



MARCH 2025

Statement of Case

ABRO Development Site, Colchester

Iceni Projects Limited, on behalf of
Countryside Partnerships East

March 2025

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ON BEHALF OF
COUNTRYSIDE
PARTNERSHIPS EAST

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ABRO DEVELOPMENT SITE, COLCHESTER

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1. BASIC INFORMATION

- 1.1 This Statement of Case (SoC) has been prepared by Icen Projects on behalf of Countryside Partnerships ('the Appellant'), and supports the Appeal by the Appellant against the decision to refuse an application ('the Application') made under the Town and Country Planning Act 1990 (as amended) for the description of development set out below at the *ABRO Development Site, Flagstaff Road, Colchester, CO2 7SR* ('the Site') (Local Planning Authority reference: **231297**).

- 1.2 The Appeal site lies wholly within the jurisdiction of Colchester City Council (CCC) ('the Council').

The Proposed Development

- 1.3 The description of the development ('Proposed Development' or 'Development') proposed by the Application is as follows:

Redevelopment of the site to provide 203 residential units and approximately 160sqm of commercial floor space with associated access, public open space, landscaping, car and cycle parking, and associated infrastructure.

- 1.4 Full planning permission is sought for the proposals. Further details on the Development are available in the Planning Statement [CD3.25] and Resubmission Cover Letter [CD3.28].

Application information

- 1.5 Pre-application consultation with the Council was undertaken in March 2022. A second meeting took place in November 2022, during which the Council were largely in support of the revised proposals.
- 1.6 An Environmental Impact Assessment (EIA) Screening Opinion Request was prepared and submitted to the Council in May 2023. The Development is not EIA development.
- 1.7 The Application (ref: 231297) was submitted on 26 May 2023, and validated on 2 July 2023 and assigned the reference number 231297.
- 1.8 Following consideration at three separate Planning Committees in October, November and December 2024, the Application was refused on 20 December 2024 with two Reasons for Refusal [CD6.1].

Linked application

- 1.9 A separate but linked planning application for the demolition of buildings on the site was submitted to the Council by the Appellant on 4 January 2024 (LPA reference: 240020). The application sought approval for the “*Demolition of buildings*”.
- 1.10 This application was approved under delegated powers on 7 November 2024 [CD6.5] and therefore does not form part of any separate appeal.

Documents

- 1.11 The Appellant has unilaterally prepared a Core Documents (CD) list. This list provides a comprehensive list of the documents necessary for the Inspector to determine the Appeal.
- 1.12 The CD list will be used as a common referencing system across the evidence prepared by the Council and the Appellant. The emerging list is contained within the **Appendix 2** of this Statement of Case.
- 1.13 Not all of the documents listed in the full CD list in Appendix 2 have been uploaded alongside the Appeal to the PINS Appeals Casework Portal as this was not necessary. The full CD list can be accessed at the time of writing at:

- <https://iceni-cloud.com/index.php/s/W8gm857Um2Xxse0>

Scope of Evidence

- 1.14 The Appellant considers that an Inquiry is the most appropriate procedure for the determination of this planning Appeal. The justification for this is included in **Appendix 1** of this Statement of Case.

Costs

- 1.15 The Appellant is considering whether to submit a claim for costs. If such an application is to be forthcoming, this shall be prepared and provided to the Inspector and the Council in accordance with the timescales outlined in the procedural guidance for appeals.

2. CONTEXT

- 2.1 Colchester City Council's Planning Committee overturned a recommendation from their Officers to approve the application that this Appeal relates to and have therefore refused to grant permission for the development of an allocated site in their adopted Local Plan.
- 2.2 The Appellant considers that the Planning Committee's consideration of the application across three sessions in October, November and December 2024 was not determined in a considered way. Irrelevant considerations were discussed by members at the sessions, including proposals for land outside of the application boundary and outside of the Appellant's control, and late and unrealistic changes to the scheme were proposed. The Planning Committee expressed a limited understanding of development viability, what is meant by material considerations, and the policies of their own Local Plan.
- 2.3 The Committee was unable to form its own robust Reasons for Refusal at the first Committee in October 2024 and the decision on the application was deferred until November 2024. The length, ambiguity and complexity of Reason for Refusal 1 reflects its development over the two Committees. It was explicitly drafted by Officers for the purpose of giving the Council a defence at appeal proceedings, rather than representing evidence-based, considered and balanced decision-making. For example, no real planning balance exercise, either overall or in relation to NPPF Paragraph 215 as is required, was undertaken by the LPA to inform the Reason for Refusal.
- 2.4 In addition to the above, the Council have erred in process by not taking into consideration the policies of the revised NPPF, which was published with immediate implications for decision-making. In summary:
- A revised version of the NPPF was published on 12 December 2024.
 - The application was brought back to Committee, for the third time to add an additional Reason for Refusal, on 19 December 2024, with no publicly available reference to, or consideration of the new NPPF in the Committee Report.
 - The decision notice was issued after this on 20 December 2024.
- 2.5 It is reasonable to assume that the application should have been assessed in the context of the newly published NPPF, as there were changes to provisions affecting material considerations directly relevant to the Proposed Development. For example, this means that the very relevant change to paragraph 125 c) was not taken into account in determination. This gives substantial weight to the redevelopment of brownfield land as a public benefit and has not formed part of the Council's balancing exercise.

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- 2.6 Meetings between the Appellant and the Council have taken place since the issue of the decision notice to discuss potential revisions to the proposals, to attempt to agree a mutually satisfactory way forward. The proposals put to the Appellant by the Council were too fundamentally different from that proposed originally and would carry significant risks. They were therefore not considered feasible to be taken forward through the Appeal process or through a resubmission of the planning application. Further details and the Appellant's formal response to the proposed changes to the Development are set out in CD11.5.
- 2.7 The Appellant now finds themselves in a position where an Appeal is the only method to achieve a positive outcome on the Application. The Appellant is confident that the Reasons for Refusal have been issued incorrectly, and that the Appeal should be allowed.

3. SITE AND SURROUNDINGS

- 3.1 The Site comprises 4.26 hectares and is of an irregular shape with a broadly rectangular nature located to the west of Flagstaff Road, Colchester. The Site is brownfield land in an urban area.
- 3.2 The Site is approximately 300 metres south of Colchester City Centre. Colchester City Centre serves as a key retail location for the wider area surrounding the City and provides a significant number of amenities and services within a walkable distance of the Site. Significant pedestrian infrastructure also exists surrounding the Site to provide connections to the City and nearby transportation.
- 3.3 The Site was previously used by the Ministry of Defence (MoD) primarily as a vehicle depot which was associated with the barracks and other military sites to the south of Colchester. The main part of the site is dominated by hardstanding with large vehicle storage and repair sheds to the south. Additional buildings of varying size and significance are also located within the boundary of the Site.
- 3.4 Colchester Town railway station is the nearest railway station and is around an 8-minute walk from the Site. High frequency bus services are also available within an 8-minute walk of the Site.
- 3.5 Immediately adjacent to the south of the Site is the Abbey Field Public Open Space (POS) which is of considerable size and quality and provides a range of sporting and recreational facilities.
- 3.6 The Site is not located within an area designated statutorily for its landscape, visual, wildlife or geological importance. However, it is located in an area of high archaeological significance. This however does not define the Site as falling within a 'sensitive area' as detailed within the Regulations.
- 3.7 The area immediately surrounding the Site is primarily of a suburban and residential nature and character. To the north of the Site are residential dwellings fronting South Street. To the east are residential dwellings with the Arena Place development (also referred to as site B1B). To the west of the Site are residential dwellings within the Le Cateau development. To the north-west of Abbey Fields, on the northern side of Circular Road North, are modern residential apartment blocks.

Relevant Heritage Assets

- 3.8 The Site is located in a historically sensitive area.

