
Appeal Decision

Inquiry held on 8 and 9 July 2025

Site visit made on 9 July 2025

by **J P Longmuir BA(Hons) DipUD MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 19th September 2025

Appeal Ref: APP/A1530/W/25/3363144

ABRO Development Site, Flagstaff Road, Colchester, CO2 7SR

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant full planning permission.
 - The appeal is made by Countryside Partnerships against the decision of Colchester City Council.
 - The application Ref is 231297.
 - The development proposed is the redevelopment of the site to provide 203 residential units and approximately 410sqm of commercial floor space with associated access, public open space, landscaping, car and cycle parking, and associated infrastructure.
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Decision

1. The appeal is allowed, and planning permission is granted for redevelopment of the site to provide 203 residential units and approximately 410sqm of commercial floor space with associated access, public open space, landscaping, car and cycle parking, and associated infrastructure at ABRO Development Site, Colchester, CO2 7SR in accordance with the terms of the application, Ref 231297, subject to the conditions in the annexe at the end of this decision.

Preliminary Matters

2. Both parties agreed that the original description of development did not reflect the total commercial floorspace of the conversion and re-use of two buildings proposed to be retained. The description is therefore amended, as above¹.
3. A section 106 agreement was submitted by the Appellant on 1 August 2025. This makes provision for affordable housing, and measures to mitigate pressures on social infrastructure, health, heritage, ecology and transport. The second reason for refusal refers to the absence of such an agreement.
4. At the start of the Inquiry, the Council stated they no longer opposed the appeal proposal in principle, although highlighted the need for stringent conditions and legal agreement.

Main Issue

5. As a draft section 106 agreement was submitted, albeit with some disagreement on the precise provisions, both parties agreed that did not constitute a main issue. I similarly concur.
6. The first reason for refusal refers to the effect of the proposal on the Garrison CA. Irrespective of the Council's position at the outset of the inquiry proceedings, I

¹ As in e-mail 18 July 2025

nonetheless have a duty to consider this potential impact. The main issue is therefore the effect of the proposal on the Garrison Conservation Area.

Reasons

7. Section 72(1) of the Act requires that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area. I am also mindful of the historic environment policies within the National Planning Policy Framework (the Framework) that relate to the significance of designated heritage assets and their settings and the Planning Practice Guidance (PPG) on the Historic environment.
8. The Garrison Conservation Area (CA) was designated in 2004 and covers a large former military area to the south of the appeal site. This was enlarged in 2021 to include the appeal site. The report to that particular Council committee also makes reference to the preparation of an accompanying Development Brief.
9. The ABRO Site Development Brief requires a regimented layout, strong built frontage to Flagstaff Road, integration of The Circus into the public realm, contextual architecture, retention of tree lined avenue and enhancement of pedestrian routes. It also shows an indicative layout and vehicular access off Flagstaff Road.
10. The appeal site also includes the Former Infantry Stables, a listed building. I consider its contribution to the CA and the effects of the proposal on its setting first, and then latterly consider the effect of the proposal on the listed building itself. I similarly undertake consideration of locally listed buildings and non-designated heritage assets.
11. The appeal site also forms the setting of other heritage assets, including the setting of The Roman Circus Scheduled Ancient Monument (SAM). Whilst the proposal does not involve works to the structure, nonetheless it potentially effects the SAM's character as well as its contribution to the CA.
12. The Roman Circus is the subject of a management plan which requires protection from development, enhancement of its interpretation, promotes public access and requires development has a coherent design with landscaping.
13. Historic England's Good Practice note 2 states: the significance of a heritage asset is the sum of its archaeological, architectural, historic, and artistic interest. The Appellant makes reference to a precedent case² whereby not all parts of a CA will be of interest, and one needs to consider it as a whole.
14. I find that the character and appearance of the CA is largely derived from the centuries wide history of the vicinity.
15. The Circus was a circuit for chariot racing and is the only one of its kind known in Britain. Indeed, Colchester was notably the original Roman capital until the Boudicca rebellion.
16. The appeal site includes parts of The Circus, which spread over a wide area. The eight starting gates are just outside the appeal site but one of the straights of the

² R v Canterbury City , ex parte Halford (1992) 64 P&CR 513

circuit and stands for the crowds are within it. The appeal site therefore contributes to the scale and significance of The Circus.

17. In addition, Colchester has been a military base since the late 18th century. This is discernible in the grain of the buildings, as well as the sensitively converted former barracks and the complementary replacement residential buildings. By the mid-19th century, the appeal site was developed for military use, becoming the base for cavalry and artillery regiments. On the western part of the appeal site barrack blocks were distinctively arranged in a regimented form.
18. The historic military influence is also evident in the architectural style in the area, by formal symmetrical elevations, pronounced gables and elaborate detailing. The functionality of the former stables and telecommunications buildings are evident in their design, but there are also subtle embellishments. The wall by The Artillery Barracks Folley adjoins the city side of the appeal site and the edge of the CA. This is a pronouncedly high brick wall enveloping the former base and enclosing the adjacent passageway. The high wall appears as a measure to keep out unwanted interest.
19. The extent of the former military area is notable, and the appeal site forms a significant part albeit there is a more extensive area to the south. Old mapping shows the appeal site was partly occupied by barracks, with a discernible grain, and the old photographs show the style of the barracks. Many of the buildings are no longer present so the historical grain has gone, and the Parade Ground is not easily discernible. The eastern part of the site has some contemporary industrial style buildings which are unsightly and would have been at odds with the repetitive rows of barrack blocks as shown in the 1958, 1968 and 1980 maps³ and 2000 aerial photograph.
20. A buffer area has been designated to protect the historic confines of The Circus and the proposal respects this by leaving the particular area as open space. In this respect the proposal would not harm the CA.
21. In addition, the scale of The Circus is hard to appreciate with some distracting buildings on the appeal site. The proposal would remove some of these cluttering buildings, to help the perception of The Circus as an entity. In this respect the proposal enhances its significance and contribution to the CA.
22. In terms of the effect of the proposal on the more recent military significance, it helps reform the historic grain especially in the west, and the perceivable connection with the surroundings.
23. The proposal has a generally regimented layout, with a repetitive form in the arrangement of barrack blocks particularly in the western part of the site. However, there is some necessary variance to the east, as the site here has a wavering boundary line overlooked by public spaces and vantage points. The new buildings would have to face and address these, otherwise they would look inappropriate; the development would outwardly address the adjacent surroundings.
24. The proposed building lines would be generally continuous which would help to suggest a robust purposeful layout in keeping with the military heritage. This would

³ Figure 3.1 Built Heritage Statement.

also avoid the perception of any domination by the roads, thereby increasing the prominence of the buildings.

