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Item No: 7.3

Application: 181907

Applicant: Beyond The Box Beta Ltd

Agent: Mr Paul Haggis, Strutt & Parker

Proposal: Erection of 5 new accommodation blocks to provide for an additional 152 student bedrooms, a shared student communal lounge with staff offices and associated facilities, demolition of bungalow, with associated parking, landscaping, and boundary treatment.

Location: Avon Way House, Avon Way, Colchester, CO4 3TZ

Ward: Greenstead

Officer: James Ryan

Recommendation: Approval subject to completion of Section 106 agreement.

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 where material planning objections have been received and where a legal agreement is proposed.

2.0 Synopsis

- 2.1 The key issues for consideration are the impact the scheme will have on neighbouring amenity, the design of the proposal and the level of parking provision.
- 2.2 The application is subsequently recommended for approval.

3.0 Site Description and Context

- 3.1 The site is a rectangular block that fronts Avon Way and currently comprises eight blocks of student accommodation providing 254 rooms. Blocks 2 and 3 and blocks 4 and 5 are adjoined and therefore read as individual blocks within the context of the site. The site also contains a bungalow, which is now derelict and a gas governor both located towards Pickford Walk.
- 3.2 The buildings are surrounded by areas of mown grass, tarmac and individual trees and fencing. To the east of the site is Pickford Walk that leads down into the Salary Brook nature reserve and Salary Brook Trail, which adjoins the southern boundary of the site. There are further residential buildings beyond along Pickford Walk. To the west, the site is met by more housing along Buffett Way and houses on the opposite side of Avon Way to the north.
- 3.3 Power lines run parallel to the site close to the eastern boundary.
- 3.4 The site slopes down from Avon Way to the Salary Brook Trail.

4.0 Description of the Proposal

- 4.1 The application seeks full planning permission for the erection of 5 new accommodation blocks to provide for an additional 152 student bedrooms, a shared student communal lounge (known as 'The Hub') with staff offices and associated facilities, the demolition of the derelict bungalow, with associated parking, landscaping, and boundary treatment.'

5.0 Land Use Allocation

- 5.1 The site located within the development boundary on the Proposal Maps.

6.0 Relevant Planning History

- 6.1 Application 0304998: In April 2009 there was an application for 81 new student bedrooms along the southern boundary of the site in four building blocks. Permission was granted in 2011. This application has been commenced on site and is therefore extant.
- 6.2 Application 091357: October 2009 another application for an additional 38 bedrooms along the eastern boundary of the site – Planning permission was refused in 2010. The decision was appealed but the Inspector supported the Council's decision and refused permission due to the potential impacts of the development on the neighbours living conditions and insufficient parking.

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
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
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
DP3 Planning Obligations and the Community Infrastructure Levy
DP10 Tourism, Leisure and Culture
DP11 Flat Conversions
DP12 Dwelling Standards
DP14 Historic Environment Assets
DP17 Accessibility and Access

DP19 Parking Standards
DP20 Flood Risk and Management of Surface Water Drainage
DP21 Nature Conservation and Protected Lanes
DP25 Renewable Energy

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

SA EC1 Residential development in East Colchester

- 7.5 There are no Neighbourhood Plans in this area.
- 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
Community Facilities
Open Space, Sport and Recreation
Sustainable Construction
Cycling Delivery Strategy
Sustainable Drainage Systems Design Guide
Managing Archaeology in Development.
Developing a Landscape for the Future
ECC's Development & Public Rights of Way
Planning Out Crime
Air Quality Management Guidance Note, Areas & Order

- 7.7 The Submission Draft Colchester Borough Local Plan 2017-2033:

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

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

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

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

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 ECC Highways – No objection subject to conditions; including the upgrade of two bus stops on Avon Way with shelters and protective bollards.
- 8.3 Essex Police – More information needed to ensure development remains secure. (No comment was received following re-consultation).
- 8.4 Anglian Water – Surface Water condition suggested to avoid flooding downstream.
- 8.5 Cadent (Gas Supply) – No objection but note presence of high pressure gas pipeline on site.
- 8.6 UK Power Networks – No objection but note location of power lines and have provided a ‘Swing and Sag’ assessment that demonstrates the buildings will be clear of the power lines. Recommend engagement with UKPN at time of construction.
- 8.7 Environment Agency – No objection to scheme, however the risk of reservoir flooding is noted.
- 8.8 Essex SuDS – No objection subject to conditions.
- 8.9 Natural England – No objection to the scheme but need a contribution for off-site disturbance mitigation.
- 8.10 Essex County Fire and Rescue – No comment received.
- 8.11 Archaeology - No material harm will be caused to the significance of below-ground archaeological remains by the proposed development. There will be no requirement for any archaeological investigation.
- 8.12 Landscape Advisor – No objection. Conditions suggested.
- 8.13 Arboricultural Planner – No objection. Conditions suggested.
- 8.14 Sustainable Transportation – Parking provision is excessive and should be reduced. More cycle parking should be provided (40 spaces) so both existing and proposed elements accord with the adopted standards. Cycle parking should be better located. A bus stop shelter is needed on Avon Way. Applicants should join the Colchester Travel Plan Club.
- 8.15 Contaminated Land – No objection subject to conditions.

