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Item No: 7.4

Application: 190335

Applicant: Chris Board, Lanswood Limited

Proposal: Redevelopment of site to provide 282 student bedrooms (sui generis) in an 8 storey building with ancillary ground floor space combining cafe, meeting space, bin store, cycle store, laundry, reception/office, plant rooms and car parking.

Location: Land at rear of The Colchester Centre, Hawkins Road, Colchester

Ward: Hythe & Old Heath

Officer: James Ryan

Recommendation: Approval

1.0 Reason for Referral to the Planning Committee

- 1.1 This application is referred to the Planning Committee because it is a major application with a legal agreement.

2.0 Synopsis

- 2.1 The key issues for consideration are the principle of the development, the design/scale/massing of the proposal and the parking provision.
- 2.2 The application is subsequently recommended for approval.

3.0 Site Description and Context

The site comprises a piece of vacant land behind an office complex that fronts Hawkins Road. An access road serves the site which is also used by the office block to the road frontage and provides vehicular access to the car park to the rear of it. Commercial uses are located east and west. The network Rail train tracks are located to the north and the car park of Tesco Hythe supermarket lies beyond that at a significantly higher level.

4.0 Description of the Proposal

- 4.1 The redevelopment of site to provide a block of 282 student bedrooms (sui generis) in an 8 storey building with ancillary ground floor space combining cafe, meeting space, bin store, cycle store, laundry, reception/office, plant rooms and car parking.

5.0 Land Use Allocation

- 5.1 The land is allocated for a mix of uses – please see policy principle section of main report.

6.0 Relevant Planning History

- 6.1 There is no relevant planning history.

7.0 Principal Policies

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

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

SD1 - Sustainable Development Locations
CE1 - Centres and Employment Classification and Hierarchy
CE2 - Mixed Use Centres
CE3 - Employment Zones
H1 - Housing Delivery
H2 - Housing Density
H3 - Housing Diversity
UR1 - Regeneration Areas
UR2 - Built Design and Character
PR1 - Open Space
PR2 - People-friendly Streets
TA1 - Accessibility and Changing Travel Behaviour
TA2 - Walking and Cycling
TA3 - Public Transport
TA4 - Roads and Traffic
TA5 - Parking
ENV1 - Environment
ENV2 - Rural Communities
ER1 - Energy, Resources, Waste, Water and Recycling

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

DP1 Design and Amenity
DP2 Health Assessments
DP3 Planning Obligations and the Community Infrastructure Levy
DP4 Community Facilities
DP5 Appropriate Employment Uses and Protection of Employment Land and Existing Businesses
DP10 Tourism, Leisure and Culture
DP12 Dwelling Standards
DP14 Historic Environment Assets
DP16 Private Amenity Space and Open Space Provision for New Residential Development
DP17 Accessibility and Access
DP19 Parking Standards
DP20 Flood Risk and Management of Surface Water Drainage
DP21 Nature Conservation and Protected Lanes
DP23 Coastal Areas

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

SA CE1 Mixed Use Sites
SA EC6 Area 4: Hawkins Road

7.5 The area does not have a Neighborhood Plan.

7.6 Submission Colchester Borough Local Plan 2017-2033:

Adopted Local Plan and Emerging Local Plan Status – March 2021

Overview

The Section 1 Local Plan was adopted on 1 February 2021 and is afforded full weight. The Section 2 Emerging Local Plan was Examined in Public in hearing sessions in April 2021. Section 2 policies must be assessed on a case by case basis in accordance with NPPF paragraph 48 to determine the weight which can be attributed to each policy.

Core Strategy Policy SD1 is fully superseded by policies SP5 and SP6 of the Section 1 Local Plan. Policies SD1, H1 and CE1 are partially superseded by policies SP3, SP4 and SP5 in relation to the overall housing and employment requirement figures. The remaining elements of policies SD1, H1 and CE1 are relevant for decision making purposes.

The Council can demonstrate a five year housing land supply.

Adopted Section 1 Local Plan

On 1st February 2021, Full Council resolved to adopt the modified Section 1 Local Plan in accordance with Section 23(2)(b) of the Planning and Compulsory Purchase Act 2004. The final version of the Adopted North Essex Authorities' Shared Strategic Section 1 Local Plan is on the council's website.

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. Section 2 of each plan contains policies and allocations addressing authority-specific issues.

Appendix A of the Section 1 Local Plan outlines those policies in the Core Strategy Focused Review 2014 which are superseded. Having regard to the strategic nature of the Section 1 Local Plan, policy SD2 of the Core Strategy is fully superseded by policies SP5 and SP6 of the Section 1 Local Plan. Policies SD1, H1 and CE1 of the Core Strategy are affected in part. The hierarchy elements of policies SD1, H1 and CE1 remain valid, as given the strategic nature of policies SP3, SP4 and SP5 the only part of the policies that are superseded is in relation to the overall requirement figures.

The final section of Policy SD1 which outlines the presumption in favour of sustainable development is superseded by policy SP1 of the Section 1 Local Plan as this provides the current stance as per national policy.