25. The layout shows an open space on a centrally positioned formal avenue which would provide a focal point.
26. Currently there is no public access onto the appeal site. The design reflects the potential desire lines to the surroundings, and the layout provides such connections, including to The Roman Circus Visitor Centre. This would increase the public appreciation of the appeal site and the views to the surroundings.
27. The proposal has several important neighbouring contexts to address. The elevations facing the Parade Ground would be tall 3 storey blocks, punctuated with pronouncedly wide gables which together with the modest window to wall ratio, tall chimneys, and two overly large doubled door arched entrances would re-create the impression of the historic barracks. The elevations facing The Roman Circus would be simple especially in their detailing and would appear deferential. Block 22 would face The Roman Circus itself and is regarded by the Council and the local M.P. as particularly important. This was re-designed as a three storey classical style formal terrace, which would provide an appropriate setting. Flagstaff Road is the point of access and another major public aspect. The elevations would reflect the local barracks style, being 3 storey with tall chimneys, decorated gables and modest fenestration.
28. In general, broad leaf trees are a notable contribution to the CA and its setting, although these are limited in number on the appeal site. The proposed vehicular access has been detailed, and it is evident that the required visibility splays could be provided with very limited loss to tree cover. The submitted arboriculture report shows the loss of some of the B and C category specimens over the whole development which although regrettable, would be a limited harm. Moreover, replacement planting is proposed, and this would include avenues, which would help assert formality and empathise with the context. Notably the proposed buildings facing and nearest The Circus Visitor Centre would be set back behind a tree lined avenue.
29. Conservation Area Consent was granted in 2024 for the demolition of some of the existing buildings⁴, but several more are now proposed. One of which is the early twentieth century store building, at the north east part of the site, which is notable for its brick piers and its tall height, imposing onto the adjacent The Artillery Barracks Folley passageway and sharing its boundary wall. However contemporary alterations including UPVC windows and metal shuttered entrance have diminished its significance and contribution to the CA. Its loss would be harmful although the wall to The Folley would be made good.
30. The former dining room and cook house building, dating from 1933, would be demolished as part of the proposal. It also has some significance, in its contribution to the historical functioning of the base and in its red brick architecture. Whilst its loss would be regrettable, it would help reveal the extent of The Circus, being in its buffer area.
31. The proposal would involve several openings to The Artillery Barracks Folley Wall which would harm it's continuity but that is necessary to allow new footpath links

⁴ Application 240020 and plan in Gail Stoten Proof of Evidence page 7

across the appeal site. This would be partly compensated by the provision in the section 106 agreement to restore the dilapidated section of the wall.

32. The Carpenters and Telecommunication shop building in part is proposed to be restored and re-used. The two storey element has significance in terms of its former military use and role in the base as well as its arrangement of fenestration. It would be incorporated into the layout and re-fenestrated. A single storey offshoot would be demolished but that is much altered and of very limited significance.
33. The distinctive pyramidal capped brick entrance gate piers to Flagstaff Road would be re-positioned beside the new access. This would help maintain the historic military context.
34. The Former Infantry Stables, Royal Artillery (Le Cateau) Barracks is Grade II listed⁵. The list description dates it at 1874-1875 and describes it as a rare surviving example of a late 19th century horse infirmary and contributes to the understanding of equine veterinary medicine after the Crimean War. Ms Malone, representing the Council, describes it as only one of three known extant examples⁶. It has seven loose boxes and original fixtures including cobble floor.
35. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) requires special regard is given to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.
36. The proposal includes the re-use of the stables to commercial use. The existing features would be maintained, and the building would be incorporated into the layout as part of an intimate courtyard. No party raised any concern about its re-use, and I concur, finding that no harm would result, rather the opposite, and accordingly the proposal would not be contrary to section 66 of the Act. Indeed, the PPG acknowledges the need for historic buildings to be used.
37. The site also forms the setting for several non-designated heritage assets. The most notable is a well restored water tower just to the west of the site, off Butt Road, unflatteringly beside a car park and an undistinguished tower block. It was important historically to serve the base and also has interest from its functional and well-proportioned architecture. No party raised any adverse impact on the settings of the non-designated heritage assets and from my site visits and evidence before the inquiry, I concur
38. The site has outward views towards Colchester city centre, including the Old Town Hall tower and Municipal Water Tower⁷. There are also views across the site, including St John's Abbey Gate, a remnant of the former medieval abbey and the spire of the Congregational Church⁸. Their special interest and significance is in their architecture and demonstration of the historic importance of Colchester. The Former Officers Quarters, Le Cateau Barracks and Cavalry Barracks A⁹ and B lie to the south of the appeal site. Both are notable for their distinctive formal architecture and have been sensitively restored and used as dwellings: they

⁵ List entry: 1487375

⁶ Paragraph 14 Proof of Evidence

⁷ List entries 1337736 and 1123669

⁸ List entries: 1123594 and 1337765

⁹ List entries 1375576 and 1375577

provide cues for the new development on the appeal site. The nearby St Johns Primary School¹⁰ is striking for its Dutch style gables.

39. The site forms part of the settings of the above buildings. It is currently closed off and connectivity and views would be better appreciated by the general public due to greater access. In addition, the design addresses the outward surroundings. From my site visits and evidence before the Inquiry I find that the proposal would not harm any of the above settings.
40. I therefore find that the proposal would lead to less than substantial harm to the Conservation Area and the level of harm would be a very low point within that spectrum. The proposal would not harm the settings of any listed or non-designated heritage assets, or The Circus SAM.
41. Policy SP7 requires proposals respond to local character and protects and enhances assets of historic value to which the proposal would conflict. It also requires designs respond to local character, provide buildings of individual architectural quality, enhance public realm to which it would accord. DM15 similarly requires designs respect and where possible enhance the character of the site, its context and surroundings and help establish visually a sense of place. DM16 states where there is less than substantial harm, that should be weighed against the public benefits of the proposal. I consider this latterly in the planning balance.
42. Local Plan Site Allocation Policy SC1 allocates the site for development, and proposals warrant support if in accordance with the Development Brief. For the reasons above I find that the proposal would accord with both.