8.16 Urban Design – Scheme has improved over the course of the application, however an objection is maintained primarily due to the design and position of Block E which is held to be unacceptably harmful to the street scene. The other blocks could also be improved in elevation terms.

8.17 Environmental Protection – No objection subject to conditions.

9.0 Parish Council Response

9.1 The area 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.

10.2 5 objections from 2 addresses were received. The full text can be read on the system but in summary they objected for the following reasons:

- Insufficient Parking Provision
- Scheme should be refused as per the previous appeal.
- Harm to neighbouring amenity in terms of oppressiveness and overlooking – particularly block A.
- Scheme amounts to overdevelopment.
- Noise from students is harmful and this will make it worse.
- Loss of view towards Salary Brook LNR.
- The buildings are poor in design terms and are ugly.
- Scheme causes harm to trees.
- Scheme will cause harm to ecology.
- Avon Way is very well trafficked and this will make it worse.
- The cars cause pollution.

10.3 45 letters of support were received. In particular these welcomed the additional facilities proposed. It is noted that these came from existing users of the site.

11.0 Parking Provision

11.1 The Vehicle Parking Standards SPD does not specify parking requirements for purpose built student accommodation. It is important to note that if the parking requirements were taken to fall under a residential institution (Class C2) the car parking requirements of the SPD would be on a maximum basis. In the case of The Maltings at King Edward Quay a standard of 1 space per 5 bedspaces was applied. Many of these spaces remain unused. Based on this experience, a lower level of parking provision is justified. The recent approval for student accommodation on the former bus depot site in Magdalen Street was car free with only two spaces for disabled car users.

- 11.2 The overall site will house 406 student with 66 car parking spaces (six of which will be EV charging points) and 90 cycle parking spaces.

12.0 Open Space Provisions

- 12.1 Whilst mainly located on existing hardstanding, some small areas of grass between exiting buildings are proposed to be built upon. The loss of these grassed areas will be compensated by a high quality landscaping scheme for the wider site and a significant improvement in on site student facilities – for example ‘The Hub’.
- 12.2 It is also noted that the site sits directly adjacent to Salary Brook nature reserve and associated open space. This scheme will provide improved links to this open space by providing new access points on the south eastern boundary of the site to the Salary Brook Trail.

13.0 Air Quality

- 13.1 The site is close to but outside of an Air Quality Management Area (AQMA). It is not considered to generate significant impacts upon the AQMA. Environmental Protection have noted that due to the proximity to an AQMA, one electric charging point would be required per 10 spaces.

14.0 Planning Obligations

- 14.1 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:

- £10,000 Travel Plan contribution.
- £23,000 NHS Contribution

In addition to this the applicants have agreed to the following:

- £3750 Recreational Disturbance mitigation contribution

In addition to this the applicants have agreed to gift the Council a strip of land adjacent to Pickford Walk which to potentially facilitate improvements to this important but currently on stepped access from Avon Way to the Salary Brook Trail. This is still under negotiation with the relevant team in the Council.

Both the recreational disturbance contribution and the strip of land will be secured by the same legal agreement as the travel plan and NHS contributions.

15.0 Report

15.1 The main issues in this case are:

The Principle of Development

15.2 In accordance with Core Strategy policies SD1, H1 and ENV1 development within the Borough is directed to sites within existing settlement development boundaries. The application site is identified within the defined settlement boundary of Colchester, is previously developed land as is in an area that is characterised as predominately residential use. The site is currently wholly used for student accommodation. Given this, intensification of the site in for further student accommodation is considered to be acceptable in principle.

15.3 It is important to note that the 2009 approval for three new blocks on south eastern boundary and a linking block in the same position as the now proposed 'Hub' is extant and could be built out now.

Appeal Decision

15.4 Whilst dating from 2010, the previous appeal decision (09/1357) is an important material consideration. The application was refused as the proposal was held to be demonstrably harmful to neighbouring amenity (in particular to those in Pickford Walk) and to be substandard in parking provision.