All other Policies in the Core Strategy, Site Allocations and Development Management Policies and all other adopted policy which comprises the Development Plan remain relevant for decision making purposes.

Emerging Section 2 Local Plan

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

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

The Emerging Local Plan submitted in October 2017 is at an advanced stage, with Section 1 now adopted and Section 2 awaiting the Inspectors findings. Section 1 of the plan is therefore considered to carry full weight.

Section 2 will be afforded some weight due to its advanced stage. The exact level of weight to be afforded will be considered on a site-by-site basis reflecting the considerations set out in paragraph 48 of the NPPF. Proposals will also be considered in relation to the adopted Local Plan and the NPPF as a whole.

- 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
Backland and Infill
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
Colne Harbour Masterplan

8.0 Consultations

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

8.2 Anglian Water

No objection – infomatives suggested.

8.3 Arboricultral Planner

Condition Tree Protection.

8.4 Archaeology

In terms of below-ground archaeology, the proposed development is situated within the area of archaeological interest recorded in the Colchester Historic Environment Record. The site is located immediately above the floodplain of the River Colne, a location that is topographically favourable for early occupation of all periods. Groundworks relating to the application would cause ground disturbance that has potential to damage any archaeological deposits that exist.

There are no grounds to consider refusal of permission in order to achieve preservation *in situ* of any important heritage assets. However, in accordance with the *National Planning Policy Framework* (Paragraph 199), any permission granted should be the subject of a planning condition to record and advance understanding of the significance of any heritage asset before it is damaged or destroyed.

8.5 Contaminated Land

Based on the information provided, it would appear that the site could be made suitable for the proposed use, with the remaining contamination matters dealt with by way of planning condition.

8.6 Emergency Planner (in-house)

My comments would be that they would need to comply with the EA recommendations listed in the document regarding the flood risks as this development falls within Flood Zone 3a. I would also expect them to have their own Business Continuity Plan detailing an evacuation process and a identified place of safety for displaced residents to take shelter. Also to sign up to receive flood alerts and weather warnings from the appropriate agencies.

8.7 Environment Agency

No objection to scheme.

8.8 Environmental Protection

No objection – conditions suggested.

8.9 Essex County Fire and Rescue

No objection raised – a number of useful points raised that will be highlighted to the applicant via an informative.

8.10 Essex Police

The published documents have been studied and, unfortunately, do not provide sufficient detail to allow an informed decision pursuant to the National Planning Policy Framework, sec 12, paragraph 127, (f) and Colchester's Planning Policy DP1: Design and Amenity, however the revised internal layout is greatly improved from the original Feb 2019 application and now offers ample opportunity for effective compartmentalisation within each floor.

To ensure this development is a safe, secure place to live, e.g. uniform lighting without dark areas, effective physical security at the public entrance and on each student room and to comply with Colchester's Planning Policy DP1: Design and Amenity (Revised July 2014), (iv) Create a safe and secure environment, Essex Police would recommend the applicant incorporate Crime Prevention through Environmental Design and apply for nationally acknowledge and police recommended Secure By Design Homes 2019 accreditation.

Essex Police, provide a no cost, impartial advice service to any applicant.

8.11 Highway Authority

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

8.12 Historic Buildings and Areas

The application site is not situated within a Conservation Area and there are no designated or non-designated assets in the immediate vicinity.

8.13 Landscape Advisor

The landscape content/aspect of the strategic proposals lodged on 03/03/20 (principally under drawing 20132-HNW-ZZ-ZZ-DR-A-2101.P0) and the revised Townscape & Visual Appraisal (TVA) rev B dated March 2021 lodged 08/03/21 would appear satisfactory.

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

8.14 Lead Local Flood Authority/SuDS

No objection – conditions requested.

8.15 Natural England

No objection subject to compliance with RAMS.

8.16 NHS

A developer contribution will be required to mitigate the impacts of this proposal.

8.17 Transport/Sustainability (in-house)

I have looked at the cycle parking. It isn't in a suitable location. If it isn't going to be integrated with the building then it should be right outside the main entrance, so easy access for users. It also needs to be secure as well as covered, with a fob access or similar. I would suggest that some of the car parking right near the entrance is replaced with a large, secure, and attractive cycle storage building which would be easy to use and convenient for cyclists and a statement that cycling is encouraged, supported and welcomed on this site.

8.18 Urban Design

As per previous comments, by virtue of its location and layout, the proposed development remains out of keeping with the sites immediate context and the prevailing character of the area. However, the scheme does now achieve a good standard of architecture and 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 context and as such remains contrary to elements of the above outlined national and local planning policies.

The latest revisions to the proposed structure provide a reduced scale and break down the structure into a composition of various different elements/forms. The use of a variety of materials and approaches to fenestration break down the massing of the structure effectively. As a result, the elevational treatments of the proposed structure achieve a consistent rhythm, appearing balanced and visually articulated. The approach to materiality is consistent with the vernacular of the wider area. On this basis, the proposed structure is considered to achieve an acceptable standard of design in itself.