Other Matters

43. Several local residents stated that they had not been aware of the revised front elevation to Block 22. The Council confirmed¹¹ that the changed front elevation was before their Committee Members at the meetings in November and December 2024.
44. Councillor Rippingale speaking on the need for affordable housing, questioned whether Colchester Borough Homes had been approached. The Appellant provided an e-mail showing such contact.
45. One of the local residents questioned the ecology of the site and referred to a nearby badger sett. However, the appeal site has been appropriately surveyed and not found to support significant species or habitat. In addition, the proposal would increase the vegetation on site for wildlife and the proposal has been shown to potentially achieve a biodiversity net gain. There was no objection from the Council's specialist officer.
46. Concern was also expressed about parking provision. However, the proposal would provide 304 spaces which was agreed with the Council reflecting the site's accessible location and the promotion of cycling/walking. I also note that the surrounding streets have parking controls. Safety was also raised especially in relation to nearby schools. However, the proposal would create new pathways,

¹⁰ List entry 1123509

¹¹ Council closing paragraph 11.2

and the surrounding roads have good pedestrian pavements and Flagstaff Road is a cul-de-sac.

47. An interested party questioned whether Colchester Archaeological Trust had been approached. It was further suggested that being based adjacent to the appeal site they could expediently undertake investigations and have detailed knowledge of The Circus. However, it would not be appropriate to specify one particular archaeological contractor in a planning condition. In any event, a methodology for any investigation would have to be approved by the Council to ensure that it is undertaken appropriately. The established understanding of The Circus would be expected to be integral to the methodology. Relatedly, the proposal has a commitment to make the investigation and findings accessible to the public.
48. One local resident questioned why an adjacent area was not included in the appeal proposal. This is outside the Appellant's ownership and therefore beyond their control. In any event it has no bearing on the coherency of the appeal scheme.
49. On the nearby Essex coast are Special Protection Areas and Ramsar sites including Abberton Reservoir, Colne Estuary, Blackwater Estuary, Stour and Orwell Estuaries and Dengie. These were designated in response to their scarce species and distinctive habitats, which are protected under The Conservation of Habitats and Species Regulations 2017.
50. The above are notable for a wide range of birds, flora and invertebrates. The appeal site is within their identified 10km zone of influence, whereby their ecological significance could be disturbed and harmed by human presence and damage, including dog walking as well as hydrological pressures. Having regard to the evidence provided I consider that the development could, in combination with other development in the area, have a significant adverse effect on the above designation through added recreational pressure, as well as water quality and quantity but not from construction due to the distances involved.
51. The Council in 2019 adopted The Essex Coast Recreational Disturbance Avoidance and Mitigation Strategy (RAMS) to address recreational impacts including promoting alternative locations for recreation.
52. It is therefore necessary to assess whether the potential adverse impact could be adequately mitigated so as to avoid any significant adverse effect on the conservation objectives of the above designations.
53. The proposal makes provision for on-site informal open space, a circular dog walking route and dog waste bins and there is also public access to the nearby Abbey Fields. Both of these are nearer and more accessible than the SPA and Ramsar sites and therefore more likely to be used on an everyday basis. The submitted legal agreement has an obligation for a contribution of £31,822.28 towards the management of the reserves. Water quality and quantity would be safeguarded through the use of SUDS management.
54. The above would be directly related to the impacts of the proposal on the designations and necessary to make the development acceptable. Moreover, they would be fairly and reasonably related in scale and kind to the development, as they follow the methodology for calculating them in the established strategies.

55. In conclusion, with the mitigation secured, the scheme would not harm the designations. Accordingly, the proposal would not conflict with Policy SP2 which seeks to avoid harm to protected habitats and species.

Planning Obligations

56. The CIL Regulations and paragraph 58 of the Framework provide the legal and policy tests for obligations. These tests require that planning obligations should only be sought where they are: a) necessary to make the development acceptable in planning terms; b) directly related to the development; and c) fairly and reasonably related in scale and kind to the development. The Council provided a CIL Compliance Statement reflecting on the above tests and the relevant Development Plan policies. Policies SP6 and PP1 support the well-being of new residents and avoid placing pressure on existing services and facilities.
57. This is a brownfield site, where there are unusual development costs. The previous uses have potentially led to contamination which would need to be treated. In addition, demolition and clearance is also needed on parts of the site and the site's archaeology also warrants extensive investigation.
58. The proposal was the subject of a viability assessment produced by the Appellant and independently tested by the Council. Due to the unusually high development costs both parties agree the proposal cannot meet the typical affordable housing provisions in Policy DM8 and the proposal is for 7.4%, 15 dwellings.
59. The agreement makes provision for £169.45 per dwelling towards the Essex Coast RAMS to mitigate the effects of the new residents on protected species and their habitats. This is necessary as I have found above.
60. Provision is made for an archaeological contribution of up to £15,153 to provide facilities to display the expected finds from the appeal site. This would support the public's interest and appreciation of their area. The contribution to The Roman Circus Visitor Centre would go towards an extension which would be available to community groups and help it integrate with the new development. Both of the above obligations would be benefits of the proposal and would accord with Policy SG7 and Site Development Brief SPD.
61. The £100,000 sustainable transport contribution would support a new crossing at Butt Road and improvements to the route to the city centre. This would promote non-vehicular movement. Provision is also made for electric charging points for cars to promote low carbon transport. Similarly, the Travel Plan monitoring fee would ensure that those particular measures are implemented. Similarly, the highway infrastructure improvements covenant would include improvements, including lighting to the Artillery Barracks Folley passageway, which would promote safe walking, and cycling, whilst a zebra crossing to Circular Road North and a new footway to Walingsham Road would promote pedestrian connectivity. The above are supported by policies DM20 and DM21 which reflect the Framework's encouragement to low carbon transport.
62. The agreement provides for the maintenance of open spaces on site and the provision of a 2.7km walking route with map and information boards. Provision is made towards off site recreation facilities at nearby locations, which would contribute towards the everyday needs of the new residents. These measures

accord with Policies DM4 and DM8 which promote the provision of facilities to meet the community's needs.

63. The £123,985 healthcare contribution would go towards extensions/relocation of facilities at two local GP practices, which would mitigate the pressure from the new residents coming into the area. This would accord with Policy SG7 which promotes infrastructure provision.
64. The library contribution of £15,793.40 would allow the upgrade of facilities and services at the three local libraries which would meet the increased needs arising from the new residents. This also accords with Policy SG7.
65. The agreement provides £9,018.33 for the City Council to monitor the above, which would help meet their staffing costs necessary in the implementation of the above.