15.5 It is noted that the block that was refused was submitted with a much smaller red line than the current scheme. This meant there was little space for parking within the site. The scheme before Members now comprises the whole Avon Way site and involves a comprehensive reworking of the parking layout which will be discussed in detail below.

15.6 The refused block that was held to be harmfully close to neighbours was located in the north western corner of the site which was close to the residents of Pickford Walk. That is because close to the junction with Avon Way, Pickford Walk is a narrow footway only. It widens significantly into a green triangle of open space at the Salary Brook Trail end. This area of the refused block is proposed to be landscaped and will also house some parking in the current scheme.

15.7 There has been a material change in policy since this refusal. The NPPF has been published and has recently been amended. The overarching principles of both the Core Strategy and the NPPF support economic development and the university and associated student body brings an important economic boost to the town. In addition to this the scheme proposes the provision of 'The Hub' which is a facility for the students living on site that does not currently exist. It will house a gym, library, games room, lounge and bar area. In that respect it will provide an uplift in the quality of services provided on site and a social focal point.

Design, Layout and Impact on Surrounding Area

- 15.8 The revised NPPF 2018 requires well designed places. Paragraph 124 states that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Paragraph 127 requires development to be visually attractive as a result of good architecture, layout and effective landscaping. Core Strategy (CS) 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 Document (DPD) 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.
- 15.9 In layout terms this scheme has the potential to deliver a significant site wide improvement. The site is a rectangular parcel that is publically visible from all four sides. The long sides of the rectangle are next to Avon Way and the Salary Brook Trail (SBT) and are therefore very visible. The site is currently a tidy yet rather uninspiring place. There is great deal of concrete hard standing, some of which is parked on and some of which is empty for much of the year. The boundary with the well-walked and cycled SBT is an unkempt hedge and chain link fence with no proper openings for students to access the SBT and then onwards to the university.
- 15.10 This scheme will facilitate the re-landscaping of the whole site. The parking area will be reworked, new planting will be planted throughout the site and two new links to the SBT will be created significantly increasing the permeability of the area.
- 15.11 In addition to the site wide improvements, the applicants have offered to gift a small strip of land on the north eastern boundary to the Council. This will allow the potential future widening of Pickford Walk which is currently stepped at the junction with Avon Way. It must be noted that the Council does not have plans to undertake this work currently, nor does it have the funds to do so, but the ownership of the land will facilitate delivery if it does become a possibility in the future. This element of the scheme is still under negotiation with the relevant Council department.
- 15.12 The design of the buildings proposed has evolved through extensive negotiation between the applicants and Council Officers. As the existing blocks are of limited architectural merit it was hoped that the new buildings could raise the overall design quality on-site. The design of the buildings proposed (Blocks A, B, C and D) are generally three storey flat roofed buildings with the flanks punctuated by fenestration that sits within inset areas part of which will be clad in timber effect cladding. These inset areas will help break up the visual mass. The blocks have central projecting features (off centre in the case of block B) that also break up the mass of the long flanks and these features also have randomised glazing panels serving the stairwell that is located in the projecting elements. Blocks A to D are proposed to be clad mainly in buff brick with the central projecting features to be clad in a pallet of soft colours that reflect the edge of

countryside location. Overall blocks A, B, C and D are held to be of an acceptable design quality.

- 15.13 Block D is T-shaped and follows a similar design typology to the others, but has been left with its southernmost flank blank in order to allow the further redevelopment (and possibly physical connection) with the CBC owned garage site to the south.
- 15.14 Block F 'The Hub' is a broadly T-shaped link that sits between two existing blocks. It is proposed have an interesting twin pitched roof with randomised glazing at first floor level and full height glazing on one side next to the entrance door. It is proposed to be clad in timber effect cladding in a number of soft colours. The design approach used aims to define The Hub as the focal point for the students who live on site. It is the architectural highlight of the scheme.
- 15.15 Block E is the most difficult element of the scheme in officers' opinion. Because it links two existing pitched roofed blocks that do not sit on the same alignment it has been a very difficult building for the applicants to resolve. The design issues are exacerbated as this is the one block that directly faces Avon Way which is a main route through East Colchester.
- 15.16 A number of iterations have been considered and the current scheme is held to be the best of the designs tabled. Block E has been set back during the application period but you Officers are still unconvinced by the design approach and the applicant has been asked to remove this element completely. The applicant is not prepared to do this as it would have a knock on effect on the deliverability of the whole scheme.
- 15.17 The applicants have agreed to apply a 'green wall' solution on both flanks that face Avon Way. It is felt that this solution will provide enough softening to these prominent flanks to ensure this element does not stand out visually to the detriment of the area. Furthermore, the proposed green walling will create a visual break in the otherwise continuous masonry elevation. This is a matter of planning balance. Block E is not held to constitute 'good design' in terms of its form and position but with a quality green wall/screen solution installed it is not considered that the scheme will cause material harm to the streetscene and is therefore acceptable.

