the adjacent street scenes, with the tallest element set back further within the site, thus reducing their impact. The detailing of the building facades and the consistency of the fenestration have also been enhanced to achieve increased consistency and legibility. As a result, the proposed structures establish a stronger visual rhythm and visually articulate the buildings massing more appropriately. The amendments to the scheme have thus reduced the visual impact of the proposed structures scale and massing and the juxtaposition with surrounding built form. The scheme could be further enhanced by the specifications of architectural detailing such as depth of window reveals, brick bonding, mortar joint and colour. However, this could be secured by condition.*

The amended plans evidence that adequate amenity space is achieved by the proposal.

The proposal brings a prominent underutilised site back into active use and adopts an innovative approach to accommodating a mixture of land uses. Said uses are consistent with those surrounding the site. By virtue of its height, the proposal is discordant with its immediate context and is more akin to developments in other parts of the Hythe. However, the scheme seeks to mitigate the visual impact of its scale and mass, through its composition and detailing. Other elements of the scheme, such as form, visual rhythm and materiality seek to respond to the site's context and as such the proposal achieves some synergy with the character of the area. On balance, it is considered that overall, the scheme achieves an acceptable standard of architecture and would make a positive contribution to the street scene. In light of this, there are positive and negative elements to the design of the proposed development. Ultimately, by virtue of the latter, the proposed development would still be discordant with the site's immediate context and as such remains contrary to elements of the above outlined national and local planning policies.

As highlighted above, elements of the design of the proposed development have been improved, whilst others remain contrary to the site's immediate context. The negative elements of the design are generally a result of the density of the proposed development, which pertains to matters of principle. As such a balanced judgement is required as to whether the negative elements of the proposed design are considered acceptable in the context of the wider material planning considerations relevant to this application.

- 16.26 The proposed use of the site for a mixture of land uses is welcome in terms of place making. The Urban Designer has noted that although some of the proposed uses are at odds with the existing character of the site, they are consistent with the character of the surrounding area, thus any resulting harm is minimal in terms of design. An acceptable degree of active frontage is delivered at ground floor level and in areas at ground floor level where an active frontage is not delivered enhanced detailing and/or landscaping can be provided to mitigate, which can be secured by condition. The proposal will have further benefits in terms of improved natural surveillance from the domestic activity above ground floor level.
- 16.27 It is noted the Council's Urban Design Officer considers that, by virtue of the proposed building's location and scale it can be argued that the proposed development is not responsive to the prevailing character of the immediate area due to the height and density proposed.
- 16.28 While it is accepted the development, particularly the central block, would be higher than the other noted buildings in the immediate area, this is a prominent and well-proportioned corner site which it is considered has the ability to accommodate a landmark style building (and thus be taller) without creating a harmful juxtaposition with existing built form. The proportions of the site ensure that the buildings, in particular the higher block, can be set back within the site providing opportunities to the north-east frontage for hard and soft landscaping to help effectively 'bed' the development into the street scene and assist in avoiding the buildings appearing overly jarring within the overall townscape. This it is considered will also assist in ensuring the buildings are not overly imposing when experienced from along Greenstead Road.
- 16.29 Furthermore, the composition and treatments of the facades of the proposed structures have been revised since first submitted in light of changes to the buildings' amended massing. As a result, they continue to seek to mitigate their scale and ensure they appear as a coherent collection of various structural elements which share consistent features. The use of a variety of materials and detailing break down the massing of the structures effectively (to be controlled fully by planning condition). As a result, the elevational treatments of the proposed structures achieve a consistent rhythm, appearing balanced and visually articulated. The approach to materiality is consistent with the vernacular of the wider area.

- 16.30 In conclusion, as highlighted above, a number of elements of the design of the revised proposed development have been improved. The proposal brings a disused parcel of land back into use and when taken as a whole delivers an acceptable intrinsic standard of design, architecture and provides enhancements to the existing public realm. The negative elements of the design as noted by the Urban Designer are generally a result of the density of the proposed development, which pertains to matters of principle.

Heritage

- 16.31 Local Plan Policies ENV1 and DM16 seek to conserve and enhance Colchester's historic environment. In line with the NPPF, development that will lead to substantial harm to or total loss of significance of a listed building, conservation area, historic park or garden or important archaeological remains (including the setting of heritage assets) will only be permitted in exceptional circumstances where the harm or loss is necessary to achieve substantial public benefits that outweigh the harm or loss. Where development will lead to less than substantial harm this harm should be weighed against the public benefits of the proposal. In addition, policy PP1 requires development proposals to be supported by archaeological evaluation, with mitigation strategy as necessary.
- 16.32 The relevant legislation for the review of the application includes Planning (Listed Buildings and Conservation Areas) Act (1990), whose Section 66 (1) requires that the decision to grant planning permission for development which affects a listed building, or its setting shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Section 72(1) of the same document stresses that in the exercise of planning functions, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of Conservation Areas.
- 16.33 While the application site does not have any heritage interest on its own merit and is not situated within a Conservation Area, the easternmost boundary of the designated Hythe Conservation Area is situated at about 120 m to the south-west. Listed The Rising Sun Public House on Hythe Station Road is located approximately 130m to the south-west.
- 16.34 In terms of the wider impacts on the setting of the Hythe CA to the south-west, the principal effect will be experienced in terms of the long views through the scale and height of development that affects the townscape as seen from the CA and intrudes in some views towards the CA, including the listed rising Sun Pub. These issues have been explicitly considered by the Council's Historic Buildings and Areas Officer:
- 16.35 *With regard to the wider impacts on the setting of the Hythe Conservation area to the south-west , the principal effect will be experienced in terms of the long views towards the river corridor out from and into the Conservation Area. By virtue of their height and massing, the three blocks would be prominent among the existing development in their vicinity. Their erection*

would affect the townscape as experienced from within the Conservation Area (Perspective Viewpoint 6 and 8) and introduce a scale that would sit more comfortably with the development on Hawkins Road and the area further south on River Colne.

Perspective Viewpoint 4a confirms that the development would be appreciated together with the former Rising Sun PH . However, this impact on the views of the listed building has a rather static character and the historic pub would be fully appreciated as the viewer moves westwards on Hythe Station Road and the building comes into focus, leaving the application site behind. However, the development would intrude into the views of the listed building as seen from the west end of Hythe Bridge where the Rising Sun and the Maponite Buildings are the main focal points in the views to the east , with the low-rise development at Greenstead Road forming an unobtrusive backdrop to these heritage assets. The proposed blocks would challenge the prominence of the Rising Sun in these views but their impact would be peripheral and would not screen or prevent the appreciation of the historic building as the viewer moves eastwards.

- 16.36 *With regard to the wider impacts on the setting of the Hythe Conservation area to the south-west , the principal effect will be experienced in terms of the long views towards the river corridor out from and into the Conservation Area. By virtue of their height and massing, the three blocks would be prominent among the existing development in their vicinity. Their erection would affect the townscape as experienced from within the Conservation Area (Perspective Viewpoint 6 and 8) and introduce a scale that would sit more comfortable with the development on Hawkins Road and the area further south on River Colne.*
- 16.37 While the proposed development is therefore anticipated to result in a degree of harm to the aforementioned heritage assets' significance, as confirmed by the Council's Historic Buildings and Areas Officer the level of harm is considered to be at the lower end of the less than substantial spectrum, as per the classifications of the NPPF. Accordingly, any such harm must be weighed against the public benefits of the scheme.
- 16.38 In this case the scheme is anticipated to make a notable contribution to the wider strategic aims of regenerating the Hythe albeit with a limited erosion of the wider historic setting of the Hythe Conservation Area with a subsequent effect on views that include the listed Rising Sun PH. Taking into account the identified public benefits of the scheme, including in terms of improvements to the public realm along Greenstead Road and the scheme's anticipated support of the wider regeneration of the Hythe Special Policy area, it is considered the public benefits of the scheme outweigh the less than substantial harm identified, in accordance with the provisions of the Framework and Policy DM16.
- 16.39 The Council's Archaeological Advisor has also confirmed that no archaeological impacts are anticipated from the development proposed.

Landscaping

- 16.40 Policy ENV1 seeks to conserve and enhance Colchester's natural and historic environment, countryside and coastline. Policy PP1 requires suitable design and screening/landscaping to minimise any negative impact on the surrounding landscape and/or heritage assets. Policy DM15 of adopted local plan requires proposals to respect its context and surroundings in terms of townscape and/or landscape setting, it also requires proposals to respect or enhance the landscape and other assets that contribute positively to the site and the surrounding area. Policy SP7 requires development to respond positively to local character and protect and enhance assets of natural value. Paragraph 130 of the National Planning Policy Framework [NPPF] requires planning decisions to ensure development is sympathetic to local character, including landscape setting.
- 16.41 In respect of the above policies, a Landscape, Townscape and Visual Impact Assessment has been prepared and accompanies this planning submission. The defined study area is centred on the proposed site and is based on the area from which views of the development may be visible i.e. the visual envelope.
- 16.42 The report undertakes an initial assessment of the site, which explains the site is assessed as making a limited contribution to the local townscape character. This is where the existing character of the site contains some attributes (such as the previous industrial use), that are representative of the local character of the area, but also incongruous elements that detract from the local townscape character including the style of the existing building, the lack of any architectural merit, a poor interface with the existing street spaces and a lack of any trees or other significant vegetation. The existing visual amenity of the site within the context of the Townscape Character Areas has been assessed to offer Fair visual amenity, where the quality of existing views is such that there are a number of incongruous elements and local people are likely to be indifferent to the view.
- 16.43 The proposed building would replace an existing poor quality industrial shed with a new architecturally led development that would seek to improve the character of the area as well as directly improving the interface with the surrounding urban form. The proposals also look to provide public private space along the ground floor that would provide improvements to the public realm. Additional trees and planting can further assist in providing a softer active frontages to the proposals as well as improving the visual aesthetic of the Hythe Station Road and Greenstead Road junction.
- 16.44 The applicants argue that upon completion, the overall effect of the development would be predominantly beneficial. Although built form will increase, the new buildings (architecturally) reflect the Hythe's industrial past and the area, with positive outcomes for the wider townscape area.
- 16.45 In respect of trees, the existing site does not contain any trees of significance and the proposal is sufficiently distanced from the previously

noted highway trees to ensure harm can be avoided during construction works. Any construction would take place behind the existing boundary wall which will assist in ensuring construction traffic and materials will not be within the root protection area, notwithstanding the existing hardstanding ground cover. A condition is also recommended to ensure the construction phase is carried out in accordance with the 2012 British Standard. It will also be necessary to condition that a 10% uplift in tree canopy cover is achieved on site in accordance with planning policy requirements.

Impact on Neighbouring Amenity

- 16.46 Paragraph 130 of the NPPF (2021) requires, amongst other things, planning decisions to ensure development promotes health and well-being and provides a high standard of amenity for existing and future users. Section 2 Local Plan Policy DM12 and DM15 also require all development to protect the amenity of existing and future residents, including with regards to loss of light, overbearing impacts and overlooking.
- 16.47 Of particular consideration under this application is the potential for a loss of daylight and sunlight to the residential properties beyond the north of the application site. To help assess potential impacts on neighbouring properties in these regards a detailed daylight and sunlight report has been submitted.
- 16.48 It should be noted that in order to assess daylight and sunlight it is usual to assess impacts based on the various numerical tests laid down in the Building Research Establishment (BRE) guide 'Site Layout Planning for Daylight and Sunlight: a guide to good practice, 3rd Edition' by P J Littlefair 2022. This document is most widely accepted by planning authorities as the means by which to judge the acceptability of a scheme. As a result, all of the analysis that the applicants provide is fundamentally based upon this guidance.
- 16.49 It should be noted that the BRE guidelines do not put forward a general pass or fail criteria (principally as the BRE provides nationwide guidelines), it primarily looks at whether daylight reductions will be noticeable. It should be emphasized that it has been held on appeal that a noticeable alteration of daylight does not necessarily mean the reduction of daylight is unacceptable. Buildings with an unusually high level of existing daylight (perhaps due to an unusually underdeveloped neighbouring plot) may experience noticeable alterations due to additional massing. Of critical importance therefore is whether the windows/room are left with sufficient daylight.
- 16.50 A degree of flexibility on understanding the acceptability of a scheme is also required. One of the key aspects for example may be the context of a scheme, such as whether it is located in an urban, sub-urban or rural setting. Other criteria include reference to the NPPF where it highlights the requirement to maximise the efficient use of land, or aspirations of the local authority to develop land in accordance with the local plan.