Planning Benefits

66. The Council has a shortfall in Housing Land Supply, being between 4.5 and 4.9¹² years. As such there is a pressing need to find further land for housing and the 203 dwellings here would be a substantial contribution. Indeed, the Housing Land Trajectory assumes this site would deliver 50 dwellings in 2026/27 and another 50 dwellings in 2027/28.
67. The new dwellings would help towards the growing needs of the local community, providing a range of new homes. The 15 proposed affordable dwellings would make a contribution to those in particular need.
68. This is a brownfield site, which is vacant and warrants reuse. It has constraints on potential re-development, including contaminated land and viability. This proposal has been shown to be viable and deliverable.
69. The new dwellings would be in a highly accessible location, whereby walking and cycling to the city centre and everyday facilities would be both short and conducive: the residents would not be dependent upon car use.
70. The removal of buildings on top of and by The Circus as well as improvements to public access would improve its interpretation. This is notable bearing in mind its national significance.
71. The creation of pathways would improve access across the site, which would promote walking and cycling to facilities by local residents, thereby reducing car dependency and promote well-being.
72. The re-development of the site would provide a boost to the local economy from the construction of the 203 new homes and the footfall from the new residents.
73. I find that these benefits would be considerable.

Heritage and Planning Balances and Development Plan

74. As I have found above the proposal would harm the designated heritage asset, contrary to section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

¹² Paragraph 7.4 Statement of Common Ground

75. Whilst the harm arising would be less than substantial; however, Paragraph 212 of the Framework advocates great weight to the asset's conservation. I therefore give considerable importance and weight to the harm I have identified in my balancing judgment below. In addition, Paragraph 213 of the Framework emphasises that any harm to, or loss of, the significance of a designated heritage asset, should require clear and convincing justification. Paragraph 215 states where a development will lead to less than substantial harm to the significance of an asset, the harm should be weighed against the public benefits, including securing its optimum viable use.
76. Taking the public benefits together as a whole I conclude that they would be of sufficient weight to outweigh the identified very low level of harm to the character and appearance of the designated heritage asset.
77. Whilst I found above the proposal conflicts with SP7, as the public benefits of the proposal would outweigh the harm, it would accord with DM16.
78. This is a brownfield and vacant site, which Policy SC1 allocates for residential development and states it will be supported if in accordance with the ABRO Development Brief. As I have found above the proposal would accord with SC1.
79. Also, as above I have found that the proposal would not conflict with Policies SP6 and PP1 in terms of the necessary provisions to support the well-being of new residents and avoid placing pressure on existing services and facilities. Affordable housing provision would accord with Policy DM8 in the context of the strained viability.
80. A Biodiversity Net Gain would be achieved in accordance with Policy ENV1 and the impact on the Essex Coast habitats can be mitigated in accordance with Policy SP2.
81. When the proposal is considered in relation to the Development Plan policies taken as a whole, I find that it would be in accordance. Similarly, it complies with the ABRO Site Development Brief SPD.
82. The above benefits add support to the proposal and its compliance with the Development Plan and SPD.

Conditions

83. Paragraph 57 of the Framework and the Planning Practice Guidance, Use of planning conditions, provide the tests for the imposition of conditions. The Framework is clear that planning conditions should be kept to a minimum and only imposed where they are necessary, relevant to planning, and to the development to be permitted, enforceable, precise and reasonable in all other respects. I have assessed the suggested conditions accordingly.
84. The condition on approved plans is necessary to provide clarity and certainty.
85. As I have found above the elevations to Block 22 are particularly important and a condition is needed to ensure that the detailing is appropriate to the setting of The Roman Circus. The suggested wording is amended with the reference to Building Regulations removed to avoid confusion with the different regimes.

86. The condition on archaeological investigation is necessary to ensure that the potential is properly researched to inform the heritage of the area. Relatedly a condition is needed to allow the public an opportunity to appreciate the findings as there is notable local interest and pride in Colchester's heritage. A condition on landscaping within and adjacent to The Circus is needed to ensure that it is appropriate. A condition on recording the retained buildings is also needed to ensure that the understanding and appreciation of their historic significance is made possible, albeit the wording has been amended to require the submission of the recorded details.
87. Conditions are needed on the approval of materials and a sample panel of walling to ensure that they are appropriate to the particular characteristics of the area. Similarly, a condition is warranted that external joinery consists of painted timber. Conditions are also needed on architectural detailing to ensure a satisfactory appearance.
88. A condition is needed on existing and proposed levels to ensure that the heights are appropriate to the appearance of the site. Similarly, conditions are needed to approve the landscaping details, that existing trees and hedges are retained, hard landscaping materials are approved, and management details are in place for landscape areas and the wall by The Folley.
89. Conditions are needed to ensure that works to repair the retained buildings and Folley Wall are detailed and implemented, and their servicing/parking in the interest of the Conservation Area. The condition on the Stables would not encroach onto any works which would necessitate listed building consent. A condition controlling their use is necessary bearing in mind the proximity of dwellings. Conditions are needed to approve details to relocate and restore the gate piers which contribute to the site's military context and heritage.
90. A condition on public art and heritage interpretation is necessary to support the attractiveness and context of the public realm.
91. Conditions are necessary to ensure that potential contamination from the previous uses are addressed to ensure the health and well-being of the new residents. Conditions are needed on the control of surface water run-off in the interest of the safety of local residents and similarly a condition is needed on maintenance. A Construction Method Statement would also ensure that disturbance to existing residents is minimised. Similarly, conditions on the working hours of the construction process and deliveries would maintain the living conditions of those close by.
92. Conditions are needed to ensure that provision is made for pedestrians and cyclists to encourage safe access and by sustainable means.
93. A condition is needed to control the management of storage areas for the benefit of the everyday living of the new residents. Conditions removing permitted development rights for fenestration and outbuildings are unusually needed to protect the living conditions of new and existing residents due to the intricate layout of the new dwellings.
94. As found earlier the biodiversity needs to be respected and a condition is required to ensure that appropriate provision is made.

95. Measures are needed to control indiscriminate car parking to ensure the safety of the surrounding roads. A condition on the street naming process is required to ensure that delivery drivers and visitors are readily directed to find the particular address.
96. Restrictions on opening hours and deliveries would ensure that the commercial uses do not unduly disturb residents on and by the appeal site. Conditions on self-closing doors and odour control are similarly warranted. Compliance with the acoustic assessment is also important for living conditions. A condition requiring the provision of bin storage and recycling containers would ensure the living conditions and wellbeing of the residents.

Conclusion

97. I therefore conclude that the appeal should be allowed subject to the conditions in the conditions annexe below and the section 106 agreement.

John Longmuir

INSPECTOR

Appearances

For the Council

Matthew Henderson, Counsel, Landmark Chambers

Rowena Malone MA MA IHBC Heritage Consultant

Peter Buist BA(Hons) MArch RIBA Director Purcell Architecture

John Lawson BA(Hons) MPhil MRTPI

For the Appellant

Melissa Murphy, Kings Counsel, Landmark Chambers

Blaine McMahon BSc MArch Dip RIBA Architect and Director at Scene Architects

Colin Pullan BA(Hons) Dip UD Senior Design Director Pegasus Group

Gail Stoten BA(Hons) PG Cert Res MCIFA FSA Heritage Executive Director Pegasus

James Bompas BA(Hons) MA MSc MBA MRTPI Director Icen

Interested parties

Pam Cox M.P.