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- 3.9 The Site is situated within the Garrison / Abbey Fields Conservation Area¹, which was designated in May 2004² and covers approximately 69.5 hectares. It comprises the barracks of the historic garrison on the perimeter of Abbey Field, including the Cavalry Barracks to the west, the Artillery / Le Cateau Barracks to the north-west, Flagstaff Barracks to the north-east, the Meeanee and Hyderabad Barracks to the east, as well as various individual buildings, including the Gymnasium, the Sports Pavilion and the Cricket Pavilion within Abbey Fields. The historic barracks have been redeveloped as a mixed-used urban community in which some of the older barrack buildings were retained and new buildings inserted.
- 3.10 There is one listed building on the Site. The Former Royal Artillery Stables were listed at Grade II for their special architectural interest as a rare surviving example of a late-C19 horse infirmary, and its historic interest as its survival contributes to the understanding of the advances of equine veterinary medicine. It was also listed due to its group value given its function and relationship with several contemporary Royal Artillery Barracks buildings.
- 3.11 Buildings present on the Site are also considered to be non-designated heritage assets, namely: the former Dining Room and Cook House; Carpenters and Telecommunications Block; and Store building as well as the historical Garrison Folley Wall, which is locally listed.
- 3.12 In 2005, a Roman Circus was discovered which was designated as a Scheduled Ancient Monument (SAM), which covers approximately 0.46 hectares (1.14 acres) of the southern part of the Site.

¹ The Abbey Fields Conservation Area and Garrison Conservation Area refer to the same Conservation Area and are used interchangeably throughout various evidence-base documents and reports.

² The Colchester Garrison Conservation Area Appraisal 2004 was not adopted by the Council.

4. POLICY

- 4.1 This section sets out key legislation, policy and guidance at both national and local levels which are considered material considerations in the determination of the Appeal.

The Development Plan

- 4.2 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that the Application and Appeal be determined in accordance with the development plan unless material considerations indicate otherwise.
- 4.3 The relevant part of the statutory development plan for the purposes of determining the Application and the Appeal consists of:
- The North Essex Authorities (NEA) (Tendring District, Colchester City and Braintree Borough Councils) Shared Strategic Section 1 Local Plan 2013-2033, adopted by Colchester City Council in February 2021 [CD7.1].
 - Colchester City Council Section 2 Local Plan 2017-2033, adopted by Colchester City Council in July 2022 [CD7.2].
- 4.4 Most importantly, the Site is allocated in the Section 2 Local Plan at Policy SC1: South Colchester Allocations which states:

The 4.26 hectare site will provide 3.80 hectares for residential development and 0.46 hectares for open space. Development of this site will be supported where it accords with the ABRO Development Brief.

- 4.5 The following policies are relevant to the Appeal:

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|---|---|
| • SG1: Colchester's Spatial Strategy | • PP1: Generic Infrastructure and Mitigation Requirements |
| • SG2: Housing Delivery | |
| • ENV1: Environment | • DM1: Health and Wellbeing |
| • ENV5: Pollution and Contaminated Land | • DM8: Affordable Housing |
| | • DM9: Development Density |
| • CC1: Climate Change | • DM10: Housing Diversity |

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- DM12: Housing Standards
 - DM15: Design and Amenity
 - DM16: Historic Environment
 - DM18: Provision of Open Space and Recreation Facilities
 - DM19: Private Amenity Space
 - DM20: Promoting Sustainable Transport and Changing Travel Behaviour
 - DM21: Sustainable Access to development
 - DM22: Parking
 - DM23: Flood Risk and Water Management
 - DM24: Sustainable Urban Drainage Systems
 - DM25: Renewable Energy, Water Waste and Recycling

4.6 Reasons for Refusal 1 references the following policies:

- Colchester Local Plan Section 1 Policy SP7: Place Shaping Principles
- Colchester Local Plan Section 2 Policy DM16: Historic Environment

4.7 Reason for Refusal 2 references the following policies:

- Colchester Local Plan Section 1 Policy SP2: Recreational disturbance Avoidance and Mitigation Strategy (RAMS)
- Colchester Local Plan Section 1 Policy SP6: Infrastructure and Connectivity
- Colchester Local Plan Section 2 Policy PP1: Generic Infrastructure and Mitigation Requirements
- Colchester Local Plan Section 2 Policy ENV1: Environment
- Colchester Local Plan Section 2 Policy DM8: Affordable Housing
- Colchester Local Plan Section 2 Policy DM16: Historic Environment

Other Material Considerations

National Planning Policy Framework (NPPF) (December 2024)

4.8 The National Planning Policy Framework (NPPF) 2024 sets out the Government's planning policies for England and how these should be applied. The NPPF is a material consideration in planning decisions. Of relevance are the following chapters and paragraphs:

2. Achieving sustainable development

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- Paragraphs 7 - 9 – The purpose of the planning system is to contribute to the achievement of sustainable development through pursuing overarching and interdependent economic, social and environment objectives.
 - Paragraphs 10 - 12 – The presumption in favour of sustainable development at the heart of the planning system means that approving development proposals that accord with an up-to-date development plan without delay, and the development plan is the starting point for decision.

5. Delivering a sufficient supply of homes

- Paragraph 78 – The Council should identify and update annually a minimum of a five-year supply of housing land against their housing requirement including a 5% buffer.

11. Making effective use of land

- Paragraph 125 c) – The value of using suitable brownfield land within settlements for homes and other identified needs should be given substantial weight and proposals for which should be approved unless substantial harm will be caused.
- Paragraph 125 d) – In making decisions, the development of under-utilised land and buildings should be promoted and supported.

12. Achieving well-designed places

- Paragraph 139 – Significant weight should be given to development which reflects local design policies and government guidance and considers Supplementary Planning Documents.

16. Conserving and enhancing the historic environment

- Paragraph 212 – Great weight should be given to the conservation of assets when considering the impact of development proposals on significance of designated heritage assets, no matter the degree of harm.
- Paragraph 215 – Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

4.9 The revised NPPF, as published on 12 December 2024, included revisions set out in paragraph 125 regarding the development of brownfield land. It is Government's intention through these revisions that proposals for development on brownfield land should be approved unless substantial harm would be caused.

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- 4.10 The intention of these amendments is set out in the MHCLG Planning Reform Working Paper *Brownfield Passport: Making the Most of Urban Land* (September 2024). The Working Paper proposes revisions to national policy to introduce a 'brownfield passport' i.e., in-principle support for proposals on brownfield land in urban areas, with the default answer to suitable proposals being a straightforward, "yes". The Working Paper is a material consideration. The July 2024 Written Ministerial Statement, *Building the homes we need*, is also a material consideration, and sets out that the starting point for development should be brownfield land, and that the "*default answer to brownfield development should be yes*".

Planning Practice Guidance

- 4.11 The NPPF is supported by several national Planning Practice Guidance (PPG) documents which provide further detail on certain policy topics. These are a material consideration. Of particular relevance to the Appeal is Paragraph: 020 (Reference ID: 18a-020-20190723) of Heritage which sets out that public benefits for the purposes of NPPF Paragraph 215 can be anything which contributes to sustainable development.

ABRO Development Brief Supplementary Planning Document (SPD) (2021)

- 4.12 The ABRO Development Brief SPD [CD8.1] was adopted in August 2021. It sets out the Council's vision to:

"provide a genuinely high-quality residential scheme which is clearly of the 21st Century, complementing the area's rich heritage, and being strong in urban and landscape character, and promoting sustainable travel".

- 4.13 The Development Brief holds considerable weight in the determination of the Appeal and is referenced by Colchester Section 2 Local Plan Policy SC1 which allocates the Site. Key considerations include:

- The creation of two character areas on the Site.
- Form, scale, appearance, details and materials of the new development to be informed by, but not necessarily replicate, local characteristics.
- The retention and integration of the Infirmary Stables, the Carpenters and Telecommunications Shop and the former garrison wall, for uses compatible with residential settings.

Emerging Colchester Local Plan Review

- 4.14 The Council is currently preparing a review of the Colchester Local Plan. An Issues and Options (Regulation 18) Consultation was carried out in late 2023. The publication of a draft Local Plan for Regulation 18 Preferred Options consultation [CD8.7] was considered by the Colchester City Council

Local Plan Committee on 17 February 2025. The decision was delayed by the Committee on the basis that further information on infrastructure delivery was required. This prompted a revision of the Colchester Local Development Scheme (LDS) which was agreed at a meeting of the Local Plan Committee on 4 March 2025 [CD8.3].

