

Planning Committee Meeting

**Online Meeting, Virtual Meeting Platform
Thursday, 30 July 2020 at 18:00**

The Planning Committee deals with planning applications, planning enforcement, public rights of way and certain highway matters. If you wish to come to the meeting please arrive in good time. Usually, only one person for and one person against each application is permitted. Attendance between 5.30pm and 5.45pm will greatly assist in enabling the meeting to start promptly.

Information for Members of the Public

Access to information and meetings

You have the right to observe all meetings of the Council, its Committees and Cabinet including those which may be conducted online such as by live audio or video broadcast / webcast. You also have the right to see the agenda (the list of items to be discussed at a meeting), which is published on the Council's website at least five working days before the meeting, and minutes once they are published. Dates of the meetings are available here:

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

Occasionally certain issues, for instance, commercially sensitive information or details concerning an individual have to be considered in private. When this is the case an announcement will be made, the live broadcast will end and the meeting will be moved to consider in private.

Have Your Say!

The Council welcomes contributions and representations from members of the public at most public meetings. Planning Committee meetings, other than in exceptional circumstances, are subject to one representation in opposition and one representation in support of each application. Representations can be a statement or questions of no longer than three minutes when spoken (maximum 500 words) submitted online by noon on the working day before the meeting date. Please use the form [here](#).

If you would like to speak at a meeting and need to find out more, please refer to the Have Your Say! arrangements here:

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

COLCHESTER BOROUGH COUNCIL
Planning Committee
Thursday, 30 July 2020 at 18:00

The Planning Committee Members are:

| | |
|---------------------------|-----------------|
| Councillor Cyril Liddy | Chairman |
| Councillor Lyn Barton | Deputy Chairman |
| Councillor Helen Chuah | |
| Councillor Pauline Hazell | |
| Councillor Brian Jarvis | |
| Councillor Derek Loveland | |
| Councillor Jackie Maclean | |
| Councillor Philip Oxford | |
| Councillor Martyn Warnes | |

The Planning Committee Substitute Members are:

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

Councillors:

| | | | |
|----------------------|---------------------|-----------------|----------------|
| Christopher Arnold | Kevin Bentley | Tina Bourne | Roger Buston |
| Nigel Chapman | Peter Chillingworth | Nick Cope | Simon Crow |
| Robert Davidson | Paul Dundas | Andrew Ellis | Adam Fox |
| Dave Harris | Theresa Higgins | Mike Hogg | Mike Lilley |
| Sue Lissimore | A. Luxford Vaughan | Sam McCarthy | Patricia Moore |
| Beverley Oxford | Gerard Oxford | Chris Pearson | Lee Scordis |
| Lesley Scott-Boutell | Lorcan Whitehead | Dennis Willetts | Julie Young |
| Tim Young | | | |

AGENDA
THE LIST OF ITEMS TO BE DISCUSSED AT THE MEETING
(Part A - open to the public)

Please note that Agenda items 1 to 6 are normally dealt with briefly.

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

Live Broadcast

Please follow this link to watch the meeting live on YouTube:
<https://www.youtube.com/user/ColchesterCBC>

1 Welcome and Announcements (Virtual Meetings)

The Chairman will welcome members of the public and Councillors to the meeting and remind those participating to mute their microphones when not talking. The Chairman will invite all

Councillors and Officers participating in the meeting to introduce themselves. The Chairman will, at regular intervals, ask Councillors to indicate if they wish to speak or ask a question and Councillors will be invited to speak in turn by the Chairman. A vote on each item of business will be taken by roll call of each Councillor and the outcome of each vote will be confirmed by the Democratic Services Officer.

2 Substitutions

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

3 Urgent Items

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

4 Declarations of Interest

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

5 Have Your Say! (Virtual Planning Meetings)

At meetings of the Local Plan Committee, members of the public may make representations to the Committee members. Each representation, which can be a statement or a series of questions, must be no longer than three minutes when spoken (500 words maximum). One single submission only per person and a total limit of 30 minutes (10 speakers) per meeting. Members of the public may register their wish to address the Committee members by registering online by 12 noon on the working day before the meeting date. In addition, a written copy of the representation will need to be supplied for use in the event of unforeseen technical difficulties preventing participation at the meeting itself. The Chairman will invite all members of the public to make their representations at the start of the meeting.

In view of the significant public interest in both applications on the agenda the Chairman has agreed to vary the arrangements for members of the public to make representations to the Committee. For each application on the agenda the following arrangements will apply:-

- up to three speakers will be permitted to address the Committee for up to three minutes each in opposition to the application and
- up to three speaker will be permitted to address the Committee for up to three minutes each in support of the application.

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

6 Minutes of Previous Meeting

No minutes of previous meetings are submitted to the Committee for approval on this occasion.

7 Planning Applications

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

7(i) 192828 & 192829 Colchester University Foundation NHS Trust, Essex County Hospital, Lexden Road, Colchester 7 - 56

Redevelopment of the former Essex County Hospital to provide 120 homes. Residential conversion of Main Hospital Building, Nurses Home, Kitchen Store, G.U. Medicine Building and North East Block to provide 70 apartments and houses, and demolition of additional outbuildings and replacement with 50 new apartments and houses. Associated enabling works including public open space, landscaping, parking, and access. New electricity substation and relocation of existing gas governor.

7(ii) 200960 Land at Brierley Paddocks, West Mersea 57 - 80

Application for approval of reserved matters following Outline approval (192136) - Erection of 101 dwellings and 0.5 commercial D1/B1 uses with associated parking, public open space, landscaping, sustainable urban drainage system (SUDs)

8 Applications Determined in Accordance with the Officer Scheme of Delegation 81 - 82

See report by the Assistant Director, Policy and Place giving details of the applications which have been determined since the last meeting in accordance with the revised scheme of delegation agreed at the Committee's meeting on 18 June 2020.

Planning Committee Information Pages v2 83 - 94

9 Exclusion of the Public (not Scrutiny or Executive)

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

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



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Item No: 7.1

Application: 192828 and 192829 (LBC)

Applicant: Mr D Ford

Agent: Laura Dudley-Smith, Strutt & Parker

Proposal: Redevelopment of the former Essex County Hospital to provide 120 homes. Residential conversion of Main Hospital Building, Nurses Home, Kitchen Store, G.U. Medicine Building and North East Block to provide 70 apartments and houses, and demolition of additional outbuildings and replacement with 50 new apartments and houses. Associated enabling works including public open space, landscaping, parking, and access. New electricity substation and relocation of existing gas governor. Together with the associated Listed Building application Ref: 192829

Location: Colchester Hospital University NHS Foundation Trust, Essex County Hospital, Lexden Road, Colchester, CO3 3NB

Ward: New Town & Christ Church

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 recommended for approval with a legal agreement and substantive objections have been received.

2.0 Synopsis

- 2.1 The key issues for consideration are the impact of the scheme on the amenities, character and appearance of the area; including the impact upon the Conservation Area and the significance of heritage assets. The scheme viability is also a key consideration and the range of contributions it may support; including affordable homes.
- 2.2 The application is subsequently recommended for approval subject to a s.106 agreement.

3.0 Site Description and Context

- 3.1 The application site is located just outside of what is recognised in Colchester's adopted Proposals Maps as the town's Central Area. The surrounding area is primarily residential, however there are also a number of educational establishments located in close proximity to the site. To the east is Colchester High School and Nursery, Colchester High School (Sixth Form) to the south west and Colchester Royal Grammar School and Oxford House School & Nursery are also located to west of the site.
- 3.2 Opposite the site, Crouch Street provides a key pedestrian route into the town centre and this is reflected by the dominance of commercial, retail and eating establishments.
- 3.3 Primary access to the site is taken from the northern site frontage with Lexden Road, one of the key routes into the town centre from West Colchester. The site is currently heavily developed but now disused, comprising built form that makes up the decommissioned hospital complex. The existing buildings range in height up to three storeys and comprise a mixture of styles spanning a period from the early nineteenth century to the later twentieth century. The medical use of the site has been reduced over time as services have been relocated to the Colchester General Hospital campus. This consolidation of facilities forms part of an overall strategy being delivered by East Suffolk and North Essex NHS Foundation Trust. The operation of the hospital ceased entirely in December 2018.
- 3.4 The northern boundary of the of the site fronting Lexden Road is primarily open, albeit raised above street level contained by a retaining wall. The frontage is framed by the main hospital building which is Grade II listed and set back within the site behind an area of forecourt car parking. The forecourt comprises large areas of hardstanding and car parking. A further car parking area is located towards the rear southeast corner of the site. The site is also within a Conservation Area (Colchester No.2 – Lexden). The site is not

constrained by any landscape or ecological designations but is an area of high archaeological potential.

4.0 Description of the Proposal

- 4.1 Redevelopment of the former Essex County Hospital is sought to provide 120 homes. This involves the residential conversion of Main Hospital Building, Nurses Home, Kitchen Store, G.U. Medicine Building and North East Block to provide 70 apartments and houses, and demolition of additional outbuildings and replacement with 50 new apartments and houses. Associated enabling works including public open space, landscaping, parking, and access are also proposed. A new electricity substation is proposed together with the relocation of the existing gas governor.

5.0 Land Use Allocation

- 5.1 The site is located within the defined settlement limits and is also located within the Lexden Conservation Area.

6.0 Relevant Planning History

- 6.1 Whilst there are number of planning applications that relate to the previous hospital use, none are relevant to consideration of this scheme.

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
SD2 - Delivering Facilities and Infrastructure
SD3 - Community Facilities
CE2a - Town Centre
CE3 - Employment Zones
H1 - Housing Delivery
H2 - Housing Density
H3 - Housing Diversity
H4 - Affordable Housing
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
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
DP11 Flat Conversions
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
DP25 Renewable Energy

- 7.4 Submission 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. Examination of part 2 of the plan has yet to commence.

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 a full and final examination, it is not considered to outweigh the material considerations assessed above in accordance with up-to-date planning policies and the NPPF.

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

The Essex Design Guide
External Materials in New Developments
EPOA Vehicle Parking Standards
Backland and Infill
Affordable Housing
Community Facilities
Open Space, Sport and Recreation
Sustainable Construction
Cycling Delivery Strategy
Urban Place Supplement
Sustainable Drainage Systems Design Guide
Street Services Delivery Strategy
Planning for Broadband 2016
Managing Archaeology in Development.
Developing a Landscape for the Future
ECC's Development & Public Rights of Way
Planning Out Crime
Air Quality Management Guidance Note, Areas & Order

7.6 Development Brief

In addition to the above, the Council previously prepared a Development Brief for the Essex County Hospital Site. The NHS Health Trust who own the site, notified the Council of their intention to dispose of the site in 2015 for redevelopment, as the remaining functions had been transferred to other sites, primarily Colchester General Hospital. The purpose of the Development Brief is to provide a framework in which development proposals are evaluated. The Development Brief was adopted as guidance by the Council in December 2014, and confirms the Council's intention to bring this site forward for redevelopment through the re-use and retention of key buildings and redevelopment of the remainder of the site.

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 Arboricultural Planner

In conclusion, I am satisfied with the arboricultural content of the proposal subject to the above. Make the tree report an approved document.

8.3 **Archaeologist**

An archaeological evaluation was been undertaken for this proposed development site by Colchester Archaeological Trust in 2017-2019. This investigation has defined archaeological remains within the development site. 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. In addition to the below-ground archaeological investigation a condition relating to historic building recording is recommended in accordance with the *National Planning Policy Framework* (Paragraph 199).

8.4 **Contaminated Land Officer**

The consultants, MLM have identified that from the information available to date, remedial measures will be required to make the site suitable for the proposed use. However, 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.

8.5 **Environmental Protection**

No objection subject to conditions.

8.6 **Essex County Council Education**

No contribution needed.

8.7 **Essex Police**

Essex Police have today held a constructive consultation meeting with representatives from Strutt & Parker, Chetwoods, Flatt consulting and Essex Housing in relation to the Essex County Hospital planning application.

A positive result from this meeting is Essex Police have been invited to work with the applicant with a view to incorporate crime prevention through environmental design via Secured By Design accreditation.

Essex Police have stated that they look forward to working with the applicant to ensure this development is a safe place for people to live and visit now and into the future.

8.8 **Highways Authority**

No objection subject to conditions.

8.9 **Historic Buildings and Areas**

This scheme has been discussed with a number of the in-house HB&A team throughout the pre-application process. Their combined opinions make up the relevant section of the body of the report below.

8.10 **Historic England**

Historic England have no objections to the application on heritage grounds.

“We consider that the application meets the requirements of the NPPF, in particular paragraph numbers 194 and 196.”

8.11 **HSE**

The proposed development site which you have identified does not currently lie within the consultation distance (CD) of a major hazard site or major accident hazard pipeline.

8.12 **Landscape Advisor**

The landscape content/aspect of the strategic proposals lodged on 01/06/20, principally under drawings 689.01-(DP)-001-P4, 689_01-(DP)-004.P4 & 689_01-(MP)-001.P4 would appear satisfactory. A bespoke condition is requested.

8.13 **Lead Local Flood Authority**

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

8.14 **NHS**

Assuming the above is considered in conjunction with the current application process, North East Essex CCG would not wish to raise an objection to the proposed development. A contribution of £70,817.59 requested.

8.15 **Public Sector Housing**

Following amendments, PSH are happy that any further issues raised at design stage can be dealt with via the Building Regulations.

8.16 **Transport and Sustainability**

No objection – see main body of report.

9.0 Parish Council Response

9.1 Non-parished

10.0 Representations from Notified Parties

10.1 33 representations were received from neighbours. 28 objected and 5 were general comments. Representations were also received from the Colchester Civic Society, Colchester Cycling Campaign and Colchester Peoples Assembly. A representation was also received from Cllr Crow.

10.2 Some of the neighbours have also commissioned an independent Transport Assessment which is available to view on the website. Some of the representations were very detailed and can all be read in full on the website but in summary they objected to the scheme on the following grounds:

- The scheme comprises overdevelopment.
- There is not enough parking.
- There is not enough visitor parking and this will force cars onto the public highway.
- There is not enough cycle parking.
- The scheme is harmful to highway safety.
- The roads are already gridlocked.
- The existing access on Lexden Road should be retained and the others removed.
- It is unacceptable to only provide four affordable homes.
- The design is poor.
- The new blocks appear brutal/soviet/uncompromising.
- The scale proposed is too great.
- The blocks of flats are too high.
- The townhouses are crammed in.
- There is not enough private amenity space.
- The scheme harms the setting of the listed building.
- The main listed hospital does not retain visual primacy and views of it are blocked.
- The scheme harms the Conservation Area.
- CBC would not be carrying out its legal duty to preserve or enhance the Conservation Area if this is approved.
- The scheme is aesthetically mediocre and has no respect for the original buildings.
- The site deserves more imagination.
- It is not clear if the trees on the frontage are to remain.
- The public consultations were for 110 but the current scheme is for 120 – why?
- The scheme does not respect the design brief.
- Most of the flats are small and that is not appropriate for the area.
- The lack of open space will not be attractive to potential buyers.
- This scheme has not been briefed by a full townscape appraisal.
- Officers should provide a whole new brief for the site.

- The Main Hospital Building and Nurses' Block should be retained but the rest of the site should be demolished.
 - Many of the old buildings on site including the wall are not worthy of retention.
 - The scheme fails to comply with the adopted design policies DP1 and DP14.
 - There is a shortage of schools in the area.
 - There is a shortage of GP's surgeries in the area.
 - There is a desperate need for sheltered housing in the area.
 - The scheme will be detrimental to the already poor air quality in the area.
 - How will construction traffic access the site – for example large HGV's
 - The Transport Assessment is inadequate.
 - The public consultation was inadequate.
 - The numbers of units have not been lowered nor have the number of parking spaces risen since the public consultation.
 - The majority of people want to see the site redeveloped.
 - The redevelopment has a great deal of potential.
 - We support the scheme in principle but not this scheme.
 - Parking for electric bikes is needed in addition to pedal bikes.
 - The position of the bin store is unacceptable.
 - Essex County Hospital site was donated to the town for "Social benefit to the community".
 - The new development should include a primary care centre.
 - There should be more wheelchair dwellings.
 - The site is public land and should be developed for the public good and not for private profit.
- The Phase 1 Contamination Assessment Report makes reference to the existence of a radiation hazard on site due to the nature of previous site use, BUT the Construction Method Statement, Demolition Strategy and Construction Phasing Programme makes no mention as to when the decontamination will take place.
- Colchester High School and Oxford house School would like to be consulted on the Construction Management Plan condition.