Sir Bob Russell, local resident and community representative

John Burton, Colchester Civic Society

Paul Knappett, local resident

Dr Edward Barratt, local resident

Councillor Kayleigh Rippingale, Colchester City Council

Documents submitted during the Inquiry

ID1 letter from Francis Terry and Nicholas Boys Smith

ID2 Council opening

ID3 Appellant opening

ID4 Appellant briefing note (on various aspects)

ID5 Gate piers plan

ID6 E-mail on retained building's floorspace

ID7 Council closing

ID8 Appellant closing

ID9 Proof of title

ID10 Suggested conditions

ID11 CIL Compliance Statement

ID12 Agreed draft section 106 Agreement

Conditions annexe

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. Notwithstanding the details submitted, prior to the commencement of the development, detailed plans and drawings of House type Block 22 in broad accordance with and as shown on the approved plan DSGCCH-SCN-XX-XX-DR-A-20.125-A3 Rev P01 (House type Block 22), including full elevations and the proposed roofscape, shall be submitted to and approved, in writing, by the Local Planning Authority. House type Block 22 shall be constructed in accordance with those details.
3. 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.
- g. Provision for the analysis and records of the site to be made publicly available.

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.

4. Prior to the commencement of development, the developer shall provide a programme of archaeological outreach which shall be implemented in accordance with details and a timetable approved by the Local Planning Authority. This shall include:

- a) establishment of viewing platforms/viewpoints so that the archaeological investigations can be safely viewed by members of the public from the boundaries of the site.
- b) Archaeological information boards attached to the development hoarding to be updated on a fortnightly basis with plans, photographs and text detailing the progress of the archaeological investigations.
- c) During the course of the archaeological investigations, 2 public open days will be organised where the archaeologists conduct a safe tour of the archaeological investigations on a weekend day, so that members of the public can see and observe the full nature of the archaeological investigations as they progress.
- d) A programme of outreach lectures will be provided including 1 public outreach exercise at a local public venue, and the offer of outreach lectures to local schools in the vicinity of the archaeological investigations.

5. Notwithstanding the submitted details, 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. Only such materials as may be approved shall be those used in the development.

6. Prior to the commencement of any works a one square metre sample panel of all new facing brickwork shall be constructed on site showing the proposed brick types, colours and textures, face bond and pointing, mortar mix and finish profile and shall be made available for inspection by the Local Planning Authority and the materials and methods demonstrated in the sample panel shall have been approved, in writing, by the

Local Planning Authority. The approved sample panel shall then be retained on site until the work is completed and all brickwork shall be constructed in all respects in accordance with the approved details and retained as such in perpetuity.

7. All external joinery shall be of painted timber.

8. No works shall commence on site until details of all new external window and door joinery have been submitted to and approved, in writing, by the Local Planning Authority. The submitted details shall include a colour palette for external joinery finishes, depth of reveal, details of heads, sills and lintels, elevations at a scale of not less than 1:10 and horizontal/vertical frame sections (including sections through glazing bars) at not less than 1:2. The works shall thereafter be carried out in accordance with the approved details and retained as such in perpetuity.

9. Notwithstanding the details submitted, no works pertaining to all new buildings and structures within the development as shown on the approved plan DSGCCH-SCN-XX-XX-DR-A-01.009-A3_P06 (HT Block Reference Plan) shall commence (above ground floor slab level) until additional drawings that show details of the architectural detailing of the development hereby approved have been submitted to and approved in writing by the Local Planning Authority. Details shall include window detailing (including details of the depth of reveal, glazing and any dormer features); rooflights to be used; balconies, doors, cills, lintels, arches, rustication / quoins, eaves, verges, ridge, brickwork /stone work detailing, plinth, projecting bays, parapets, porches, chimneys; recessed/projecting/decorative brickwork; undercroft enclosure/ garage door; cladding; blank and faux windows; and any rainwater goods to be used, by section and elevation, at scales between 1:20 and 1:1, as appropriate. The development shall thereafter only be implemented in accordance with the approved additional drawings.

10. Prior to the commencement of works affecting the existing gate piers (ID5 – Gate Pier Plans) a relocation methodology, schedule of repair works, and elevational/sectional details of the re-instatement of brickwork/stonework, plinth and re-pointing shall be submitted to and approved, in writing, by the Local Planning Authority. The works shall thereafter be carried out and retained in accordance with the agreed details to a timescale agreed by the Local Planning Authority.

11. Notwithstanding the approved plans, prior to their construction precise details of the position and composition of all boundary treatments and retaining structures shall have been submitted to and approved, in writing, by the Local Planning Authority. The works shall be carried out in accordance with the approved details and retained as such in perpetuity.

12. No works shall commence (above ground floor slab level) until details (including position) of all new plant (including solar PV), extract ducts, vents, grilles and meter housings have been submitted to and approved, in writing, by the Local Planning Authority. The works shall be carried out in accordance with the approved details.

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

14. Notwithstanding the details submitted, prior to the commencement of works within the Roman Circus SAM or its buffer zone as shown on DSGCCH-SCN-XX-XX-DR-A-01.001-A0_P05 (Site Layout Plan), details of the landscaping works and heritage interpretation related to that area shall be submitted to and agreed, in writing, by the Local Planning Authority, and the works shall be carried out prior to the occupation of the development and thereafter retained in their approved form in perpetuity.

15. No works shall take place 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 and thereafter retained in perpetuity. The submitted landscape details shall include:

- Proposed finished levels of contours;
- Means of enclosure;
- Car parking layouts;
- Details of the landscaping to the north east of the Roman Circus Visitor Centre to facilitate future visitor access to the visitor centre.
- Other vehicle and pedestrian access and circulation areas;
- Hard surfacing materials;
- Minor artefacts and structures (including furniture, play equipment, refuse, or other storage units, signs, lighting);
- Proposed and existing functional services above and below ground (e.g. drainage power, communications cables, pipelines etc. indicating lines, manholes, supports etc.);
- Retained historic landscape features;
- Proposals for restoration:
- 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.

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

17. The development hereby permitted shall not be occupied until details of tree and/or shrub planting and an implementation timetable have been submitted to and approved, in writing, by the Local Planning Authority.

This planting shall be maintained for at least five years following contractual practical completion of the approved development. In the event that trees and/or plants die, are removed, destroyed, or in the opinion of the Local Planning Authority fail to thrive or are otherwise defective during such a period, they shall be replaced during the first planting season thereafter to specifications agreed in writing with the Local Planning Authority.