- 4.15 The impact of that decision to delay the Regulation 18 Preferred Options consultations means that the adoption of the Local Plan Review will occur after the adopted Local Plan becomes out-of-date or five years old in February 2026, projected to be during in Spring / Summer 2027.
- 4.16 Within the Preferred Options version of the Local Plan considered at the Local Plan Committee meeting in February 2025, the Site was not allocated but was included as a 'commitment' despite not having the benefit of planning permission. This is an inaccuracy on the part of the Council. The Council recognise in a supplementary report [CD8.8] that the Site could again be allocated for residential uses.
- 4.17 The Local Plan Review holds limited weight due to its preparation having reached only an early stage.

Essex Design Guide

- 4.18 The Essex Design Guide provides detailed design advice on the layout, design, and spatial principles of new residential and mixed-use development. The Essex Design Guide is a material consideration but is not adopted policy.

Colchester Roman Circus Management Plan 2020-2025 (2021)

- 4.19 The aim of the Roman Circus Management Plan (2021) [CD8.9] is to ensure the appropriate conservation and interpretation of the Colchester Roman Circus. It seeks to inform development proposals, establish a process for interpretation, enhance understanding of the Circus, and encourage learning.

5. REASONS FOR REFUSAL

- 5.1 Following several rounds of revisions following the submission of the Application in May 2023, the Application was first considered at a meeting of Colchester City Council's Planning Committee on 17 October 2024. The Officer recommendation was that Members resolve to approve the Application, subject to conditions and a legal agreement [CD6.2].
- 5.2 After debate and questions at the October Planning Committee session, Members invoked the Deferral and Recommendation Overturn Procedure (DROP) to defer the decision after failing to come up with legitimate reasons to refuse the application on the night.

Reason for Refusal 1

- 5.3 The Application was considered for a second time at the next Planning Committee on 7 November 2024. At the November Committee, the Case Officer presented a further report [CD6.3] on the risks associated with the Members' emerging reasons for refusal and the risks of overturning the Case Officer's recommendation. The report also recommended a more detailed reason for refusal that could be evidenced at appeal.
- 5.4 At the 7 November Planning Committee, Members resolved that the scheme for the ABRO Site be refused, for the recommended Reason for Refusal presented by the Case Officer. The Committee Report reads, at paragraph 2.57:

Should Members resolve to refuse the planning application, the suggested reason for refusal is as follows:

- 1. The development of this prominent site within the Garrison Conservation Area in the detailed manner proposed would serve to erode the cohesive character and appearance of the site by reason of the domestic, suburban-inspired scale and character of the development and the associated loss of former military buildings and historic layout of the cavalry barracks which together contribute positively to the significance of the conservation area designation. The harm identified is less than substantial but nevertheless could be avoided in the opinion of the Local Planning Authority (LPA) through the use of an enhanced contextually responsive design. The submitted proposals are considered to lack distinctive contextual design references to the barracks and fail to reinforce the historic grain and hierarchy of spaces and built forms found within the existing site. The scheme accordingly fails to make a positive contribution to local character and distinctiveness.*

The harm and consequential loss of significance therefore lacks clear and convincing justification and the less than substantial harm identified is not outweighed by the public benefits which could be secured with more effective design mitigation. The development is consequently contrary to Colchester Local Plan Section 1 Policy SP7 which, amongst other things, seeks to ensure that development proposals responds positively to local character and context to preserve and enhance the quality of existing places and their environs; provides buildings that exhibit individual architectural quality within well-considered public and private realms; and protects and enhances assets of historical or natural value, together with Section 2 Policy DM16 which requires that, in cases where less than substantial harm is identified, this harm is weighed against the public benefits of the proposal. The policy sets the objective that development affecting the historic environment should seek to conserve and enhance the heritage asset and in all cases, there is the expectation that any new development will enhance the historic environment or better reveal the significance of the heritage asset.

For these reasons, the LPA considers that the proposed development results in unjustified harm to the significance of the conservation area and fails to respond positively to local character to better reveal the significance of the Garrison conservation area contrary to relevant national guidance and local policies. The harm identified is avoidable and not outweighed by the public benefits identified, contrary to the provisions of Policies SP7 and DM16, as set out above.

- 5.5 In summary, Reason for Refusal 1 is due to a conflict with Local Plan Policies SP7 and DM16 in respect of less than substantial harm being caused to the Garrison Conservation Area, with the public benefits not outweighing this identified harm.

Reason for Refusal 2

- 5.6 Following the 7 November Planning Committee a report was taken to Colchester's Planning Committee on 19 December 2024 [CD6.4] which included a recommendation that the Committee allow the inclusion of a second Reason for Refusal, as below:

2. *The application fails to include a legally binding mechanism to secure a range of planning obligations required in association with the proposed development for the following:*

(i) Affordable Housing;

(ii) Highway Works;

(iii) Improvements to Roman Circus Visitor Centre;

(iv) *Community Facilities;*

(v) *Parks and Recreation;*

(vi) *Transport and Sustainability;*

(vii) *Archaeology;*

(viii) *Libraries;*

(ix) *NHS; and*

(x) *Essex Coast Recreational disturbance Avoidance Mitigation Strategy (RAMS).*

The proposed development is therefore contrary to Section 1 Policies SP2 and SP6 and Section 2 Policies PP1, ENV1, DM8 and DM16. It is also contrary, in this context, to the following adopted guidance: Provision of Community Facilities (adopted 2009; updated 2013), Supplementary Planning Document Provision of Open Space, Sport and Recreational Facilities (adopted 2006), ABRO Site Development Brief (adopted 2021) as well as Regulation 63 of The Habitat and Regulations.

- 5.7 The decision notice, which included the two Reasons for Refusal quoted above and contrary to the Officer's initial recommendation, was issued on 20 December 2024.

6. APPELLANT'S CASE

- 6.1 The Appellant is of the view that the Application has been wrongly refused. As stated above, the Reasons for Refusal have explicitly been drafted solely for defence at appeal, with a level of ambiguity and not founded on evidence.

Principle of development

- 6.2 The principle of residential development on the Site is clearly established.
- 6.3 The Site is allocated for development in the adopted Local Plan. This establishes the principle of residential development on the Site and the change of its use and overall character, within the Garrison Conservation Area.
- 6.4 Additionally, it will be shown through evidence how the Proposed Development is broadly comparable to recent large-scale residential developments near the Site and within the Garrison Conservation Area. These residential developments have a varied character and each incorporate designated and non-designated heritage assets.
- 6.5 The Appeal Site is in a highly sustainable and highly accessible location, and is located on under-utilised, vacant and suitable brownfield land. The Proposed Development supports an appropriate opportunity to remediate and regenerate the land on the Site. Substantial weight should therefore be given to the value of development of new homes on the Site in accordance with paragraph 125 c) of the NPPF. Substantial harm of any form will not be caused by the Development as will be evidenced, and it should therefore be approved.

Heritage

- 6.6 The Site is in an area of heritage sensitivity and this fact has remained at the forefront all throughout the development and revisions of the proposals. A low level of less than substantial harm to the Garrison Conservation Area would arise from the Proposed Development. This is not disputed.
- 6.7 This is shown by the Built Heritage Statement (Part 1 [CD3.6] and Part 2 [CD3.7]) prepared by RPS and submitted alongside the Application. The Built Heritage Statement provides sufficient information to reach a decision regarding the potential impacts of the Proposed Development on the significance of the relevant built heritage assets.
- 6.8 Due to positive revisions to the design of the Proposed Development, Historic England removed their original objection (lodged August 2023) to the Application (ref: 231297) in February 2024. Historic

England stated that the Council should determine the application in accordance with NPPF paragraph 215³ - i.e. weighed against the public benefits.

- 6.9 It was the opinion of the Council's Officers as stated in paragraph 2.41 of the October Planning Committee Report [CD6.2] that the public benefits arising from the regeneration of the site and the provision of a significant number of new homes would outweigh the less than substantial harm to designated heritage assets. This opinion was overturned by the Council's Planning Committee.
- 6.10 Notwithstanding the evidence already submitted alongside the planning Application which is considered sufficient, the significance of the Garrison Conservation Area and the level of impacts, harms and benefits to heritage assets will be further set out and defined through evidence.