Impacts on Neighbouring Properties

- 15.18 Development Policy DP1 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.

- 15.19 The intensification of built form on the site will have an impact on neighboring amenity. This has been carefully considered by officers. In particular block A that faces Pickford Walk will change the existing environment that the residents of Pickford Walk have become used to.
- 15.20 Pickford Walk is a pedestrian only access from Avon Way to the Salary Brook Trail. It veers north slightly as it moves away and down the hill from Avon Way and this leaves a small triangular green between the site and the dwellings at Pickford Walk as can be seen on the site plan. All of the dwellings on Pickford Walk face the application site.
- 15.21 Block A is proposed sited close to the boundary in the north eastern corner of the site. It is a three story building which gives it visual presence from the Salary Brook Trail. There is more space between the front elevations of the dwellings at Nos.30 to 36 Pickford Walk than Nos.38 to 48 which is where the refused scheme was located. This is due to the open space that this located in front of Nos.30 to 36 Pickford Walk.
- 15.22 The scheme is therefore held to be acceptable in terms of the impact this block will have on the amenity of the residents of Pickford Walk. The small green gives a useful breathing space between the proposal and the existing dwellings. The impact upon the neighbours is held to be acceptable in that regard. The comments from the neighbour on Pickford Walk has been carefully considered but in this instance the scheme is not considered to be materially harmful to these residents.
- 15.23 Block B and Block C will have negligible impact on any residents outside of the site as they are relatively remote from external neighbours. They have been carefully positioned to limit the impact they have on the windows of the existing blocks.
- 15.24 Block D will generally face towards the Salary Brook LNR, however there are 6 windows (four above ground floor level) that face south west. These windows will primarily face the flank of Nos. 1, 3 and 5 Buffet Way; including their gardens that are split into three with one per flat. The flank is blank and the gardens are not particularly private as they are already significantly overlooked by the Buffet Way block. The nearest gardens do not appear to be well used and were very overgrown at the time of the last visit. In addition to this is the intervening 'garage site' which is owned by the Council and may come up for redevelopment in the future as noted in the design section above. Whilst this has been carefully considered, it is not held that this overlooking to the gardens would be materially harmful to the neighbours.
- 15.25 Block E sits between two existing blocks and has windows that face in the same direction as the existing. It is not therefore held to cause a materially harmful intensification in overlooking to neighbours.
- 15.26 One of the neighbour comments noted the possible loss of a view. This is not a planning consideration.

Landscape and Trees

- 15.27 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 NPPF. Development Policy DP1 provides that all development must demonstrate environmental sustainability and respect its landscape setting and contribute to the surrounding area.
- 15.28 The scheme has been accompanied by tree survey and the Council's in-house Arboricultural Officer agrees with its findings. The scheme is supported by a Landscape Masterplan and the Council's in-house Landscape Advisor is happy with it, subject to a detailed landscaping condition being imposed on any approval.

Highway Safety and Parking Provisions (including Cycling)

- 15.29 Core Strategy policy TA1 seeks to improve accessibility and change travel behaviour and encourages development within highly accessible locations to reduce the need to travel. Core Strategy Policy TA2 promotes walking and cycling as an integral part of sustainable means of transport. Policy TA4 seeks to manage the demand for car use. Development Policy DP17 states that all developments should seek to enhance accessibility for sustainable modes of transport by giving priority to pedestrians, cycling and public transport access. Development Policy DP19 requires development to accord with the adopted parking standards.
- 15.30 Concerns about parking made up part of the previous appeal refusal and are also raised by local residents this time. This scheme proposes a greater level of development.
- 15.31 It is important to note that the appeal decision considered there should be a greater level of parking onsite. That scheme proposed one space per 6.5 students whereas this scheme proposes 31 spaces for the 152 student rooms (so 1 per every 4.9 students).
- 15.32 It is more important to look at the site as a whole. There are currently 254 students on site and this will rise to 406. With regards to vehicles, there are 66 parking spaces to be provided on-site, providing 1 space per every 6.15 students. The applicants have confirmed that as existing, only 1 in 8 student have obtained permits amongst the current student residents. Three of the spaces will be designated as Blue Badge Spaces and there will be provision for up to six vehicle charging spaces. There will be one space provided for parcel deliveries and another space in the south-west quadrant of the site for a maintenance van.