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

19. Notwithstanding the details submitted, no works shall commence (above ground floor slab level) until amended details of the materials to be used for hard surfaces across the site have been submitted to and approved, in writing, by the Local Planning Authority. The works shall be carried out in accordance with the approved details.

20. Prior to the commencement of works to any buildings (including works of repair, re-use or demolition hereby approved), an appropriate programme of building recording (including architectural/historical analysis) shall be carried out in respect of the buildings concerned by an archaeologist or building recorder, or an organisation with acknowledged experience in the recording of standing buildings who shall have previously been agreed, in writing, by the Local Planning Authority. The recording shall be carried out in accordance with a written specification at least at Historic England Level 3, and presented in a form and to a timetable, which has previously been agreed, in writing, with the Local Planning Authority. It shall be submitted to the Local Planning Authority within two months of the commencement of works to any buildings.

21. Notwithstanding the details submitted, within 12 months of the date of this planning permission, a schedule of repair works to the retained buildings (Grade II listed Infirmary Stables and former Carpenters & Telecommunications Shop), including a timetable for their delivery, supplemented by detailed drawings shall be submitted to and approved, in writing, by the Local Planning Authority. The detailed repair works shall be informed by historic drawings reference ID7 – Historic Existing Building Drawings. The repair works shall thereafter be carried out in accordance with the approved details. Any proposed repair works that would constitute alterations or interventions requiring Listed Building Consent fall outside the scope of this condition.

22. 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'.

23. 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.

24. No works shall take place other than that required to carry out remediation, until the approved remediation scheme has been 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.

25. 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 22, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 23, 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 24.

26. Prior to the first occupation / use of the development, the developer shall submit to the Local Planning Authority a signed certificate to confirm that the remediation works have been completed in accordance with the documents and plans detailed in Condition 24.

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

- Verification of the suitability of infiltration of surface water for the development. This should be based on infiltration tests that have been undertaken in accordance with BRE 365 testing procedure and the infiltration testing methods found in chapter 25.3 of The CIRIA SuDS Manual C753.
- Limiting discharge rates to 300l/s for all storm events up to and including the 1 in 100 year rate plus 45% allowance for climate change.
- Provide sufficient storage to ensure no off site flooding as a result of the development during all storm events up to and including the 1 in 100 year plus 45% climate change event.
- Final modelling and calculations for all areas of the drainage system.
- The appropriate level of treatment for all runoff leaving the site in line with the Simple Index Approach in chapter 26 of the CIRIA SuDS Manual C753.
- Detailed engineering drawings of each component of the drainage scheme.
- A final drainage plan which details exceedance and conveyance routes, FFL and ground levels, and location and sizing of any drainage features.
- A written report summarising the final strategy and highlighting any minor changes to the approved strategy.

28. 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, shall have been submitted to and approved 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.

29. The applicant and 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.

30. No works shall take place, including any demolition, until a Construction Method Statement and a Construction Traffic Management Plan 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 timing of delivery of items as identified in Condition 38: Details of pedestrian/cycling infrastructure.
- 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;
- the provision and use of wheel washing facilities and the arrangement for vehicles leaving the site;
- the appointment of a public liaison person to update residents on the development and deal with complaints, including dust and noise, contact details to be displayed at the site entrance;
- measures to control the emission of dust and dirt, noise and vibration);
- a scheme for recycling/disposing of waste resulting from demolition and construction works (no waste materials should be burnt on the site).

31. The development hereby approved shall not be occupied until a scheme indicating the provision of public art and heritage interpretation, including a timetable for implementation, has been submitted to and approved, in writing, by the Local Planning Authority. This scheme shall thereafter be carried out in accordance with the details approved and retained as such thereafter.

32. Prior to the occupation of any units within the retained buildings (Grade II listed Infirmary Stables and former Carpenters and Telecommunications Shop), a scheme setting out the uses for those buildings shall be submitted to and approved in writing by the Local Planning Authority. Notwithstanding the provisions of Article 3, Schedule 2, Part 3 of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), the use of the units shall then be limited to the approved uses only.

33. Prior to the occupation of the retained former Carpenters & Telecommunications Shop, a scheme setting out details of and a timetable for the works for its conversion shall have been submitted to and approved in writing by the Local Planning Authority. The works shall thereafter be carried out in accordance with the approved details. The details shall include:

- . Servicing and refuse storage areas for each unit, and
- . Cycle, motor cycle and car parking provision

34. Prior to the commencement of any works for the conversion of the retained Grade II listed Infirmary Stables, a scheme setting out a timetable for the works for its conversion, and details of

- . Servicing and refuse storage areas for each unit, and
- . Cycle, motorcycle and car parking provision

shall have been submitted to and approved in writing by the Local Planning Authority. The works shall thereafter be carried out in accordance with the timetable.

For the avoidance of doubt, no works to the Grade II listed Infirmary Stables building requiring Listed Building Consent shall be undertaken before such consent is granted.

35. Prior to the commencement of any works to the boundary wall on the Artillery Folley, a schedule of repair works, including details of the bricks to be used, mortar mix and joint profile and the details of the archways and any further openings, shall be submitted to and approved, in writing, by the Local Planning Authority. As far as reasonably practical, those submitted details of works should demonstrate the incorporation of Secured By Design (SBD) measures / accordance with SBD principles. The repair works shall thereafter be carried out in accordance with agreed details.

36. Prior to the commencement of the development, details of the following shall be submitted to the Local Planning Authority:

- a) The vehicular, cycle and pedestrian access arrangements as shown in principle on the planning application drawings;
- b) Improvements to Artillery Barracks Folley between Butt Road and Walsingham Road to include provision of an Order to convert Footpath 185 Colchester to a Footpath/Cyclepath, upgrade the street lighting/surface and a cycle gutter at the steps between Artillery Barracks Folley and Butt Road;
- c) Upgrade the zebra crossing in Circular Road North to a parallel crossing as shown in principle on the planning application drawings;
- d) A new section of footway/cycleway between Artillery Barracks Folley and the pedestrian/cycle access to the proposal site off Walsingham Road;
- e) A new section of footway along the south side of Walsingham Road as shown in principle on the planning application drawings;
- f) A footpath/cyclepath between the proposal site and Roman Circus Walk; and
- g) Residential Travel Information Packs in accordance with Essex County Council guidance.

The works shall be carried out in accordance with the approved details and retained as such in perpetuity.

37. No above ground works shall commence until general arrangement plan(s) showing details of the pedestrian/cycling infrastructure have been submitted to and approved in writing by the Local Planning Authority, including:

- 1) The site access, including a level crossing to prioritise pedestrians and cyclists on Flagstaff Road;
- 2) The provision of a parallel crossing on Napier Road; and
- 3) A footway of minimum width 2m on Walsingham Road.