Public benefits of the Proposed Development

- 6.11 Despite the level of harm to heritage assets being of the lowest form, it is still less than substantial and therefore the exercise required by paragraph 215 of the NPPF is required to be undertaken. It will be shown through evidence that there are numerous and significant public benefits that would be achieved through the Proposed Development. Weights will be attributed to these benefits. These are discussed briefly below.

Design

- 6.12 A key issue stated by Reason for Refusal 1 is that the necessary public benefits needed to outweigh the less than substantial harm could be achieved with "more effective design mitigation". What those mitigations could be was never made clear to the Appellant and it remains unclear.
- 6.13 The wording of this Reason for Refusal gives rise to the potential for an argument for further mitigation to be made by the LPA *ad infinitum*. This is not acceptable planning practice and offers little certainty as to the scope for potential revisions of the proposals. The PPG⁴ explains that examples of unreasonable behaviour by local planning authorities includes a failure to produce evidence to substantiate each Reason for Refusal on appeal and vague, generalised or inaccurate assertions about a proposal's impact which are unsupported by any objective analysis. Moreover, this ambiguous stance risks undermining confidence in the decision-making process and sets a concerning precedent for future applications, where subjective and undefined expectations could

³ Historic England's response refers to NPPF paragraph 208 of the December 2023 version of the NPPF. The subsequently revised publication version of the NPPF (December 2024) changed the paragraph numbering. The updated paragraph referred to by Historic England is therefore paragraph 215. There were no changes to this paragraph between the two versions of the NPPF, and therefore nothing that alters Historic England's advice.

⁴ PPG Appeals: Paragraph: 047 Reference ID: 16-047-20140306

continue to obstruct viable and well-considered developments. The Appellant will seek for and expect the Council to clarify and agree their position up-front.

- 6.14 The Appellant considers that the Planning Committee's assessment of the application across three sessions in October, November, and December 2024 was not undertaken in a considered manner. Discussions included considerations that were outside the application boundary and beyond the Appellant's control. Additionally, late-stage amendments to the scheme were suggested that were not practicable, and there was a misunderstanding expressed on topics of development viability, material considerations, and relevant Local Plan policies.
- 6.15 The Committee expressed a strong preference for an alternative Bath-style development proposed by a local architect. However, this scheme was not well-suited to the context of Colchester and would have required land outside the Appellant's ownership to be delivered. Given these constraints, the feasibility of the alternative approach was highly uncertain, as it would have required land acquisitions from multiple ownerships around the Roman Circus and Abbey Field. This was made clear by the Officer, however despite these challenges, the Committee continued to advocate for this alternative, which was not realistically deliverable within the scope of the application.
- 6.16 In doing so, the Committee did not fully engage with the merits of the submitted application but instead focused on an alternative vision that was not achievable within the legal and practical limitations of the site. This approach led to a decision that did not fully reflect relevant planning policy and considerations. As a result, the decision-making process was not based on a robust assessment of the application before them but was instead influenced by external preferences that were not directly applicable to the determination of the proposal.
- 6.17 The proposed scheme represents a carefully considered and contextually responsive approach to the development of this prominent site within the Garrison Conservation Area. It is the product of a rigorous design process, informed by detailed analysis of the site's historic evolution, existing constraints, and urban character, and has been shaped through ongoing engagement with Officers and Historic England. The scheme seeks to enhance the Site's existing character while introducing a sustainable and high-quality residential environment that aligns with modern placemaking principles.
- 6.18 Contrary to Reason for Refusal 1, the proposal does not erode the cohesive character of the site - it reinterprets and enhances the existing and historic built form, layout, and materiality in a way that ensures a successful transition between historical references and contemporary placemaking. The architectural language respects the site's military heritage while creating a vibrant, liveable community that fosters social interaction and a strong sense of place.

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- 6.19 There was no objection to the Application raised by the Council's Urban Design Officer, subject to planning conditions. It was also the opinion of the Council's Officers as stated in paragraph 16.32 of the October Committee Report [CD6.2] that the design of the proposal *"establishes a generally appropriate urban grain and block formation, paying homage to the historic land use and achieving reasonable levels of built frontage, including pedestrianised frontages"*.
- 6.20 Nonetheless, the design of the Development has specifically responded to the ABRO Development Brief's vision for the Site to *provide a genuinely high-quality residential scheme which is clearly of the 21st Century, complementing the area's rich heritage, and being strong in urban and landscape character, and promoting sustainable travel*.
- 6.21 It will be demonstrated through evidence that the design of the Development has been iteratively designed and revised in response to comments made by the Council's Officers, Historic England, and other statutory consultees and stakeholders. The design of the Development has considered and balanced the Council's vision for a 21st Century residential urban development and the sensitive historic context and uses of the Site.
- 6.22 It will be shown that the Proposed Development is of a high-quality design with references to its context and history, and regard to relevant national and local policy and guidance, and principally the ABRO Development Brief SPD. Key design considerations which will be elaborated upon further includes, but are not limited to:
- The irregular shape of the site, combined with historic features, existing infrastructure, and access limitations, has been a key driver of the layout. The scheme successfully responds to these challenges by:
 - Minimising impact on adjacent neighbours, particularly along the northern boundary, where dwellings back onto Folley Wall, while maintaining an appropriate relationship with surrounding properties. The design carefully considers sightlines, massing, and boundary treatments to ensure a harmonious relationship between old and new.
 - Aligning dwellings to face the Roman Circus, in accordance with Historic England's recommendations, reinforcing the site's historical context. This layout not only enhances the visual relationship between the site and its surroundings but also celebrates the unique heritage features of the location.
 - Positioning apartment blocks along the western boundary, respecting the historic grain of the former parade grounds and historic built form and maintaining a consistent urban form. The scale and proportions of these blocks are designed to provide an appropriate transition between the existing structures and the new development.

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- Creating an outward-facing development, with buildings oriented towards Flagstaff Road and Walsingham Road, ensuring active frontages and improved public realm. This approach prioritises pedestrian movement and fosters community engagement by activating key street frontages.
 - Accommodating a Victorian sewer and its easement, which has influenced the site's internal arrangement while maintaining an efficient, legible layout. The integration of this infrastructure constraint demonstrates a thoughtful and pragmatic approach to site planning.
 - Respecting the single viable access point, which has shaped a logical circulation strategy and ensures a cohesive and well-integrated development. The movement framework prioritises pedestrian-friendly streets and open spaces, fostering a connected and walkable community.
- 6.23 The architectural approach directly references the rich military heritage of the Garrison estate, ensuring a continuity of character while introducing modern functionality and efficiency. The design has taken inspiration from existing Garrison buildings, using them as templates for scale, proportion, and detailing. This ensures that the development remains both sympathetic to its historic surroundings and adaptable to contemporary living standards.
- 6.24 The scheme employs a traditionally styled, brick-built approach, using brick as the primary material to reinforce consistency with the site's historical character. Architectural detailing has been meticulously considered, including:
- Faux windows, maintaining visual consistency with historical elevations and ensuring an authentic streetscape.
 - Stonework and string courses, reinforcing the classical proportions found in military architecture, adding depth and interest to façades.
 - Parapets and chimneys, referencing the vertical articulation of barracks buildings, further embedding the design within the historic aesthetic.
 - Gable eaves detailing and soldier courses, ensuring authenticity in material expression while adding subtle visual variation to individual buildings.
- 6.25 This historically informed approach ensures that the new development respects and complements its surroundings while creating a distinct, high-quality residential environment that remains both functional and aesthetically coherent.
- 6.26 Additional architectural and materials detailing can be secured through an appropriately worded planning condition.
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Planning benefits

- 6.27 Refusal of the Application, which relates to and complies with a Local Plan allocation contravenes and undermines the principle of the plan-led system, and the Colchester Local Plan. It undermines the vision for Colchester, the Garrison area and the Site itself, developed with the input of many stakeholders over many years.