10.3 Following the re-consultation, 12 further objections were received as were 3 general observations. The majority of these were from the same addresses as before. In summary:

- The applicants have done nothing to overcome my previous objections.
- My previous objection still stands.
- We do not agree with the Waterman Rebuttal of our independent Transport Assessment.

11.0 Parking Provision

11.1 149 parking spaces are provided off-street. This will be discussed in the Highway Implications section below.

12.0 Accessibility

- 12.1 This scheme has been designed to be accessible for all users including visitors where possible. For example, a great deal of work has gone into resolving the existing the stepped access onto the frontage through the provision of a ramped access for both pedestrian, wheelchair users and cyclists. The reconfiguration of the existing access to provide ramped access from Lexden Road will further improve the site accessibility for all users, together with level access routes throughout the site.
- 12.2 Shared hard surfaces within the development have considered wheelchair users, so not to impede the movements of disabled people. The surfaces within the development are adequately connected to the wider pedestrian network providing accessibility to the site. New buildings have been designed to meet Part M of the Building Regulations, with the same standards being targeted where achievable through the conversion proposals.
- 12.3 The applicants have stated that it is not possible to install lifts within the conversion elements but the new build flatted blocks do have lifts so will be accessible to all across all floors.

13.0 Open Space Provisions

- 13.1 The scheme provides both private and public amenity space on site, and in addition will provide a financial contribution of £320,000 towards off site provision of public open space. This matter will be dealt with in more detail in the report.

14.0 Air Quality

- 14.1 The site is outside of any Air Quality Management Area and the Air Quality Team who were consulted by the Council's Environmental Protection team have stated with the EV charging provision as proposed, there is no need for a formal Air Quality Assessment. The site will not generate significant impacts upon the zones.

15.0 Planning Obligations

- 15.1 This application is classed as a "Major" application and therefore it was considered by the Development Team. It is concluded that the following Planning Obligations should be sought via Section 106 (s.106) of the Town and Country Planning Act 1990:

Affordable Housing –

Four units are being provided. The applicants have confirmed the intention is to provide them for affordable rent if a housing provider can be found for them.

Highways – £25,000

A £25,000 index-linked contribution (plus Essex County Council S106 agreement monitoring fee) towards a scheme of works to enable cyclists to enter Maldon Road from Creffield Road/Wellesley Road (details shall be agreed with the Local Planning Authority prior to commencement of the development) Together with the provision of Residential Travel Information Packs in accordance with ECC guidance

Parks & Recreation – £320,000

Contribution requested for new and upgrading of equipment at Castle Park

Community - £216,000

Two projects cited, Christ Church, Ireton Road - £200,000 towards phase 2 improvement work and Highways Social Club – £16,000 contribution towards various planned improvement works. Quotes have been requested but not yet received.

Archaeology - £17,553

Sum contingent on finds for:

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

£2,400 for an interpretation panel

£753 for enhancement of the Colchester HER

The contribution for a display case will only be required if archaeological remains are defined on the site warranting display and promotion.
Planning Condition required relating to Archaeological Evaluation

Transport Policy – £20,000

Requested for management fee of Car Club provision
Provision of 2 No. Car Club vehicles on site.

NHS - £70,817.59

Requested for expansion of healthcare provision in area.

Other matters - The Legal Agreement is also suggested to contain a viability review mechanism clause as set in out the report below and the financial contributions towards the Essex RAMs to mitigate the impact of the scheme on offsite protected areas.

16.0 Report

16.1 The main issues in this case are:

- The Principle of Development
- Design Concept
- Heritage Implications
- Archaeology
- Drainage and Flood Risk
- Impact on Amenity
- Amenity Space and Open Space
- Highways
- Trip Generation
- Parking
- Sustainability and Transportation (including Cycle Parking)
- Affordable Housing
- Ecology and Biodiversity
- Trees
- Landscape
- Contaminated Land
- Health Impact Assessment
- Climate Emergency

Principle of Development

Policy SD1 within the adopted Core Strategy confirms that the Council will promote sustainable development throughout the Borough, with areas of growth being directed towards the most accessible and sustainable locations in accordance with the Settlement Hierarchy. Priority will be given for accessible locations and previously developed land.

The application site is located just outside the Central Area within Colchester's Town Centre and settlement boundary. The site is recognised as previously developed land, having being used for the now decommissioned and redundant Essex County Hospital. The site is located in a highly accessible and sustainable location and satisfies the criteria as stated in policy SD1. The adopted proposals map shows the site comprises predominantly residential development. It is therefore considered that residential development is considered to be acceptable in this location in conformity with adopted policy.

Local and national planning policy also supports the long term protection of heritage assets through the identification of their optimum viable use, and where their redevelopment and/or enhancement will result in direct public benefit.

The site has the potential to provide significant public benefits through the enhancement of this prominent gateway site on the edge of Colchester Town Centre within a designated Conservation Area. The reinstatement of an area of public open space in front of the main Hospital building will increase the public's enjoyment of the site and allow for the better appreciation of its historic significance for Colchester and the wider Borough. The conversion and redevelopment of redundant buildings for residential use will also make a valuable contribution to the local housing stock in an accessible and sought-after location.

The process of decanting the former hospital use was completed in 2019. The existing use is arguably a community facility under adopted policy DP4. This policy contains criteria for the assessment of whether the existing community use may be lost to an alternative use. In this case it is considered that these conditions have been met; given that the health care use has been replaced by new improved facilities elsewhere in the Town and there is no demonstrable need for a community use(s) requiring the quantum of floor area extant within the site.

Notwithstanding the above, the Council have also adopted a Development Brief (2014) as guidance for the Essex County Hospital site. Once adopted, a Development Brief provides a framework for any future development at the site and guidance on how proposals should respond to the site's constraints. This brief needs to be considered in the context of the most up to date local and national planning policies however, and the CBC development plan.

Design Concept

Adopted Development Policy DP1: Design and Amenity requires all development to be designed to a high standard in order to avoid unacceptable impact on amenity. Proposals should respect and enhance the character of the site and its context and pay due regard to the layout taking into account the potential users of the site, creating a safe environment. This reflects the design sentiments of the NPPF and allied PPG.

The planning statement sets out how the overarching design aim of the scheme is to secure and preserve the future use of the buildings that have been identified as historically and/or architecturally significant through residential conversion. A number of the less significant more recent buildings on site are proposed to be demolished and replaced by new homes. These comprise apartments and town houses, reflecting the site's urban location. New buildings and site enhancements would be used to create a scheme that is sympathetic to the setting of the retained buildings. The main hospital building is fronted by a large area of public open space which will provide a focal point and centrepiece for the development site. This would reinstate the site frontage to better reflect the historic layout of the site as set out in the C19.

The redevelopment of the site has focussed around maintaining the key historic buildings and features and the approach was developed through prolonged pre-application engagement with both Council Officers and Historic England. The resultant layout enhances the appreciation of the main Hospital building, surrounding historic buildings and the spaces in its vicinity. A “campus” character is protected through the retention of the existing boundary walling which has historically encapsulated the site apart from the surrounding later Victorian suburb. The hospital and its precinct form a distinctive character area within the wider conservation area. Planning law requires that the character and appearance of such areas are preserved or enhanced. In this case, it was considered important to maintain the distinctive qualities of this part of the conservation area as a clearly defined character area.

A green space will also be reintroduced in front of the main hospital building to provide an attractive lawned and treed green frontage along Lexden Road, and a communal area. This feature existed historically, before the space was used for parking. This reintroduction of green space is a significant visual benefit.

The former Nurses’ Home Block located in the south-western corner will be converted into flats. The two existing central courtyards will be brought back into use as shared amenity space. The north-western block emulates this layout, with a series of courtyard formations and ‘pocket’ spaces being repeated throughout the scheme elsewhere.

Internal driveways are created by the proposals; Nurses Lane which gains access from Oxford Road at the western access of the site and Hospital Court which traverses through the site from Gray Road, provides the southern access to the site.

Heritage Implications

Development Policy DP14 – Historic Environment Assets seeks to protect development that would adversely affect a listed building or conservation area. Development affecting the historic environment should seek to preserve or enhance heritage assets. Furthermore, paragraph 189 of the NPPF states that planning applications should identify and describe any heritage assets affected by a proposed development, including consideration of their setting, and demonstrate the likely impact of developments. Paragraph 193 states that great weight should be given to the asset’s conservation; and at paragraph 196 it states where a proposed development will lead to less than substantial harm to the significance of a heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

The relevant provisions of the Planning (Listed Buildings and Conservation Areas) Act (1990), comprise:

- Section 66 (1) requires that special regard is paid to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses;
- Section 72(1) requires special attention shall be paid to the desirability of preserving or enhancing the character or appearance of Conservation Areas.

The site makes up an whole urban block of significant heritage interest. The proposals include the residential conversion of the Grade II Listed main hospital building, as well as the Kitchen Store and North East Block which have been considered curtilage listed. The proposals will also include the removal of several other buildings within the setting of the listed building, and the conversion of the former Nurses Homes which in on the local list. The application site is also located within the Lexden Conservation Area.

The scheme has been accompanied by a Heritage Impact Assessment which has been considered by both Historic England and the Council's in-house Historic Buildings and Areas Officer. Historic England have also been involved in the scheme through the pre-application process and having now appraised the full submission, Historic England have no objections to the scheme.

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

Summary of Heritage Assets affected

- Conservation Area No.2 – Prominent corner site at gateway to CA, distinct character area differs from Victorian suburban character comprising walled hospital precinct containing blocks of generally institutional character and subservient scale to the principal listed block.
- Main Hospital Block addressing Lexden Road site frontage listed at Grade II (NHLE Entry first erected in 1820 and subsequently extended and altered (phases including 1839 and 1879);
- Locally listed, Nurses' Home, principally interwar and set on the western frontage side of the site fronting Oxford Road;
- Attached former Kitchen Wing to the rear of the Main Block;
- the G.U.M Department and Former Children's Ward to the south-east of the Main Building and the Former Outpatients' Building on the north-east corner of the site. These have Intrinsic interest and group value which illustrate the evolution of health care facilities pre-and post-creation of the NHS.

The architectural quality of the group became increasingly compromised by the later C20 by functional infill of low architectural quality and ad hoc accretions with the loss of the original formal designed setting on the main public approach to the principal block. This originally comprised a lawned forecourt area with attendant flanking lodges and carriage sweep to the key Lexden Road frontage. The southern part of the site was developed significantly later (especially the SE corner) and currently has the fragmented

The proposals involve the redevelopment of the former Hospital campus to provide 120 homes. The scheme provides for the retention and reuse of the key buildings of interest; including the Main Hospital Building, Nurses Home, Kitchen Store, G.U.M Building and North East Block. These are converted into residential use for 70 apartments and houses. The remainder of the site is redeveloped providing 50 new apartments and town houses, in two blocks flanking the northern frontage with terraces of townhouses to the south-east area.

The site is comprehensively landscaped to complement the proposals; including a landscaped forecourt on the northern frontage with access driveways, public, communal and private spaces. Early discussions between officers and Historic England established the key buildings to be retained and the design philosophy to be employed for new build elements. The agreed approach was to ensure that the hierarchy of built form was maintained, insofar as possible, whilst delivering a viable and workable scheme. New build elements were to adopt a contemporary style with quality finishes and detailing but without any attempt to reproduce historicist styling. In particular, the distinctive qualities of this hospital precinct as a walled complex of non-residential character, was to be conserved in order to protect the historic character and appearance of this part of the conservation area which is quite unlike the remainder of the Lexden Conservation Area (No.2). It is important that this distinctiveness is conserved to satisfy the statutory test (s.72(1) 1990 Act) to preserve or enhance the character or appearance of the area.

Analysis of impact upon heritage significance

The main considerations from a heritage and design perspective involve:

- the impact of the proposed development on the principal listed building (Main Block and associated curtilage listed structures and locally listed Nurses Home together with their setting;
- impacts on the character and appearance of the wider Conservation Area.

Impact on the grade II listed Main Hospital Building

The Main Building essentially comprises a detached villa at the heart of the site of three storeys with later side wing accretions. The form of this building is akin to a small countryhouse of the early Victorian period. It was originally set in an area that was yet to be developed. The scheme proposes conversion of the building into 13 apartments with limited demolition of C20 accretions. The pre-application discussions involved reviewing the impact on the historic plan form whilst delivering workable units without compromising setting. The interior is already much altered and institutional in character with

few features remaining apart from the main stair (altered). The details of the conversion in terms of making good, new joinery and extracts/flues etc. will require conditions to ensure these details are contextually appropriate.

Impact on curtilage structures and non-designated assets

The present scheme retains other buildings that make a positive contribution to the significance of the group, the conservation area and the narrative of health care provision on the site. These are identified in the approved Development Brief. Some of these buildings are curtilage listed including the attached rear Kitchen wing, G.U.M, former outpatients and children's ward. Others principally the interwar (and later C19) former Nurses' Home are non-designated assets and included on the local list.

Curtilage listed buildings:

Kitchen Wing

This single storey range dates from the later C19 and is attached tenuously to the south of the listed Main Building. It is an attractive building with ventilated cupola and was originally vaulted internally in the manner of a medieval great kitchen. The removal of later accretions will better reveal the original form of the Kitchen Wing and enhance the building's positive contribution to the setting of the Main Block. Its retention and conversion is welcomed.

G.U.M Department and former Children's Ward

The G.U.M building is a mid C19 addition to the main hospital building and retains original detailing. The scheme proposes conversion into 4 units and this is welcomed as conserving an important phase of the hospitals early Victorian expansion.

Former Outpatients' Department

The Former Outpatients' Department is prominently set on the north-east corner of the site and designed in a Queen Anne revival style in the inter-war period. The scheme retains the two-storey return block addressing Hospital Road (Block 4B) and the principal two-storey block facing Lexden Road is proposed to be extended to the west and south in three-storey format with an additional top floor penthouse. This NE corner of the hospital complex is an important part of the cherished view along the street from the town centre and whilst the impact of this block has been eroded by later changes to window and door openings; it is nevertheless an important part of the Edwardian phase of hospital development during a period of increasing affluence in Colchester. These are difficult buildings to reuse and the developer has attempted to knit them together into a legible whole through new build extensions that articulate the whole. The result is an honest and legible assemblage that seeks to retain the most significant elements whilst contributing additional units to aid the viability of the wider scheme. The new build elements provide an honest and legible contrast with the historic fabric.

The non-designated former Nurses Home

The building is of some intrinsic interest as an example of 'moderne style' architecture with attractive balconies and railings which contributes positively to the wider setting of the listed Main Block and the Conservation Area. Its interest is derived from the interwar elements (the smaller late C19 wing at the northern end is more conventional and undistinguished). Internally the building is very plain and unremarkable. The scheme achieves the retention and conversion of the building in its entirety and maintains its positive contribution to the streetscene of Oxford Road.