The details shall be submitted in accordance with 220010-002 Rev E and guidance contained in LTN 1/20 on Cycle Infrastructure Design, and where applicable, indicate proposals for:

- Existing levels of the finished highway tying into building threshold levels;

- Alterations to waiting restrictions or other Traffic Regulation Orders to enable the works;
- Signing, street furniture, street trees and pits; and
- Structures on or adjacent to the highway.

All necessary works including safety audits and any relocation or provision of signage, lighting, associated resurfacing or works to the existing carriageway/cycleway or footway and Traffic Regulation Orders shall be carried out entirely at the developer's expense.

The development shall not be occupied until the pedestrian and cycling infrastructure for the development has been constructed and completed in accordance with the approved details.

38. No above ground works shall commence until details of the site access points for pedestrians and cyclists in accordance with approved plan 220010-019 Rev A and the DSGCCH-SCN-XX-XX-DR-A-01.010-A3_P02 (Permeability Plan), save for the two accesses identified to the Butt Road car park and at the Roman Circus walk respectively, shall be submitted to and approved in writing by the Local Planning Authority.

The development shall not be occupied until the means of access for pedestrians and cyclists have been constructed in accordance with the approved details which shall thereafter be retained for access purposes only.

39. Precise details of a 10% Biodiversity Net Gain (BNG), including implementation timetable shall be submitted to and agreed in writing by the Local Planning Authority prior to first occupation. The BNG shall be provided in accordance with the approved details and implementation timetable.

40. Prior to the occupation of any building, a scheme to prevent indiscriminate car parking on areas of public open space within the application site or immediately adjacent to it (including a timeframe for its implementation) shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the agreed details.

41. Prior to the first occupation of the development hereby approved, a Travel Plan including the principles of the submitted Framework Travel Plan and comprising immediate, continuing and long-term measures to promote and prioritise alternatives to private vehicular use, which shall include clear objectives and modal share targets, that support the national active travel targets, together with a time-bound programme of implementation, monitoring, regular review and interventions (in the event of a failure to meet modal share targets) shall be submitted to and approved in writing by the Local Planning Authority. The approved Travel Plan shall be implemented, monitored and reviewed in accordance with the agreed Travel Plan measures and targets to the satisfaction of the Council.

42. Prior to the first occupation of the development hereby approved, the bicycle parking facilities indicated on the approved plans DSGCCH-SCN-XX-XX-DR-A-01.007-A3 Rev P04 (Cycle and Refuse Strategy) and DSGCCH-SCN-XX-XX-DR-A-20.033-A3 Rev P02 (Proposed Cycle Storage) shall be provided and made available for use. These facilities shall thereafter be retained as such.

43. 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.

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

45. 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.

46. Notwithstanding the provisions of Article 3, Schedule 2, Part 1 of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), the side facing windows in House Type H shall be non-opening and glazed in obscure glass to a minimum of level 4 obscurity before the development hereby permitted is first occupied and shall thereafter be permanently retained in this approved form

47. The off street car parking hereby approved shall be maintained free from obstruction and retained for the purposes of car parking in perpetuity.

48. The communal bin stores shall have a minimum provision of 1 x 1100L euro bin per 10 properties and 4 x 360L euro bins per 10 properties for recycling. The stores must be located so waste collection crews can access the bins and move them to the vehicle which requires a solid path with no stairs. The stores shall be locked with a digital lock and the code provided to residents, contained with a roof and the floor must be treated with an impervious coating, to aid cleaning and prevent odours, which shall be maintained thereafter in perpetuity by the management company.

49. The commercial use hereby permitted shall not operate/be open to customers outside of the following times:

Weekdays: 07:30-19:00

Saturdays: 07:30-19:00

Sundays and Public Holidays: 09:00-17:00

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

Weekdays: 07:30-19:00

Saturdays: 07:30-19:00

Sundays and Public Holidays: No deliveries

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

52. In the event that the commercial unit is a food premises, control measures shall be installed prior to the first use of the development hereby permitted, in accordance with a scheme for the control of fumes, smells and odours that shall have been previously submitted to, and agreed in writing by, the Local Planning Authority. This scheme shall be in accordance with Colchester Borough Council's Guidance Note for Odour Extraction and Control Systems. Such control measures as shall have been agreed shall thereafter be retained and maintained to the agreed specification and working order.

53. No deliveries to or from the site, or construction or demolition work shall take place outside of the following times;

Weekdays: 08:00-18:00

Saturdays: 08:00-13:00

Sundays and Bank Holidays: No construction or deliveries.

54. The development hereby approved shall be carried out in accordance with the updated acoustic assessment by Ardent Consulting Engineers (Report Ref. 2200010-05B, dated January 2024) and the mitigation specified should be adhered to.

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

DSGCCH-SCN-XX-XX-DR-A-00.001-A0 Rev P02 (Site Location Plan)

DSGCCH-SCN-XX-XX-DR-A-00.002-A0 Rev P02 (Site Block Plan)

DSGCCH-SCN-XX-XX-DR-A-01.001-A0_P05 (Site Layout Plan)

DSGCCH-SCN-XX-XX-DR-A-01.003-A3_P05 (Parking Strategy)

DSGCCH-SCN-XX-XX-DR-A-01.004-A3_P05 (Storey Heights Plan)

DSGCCH-SCN-XX-XX-DR-A-01.005-A3_P05 (Garden Sizes Plan)

DSGCCH-SCN-XX-XX-DR-A-01.006-A3_P05 (Boundary Treatment Plan)

DSGCCH-SCN-XX-XX-DR-A-01.007-A3_P05 (Cycle And Refuse Strategy)

DSGCCH-SCN-XX-XX-DR-A-01.008-A3_P05 (Bedroom No. Plan)

DSGCCH-SCN-XX-XX-DR-A-01.009-A3_P06 (HT Block Reference Plan)

DSGCCH-SCN-XX-XX-DR-A-01.010-A3_P02 (Permeability Plan)

DSGCCH-SCN-HTA-ZZ-DR-10.001-A3 Rev P05 (Housetype A)

DSGCCH-SCN-HTB-ZZ-DR-10.001-A3 Rev P04 (Housetype B Elevations)

DSGCCH-SCN-HTB-ZZ-DR-10.002-A3 Rev P04 (Housetype B Floor Plans)

DSGCCH-SCN-HTD-ZZ-DR-10.001-A3 Rev P05 (Housetype D)

DSGCCH-SCN-HTE-ZZ-DR-10.001-A3 Rev P05 (Housetype E)