Historic environment benefits

- 6.28 There are benefits to the historic environment including direct benefits to assets which would incur a low level of less than substantial harm from the Development.
- 6.29 The Site's modern elements are of poor quality and make a negative contribution to the significance of the Garrison Conservation Area, the Scheduled Monument and the nearby designated and non-designated heritage assets.
- 6.30 The existing site is dominated by hard-standing and large and unattractive vehicle storage/repair sheds which overwhelm the surviving small-scale historic buildings, which with the exception of the Grade II Listed Infirmary Stable Block, and locally listed Artillery Barracks Folley Wall are of very limited local significance.
- 6.31 Former military buildings (the now Grade II listed Infirmary Stables block, the locally listed Folley Wall and the Carpenter's/Telecommunication building), which are identified for retention through the ABRO Development Brief, will be retained through the Proposed Development. The Proposed Development therefore retains all assets identified and required by the ABRO Development Brief. The loss of some of the ancillary buildings on the Site has been permitted through the approval of planning for the demolition consent (ref: 2400020).
- 6.32 Further evidence will be shown how the Proposed Development will benefit the historic environment, including but not limited to:
- Restoration of historic, lost layouts.
 - The retention of historic buildings through conversion and repair, improving their long-term viability and appreciation.
 - The repair and improvement of the Artillery Folley boundary wall allowing an improved public experience of the historic public pathway.
 - Revealing the Roman Circus through demolition of unsightly buildings and landscape treatment, allowing public access and appreciation

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- Improvements to the Garrison's townscape and character through the removal of unsightly, out-of-context buildings.
 - The replacement of those unsightly, out-of-context buildings with new dwellings of a high-quality and sensitive design.

Housing benefits

- 6.33 There is a housing crisis in England. There is a very high need for new housing in Colchester and the Council have declared a housing crisis.
- 6.34 The NPPF now requires local authorities to annually update and maintain a five-year supply of deliverable housing land. The Council may currently state that they have a five-year supply of deliverable sites but there is no up-to-date evidence as required by the NPPF to support that claim. The Council's latest published five-year land supply position statement [CD8.5] states that there is 5.17 years' worth of housing land supply in the City. This publication represents the position as of 1 April 2023 however is now out-of-date.
- 6.35 The Appellant will demonstrate through the Appeal process that Colchester does not have a five-year supply of housing land at present. The position of 5.17 years was calculated on now irrelevant assumptions and sufficient permissions have not been granted to replenish the level of completions since April 2023. For example, the deliverable supply assumptions include the ABRO Site for the delivery of 100 homes, which of course cannot be included given the refusal.
- 6.36 The Proposed Development would deliver 203 new homes in Colchester, which if allowed would improve the Council's five-year housing land supply position and deliver additional affordable homes. It will be demonstrated through evidence how the delivery of housing on the Site responds to the needs of the City. The delivery of new and affordable homes are both substantial benefits of the Proposed Development.
- 6.37 The lack of a five-year land supply may also engage the 'tilted balance'. Despite the NPPF stating that this cannot be engaged where there is a strong reason to refuse the development, it will be shown that the less than substantial harm to heritage assets is not a strong reason to refuse the Development, as the relevant provisions of the NPPF can be complied with.

Regeneration and economic benefits

- 6.38 The Site is currently inaccessible vacant brownfield land, but is excellently located for residential development. The Development will bring a range of economic and social benefits from its regeneration. It will be shown through evidence what the range of these benefits are and their significance, and these benefits include are not limited to:
- Improvements to public access to the Site.

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- High-quality design and layout.
 - The enhancement of the quality of PRoWs.
 - Provision and enhancement of public realm and open space.
 - Health benefits.
 - Improvements to pedestrian safety.
 - Long-term economic and employment benefits through commercial use provision.
 - Local spending from the addition of residents.
 - Temporary local economic benefits from construction.
 - Additions to a sustainably accessible labour force.
 - Additional Council Tax receipts.
 - Planning contributions.

Environmental benefits

- 6.39 As a vacant, brownfield Site, it has limited ecological and environmental benefit at present. The Proposed Development would result in the remediation of this land, and it can deliver a biodiversity net gain of 99% for habitats and 199% for hedgerows. The environmental benefits of the Proposed Development will be discussed further through evidence.

Conclusion on public benefits

- 6.40 There are a very large number of public benefits of a significant scale, that flow from the Development. These pertain to heritage, as well as planning, social, economic, and environmental factors. These public benefits are clearly and convincingly considered to outweigh the low level of less than substantial harm. Therefore, there is no conflict with the NPPF, and the relevant legal tests and duties have been met.

7. CONCLUSION AND PLANNING BALANCE

- 7.1 In summary, the Appellant's case will be that the allegations of harm and policy conflict in Reason for Refusal 1 are not made out for the reasons considered above. The allegation of harm to the Conservation Area is overstated, and the scheme complies with the site allocation Policy SC1 in the Local Plan and the ABRO Development Brief. The public benefits outweigh any identified heritage harm. Reason for Refusal 2, as explained in the following section, is also capable of resolution through suitably-worded planning obligations in a Section 106 agreement, which the Appellant will negotiate with the Council.
- 7.2 Accordingly, it will be the Appellant's case that the scheme complies with the development plan and should be approved without delay.
- 7.3 Reason for Refusal 1 states that only 'enhanced design mitigations' would overcome the less than substantial harm to the Conservation Area. The Appellant strongly disagrees.
- Firstly, the proposal is of an already appropriate and high-quality design and layout which will be demonstrated.
 - Secondly, there are very significant and sufficiently diverse range of public benefits, to the point that the addition of further design mitigations would reflect diminishing returns in overcoming the balancing exercise required by NPPF (paragraph 215).
- 7.4 Any further mitigations can be achieved through appropriately worded planning conditions.
- 7.5 There are numerous, significant public benefits that would flow from the Development, which are not merely mitigations. These clearly and convincingly outweigh any less than substantial harm to the Garrison Conservation Area. Notwithstanding that there is no conflict with the NPPF paragraph 215 in this regard, great weight should be given to this less than substantial harm in the overall balance in accordance with paragraph 212.
- 7.6 Alongside the great weight of any less than substantial heritage harm, the other harms of the proposals will now be turned to. Aside from a minor issue of overlooking on a very small number of plots, which should be afforded limited weight and has not been objected to, there are not considered to be any other harms representing more than limited weight.
- 7.7 Paragraph 125 c) means that substantial weight should be given to the value of using suitable brownfield land within settlements for homes, which should be approved in the absence of substantial harm.

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- 7.8 Notwithstanding that the Appellant's case will primarily be that the Development proposed accords with the development plan, the Appellant will also rely upon the lack of a five-year supply of housing land. This will only serve to increase further the weight to be given to the provision of housing, especially given that it is being delivered in accordance with a housing allocation in the Local Plan. The Appellant will submit that the delivery of housing and affordable housing is a significant benefit which should be given substantial weight in the balance.
- 7.9 If no five year housing land supply is established by the Council, then it follows that the most important policies in the Local Plan are deemed out-of-date. As set out above, the heritage provisions in the Framework provide no "strong reason" to refuse the scheme, since the public benefits outweigh any less than substantial harm. It follows that the scheme would benefit from the "tilted balance" in NPPF paragraph 11(d)(ii), and that balance would further tip in favour of granting permission.
- 7.10 Accordingly, both the Local Plan and the NPPF indicate that the balance is clearly and considerably weighed in favour of the Proposed Development, and the Appeal should be allowed.

8. PLANNING CONDITIONS AND OBLIGATIONS

Planning Conditions

- 8.1 A draft list of planning conditions was included in the original Officers Report which was bilaterally agreed as acceptable by the Appellant and the LPA.
- 8.2 If required to overcome dispute, the Appellant will agree to the imposition of any relevant and appropriately worded planning conditions to be attached to the planning permission should this Appeal be allowed.
- 8.3 The list may evolve through discussions regarding the Statement of Common Ground (SoCG) and will reflect associated policy within the NPPF and associated guidance contained within Planning Practice Guidance (PPG).