Impact on the setting of the principal listed building

The scheme seeks to replace C20 additions and accretions with contemporary blocks of apartments and terraced town housing employing a wholly contemporary architectural vocabulary for the new build elements. In particular, two principal new blocks are proposed to frame the view of the main building from Lexden Road. These replace existing post war buildings that currently detract from the setting of the listed building due to their low architectural quality and materials. Much debate and consideration has been afforded by officers and Historic England to the scale and form of the replacement buildings. Whilst these are admittedly larger than those to be replaced, they are considered to be appropriate in scale and to possess architectural quality/interest such that the result would preserve and arguably enhance the setting of the main building when viewed from Lexden Road and Oxford Roads. There are well known precedents for this approach. The National Maritime Museum Greenwich employs this design approach with the Palladian villa of the Queens House (Inigo Jones) clasped between the Baroque wings of the Royal Hospital and framed by flanking towers. The separation of these replacement flanking features was given special consideration in order to ensure that the main building is afforded appropriate breathing space, thereby conserving yet framing key views without over dominance of the new build elements. In officers' opinion, this has been successfully achieved without compromising the setting, which by the end of the C20 was already enclosed by later unsympathetic additions that replaced the original twin lodges and original open lawned forecourt. The omission of these elements would render the scheme unviable and would threaten delivery of the conservation and re-use of the heritage assets identified above.

The scheme has been driven by a desire to reinstate the original lawned forecourt area and officers consider this would positively enhance the setting of the listed building and the character and appearance of the wider conservation area with the reinstatement of Lime trees across the frontage to Lexden Road. The resulting space is significant in size and will offer public views of a well-structured green oasis.

The creation of traditionally scaled, domestic terraced homes on the return street frontages to both Hospital Road and Gray Road will considerably enhance the streetscene and conservation area with new frontage development of contextually sympathetic scale and materials. The

philosophical design choice to use parapetted roof forms, instead of pitched roofs, was a conscious decision to avoid pastiche and minimise the bulk and massing of the new homes allowing the creation of private roof gardens and space for PV renewable energy. The new houses are honestly contemporary yet reassuringly familiar in scale, form and materials. In officers' opinion, they add another chapter to the architectural history of the locality in a sympathetic format that preserves and enhances but does not resort to slavish replication or historicism. The existing precinct wall that is a distinctive feature of these street frontages is carefully handled to allow permeability and surveillance of the street whilst conserving the historic walling and affording privacy and security for the occupiers of the new homes.

Heritage Conclusions

The proposed scheme would deliver the conservation and reuse of a series of heritage assets that are currently at risk and unoccupied. It represents the product of many years of negotiation with various interested parties; all of whom have encountered fundamental viability obstacles to delivery. The design of the current scheme is carefully considered and, in officers' opinion, successfully balances the heritage significance of the site, its assets and their contribution to the wider conservation area with delivery of a viable, attractive and distinctive scheme of new homes that will enrich the heritage of the Borough. It is noted that the Government's statutory advisor, Historic England, does not object to the proposals and has been fully engaged in the design negotiations. Accordingly, approval is recommended subject to conditions to carefully control new external materials, architectural detailing (especially any alterations to historic fenestration) and hard and soft landscaping.

Officers consider that in accordance with paragraph 196, where the development will lead to less than substantial harm of the asset, this should be weighed against the public benefits. It is considered in that the proposals will result in less than substantial harm and that by bringing forward the scheme the public benefits (housing in a sustainable location on previously developed land; preservation of a historical assets that otherwise would be redundant and left empty) would far outweigh any minor harm associated with the conversion of the buildings.

Archaeology

In terms of below ground heritage the site is potentially very rich. Because of this, a scheme of pre-determination archaeological investigations was agreed at an early stage given the prolific archaeological potential for the site and surrounding area, and the significance of finds made on the site historically. The Council's in-house Archaeological Advisor has been involved through the process and investigative works are currently ongoing – some of which have been attended by interested members of the public. This included the excavation of accessible areas currently used for parking and other areas of open space. A continued programme of works has also been agreed, to be undertaken as the site is cleared and demolition commences, subject to planning permission being granted.

Drainage and Flood Risk

The adopted local and national planning policy places significance on the protection of development from flooding. Policy DP20 of the adopted Development Plan confirms development will only be supported where proposals meet the requirements in PPS25, recommendations in Colchester's Strategic Flood Risk Assessment, and include satisfactory flood defence measures including mitigation measures such as SUDs. Policy DP20 also requires proposals to incorporate measures to include appropriate Sustainable Urban Drainage (SUDs) to manage surface water run-off.

Since this policy was adopted the PPS25 along with the other Planning Policy Statements have been replaced by the NPPF. The NPPF and the relevant National Planning Practice Guidance are the most relevant policy documents to follow in relation to development and flood risk management.

Paragraphs 155 to 169 of the NPPF establishes policy relating to flood risk management. The main focus of the policy is to direct development towards areas of the lowest possible flood risk without increasing the risk elsewhere. The NPPF advises that sequential test should be used to steer new development to areas with the lowest risk of flooding. This is a requirement for developments located in either Flood Zone 2 or 3. SUDs are also required at paragraph 165 of the NPPF.

The application site is located in Flood Zone 1, which is land that is considered to be at low risk of flooding and does not need to undergo the sequential test. All sources of flood risk are assessed within the Flood Risk Assessment. The site is considered to be at low risk of flooding from fluvial, infrastructure, groundwater and artificial sources.

The accompanying Drainage Strategy proposes that with the exception of the area of the site around the Nurses home, surface water for the site will be discharged via infiltration at a controlled rate into the existing surface water sewer. The surface water from the Nurses home currently collects into the existing combined system around the perimeter of the building and it is proposed that this existing system will be maintained.

A number of SUDs features are proposed across the site to provide storage, infiltration and conveyance across the site. The Drainage Strategy has been developed through close-working with the landscaping architects for the scheme to ensure that the space available on the site can serve both drainage and public amenity objectives.

In terms of foul drainage it is proposed that foul flows generated by the development shall be collected by a series of pipes laid at a gradient that promotes self-cleaning. It is intended as part of the drainage proposal to retain the existing combined system around the Nurses home. Foul water will be discharged into the public sewers at two locations.

Impact on Amenity

This is an urban location with a relatively tight knit grain. The site comprises a whole urban block which means that many of the changes that will be felt by neighbours are to the front (i.e. the already public) elevations. Further to this, as a lawful working hospital, views were already present from a number of aspects.

The scheme has been carefully designed to minimise the impact of the new residential dwellings on those dwellings that surround the site and on the schools close by. It is accepted that the changes to the site proposed will create differences in overlooking when compared to the existing situation so these have all been carefully assessed as follows:

Oxford Road

Block 6 (in the north west corner) has an elevation that faces Oxford House school and the fronts of residential properties. Oxford Road is a relatively wide street and it is therefore held that the proposed block is not held to cause materially harmful overlooking, oppressiveness or overshadowing.

Also facing Oxford Road is Block 2 which is the Nurses Block. This is the conversion of an existing building that would have been very intensively used in the past with small rooms housing nurses on a residential basis. The conversion to flats will not create an harmful increase in impact on amenity.

Gray Road

Gray Road has less of a spacious feel and is thus quite typical of a turn of the century urban streetscene. On the northern side of the road, the corner is marked with the southern corner of the Nurses Block. East of this is the main proposed access point and east of that are three blocks broadly at right angles to Gray Road (Terraces 24, 25 and 26). These have been elevated to ensure the majority of the windows face within the site with only sparing use of fenestration on the ends facing the existing Gray Road dwellings whilst avoiding the creation of blank elevations which is important to preserve the character of the Conservation Area. These dwellings do have roof terraces at first floor, but they have been located so views are restricted to within the site. These blocks are not held to cause materially harmful overlooking, oppressiveness or overshadowing.

Hospital Road

The eastern side of hospital road is more varied. At the southern end are the gardens and parking areas/garages of the flats/houses on Wellesley Road. North of those are the purposed built blocks and converted dwellings that make up Colchester High School which also front onto Wellesley Road. In effect Hospital Road makes up the rear of Colchester High School

Site. North of that are a number of dwellings and on the corner of Lexden Road and Hospital Road is an NHS building which is a converted dwelling.

At the southern end of Hospital Road marking the corner with Gary Road is proposed block Terrace 26. This is a terrace of four, three storey townhouses with integrated parking that also have split level roof terraces. The gardens of the flats/houses in Wellesley Road are relatively well screened with planting and garage buildings at the end of the gardens. The roof terraces will also face the public fronts and roofs of the dwellings in Hospital Road and the rear of Colchester High School. The potential overlooking to the public domain is not held to be materially harmful, nor will the terrace cause materially harmful overshadowing or oppressiveness.

North from Terrace 26 are block 27 and 21, both of which site broadly at right angles to Hospital Road and therefore are not considered to cause materially harmful overlooking, oppressiveness or overshadowing. North of that is Block 01B which is a conversion of the former entrance building which will be fenestrated via the existing openings and also the openings that have been bricked up over the years. North of that is part of the corner block Block 05 which fronts Lexden Road. This is higher than the building it replaces but is also is not held to cause materially harmful overlooking, oppressiveness or overshadowing as it is faces the front of the existing residential terrace of dwellings at that end of Hospital Road.

Lexden Road

Blocks 6 and 5 front Lexden Road but due to the width of this main thoroughfare is not held to cause materially harmful overlooking, oppressiveness or overshadowing.

In conclusion, the scheme has been sensitivity designed to limit the impact of the new blocks around the perimeter of the site on existing residents. As noted above this is a very rare example in the Colchester Borough of a whole urban block surrounded entirely by public domain and highway. This means there is no backing on to existing development as one may expect with many residential scheme and that is a significant advantage in amenity terms. That is not to say that this scheme will not have an impact, as it will but in an urban location such as this it would be unreasonable to expect no impact at all. The test before Members must be 'is the impact on amenity one that is materially harmful to neighbours' and officers consider that it does not.

Open Space and Amenity Space

- Adopted Core Strategy Policy PR1 – Open Space aims to provide a network of open space. Adopted Development Policy DP1 – Design and Amenity, requires development proposals to be designed to a high standard and avoid unacceptable impact on amenity. This includes providing a design layout that takes into account the potential users of the site. Policy DP16 requires all new residential development to provide private amenity space for houses and communal space for flats. DP16 also requires all new residential

developments to provide new public areas of local open space with precise levels of provision dependant on the location of the proposal and nature of open space needs. However, as a guideline at least 10% of the gross site area should be provided as useable open space.

While the proposals have been prepared guided by the adopted requirements as stated at Policy DP16, the significant constraints of the site have been taken into account in developing the proposals for private and public amenity space. Giving the site's urban nature and its highly sustainable location, the applicants have decided to use a concept employing private shared amenity and communal amenity open spaces. This will ensure all residents have access to usable open space and will enhance the on-site sense of community.

Policy DP16 requires 25sqm of open space per apartment, 50sqm for every 1 & 2 bed house, 60sqm for 3 bed house, and 100sqm for 4 bed house. Assessed against these requirements the proposals would require a total of 4150 sqm of private and shared amenity space across the entire application site.

Due to the constraints of the site the proposals cannot provide for the individual requirements of private amenity space as stated in at Policy DP16. However, this is offset by the cumulative total of private and private/shared amenity space that can be provided across the entire site which is well in excess of 4150sqm.

The proposals will provide for 1967.5sqm of private amenity space (in the form of patios, gardens, terraces and balconies) and 3426sqm of private shared amenity space. Across the entire site and will provide for 5395sqm of private and private/shared amenity space.

In addition to private and private/shared amenity space, the proposals will also provide for an additional 2297sqm of communal amenity space. Policy DP16 requires communal open space to comprise an area of at least 10% of the gross area of the site. The communal space provided for is also well in excess of 10%. Whilst this is a space that is publicly accessible, it is fair to say that it is not a space that non-residents will be actively encouraged to use due to its proximity to residential units.

Officers acknowledge the creative way the architects have addressed the open space and consider that the semi-private shared areas will have the potential to become well used spaces that foster a real sense of community. This is not something the adopted policy specifically anticipates but is held to be a workable solution. It is also noted that the Parks and Recreation Team have asked for a contribution of £320,000 which will go towards the upkeep of Castle Park.

Highways

Policy DP17 – Accessibility and Access requires all new development proposals to be accompanied by an appropriate Transport Assessment to determine the impacts on access, traffic generation and assess that appropriate provision for pedestrians, cyclists, and links to foot and cycle networks have been accounted for. Additionally, Core Strategy policies TA1 and TA2 are concerned with changing travel behaviours, promoting walking and cycling. A Transport Assessment accompanies this planning application.

Site access is to be served by two vehicular accesses: one via Oxford Road which form the site's western boundary and one via Gray Road which makes up site's southern boundary. The former Lexden Road access is to be closed off as part of the proposals. The proposed scheme has been developed following regular consultation with Essex County Council Highways and has been amended during the course of the application to overcome a number of issues raised by the ECC Highway Team. Buildings have been set back from the road frontages in places to ensure appropriate visibility splays for vehicles accessing and egressing from the site, directly addressing areas of concern raised by ECC Highways. Drawing ref. 0030 A01 (in the Transport Assessment) demonstrates that the access and internal site road can accommodate a large refuse collection vehicle.

Trip Generation

A number of the representants consider that this scheme will intensify the vehicular activity at the site. This has been assessed in the Transport Assessment. This confirms that the proposals will generate a total of 36 two-way movements in the AM peak hour and 32 two-way movements during the peak PM hour; equivalent to 1 vehicle every 11.6 to 1.8 minutes during the peak hours. The trip generation is anticipated to be reduced by up to 48 two-way vehicle trips in the AM Peak hour and 30 two-way vehicle trips in the PM Peak hour compared to its use as a hospital.

Parking

Adopted Development Policy DP19 confirms that CBC will refer to the adopted parking standards. The adopted parking standards document for CBC is the Parking Standards Design and Good Practice September 2009 (Essex County Council).

Adopted Core Strategy policy TA5 – Parking, which states development should manage parking according to its location and where development is proposed in an accessible location then parking should be minimised. It also takes account of the number of public car parks in and around the town centre, in close proximity to the site.

In the adopted standards, residential uses have minimum parking standards. One bed dwellings need one space and two bedroom (or larger) dwelling need two spaces. In respect of the current proposed housing mix, the general standards would require a proposal of this size to accommodate 191 car parking space (not including visitor parking provision).

The application proposes 149 car parking spaces, 97 parking spaces for each apartment at a ratio of 1:1 and 46 parking space for the houses at a ratio of 2:1, plus 6 visitor spaces. The proposal also includes 6no. double Electric Vehicle Charging Points (EVCPs).

In this instance the proposal provides at least one-off street parking space per dwelling (1:1 for apartments and 2:1 for houses) and provides six visitor spaces. The adopted parking standards are clear that the provision may be reduced in sustainable locations, so whilst all two bedroom and larger dwelling are required to have two parking spaces, a reduction in provision is allowed where a site is very accessible:

Paragraph 2.5.1 of the standards confirm however that *“for main urban areas a reduction to the vehicle parking standard may be considered, particularly for residential development. Main urban areas are defined as those having frequent and extensive public transport and cycling and walking links, accessing education, healthcare, food shopping and employment”*.

The scheme provides 6 visitor spaces and the applicants continue to consider this suitable for the site given the evidence-based approach that has been taken, which has included on-street surveys to confirm availability of short-term visitor parking opportunities on surrounding roads. The site is well-served by public transport and is also within walking distance of a number of public car parks. The car parking provision across the site as a whole seeks to make use of the space available and provide parking for every unit, without undue impact on heritage assets, whilst also making use of the opportunity for this highly sustainable site to encourage modal shift and the use of sustainable methods of transport.

The scheme also proposes a two car, car club which will be available for residents and the wider public to use. This will further increase the ease in which it is possible to live in this development without owning and running more than one car per household.

In this instance the site is located in sustainable location within walking distance of the town centre which contains most of Colchester’s main services and facilities, including a high street with multiple retail outlets, convenience stores, pubs, eateries and leisure facilities. Colchester also contains numerous other services and facilities, including: churches, sports fields, parks, schools, GP surgeries, a hospital, supermarkets, employment and transport infrastructure including a bus station and two railway stations.