Daylight

- 16.51 Diffuse daylight is the light received from the sun which has been diffused through the sky. Even on a cloudy day, when the sun is not visible, a room will continue to be lit with light from the sky. This is diffuse daylight.
- 16.52 Diffuse daylight calculations should be undertaken to all rooms within domestic properties, where daylight is required, including living rooms, kitchens and bedrooms. The BRE guide states that the tests may also be applied to non-domestic buildings where there is a reasonable expectation of daylight.
- 16.53 The BRE guide contains two tests which measure diffuse daylight: Vertical Sky Component and Daylight Distribution.
- 16.54 The Vertical Sky Component is a measure of available skylight at a given point on a vertical plane. Diffuse daylight may be adversely affected if after a development the Vertical Sky Component is both less than 27% **and** less than 0.8 times its former value.
- 16.55 Notwithstanding the nearby commercial units are not considered particularly sensitive from a daylight perspective, the relevant tests for assessing the Vertical Sky Component are passed with regards to all neighbouring commercial buildings.
- 16.56 The Vertical Sky Component is also passed in respect of a significant majority of openings to neighbouring residential properties, in that the Vertical Sky Component remains above 27% and/or is at least 0.8 times its former value.
- 16.57 Where the proposal is identified to have potentially noticeable impacts to neighbouring windows in terms of the daylight afforded to them when assessed against the aforementioned tests, as far as can be determined the windows impacted are either secondary windows and/or serve non habitable rooms (i.e. bathrooms, circulation areas etc.).
- 16.58 The BRE guide states that the daylight distribution calculation can only be carried out where room layouts are known. The Daylight Distribution test where room layouts are known has been undertaken and all rooms with a requirement for daylight are found to pass the daylight distribution test, where applied.
- 16.59 Taking into account the above it is considered that where any notable impacts on the daylight afforded to certain neighbouring windows have been identified, any such impacts will not be significant to the day to day lives of occupiers such as to have a materially harmful impact on neighbouring amenity, for the reasons identified. The proposed development is also otherwise considered to ensure that sufficient daylight continues to be provided to neighbouring dwellings and commercial premises.

Sunlight

- 16.60 The BRE sunlight tests should be applied to all main living rooms and conservatories which have a window which faces within 90 degrees of due south. The test is intended to be applied to main windows which face within 90 degrees of due south. However, the BRE guide explains that if the main window faces within 90 degrees of due north, but a secondary window faces within 90 degrees of due south, sunlight to the secondary window should be checked. For completeness, within the submitted assessment all windows which face within 90 degrees of due south have been tested. The BRE guide states that sunlight availability may be adversely affected if the centre of the window:
- receives less than 25% of annual probable sunlight hours, or less than 5% of annual probable sunlight hours between 21 September and 21 March, and
 - receives less than 0.8 times its former sunlight hours during either period, and
 - has a reduction in sunlight received over the whole year greater than 4% of annual probable sunlight hours.
- 16.61 All windows that face within 90 degrees of due south have been tested for direct sunlight. All windows with a requirement for sunlight under the aforementioned adopted standards are held to pass both the total annual sunlight hours test and the winter sunlight hours test. The proposed development is therefore considered to satisfy the BRE direct sunlight to windows requirements.
- 16.62 Taking into account existing and proposed built form it is also not considered the proposed development will result in unacceptable overshadowing of any residential properties' amenity space.
- 16.63 In conclusion, on issues of daylight and sunlight Officers have carefully considered the findings of the daylight and sunlight report. It is accepted that this scheme will have minor impacts on some neighbouring windows in terms of daylight and sunlight, however, with due regard the relevant standards for assessing these issues and taking into account the detailed analysis undertaken in the submitted report, it is not considered any such impacts will have a materially adverse impact on amenity such as to warrant a refusal.
- 16.64 The potential impacts to the sunlight afforded to the solar panels to the southern elevation of 212 Greenstead Road has also been considered as it forms a material planning consideration. Taking into account the distance between the proposed development and 212 Greenstead Road it is not considered the proposal will result in overshadowing of solar panels such as to result in material harm in this regard.

- 16.65 In terms of neighbouring amenity impacts more widely while the development includes windows and external amenity spaces facing towards the neighbouring properties to the north, taking into account the distance and physical relationship between potential new sources of overlooking and existing built form it is not considered the proposal will give rise to any materially harmful angles overlooking, including overlooking of the protected sitting out areas of neighbouring properties, as defined in the Essex Design Guide SPD, or a harmful loss of privacy more generally.
- 16.66 Conditions can be imposed covering the provision of a construction method statement, restrictions on hours of operation and delivery in respect of the proposed commercial units and site boundary noise levels from any new plant or machinery. It is considered that subject to the imposition of the aforementioned conditions it can also be ensured that the development post completion or during the construction phase does not have an unacceptable impact on neighbouring amenity in terms of noise and disturbance.

Occupier Amenity

- 16.67 Paragraph 130 of the NPPF (2023) requires, amongst other things, planning decisions to ensure development promotes health and well-being and provides a high standard of amenity for existing and future users.
- 16.68 Section 2 Policy DM12 states residential development will be supported where high standards of design, construction and layout are promoted, and sets general amenity standards for new dwellings, while Policy DM19 sets specific private amenity space standards. Policy DM15 also set further residential amenity requirements.
- 16.69 Under the scheme as revised all the proposed dwellings have internal floor areas that meet or are in excess of Nationally Described Space Standards and all units are considered to be afforded acceptable levels of light and outlook taking into account the position and form of proposed openings.
- 16.70 In terms of on-site amenity provisions the scheme includes 1640m² of communal amenity space in the form of raised decks and landscape areas at ground floor level, as well as a total of 325m² of private amenity space in the form of dedicated private terraces serving a majority of units. The scheme is therefore held to accord with Policy DM19 which requires 25m² of communal amenity space per flat which would equate to 1625m² of total amenity space, which is less than the 1965m² proposed.
- 16.71 Subject to conditions covering hours of operation and delivery in respect of the proposed commercial units and that the development accords with the mitigation measures outlined in the submitted acoustic assessment it is also considered it can be ensured future occupiers will not be exposed to undue noise and disturbance from either activity on the development site, or activity in the wider area.

Highway Safety and Parking

- 16.72 Paragraph 111 of the National Planning Policy Framework [NPPF] (2023) provides that development may be refused on highways grounds if there would be an unacceptable impact on highway safety. Paragraph 112 of the NPPF states that, within this context, applications for development should create places that are safe, secure...[and] minimise the scope for conflict between pedestrians, cyclists and vehicles.
- 16.73 Section 2 Local Plan Policy DM22 relates to parking standards in association with the Vehicle Parking Standards SPD. Section 2 Local Plan Policy DM21 which further requires development to give priority to the movement of people walking and cycling; and create safe, secure, convenient and attractive layouts which minimise conflicts between traffic, cyclists and pedestrians.
- 16.74 The commercial units are proposed to serviced via the south-west of the site, while the main vehicular access to the site is via Greenstead Road, to the site's north-west corner. These proposed vehicular access arrangements give rise to no immediate concerns from a highway safety perspective and the Highway Authority have raised no objections.
- 16.75 In terms of vehicle parking the EPOA Parking Standards sets general parking standards, including for residential and commercial uses. In terms of residential development EPOA parking standards set a standard of 1 car parking space per 1 bedroom dwelling and 2 parking spaces per 2 bedroom dwelling.
- 16.76 It is however recognised within Policy DM22 that, in sustainable locations, such as the application site, there may be circumstances when a deviation from usual parking standards is acceptable.
- 16.77 The proposal outlines a total of 71 parking spaces. This comprises 65 (unallocated) spaces for residents and visitors (including 3 disabled spaces) and 6 parking spaces for the proposed commercial units.
- 16.78 In this case taking into account the accommodation proposed, the central location, accessibility of the site and proximity to key services it is considered there is more than a reasonable prospect future occupiers can and will rely on sustainable transport options. The proposal also includes significant cycle parking provisions, a majority of which is shown to be secured and covered. Taking into account the above it is considered the development provides suitable levels of parking for the residential units, taking into account the sustainability of the location.
- 16.79 The proposed parking provisions for the commercial units are also considered not inappropriate taking into account the sustainability of the location and that the parking standards for commercial units are set as a **maximum**. Cycle parking for the proposed commercial units is also recommended to be secured by condition.

- 16.80 The provisions of residential travel packs to further promote the use of sustainable transport methods and the upgrade of the nearest two bus stops to the site to assist in mitigating any increased demand on such from the proposal can also be secured by condition.
- 16.81 Taken as a whole the proposed development is considered to provide contextually appropriate parking provision and will not give rise to any harm from a highway safety or capacity perspective.

Flood Risk and Drainage

- 16.82 Local Plan Policies CC1 and DM23 state that development will be directed to locations with the least impact on flooding or water resources. Major development proposals required to reduce post development runoff rate back to the greenfield 1 in 1 year rate, with an allowance for climate change. On brownfield sites where this is not achievable, then a minimum betterment of 50% should be demonstrated for all flood events. DM24 requires all new residential and commercial development, car parks and hard standings to incorporate Sustainable Drainage Systems (SuDS) appropriate to the nature of the site. Policy PP1 also seeks appropriate SuDS within the overall design and layout of development sites. In addition, the policy requires adequate wastewater treatment, water supply network enhancements, and sewage infrastructure enhancements for the relevant catchment area.
- 16.83 The site largely lies within tidal Flood Zone 3a, defined by the 'Planning Practice Guidance: Flood Risk and Coastal Change' as having a high probability of flooding. The proposed use is classified as 'more vulnerable' development, as defined in Table 2: Flood Risk Vulnerability Classification of the Planning Practice Guidance (PPG).
- 16.84 National policy on meeting the challenge of climate change, flooding and coastal change is contained in the National Planning Policy Framework (the Framework). Paragraph 159 of the Framework sets out that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future) and that development will normally be directed towards areas with a lower risk of flooding through the application of the sequential tests and subsequently where applicable the Exception Test.
- 16.85 The sequential and exception tests are applied below, with due regard to relevant standing advice and the NPPF and NPPG.

Sequential Test

- 16.86 The application is supported by a Sequential Assessment document. While there are undoubtedly sites in the wider Colchester area at a lower risk of flooding, in the context of the East Colchester / Hythe Special Policy Area and policy aspirations for approximately 800 new homes over the plan period within the East Colchester/Hythe Special Policy Area, the conclusions within the submitted Sequential Assessment that the

application site is the most sequentially preferable site for the development proposed are considered reasonable. On the basis of the information submitted and otherwise available it is considered that the proposed development passes the Sequential Test.

Exception Test

- 16.87 All three elements of the Exception Tests have to be passed before development may be permitted. For the Exception Tests to be passed the following criteria apply, with associated site-specific consideration provided:

It must be demonstrated that the development provides wider sustainability benefits to the community that outweigh flood risk.

- 16.88 As discussed above the proposal brings a disused parcel of land back into use and delivers public realm improvements. The proposal is also anticipated to make a notable contribution to the wider policy aspirations for the regeneration of the East Colchester/Hythe Special Policy Area. The proposal will also deliver 65 new homes in a highly accessible and sustainable location. These benefits are considered to outweigh the identified flood risk.