As highlighted above, elements of the design of the proposed development have been improved, whilst others remain contrary to policy. The negative elements of the design are 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. Great weight should be given to any Townscape impact when weighing up the design elements of the proposal as part of wider considerations. The Case Officer should be satisfied that the

development will not have an adverse impact on the Town's skyline, nor on townscape views.

9.0 Parish Council Response

9.1 The site is non-parished

10.0 Representations from Notified Parties

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

It is noted that no neighbour objections were received following the latest full set of amended drawings and therefore the comments below actually relate to the previous scheme. Three representations were previously received, and they can be read in full on the website, however in summary they objected for the following reasons:

- >This is a commercial area and should stay as such.
- >It is not suitable for residential due to the noise and vibration of the railway and surrounding uses.
- >The redevelopment of the Hythe is supported where the buildings are old and falling down but this side of Hawkins Road should be left.
- >Residents will be unhappy.
- >1B Albarn is a 24hr operation and the noise will cause issues plus we will suffer loss of light into our offices.
- >Issues with parking.
- >We don't object to the principle of the use but there needs to be more parking supplied.
- >The parking on the access way should be removed.
- >There should be more cycle parking.
- >There should be a Section 106 contribution for a business parking permit scheme on Hawkins Road and students must not be allowed to have residents parking permits.
- >A construction method statement should be supplied.

11.0 Parking Provision

11.1 Whilst many of the recently approved student accommodation buildings have no car parking to encourage cycling, walking and public transport, this scheme does provide 34 car spaces. 100 cycle spaces are also proposed. It is considered that at reserved matters stage this could be further improved to increase either the number or position of cycle spaces (or both). That may result in the loss of car parking spaces and that would be welcomed.

12.0 Accessibility

12.1 The scheme is designed with a number of accessible rooms/flats and a number more are designed to facilitate conversion, if needed. All floors are served by lifts. The Type 2 room is accessible for wheelchair use and the Type 3 room is convertible to an accessible room. The Type 5 studio is fully accessible and the Type 6 is a studio room that is convertible to an accessible studio room.

13.0 Open Space Provisions

13.1 As sui generis student accommodation this scheme is not required to provide on-site open space.

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:

NHS: £44,482

Archaeology: £2810

Sustainable Transport: £110,000

Travel Plan Membership: £10,000

Also secured via the LA:

RAMS: £21,843.96

A legal agreement has been agreed to deal with the matters of RAMS, the NHS contribution and membership of the Travel Plan club plus walking and cycling improvements.

16.0 Report

16.1 The main issues in this case are:

Principle of Development

Introduction

16.2 The proposal for 282 student dwellings and ground floor commercial/function space on land adjacent Weston Homes on Hawkins Road is on land which is allocated for development in the Adopted Local Plan as follows:

Core Strategy Policy SD1 (Sustainable Development) - Development will be focused on a range of sustainable locations including the East Growth Area

Core Strategy Policy H1(Housing) - Table H1a provides that a total of 2600 units will be provided in the East Growth Area.

Site Allocations Policy SA EC1 (Residential development in East Colchester) lists 15 sites in East Colchester which will deliver housing in East Colchester, including number 13, Land in Hawkins Road.

Site Allocations Policy SA EC2 (Development in East Colchester) provides a supportive approach to development in the area, provided it addresses criteria including ensuring that development provides for a balanced and integrated mix of uses; addressing flooding issues, and contributing to infrastructure provision.

Policy SA EC6 (Area 4: Hawkins Road) supports regeneration of the former industrial area by extending and consolidating housing to the west of Hawkins Road, and reflecting uses current at the time, continuing employment uses on the east side.

Significant redevelopment of the Hawkins Road area has occurred over the life of the current Adopted Local Plan, but as some sites remain to be developed, reference to these sites was required to be carried forward in the Emerging Local Plan. Policy EC2 (East Colchester/Hythe Special Policy Area) consolidated the East Colchester areas previously covered by specific area policies into one more generic and flexible policy. This meant that the specific requirement for employment uses on the east side of Hawkins Road was replaced by an area wide requirement for a criteria-based approach to development proposals including the following areas:

- Regeneration at densities appropriate to an urban area with good transport access and mix of uses
- Maximise benefits of location near the University
- Respond to the area's distinctive historic character
- Contribute to East Transit Corridor
- Enhance provision of Green Infrastructure
- Contribute to flood risk solutions
- Provide for a compatible mix of uses having regard
- Minimise and mitigate contaminated land issues

NPPF Compliance

16.3 The planning policy approach to the proposal reflects the Council's current position in the plan-making process where both an adopted and an emerging Local Plan are relevant. The relationship of the proposal to each of those plans and the compliance of relevant adopted and emerging policies with the 2019 NPPF are accordingly key variables in assessing the planning balance. In this instance, given that the proposal features in both plans rather than just in the Emerging Local Plan, the focus of checking compliance is on the current plan.