Bus services run from directly outside the site and provide regular services to the town centre and train station approximately every 10 minutes during usual service hours. The train station is also accessible on foot from the site or is a 10-minute cycle ride.

Whilst the comments from neighbours have been carefully considered, including their independent Transport Assessment, officers consider that the parking provision is acceptable therefore in terms of its parking provision. The adopted parking standards are clear that for sustainably locations, flexibility with parking provision is acceptable. Officers consider that this scheme has struck the right balance between on-site parking provision and the need to encourage sustainable transports methods in a location where walking and cycling is a very realistic alternative.

A number of the representations consider the parking provision to be too low and consider that it will force on-street parking in surrounding roads.

The applicants have given this issue a great deal of consideration throughout the pre-submission process. The parking strategy focusses on ensuring there is no increased impacted on local residents. The closure of the hospital and redevelopment of the site will see 40 staff road-permits revoked, and the residential use of the site is a less intensive use in respect of vehicles in general as demonstrated by trip generation figures. The rearrangements of site accesses will see the improvement of their safety, and opportunities for the provision of additional on-street parking spaces. These are expected to be formalised through future Traffic Regulation Orders and Section 278 works at the appropriate stage. In addition, an assessment of on-street parking use whilst the hospital was in use was undertaken and concluded for there to be existing capacity even before the redevelopment of the site.

It is noted that Highway Authority have no objection to the scheme and therefore they do not consider the on-site parking provision to cause materially harmful impacts on surrounding roads.

Sustainability and Transportation (including Cycle Parking)

Extensive cycle parking is to be provided across the site, ensuring access to at least 2 spaces for each dwelling, the majority of which is to be covered and secure. This is to be provided in a variety of forms including basement parking, double-stack bike racks, Sheffield hoops, and larger spaces for those with trailers. 26 spaces are also provided for visitors and other site users in convenient and well-overlooked areas for added security.

The applicants have discussed the cycle parking directly with the in-house Transport and Sustainability team as officers are keen that the cycle parking provision is secure and workable as well as generous in terms of cycle parking spaces. The in-house team want this scheme to be one that other development sites will follow in the future as an exemplar. This is driven by the need to put cycling at the forefront of not only residents' minds when selecting a transport mode, but also that of visitors.

This development is located in a highly attractive and sustainable location being just a short walk from the town center, having access to all local alternative travel options to the car and having a large public car park where season tickets are available a short walk away. Thus, against the backdrop of the Climate Emergency declared by the Council in July 2019, the Sustainability and Transportation Team believe this site could have been considered for an innovative approach to transport offering car free or significantly reduced parking.

However, they welcome the approach taken and support the car parking provision being less than the minimum standards as a positive first step in the direction we need to be taking in support of the Climate Emergency. A reduced car parking provision will contribute to reducing the impact of private cars on both the climate, traffic congestion and more immediately local air pollution.

Sustainable Transport opportunities

The development is in a highly sustainable location;

Bus services – the entire Colchester bus network is within a 5 to 10-minute walk of the development.

Train services – there is a direct and frequent bus service from outside the development to the mainline station.

Cycling– there is a reasonable choice of cycle routes along quiet roads and some off-road cycle network to St Helena's secondary school, Colchester Institute and the mainline station to suit varying levels of cycle confidence. The site backs on to a series of reasonably quiet side roads and green links for access to local secondary schools including St Benedict's, Philip Morant and Colchester County High School for girls, which means the busier Lexden and Maldon roads can be avoided. Cycle routes to local primary schools are less attractive as need access along busy roads, however it is anticipated that fewer parents would allow their children to cycle to school alone to primary school anyway.

Walking – there is a choice of paved, well lit, walking routes along busy or quiet streets to access local primary and secondary schools, Colchester Institute and the mainline station.

Developer infrastructure provision for sustainable travel

Cycle Parking

In addition to being in close proximity to a range of sustainable travel options the developer has also mitigated against the reduced parking provision by providing over and above the minimum parking standards for cycle parking.

The parking standards require 1 secure covered space per dwelling, and none if a garage or secure area is providing within the curtilage of the dwelling. Following discussion, the developer has provided at least 2 covered and secure cycle spaces per dwelling and 2 cycle opportunities in the car ports adjoined to the houses. The cycle parking proposed would give residents the option of dry, secure, internal parking or quicker to access external parking while still retaining the benefits of security and protection from the elements.

Some of the cycle parking is at basement level and will have a cycle ramp to exit the cycle storage, although not ideal for trailers and other adapted bikes, there are other ground level choices that could be considered by potential house owners when choosing a property.

Car club vehicles

In addition, the Transport and Sustainability team require by condition/legal agreement the provision of 2 electric car club cars on site with dedicated signed car club bays and electric charge points. This has already been discussed with the developer who is agreeable.

Car clubs provide members with convenient access on a pay as you go basis, to cleaner vehicles without the hassle and expense of ownership (ie tax, MOT, fuel, servicing, repairs, depreciation and parking). Savings of up to £3,500 can be made for anyone driving less than 8,000 miles a year through swapping car ownership for car club membership. Members simply book a slot online anything from half an hour upwards and access the car via an app or swipe card, they are then invoiced on a pay as you go basis.

Comouk the UK based charity promoting shared mobility, undertakes an annual survey of car club members. Their most recent survey results available (2017/18) shows on average that each car club car supported 33 members and typically displaced 6 private cars. Car club members reduced their annual mileage by 793 miles and car club cars across England and Wales produced 43% less tailpipe emissions than the average UK car.

The national evidence clearly shows that the availability of car club cars will mitigate against the reduced car parking space provision allowing residents both on the development access to a car when they need one.

Electric cars will have less of an impact on air quality than petrol or diesel cars so the combination of increased use of sustainable travel options and use of the car club cars for some car journeys will reduce the development's impact on local air quality.

The car club cars would also be available to local residents thus providing an opportunity for them to also save money, reduce their car ownership, make use of a more environmentally vehicle and reduce their own impact on local air quality.

Wider car club network

The in-house team note that the requirement for a car club car has been built into a number of section 106 agreements for developments in and around the town center so a larger network of car club cars will be available in the near future for all residents of Colchester.

The team have also requested via an informative advice that the car club and local sustainable travel opportunities should feature heavily in the marketing of the properties so potential house purchasers buy into the reduced car ownership lifestyle from the start.

Access off the site

Discussions have taken place with the developer regarding the proposed ramp providing access onto Lexden Road. Improvements to the design have made it wider and more user friendly. The in-house team would like to have seen it integrated with the adjoining public ramp and steps but understand that such a modification is not acceptable to the Highway Authority.

Affordable Housing

Core Strategy Policy H4 sets out how the provision of affordable housing is central to housing development and is a key priority for the Council. It requires 20% of dwellings to be affordable in schemes of 10 or more units. For a 120-unit scheme that would equate to 24 affordable dwellings.

The policy does accept however that it may not always be possible to provide the 20% affordable housing in exceptional circumstances due to issues of viability.

This scheme has been submitted with a viability appraisal that sets out the scheme will not be able to provide on-site affordable housing and a number of the representations have raised this issue.

The viability appraisal carried out by BNP Paribas was independently appraised by Dr Andrew Golland on behalf of the Council. The reports are in the public domain and are therefore visible on the website. The Assessment confirmed that even when tested on the basis of 100% private housing the proposals generate a negative residual land value. After a number of points of clarification, the Council's Viability expert concurred with the findings of the consultants (BNP Paribas) report.

The applicants are very aware of the need for affordable housing and even though they have the financial justification required by policy H4 to not provide it, they have chosen to provide four units on site. This does not approach the 20% on site provision that the adopted local plan requires but it is still a useful contribution to the Council's affordable housing numbers. It is proposed that the four dwellings in the converted GUM building be affordable. The Council's affordable housing officer has also asked for the Legal Agreement to contain an alternative commented sum in

the unlikely event that a registered provider is not interested in the dwellings.

Further to this the applicants have agreed to a viability review mechanism. This is a clause in the Legal Agreement that will give the Council the ability to review the viability position once the dwellings have been constructed (at trigger points to be negotiated and agreed). In simple terms, this means that if the market improved significantly and the residential units are worth more than their expected valuations the Council will claw back some of the excess value to put towards affordable housing. It must be said that the BNP Paribas Viability Report and the Savills house process it was based on was drafted in somewhat more buoyant times and the housing market is not looking as strong as it was following the Covid-19 pandemic. The viability review mechanism will be a useful failsafe if prices are to rise in any case.

Ecology and Biodiversity

Policy DP21 and Policy ENV1 of the adopted Development Plan requires development proposal to minimise impact and conserve the natural environment and biodiversity. Where developments are likely to cause harm, proposals are required to provide appropriate prevention, mitigation or compensatory measures. The NPPF states that when determining planning applications, local planning authorities should refuse planning permission if significant harm on biodiversity resulting from the development cannot be avoided, adequately mitigated or as a resort compensated for.

Extensive pre-application engagement has been undertaken to identify, protect and mitigate any ecological impacts that development may have on the application site. Early assessments had identified existing buildings to have the potential for bat activity, but no roosts were found. Initial recommendations indicated that development could take place without impact any protected species. However, with the caveat that should bats be discovered development works should stop immediately.

These initial surveys appraised the site in its existing form and did not identify the opportunity to enhance the ecological value of the site through the new proposals.

For this planning application additional ecological surveys have been undertaken. An Ecological Assessment has been prepared by AGB Environmental. The Assessment confirms that as the site is densely populated by buildings and areas of hardstanding, the site is considered to be of negligible importance. The provision of public open space, gardens and enhancement measures have the potential to provide modest positive impacts and benefits to the ecology of the site. AGB Environmental have also prepared a Biodiversity Net Gain Report, which also shows that the proposed development will make a modest gain to the biodiversity value of the site.

AGB Environmental have also prepared a Shadow Habitats Regulation Assessment under the Conservation of Habitats and Species Regulations 2017 to assess the impacts of proposals and their likely impact on Habitat Sites. This also accompanies the planning application. The Council has based its Appropriate Assessment on this and that concluded that as long as a financial contribution toward the Essex RAMS project is made on a per dwelling basis that would satisfactorily mitigate against impacts to the point that they would not be considered significant.

Arboriculture

Paragraph 175 of the NPPF states that development resulting in the loss of ancient or veteran trees should be refused unless there are wholly exceptional reasons such as suitable compensation strategy. An Arboricultural Impact Assessment has been prepared by AGB Environmental and accompanies this planning submission. The survey of the site identified eleven individual trees and five group trees. Development has the potential to impact trees both within and beyond the site boundary.

The report recognises that the proposals will incur the removal of most of the site's trees, and that therefore the initial impact on the landscape will be high, however the large number of new trees proposed can compensate for any removal and in the long term enhance tree stock. The Council's in house Arboricultural Advisor agrees with the findings of the report.

The scheme allows for the retention of prolific existing trees along the site frontage, as well as providing new planting to enhance this frontage feature. Overall, the landscaping proposal includes provision for over 100 new trees. The impact on the site's existing tree stock will therefore be substantially mitigated through extensive re-planting. The proposals would be in accordance with national and local policy in this respect.

Landscaping

The existing landscape, geometry and character of the site is defined by the original buildings, boundary walling and mature trees to the north and south boundaries. The wider area is largely 'leafy' in nature deriving from mature trees. The spatial characters are mainly private and contained due to boundary walls that frame the site.

An area of land in the north west corner of the site, which is proposed to accommodate a rearranged ramp access in and out of the site provides a specific landscaping and point of interest opportunity in this prominent point of the site. The proposals for this area have been detailed in the accompanying Landscape Masterplan and will be considered in greater detail as part of future detailed design stages. The new ramp in this location will also provide a direct link to the large central lawn area of public open space.

Policy DP21 requires development proposals to enhance biodiversity interests at application sites. The landscaping proposals include a planting strategy. The planting strategy aims to establish a framework of trees with species chosen by scale, character and colour. Biodiversity value will be added through the planting design. Species choices will integrate native flowering species. Proposals are described in full within the accompanying landscape documentation and it is proposed that detailed planting schedules are agreed as part of a future condition.

Contaminated Land

Policy DP1 – Design and Amenity confirms that development will need to undertake appropriate remediation of contaminated land. Paragraph 178 of the NPPF, also states that a site should ensure it is suitable for its proposed use taking account of ground conditions and any risk arising from land instability and contamination.

A Geo-environmental Assessment has been prepared by MLM Group to address any issues related to land contamination and this has been fully assessed by the in-house Contaminated Land Officer.

The report prepared by MLM Group recommends remediation and mitigation to include: capping or removal of soil contamination in selected gardens and soft landscaped area; installation of services in corridors of clean soil; and protection of site workers and the general public during construction. This will be secured by condition as suggested by the in-house officer.

Health Impact

Adopted Development Policy DP2 of the adopted Development Plan requires all residential developments in excess of 50 units to provide a Health Impact Assessment to assess the potential health consequences of the proposal. A Health Impact Assessment has been prepared by Strutt & Parker in accordance with this policy and accompanies this planning application. Following this, the NHS have requested a financial contribution to mitigate the impact on local services.

Climate Emergency

The Council has declared a Climate Emergency and has committed to being carbon neutral by 2030. The purpose of the planning system is to contribute to the achievement of sustainable development as defined in the Framework. Achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways. These are economic, social and environmental objectives. Consideration of this application has taken into account the Climate Emergency and the sustainable development objectives set out in the Framework.

As the Council has declared a climate emergency it is important to consider how this scheme will limit its impact on the environment. Further to this, adopted Core Strategy Policy ER1 – Energy, Resources, Waste, Water and Recycling states the Council's commitment to carbon reduction and the promotion of efficient use of energy.

In terms of construction, the scheme has been accompanied by an Energy Report by Flatt outlines how the reductions in emissions are achieved through the use of Fabric Energy Efficiency performance, energy efficient services and through the use of low to zero carbon technologies, demonstrating compliance with the Building Regulations.

Building Regulations compliance with Part L1A and Part L1B, is achieved on all apartment buildings and houses. The applicants aim to use high performance building fabric solutions and systems have been proposed, together with PV arrays on the new build houses. The report determines that all dwellings will either have a 'slight; or 'not significant' risk of overheating in accordance with Part L of the Building Regulations and so should not require significant cooling.

The applicants have confirmed that to meet the submitted energy strategy the minimum provision from PVs on each detached building will be a minimum of 180kWhrs/yr. As an example this is enough to boil a kettle 1800 times. This can be utilised by the householders and/or exported to the utility provider, at the choice of the homeowner.

Aside from the physical construction, this scheme is located in a highly sustainable location, where walking and cycling are very realistic transport options for day to day life. This scheme therefore proposed 120 much needed homes within a location that is optimal for sustainable living.

In addition to this the scheme proposed 6 EV charging points that will encourage the uptake in EV's. A car club is also proposed on site allowing which will also offset the need to own one's own car if a resident wishes.

In short, in a climate emergency, this is exactly the sort of inherently sustainable development that the Council should encourage.

17.0 Conclusion and Planning Balance

- 17.1 The NPPF has three specific roles, Social and Economic and Environmental. In terms of the **social role** this scheme will have a positive impact by creating 120 dwellings which is a very positive contribution to the Council's Housing stock. It will also provide four affordable homes. This is clearly below the policy requirement of 20% but it is a contribution, nonetheless.