It must be demonstrated that the development will be safe for its lifetime taking into account the vulnerability of its users.

- 16.89 Issues of safety and vulnerability of future users is considered in detail in the submitted Flood Risk Assessment. Notable points include that Flood resilient materials and construction measures can be used to help ensure impacts of any potential flooding are minimized as much as possible and occupants can subscribe to the EA Flood Warning Direct Service. In the event of flooding safe egress routes to flood zone 1 are considered to be easily accessible. Notwithstanding this, in the event that evacuation is not possible, safe dry refuge is available in the upper floors of the building, with internal access provided. The site is also located in an area that benefits from flood defenses, specifically, the Colne Tidal Barrier. Taking into account the above and subject to the recommendations of the Flood Risk Assessment that sleeping accommodation will be set no lower than first floor and additional flood resilient measures will be implemented up to 600mm to address surface water flooding of the site, it is considered it can be ensured the development will be safe for its lifetime taking into account the vulnerability of its users.

The development will be safe without increasing floor risk elsewhere and where possible will reduce the overall flood risk.

- 16.90 The development will not result in a significant change in the impermeable area of the site and therefore is unlikely to impact upon surface water runoff rates and flood storage capacity. There is also opportunity for implementing SuDS mitigation measures which can be secured by condition, as

recommended by Essex County Council in their role as Lead Local Flood Authority.

- 16.91 Taken as a whole, for the reason outlined above the proposed development is considered acceptable from a flood risk perspective, subject to conditions.

Ecology

- 16.92 Section 40 of the Natural Environment and rural Communities Act 2006 [NERC] 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 NPPF is that planning should contribute to conserving and enhancing the natural environment. Paragraph 174 of the NPPF specifically, states development should contribute to and enhance the natural and local environment and minimise impacts on biodiversity, with appropriate ecological surveys required when there is reason to suspect the presence of protected species.
- 16.93 Policy ENV1 seeks to conserve or enhance biodiversity of the City and sets a requirement for development to achieve a 10% Biodiversity Net Gain [BNG], where appropriate and that development proposals that have adverse effects on the integrity of habitats sites will not be supported.
- 16.94 A phase 1 ecological desktop study has been submitted in support of the application. This found there are no statutorily protected sites in or in the vicinity of the site. A review of the site found there was no grassland, trees or hedgerows within the site which limits the sites ecological potential. The existing buildings show low roosting potential for bats. In terms of wild birds, enhancement measures have been recommended in the form of planting to provide some recognised wildlife value to wild birds. This will be implemented by a suitably worded planning condition.
- 16.95 Given the low ecological value of this industrial site, it is considered that 10% biodiversity net gain and 10% tree canopy cover can be comfortably achieved. This is recommended to be secured via planning condition.
- 16.96 Under the Conservation of Habitats and Species Regulations 2017 (commonly referred to as the Habitat Regulations) a Habitat Regulations Assessment (HRA) is required for land use plans and for planning applications, which are likely to have significant effects on a Habitat Site. Residential accommodation has an impact and therefore this scheme must be assessed on that basis. Given without mitigation the proposals are anticipated to result in likely significant effects on Habitat Sites a detailed HRA has been undertaken and is held on the planning file. The main conclusions of this assessment and additional context are provided below.
- 16.97 Habitat Sites are protected at the highest level and are of international importance. They are designated through the EU Birds Directive and EU Habitats Directive, and these Directives are transposed into UK law. In

Colchester we have the Colne Estuary Special Protection Area (SPA), the Blackwater Estuary Special Protection Area (SPA), Abberton Reservoir Estuary Special Protection Area (SPA) and the Essex Estuaries Special Area of Conservation (SAC). The three SPAs are also Ramsar sites, which are wetlands of international importance. The Essex Estuaries SAC includes the Colne and Blackwater estuaries. Due to the close proximity of the River Stour, the southern shore of the Stour and Orwell Estuaries Special Protection Area (SPA) is also likely to be affected by development in Colchester.

- 16.98 Population growth in Essex is likely to significantly affect Habitat Sites through increased recreational disturbance in-combination with other Local Plans. Consequently, in partnership with Natural England, the governments advisor on the natural environment, and other LPAs in Essex, Colchester Borough Council is preparing a Recreational disturbance Avoidance and Mitigation Strategy (RAMS) for the Essex Coast. The RAMS identifies necessary measures to avoid and mitigate likely significant effects from recreational disturbance in-combination with other plans and projects. The RAMS sets out a tariff of £157.73, which applies to all residential development within the Zone of Influence (Zoi). The whole of Colchester is within the Zoi. All residential proposals within the City should make a contribution towards the measures in the RAMS to avoid and mitigate adverse effects from increased recreational disturbance to ensure that Habitat Sites are not adversely affected, and the proposal complies with the Habitat Regulations.
- 16.99 While given the site's constraints significant onsite mitigation such as on-site "Suitable Alternative Natural Green Space" is not a realistic prospect, the indicative site plan does indicate areas of private and communal amenity space providing recreation opportunities for residents. It is concluded that subject to securing a proportionate financial contribution in line with the Essex Coast RAMS it can be ensured that the development is not likely to have a significant affect upon the interest features of the above-mentioned Habitat sites. Payment of the RAMS tariff is proposed to be secured via the S106 agreement.

Contamination

- 16.100 Paragraph 183 of the NPPF states that a site should ensure it is suitable for its proposed use, taking account any arising risk from contamination. This is reflected in policy ENV5.
- 16.101 Phase I and Phase II contamination reports have been submitted and reviewed by the Council's Contaminated Land Officer who is satisfied that, subject to conditions, it can be ensured that the site is made safe for its intended use from a Contaminated Land Perspective.

Climate Crisis and Sustainability Measures

- 16.102 The site is located in a sustainable location which will encourage sustainable transportation modes to be used by residents. Cycle parking will be provided as previously noted and a cycle maintenance area is also recommended to be secured by condition. As discussed, the upgrade of the existing nearest bus stops and the provision of residential travel packs to actively promote and support the use of sustainable transport methods is controlled by condition.
- 16.103 The applicant has also indicated that proposed dwellings will be designed to achieve the equivalent of Code for Sustainable Homes Level 4 for energy and water usage, through compliance with Approved Document L1A and G of the Building Regulations, following CFSH's removal in 2015.
- 16.104 It has been further advised that energy usage will be minimised through the specification of a highly insulated building fabric and low air permeability, facilitating a robust and fabric first approach.
- 16.105 To further reduce the carbon footprint of the development, photovoltaic (PV) solar panels are proposed to the roof of the development.

17.0 Conclusion and Planning Balance

- 17.1 National policy requires planning to be genuinely plan-led. The proposal is considered to accord with the adopted local plan. The National Planning Policy Framework (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.
- 17.2 In respect of the first of these, **the economic role**, the current proposal would provide clear 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, in addition to the new commercial units proposed.
- 17.3 The **social role** of sustainable development is described as supporting strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering well-designed, beautiful and safe places, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being.
- 17.4 The proposal is considered to meet these objectives as it would contribute towards the number of dwellings required to support growth in the east of Colchester and is located within walking distance of a number of key local services and facilities required for day-to-day living and will make an

important contribution to the Councils' housing land supply. The proposal is also expected to result in notable benefits in terms of improvements to the public realm and is anticipated to act as a catalyst for further positive regeneration in the Hythe Special Policy Area.

- 17.5 In respect of the third dimension, the **environmental role**, the proposals are compliant with Policies SP1, SG1 and EC2, which all advocate development within sustainable locations within the settlement boundaries of Colchester, with a particular focus on utilising previously developed land and the regeneration of the East Colchester area. The proposal will provide housing in a sustainable location so that future residents would not be wholly reliant on private car, being able to walk, cycle or use public transport to access necessary services and facilities, thereby minimising environmental impacts. Ecological enhancements and biodiversity net gain can be secured by condition.
- 17.6 While the proposal is anticipated to result in a degree of erosion of the wider historic setting of identified heritage assets, as detailed in the main body of the report any less than substantial harm arising in this regard is considered to be convincingly outweighed by the public benefits of the scheme within this key regeneration area.
- 17.7 There is also sufficient evidence to be confident that overall the development would not cause material harm to the amenity of nearby residents, have a severe impact upon the highway network, or give rise to unacceptable harm with regards to wider material planning considerations.
- 17.8 In conclusion, it is considered that the benefits of the scheme convincingly outweigh any adverse impacts identified and the planning balance tips 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 drafting and 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. ZAA - Time Limit for Full Permissions

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

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

2. ZAM – Development to Accord with Approved Plans

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

6783-A-1101-P1,
6783-A-1103-P1,
6783-A-1104-P5,
6783-A-1104-P5,
6783-A-1105-P9,
6783-A-1106-P5,
6783-A-1107-P4,
6783-A-1108,
6783-A-1201-P4,
6783-A-1202-P4,
6783-A-1203-P4,
6783-A-1204-P3,
6783-A-1205-P3,
6783-A-1206-P4,
6783-A-1207-P3,
6783-A-1208-P3,
6783-A-1209-P3,
6783-A-1210-P3,
6783-A-1211-P3,
6783-A-1212-P3,
6783-A-1213-P3,
6783-A-1214-P3,
6783-A-1215-P3,
6783-A-1216-P3,
6783-A-1301-P4,
6783-A-1302-P5,
6783-A-1303-P6,

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

3. Materials

No external facing or roofing materials (including mortar) shall be used in the construction of the development hereby permitted until precise details of the manufacturer, types and colours of these, along with plans clearly illustrating on which areas of the development they will be used, have been submitted to and approved, in writing, by the Local Planning Authority. Such materials as may be approved shall be those used in the development.

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

4. Architectural Details

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 brick bonding, mortar joint, window detailing (including details of the depth of reveal); doors, louvres, grilles, cills, arches, rustication, eaves, verges, gullies, ridge, brickwork /stone work detailing, recessed/projecting/decorative

brickwork and cladding; railings; 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. Car park wall details

Prior to its construction, precise detailed drawings at an appropriate scale of the ground floor front elevation enclosing the car park shall be submitted and approved in writing by the Local Planning Authority. 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.

6. Levels

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.

7. Amenity Space

The proposed communal amenity spaces shown on the approved plans, including the communal amenity space at ground floor level and the communal amenity space on the 'Podium Deck', shall be provided and made accessible for the benefit of occupiers of the dwellings hereby approved, prior to the first occupation of the development and otherwise in accordance with the provisions of any wider conditions attached to this permission. The communal amenity spaces shall be retained in their approved form and accessible to occupiers of the dwellings on site in perpetuity. Reason: In the interests of future occupier amenity and as this is the basis on which the application has been considered and found to be acceptable.

8. Landscaping

No part of the development shall be occupied until a scheme of hard and soft landscape works for the site has been submitted to and agreed, in writing, by the Local Planning Authority. This scheme shall include any significant changes in ground levels and also accurately

identify positions and spread of all existing trees, shrubs and hedgerows on the site, proposed planting, details of any hard surface finishes and external works, implementation of which shall comply with the recommendations set out in the relevant British Standards current at the time of submission. The scheme shall also demonstrate a increase in tree canopy cover across the site of at least 10%. The approved landscape scheme shall be carried out in full prior to the end of the first planting and seeding season following the first occupation of the development or in such other phased arrangement as shall have previously been agreed, in writing, by the Local Planning Authority. Any hard or soft landscape works which, within a period of 5 years of being implemented fail, are removed or seriously damaged or seriously diseased shall be replaced, like for like, in the next planting season with others of similar specification/size/species, unless the Local Planning Authority agrees, in writing, to a variation of the previously approved details. Reason: In order to ensure that there is a sufficient landscaping scheme for the relatively small scale of this development where there are publicly visible areas to be laid out but there is insufficient detail within the submitted application.