- 15.33 The applicants have confirmed that parking on site is strictly controlled. The site continues to operate a permit parking system and will actively encourage students to use sustainable transport modes, away from the use of the car. Students will spend much of their time on campus. The Salary Brook Trail links the site directly to the University and therefore this is a very sustainable location in that respect.
- 15.34 It is also important to look at the Cycle Parking Provision. The site will provide 90 cycle parking stands; the stands will be secure and covered in accordance with Essex County Council's standards.
- 15.35 The Transport and Sustainability Team's comments are noted and officers concur with them. They would like to see more cycle parking and less car parking and this is a sentiment that is shared by the Council's in-house Urban Designer. The comments have been passed to the applicants who have discussed them with officers. The applicants who have experience running the site consider that the onsite cycle parking provision is adequate. They are also cautious about providing less car parking as it is a concern for neighbours and they are also mindful of the appeal refusal previously noted. The Sustainability and Transportation Team would also like to see the cycle stores moved to more convenient locations. This has been raised with the applicants but they would prefer the cycle stores to be located in the positions as submitted. On balance this is held to be acceptable.
- 15.36 The neighbour representations have noted the lack of parking and have stated that in effect the current provision is ample as there are large car park areas. They suggest that as these areas are being built on, the level of need will be greater but the space on which to park will be smaller.
- 15.37 The issue of car parking has been given very careful consideration and is a delicate matter of planning balance. Some neighbours think more is needed whilst the Sustainable Transportation Team and in-house Urban Designer would like to see less space for car parking. On balance, the car and cycle parking proposed is held to be acceptable, particularly as the applicants have agreed to make a Travel Plan contribution of £10,000 which will provide an up to date Travel Plan including monitoring and support with its implementation from the Council's own in-house team.
- 15.38 It is important to note that the Highway Authority have no objection to the scheme. They have requested some off-site works, namely improvements to the two bus stops close to the site (including the provision of bus shelters) and these will be secured by condition.

Ecology/Recreational Disturbance Mitigation

- 15.39 Core Strategy policy ENV1 and Development Policy DP21 seek to conserve or enhance the 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.

- 15.40 The application is supported by an Ecological Impact Assessment which comprised a Phase 1 survey and a follow up bat survey. This report concluded that the site was of low ecological value and the bungalow that is to be demolished does not support a bat roost. Subject to the recommendations being conditioned it is considered that the scheme can take place without harm to the interests of on-site ecology.
- 15.41 The initial response by Natural England reflects their current position in response to all applications for residential development regardless of scale following a decision of the EU Court of Justice (concerning the interpretation of Article 6(3) of Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora (OJ 1992 L 206, p. 7; 'the Habitats Directive') The request was made in proceedings brought by People Over Wind, an environmental NGO, and by Peter Sweetman against Coillte Teoranta ('Coillte'), a company owned by the Irish State that operates in the forestry sector, relating to the works necessary to lay the cable connecting a wind farm to the electricity grid.) 'People Over Wind' has removed the ability for the competent authority to screen out the need for appropriate assessment, under the Conservation of Habitats Regulations 2017, on the basis that a significant effect on a Special Protection Area or Special Area of Conservation is unlikely, where that conclusion is reliant on proposed mitigation measures. The result has been far more projects and plans requiring appropriate assessment to ascertain that they will not adversely affect the integrity of the relevant SPA or SAC. Furthermore in the case of Colchester, the effects in combination on the coastal international wildlife designations are such that both on-site and off-site mitigation is now required.
- 15.42 Following the comment from Natural England, the scheme has also come with a shadow Habitats Regulations Assessment (HRA) to assess the impact the new students could have on off-site ecological interests in terms of disturbance. As students are not as likely to visit protected areas for leisure purposes as normal C3 dwelling residents, it is not envisaged that the scheme will cause significant harm to protected areas such as SAC' and SPA's but the applicants have agreed to pay the following, based on additional 152 student bedrooms at 3 bedrooms per house a contribution comparable to 50 new houses. At a suggested £75 contribution per house (flat pod with shared facilities) the applicants have suggested a £3,750 which the Council consider reasonable. Natural England are generally happy with this approach however they point out the contribution must be spent on Special Areas of Conservation and Special Protection Areas not Local Nature Reserves. This means the contribution should not be spent on the Salary Brook Trail LNR. This is a matter for the Council who will receive the contribution and is noted.