- 17.2 The renovation of the Listed Hospital Building and the Nurses Block along with the curtilage listed structures will also have social benefit as they are culturally important to the residents of Colchester. This scheme will secure their future use and long-term maintenance.
- 17.3 The proposal has taken an innovative approach to private and communal amenity space which is intended to foster a real sense of community and in turn that will further create a genuine enduring sense of place.
- 17.4 In terms of the **economic role**, this scheme will generate construction jobs for the lifetime of the construction phase many of which will be specialist trades due to the complexity of the project and the level of refurbishment needed to the number of heritage assets. It will then position 120 households close to local services which in turn will support local shops and businesses. This is a significant benefit of the scheme.
- 17.5 In terms of the **environmental role**, the previously developed site is in a highly sustainable location close to Colchester Town Centre. It is therefore supported by national intentions to prioritise the use of previously developed sites in sustainable locations for the delivery of housing and must be held to be preferable to releasing countryside for development on the edge of the town. It has generous cycle parking and a car club. There is also an ambition for significant tree planting and a high quality and biodiverse planting scheme to be installed. Solar PV's will help towards renewable energy generation.
- 17.6 It is acknowledged that the scheme will cause less than substantial harm to the setting of the main listed hospital block and to the Lexden Conservation Area but this must be weighted up against the public benefit of the scheme which is held to be significant.
- 17.7 In conclusion, this is a scheme that will secure the future of the buildings on this important site and will deliver 120 much needed residential units in a highly sustainable location. Whilst it could be argued that a scheme of a lower density could have a lesser impact on the Conservation Area and on the setting of the on-site Heritage Assets, the realistic chance of such a scheme being deliverable is very low. This scheme has been demonstrated to be financially marginal, but it is a scheme that the applicants say is deliverable even in this period of economic uncertainty. The scheme before Members is held that the planning balance tips in favour of an approval of this scheme.

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

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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 which may also be modified under delegated powers with respect to both the full application and the application for Listed Building Consent.

Conditions for 192828 (Planning Application). Detailed wording to be delegated to officers.

1. Time Limit for Full Permissions

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

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

2. Development to Accord With Approved Plans

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

- 4312-CA-00-XX-DR-A-PL01000 - SITE LOCATION PLAN
- 4312-CA-00-XX-DR-A- PL1103 - PROPOSED ZONE SITE PLAN
- 4312-CA-00-XX-DR-A- PL1002 - BLUE AND RED LINE OVERLAY
- 4312-CA-00-XX-DR-A- PL01110 - PROPOSED DETAILED PLAN @ LOWER GROUND FLOOR
- 4312-CA-00-XX-DR-A- PL01111 - PROPOSED DETAILED PLAN @ GROUND FLOOR
- 4312-CA-00-XX-DR-A- PL01112 - PROPOSED DETAILED PLAN @ FIRST FLOOR
- 4312-CA-00-XX-DR-A- PL01113 - PROPOSED DETAILED PLAN @ SECOND FLOOR
- 4312-CA-00-XX-DR-A- PL01114 - PROPOSED DETAILED PLAN @ THIRD FLOOR
- 4312-CA-00-XX-DR-A- PL01115 - PROPOSED DETAILED PLAN @ ROOF LEVEL
- 4312-CA-00-XX-DR-A- PL02101 - PROPOSED STREET ELEVATIONS – LEXDEN RD AND HOSPITAL RD
- 4312-CA-00-XX-DR-A- PL02102 - PROPOSED STREET ELEVATIONS – OXFORD RD AND GRAY RD
- 4312-CA-00-XX-DR-A- PL02105 - PROPOSED STREET ELEVATIONS – HOSPITAL CLOSE SOUTH
- 4312-CA-00-XX-DR-A- PL08201 – PROPOSED UNITS FLOOR AREA SCHEDULE

- 4312-CA-01-XX-DR-A – PL01101 – HOSPITAL BUILDING PROPOSED GROUND & BASEMENT FLOOR PLAN
- 4312-CA-01-XX-DR-A – PL01102 – HOSPITAL BUILDING PROPOSED FIRST & SECOND FLOOR PLAN
- 4312-CA-01-XX-DR-A – PL01104 – HOSPITAL BUILDING PROPOSED ROOF PLAN
- 4312-CA-02-DR-A – PL02101 – HOSPITAL BUILDING PROPOSED ELEVATIONS
- 4312-CA-02-XX-DR-A – PL01101 – NURSES HOME PROPOSED GROUND & BASEMENT FLOOR PLAN
- 4312-CA-02-XX-DR-A – PL01102 – NURSES HOME PROPOSED FIRST FLOOR PLAN
- 4312-CA-02-XX-DR-A – PL01103 – NURSES HOME PROPOSED SECOND FLOOR PLAN
- 4312-CA-02-XX-DR-A – PL01104 – NURSES HOME PROPOSED ROOF PLAN
- 4312-CA-02-XX-DR-A – PL02101 – PROPOSED ELEVATIONS – NORTH AND WEST
- 4312-CA-02-XX-DR-A – PL02102 – PROPOSED ELEVATIONS – SOUTH AND EAST
- 4312-CA-03-XX-DR-A – PL01101 – KITCHEN BLOCK PROPOSED GROUND FLOOR PLAN
- 4312-CA-03-XX-DR-A – PL01103 – KITCHEN BLOCK PROPOSED ROOF PLAN
- 4312-CA-03-XX-DR-A – PL02101 – KITCHEN BLOCK PROPOSED ELEVATIONS
- 4312-CA-4A-XX-DR-A – PL01002 – GUM BUILDING EXISTING FIRST FLOOR PLAN
- 4312-CA-4A-XX-DR-A – PL01101 – GUM BUILDING PROPOSED GROUND FLOOR PLAN
- 4312-CA-4A-XX-DR-A – PL01102 – GUM BUILDING PROPOSED FIRST FLOOR PLAN
- 4312-CA-4A-XX-DR-A – PL01103 – GUM BUILDING PROPOSED ROOF PLAN
- 4312-CA-4A-XX-DR-A – PL02101 – GUM BUILDING PROPOSED ELEVATIONS
- 4312-CA-4B-XX-DR-A – PL01100 – HOSPITAL RD ENTRANCE PROPOSED BASEMENT FLOOR PLAN

- 4312-CA-4B-XX-DR-A – PL01101 – HOSPITAL RD ENTRANCE PROPOSED GROUND FLOOR PLAN
- 4312-CA-4B-XX-DR-A – PL01102 – HOSPITAL RD ENTRANCE PROPOSED FIRST FLOOR PLAN
- 4312-CA-4B-XX-DR-A – PL01103 – HOSPITAL RD ENTRANCE PROPOSED ROOF PLAN
- 4312-CA-4B-XX-DR-A – PL02101 – HOSPITAL RD ENTRANCE PROPOSED ELEVATION
- 4312-CA-05-XX-DR-A – PL01100 – NE BLOCK PROPOSED LOWER GROUND FLOOR PLAN
- 4312-CA-05-XX-DR-A – PL01101 - NE BLOCK PROPOSED GROUD FLOOR PLAN
- 4312-CA-05-XX-DR-A – PL01102 - NE BLOCK PROPOSED FIRST FLOOR PLAN
- 4312-CA-05-XX-DR-A – PL01103 - NE BLOCK PROPOSED SECOND FLOOR PLAN
- 4312-CA-05-XX-DR-A – PL01104 - NE BLOCK PROPOSED THIRD FLOOR PLAN
- 4312-CA-05-XX-DR-A – PL01105 - NE BLOCK PROPOSED ROOF PLAN
- 4312-CA-05-XX-DR-A – PL02101 – NE BLOCK – PROPOSED ELEVATIONS – NORTH & EAST
- 4312-CA-05-XX-DR-A - PL02102 – NE BLOCK – PROPOSED ELEVATIONS – SOUTH & WEST
- 4312-CA-06-XX-DR-A – PL01100 – NW BLOCK PROPOSED LOWER GROUND FLOOR PLAN
- 4312-CA-06-XX-DR-A – PL01101 - NW BLOCK PROPOSED GROUND FLOOR PLAN
- 4312-CA-06-XX-DR-A – PL01102 - NW BLOCK PROPOSED FIRST FLOOR PLAN
- 4312-CA-06-XX-DR-A – PL01103 - NW BLOCK PROPOSED SECOND FLOOR PLAN
- 4312-CA-06-XX-DR-A – PL01104 – NW BLOCK PROPOSED ROOF PLAN
- 4312-CA-06-XX-DR-A – PL02101 – PROPOSED ELEVATIONS – NORTH & WEST
- 4312-CA-06-XX-DR-A – PL02102 - PROPOSED ELEVATIONS – SOUTH & EAST
- 4312-CA-06-XX-DR-A – PL02013 – PROPOSED ELEVATIONS – FF & GG & HH

- 4312-CA-21-XX-DR-A – PL01101 – TERRACE 21 – PROPOSED FLOOR PLANS
- 4312-CA-21-XX-DR-A – PL02102 – TERRACE 21 – PROPOSED ELEVATIONS
- 4312-CA-22-XX-DR-A – PL01101 – TERRACE 22 – PROPOSED FLOOR PLANS
- 4312-CA-22-XX-DR-A- PL02101 – TERRACE 22 – PROPOSED ELEVATIONS
- 4312-CA-23-XX-DR-A – PL01101 – TERRACE 23 – PROPOSED FLOOR PLANS
- 4312-CA-23-xx-DR-A- PL02101 – TERRACE 23 – PROPOSED ELEVATIONS
- 4312-CA-24-XX-DR-A – PL01101 – TERRACE 24 – PROPOSED FLOOR PLANS
- 4312-CA-24-XX-DR-A – PL02101- TERRACE 24 – PROPOSED ELEVATIONS
- 4312-CA-25-XX-DR-A – PL01101 – TERRACE 25 – PROPOSED FLOOR PLANS
- 4312-CA-25-XX-DR-A – PL02101 – TERRACE 25 – PROPOSED ELEVATIONS
- 4312-CA-26-XX-DR-A – PL01101 – TERRACE 26 – PROPOSED FLOOR PLANS
- 4312-CA-26-XX-DR-A – PL02101 – TERRACE 26 - -PROPOSED ELEVATIONS
- 4312-CA-27-XX-DR-A – PL01101 – TERRACE 27 – PROPOSED FLOOR PLANS
- 4312-CA-27-XX-DR-A – PL02101 – TERRACE 27 – PROPOSED ELEVATIONS
- 4312-CA-00-ZZ-DR-A – PL01111-P01 – PROPOSED GAS GOVENOR LOCATION
- 4312-CA-00-ZZ-DR-A – PL01154-PL0 – REFUSE STRATEGY
- 4312-CA-00-ZZ-DR-A – PL08130-PL0 – PROPOSED AMENITY SPACE CALCULATION
- 4312-CA-00-ZZ-DR-A – PL01038-PL0 – PRIVATE CAR PARK REQUIREMENTS & PROPOSED PRIVATE CAR PARK ALLOCATION
- WIE13027.100.R.14.1.1.TN14 – Highways Consultation Summary Note prepared by Waterman
- 2682/E/205 P3 – Lighting and CCTV Strategy prepared by Flatt Consulting
- P28961.1 003 Rev E – Tree Protection Plan

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

3.Construction Method Statement/ Construction Traffic Management Plan

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

the parking of vehicles of site operatives and visitors;
hours of deliveries and hours of work;
loading and unloading of plant and materials;
storage of plant and materials used in constructing the development;
the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
wheel washing facilities;
measures to control the emission of dust and dirt during construction;
and a scheme for recycling/disposing of waste resulting from demolition and construction works.

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

4.Highways

No occupation of the development (or phased occupation as may be agreed in writing) shall take place until the following have been provided or completed:

- a) The access arrangements as shown in principle on the planning application drawings
- b) Amendments to the on-street residents' parking and waiting restrictions (which require completion of a Traffic Regulation Order(s)) at and in the vicinity of the proposal site (details shall be agreed with the Local Planning Authority prior to commencement of the development)
- c) A dropped kerb and tactile paving in A1224 Lexden Road/Southway immediately west of the bus only lay-by to enable westbound cyclists to join the carriageway from the footway/cycleway under item d) below (details shall be agreed with the Local Planning Authority prior to commencement of the development)
- d) Conversion of the footway between the toucan crossing in Southway and item c) above to a shared footway/cycleway (details shall be agreed with the Local Planning Authority prior to commencement of the development)
- e) A dropped kerb and tactile paving at the toucan crossing in Southway on its eastern side to enable westbound cyclists to enter the cycleway under item d) above from the carriageway (details shall be agreed with the Local Planning Authority prior to commencement of the development).

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

5.Architectural Features

Prior to the installation of the relevant architectural features, additional drawings that show details of all architectural features to be used including materials and finishes, but not limited to, windows, doors, feature brickwork, reveals, copings, parapets, cladding, recessed rain water goods, rooftop railings, window surrounds, cills, lintels soffits, railings, extract and flue vent terminals, brick bonds and mortar joints. Appropriate material shall be submitted to and approved, in writing, by the Local Planning Authority. As appropriate, this may include drawings at a scale between 1:20 and 1:1, product information and samples. The development shall thereafter be implemented in accordance with the agreed details.

Reason: There is insufficient detail with regard to these features which are essential elements of the design.

6.Approval of Materials

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

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

7.SUDS

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

- Limiting discharge rates to 2.7 l/s (1 in 1 year storm), 3.2 l/s (1 in 30 year storm) and 3.6 l/s (1 in 100 year storm) for all storm events up to and including the 1 in 100 year rate plus 30% allowance for climate change with a sensitivity analysis for 40% climate change to ensure no flooding or impact on property on or off site.
- Demonstrate that all storage features can half empty within 24 hours for the 1:100 plus 30% climate change critical storm event.
- Final modelling and calculations for all areas of the drainage system.

- 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 surface water flooding and to mitigate any environmental harm that may be caused to the local water environment.

8.SuDS Maintenance Plan

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 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. SuDS Maintenance Logs

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.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).

11.Building Recording

Prior to the commencement of any works, a programme of building recording and analysis shall have been undertaken and a detailed record of the building shall have been made by a person or body approved by the Local Planning Authority and in accordance with a written scheme which first shall have been submitted to and approved, in writing, by the Local Planning Authority.

Reason: To secure provision for recording and analysis of matters of historical importance associated with the site, which may be lost in the course of works.

12.Landscaping – Bespoke Management

The landscape to communal/publicly accessible areas shall be managed in perpetuity; it will be competently managed and monitored and follow best landscape management practice principals. It will follow a maintenance schedule sufficient to keep it well maintained, safe, tidy and in a good state of repair. The maintenance schedule shall be drawn up and kept available for inspection and will include written schedules detailing the:

- Minimum number of maintenance visits per-annum
- Replacement of dead, dying or dangerous trees; dead, dying shrubs and distressed/failing turf.
- Weeding, spot treatment and irrigation of planted/grassed areas and topping up mulch.
- Grass cutting.
- Tidying of beds & pruning shrubs and trees.
- Removal of tree/shrub stakes, ties and guards when plants are stable/mature enough to no longer require support/protection.
- Litter and leaf litter clearance, including the safe picking and removal of animal faeces.

- Weed treatment, sweeping, snow clearance and tidying of hard landscaped areas
- The repair or replacement of defective hard landscape, fencing, gates and street furniture, including graffiti removal, and
- The regular inspection and emptying of dog and litter bins (timetabled to avoid overfilling).

Reason: In order to ensure that the landscape is adequately managed and maintained in accordance with current best practice for the enjoyment of future users and in the interest of visual amenity.

13.Landscaping – Bespoke

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

- Finished levels or contours, where changes are proposed.
- Means of enclosure.
- Car parking layouts.
- Other vehicle and pedestrian access and circulation areas;
- Hard surfacing materials.
- Minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, lighting etc.).
- Proposed and existing functional services above and below ground (e.g. drainage power, communications cables, pipelines etc. Indicating lines, manholes, supports etc.).
- 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.
- Written specifications (including cultivation and other operations associated with plant and grass establishment).
- 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.

14.External Light Fixtures

No external lighting fixtures shall be constructed, installed or illuminated until details of all external lighting proposals have been submitted to and approved, in writing, by the Local Planning Authority. Thereafter, no lighting shall be constructed or installed other than in accordance with those approved details.

Reason: To reduce the risks of any undesirable effects of light pollution.