9. Landscape Management

All approved hard and soft landscape works shall be carried out in accordance with the implementation and monitoring programme agreed with the Local Planning Authority and in accordance with the relevant recommendations of the appropriate British Standards. All trees and plants shall be monitored and recorded for at least five years following contractual practical completion of the approved development. In the event that trees and/or plants die, are removed, destroyed, or in the opinion of the Local Planning Authority 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. Reason: To ensure the provision and implementation of a reasonable standard of landscape in accordance with the approved design.

10. Landscape Management

A landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, other than privately owned domestic gardens, shall be submitted to and approved by the Local Planning Authority prior to any occupation of the development (or any relevant phase of the development) for its permitted use. Reason: To ensure that due regard is paid to the continuing enhancement and maintenance of amenity afforded by the landscape.

11. Tree Protection

No works shall take place until all trees, shrubs and other natural features not scheduled for removal on the approved plans have been safeguarded behind protective fencing to a standard that will have previously been submitted to and agreed, in writing, by the Local Planning Authority (see BS 5837). All agreed protective fencing shall thereafter be maintained during the course of all works on site and no access, works or placement of materials or soil shall take place within the protected area(s) without prior written consent from the

Local Planning Authority.

Reason: To safeguard existing trees, shrubs and other natural features within and adjoining the site in the interest of amenity.

12. Tree Protection

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.

13. BNG

No development shall commence unless and until a Biodiversity Management Plan 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 DEFRA biodiversity metric as applied in the area in which the site is situated at the relevant time and the Biodiversity Management Plan shall include:

- 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) Where it has been demonstrated to the satisfaction of the Local Planning Authority that 10% net gain in biodiversity cannot be achieved on site, proposals for any off-site biodiversity net gain provision;
- d) Where off-site provisions are required, a management and monitoring plan for all off-site 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 Biodiversity Management Plan. Reason: To conserve and enhance

protected and Priority species / habitats and allow the development to demonstrate measurable biodiversity net gains.

14. Ecological Mitigation

All mitigation measures and/or works shall be carried out in accordance with the details contained in the Preliminary Ecological Risk Assessment Phase 1 Desk Study Report (STM Environmental) as already submitted with the planning application and agreed in principle with the local planning authority prior to determination. Reason: To conserve 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 s40 of the NERC Act 2006 (Priority habitats & species).

15. Car Parking and Turning

The development shall not be occupied until such time as the service, delivery, car parking and turning areas, have been provided in accord with the details shown on drawing 6783-A-1107-P4. The service, delivery, car parking and turning areas shall be retained in their approved forms and for their approved purposes at all times thereafter. Reason: To ensure there are appropriate service, delivery, car parking and turning areas serving the development, in the interests of highway safety.

16. Cycle Parking

Prior to the first occupation of the development the bicycle parking facilities indicated on the approved plans shall be provided and made available for use, in addition to a cycle maintenance area (to serve occupiers of the residential units) and additional bicycle parking facilities to serve the commercial units, both of which shall be in accordance with a scheme which shall have previously been submitted to and approved in writing by the Local Planning Authority. These facilities shall thereafter be retained in the form approved. Reason: To ensure that adequate provision is made for cycle parking in order to encourage and facilitate cycling as an alternative mode of transport and in the interests of both the environment and highway safety.

17. EV Charging

Prior to the first use of the development hereby approved the EV charging point facilities indicated on the approved plans shall be provided and made available for use. Reason: In the interests of the environment and improving air quality.

18. CTMP

Prior to commencement of the development a construction traffic management plan, to include but shall not be limited to details of vehicle/wheel cleaning facilities within the site and adjacent to the egress onto the highway, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in accordance with the agreed plan Reason: To protect highway efficiency of movement and safety.

19. Highway Works and Travel Packs

No occupation of the development shall take place until the following have been provided or completed: a) The vehicle and pedestrian site access arrangements as shown in principle on planning application drawing number 6783-A-1107-P4 b) Upgrade to Essex County Council specification the two bus stops which would best serve the proposal site (details shall be agreed with the Local Planning Authority prior to commencement of the development) c) Residential Travel Information Packs in accordance with Essex County Council guidance 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.

20. Construction Management Plan

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 the emission of dust and dirt during construction;
and
a scheme for recycling/disposing of waste resulting from demolition and construction works.

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

21. Refuse and Recycling

Prior to the first occupation of the development, the refuse and recycling storage facilities as shown on the approved plans shall have been provided and made available to serve the development. Such facilities shall thereafter be retained to the satisfaction of the Local Planning Authority at all times.

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

22. Management Company

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

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

23. Opening Hours

The commercial use(s) hereby permitted shall not OPERATE/BE OPEN TO CUSTOMERS outside of the following times:

Weekdays: 07.00 – 22.00

Saturdays: 07.00 – 22.00

Sundays and Public Holidays: 08.00 – 20.00

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

24. Deliveries

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

Weekdays: 07.00 – 20.00

Saturdays: 07.00 – 20.00

Sundays and Public Holidays: 10.00 – 20.00

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

25. Self-closing Doors

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

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

26. Acoustic Measures

The development shall be constructed in accordance with the recommendations in the acoustic assessment and mitigation report reference NOI-2021-000002, produced by STM Environmental Consultants Ltd. The development shall thereafter 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.

27. Control Measures for Restaurant Use

None of the commercial units hereby approved shall be used for purposes falling under Use Class E(b) of the General Permitted Development Order (as amended) unless unit specific control measures have been installed in accordance with a scheme for the control of fumes, smells and odours that shall have been previously submitted to, and agreed in writing by, the Local Planning Authority. This scheme

shall be in accordance with Colchester City Council's Guidance Note for Odour Extraction and Control Systems. Such control measures as shall have been agreed shall thereafter be retained and maintained to the agreed specification and in working order at all times while the unit to which the approved scheme relates is being used for purposes under Use Class E(b). In addition to this any foul water drains serving a commercial kitchen shall be fitted with grease traps that shall at all times thereafter be retained and maintained in good working order in accordance with the manufacturer's instructions. Reason: To ensure that there is a scheme for the control of fumes and odours in place so as to avoid unnecessary detrimental impacts on the surrounding area and/or neighbouring properties, as there is insufficient detail within the submitted application and to prevent unnecessary pollution of the groundwater environment quality in the area and/or blocking of the drainage system.

28. External Lighting

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

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

29. Commercial Use

For the avoidance of doubt the commercial units hereby approved shall only be used for purposes falling within Use Class E of the General Permitted Development Order and for no other purposes.

Reason: For the avoidance of doubt as to the scope of this permission and as alternative uses would require further consideration at such a time as they may be proposed, including with respects to impacts to the amenity of the area.

30. Contamination

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

31. Contamination

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.

32. Contamination

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.

33. 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 30, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 31, 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 32. 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.

34. Remediation

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 33. 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.

35. Managing Flood Risk

The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment (FRA) prepared by STM Environmental, referenced FRA 2020 000105 and dated 22/04/2022 and the following mitigation measures detailed within the FRA:

1. Finished ground floor levels are set no lower than 3.4 metres above Ordnance Datum (AOD).
2. Finished first floor levels are set no lower than 7.4 metres above Ordnance Datum (AOD). The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

Reason To reduce the risk of flooding to the proposed development and future occupants.

36. SuDS

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. The scheme should include but not be limited to: Verification of the suitability of infiltration of surface water for the development. This should be based on infiltration tests that have been undertaken in accordance with BRE 365 testing procedure and the infiltration testing methods found in chapter 25.3 of The CIRIA SuDS Manual C753. Limiting

discharge rates to 1.0l/s for all storm events up to and including the 1 in 100 year plus 40% allowance for climate change storm event subject to agreement with the relevant third party/ All relevant permissions to discharge from the site into any outfall should be demonstrated. 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 40% climate change event. Demonstrate that all storage features can half empty within 24 hours for the 1 in 30 plus 40% climate change critical storm event. 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. An updated drainage strategy incorporating all of the above bullet points including matters already approved and highlighting any changes to the previously approved strategy. The scheme shall subsequently be implemented as approved prior to first 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 Failure to provide the above required information before commencement of works may result in a system being installed that is not sufficient to deal with surface water occurring during rainfall events and may lead to increased flood risk and pollution hazard from the site.

37. SuDS

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

38. SuDS

The applicant or any successor in title must maintain yearly logs of maintenance which should be carried out in accordance with any approved Maintenance Plan. These must be available for inspection upon a request by the Local Planning Authority. Reason: To ensure the SuDS are maintained for the lifetime of the development as outlined in any approved Maintenance Plan so that they continue to function as intended to ensure mitigation against flood risk.

39. SuDS

The development hereby permitted shall not be commenced until the existing pipes within the extent of the site, which will be used to convey surface water, are cleared of any blockage and are restored to a fully working condition. Reason: To ensure that drainage system

implemented at the site will adequately function and dispose of surface water from the site.

19.1 The following informatives are also recommended:

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.

Landscape informative: 'Detailed landscape proposals, if/when submitted in order to discharge landscape conditions should first be cross-checked against the Council's Landscape Guidance Note LIS/B (this available on this CBC landscape webpage: <https://www.colchester.gov.uk/info/cbc-article/?catid=which-application-form&id=KA-01169> under Landscape Consultancy by clicking the 'read our guidance' link)'

Highways Informative:

- Prior to any works taking place in the highway the developer should enter into an agreement with the Highway Authority under the Highways Act 1980 to regulate the construction of the highway works
- All or some of the above requirements may attract the need for a commuted sum towards their future maintenance (details should be agreed with the Highway Authority as soon as possible)
- All work within or affecting the highway should be laid out and constructed by prior arrangement with and to the requirements and satisfaction of the Highway Authority, details to be agreed before commencement of the works. An application for the necessary works should be made to development.management@essexhighways.org
- Mitigating and adapting to a changing climate is a national and Essex County Council priority. The Climate Change Act 2008 (amended in 2019) commits the UK to achieving net-zero by 2050. In Essex, the Essex Climate Action Commission proposed 160+ recommendations for climate action. Essex County Council is working with partners to achieve specific goals by 2030, including net zero carbon development. All those active in the development sector should have regard to these goals and applicants are invited to sign up to the Essex Developers' Group Climate Charter [2022] and to view the advice contained in the Essex Design Guide. Climate Action Advice guides for residents, businesses and schools are also available.

Essex SuDS Informatives: Essex County Council has a duty to maintain a register and record of assets which have a significant impact on the risk of flooding. In order to capture proposed SuDS which may form part of the future register, a copy of the SuDS assets in a GIS layer

should be sent to suds@essex.gov.uk. Any drainage features proposed for adoption by Essex County Council should be consulted on with the relevant Highways Development Management Office. Changes to existing water courses may require separate consent under the Land Drainage Act before works take place. More information about consenting can be found in the attached standing advice note, plying with common law if the drainage scheme proposes to discharge into an off-site ditch/pipe. The applicant should seek consent where appropriate from other downstream riparian landowners. The Ministerial Statement made on 18th December 2014 (ref. HCWS161) states that the final decision regarding the viability and reasonableness of maintenance requirements lies with the LPA. It is not within the scope of the LLFA to comment on the overall viability of a scheme as the decision is based on a range of issues which is an area of expertise. We will advise on the acceptability of surface water and the information submitted on all planning applications submitted after the 15th of April 2015 based on the key documents listed within this letter. This includes applications which have been previously submitted as part of an earlier stage of the planning process and granted planning permission based on historic requirements. The Local Planning Authority should use the information submitted within this response in conjunction with any other relevant information submitted as part of this application or as part of preceding applications to make a balanced decision based on the available information.