16.4 It is considered that the fundamental principles of both the Adopted and Emerging Local Plans are compliant with the new NPPF.

Emerging Local Plan

- 16.5 The NPPF also advocates consideration of other factors including emerging local plans which can be afforded weight when they reach an advanced stage of preparation. In this respect Paragraph 48 states that authorities may give weight to emerging plans according to the stage of preparation, the extent to which there are unresolved objections to relevant policies (and the significance of these objections - the less significant the greater the weight that can be given) and the degree of consistency of the relevant policies to the NPPF (the closer the policies are to policies in the NPPF, the greater the weight that may be given). Testing these criteria will inform the judgement about the weight which should be afforded to the emerging Local Plan in this case.
- 16.6 The ELP is considered to be at an advanced stage having been submitted in 2017 with examination commenced in January 2018 and with an EiP having taken place in April of this year.
- 16.7 The urban area of Colchester incorporates East Colchester, which includes the proposed residential allocation on Hawkins Road which is the subject of this allocation.
- 16.8 The Spatial Strategy Policy (SG1), Housing Delivery Policy (SG2) and the East Colchester Allocations policy (EC3) are aligned with the NPPF which reinforces the plan led system. The policies will contribute to the delivery of sustainable development.
- 16.9 The detailed criteria included in Policy EC3 for the East Colchester/Hythe area accords with the NPPF which outlines that Local Plans should include non-strategic policies which provide more detail for specific areas and types of development.
- 16.10 The key policies in the emerging Local Plan relevant to this scheme are considered to be highly consistent with the NPPF and should therefore be afforded considerable weight.
- 16.11 The final issue to be taken into account when considering the weight to be afforded to the ELP is the level of unresolved objection to the relevant policies. Accordingly, further consideration of the issues raised in representations to Policy EC2 is necessary to guide the judgement of the weight which should be given to the emerging policy in this case. There were 6 representations made in respect of this allocation in Policy EC2. None of them made specific points on the application site, but Network Rail considered that more detail should have been provided on specific sites, and Hythe Forward objected to the loss of employment site to residential uses.

- 16.12 It is agreed that development in the area should retain employment uses in the area as far as possible, but considering the dramatic transformation of the Hythe area following the closing of Colchester Port and the increase of residential uses on former employment sites along with the limited demand for employment land in the Borough, it is considered that a more flexible approach to uses in the area is warranted to support the continuing delivery of regeneration. Policy EC3 is considered to provide the correct level of flexibility in supporting ‘a mix of commercial, community and residential uses. As the Council contends that Policy EC3 is sound on the above basis, the weight to be given to the Emerging Local Plan does not need to be reduced due to objections.

Policy Conclusion

- 16.13 The proposed residential development at land adjacent to Weston Homes, Hawkins Road is within a mixed-use regeneration area featuring in both the Adopted and Emerging Local Plans and is accordingly a clear Council priority for development. It is considered that all relevant policies associated with the proposal are compliant with the NPPF. Planning policy accordingly supports the principle of residential development on this site.

Design/Townscape

- 16.14 Core Strategy policy ENV1 seeks to conserve and enhance Colchester’s natural and historic environment. Core Strategy policy UR2 seeks to promote and secure high quality design. Development Policies DP1 and DP12 set out design criteria that new development must meet. These require new development to be of a high quality and respect the character of the site and its context. Development Policy DP1 states that all development must be designed to a high standard and avoid unacceptable impacts on amenity. Core Strategy policy ENV1 states that the Borough Council will conserve and enhance Colchester’s natural and historic environment, countryside and coastline, and this is also echoed within the relevant section of the NPPF. Development Policy DP1 provides that all development must demonstrate environmental sustainability and respect its landscape setting and contribute to the surrounding area.
- 16.15 DP1 also requires development to “Respect and enhance the character of the site, its context and surroundings in terms of its architectural approach, height, size, scale, form, massing, density, proportions, materials, townscape and/or landscape setting, and detailed design features.”
- 16.16 As originally submitted, the scheme was not acceptable in design terms. It was too bulky, the elevations lacked articulation and modulation and were cumulatively too unmitigated and the whole package was lacking in the finesse a large building requires to sit in a position such as this.
- 16.17 Extensive discussions then took place over a long period. The applicants commissioned new architects and worked with the Council’s Urban Designer and case officer to break the massing down and provided a more

refined proposal driven by the Landscape and Visual Impact Assessment (LVIA).