SUDS and Flood Risk

- 15.43 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 and one has been submitted with this application. It is noted that whilst Salary Brook LNR is within flood zones 2 and 3, this site sits on higher land and is in Flood Zone 1. This means the site is outside of the high risk flood zones.
- 15.44 The Environment Agency have no specific comments to make with regard to this proposal. They have proposed some useful advice in relation to flooding from reservoirs and it was suggested that this matter was discussed with the Council's Emergency Planner. This has taken place and the Emergency Planner spoke to the Ardleigh Reservoir Committee who confirmed that the dam at Ardleigh Reservoir is in good condition and will not have any impact on building in Avon Way.
- 15.45 The scheme has been amended during the planning application period following advice from Essex County Council SuDS team (who are the Lead Local Flood Authority) and from Anglian Water. Both have now seen the amended drawings and have suggested conditions.

16.0 Conclusion

- 16.1 To summarise, the scheme is a welcome investment in a site that would benefit from improvement. The upgrade to the onsite student facilities proposed in 'The Hub' is a significant benefit as will the additional landscaping across the site and the two new links to Salary Brook Trail. The transfer of a thin strip of land to CBC will enable future improvements to Pickford Walk which is an additional benefit (though this is still under negotiation with the relevant Council department).
- 16.2 The scheme has some design merit but Block E that faces Avon Way is rather awkward as it links two existing buildings that do not lend themselves to being linked. The applicants do not want to remove this element. As the applicants have agreed to use a green wall on the flanks that face Avon Way which will soften the visual impact, on balance this is held to be acceptable.
- 16.3 The scheme has been carefully considered in terms of parking and as set out in the report on balance is held to be acceptable in that regard.
- 16.4 The scheme is consequently considered acceptable and is recommended for approval.

17.0 Recommendation to the Committee

17.1 The Officer recommendation to the Committee is for approval subject to the following:

- Agreement with the Agent/Applicant to the pre-commencement conditions under the Town and Country Planning (Pre-commencement Conditions) Regulations 2018 and delegated authority to make changes to the wording of these conditions as necessary;
- 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; and
- The Permission being 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:

8568 – 10 – C

8568 – 11 – C

8568 – 12 – B

8568 – 13 – B

8568 – 20 – B

8568 – 21 – B

8568 – 22 – B

8568 – 23 – B

8568 – 24 – D

8568 – 25 – A

8568 – 30 – A

8568 – 31 – A

8568 – 32

8568 - 40 – A

1822-GUADR-L-001 P11

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

3. Z00 – Non Standard Condition - Student Accommodation Only

The accommodation hereby approved shall be used for student accommodation only and for no other purposes, including any other C3 residential use.

Reason – This is the basis on which the application has been made and therefore this condition is needed to ensure that is the case as standard C3 uses are assessed against a different policy context to that of Student Accommodation.

4. Z00 – Non Standard Condition - Design Details for Block E

The south west and north west facing elevations of Block E shall incorporate a living green screen, the details of which shall be submitted to and approved in writing before commencement of any above ground works on this building. The details shall include form, design, species of landscaping and arrangements for maintenance and management thereof. The block shall be built in complete accordance with the approved details. The living green screen shall be maintained and monitored to ensure it thrives in perpetuity.

Reason: This element of the proposed scheme is very important in street scene terms. The manner in which this block is constructed is important to ensure it does not cause material harm to the street scene. The green screen which has been suggested by the applicants will go some way to softening its impact but it must be a bespoke green screen solution that is maintained to work successfully.

5. Z00 – Non Standard Condition - Bespoke Materials To Be Agreed

No above ground works shall commence until details of external facing and roofing materials to be used in the construction of the development to include details of the manufacturer, types and colours to be used have been submitted to and approved, in writing by the Local Planning Authority. The details shall also include the materials to be used in the window inset panels and the type and manufacturer of the windows. The development shall be implemented in precise accordance with the approved details.

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

6. Z00 - Non Standard Condition - Surface Water

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

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

7. Z00 – Non Standard Condition - SuDS

No works shall take place until a detailed surface water drainage scheme for the site has been submitted to and approved in writing by the local planning authority based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development. The scheme should demonstrate compliance with the NSTS and ECC's Sustainable Drainage Systems design Guide, and should include but not be limited to:

- Limiting discharge rates from the site to the Qbar greenfield runoff rate from the development of 0.8l/s for the 1 in 1 year and 1 in 100 year rainfall events

- Provide sufficient surface water storage so that the runoff volume is discharged or infiltrating at a rate that does not adversely affect flood risk and that unless designated to flood that no part of the site floods for a 1 in 30 year event, and 1 in 100 year event in any part of a building, utility plant susceptible to water within the development.
- 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 climate change event. Provide details of pre- and post 100 year, 6 hour runoff volume.
- 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 CIRIA SuDS Manual C753.
- Detailed engineering drawings of each component of the drainage scheme.
- A final drainage plan which details exceedance and conveyance routes, FFL and ground levels, and location and sizing of any drainage features.
- A written report summarising the final strategy and highlighting any minor changes to the approved strategy.
- The scheme shall subsequently be implemented prior to occupation.