Essex Fire and Rescue Informative: There is clear evidence that the installation of Automatic Water Suppression Systems (AWSS) can be effective in the rapid suppression of fires. Essex County Fire & Rescue Service (ECFRS) therefore uses every occasion to urge building owners and developers to consider the installation of AWSS. ECFRS are ideally placed to promote a better understanding of how fire protection measures can reduce the risk to life, business continuity and limit the impact of fire on the environment and to the local economy. Even where not required under Building Regulations guidance, ECFRS would strongly recommend a risk-based approach to the inclusion of AWSS, which can substantially reduce the risk to life and of property loss. We also encourage developers to use them to allow design freedoms, where it can be demonstrated that there is an equivalent level of safety and that the functional requirements of the Regulations are met.



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Item No: 7.3

Application: 231661

Applicant: Colchester City Council

Agent: Mike Polom

Proposal: Replace the existing information board with a smart locker installation and interpretation board in the form of a vinyl covering on locker (revised description)

Location: Car Park To North, Napier Road, Colchester

Ward: New Town & Christ Church

Officer: Mr Daniel Cooper

Recommendation: **Approval Subject to a further application for advert consent**

1.0 Reason for Referral to the Planning Committee

- 1.1 This application is referred to the Planning Committee for reasons of transparency as the applicant is Colchester City Council.

2.0 Synopsis

- 2.1 The key issues for consideration are the impact on the street scene and character of the area as well as impact on the Conservation Area. The application seeks consent for the replacement of existing information board with a smart locker and interpretation board in the form of a vinyl covering around the locker.
- 2.2 The application is subsequently recommended for Approval.

3.0 Site Description and Context

- 3.1 The site is located within the entrance area of the Napier Road car park where there is existing street furniture such as a litter bin, small junction box, lamp post, ticket machine and information board (to be replaced).
- 3.2 The site is located within the Garrison Conservation Area and there are no Listed Buildings affected by the proposal. The site is also located on the fringe of the Roman Circus which is a designated Scheduled Monument.

4.0 Description of the Proposal

- 4.1 This application seeks consent for the replacement of an existing information board within the entrance area of Napier Road car park with a smart locker and interpretation board in the form of a vinyl covering around the lockers.
- 4.2 The footprint of the proposed locker is 1500mm by 500mm. Height = 2000mm, width = 1500mm and depth = 500mm.

5.0 Land Use Allocation

- 5.1 Public car park

6.0 Relevant Planning History

- 6.1 101809 – Creation of public car park containing 85 spaces.

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
- 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:

ENV1 Environment
DM5 Tourism, leisure, Culture and Heritage
DM15 Design and Amenity
DM16 Historic Environment

7.4 The site is not within a Neighbourhood plan area.

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

The Essex Design Guide
External Materials in New Developments
Open Space, Sport and Recreation

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. There have been no objections to the proposal.

8.2 Highways

The Highway Authority does not object to the proposals as submitted.
Informative1: 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.

8.3 **Environmental Protection** – No comments

8.4 **Heritage** – No objections following team consultations.

8.5 **Historic England** – No objections

8.6 Archaeological Officer

The site concerned is archaeologically sensitive, and all previous groundworks on the site have been subject to archaeological monitoring. Although it is likely that the groundworks associated will be relatively minimal, and may be within an area which has been disturbed previously, it would be appropriate for a similar monitoring condition to be applied.

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 205), 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 imposition of an archaeological condition for archaeological investigation is recommended together with a relevant informative.

Officer Note – The applicant has agreed to the above pre-commencement condition.

9.0 Parish Council Response

9.1 The site is not located within a Parish area.

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 No objections have been received.

11.0 Parking Provision

11.1 The proposal will not affect the parking provision within the car park and will not impact any existing parking nearby.

12.0 Accessibility

12.1 Officers are mindful that the proposal will result in a new (albeit) replacement structure in the highway however, given the location and that it is a replacement structure, impact on accessibility is considered to be minimal.

13.0 Planning Obligations

13.1 This application is not classed as a "Major" application and therefore there was no requirement for it to be considered by the Development Team and it is considered that no Planning Obligations should be sought via Section 106 (s.106) of the Town and Country Planning Act 1990.

14.0 Report

14.1 The main issues in this case are:

- The Principle of Development
- Design and Layout
- Impact on the Surrounding Area
- Highway Safety

14.2 The applicant states that the purpose of the locker is to provide a drop-off and pick-up point for shopping from City centre businesses, delivered by electric

cargo bike and collected by customers parking in Napier Road North and South car parks, and those living in the immediate vicinity.

- 14.3 This will reduce the amount of vehicles travelling in the City centre and air quality management area thus improving air quality and reducing congestion, in turn potentially increasing customer dwell time in the City.
- 14.4 The smart locker materials will be steel and wrapped in vinyl of a colour sympathetic to the Conservation Area and other heritage assets. It should be noted however, content of the interpretation board element is yet to be agreed so will be conditioned to be submitted at a later date.
- 14.5 It should also be noted that the content of the vinyl covering will require advertisement consent which needs to be applied for separately. An application for this has yet to be submitted at time of writing this report.
- 14.6 Given that this proposal will replace an existing interpretation board, there will be no additional clutter to the street scene and will provide an up-to-date board as well as smart lockers that provide a positive service supporting sustainable methods of transport and the use of the City centre. This is supported by adopted local policy.
- 14.7 Further to officer discussions and team meetings, impact on heritage assets are considered minimal and acceptable.
- 14.8 Impact on the wider street scene is considered minor and acceptable. The location is within the entrance of an existing car park with associated street furniture and parked vehicles. As such, the addition of a smart locker and vinyl covering will result in minimal additional visual impact. To the wider street scene and character of the area.
- 14.9 The hard standing where the locker will be located provides ample space for customers to stand and use the locker without overspill into the roadway and/or the car park entrance and exit. Use of the locker will therefore result in minimal impact to the area.
- 14.10 As can be seen from the site plan, there are no nearby residential dwellings that will be affected by the proposal therefore, there will be no impact on neighbour amenities.

15.0 Conclusion

15.1 To summarise, impacts on the Conservation Area, street scene character and use of the car park are considered to be minimal and acceptable and outweighed by the public benefits. Impact on the highway regarding access to the car park and the usage of the locker is considered to be minimal, safe and acceptable. The proposal also promotes sustainable means of transport and convenient and longer use of the City centre.

16.0 Recommendation to the Committee

16.1 The Officer recommendation to the Committee is for:

APPROVAL of planning permission subject to the conditions set out below, and to delegate authority to the Head of Service to determine any subsequent related application for advertisement consent associated with the development hereby approved.

1. ZAA - Time Limit for Full Permissions

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

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

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

The development hereby permitted shall be carried out in accordance with the details shown on the submitted Drawings referenced 01 and 02 dated 4th August 2023 and drawings labelled Location Plan and Site Plan received 25th July 2023..

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

3. ZBB - Materials As Stated in Application

The materials to be used shall be those specified on the submitted application form and drawings, unless otherwise agreed, in writing, by the Local Planning Authority.

Reason: To ensure that materials are of an acceptable quality appropriate to the area.

4. Z00 – Archaeological

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 Colchester Local Plan 2017-2033 policy DM16 and the Colchester Borough Adopted Guidance titled Managing Archaeology in Development (2015).

19.1 Informatives

19.1 The following informatives are also recommended:

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.

INS – Highways

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.

INS – Archaeology

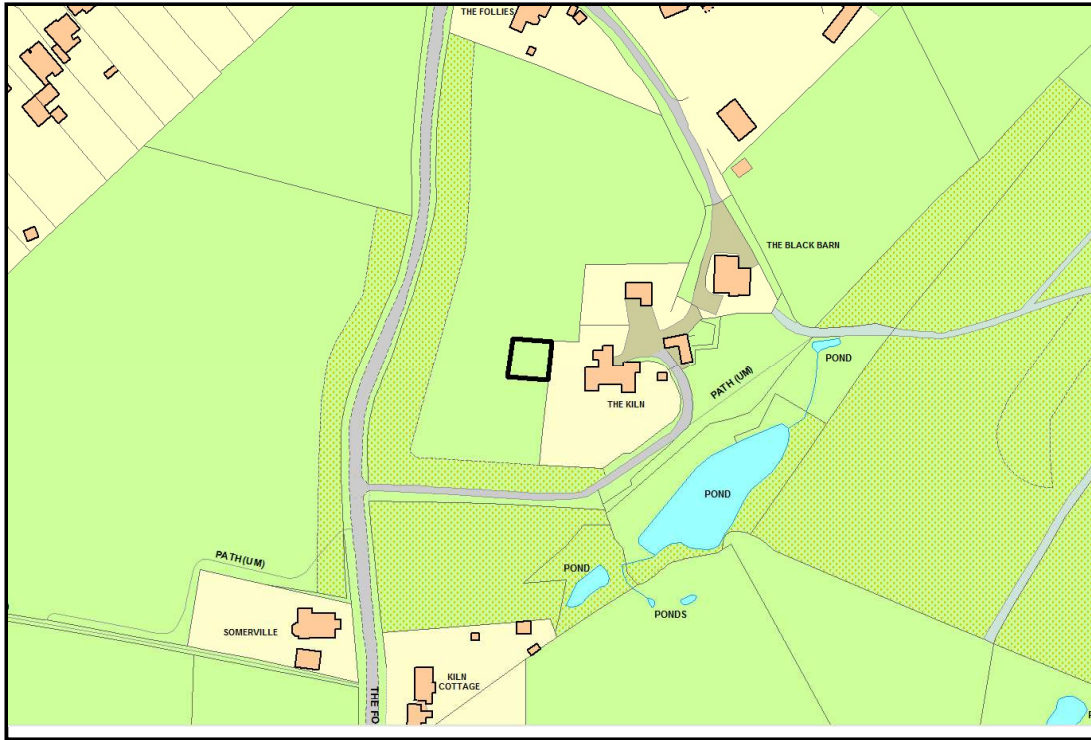
PLEASE NOTE The submitted scheme of archaeological investigation should be in accordance with an agreed brief. This can be procured beforehand by the developer from Colchester Borough Council. Please see the Council's website for further information: <http://www.colchester.gov.uk>

INS – Advert Consent

The applicant is advised that this consent relates to the smart locker only. Any contents of the vinyl covering is classed as an advertisement and will accordingly require a separate application for advertisement consent. As such, the vinyl covering and contents of which must not be 'erected' until advertisement consent has been granted.

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.



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Item No: 7.4

Application: 231611

Applicant: Mr William Barnette

Agent: Mr C Powling

Proposal: Installation of a ground mounted solar photovoltaic system using ground screws.

Location: The Kiln, The Folley, Layer De La Haye, Colchester, CO2 0HZ

Ward: Marks Tey & Layer

Officer: Phillip Moreton

Recommendation: Approval

1.0 Reason for Referral to the Planning Committee

- 1.1 This application is referred to the Planning Committee because the Agent is an elected member.

2.0 Synopsis

- 2.1 The key issues for consideration are: the principle of development, the impact on the character and appearance of the site and the wider area. Other material planning matters are also considered. The comments submitted by statutory consultees, as well as other consultees and local representations are considered.
- 2.2 The application is subsequently recommended for approval subject to the recommended conditions.

3.0 Site Description and Context

- 3.1 The site is located on the east side of The Folley, Layer de la Haye. The site is a part of land associated with the Property called The Kiln, The Folley, Layer de la Haye and is adjacent to the residential curtilage of this property. The site lies directly to the west of the residential curtilage and comprises an area laid to grass, with the site being partially screened from the highway and public viewpoints from the public right of way that surrounds the site, by a band of existing planting on the sites boundaries.

4.0 Description of the Proposal

- 4.1 The application seeks planning permission for the installation of ground mounted solar photovoltaic system using ground screws.