- 16.18 The revised proposal as now submitted is considered to represent a significant improvement. Whilst the in-house Urban Designer still has reservations about a tall building in a back-land position, such as this one (as can be seen by his comments), they accept the scheme is a great deal better than the original submission and has architectural merit.
- 16.19 As the landscape context analysis set out in the LVIA was the starting point for the reworked scheme, the architects have gone to a great deal of work to bring the massing down in the areas that matter most – for example in views from the Colne bridge and from Tesco's car park to the north. From these viewpoints the bulk of the building will be screened by the drop in levels.
- 16.20 The building will clearly still be seen from Hawkins Road but the resubmitted design addresses the access road more convincingly and the height has been concentrated at the front as a visual end stop to the access way. This design revision with the height focused on the frontage draws the eye up the access way and announces the entrance to the building which is important with a back land scheme such as this.
- 16.21 In terms of massing, whilst at its highest point the building is eight storey, the main bulk is far lower and this is intentional. The top floor (the 8th) contains only three rooms, and then there are 11 rooms (including a shared kitchen) on the 7th floor below that. There are then 30 rooms on the 6th floor including kitchens. There are 39 rooms on the 5th Floor. There are then 50 rooms on the 4th, 3rd and 2nd and 1st Floors which all have similar massing. The ground floor has a mix of student rooms and servicing. This illustrates how the block reduces in scale and massing as the floors increase. This result is a block that is held to be appropriate in the streetscene and will sit comfortably in the townscape.
- 16.22 It could be argued that a building of this size is not acceptable in a backland positions such as this and it is clear the in-house Urban designer has reservations about this matter, although they accept the design is a good one. It is not considered that the scale of the building causes material harm to the character of the area however and on balance the scheme is therefore held to be acceptable in design terms.

Trees

- 16.23 The case officer has discussed the in-house Arboricultural Planner's and in this instance, it is held that with a condition the trees on the Network Rail land to the north can be protected during the construction phase.

Flood Risk/SuDS

- 16.24 Core Strategy policy ENV1 seeks to direct development away from areas of flood risk (both fluvial and coastal), towards sites with the lowest risk from flooding. Development Policy DP20 seeks to promote flood mitigation and defense measures as well as the use of appropriate sustainable

drainage. The NPPF requires a detailed flood risk assessment (FRA) to be produced for all development located within a flood zone and/or sites that are greater than 1 hectare.

- 16.25 In terms of SuDS, after a holding objection for more information which was provided, ECC SuDS (the LLFA) has suggested conditions which will be imposed.
- 16.26 The site sits in Flood Zone 3, the high-risk zone. The scheme was supported by a FRA which has been assessed by the Environment Agency and also by the Council's In House Emergency Planner. It is considered that with a satisfactory Flood Plan the scheme will satisfactorily mitigate against flood risk to the future residents.
- 16.27 The EA's no objection comment did suggest that the FRA was updated with the most up to date data (which they needed to provide the applicants) to enable the Council to make the most informed decision. The amended FRA picks up on the revised surface water design as required by the LLFA. It also supports the finished floor level of 3.1m AOD.
- 16.28 The EA has provided the updated mapping which shows the potential water levels at the site for both the defended and un-defended scenarios. This data shows that with the defenses in place, the site is currently not at risk of fluvial / tidal flooding in all events up to and including the 1 in 1000 + climate change (CC) year event.
- 16.29 It is important to consider the impact of flooding in the unlikely event of the flood defenses (i.e. the Colne Barrier) failing. The CBC Strategic Flood Risk Analysis states finished floor levels must be 300mm above the 1 in 200 year + CC flood event, as the site is protected for events up to and including the 1 in 1000 + CC year event, it is proposed to set the finished floor levels at no lower 3.1m AOD (in line with the existing level at the site). The agents have confirmed that the site will be managed 24 hours a day, 7 days a week, all year round.

Impact on Amenity

- 16.30 Adopted Policy DP1 seeks to prevent harm to neighboring amenity. Whilst a very tall block as originally submitted, the applicants have worked hard to bring the massing down. It is noted that the proposal sits in a position that is surrounded by commercial uses. Generally the Council seeks to preserve the amenity of residential neighbours but not commercial neighbours – for example the office to the front of the site and the commercial uses to the west – such uses are not afforded such protection and the mutual overlooking that will inevitably occur is not held to warrant a refusal.
- 16.31 It is noted that there will be some loss of light to the windows of the offices in the commercial unit to the west which are close to the boundary. This has been carefully considered but it would not be reasonable for a unit's windows to effectively sterilize development on a neighbouring plot. A

degree of impact would result from any building on this site, be it student accommodation or a new commercial building for example. This has been carefully considered but, in this instance is not held to warrant a refusal.

Amenity of Future Occupiers

- 16.32 Concerns about the impacts of surrounding uses on the students have been raised. The scheme has been assessed by Environmental Protection and they have suggested a condition to deal with sound insulation to ensure the scheme is acceptable for habitation. They have not raised concerns about vibration from the train line to the north. The scheme is therefore held to be acceptable in that regard.