15.Ecology

The scheme including the demolition on site shall be carried out in complete accordance with the provision of the ecology report P2896.4.1 including the mitigation section at chapter 5 (in particular 5.2 to 5.2.7) and the enhancements section paragraph 6 (points 1-5).

Reason: In the interests of the ecology and biodiversity on site and to ensure the site achieves biodiversity net gain.

16.Contaminated Land Part 1 of 4 (Site Characterisation)

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

- (i) a survey of the extent, scale and nature of contamination, including contamination by soil gas and asbestos;
- (ii) an assessment of the potential risks to:
 - human health,
 - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
 - adjoining land,
 - groundwaters and surface waters,
 - ecological systems,
 - archaeological sites and ancient monuments;
- (iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and the Essex Contaminated Land Consortium's 'Land Affected by Contamination: Technical Guidance for Applicants and Developers'.

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

17. 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

18. 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

19. 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 16, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 17 which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition 18.

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

20.Validation Certificate

Prior to the first OCCUPATION of the development, the developer shall submit to the Local Planning Authority a signed certificate to confirm that the remediation works have been completed in accordance with the documents and plans detailed in Condition 18.

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

21.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, the submitted AIA 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.

22.Limits to Hours of Work

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

Weekdays: **08:00-18:00**

Saturdays: **08:00-13:00**

Sundays and Bank Holidays: **No working**

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

23. Limits to Hours of Construction Deliveries/Worker Traffic

No construction deliveries to or from the site, worker vehicle movements, or construction work shall take place outside of the following times;

Weekdays: **08:00-18:00**

Saturdays: **08:00-13:00**

Sundays and Bank Holidays: **No deliveries**

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

24. 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. Refuse and Recycling Facilities

Prior to the first occupation of the development hereby permitted, refuse and recycling storage facilities for the units ready for occupation shall be provided in accordance with a scheme which shall have been previously submitted to and agreed, in writing, by the Local Planning Authority. 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. EV Charging points

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

Reason: To encourage the uptake of electric vehicles in the interest of sustainability and air quality.

27. Removal of PD for All Residential Extensions & Outbuildings

Notwithstanding the provisions of Classes A, B, C, D and E of Part 1 Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 (or the equivalent provisions of any order revoking and re-enacting that Order), no extensions, ancillary buildings or structures shall be erected unless otherwise subsequently approved, in writing, by the Local Planning Authority.

Reason: In the interest of visual amenity and to ensure the development avoids an overdeveloped or cluttered appearance.

28. Removal of PD for Open Plan Fences/Walls

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

Reason: In the interests of visual amenity with regard to the context of the surrounding area.

29.Retaining Garage for Parking

The garage accommodation forming part of the development shall be retained for parking motor vehicles at all times and shall not be adapted to be used for any other purpose, including other uses ancillary to the residential use, unless otherwise subsequently approved, in writing, by the Local Planning Authority.

Reason: To retain adequate on-site parking provision in the interest of highway safety.

Conditions for 192829 (Listed Building Consent)

1.ZAB - Time Limit for LBCs

The works hereby permitted shall begin before the expiration of 3 years from the date of this consent.

Reason: To comply with the requirements of Section 18(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.

2.Demolition

Demolition drawings to indicate the full extent of all proposed demolition together with a detailed scheme of the means of support in the interim shall be submitted to and agreed in writing by the LPA prior to the commencement of any elements of demolition. The works shall thereafter be implemented strictly in accordance with the approved details.

Reason: To ensure that the structural integrity and significance of the listed buildings is secured in accordance with s.16(2) of the PI (Lb & Ca) Act 1990.

3.Repairs to be agreed

A detailed programme for the conservative repair of the retained buildings (external and internal) shall be submitted to and agreed in writing by the LPA and implemented in accordance with the approved details prior to the initial occupation of the buildings. The programme shall include timescales for the execution of the works and a detailed schedule of repairs/specification for the windows (including sills, balconies and railings), doors (internal and external), roofs (including coverings, lanterns, ventilators, parapets, eaves, verges, ridges and hips), rainwater goods, chimneys, staircases, internal joinery, making good of newly exposed elevations following demolition, boundary walling (including coping details) and rendering.

Reason: To ensure that the significance of the listed building is maintained and enhanced through conservative repairs to the fabric of the listed buildings in accordance with s.16(2) of the PI (Lb & Ca) Act 1990

4. Protection of features during works

A detailed scheme identifying surviving internal features of historic and/or architectural interest (including but not limited to staircases, fireplaces, cornices and internal joinery) and setting out details of how the features will be protected and secured during the course of the works shall be submitted to and agreed in writing by the LPA. The scheme shall thereafter be implemented in accordance with the agreed details.

Reason: To ensure that the structural integrity and significance of the listed buildings is secured in accordance with s.16(2) of the PI (Lb & Ca) Act 1990.

19.0 Informatives

19.1 The following informatives are also recommended:

1.ZT0 – Advisory Note on Construction & Demolition

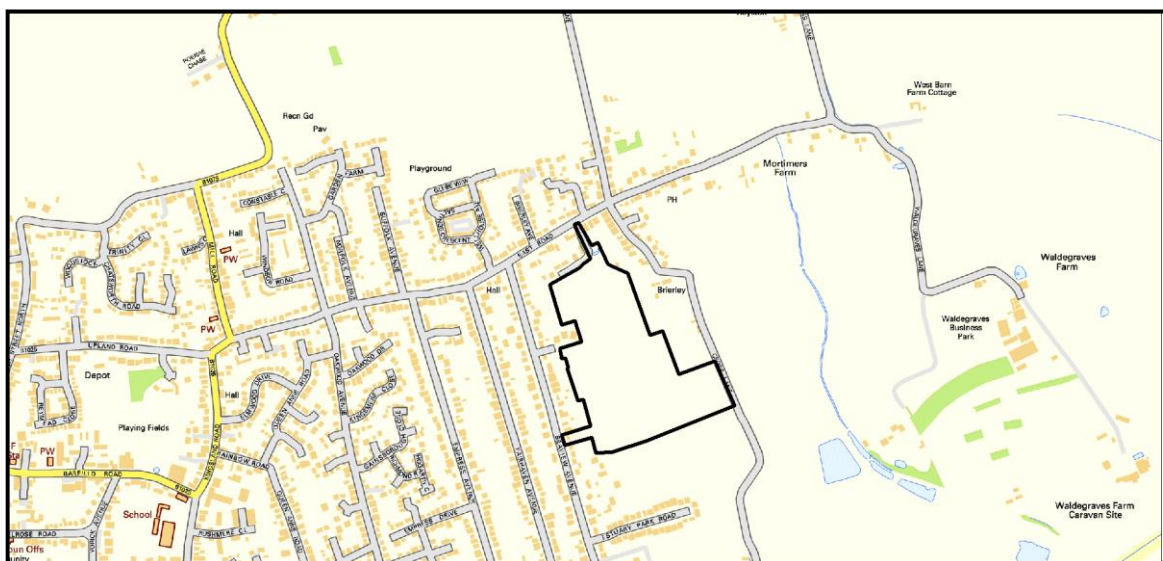
The developer is referred to the attached advisory note *Advisory Notes for the Control of Pollution during Construction & Demolition Works* for the avoidance of pollution during the demolition and construction works. Should the applicant require any further guidance they should contact Environmental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



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Item No: 7.2

Application: 200960

Applicant: David Poole For City and Country

Proposal: Application for approval of reserved matters following outline approval (192136) - Erection of 101 dwellings and 0.5 commercial D1/B1 uses with associated parking, public open space, landscaping, sustainable urban drainage system (SUDs)

Location: Land at, Brierley Paddocks, West Mersea

Ward: Mersea & Pyefleet

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 has been called in by Councillor Jowers for the following reason:

“Road access and layout requires review as a result of consultation”.

2.0 Synopsis

- 2.1 The key issues for consideration are the reserved matters from outline approval 192136, those being the layout, appearance scale and landscaping. The principle of development is not for determination having been approved by the outline permission earlier in the year.
- 2.2 The application is subsequently recommended for approval.

3.0 Site Description and Context

- 3.1 The application site is located at Brierley Paddocks, West Mersea.
- 3.2 The site measures 9.2 hectares and is currently in agricultural use. The site also incorporates 43 Seaview Avenue which is located to the east of the site set within a residential avenue. There is some planting in the form of established hedgerows and trees at the boundaries of the site.
- 3.3 The site is bounded on three sides by residential dwellings with Seaview Holiday Park to the south, which comprises approximately 90 static holiday caravans. The surrounding area is predominately residential. The surrounding dwellings comprise a mixture of semi-detached and detached, one storey, two storey and two and a half storey dwellings. The majority of dwellings are of 20th Century construction.
- 3.4 The site can currently be accessed from Brierley Paddocks leading from East Road. The scheme also proposed an additional access from Seaview Avenue to serve the site from the west. Both accesses are explored in the report below but the East Road access is existing and the Seaview Avenue pedestrian/cycle access requires the removal of an existing dwelling on Seaview Ave (number 43).
- 3.5 The site is within Flood Zone 1. The site is at a low risk of fluvial or tidal flooding and in accordance with the Technical Guidance that accompanies the NPPF, it is consequently suitable for all types of development from a flood risk perspective.
- 3.6 The site is not within any areas designated for their ecological importance but is close to areas that are designated. The site is located some 400m north of The Essex Estuaries Special Area of Conservation (SAC), which surrounds the island of Mersea. The site is also located approximately 1.9km south of the Colne Estuary Special Protection Area (SPA), National Nature Reserve (NNR) and Site of Special Scientific Interest (SSSI).

- 3.7 The site is not within nor adjacent to a Conservation Area. To the north of the site is Brierley Hall, a Grade II listed house built around 1800. An early C19 red brick garden wall to the northeast of Brierley Hall is also listed (Grade II). Two C17 timber framed barns to the south of Brierley Hall are also Listed (Grade II). These buildings are within the urban environment of Mersea and are viewed as part of the settlement.
- 3.8 The site is located within 1 mile of the settlement centre of West Mersea, which provides a number of local services and facilities, such as local shops, restaurants, a church and a community and sports centre.

4.0 Description of the Proposal

- 4.1 This application is for the approval of reserved matters following outline approval (192136) - Erection of 101 dwellings and 0.5 commercial D1/B1 uses with associated parking, public open space, landscaping, sustainable urban drainage system (SUDs). The matters for consideration are layout, appearance, scale and landscaping.

5.0 Land Use Allocation

- 5.1 The land is currently arable farmland.

6.0 Relevant Planning History

- 6.1 190200 an outline application for 201 dwellings was refused in 2019 under officer delegated powers.
- 6.2 192136 an outline application for 101 dwellings was approved in February 2020 by planning committee.

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
SD2 - Delivering Facilities and Infrastructure
SD3 - Community Facilities
CE1 - Centres and Employment Classification and Hierarchy
CE2 - Mixed Use Centres
H1 - Housing Delivery

- H2 - Housing Density
- H3 - Housing Diversity
- H4 - Affordable Housing
- 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
- DP12 Dwelling Standards
- DP14 Historic Environment Assets
- DP16 Private Amenity Space and Open Space Provision for New Residential Development
- DP17 Accessibility and Access
- DP18 Transport Infrastructure Proposals
- DP19 Parking Standards
- DP20 Flood Risk and Management of Surface Water Drainage
- DP21 Nature Conservation and Protected Lanes
- DP23 Coastal Areas
- DP25 Renewable Energy

- 7.4 The Neighbourhood Plan for West Mersea is currently being drafted but has not been published for consultation to date.

- 7.5 Submission 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 a full and final examination, it is not considered to outweigh the material considerations assessed above in accordance with up-to-date planning policies and the NPPF.

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

The Essex Design Guide
External Materials in New Developments
EPOA Vehicle Parking Standards
Affordable Housing
Community Facilities
Open Space, Sport and Recreation
Sustainable Construction
Cycling Delivery Strategy
Sustainable Drainage Systems Design Guide
Street Services Delivery Strategy
Developing a Landscape for the Future
ECC's Development & Public Rights of Way
Planning Out Crime

8.0 Consultations

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

8.2 Arboriculture Planner

Regarding the proposed development and the Arboricultural Impact Assessment provided, I am in agreement with the report provided.

8.3 Archaeologist

Conditions were imposed on the outline.

8.4 Contaminated Land

The matter was dealt with at outline stage and conditions were imposed.

8.5 Environmental Protection

Conditions requested, the majority of which were imposed on the outline so do not need to be repeated here on the reserved matters permission - apart from a noise condition that is recommended for inclusion at the end of this report.

8.6 Essex Police

Essex Police recently held a constructive consultation meeting with a representative from City & Country in relation to the proposed housing development at Brierly Paddocks, West Mersea.

Essex Police would be keen to work with the applicant to ensure this development is a safe place for people to live and visit, we hope to hear from the applicant relating to this in due course.

8.7 Essex Wildlife Trust

Conditions requested regarding the provision of swift bricks, sparrow terraces and an ecological management plan (EMP). It is noted that the EMP has been secured by condition on the outline and the addition of swift brick/bat boxes and sparrow terraces will be dealt with via the discharge of that condition.

8.8 Historic Buildings and Areas

No objection.

8.9 Historic England

No objection.

8.10 Landscape Advisor

No objection, suggestion of elements of existing landscape drawing that needs to be bolstered have been suggested and conditions requested.

8.11 Lead Local Flood Authority (ECC SuDS)

No objection – conditions already imposed on outline.

8.12 Natural England

No objection.

8.13 NHS

Financial mitigation requested (this was secured in the Legal Agreement pursuant to the outline permission).

8.14 Office for Nuclear regulation

No objection.

8.15 Urban Designer

No objection.

9.0 Parish Council Response

- 9.1 West Mersea Town Council commented on the original submission and their original representation can be read in full on the website. Following the re-consultation West Mersea have stated:

Objection

West Mersea Town Council has studied the submitted amended drawing submitted on 26th June and examined the associated documents.

The Council does not consider that they address the principal concerns previously expressed.

The reasons are set out below taking account of proposed revisions.

Lack of Conformity

1. There remains Inappropriate proximity to existing housing stock: current plans despite some minimal alignment will still have a substantial impact on established housing in Seaview Avenue particularly near Farthings Chase. It is over-bearing, out-of-scale and out of character in terms of its appearance due to the relative high density in one part of the proposed site and layout compared with existing development in the vicinity.
2. Plan is not in accordance with Colchester Planning and Design DP1 Design and amenity: re. privacy, overlooking, security, noise, and disturbance.

On specific details

Attention is drawn to the comment by Urban Design Consultation of 2nd July. They express concerns about the proposed landscape strip “which will be difficult to access for maintenance. Creating an access through the strip, albeit gated, could compromise security.”

Council is concerned about overlooking, security, noise, and disturbance in accordance with Colchester Planning DP1 Design and Amenity. NPPF sec 12 Para 127F which states: “Create spaces are safe... and where crime and disorder and the fear of crime do not undermine the quality of life.” In this respect the Council would like confirmation that the site layout has the approval of the police and that the built environment will have the effect of reducing the potential for crime and the fear of crime as laid out in the guidelines under Secured by Design (SBD) and the Crime Prevention Through Environmental Design (CPTED) process.

There is unacceptably high density / over-development in one corner of the site – WMTC objects to the number of houses placed in one corner of the site in proximity to Farthings Chase despite the removal of an apartment block from the boundary of one property.

Whilst recognising that the developer has proposed a landscape buffer, we strongly feel that this buffer needs to be wider, both to separate from the development but to allow maintenance.

Effect of the development on the character of the neighbourhood: not in keeping with the current housing stock in Seaview Avenue, most of the affordable apartments and lower priced housing will be squeezed into one small area. The Council would like to see some further adjustment to the site plan to help in this respect.

The proposed higher density compared to the general site behind established properties: apartments and houses planned are in some cases 5 metres from the borders of gardens in Seaview Avenue. Is there some way that this could be avoided or reduced in scale?