5.0 Land Use Allocation

- 5.1 N/A

6.0 Relevant Planning History

- 6.1 213007 – Householder - Erection of single storey rear extension. Approved 17/12/2021.
- 6.2 221420 – Lawful Development Certificate – Proposed loft conversion with hip to gable alteration. Approved Certificate of Lawful Development 01/08/2022

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
- SP3 Spatial Strategy for North Essex
- 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:

ENV1 Environment
OV2 Countryside
DM15 Design and Amenity
DM25 Renewable Energy, Water Waste and Recycling

7.4 Regard should also be given to the following adopted Supplementary Planning Documents (SPD): The Essex Design Guide

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 Environmental Protection -

No objection to the scheme submitted subject to conditions.

8.3 Contaminated Land Officer –

No Comment

8.4 Landscape Advisor –

No objection to the scheme submitted subject to conditions.

9.0 Parish Council Response

9.1 The Parish Council have stated that they have no objection, but where applicable would like some screening of natural hedge.

10.0 Representations from Notified Parties

10.1 The application resulted in a number of notifications to interested third parties including neighboring properties. No representations have been received following these notifications.

11.0 Parking Provision

11.1 N/A

12.0 Air Quality

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

13.0 Planning Obligations

13.1 This application is not classed as a “Major” application and therefore there was no requirement for it to be considered by the Development Team and it is considered that no Planning Obligations should be sought via Section 106 (s.106) of the Town and Country Planning Act 1990.

14.0 Report

Character and appearance

14.1 Local Plan relevant section 2 local plan policies DM15, DM16, and ENV1 together seek to promote high quality and inclusive design that is sympathetic to the character of the area and enhances historic buildings and require development proposals to respect and enhance the character of the site, its context and its surroundings in terms of its architectural approach, form, proportions, materials, townscape and detailed design features. This is also reflected in Policy SP7 of Section 1 of the Local Plan

14.2 The NPPF (2023) also promotes good design advising that permission should be refused for development of poor design.

14.3 It is considered that the proposed ground mounted solar panel system will be sufficiently distanced from any nearby public viewpoints, from public rights of way that surround the site, to ensure minimal impact on the character and appearance of the surrounding area. The proposed array measures 3 m in height by approximately 9 metres in length. The visual impact will be further mitigated by the condition recommended by the Council’s landscape officer for hedging to be managed to a height of 2.3 metres to be planted on the northern, southern and western boundaries of the site.

14.4 The proposal is a relatively light weight ground mounted solar panel system using ground screws that will have a minimal impact on the ground with the design being fairly simple and reflective of the characteristics of a modest solar panel array. The character and appearance of the site, following the installation of hedging to screen the proposed development from public viewpoints, would reflect the character and appearance of the existing site, so ensuring that the proposal would not appear out of keeping with existing character of the site or surrounding area.

Impact upon Amenity

- 14.5 Development Policy DM15 states that all development must be designed to a high standard and avoid unacceptable impacts on amenity. This includes protecting existing public and residential amenity, particularly with regard to privacy, overlooking, security, noise and disturbance, pollution (including light and odour pollution), daylight and sunlight. The adopted Supplementary Planning Document (SPD) the Essex Design Guide also provides guidance on the safeguarding of residential private amenity.
- 14.6 The scheme is considered to comply with the Essex Design Guide in this regard. It is held that that the proposals would have no material impact to the lighting levels to existing properties.
- 14.7 The proposal is considered to be sufficiently distanced from neighbouring properties to avoid any material impacts, including in terms of glint, glare, noise or general disturbance.
- 14.8 For the reasons given above, it is considered that the proposed development would not have a significant adverse effect on the amenity of neighboring properties. In view of this, the proposed development is not considered to conflict with adopted DPD Policies DM15 or the NPPF insofar as they seek to secure a good standard of amenity for all occupants of land and buildings.

Landscape and Trees

- 14.9 Local Plan Section 2 policy ENV1 states that the Borough Council will conserve and enhance Colchester's natural and historic environment, countryside and coastline. Central Government guidance on conserving the natural environment is set out in relevant sections of the NPPF.
- 14.10 There are limited trees and vegetation within the site, as such the proposal is not considered to impact upon vegetation of any significance. There is already established vegetation on the site boundaries, and it is further recommended that a landscaping condition is proposed for the installation of a native screening hedge to the exposed northern, southern and western boundaries of the site in order to both complement the local landscape character and visually screen any views of the development from the highway and Public Rights of Way network.

Ecology and Biodiversity

- 14.11 Local Plan Section 2 policy ENV1 seeks to conserve or enhance biodiversity of the Borough and places stringent requirements on supporting ecological information being provided to demonstrate the degree of impact or harm (especially in relation to designated sites or species), the associated mitigation measures and measures to enhance biodiversity.
- 14.12 It is considered that the proposed redevelopment of this site will have no material impact on protected species or biodiversity due to the nature of the ground mounted solar panels having little to no impact on the existing grassed area of the site. The introduction of native screening hedge will likely have a positive effect on the site's biodiversity moving forward. The application is therefore

considered to accord with the aforementioned local plan policies and national policy guidance.

Climate Change and Sustainability

- 14.13 The Council has made a Climate Emergency declaration in 2019 and has committed to being carbon neutral by 2030. The Local Plan Section 2 policy CC1 addresses the move to a low carbon future for Colchester and states the Local Planning Authority will plan for new development in ways that reduce greenhouse gas emissions and provide resilience to the impacts of climate change by encouraging and supporting the provision of renewable and low carbon technologies, with Local Plan Section 2 Policy DM25 also supporting proposals for renewable energy projects including micro-generation to help reduce Colchester's carbon footprint.

15.0 Planning Balance and Conclusion

15.1 To summarise, the proposal is considered to comply with the NPPF and local policy in terms of its design and effects on the character and appearance of the site and surrounding area, would not cause harm to the amenity of the local residents and the renewable energy produced for the site would help the environment. In conclusion, it is considered that the proposed scheme is acceptable, and it is recommended that scheme is approved subject to the recommended conditions identified below.

16.0 Recommendation to the Committee

16.1 The Officer recommendation to the Committee is for:

APPROVAL of planning permission subject to the following conditions:

1. ZAA - Time Limit for Full Permissions

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

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

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

The development hereby permitted shall be carried out in accordance with the details shown on the submitted Drawing 0000 REV A, 0001 and the Details Contained with Documents Named Panel Vertex and Sunfixings-Park-Tegra-Ground-Anchor-Data dated 28 July 2023.

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

3. 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: 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.

4. **Z00** – No works shall take place above ground floor slab level until a planting scheme has been submitted to and agreed, in writing, by the Local Planning Authority. The submitted planting details shall be in full compliance with the Council's Landscape Guidance Note LIS/B and comprise a native screening hedge, proposed as maintained at a minimum 2.3m high to the exposed northern, southern and western boundaries of the site. The implementation of all the planting works shall comply with the recommendations set out in the relevant British Standards current at the time of submission. The approved planting scheme shall be carried out in full prior to the end of the first planting season following completion of the development or in such other phased arrangement as shall have previously been agreed, in writing, by the Local Planning Authority. Any hedge planting which, within a period of 5 years of being implemented fails, is removed or seriously damaged or seriously diseased shall be replaced, like for like, in the next planting season, unless the Local Planning Authority agrees, in writing, to a variation of the previously approved details.

Reason: In order to ensure that there is a sufficient landscaping scheme for the relatively small scale of this development where there are areas to be laid out but there is insufficient detail within the submitted application.

17.0 Informatives

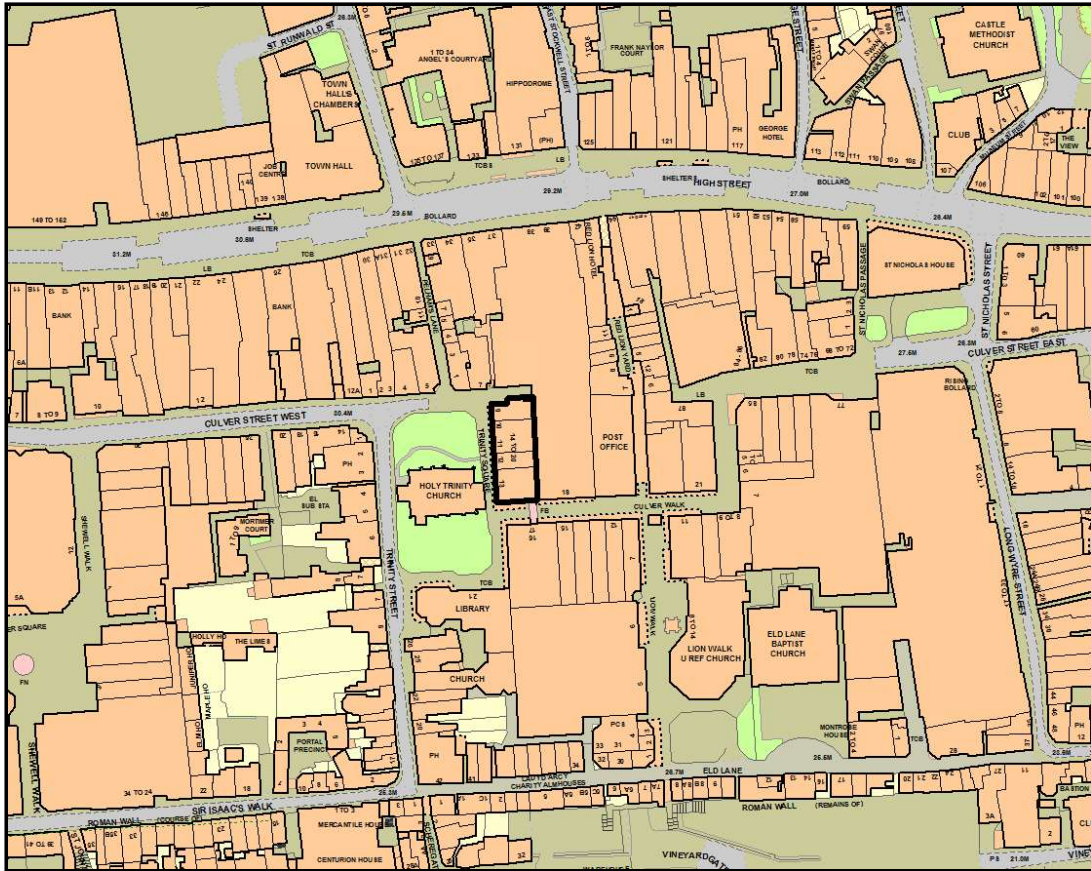
17.1 The following informatives are also recommended:

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.

INS – Landscape Informative

Detailed landscape proposals, if/when submitted in order to discharge landscape conditions should first be cross-checked against the Council's Landscape Guidance Note LIS/B (this available on this CBC landscape [webpage](https://www.colchester.gov.uk/info/cbc-article/?catid=which-application-form&id=KA-01169): <https://www.colchester.gov.uk/info/cbc-article/?catid=which-application-form&id=KA-01169> under Landscape Consultancy by clicking the 'read our guidance' link).



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Item No: 7.5

Application: 231810

Applicant: Mr Gary Pamment

Agent: Mr Gary Pamment

Proposal: Proposed replacement windows and roof coverings along with brickwork repairs, replacement slate coverings for front walls to second floor.

Location: 14 Trinity Square, Colchester, Essex, CO1 1JR

Ward: Castle

Officer: Simon Grady

Recommendation: Approval subject to conditions

1.0 Reason for Referral to the Planning Committee

- 1.1 This application is referred to the Planning Committee because the applicant is Colchester Borough Homes. All applications from Colchester Borough Homes are required to be considered by the Planning Committee as set out in the Council's Constitution for transparency in decision-making.

2.0 Synopsis

- 2.1 The key issues for consideration are the visual impact that the proposed development would have on the character and appearance of the surrounding area, including the conservation area that the development site is located within. All relevant issues are assessed in the report below.
- 2.2 Having assessed the application against local and national legislation, policy and guidelines it is considered that the proposed development would cause very minor *less than substantial* visual harm to the heritage assets surrounding the application site and the conservation area designation. This minor harm is justified by the improved living conditions for residents of the flats.
- 2.3 The application is subsequently recommended for approval.