Planning Obligations

- 8.4 The second Reason for Refusal relates to there being no legal agreement submitted to secure planning contributions. This was because negotiations were ongoing until the Planning Committee's resolution to refuse the Application, following the Council's independent review of the Appellant's Viability Assessment that confirmed the scheme optimised the development site and was in deficit against a Benchmark Land Value. However, the Appellant has prepared a draft Section 106, based on the latest agreed position. This has been submitted with the Appeal documentation [CD14.2].
- 8.5 Two emerging options for the provision of affordable housing were agreed, dependent on the level of contributions to other infrastructure and projects. They were as follows, and this continues to be the agreed and preferred position of the Appellant:
- Option 1:
 - Affordable housing at 4.9% / 10 units (8no. 3-beds and 2no. 4-beds)
 - Full S106 contributions of circa £1,900,000.
 - Option 2:
 - Affordable housing at 7.4% / 15 units (5no. 2-beds, 8no. 3-beds and 2no. 4-beds)
 - Reduced Section 106 contributions of circa £700,000

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- 8.6 The preferred option is to include both options as above in the Section 106 agreement, subject to a blue pencil clause. This will be kept under review in discussions with the Council.
- 8.7 Irrespective of which option is pursued, a Section 106 agreement or Unilateral Undertaking to secure a range of planning obligations required in association with the Proposed Development can be secured through the Appeal process.
- 8.8 This would allow Reason for Refusal 2 to be resolved.

A1. JUSTIFICATION FOR INQUIRY PROCEDURE

- A1.1 The Appeal relates to a significant, controversial residential scheme in Colchester City centre and the Appellant will be represented by Counsel.
- A1.2 The submission of an Appeal utilising the Inquiry procedure reflects the significant local interest generated by the proposed development. The application has been subject to significant local and regional media attention and coverage. There will likely be a high volume of representations made and several members of the public who wish to speak. There may also be Rule 6 parties to the Inquiry, based on the previous intense interest of local interest groups and third parties.
- A1.3 There is a need for testing of evidence and the issues involved are complicated, requiring expert evidence. The Appellant has not been privy to any evidence, justification, balancing exercise or otherwise that is considered to be able to be scrutinised prior to the submission of the Appeal. The Council have refused to engage with any agreement of the draft Statement of Common Ground prior to submission of the Appeal. As a result there is a need for the Council's evidence and reasoning to be tested through formal questioning by an advocate. The Appellant considers that likewise, the Council and Rule 6 parties if present will want to formally question the Appellant's evidence and witnesses through an advocate.
- A1.4 The matters to be considered through the Appeal are sufficiently complex to require the input of up to five expert witnesses from the Appellant, each preparing technical evidence. Dealing with these technical issues through written representations or an informal hearing would be inappropriate. The Appellant intends to call the following expert witnesses.
- Planning
 - Heritage
 - Design
 - Housing Land Supply
 - Viability
- A1.5 At present therefore, the Appellant considers the Inquiry procedure most appropriate, lasting up to 5 sitting days.

A2. EMERGING CORE DOCUMENTS LIST

CD reference	Document title
CD0	Core Documents list
CD1 - Current Plans	
CD1.1	Affordable Housing Plan A1 1.500 P04
CD1.2	Apartment Block A Elevations A1 1.100 P04
CD1.3	Apartment Block A Floor Plans A0 1.100 P04
CD1.4	Apartment Block B Elevations A1 1.100 P04
CD1.5	Apartment Block B Floor Plans A0 1.100 P04
CD1.6	Apartment Block C Elevations A1 1.100 P04
CD1.7	Apartment Block C Floor Plans A1 1.100 P04
CD1.8	Apartment Block D Elevations A1 1.100 P04
CD1.9	Apartment Block D Floor Plans A1 1.100 P04
CD1.10	Apartment Block E Elevations A1 1.100 P04
CD1.11	Apartment Block E Floor Plans A1 1.100 P04
CD1.12	Apartment Block F Elevations A1 1.100 P04
CD1.13	Apartment Block F Floor Plans A1 1.100 P04
CD1.14	Bedroom Number Plan A1 1.500 P04
CD1.15	Boundary Treatment Plan A1 1.500 P04
CD1.16	Cycle and Refuse Strategy A1 1.500 P04
CD1.17	Existing Site Building A3 1.100 P01
CD1.18	Existing Site Building Two A2 1.100 P01
CD1.19	Existing Site Wall Front A0 1.100 P01
CD1.20	Existing Site Wall Rear A0 1.100 P01
CD1.21	Garden Sizes Plan A1 1.500 P04
CD1.22	Housetype A A1 1.50+1.100 P05
CD1.23	Housetype B Elevations 1.50+1.100 P04
CD1.24	Housetype B Floor Plans A1 1.50+1.100 P04
CD1.25	Housetype D A1 1.50+1.100 P05
CD1.26	Housetype E A1 1.50+1.100 P05
CD1.27	Housetype G A2 1.50+1.100 P04
CD1.28	Housetype H A0 1.50+1.100 P04
CD1.29	Housetype I A0 1.50+1.100 P05
CD1.30	Housetype K A1 1.50+1.100 P04
CD1.31	Housetype L A1 1.50+1.100 P05
CD1.32	Housetype Block 1 A3 1.100 P04
CD1.33	Housetype Block 2 A3 1.100 P04
CD1.34	Housetype Block 3 A2 1.100 P04
CD1.35	Housetype Block 4 A3 1.100 P04
CD1.36	Housetype Block 5 A3 1.100 P04
CD1.37	Housetype Block 6 A3 1.100 P04
CD1.38	Housetype Block 7 A2 1.100 P03
CD1.39	Housetype Block 8 A2 1.100 P03

CD reference	Document title
CD1.40	Housetype Block 9 A3 1.100 P03
CD1.41	Housetype Block 10 A3 1.100 P04
CD1.42	Housetype Block 11 A3 1.100 P03
CD1.43	Housetype Block 12 A3 1.100 P03
CD1.44	Housetype Block 13 A3 1.100 P04
CD1.45	Housetype Block 14 A3 1.100 P03
CD1.46	Housetype Block 15 A1 1.100 P03
CD1.47	Housetype Block 16 A3 1.100 P03
CD1.48	Housetype Block 17 A3 1.100 P03
CD1.49	Housetype Block 18 A3 1.100 P03
CD1.50	Housetype Block 19 A3 1.100 P03
CD1.51	Housetype Block 20 A3 1.100 P03
CD1.52	Housetype Block 21 A3 1.100 P03
CD1.53	Housetype Block 22 (Proposed replacement to Block 14) A3 1.100 P01
CD1.54	HT Block Reference Plan A0 1.250 +1.500 P05
CD1.55	Parking Strategy A1 1.500 P04
CD1.56	Permeability Plan A1 1.500 P01
CD1.57	Plot 74-83 Site Section A3 1.100 P01
CD1.58	Proposed Archway A3 1.100 P01
CD1.59	Proposed Cycle Storage A2 1.50+1.100 P02
CD1.60	Proposed Site Building A3 1.100 P01
CD1.61	Proposed Site Building Two A2 1.100 P01
CD1.62	Proposed Site Views A1 NTS P01
CD1.63	Proposed Site Wall Front A0 1.100 P03
CD1.64	Proposed Site Wall Rear A0 1.100 P03
CD1.65	Service Entry Points for Houses A2 1.50+1.100 P01
CD1.66	Site Block Plan A1 1.500 P02
CD1.67	Site Layout Plan A1 1.500 P04
CD1.68	Site Location Plan A3 1.1250 P02
CD1.69	Storey Heights Plan A1 1.500 P04
CD1.70	Streetscene AA A0 1.100 P04
CD1.71	Streetscene BB A0 1.100 P05
CD1.72	Streetscene CC A0 1.100 P05
CD1.73	Streetscene DD + EE A0 1.100 P06
CD1.74	Streetscene FF + GG A0 1.100 P05
CD1.75	Streetscene HH A0 1.100 P04
CD2 - Superseded Plans	
CD2.1	Affordable Housing Plan A1 1.500 P01
CD2.2	Apartment Block A Elevations A1 1.100 P01
CD2.3	Apartment Block A Floor Plans A0 1.100 P01
CD2.4	Apartment Block B Elevations A1 1.100 P01
CD2.5	Apartment Block B Floor Plans A0 1.100 P01
CD2.6	Apartment Block C Elevations A1 1.100 P01
CD2.7	Apartment Block C Floor Plans A1 1.100 P01