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

Note: 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. Z00 - Non Standard Condition – SuDS

No works shall take place until details of 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 before commencement of works may result in the installation of a system that is not properly maintained and may increase flood risk or pollution hazard from the site.

9. Z00 – Non Standard Condition - Refuse

Prior to first occupation of the proposed development, communal recycling/bin/refuse collection points shall be provided within 20m of the carriageways or adjacent to the highway boundary and additionally clear of all visibility splays at accesses and retained thereafter.

Reason: To minimise the length of time a refuse vehicle is required to wait within and cause obstruction of the highway, in the interests of highway safety.

10. Z00 Non Standard Condition – Turning Areas

The development shall not be occupied until such time as the car parking and turning area, has been provided in accord with the details shown in Drawing Numbered X481-PL-203. The car parking area shall be retained in this form at all times and shall not be used for any purpose other than the parking of vehicles related to the use of the development thereafter.

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

11. Z00 – Non Standard Condition - Access Closure

Any existing access or any part of an access (dropped kerb) rendered redundant or unnecessary by this development shall be suitably and permanently closed to the satisfaction of the Local Planning Authority, incorporating the re-instatement to full height of the highway verge/footway/kerbing to the specifications of the Highway Authority, immediately the proposed new accesses are brought into use.

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

12. Z00 – Non Standard Condition - Car Parking

The development shall not be occupied until such time as the car parking areas, indicated on the approved plans, including any spaces for the mobility impaired has been hard surfaced, sealed and marked out in parking bays. The car parking area shall be retained in this form at all times and shall not be used for any purpose other than the parking of vehicles related to the use of the development thereafter. Reason: To ensure that on-street parking of vehicles in the adjoining streets does not occur, in the interests of highway safety.

13. Z00 – Non Standard Condition - Bike Parking

The bicycle parking / storage facilities as shown on the approved plan are to be provided prior to the first occupation of the development. The approved facility shall be secure, convenient, covered and provided prior to the first occupation of the proposed development hereby permitted within the site which shall be maintained free from obstruction and retained thereafter.

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

14. Z00 – Non Standard Condition - Construction Method Statement

No development shall take place, including any ground works or works of demolition, until a Construction Method Statement (CMS) has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

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

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

15. Z00 – Non Standard Condition - Off site highway works

Prior to the first occupation of any of the proposed development a) the southbound bus stop outside Avon House shall be improved by the provision of a new bus shelter in accordance with current standards including an extension to the passenger waiting area and b) at the northbound bus stop near to the layby and Number 100 Avon Way shall also be improved by the provision of a new bus shelter in accord with current standards together with 2 number bollards erected at the end of the layby to protect the new shelter from vehicle overruns with any adjustments in levels, surfacing and any accommodation works to the footway and carriageway channel being provided entirely at the applicant/Developer's expense, to the specifications of the Highway Authority.

Reason: To make adequate provision for the additional bus passenger traffic generated as a result of the proposed development.

16. Z00 – Non Standard Condition - Bespoke 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 including the green wall on Block E, 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.

17. Z00- Non Standard Condition - Landscape Details

Prior to occupation, full details of all landscape works must 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 include:

- Proposed finished levels or contours, including suitable gradients and geometry to allow workable cycle access and egress onto Salary Brook.
- All means of enclosure.
- Car parking layouts.
- Surface materials for car parking, vehicle and pedestrian access and circulation areas;
- Any permanent minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, lighting etc.).
- Proposed and existing functional services above and below ground (e.g. drainage power, communications cables, pipelines etc. Indicating lines, manholes, supports etc.).
- Earthworks (including the proposed grading and mounding of land areas including the levels and contours to be formed, showing the relationship of proposed mounding to existing vegetation and surrounding landform)
- Planting plans include written specifications (including cultivation and other operations associated with plant and

grass establishment) and schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate.

- Implementation timetables and monitoring programs.

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

18. Z00 – Non Standard Condition - Tree and Natural Feature Protection: Protected Areas

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 the standard shown in the Arboricultural Impact Assessment provided by Sharon Hosegood Associates dated 7th May 2018 (Ref: SHA 770). 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.

19. 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.