DSGCCH-SCN-HTG-ZZ-DR-10.001-A3 Rev P04 (Housetype G)

DSGCCH-SCN-HTH-ZZ-DR-10.001-A3 Rev P04 (Housetype H)

DSGCCH-SCN-HTI-ZZ-DR-10.001-A3 Rev P05 (Housetype I)
DSGCCH-SCN-HTK-ZZ-DR-10.001-A3 Rev P04 (Housetype K)
DSGCCH-SCN-HTL-ZZ-DR-10.001-A3 Rev P05 (Housetype L)
DSGCCH-SCN-ABA-XX-DR-A-10.001-A3 Rev P04 (Apartment Block A Floor Plans)
DSGCCH-SCN-ABA-XX-DR-A-20.001-A3 Rev P04 (Apartment Block A Elevations)
DSGCCH-SCN-ABB-XX-DR-A-10.001-A3 Rev P04 (Apartment Block B Floor Plans)
DSGCCH-SCN-ABB-XX-DR-A-20.001-A3 Rev P04 (Apartment Block B Elevations)
DSGCCH-SCN-ABC-XX-DR-A-10.001-A3 Rev P04 (Apartment Block C Floor Plans)
DSGCCH-SCN-ABC-XX-DR-A-20.001-A3 Rev P04 (Apartment Block C Elevations)
DSGCCH-SCN-ABD-XX-DR-A-10.001-A3 Rev P04 (Apartment Block D Floor Plans)
DSGCCH-SCN-ABD-XX-DR-A-20.001-A3 Rev P04 (Apartment Block D Elevations)
DSGCCH-SCN-ABE-XX-DR-A-10.001-A3 Rev P04 (Apartment Block E Floor Plans)
DSGCCH-SCN-ABE-XX-DR-A-20.001-A3 Rev P04 (Apartment Block E Elevations)
DSGCCH-SCN-ABF-XX-DR-A-10.001-A3 Rev P03 (Apartment Block F Floor Plans)
DSGCCH-SCN-ABF-XX-DR-A-20.001-A3 Rev P03 (Apartment Block F Elevations)
DSGCCH-SCN-XX-XX-DR-A-20.101-A3 Rev P04 (Housetype Block 01)
DSGCCH-SCN-XX-XX-DR-A-20.102-A3 Rev P04 (Housetype Block 02)
DSGCCH-SCN-XX-XX-DR-A-20.103-A3 Rev P04 (Housetype Block 03)
DSGCCH-SCN-XX-XX-DR-A-20.104-A3 Rev P04 (Housetype Block 04)
DSGCCH-SCN-XX-XX-DR-A-20.105-A3 Rev P04 (Housetype Block 05)
DSGCCH-SCN-XX-XX-DR-A-20.106-A3 Rev P04 (Housetype Block 06)
DSGCCH-SCN-XX-XX-DR-A-20.107-A3 Rev P03 (Housetype Block 07)
DSGCCH-SCN-XX-XX-DR-A-20.108-A3 Rev P03 (Housetype Block 08)
DSGCCH-SCN-XX-XX-DR-A-20.109-A3 Rev P03 (Housetype Block 09)
DSGCCH-SCN-XX-XX-DR-A-20.110-A3 Rev P04 (Housetype Block 10)
DSGCCH-SCN-XX-XX-DR-A-20.111-A3 Rev P03 (Housetype Block 11)
DSGCCH-SCN-XX-XX-DR-A-20.112-A3 Rev P03 (Housetype Block 12)
DSGCCH-SCN-XX-XX-DR-A-20.113-A3 Rev P04 (Housetype Block 13)
DSGCCH-SCN-XX-XX-DR-A-20.115-A3 Rev P03 (Housetype Block 15)
DSGCCH-SCN-XX-XX-DR-A-20.116-A3 Rev P03 (Housetype Block 16)
DSGCCH-SCN-XX-XX-DR-A-20.117-A3 Rev P03 (Housetype Block 17)

DSGCCH-SCN-XX-XX-DR-A-20.118-A3 Rev P03 (Housetype Block 18)
DSGCCH-SCN-XX-XX-DR-A-20.119-A3 Rev P03 (Housetype Block 19)
DSGCCH-SCN-XX-XX-DR-A-20.120-A3 Rev P03 (Housetype Block 20)
DSGCCH-SCN-XX-XX-DR-A-20.121-A3 Rev P03 (Housetype Block 21)
DSGCCH-SCN-XX-XX-DR-A-20.125-A3 Rev P01 (Housetype Block 22)
DSGCCH-SCN-XX-XX-DR-A-30.001-A3 Rev P04 (Streetscene AA)
DSGCCH-SCN-XX-XX-DR-A-30.002-A3 Rev P05 (Streetscene BB)
DSGCCH-SCN-XX-XX-DR-A-30.003-A3 Rev P05 (Streetscene CC)
DSGCCH-SCN-XX-XX-DR-A-30.004-A3 Rev P06 (Streetscene DD+EE)
DSGCCH-SCN-XX-XX-DR-A-30.005-A3 Rev P05 (Streetscene FF+GG)
DSGCCH-SCN-XX-XX-DR-A-20.030-A3 Rev P01 (Proposed Archway)
DSGCCH-SCN-XX-XX-DR-A-20.031-A3 Rev P01 (Existing Site Building)
DSGCCH-SCN-XX-XX-DR-A-20.032-A3 Rev P01 (Proposed Site Building)
DSGCCH-SCN-XX-XX-DR-A-20.033-A3 Rev P02 (Proposed Cycle Storage)
DSGCCH-SCN-XX-XX-DR-A-20.034-A3 Rev P01 (Existing Site Wall Rear)
DSGCCH-SCN-XX-XX-DR-A-20.035-A3 Rev P03 (Proposed Site Wall Rear)
DSGCCH-SCN-XX-XX-DR-A-20.038-A3 Rev P01 (Existing Site Wall Front)
DSGCCH-SCN-XX-XX-DR-A-20.039-A3 Rev P03 (Proposed Site Wall Front)
DSGCCH-SCN-XX-XX-DR-A-20.040-A3 Rev P01 (Existing Site Building Two)
DSGCCH-SCN-XX-XX-DR-A-20.041-A3 Rev P01 (Proposed Site Building Two)
DSGCCH-SCN-XX-XX-DR-A-20.122-A3 Rev P01 (Plot 74-83 Site Section)
E00024_A_DETAIL_DE_108 Rev T1 (Service Entry Points for Houses)
220010-019 Rev A
220010-002 Rev E
ID5 – Gate Pier Plans
ID6 – Historic Existing Building Drawings

End of conditions