3.0 Site Description and Context

- 3.1 The application site features a block of 20 flats at first and second floor positioned over a row of ground floor retail units. The flats are post war and date from the mid C20. The application site is located in the Lion Walk shopping centre in the town centre and lies within the designated Town Centre Conservation Area. The grade I listed former Church of Holy Trinity is sited opposite the application site.

4.0 Description of the Proposal

- 4.1 This application seeks permission for the proposed refurbishment of the exterior of the flats and includes the replacement of windows and roof coverings along with brickwork repairs, replacement slate coverings for front walls to second floor. The aim of the proposed work is to maintain and replace defective components in order to improve the energy efficiency of the external fabric whilst preserving the character and appearance of the conservation area.
- 4.2 The roof covering needs to be replaced because it is in poor condition and no longer weathertight. The window installations are in poor condition and have reached the end of their useful lifespan. The hanging slate coverings to the front of the building are being removed to allow additional insulation to be added to improve the thermal efficiency of the building with new tiles being affixed back on.
- 4.3 There are also some other minor works shown on the submitted drawings but not included in the application description. These works are replacement of the rainwater goods (guttering and drainpipes) and replacement of the patio floor coverings. Neither of these items being replaced are visible from the public domain and probably don't require planning permission as they would be considered to be maintenance works, not development as defined by the relevant planning legislation.

5.0 Land Use Allocation

5.1 Town Centre Uses

6.0 Relevant Planning History

6.1 There is no planning history relevant to this 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
- 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:

- ENV1 Environment
- DM12 Housing Standards
- DM13 Domestic Development
- DM15 Design and Amenity
- DM16 Historic Environment

7.4 There is no Neighborhood Plan for this area of the Borough.

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

- The Essex Design Guide
- External Materials in New Developments
- Sustainable Construction

8.0 Consultations

8.1 This application was discussed at a Development Management team meeting with particular interest in the impact that the proposed development would have on the setting of the adjoining listed church or the character and appearance of the conservation area.

- 8.2 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.

Environment Protection

- 8.3 Environment Protection recommend that the hours of construction work be controlled by Condition (ZPD) in order to protect the amenity of the area and/or nearby residents by reason of undue noise at unreasonable hours.

Colchester Civic Society did not respond.

9.0 Parish Council Response

- 9.1 The site is not in a parish council area.

10.0 Representations from Notified Parties

- 10.1 The application received no written representation from members of the public (objections/or support) in response to notification.

11.0 Parking Provision

- 11.1 Parking provision is unaffected by this proposal.

12.0 Accessibility

- 12.1 The Equality Act 2010 legally protects people from discrimination in the workplace and in wider society. The proposed development comprises refurbishment of the external features of an existing development and would not discriminate against any particular members of the community. Equally, the enhanced thermal performance would be of particular benefit to vulnerable members of the community by reducing energy bills for tenants.

13.0 Open Space Provisions

- 13.1 The proposal does not include, nor is it required by policy to make any open space provisions.

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 and it is considered that no Planning Obligations should be sought via Section 106 (s.106) of the Town and Country Planning Act 1990.

16.0 Report

- 16.1 Much of the proposed works in this application would not be visible from the public domain (rear elevation to private area) and some of the works represents refurbishment works using external facing materials that would not materially affect the appearance of the building, meaning that they would not require planning permission. However, for complete transparency of decision-making

and given the sensitive nature of the application site the proposed development is assessed below.

- 16.2 The key planning consideration in this case is the visual impact that the works would have on the surrounding conservation area and adjoining grade I listed church. The scope of the proposed works is set out in section 4 above, and there are no concerns that the brickwork repairs, replacement roof, replacement patio floor or rainwater goods would have a harmful visual impact on the character and appearance of the conservation area or setting of the listed church. This is due to a combination of them not being visible from the public domain and the use of matching materials.
- 16.3 The existing aluminium windows on the frontage of the building are visible from the public domain, albeit they are located at a height that is above eye level and therefore not considered to be very dominant in the street scene. The hanging tiles being replaced are even less dominant than the windows due to their height above the ground and being set back from the front elevation of the building, but they are visible nonetheless.
- 16.4 However, despite the works not being dominant and the application building having limited architectural value, given the sensitive location of the site (i.e. within a conservation area and opposite a grade I listed church) it is important that the proposed works, and in particular the materials used and their detailing, are sympathetic to their surroundings. Originally, the proposal was to replace all windows with UPVC, but this would have a harmful impact on the character of the conservation area and setting of the listed church. The Applicant has agreed to install aluminium windows to the front and side elevations of the building (where they can be seen from the public domain) but it is considered acceptable to use UPVC construction to the rear. The colour of the aluminium windows will match the colour of the existing aluminium windows.
- 16.5 This means that all the proposed external materials to be used on visible, outward facing elevations are of similar appearance to those currently present on the building. This means their visual impact would be minimal and acceptable in design terms. The profile of the window frames however would be approximately 15mm wider than the existing frames. This is unlikely to be materially noticeable in the street scene in the opinion of officers. This additional frame width allows vents to be added that will assist with the ventilation of the bedroom that they serve and improve living conditions of the occupiers. This work is needed to prevent moulds within the flats. The resultant minor visual harm is considered to be less than substantial that delivers significant benefits to the tenants that outweigh this harm.
- 16.6 Consequently, the proposed development complies with adopted Local Plan Policy ENV1: Environment, Policy DM13: Domestic development and Policy DM16: Historic Environment, which seek to conserve Colchester's historic environment, including listed buildings and conservation areas. The proposed development also complies with adopted Local Plan Policy DM12: Housing Standards, Policy DM13: Domestic development and Policy DM15: Design and Amenity, which promote high standards of design, construction and layout in residential development, protect neighbour amenity and the appearance and

character of the original dwelling and support proposals that demonstrate social, economic and environmental sustainability.

17.0 Planning Balance and Conclusion

17.1 The proposed works include the replacement of existing windows, roofs and hanging tiles, which will improve the energy efficiency of the building. This delivers significant benefits. The appearance of the building would not significantly change albeit associated with a small alteration in the design of the replacement window frames resulting in the most obvious visual change.

17.2 Whilst some of the works do not require planning permission, it is concluded that the proposed development generally uses appropriately sympathetic materials and the benefits accrued through the improvements to the building outweigh the *less than substantial* visual harm arising from the replacement windows. The proposal therefore complies with the relevant local plan policy and is in conformity with national policy set out in para.202 of the NPPF.

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. ZAA - Time Limit for Full Permissions

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

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

2. ZAM - Development to Accord With Approved Plans

The development hereby permitted shall be carried out in accordance with the details shown on the submitted drawing Numbers 10, GP-2032-03 and GP-2032-04

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

3. ZBB - Materials as Stated in Application

Notwithstanding the details shown on the approved drawings, all windows on the front (west) and both side (north and south) elevations shall be Alitherm Heritage HD aluminium windows in RAL 9006 as per applicant's email dated 14 September 2023. The replacement hanging tiles shall match the existing hanging tiles in style, colour (blue / grey) and overall appearance.

Reason: To ensure that materials are of an acceptable quality appropriate to the area in the interests of the character and appearance of the conservation area and setting of listed buildings.

4. Matching Brickwork

The repaired brickwork shall match the existing brickwork adjacent

in respect of material, colour, texture, face bond and pointing.
Reason: In order to preserve the character of the conservation area and setting of the listed building.

5. 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.

19.1 Informatives

19.1 The following informatives are also recommended:

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.

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.

Material Planning Considerations

The National Planning Policy Framework highlights that the planning system is plan-led and reiterates The Town and Country Planning Act 1990 and The Planning and Compulsory Purchase Act 2004, which require (in law) that planning applications “must be determined in accordance with the development plan, unless material considerations indicate otherwise”.

Where our Development Plan is absent, silent or the relevant policies are out of date, paragraph 14 of the National Planning Policy Framework requires the application to be determined in accordance with the presumption in favour of sustainable development unless otherwise specified.

The following approach should be taken in all planning decisions:

- Identify the provisions of the Development Plan which are relevant to the decision and interpret them carefully, looking at their aims and objectives
- Identify and consider relevant material considerations for and against the proposal
- Consider whether or not the proposal accords with the Development Plan and, if not, whether material considerations warrant a departure from the Development Plan.

A material planning consideration is one which is relevant to making the planning decision in question (e.g. whether to grant or refuse an application for planning permission). The scope of what can constitute a material consideration is very wide and so the courts often do not indicate what cannot be a material consideration. However, in general they have taken the view that planning is concerned with land use in the public interest, so that the protection of purely private interests such as the impact of a development on the value of a neighbouring property or loss of private rights to light could not be material considerations.

When applying material considerations the Committee should execute their decision making function accounting for all material matters fairly, reasonably and without bias. In court decisions (such as *R v Westminster CC ex-parte Monahan 1989*) it has been confirmed that material considerations must relate to the development and use of land, be considered against public interest, and be fairly and reasonably related to the application concerned.

Some common material planning considerations which the Planning Committee can (and must) take into consideration in reaching a decision include:-

- Planning policies, including the NPPF and our own Development Plan
- Government guidance, case law, appeal decisions, planning history
- Design, scale, bulk, mass, visual appearance and layout
- Protection of residential amenities (light, privacy, outlook, noise or fumes)
- Highway safety and traffic issues, including parking provisions
- Heritage considerations; archaeology, listed buildings and conservation areas
- Environmental issues; impacts on biodiversity, trees and landscape, flooding
- Economic issues such as regeneration, job creation, tourism and viability
- Social issues; affordable housing, accessibility, inclusion, education, recreation

The above list is not exhaustive

The following are among the most common issues that are **not** relevant planning issues and cannot be taken into account in reaching a decision:-

- land ownership issues; private property rights, boundary disputes and covenants
- effects on property values
- loss of a private view
- identity of the applicant, their character, previous history, or possible motives
- moral objections to a development, such as may include gambling or drinking etc
- competition between commercial uses

- matters specifically controlled through other legislation

Strong opposition to large developments is a common feature of the planning process but whether or not a development is popular or unpopular will not matter in the absence of substantial evidence of harm (or support from the policies within the Development Plan). It is the quality of content, not the volume that should be considered.

The law also makes a clear distinction between the question of whether something is a material consideration, and the weight which it is to be given. Whether a particular consideration is material will depend on the circumstances of the case but provided it has given regard to all material considerations, it is for the Council to decide what weight is to be given to these matters. Subject to the test of “reasonableness”, the courts (or the Local Government Office) will not get involved in the question of weight. Weight may be tested at appeal.

Planning Obligations

Planning obligations assist in mitigating the impact of unacceptable development to make it acceptable in planning terms. Planning obligations may only constitute a reason for granting planning permission if they meet the tests that they are:

1. necessary to make the development acceptable in planning terms
2. directly related to the development, and
3. fairly and reasonably related in scale and kind.

These legal tests are set out as statutory tests in the Community Infrastructure Levy Regulations and as policy tests in the National Planning Policy Framework.

Human Rights, Community Safety and Equality and Diversity Implications

All applications are considered against the background and implications of the:

- Human Rights Act 1998
- Crime and Disorder Act 1998 (and in particular Section 17)
- Equality Act 2010
- Colchester Borough Council Equality Impact Assessment (EIA) Framework

In order that we provide a flexible service that recognises people's diverse needs and provides for them in a reasonable and proportional way without discrimination.

Using Planning Conditions or Refusing Planning Applications

The Planning System is designed to manage development, facilitating (not obstructing) sustainable development of a satisfactory standard. The National Planning Policy Framework (NPPF) and National Planning Practice Guidance (PPG) reinforce this, stating that “Planning should operate to encourage and not act as an impediment to sustainable growth”. Therefore, development should be considered with a positive approach. Where a condition could be used to avoid refusing permission this should be the approach taken.