20. Z00 – Non Standard Condition - Tree and Hedgerow Protection bespoke

The development shall be carried out in complete accordance with recommendations contained in the Arboricultural Impact Assessment Report SHA 770 REV A dated 18.10.18 and the trees on site shall be monitored in accordance with Appendix 6 of the Arboricultural Impact Assessment Report.

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

21. ZFU - Tree Canopy Hand Excavation

During all construction work carried out underneath the canopies of any trees on the site, including the provision of services, any excavation shall only be undertaken by hand. All tree roots exceeding 5 cm in diameter shall be retained and any pipes and cables shall be inserted under the roots.

Reason: To protect trees on the site in the interest of visual amenity.

22. Non Standard Condition - Reporting of Unexpected Contamination

In the event that historic land contamination is found at any time when carrying out works in relation to the development, it must be reported in writing immediately to the Local Planning Authority and all development shall cease immediately. Development shall not re-commence until such times as an investigation and risk assessment has been submitted to and approved in writing by the Local Planning Authority, and where remediation is necessary, a remediation scheme has been submitted to and approved in writing by the Local Planning Authority. Development shall only re-commence thereafter following completion of measures identified in the approved remediation scheme, and the submission to and approval in writing of a verification report. This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and the Essex Contaminated Land Consortium's 'Land Affected by Contamination: Technical Guidance for Applicants and Developers'.

Reason:- Based on the risk assessment and recommendations of the applicant's specialist consultants.

23. 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 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.

24. 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.

25. ZCE - Refuse and Recycling Facilities

Prior to the first occupation of the development hereby permitted, refuse and recycling storage facilities shall be provided in accordance with the scheme which has been previously submitted to and agreed, in writing, by the Local Planning Authority. In addition the bin store floor shall be coated with an impervious material to permit easy cleaning and prevent odours. Such facilities shall thereafter be retained to the satisfaction of the Local Planning Authority at all times.

Reason: The application contains insufficient information to ensure that adequate facilities are provided for refuse and recycling storage and collection.

26. Z00 – Non Standard Condition - Boundary Treatments

Prior to the occupation of the new blocks, a plan indicating the positions, design, materials and type of boundary treatment to be erected has been submitted to and agreed, in writing, by the Local Planning Authority. The boundary treatment shall then be completed in full accordance with the agreed details TO A TIMETABLE THAT WILL HAVE ALSO PREVIOUSLY BEEN AGREED, IN WRITING, BY THE LOCAL PLANNING AUTHORITY. The treatments shall be retained in their approved forms at all times thereafter.

Reason: To ensure that the boundary treatments are satisfactory and are situ at the time when they are required in order to achieve a satisfactory development and to avoid any loss of amenity to the neighbouring properties.

27. Z00 – Non Standard Condition - Ecological Enhancements

A Landscape and Ecological Management Plan (LEMP) shall be submitted to, and be approved in writing by, the local planning authority prior to the occupation of the development. The content of the LEMP shall include the following.

- a) Description and evaluation of features to be managed;
- b) Ecological trends and constraints on site that might influence management;
- c) Aims and objectives of management;
- d) Appropriate management options for achieving aims and objectives;
- e) Prescriptions for management actions, together with a plan of management compartments;
- f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period;
- g) Details of the body or organisation responsible for implementation of the plan;
- h) Ongoing monitoring and remedial measures.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details.

Reason: To allow the LPA to discharge its duties under the UK Habitats Regulations 2017, the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species).

28. Z00 – Non Standard Condition - Active bird nest investigation

No removal of hedgerows, trees or demolition shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of vegetation for active birds' nests immediately before the vegetation is cleared and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the local planning authority.

Reason: To allow the LPA to discharge its duties under the UK Habitats Regulations 2017, the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species)

18.0 Informatives

18.1 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. 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.

5. 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.

6. Anglian Water Informative

Desktop analysis has suggested that the proposed development will lead to an unacceptable risk of flooding downstream. It is therefore highly recommend that you engage with Anglian Water at your earliest convenience to develop in consultation with us a feasible drainage strategy. A Pre-planning enquiry with the Anglian Water Pre-Development team can be completed online at: <http://www.anglianwater.co.uk/developers/pre-development.aspx>

7. 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/C (this available on this CBC landscape [webpage](#) under Landscape Consultancy by clicking the 'read our guidance' link).'

8. Land Contamination Informative

All imported materials for use in soft landscaping areas must be verified as suitable for use, in accordance with the guidance detailed in the [Essex Contaminated Land Consortium's technical guidance document](#)

9. ZTG - Informative on Section 106 Agreements

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