CD reference	Document title
CD2.8	Apartment Block D Elevations A1 1.100 P01
CD2.9	Apartment Block D Floor Plans A1 1.100 P01
CD2.10	Apartment Block E Elevations A1 1.100 P01
CD2.11	Apartment Block E Floor Plans A1 1.100 P01
CD2.12	Apartment Block F Floor Plans A1 1.100 P01
CD2.13	Bedroom Number Plan A1 1.500 P01
CD2.14	Boundary Treatment Plan A1 1.500 P01
CD2.15	Cycle and Refuse Strategy A1 1.500 P01
CD2.16	Garden Sizes Plan A1 1.500 P01
CD2.17	Housetype A A1 1.50+1.100 P01
CD2.18	Housetype B A0 1.50+1.100 P01
CD2.19	Housetype C 1.50+1.100 P01
CD2.20	Housetype D A1 1.50+1.100 P01
CD2.21	Housetype E A1 1.50+1.100 P01
CD2.22	Housetype F A1 1.50+1.100 P01
CD2.23	Housetype G A1 1.50+1.100 P01
CD2.24	Housetype H A0 1.50+1.100 P01
CD2.25	Housetype I A0 1.50+1.100 P01
CD2.26	Housetype J A1 1.50+1.100 P01
CD2.27	Housetype Block 1 A3 1.100 P01
CD2.28	Housetype Block 2 A3 1.100 P01
CD2.29	Housetype Block 3 A3 1.100 P01
CD2.30	Housetype Block 4 A3 1.100 P01
CD2.31	Housetype Block 5 A3 1.100 P01
CD2.32	Housetype Block 6 A3 1.100 P01
CD2.33	Housetype Block 7 A3 1.100 P01
CD2.34	Housetype Block 8 A3 1.100 P01
CD2.35	Housetype Block 9 A3 1.100 P01
CD2.36	Housetype Block 10 A3 1.100 P01
CD2.37	Housetype Block 11 A3 1.100 P01
CD2.38	Housetype Block 12 A3 1.100 P01
CD2.39	Housetype Block 13 A3 1.100 P01
CD2.40	Housetype Block 14 A3 1.100 P01
CD2.41	Housetype Block 15 A1 1.100 P01
CD2.42	Housetype Block 16 A3 1.100 P01
CD2.43	Housetype Block 17 A3 1.100 P01
CD2.44	Housetype Block 18 A3 1.100 P01
CD2.45	Housetype Block 19 A3 1.100 P01
CD2.46	Housetype Block 20 A3 1.100 P01
CD2.47	Housetype Block 21 A3 1.100 P01
CD2.48	Housetype Block 22 A3 1.100 P01
CD2.49	Housetype Block 23 A3 1.100 P01
CD2.50	Housetype Block 24 A3 1.100 P01
CD2.51	Housetype Block 25 A3 1.100 P01
CD2.52	Housetype Block 26 A3 1.100 P01

CD reference	Document title
CD2.53	Housetype Block 27 A3 1.100 P01
CD2.54	HT Block Reference Plan A0 1.250 +1.500 P01
CD2.55	Parking Strategy A1 1.500 P01
CD2.56	Site Block Plan A1 1.500 P01
CD2.57	Site Layout Plan A1 1.500 P01
CD2.58	Site Location Plan A3 1.1250 P01
CD2.59	Storey Heights Plan A1 1.500 P01
CD2.60	Streetscene AA A0 1.100 P01
CD2.61	Streetscene BB A0 1.100 P01
CD2.62	Streetscene CC A0 1.100 P01
CD2.63	Streetscene DD + EE A0 1.100 P01
CD2.64	Streetscene FF + GG A0 1.100 P01
CD2.65	Streetscene HH A0 1.100 P01
CD2.66	Affordable Housing Plan A1 1.500 P02
CD2.67	Bedroom Number Plan A1 1.500 P02
CD2.68	Boundary Treatment Plan A1 1.500 P02
CD2.69	Cycle and Refuse Strategy A1 1.500 P02
CD2.70	Garden Sizes Plan A1 1.500 P02
CD2.71	Housetype A A1 1.50+1.100 P02
CD2.72	Housetype B Elevations A1 1.50+1.100 P02
CD2.73	Housetype B Floor Plans A1 1.50+1.100 P02
CD2.74	Housetype E A1 1.50+1.100 P02
CD2.75	Housetype G A1 1.50+1.100 P02
CD2.76	Housetype H A0 1.50+1.100 P02
CD2.77	Housetype I A0 1.50+1.100 P02
CD2.78	Housetype K A1 1.50+1.100 P02
CD2.79	Housetype L A1 1.50+1.100 P02
CD2.80	Housetype Block 1 A3 1.100 P02
CD2.81	Housetype Block 2 A3 1.100 P02
CD2.82	Housetype Block 3 A2 1.100 P02
CD2.83	Housetype Block 4 A3 1.100 P02
CD2.84	Housetype Block 5 A3 1.100 P02
CD2.85	Housetype Block 6 A3 1.100 P02
CD2.86	Housetype Block 7 A2 1.100 P02
CD2.87	Housetype Block 8 A2 1.100 P02
CD2.88	Housetype Block 9 A3 1.100 P02
CD2.89	Housetype Block 10 A3 1.100 P02
CD2.90	Housetype Block 11 A3 1.100 P02
CD2.91	Housetype Block 12 A3 1.100 P02
CD2.92	Housetype Block 13 A3 1.100 P02
CD2.93	Housetype Block 14 A3 1.100 P02
CD2.94	Housetype Block 15 A1 1.100 P02
CD2.95	Housetype Block 16 A3 1.100 P02
CD2.96	Housetype Block 17 A3 1.100 P02
CD2.97	Housetype Block 18 A3 1.100 P02

CD reference	Document title
CD2.98	Housetype Block 19 A3 1.100 P02
CD2.99	Housetype Block 20 A3 1.100 P02
CD2.100	Housetype Block 21 A3 1.100 P02
CD2.101	HT Block Reference Plan A0 1.250 +1.500 P02
CD2.102	Parking Strategy A1 1.500 P02
CD2.103	Proposed Site Wall Front A0 1.100 P02
CD2.104	Proposed Site Wall Rear A0 1.100 P02
CD2.105	Site Layout Plan A1 1.500 P02
CD2.106	Storey Heights Plan A1 1.500 P02
CD2.107	Streetscene AA A0 1.100 P02
CD2.108	Streetscene BB A0 1.100 P02
CD2.109	Streetscene CC A0 1.100 P02
CD2.110	Streetscene DD + EE A0 1.100 P02
CD2.111	Streetscene FF + GG A0 1.100 P02
CD2.112	Affordable Housing Plan A1 1.500 P03
CD2.113	Apartment Block A Elevations A1 1.100 P03
CD2.114	Apartment Block A Floor Plans A0 1.100 P03
CD2.115	Apartment Block B Elevations A1 1.100 P03
CD2.116	Apartment Block B Floor Plans A0 1.100 P03
CD2.117	Apartment Block C Elevations A1 1.100 P03
CD2.118	Apartment Block C Floor Plans A1 1.100 P03
CD2.119	Apartment Block D Elevations A1 1.100 P03
CD2.120	Apartment Block D Floor Plans A1 1.100 P03
CD2.121	Apartment Block E Elevations A1 1.100 P03
CD2.122	Apartment Block E Floor Plans A1 1.100 P03
CD2.123	Apartment Block F Elevations A1 1.100 P03
CD2.124	Bedroom Number Plan A1 1.500 P03
CD2.125	Boundary Treatment Plan A1 1.500 P03
CD2.126	Cycle and Refuse Strategy A1 1.500 P03
CD2.127	Garden Sizes Plan A1 1.500 P03
CD2.128	Housetype A A1 1.50+1.100 P03
CD2.129	Housetype D A1 1.50+1.100 P03
CD2.130	Housetype E A1 1.50+1.100 P03
CD2.131	Housetype Block 1 A3 1.100 P03
CD2.132	Housetype Block 2 A3 1.100 P03
CD2.133	Housetype Block 3 A3 1.100 P03
CD2.134	Housetype Block 4 A3 1.100 P03
CD2.135	Housetype Block 6 A3 1.100 P03
CD2.136	HT Block Reference Plan A0 1.250 +1.500 P03
CD2.137	Parking Strategy A1 1.500 P03
CD2.138	Site Layout Plan A1 1.500 P03
CD2.139	Storey Heights Plan A1 1.500 P03
CD2.140	Streetscene AA A0 1.100 P03
CD2.141	Streetscene BB A0 1.100 P03
CD2.142	Streetscene CC A0 1.100 P03