Seedbed Centre: The developer's commitment to the proposed commercial 'seed-bed' centre is now needed, since this element of the development appears to be now subject to commercial criteria.

The Council and residents are concerned that the new cul-de-sac location by Farthings Chase could become an unofficial footpath from the affordable apartments through to Seaview Avenue. We would like to see how this potential problem could be resolved at the planning stage. Any proposals would need to conform to the previously mentioned SBD and CPTED guidelines.

Whilst assessing the road widths and cul de sac formation of the layout plan there is some concern over the accessibility of emergency vehicles to the proposed site.

Affordable Homes:-We seek that the management of the affordable homes is granted to a local organisation for the benefit of local and Borough residents.

The affordable housing still does not appear to be integrated into the market housing as required under Policy DM8 but concentrated near Seaview Avenue properties and near Farthings Chase. There is no affordable housing near Cross Lane.

WMTC would like:

- Assurances that the Cross Lane as the Eastern Settlement Boundary will be adhered to.
- No extension of working hours should be allowed due to the proximity proposed to existing properties. This could lead to an unacceptable level of disturbance both from noise and vehicular traffic.

The Council assumes that the development conforms with current parking standards in relation to the number of spaces provided. However, there is a concern that any overspill into Seaview Avenue could present a serious problem at busy times of the year as this represents one of the main thoroughfares to the beach and facilities.

Summary- Until such time as the developer can offer re-assurances in respect of the objections raised then the Council must object to this application.

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 The Council received 81 letters of objection and 15 general comments from neighbours and from the 'Stop 350' campaign group. Some of these are very detailed and it is beyond the scope of this report to set them out in full however they can all be read in full on the Council's website. In summary, they objected to the scheme on the following basis:

- The scheme will harm my amenity.
- The scheme will overlook, overshadow and or will be oppressive to me.
- The scheme is out of character with the area.
- The houses should be moved toward the sea (south) end of the site.
- The houses should be moved toward Cross Lane.
- Why is the Public Open space to the south?
- The new dwellings are a security risk.
- The layout creates a potential cut through.
- The layout puts too many houses near to my home.
- Semi-detached dwellings and flats are near to my detached house and that is out of character.
- Consequences of this development upon the health and wellbeing of the Island community. Contrary to policy CBC Policies DM1 Health and Wellbeing also Policy DP2.
- Over development on the western side of the site and contrary to policy DP1
- Doubt of supply of affordable housing for Mersea people.
- Access to Cross Lane not shown.
- Security issues with existing layout contrary to Policy DP1 sub para. Iv and with the layout as amended.
- Working hours on site must be restricted very carefully to avoid disturbance to adjoining properties.
- Dark Skies, street lighting must be carefully shielded and switched off at night as ECC lighting.
- There is more open space than the outline required.
- There is not enough parking for the larger dwellings.
- Will this be adopted?
- Who will manage the open space and the planting belt?
- The pond will be removed.
- Trees at the entrance will be removed.

10.3 The following issues were also raised but are not material to this application for reserved matters:

- One hundred and one dwellings is too dense on this site.
- This scheme should wait for the Examination of the Local Plan.
- The developers do not own the access/the access is in doubt.
- The GP's surgery and commercial building shown on the plan will not be needed.

11.0 Parking Provision

11.1 The layout provides a scheme that complies with adopted parking standards.

12.0 Accessibility

12.1 As per the requirements of the legal agreement, the affordable housing will all be built to Building Regs 2015 Part M4 Cat 2 standards which are capable for wheelchair conversion and one dwelling will be a fully wheelchair accessible M4 Cat 3 (2b) dwelling.

13.0 Open Space Provisions

13.1 The Legal agreement requires the developer to provide 2.8ha of public open space on site and this layout complies with this requirement as 3.1ha are provided.

14.0 Air Quality

14.1 This is a matter of principle that was dealt with at outline stage. 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 reserved matters application, there are no planning obligations these having been dealt with at outline stage.

16.0 Report

16.1 The main issues in this case are the reserved matters from outline approval 192136:

- Layout
- Appearance
- Scale
- Landscaping
- Other Matters

Layout

This is a low-density scheme, which is appropriate given the built context, which facilitates compliance with various metrics and provides a sense of spaciousness. At the same time, the scheme successfully delivers good enclosure/definition of spaces with many dwellings set within shallow front garden plots providing a strong building line.

A number of the representations are concerned that the scheme is denser to the western side of the application site than to the east. Adjacent residents would prefer if this arrangement was reversed. Whilst a number of amendments have been made to the layout (which will be discussed below), officers would discourage switching the density in the manner suggested by some neighbours. This is because as an edge of settlement site, it is expected that the layout responds directly to the context. This logically suggests the density should be loosest at the rural edge (i.e. closer to Cross Lane) and then denser towards the existing settlement edge. This will prevent a hard, urban edge to Cross Lane which is important in the Coastal Protection Belt.

Other representations ask 'why there is so much space towards the south of the site'. There are two reasons for this arrangement. Firstly, the infiltration-based SuDS system drains towards this area due to existing land levels.

Secondly, the overall concept for the layout is one where the generous public open space is not just a field you can play on (although that is catered for) but is a green conduit that residents and visitors can move along and can pass through. In that respect, the main open space where play facilities are located will sit in a sensible location between the southern end of the north/south green corridor and the eastern end of the east/west axis of green. The layout can be considered a L-shape of open space linking the access to east road to the north to the pedestrian/cycle access to Seaview Avenue in the South west, forming the layout that is before members now.

Commercial / Surgery

These buildings are well-integrated, providing continuity of built frontage and sympathetic use of materials and styling.

Parking

Parking is well-handled, is not dominant in the streetscene with a mix of solutions and is generally unobtrusive. Some parking spaces are tucked away in parking courts, some are on plot and some sit on plot in pergolas/garages. A detail of the pergolas proposed have been provided to demonstrate that they will be robust and durable. Representations have noted that the larger dwellings should have more parking, but what has been provided accords with the adopted standards and therefore there is no reason to require more.

Regarding the commercial/surgery element, the parking is also tucked to the rear and will not be dominant in the streetscene. There are 44 spaces provided and as commercial units have a maximum standard this is held to be a generous provision.

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The surgery has 30 spaces with six of these spaces allocated as disabled bays with significant room around each space and sited in locations closest to the surgery. The commercial unit has 14 spaces.

There are no details of the cycle parking at this stage however there is ample space on site for secure and covered cycle parking in close proximity to the surgery and commercial entrances. Electric bicycles are catered for in the main car park.

Highways

It is noted that the applicants have confirmed that this site will not be offered for adoption to Essex County Council and will therefore be wholly private. With the main access point to East Road already approved via the outline, the Highway Authority have no objections to the layout which is held to a good balance of workable highway geometry without appearing over-engineered or car dominant. It has been designed to be a place where walking and cycling are well catered for. The layout and swathe of open spaces through the centre of the site that leads to the dedicated pedestrian and cycle access into Seaview Avenue will encourage active travel and will incentivise walking and cycling due to the connectivity benefits over car use the layout affords.

There is good use of gentle curves to the alignment of the spine road echoed with inflexion of the building line, and a welcome informality to the shared drives. This informality reduces the visual dominance of the highway infrastructure. It is supported by 'Manual for Streets' and can significantly aid placemaking. The spine road's narrow, remote footpath linking with shared drives is also considered an inventive and welcome feature to be supported.

The applicants have confirmed that the layout meets the requirements for fire safety and emergency vehicles which are required by the Building Regulations.

Amenity Provision

This scheme is low density and that has afforded the developers the ability to provide good quality amenity space throughout. The space provided to each dwelling is generous throughout and, in some instances, is far in excess of the adopted policy standard requirements of DP16. Some of the dwellings have gardens that, by current standards, are very large – for example over 800m square in one instance and a number are over 400m square. This does not just apply to the larger detached houses to the west of the site, as many of the smaller detached and semi-detached houses have gardens over 120m and 130m square. The two small apartment blocks also have generous spaces; each ranging from 50m square to 114m square per flat. This is well in excess of the space requirements of our adopted policy.

Impact on Amenity

The layout proposed has been revised following the initial submission due to the concerns of the neighbours. The scheme as submitted has back to back distances considerably in excess of the 25m that is required by the Essex Design Guide – between 40 to 50 meters in most instances, a number of the neighbours requested

that some of the buildings be re-oriented and a planting belt between the existing boundary and the new boundary be installed to further provide them further space and screening. This was not something that officers considered to be a requirement as the plans as submitted were more than policy compliant, but the message was passed onto the developers nonetheless.

The developers have decided to attempt to satisfy some of the neighbours requests where they felt they could. This has resulted in a re-jigging of the layout. Dwellings have been turned at right angles so a number are now to the site boundary instead of back to back with the neighbours on Seaview Avenue. They have also sought to provide a 5m deep planting belt between the development and numbers 13 to 41 Seaview Ave. This belt also surrounds Farthings Chase. It will be dealt with via a bespoke condition to ensure it is planted, maintained and managed.

There is a small section of the planting belt that does not appear fully fenced off (this is towards the rear of 27 Seaview Ave). It is suggested that the precise boundary treatment in this location will be dealt with via a condition.

The layout as proposed is low density and would not cause materially harmful overlooking, loss of light or oppressiveness to neighbouring amenity in the opinion of officers.

Secure By Design

It was felt by some neighbours that the original layout as submitted left the chance for residents to cut through the estate via Farthings Chase to Seaview Avenue. Officers considered that with new boundary treatment this issue would have been unlikely, but the developers have discussed this with the Police Planning Team and the re-orientation of buildings and the provision of the planting belt is held to be a physical barrier that will now ensure this is unlikely to happen.

Following the reconsultation some of the neighbours are still dissatisfied with the scheme and are concerned that the planting belt will not provide sufficient protection and are also concerned about its maintenance. This has been carefully considered and in response buildings have been reoriented and a planted belt proposed, the erection of additional walls are not considered necessary.

The Police who originally raised concerns, now have no objection to the scheme.

Affordable Housing

It is noted that the Legal Agreement requires a detailed schedule of the affordable housing to be provided on site to be provided (in the Legal Agreement as 'The affordable housing scheme'). In this instance the affordable housing on site has been agreed with the Council's Affordable Housing Officer and is shown in the drawing pack.

Lack of compliance with Emerging Policy DM8 of the emerging plan has been cited by objectors.

That states:

“The affordable housing provision should proportionately reflect the mix of market units unless otherwise specified by the Local Planning Authority. In schemes over 15 units the affordable housing should be provided in more than one single parcel”.

In this instance the affordable housing is laid out in three parcels, either side of spine road the road as shown on drawing CC08 PL07 B. The scheme provides for a wide range of housing types and sizes. This reflects the Borough’s needs insofar as it accords with the size of houses set out within the Strategic Housing Market Assessment (SHMA 2015). The affordable housing provision matches the Council’s request for those properties in most need, which has been agreed with the Council’s Affordable Housing Officer. Details of this mix are further detailed within the submitted Affordable Housing Statement (May 2020).

In design terms the scheme is tenure blind so the affordable housing will appear as the same design quality as the open market housing. This means the affordable housing has been designed to be faced using the same palette of materials. The affordable housing is distributed to be delivered in the earlier phases in accordance with the requirements of the legal agreement. Whilst the properties are integrated within the market housing, affordable housing providers are also mindful of management and having properties which are adjoining and close to each other. The proposals are considered to provide an appropriate response and this is held to be acceptable in policy terms.

Open Space

There is marginally more open space provided on site than was noted at outline stage, 3.1ha as opposed to 2.8ha. Whilst the representation noting this have been carefully considered, the provision of more open space that is required is held to be a significant public benefit of the scheme.

The Pond and Trees at the Brierley Paddocks Access Point

The drawings demonstrate that the proposed footway skims the edge of the existing pond to the north of the site. In practice, this scheme would require the removal of part of the pond. As noted before the applicants maintain that the rights they have to form an access would allow them to make changes to the pond but they do not intend to remove the whole pond.

One of these measures is to explore the potential for redesigning the roadway which will enable pond to remain unchanged. The developers (and they say the BP residents also) understand however that this will require further discussions and another planning application so that the scheme delivered is in line with approved drawings.

The pond in question was surveyed as part of the outline application and it was identified as “average”. It was confirmed as not being suitable for protected species such as great crested newts. The report also noted that the pond was not extensively used by waterfowl, notwithstanding representations that say it is used by

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ducks. The drawings as presented do not remove the pond. They do show that an element of remodelling is required and as currently drawn, the pond will reduce slightly in size, but there is no suggestion that the pond will be removed in its entirety.

The developers have advised officers that they have spoken to the residents as part of the ongoing discussions. They confirm that in the event that the pond cannot be avoided, should they wish the pond to be extended to the east, to maintain the current size, the developers could action this. There certainly appears to be enough land to the east to enable this to happen. As the developers do not own or control that land, the Council could not impose a condition on this permission to require this to happen however.

Regarding the trees, there are a number of immature specimens that stand in a line along the access. The consented access drawing that formed part of the outline application shows that it is necessary for these trees to be removed in order to construct the consented access arrangements. The developers have however stated that they, together with the Brierley Paddocks residents will continue to explore ways to retain at least the first tree on the left hand side (which is closer to the boundary of 78 East Rd than the others).

The developer has stated the following items are currently being discussed with the Brierley Paddocks residents:

- 1. We have offered to explore with the BP residents (and the Council as necessary) ways in which we can reduce the width of the roadway and footpaths passing the BP properties. This will provide an opportunity to increase the level of landscaping either side of the access and redesign the landscape and identify where lost trees can be replaced. All parties acknowledge that it will involve the need for a further planning application.*
- 2. We have offered to explore the precise design of the road position and how the pond can be retained at its current size and location. This may well depend on the outcome of the discussions with point 1. If it is not feasible to reduce the roadway/footpath, we have asked the residents if they wish to see the pond extended to the east in order to maintain its current size.*
- 3. We have offered to ensure that when we are agreeing the bin collections with CBC, that the BP residents bins (which are currently dragged to East Road) are also included in this collection route.*
- 4. We have offered to explore further the design of the current turning head (which won't be required as a turning head once the development is in place) and agree how this space can be amended/extended to provide two parking spaces for visitors to BP residents only.*
- 5. Providing suitable vehicular access into BP adjacent to no. 1 BP will be included in any detailed design of the road, including the required*

provision of dropped kerb to cross the footpath and access the road. BP residents will not be required to bump up or down any full size kerbs.

- 6. We have offered to explore the location of the sewage pump and determine whether that can remain in its current position. We have also asked the BP residents whether they want us to investigate whether it is viable to connect them to our foul drainage system.*
- 7. The BP residents are in the process of considering how they want their existing green space secured (fence etc.) to ensure that there is no doubt that the green space is private and for use by BP residents only. This area is not part of our application.*
- 8. Referring specifically to the frontage to the access outside No.1 BP, we have asked whether the owners want to discuss how this boundary is treated or whether they are content with the current hedge.*

It must be noted that these items all fall on land that the applicants do not own. They have therefore provided this list in the interests of neighbourliness, so Members are fully aware of the discussions that are ongoing. It is not possible to condition these items as the developers do not own the land on which the various elements sit, but it is important that Members are fully aware that these points are being taken into consideration by the developer in a constructive manner.

Access to Cross Lane

Representations have raised the access to Cross Lane as an issue. It is intended that a pedestrian access point to the public open space is located on the eastern boundary of the site with Cross Lane and this is required by the Legal Agreement. This is acceptable and will increase pedestrian permeability and provide direct links on foot to Cross Lane. Having a secure and impenetrable boundary with Cross Lane would not allow for permeability and therefore the scheme as set out is acceptable in that regard. The specific detail of the connection will be dealt with via the landscaping condition.

Appearance

The proposed house types are generally vernacular derived in style and reasonably well-articulated/detailed, well-mannered and unobjectionable. Following negotiations, a change to stock brickwork should further raise the quality of the appearance of the buildings.