Highways and Parking

- 16.33 Policy TA4 and TA5 of the Core Strategy refers to the importance of highway safety and with regards to parking states that development proposals should manage parking to accord with the accessibility of the location and to ensure people friendly street environments. Policy DP19 states that the Council will refer developers to the Essex Planning Officers Association (EPOA) Vehicle Parking Standards which is an adopted SPD (November 2009).
- 16.34 The Highway Authority has assessed the scheme and are satisfied that the scheme is acceptable in highway safety terms subject to conditions.
- 16.35 The representation from the Colchester Centre raises issues of parking. The Council do not accept that more parking provision should be provided and in fact consider the scheme to be parking dominated at the expense of space for amenity and landscaping. The parking standards for student accommodation are maximum standards - which means that no onsite parking is policy compliant. This site is located close to the university and close to other halls of residence that do have dedicated parking. The larger student accommodation building at 'The Maltings' just over the river does have undercroft parking (which is far preferable to surface parking in urban design terms) but the parking spaces are rarely used. The Hythe Mills site almost opposite this proposal has parking spaces but is to be run as a low car/car free scheme with help from the Travel Plan Club. The majority of the University's on-site halls of residence do not have dedicated parking.
- 16.36 The site is located a short walk from the University, in a location similar to a number of the private and university owned student accommodation blocks. It is close to the Hythe Station and close to a large Tesco's. For the purposes of its future students a car would be of very limited use on a day to day basis and there is no planning reason to encourage car ownership on a site such as this – apart from some disabled parking spaces and servicing. As the site landscaping will be dealt with at reserved matters stage the precise parking layout can also be agreed at that stage.

Cycle Parking

- 16.37 It is accepted that the proposed onsite cycle parking provision is poor in terms of its location. 100 covered spaces are to be provided which is reasonable, but they need to be sited nearer to the entrance of the building, if not integrated within it. This can be dealt with by condition and the applicant has agreed to that approach. It is hoped that at reserved matters stage the number of cycle parking spaces can be increased and the useability of the provision improved.

Transit Corridor

- 16.38 The adopted local plan suggested that this site is close to if not within an area protected for a proposed transport corridor. It was then clarified that this site does not sit on the route for the proposed transit corridor.

Secure By Design

- 16.39 It is important that facilities of this nature are safe for its users. The comments from Essex Policy are noted as are the comments that the scheme is much improved since the initial submission. The fencing/gates/boundary treatment and site lighting will be matters dealt with at reserved matters stage but there is no reason to believe that with the right details a scheme that is secure cannot be fully realised. An informative will be imposed to signpost the future student accommodation operator to the Secure by Design service that Essex Police Provide.

Fire Safety

- 16.40 Essex Country Fire and Rescue have noted the benefit of going beyond the building control requirements in terms of fire safety. Whilst we have no planning policy requirement for the installation of a sprinkler system, it will be suggested as best practice via an informative so the future operators know the Council would strongly support use the of sprinklers.

Ecology

- 16.41 Core Strategy policy ENV1 and Development Policy DP21 seek to conserve or enhance biodiversity of the Borough. The NPPF states that the planning system should contribute to and enhance the natural and local environment by minimising impacts on biodiversity.
- 16.42 An ecology report has been submitted and this concluded that the site is of relatively limited ecological potential. It is a piece of vacant land located between two commercial units. It does however have links to the train tracks beyond and that means it could be used as refuge by wildlife. The Preliminary Ecological Appraisal carried out by Geosphere Environmental has concluded that the scheme would not cause material harm to protected species and it is noted that Natural England have no objection to

the scheme. The Phase 1 Ecology Report is dated March 2019 so it is suggested at this it is updated at reserved matters stage with a detailed Phase 2 study including a species specific reptile study as recommended by the Preliminary Ecological Appraisal and an ecological mitigation strategy to ensure biodiversity net gain from the development.

Off site impacts to Protected Areas

- 16.43 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. Student accommodation has an impact and therefore this scheme must be assessed on that basis.
- 16.44 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.
- 16.45 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 £127.31, which applies to all residential development within the Zone of Influence (Zol). The whole of Colchester Borough is within the Zol. All residential proposals within the borough should make a contribution towards the measures in the RAMS to avoid and mitigate adverse effects from increased recreational disturbance to ensure that Habitat Sites are not adversely affected and the proposal complies with the Habitat Regulations.
- 16.46 Proposals for 100 dwellings or more will also require a shadow appropriate assessment to be submitted with the application, which assesses likely significant effects alone. This should clearly show how necessary avoidance measures are incorporated into the proposal however that is not reasonably possible in this instance due to the

constrained nature of the site. Payment of the RAMS tariff will address in-combination effects. It is agreed that as student accommodation is assessed on a case by case basis as are not full independent dwellings as with a normal block of flats. The applicants have agreed with this approach and the financial contribution of £21,843.96 will be secured in the legal agreement.

Climate Emergency

- 16.47 The Council has declared a Climate Emergency and therefore it is important to consider how this application will contribute to a low carbon future for the area. It is highly sustainably located, in a position ideal for walking and cycling be that to local shops and services or the University. As noted above there is an over provision of car parking spaces but with the Travel Plan membership it is hoped that this scheme can be run as low car or car free development. The financial contribution towards off-site sustainable transportation/infrastructure will also help this scheme contribute towards the Council's low carbon aims. The development therefore comprises sustainable development.