The PPG sets out advice from the Government regarding the appropriate use of conditions, and when decision makers may make themselves vulnerable to costs being awarded against them at appeal due to “unreasonable” behaviour. Interpretation of court judgments over the years is also an important material consideration. Reasons why a Planning Authority may be found to have acted unreasonably at appeal include lack of co-operation with applicants, introducing fresh evidence at a later stage, introducing a new reason for refusal, withdrawal of any reason for refusal or providing information that is shown to be manifestly inaccurate or untrue.

In terms of the Planning Committee, Members are not bound to accept the recommendations of their officers. However, if officers’ professional or technical advice is not followed, authorities will need to show reasonable planning grounds for taking a contrary decision and produce relevant evidence on appeal to support the decision in all respects. If they fail to do so, costs may be awarded against the authority.

Whenever appropriate, the Council will be expected to show that they have considered the possibility of imposing relevant planning conditions to allow development to proceed. Therefore, before refusing any application the Planning Committee should consider whether it is possible to resolve any concerns by use of conditions before refusing permission. Failure to do so on a planning ground capable of being dealt with by conditions risks an award of costs where it is concluded on appeal that suitable conditions would enable the proposed development to go ahead.

Any planning condition imposed on a development must pass 6 legal tests to be:

1. Necessary
2. Relevant to planning
3. Relevant to the development permitted
4. Reasonable
5. Precise
6. Enforceable

Unless conditions fulfil these criteria they are challengeable at appeal as ultra vires (i.e. their imposition is beyond the powers of local authorities).

If no suitable condition exists that can satisfy these tests a refusal of planning permission may then be warranted. In considering the reasons for that refusal, the Council must rely only on reasons for refusal which stand up to scrutiny and do not add to development costs through avoidable delay or refusal without good reason. In all matters relating to an application it is critically important for decision makers to be aware that the courts will extend the common law principle of natural justice to any decision upon which they are called to adjudicate. The general effect of this is to seek to ensure that the Council acts fairly and reasonably in executing our decision making functions, and that it is evident to all that we have done so.



Colchester Borough Council Development Management

Highway Safety Issues

When considering planning applications, Colchester Borough Council consults Essex County Council Highways Authority on all highway safety issues. They are a statutory consultee, and a recognised expert body. This means that they must be consulted on planning applications, by law, where the proposed development will involve a new access to the highway network, create “material” changes in traffic movement, or where new roads are to be laid out. Where developments affect the trunk road network Highways England become a statutory consultee.

When the Highway Authority is consulted they are under a duty to provide advice on the proposal in question as the experts in highway matters. Their opinion carries significant weight upon which the Local Planning Authority usually relies. Whilst this Council could form an opinion different to the Highway Authority, it would need to provide counter-evidence to justify an argument that the expert body was incorrect. That evidence would need to withhold challenge in appeal or through the courts. Failure to do so would result in a costs award against the Council for acting unreasonably (see other notes pages within this Agenda). Similarly, if the Highway Authority were unable to support their own conclusions they may face costs being awarded against them as the statutory consultee.

Officers of Essex County Council Highway Authority conduct their own site visits to each site in order to take account of all highway safety matters. They also consult their own records and databases, traffic flow information and any other relevant material that may be available, including any submitted documents within planning applications.

Parking Standards

Although the Highway Authority has some remit over parking in so far as it relates to highways safety issues, parking itself is a matter for the Local Planning Authority to determine against national policy and our own adopted standards. Like the other Essex Authorities, Colchester Borough Council has adopted the Essex Planning Officer’s Association Parking Standards. These standards set out that:

- A parking space should measure 2.9 metres by 5.5 metres. A smaller size of 2.5 metres by 5 metres is acceptable in special circumstances.

For residential schemes:

- The residential parking standard for two bedroom flats and houses is two spaces per unit.
- The residential parking standard for one bedroom units is one space per unit.
- A garage should have an internal space of 7 metres by 3 metres. Smaller garages do not count towards the parking allocation.
- One visitor space must be provided for every four units.

Residential parking standards can be relaxed in areas suitable for higher density development and where there is good walkable access to shops, service and public transport, such as town centres.



Colchester Borough Council Environmental Control

Advisory Notes for the Control of Pollution during Construction and Demolition Works

The following information is intended as guidance for applicants/developers and construction firms. In order to minimise potential nuisance to nearby existing residents caused by construction and demolition works, Environmental Control recommends that the following guidelines are followed. Adherence to this advisory note will significantly reduce the likelihood of public complaint and potential enforcement action by Environmental Control.

Best Practice for Construction Sites

Although the following notes are set out in the style of planning conditions, they are designed to represent the best practice techniques for the site. Therefore, failure to follow them may result in enforcement action under nuisance legislation (Environmental Protection Act 1990), or the imposition of controls on working hours (Control of Pollution Act 1974)

Noise Control

1. No vehicle connected with the works to arrive on site before 07:30 or leave after 19:00 (except in the case of emergency). Working hours to be restricted between 08:00 and 18:00 Monday to Saturday (finishing at 13:00 on Saturday) with no working of any kind permitted on Sundays or any Public/Bank Holiday days.
2. The selection and use of machinery to operate on site, and working practices to be adopted will, as a minimum requirement, be compliant with the standards laid out in British Standard 5228:1984.
3. Mobile plant to be resident on site during extended works shall be fitted with non-audible reversing alarms (subject to HSE agreement).
4. Prior to the commencement of any piling works which may be necessary, a full method statement shall be agreed in writing with the Planning Authority (in consultation with Environmental Control). This will contain a rationale for the piling method chosen and details of the techniques to be employed which minimise noise and vibration to nearby residents.

Emission Control

1. All waste arising from the ground clearance and construction processes to be recycled or removed from the site subject to agreement with the Local Planning Authority and other relevant agencies.
2. No fires to be lit on site at any time.
3. On large scale construction sites, a wheel-wash facility shall be provided for the duration of the works to ensure levels of soil on roadways near the site are minimised.
4. All bulk carrying vehicles accessing the site shall be suitably sheeted to prevent nuisance from dust in transit.

Best Practice for Demolition Sites

Prior to the commencement of any demolition works, the applicant (or their contractors) shall submit a full method statement to, and receive written approval from, the Planning & Protection Department. In addition to the guidance on working hours, plant specification, and emission controls given above, the following additional notes should be considered when drafting this document: -

Noise Control

If there is a requirement to work outside of the recommended hours the applicant or contractor must submit a request in writing for approval by Planning & Protection prior to the commencement of works.

The use of barriers to mitigate the impact of noisy operations will be used where possible. This may include the retention of part(s) of the original buildings during the demolition process to act in this capacity.

Emission Control

All waste arising from the demolition process to be recycled or removed from the site subject to agreement with the Local Planning Authority and other relevant agencies.

The Town and Country Planning (Use Classes) Order 1987 (as amended)

Class A1. Shops

Use for all or any of the following purposes—

- (a) for the retail sale of goods other than hot food,
- (b) as a post office,
- (c) for the sale of tickets or as a travel agency,
- (d) for the sale of sandwiches or other cold food for consumption off the premises,
- (e) for hairdressing,
- (f) for the direction of funerals,
- (g) for the display of goods for sale,
- (h) for the hiring out of domestic or personal goods or articles,
- (i) for the washing or cleaning of clothes or fabrics on the premises,
- (j) for the reception of goods to be washed, cleaned or repaired,
- (k) as an internet café; where the primary purpose of the premises is to provide facilities for enabling members of the public to access the internet where the sale, display or service is to visiting members of the public.

Class A2. Financial and professional services

Use for the provision of —

- (a) financial services, or
 - (b) professional services (other than health or medical services), or
 - (c) any other services (including use as a betting office)
- which it is appropriate to provide in a shopping area, where the services are provided principally to visiting members of the public.

Class A3. Restaurants and cafes

Use for the sale of food and drink for consumption on the premises.

Class A4. Drinking establishments

Use as a public house, wine-bar or other drinking establishment

Class A5. Hot food takeaways

Use for the sale of hot food for consumption off the premises.

Class B1. Business

Use for all or any of the following purposes—

- (a) as an office other than a use within class A2 (financial and professional services),
 - (b) for research and development of products or processes, or
 - (c) for any industrial process,
- being a use which can be carried out in any residential area without detriment to the amenity of that area by reason of noise, vibration, smell, fumes, smoke, soot, ash, dust or grit.

Class B2. General industrial

Use for the carrying on of an industrial process other than one falling within class B1 above

Class B8. Storage or distribution

Use for storage or as a distribution centre.

Class C1. Hotels

Use as a hotel or as a boarding or guest house where, in each case, no significant element of care is provided.

Class C2. Residential institutions

Use for the provision of residential accommodation and care to people in need of care (other than a use within class C3 (dwelling houses)).

Use as a hospital or nursing home.

Use as a residential school, college or training centre.

Class C2A. Secure residential institutions

Use for the provision of secure residential accommodation, including use as a prison, young offenders institution, detention centre, secure training centre, custody centre, short-term holding centre, secure hospital, secure local authority accommodation or use as military barracks.

Class C3. Dwellinghouses

Use as a dwellinghouse (whether or not as a sole or main residence) by—

(a) a single person or by people to be regarded as forming a single household;

(b) not more than six residents living together as a single household where care is provided for residents; or

(c) not more than six residents living together as a single household where no care is provided to residents (other than a use within Class C4).

Class C4. Houses in multiple occupation

Use of a dwellinghouse by not more than six residents as a “house in multiple occupation”.

Class D1. Non-residential institutions

Any use not including a residential use —

(a) for the provision of any medical or health services except the use of premises attached to the residence of the consultant or practitioner,

(b) as a crèche, day nursery or day centre,

(c) for the provision of education,

(d) for the display of works of art (otherwise than for sale or hire),

(e) as a museum,

(f) as a public library or public reading room,

(g) as a public hall or exhibition hall,

(h) for, or in connection with, public worship or religious instruction, (i) as a law court.

Class D2. Assembly and leisure

Use as —

(a) a cinema,

(b) a concert hall, (c) a bingo hall or casino,

(d) a dance hall,

(e) a swimming bath, skating rink, gymnasium or area for other indoor or outdoor sports or recreations, not involving motorised vehicles or firearms.

Sui Generis Uses

Examples of sui generis uses include (but are not exclusive to):

theatres, amusement arcades or centres, funfairs, launderettes sale of fuel for motor vehicles, sale or display for sale of motor vehicles, taxi businesses or a business for the hire of motor vehicles, a scrapyards or the breaking of motor vehicles, hostels, retail warehouse clubs (where goods are sold, or displayed for sale, only to persons who are members of that club), night-clubs, or casinos.

Interpretation of Class C3

For the purposes of Class C3(a) "single household" shall be construed in accordance with section 258 of the Housing Act 2004.

Interpretation of Class C4

For the purposes of Class C4 a "house in multiple occupation" does not include a converted block of flats to which section 257 of the Housing Act 2004 applies but otherwise has the same meaning as in section 254 of the Housing Act 2004

Supreme Court Decision 16 October 2017

CPRE Kent (Respondent) v China Gateway International Limited (Appellant).

This decision affects the Planning Committee process and needs to be acknowledged for future reference when making decisions to approve permission contrary to the officer recommendations.

For formal recording in the minutes of the meeting, when the Committee comes to a decision contrary to the officer recommendation, the Committee must specify:

- Full reasons for concluding its view,
- The various issues considered,
- The weight given to each factor and
- The logic for reaching the conclusion.

Deferral and Recommendation Overturn Procedure (DROP) Flowchart

If Councillors require more information, or minor amendments to be explored, then the item should be deferred.

If no more information or amendment is desired Councillors will proceed to propose a motion.