In terms of the commercial buildings, they are well-integrated, providing continuity of built frontage and sympathetic use of materials and styling. They are also vernacular type buildings with hipped roofs in a single storey format which is held to be appropriate in this context.

The commercial unit is a single detached block of 477m² in floorplan. No details of the internal layout are provided at this stage as that will be determined by the end user. The surgery building does have a layout and is divided into the various rooms one would expect in a surgery building.

It is noted that many of the representations received cite doubts over the delivery of the surgery on site and/or the delivery for the commercial element. That is not a matter for consideration at this stage.

Materials

It is fair to say that in this part of Mersea there is no overarching architectural character in terms of materials and the surrounding roads have an eclectic mix of brick in different colours and types, cladding and render. The applicant has therefore proposed a mix of materials to reflect this character.

The proposed wall facing materials to be used include a mix of brick and render. The brick type has been changed following negotiation to a stock brick by Forterra with a mix of 'Autumn Glow Multi' which is an attractive red multi brick or similar and 'Ardleigh Yellow stock' which is a soft yellow or similar. Roof tiles are to be the Weinerburger Actua system in red and grey colours or similar. A condition will be imposed to secure these dependent on brick and tile supply.

A number of the house types have a half render half brick arrangement on the walls which is not something that is usually encouraged but does actually occur in the vicinity. It will also break up the elevations visually and provides visual variety to the similar house types. In this instance it is therefore held to be acceptable.

Setting of Heritage Assets

In terms of the setting of listed buildings, the In-house Historic Buildings and Areas Officer has provided the following comments:

The application seeks approval of reserved matters of outline approval 192136. The proposed development's impact on the nearby listed buildings (Brierley Hall and Brierley Hall Barn) was a more pertinent material consideration for the review of application 192136 and the decision about the site's development in principle. The masterplan that was approved by that permission proposed an open space zone to the north area of the site that borders Brierley Hall Barn, as form of heritage impact mitigation. This open space is included in the present application's masterplan, satisfying thus the mitigation requirement that was set out when application 192136 was reviewed and decided. At the same time, by virtue of their scale, height and massing, the buildings that are set in the north area of the site (Commercial building and units 39, 40 and 41) are not expected to have any adverse impact on the setting of Brierley Hall Barn by appearing visually unobtrusive when seen at the backdrop of the listed building.

Scale

This scheme is wholly two storey scheme across the residential element. The commercial and surgery building on the other hand are both single storey. This is held to be in character with the area and is acceptable.

Landscaping

The layout of the landscaped areas are positive and the specifics will be dealt with via condition, but the landscaping plan supplied at this stage is an encouraging starting point.

The Drainage Statement (DS) is as previously submitted and although generally good with water kept on the surface and dealt with close to the source (i.e. throughout the site). Officers have previously expressed reservations about the somewhat un-natural/'over-engineered' appearance of the contours which did not seem to resonate strongly with some of the reference images in the Drainage Statement. The detailed landscaping condition proposed will pick this issue up.

Climate Emergency

The Council has declared a Climate Emergency and has committed to being carbon neutral by 2030. The purpose of the planning system is to contribute to the achievement of sustainable development as defined in the Framework. Achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways. These are economic, social and environmental objectives. Consideration of this application has taken into account the Climate Emergency and the sustainable development objectives set out in the Framework.

It was considered that this scheme comprised sustainable development at the outline stage and that is still the case with this reserved matters submission. As was intended at outline stage, the scheme has a layout with large areas of open space, room for tree planting that will be secured by condition and a layout that prioritises the pedestrian and cyclist. It is considered that the application represents sustainable development.

17.0 Conclusion

17.1 To summarise, essentially this is an intelligent and robust proposal that makes good use of the opportunities of the site in delivering a relatively low-density mixed use scheme. It incorporates some worthy design features that aid placemaking and protect the amenities of neighbouring properties. The landscaping scheme is incomplete (design and planting details) however the submitted drawings present a good starting point for development of a scheme. The applicants have amended the scheme to attempt to soften the impact of the proposal on a number of the neighbours and that is welcomed by officers. The scheme is held to constitute good design and therefore the planning balance tips in favour of an approval.

18.0 Recommendation to the Committee

18.1 The Officer recommendation to the Committee is for:

APPROVAL of planning permission subject to the following conditions with delegation to officers on the precise wording:

1.Reserved Matters Applications

The reserved matters planning permission hereby granted is given in accordance with the terms of the outline planning permission reference 192136 relating to this site and the conditions attached thereto remain in force.

Reason: In order to comply with Section 91 (1) and (2) of the Town and Country Planning Act 1990 as amended by section 51 of the Planning and Compulsory Purchase Act 2004.

2.Development to Accord With Approved Plans

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

001 Site Location Plan - 17003/OPA1-001 Rev 00
CC008-910-01 Rev 00 HT-910a Plans and Elevations 2bed Rev 00
CC008-910-02 Rev 00 HT-910b Plans and Elevations 2bed Rev 00
CC008-1016-01 Rev 00 HT-1016 Plans and Elevations 3bed Rev 00
CC008-1203-01 Rev 00 HT-1203a Plans and Elevations 3bed Rev 00
CC008-1203-02 Rev 00 HT-1203b Plans and Elevations 3bed Rev 00
CC008-1286-01 Rev 00 HT-1286 Plans and Elevations 3bed Rev 00
CC008-1465-01 Rev 00 HT-1465 Plans 4bed Rev 00
CC008-1465-02 Rev 00 HT-1465 Elevations Rev 00
CC008-1596-01 Rev 00 HT-1596 Plans 4bed Rev 00
CC008-1596-02 Rev 00 HT-1596 Elevations Rev 00
CC008-1747-01 Rev 00 HT-1747 Plans 4bed Rev 00
CC008-1747-02 Rev 00 HT-1747 Elevations Rev 00
CC008-1750-01 Rev 00 HT-1750 Plans 3bed Rev 00
CC008-1750-02 Rev 00 HT-1750 Elevations Rev 00
CC008-2014-01 Rev 00 HT-2014 Plans 4bed Rev 00
CC008-2014-02 Rev 00 HT-2014 Elevations Rev 00
CC008-2089-01 Rev 00 HT-2089 Plans 4bed Rev 00
CC008-2089-02 Rev 00 HT-2089 Elevations Rev 00
CC008-2200-01 Rev 00 HT-2200 Plans 5bed Rev 00
CC008-2200-02 Rev 00 HT-2200 Elevations Rev 00
CC008-Apt1-01 Rev 00 Apartment 1 Plans 1_2bed Rev B
CC008-Apt1-02 Rev 00 Apartment 1 Elevations Rev A
CC008-Apt2-01 Rev 00 Apartment 2 Plans Rev B
CC008-Apt2-02 Rev 00 Apartment 2 Elevations Rev A
CC008-BT-01 Rev 00 Boundary Treatment Details Rev 00
CC008-CO-01 Rev 00 Commercial Plans Rev 00
CC008-CO-02 Rev 00 Commercial Elevations Rev 00
CC008-CP-01 Rev 00 Single Carport – Store Rev 00
CC008-CP-02 Rev 00 Double Carport - Store Rev 00
CC008-CP-03 Rev 00 CP1 Double Carport Side Rev 00

DC0901MWeV9.3

CC008-CP-04 Rev 00 CP2 Single Carport Side Rev 00
 CC008-CP-05 Rev 00 CP3 Double Carport Link Rev 00
 CC008-CP-06 Rev 00 CP4 Single Carport Link Rev 00
 CC008-CP-07 Rev 00 CP5 Double Carport Rev 00
 CC008-CPT-01 Rev J Concept Layout Rev J
 CC008-HA-910-01 Rev A HA-910A Plans and Elevations Rev A
 CC008-HA-910-02 Rev A HA-910b Plans and Elevations Rev A
 CC008-HA-1016-01 Rev A HA-1016 Plans and Elevations Rev A
 CC008-HA-1081-01 Rev A HA-1081 Plans and Elevations Rev A
 CC008-HA-1200-01 Rev A HA-1200a Plans and Elevations Rev A
 CC008-HA-1200-02 Rev A HA-1200b Plans and Elevations Rev A
 CC008-PG-01 Rev A 2 & 3 Bay Parking Pergola Rev A
 CC008-PG-02 Rev A 4 Bay Parking Pergola Rev A
 CC008-PL-02 Rev 00 Detailed Layout Rev D
 CC008-PL-03 Rev 00 Colour of Materials Plan Rev D
 CC008-PL-04 Rev 00 Soft and Hard Landscaping Rev E
 CC008-PL-05 Rev 00 Phasing Plan Rev E
 CC008-PL-06 Rev 00 Garden Areas Plan Rev D
 CC008-PL-07 Rev B Ha Location Plan Rev B
 CC008-SU-01 Rev 00 Surgery Plans Rev 00
 CC008-SU-02 Rev 00 Surgery Elevations Rev 00
 CO008-ST-01 rev A Proposed Street Elevations A B C Rev D
 OAS 18-019-TS01 Tree Constraints Plan Rev.
 OAS 18-019-TS02 Tree Constraints Plan Rev.
 OAS 18-019-TS03 Tree Constraints Plan Rev.
 Reason: For the avoidance of doubt and to ensure that the proposed development is carried out as approved.

3.Landscaping

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

- Finished levels or contours, where changes are proposed.
- Means of enclosure.
- Car parking layouts and other vehicle and pedestrian access and circulation areas;
- Hard surfacing materials.
- Minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, lighting etc.).
- Proposed and existing functional services above and below ground (e.g. drainage power, communications cables, pipelines etc. Indicating lines, manholes, supports etc.).
- 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)

- Retained historic landscape features and any proposals for restoration.
- Planting plans.
- Written specifications.
- Schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate.
- Implementation timetables and monitoring programs.
- Position of footpaths and connection to Cross Lane

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.

4.Landscape Buffer / Tree Belt Condition

No above ground works shall take place until full details of the 5m+ deep landscape buffer / tree belt along the western boundary have been submitted to and approved in writing by the Local Planning Authority. These details shall include, as appropriate:

- details of all walls, fences and railings
- planting plans
- schedules of plants, noting species, plant size and proposed numbers/densities
- implementation timetable

Reason: To safeguard the provision of amenity for existing and proposed residents.

5.Landscape Management Plan and implementation of Buffer

Prior to the first occupation of the development, a landscape management plan including long term design objectives, management responsibilities and maintenance schedules for the landscaped buffer between the site and the western boundary shall be submitted to and approved in writing, by the Local Planning Authority. The planting of the buffer and the landscaping management plan shall thereafter be carried out as approved and the buffer shall be managed as per the management plan at all times.

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

6.Noise

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 dwellings adjacent to the site entrance from vehicle movements in relation to BS8233 shall be submitted to and approved, in writing, by the Local Planning Authority. Where exposure exceeds the current BS8233 noise levels indoors and 55dBLAeq 8 hours in gardens (day, 07:00-23:00, outside) mitigation measures must be proposed. 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 existing residents by reason of the traffic entering and leaving the site.

7.Materials To Be Agreed

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

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

8.External Light Fixtures TBA

No external lighting fixtures shall be constructed, installed or illuminated until details of all external lighting proposals have been submitted to and approved, in writing, by the Local Planning Authority. Thereafter, no lighting shall be constructed or installed other than in accordance with those approved details.

Reason: To reduce the risks of any undesirable effects of light pollution.

9.Cycle Parking TBA

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

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

10.Vehicle Parking

Prior to the first occupation of the development, either residential or commercial, the vehicle parking area/spaces indicated on the approved plans, including any parking spaces for the mobility impaired, shall have been hard surfaced, sealed, marked out in parking bays and made available for use to the satisfaction of the Local Planning Authority. The vehicle parking areas shall be retained in this form at all times and shall not be used for any purpose other than the parking of vehicles that are related to the use of the development.

Reason: To ensure that there is adequate parking provision to avoid on-street parking of vehicles in the adjoining streets in the interests of highway safety.

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

Notwithstanding the provisions of Classes A, B, C, D and E of Part 1 Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 (or the equivalent provisions of any order revoking and re-enacting that Order), no extensions, ancillary buildings or structures shall be erected unless otherwise subsequently approved, in writing, by the Local Planning Authority.

Reason: In the interest of visual amenity, neighbouring amenity and to ensure the development avoids an overdeveloped or cluttered appearance.

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

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

Reason: In the interests of visual amenity with regard to the context of the surrounding area.

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. Landscaping

'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)'.

| | | | |
|-----------------------|--|---------------|---------------------|
| Report of | Assistant Director of Place and Client | Author | Karen Syrett |
| Title | Applications Determined in Accordance with Officer Scheme of Delegation | | |
| Wards affected | All | | |

1. Executive Summary

- 1.1 This report gives details of the applications which have been made since the last meeting in accordance with the revised scheme of delegation agreed at the Committee's meeting on 18 June 2020 to provide for the determination of planning applications for the duration of the operation of virtual meetings. This arrangement will be subject to a review by the Committee in December 2020.

2. Recommended Decision

- 2.1 To note the applications listed in the attached Appendix which have been determined under the revised scheme of delegation.

Appendix 1

Details of Applications determined in accordance with the Scheme of Delegation to the Assistant Director of Place and Client

| App. Ref. | Site | Ward | Recommendation | Decision |
|-----------|------------------------------|-------------------------|----------------|----------|
| 193163 | Stane Park, Stanway | Stanway | Approval | Approval |
| 191414 | Factory Hill, Tiptree | Tiptree | Approval | Approval |
| 192835 | 33 Victoria Road, Colchester | New Town & Christchurch | Approval | Approval |
| 200963 | St Marys School, Colchester | Lexden & Braiswick | Approval | Approval |
| | | | | |
| | | | | |

Material Planning Considerations

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

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

The following approach should be taken in all planning decisions:

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

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

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

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

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

The above list is not exhaustive

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

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

- matters specifically controlled through other legislation

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

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

Planning Obligations

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

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

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

Human Rights, Community Safety and Equality and Diversity Implications

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

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

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

Using Planning Conditions or Refusing Planning Applications

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

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

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

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

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

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

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

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



Colchester Borough Council Development Management

Highway Safety Issues

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

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

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

Parking Standards

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

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

For residential schemes:

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

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



Colchester Borough Council Environmental Control

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

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

Best Practice for Construction Sites

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

Noise Control

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

Emission Control

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

Best Practice for Demolition Sites

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

Noise Control

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

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

Emission Control

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

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

Class A1. Shops

Use for all or any of the following purposes—

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

Class A2. Financial and professional services

Use for the provision of —

- (a) financial services, or
- (b) professional services (other than health or medical services), or
- (c) any other services (including use as a betting office)

which it is appropriate to provide in a shopping area, where the services are provided principally to visiting members of the public.

Class A3. Restaurants and cafes

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

Class A4. Drinking establishments

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

Class A5. Hot food takeaways

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

Class B1. Business

Use for all or any of the following purposes—

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

Class B2. General industrial

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

Class B8. Storage or distribution

Use for storage or as a distribution centre.

Class C1. Hotels

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

Class C2. Residential institutions

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

Use as a hospital or nursing home.

Use as a residential school, college or training centre.

Class C2A. Secure residential institutions

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

Class C3. Dwellinghouses

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

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

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

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

Class C4. Houses in multiple occupation

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

Class D1. Non-residential institutions

Any use not including a residential use —

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

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

(c) for the provision of education,

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

(e) as a museum,

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

(g) as a public hall or exhibition hall,

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

Class D2. Assembly and leisure

Use as —

(a) a cinema,

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

(d) a dance hall,

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

Sui Generis Uses

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

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

Interpretation of Class C3

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

Interpretation of Class C4

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

Supreme Court Decision 16 October 2017

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

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

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

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

Deferral and Recommendation Overturn Procedure (DROP) Flowchart

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

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