17.0 Conclusion and Planning Balance

- 17.1 To summarise, the scheme would utilise a vacant piece of land that is sustainably located close to key facilities including shops and transports nodes. It is walkable to the University. The scheme contributes to the Council's land supply and will help meet the ever-growing demand for student accommodation. The scheme therefore meets the social and economic roles of the NPPF. Following negotiation, the scheme has been thoroughly reworked to bring the massing down and to improve the overall composition. Whilst it is accepted that this is a tall building in a back land position, much of the proposed block will be visually filtered by the change in levels to the north and by the other buildings in the area. What is seen will be a high-quality piece of architecture. The scheme therefore complies with the environmental role of sustainable development as set out in the NPPF 2019. Officers consider than the Planning Balance tips strongly in favour of this proposal.

18.0 Recommendation to the Committee

- 18.1 The Officer recommendation to the Committee is for:

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

1) ZAC - *Time Limit for Outline Permissions Part 1 of 3*

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

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

2) ZAD - Time Limit for Outline Permissions Part 2 of 3

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

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

3) ZAE - Time Limit for Outline Permissions Part 3 of 3

The development hereby permitted shall be begun before the expiration of two years from the date of approval of the last of the reserved matters to be approved.

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

4) ZAM - *Development to Accord With Approved Plans*

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

20132-HNW-ZZ-ZZ-DR-A-2100 REV P0

20132-HNW-ZZ-ZZ-DR-A-2101 REV P0

20132-HNW-ZZ-00-DR-A-2200 REV P4

20132-HNW-ZZ-00-DR-A-2500

20132-HNW-ZZ-00-DR-A-2501

20132-HNW-ZZ-00-DR-A-2502

20132-HNW-ZZ-01-DR-A-2201 REV P4

20132-HNW-ZZ-02-DR-A-2202 REV P2

20132-HNW-ZZ-03-DR-A-2203 REV P3

20132-HNW-ZZ-04-DR-A-2204

20132-HNW-ZZ-05-DR-A-2205

20132-HNW-ZZ-06-DR-A-2206 REV P3

20132-HNW-ZZ-07-DR-A-2207 REV P4

20132-HNW-ZZ-08-DR-A-2208 REV P3

20132-HNW-ZZ-ZZ-DR-A-2300 REV P0

20132-HNW-ZZ-ZZ-DR-A-2301 REV P0

20132-HNW-ZZ-ZZ-DR-A-2302 P0

20132-HNW-ZZ-ZZ-DR-A-2303

20132-HNW-ZZ-ZZ-DR-A-2304 REV P0

20132-HNW-ZZ-ZZ-DR-A-2310

20132-HNW-ZZ-ZZ-DR-A-2400

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

5) ZBC - Materials To Be Agreed

No external facing or roofing materials including the windows, 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 as there are insufficient details within the submitted planning application.

6) Archaeology

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 Adopted Development Policy DP14 (2010, Revised 2014) and the Colchester Borough Adopted Guidance titled Managing Archaeology in Development (2015).

7) SuDS

No works except demolition shall takes 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 approved in writing by the local planning authority.

The scheme should include but not be limited to:

- Limiting discharge rates to 1l/s for all storm events up to and including the 1 in 100 year rate plus 40% allowance for climate change. The outfall orifice diameter should be no smaller than 50mm. All relevant permissions to discharge from the site into any outfall should be demonstrated.
- 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.
- Investigation and implementation where possible of rainwater reuse for the landscaped areas.
- Detailed engineering drawings of each component of the drainage scheme.
- A final drainage plan which details exceedance and conveyance routes, FFL and ground levels, and location and sizing of any drainage features.
- A written report summarising the final strategy and highlighting any minor changes to the approved strategy.

Reason • 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.

8) 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. 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.

9) 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.

10) 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. Failure to carry out the required maintenance 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.

11) Ecology

Prior to commencement an updated ecological report/phase two ecology report shall be submitted to and approved in writing by the LPA including a species-specific reptile survey and an ecological mitigate and enhancement plan. No works shall be carried out except in complete accordance with the approved report/plan.

Reason: In the interests of the mitigation of harm to on site ecology. As these are the suggestions of the preliminary ecological appraisal this a condition is needed to ensure they are provided and complied with.

12) ZPA – 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 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.

13) ZCF - Refuse and Recycling As Shown

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. The floor of the refuse and recycling store shall be treated with an impervious coating. 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.

14) ZCG - Communal Storage Areas

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

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.

15) ZGG - Site Boundary Noise Levels

Prior to the first use or occupation of the development as hereby permitted, a competent person shall have ensured that the rating level of noise emitted from the site's plant and equipment shall not exceed 0dB(A) above the background levels determined at all facades of noise-sensitive premises including the development. The assessment shall have been made in accordance with the current version of British Standard 4142 and confirmation of the findings of the assessment shall have been submitted to, and agreed in writing by, the Local Planning Authority and shall be adhered to thereafter.

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

16) ZGI - Sound Insulation on Any Building

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

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

17) Acoustic Assessment

Prior to construction of the development above ground level, a detailed acoustic assessment and mitigation report, produced by a competent person, which provides details of the noise exposure at the facade of residential dwellings, internal noise levels in habitable rooms and noise levels in all associated amenity spaces shall be submitted to and approved, in writing, by the Local Planning Authority. Where the internal noise levels exceed those stated in the current version of BS8233 with windows open, enhanced passive ventilation with appropriate sound insulating properties shall be provided to ensure compliance with the current version of BS8233 with windows closed and that maximum internal noise levels at night do not exceed 45dBA on more than 10 occasions a night. Where exposure exceeds the noise levels of 60dBLAeq 16 hours (daytime, 07:00-23:00, outside), 55dBLAeq 8 hours (night, 23:00-07:00, outside) any reliance upon building envelope insulation with closed windows should be justified in supporting documents that cross reference the mitigation measures used. In addition, noise levels in external amenity spaces shall not exceed 55dBLAeq 16 hours, daytime. The development shall thereafter be carried out in accordance with any details approved, and shall be retained in accordance with these details thereafter.

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

18) ZGR - *Light Pollution for Minor Development*

Any lighting of the development (including resultant sky glow, light trespass, source intensity and building luminance) shall fully comply with the figures and advice specified in the CBC External Artificial Lighting Planning Guidance Note for zone E22 RURAL, SMALL VILLAGE OR DARK URBAN AREAS.

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

19) ZHA - Grease Traps Required

Prior to the first use of the development hereby permitted, 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 prevent unnecessary pollution of the groundwater environment quality in the area and/or blocking of the drainage system.

20) Air Quality

Prior to occupation a scheme showing the provision type and location of four charging Points for Electric Vehicles shall be submitted to and approved in writing by the Local Planning Authority. The charging points approved shall be installed prior to occupation and them maintained and retained in perpetuity.

Reason: In the interests of air quality and the facilitation of low/zero carbon vehicles.

21) 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

22) 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

23) 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

24) 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 21 and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 22, 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 23.

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

25) 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 24.

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.

26) Highways CMS

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.

27) Travel Plan

No occupation of the development shall take place until a travel plan has been provided or completed.

Reason: To ensure the proposal site is accessible by more sustainable modes of transport such as public transport, cycling and walking.

28) Trees

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: In the interests of the protection of the off-site trees on Network Rail Land.

29) Flood Plan

No occupation of the development may occur until a flood evacuation plan has been submitted to and approved in writing by the Local Planning Authority. The Flood Evacuation Plan shall then be used by the student accommodation management team on site and must be available in the on-site management office to be used at all times.

Reason: In the interests of mitigating the impact of flood risk on the future occupants of the student accommodation.

30) Student Accommodation Only

The development hereby approved is for sui generis student accommodation only and shall be retained as such permanently notwithstanding the provisions of the Use Classes Order 2020 or any subsequent re-enactment.

Reason: This is the basis on which the scheme was assessed. The scheme is considered to be acceptable in this form and in this location by the Local Planning Authority for such a use. This condition would require a planning application for any other potential uses on this site.

31) Drainage

No drainage systems for the infiltration of surface water to the ground are permitted other than with the written consent of the local planning authority. Any proposals for such systems must be supported by an assessment of the risks to controlled waters. The development shall be carried out in accordance with the approved details.

Reason: To ensure that the development does not contribute to, is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution caused by mobilised contaminants. This is in line with paragraph 170 of the National Planning Policy Framework

32) Piling

Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the local planning authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.

Reason: Piling or any other foundation designs using penetrative methods can result in risks to potable supplies from, for example, pollution / turbidity, risk of mobilising contamination, drilling through different aquifers and creating preferential

pathways. Thus it should be demonstrated that any proposed piling will not result in contamination of groundwater.

33) FRA Compliance

The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment (FRA) Rev B prepared by Richard Jackson Engineering Consultants, referenced 49261 and dated 14/5/2021 and the following mitigation measures detailed within the FRA:

1. Finished ground floor levels are set no lower than 3.1 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.

19.0 Informatives

19.1 The following informatives are also recommended:

1. ZT0 – Advisory Note on Construction & Demolition

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

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

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

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

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

4. Non standard informative – Secure by Design

It is strongly suggested that prior to the submission of the reserved matters, the applicant engages with Essex Police, who provide a no cost, impartial advice service to any applicant who request this service; they are able to support the applicant to achieve the requirements to gain the nationally acknowledged Secured by Design accreditation. They can contact Essex Police via designingoutcrime@essex.police.uk

5. Non Standard informative - Fire Safety

Water Supplies

The architect or applicant is reminded that additional water supplies for fire fighting may be necessary for this development. The architect or applicant is urged to contact the Water Technical Officer at Service Headquarters, telephone 01376-576344.

Sprinkler Systems

“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.”

6. Non Standard Informative - Network Rail

Your attention is drawn to the letter from Network Rail on the system that sets out the implications for working close to rail lines.