CD reference	Document title
CD2.143	Streetscene DD + EE A0 1.100 P03
CD2.144	Streetscene FF + GG A0 1.100 P03
CD2.145	Housetype A A1 1.50+1.100 P04
CD2.146	Housetype D A1 1.50+1.100 P04
CD2.147	Housetype E A1 1.50+1.100 P04
CD2.148	Housetype I A0 1.50+1.100 P04
CD2.149	Housetype L A1 1.50+1.100 P04
CD2.150	HT Block Reference Plan A0 1.250 +1.500 P04
CD2.151	Streetscene BB A0 1.100 P04
CD2.152	Streetscene CC A0 1.100 P04
CD2.153	Streetscene DD + EE A0 1.100 P04
CD2.154	Streetscene FF + GG A0 1.100 P04
CD3 - Current Studies and Reports	
CD3.1	ABRO Development Brief Compliance Document (March 2023)
CD3.2	Accommodation Schedule (February 2024)
CD3.3	Application Form
CD3.4	Arboricultural Impact Assessment (February 2024)
CD3.5	Biodiversity Metric_RevB (October 2024)
CD3.6	Built Heritage Statement Part 1 (April 2023)
CD3.7	Built Heritage Statement Part 2 (April 2023)
CD3.8	Carpenters and Telecommunications Shop - Structural Survey (March 2023)
CD3.9	Contamination Report Cover (April 2022)
CD3.10	Contamination Report Part 2 (April 2022)
CD3.11	Contamination Report Part 3 (April 2022)
CD3.12	Contamination Report Part 4 (April 2022)
CD3.13	Contamination Report Part 5 (April 2022)
CD3.14	Contamination Report Part 6 (April 2022)
CD3.15	Contamination Report Part 7 (April 2022)
CD3.16	Cut and Fill Appraisal (April 2023)
CD3.17	DAS Stage 1 Site Analysis (April 2023)
CD3.18	DAS Stage 2 Concept Design (April 2023)
CD3.19	DAS Stage 3 Developed Design (April 2023)
CD3.20	DAS Stage 3 Post-Submission Refinement (April 2024)
CD3.21	Drainage Technical Note (July 2022)
CD3.22	Existing Site Wide Surface Water Flooding Extents (March 2024)
CD3.23	Health Impact Assessment (June 2023)
CD3.24	Landscape Strategy Layout Overlay November 2024)
CD3.25	Planning Statement (June 2023)
CD3.26	Proposed Isopachyte and Sections (July 2022)
CD3.27	Residential Travel Plan (May 2023)
CD3.28	Resubmission Cover Letter (January 2024)
CD3.29	Revised Acoustic Assessment (January 2024)
CD3.30	Revised Air Quality Assessment (January 2024)
CD3.31	Revised Biodiversity Gain Plan (September 2024)

CD reference	Document title
CD3.32	Revised Ecological Impact Assessment (October 2024)
CD3.33	Revised FRA and Drainage Strategy Part 1 (January 2024)
CD3.34	Revised FRA and Drainage Strategy Part 2 (January 2024)
CD3.35	Revised Landscape Management Plan PL4 (August 2024)
CD3.36	Revised Landscape Management Responsibility Plan PL2 (January 2024)
CD3.37	Revised Landscape Strategy Layout (August 2024)
CD3.38	Revised Proposed Drainage Strategy Rev F (May 2024)
CD3.39	Revised Proposed Levels Strategy (April 2024)
CD3.40	Revised Shadow Habitats Regulations Assessment (September 2024)
CD3.41	Revised Sunlight and Daylight Planning Report (September 2024)
CD3.42	Stable Block Structural Survey (March 2023)
CD3.43	Townscape and Visual Impact Assessment (June 2023)
CD3.44	Transport Addendum Report (January 2024)
CD3.45	Transport Assessment (May 2023)
CD3.46	Written Scheme of Investigation (March 2023)
CD4 - Superseded Studies and Reports	
CD4.1	Acoustic Assessment (April 2023)
CD4.2	Air Quality Assessment (May 2023)
CD4.3	Biodiversity Gain Plan (February 2024)
CD4.4	Biodiversity Metric (February 2024)
CD4.5	DAS Stage 3 Post-Submission Refinement (January 2024)
CD4.6	Daylight and Sunlight Assessment (June 2024)
CD4.7	FRA and Drainage Strategy (April 2023)
CD4.8	Interim Ecological Impact Assessment (April 2024)
CD4.9	Interim Ecological Impact Assessment (February 2024)
CD4.10	Landscape Management Plan PL1 (July 2023)
CD4.11	Landscape Management Plan PL2 (January 2024)
CD4.12	Landscape Management Plan PL3 (July 2024)
CD4.13	Landscape Management Responsibility Plan PL1 (July 2023)
CD4.14	Landscape Strategy Layout PL1 (July 2023)
CD4.15	Landscape Strategy Layout PL3 (January 2024)
CD4.16	Landscape Strategy Layout PL4 (May 2024)
CD4.17	Level Strategy Rev A (July 2022)
CD4.18	Proposed Drainage Strategy Rev C (July 2023)
CD4.19	Proposed Drainage Strategy Rev D (January 2024)
CD4.20	Proposed Drainage Strategy Rev E (April 2024)
CD4.21	Proposed Levels Strategy Rev C (July 2023)
CD4.22	Proposed Levels Strategy Rev D (January 2024)
CD4.23	Shadow Habitats Regulations Assessment (February 2024)
CD5 - Consultee comment	
CD5.1	Active Travel England (February 2024)
CD5.2	Anglian Water (July 2023)
CD5.3	Anglian Water (July 2024)

CD reference	Document title
CD5.4	Cadent Gas (July 2023)
CD5.5	Cllr Pam Cox MP (March 2024)
CD5.6	Colchester City Council Private Sector Housing (July 2023)
CD5.7	Colchester Civic Society (August 2023)
CD5.8	Colchester Cycling Campaign (July 2023)
CD5.9	Essex County Council Planning and Development (July 2023)
CD5.10	Essex County Fire and Rescue Service (July 2023)
CD5.11	Essex Police (July 2023)
CD5.12	Highway Authority (February 2024)
CD5.13	Historic England (August 2023)
CD5.14	Historic England (February 2024)
CD5.15	Historic England (May 2024)
CD5.16	LLFA (February 2024)
CD5.17	LLFA (April 2024)
CD5.18	LLFA (July 2024)
CD5.19	Natural England (July 2023)
CD5.20	Natural England (February 2024)
CD5.21	Natural England (April 2024)
CD5.22	Natural England (October 2024)
CD5.23	North Essex Heritage (April 2024)
CD5.24	Place Services (July 2023)
CD5.25	Place Services (March 2024)
CD5.26	Place Services (June 2024)
CD5.27	Place Services (October 2024)
CD5.28	Suffolk and North East Essex ICB (July 2023)
CD6 - Decision Making	
CD6.1	231297 Decision Notice (December 2024)
CD6.2	Committee Report (October 2024)
CD6.3	Committee Report (November 2024)
CD6.4	Committee Report (December 2024)
CD6.5	240020 Decision Notice (November 2024)
CD7 - The Development Plan	
CD7.1	Colchester Section 1 Local Plan 2013-2023 (Adopted February 2021)
CD7.2	Colchester Section 2 Local Plan 2017-2023 (Adopted July 2022)
CD8 - Other Council Documents	
CD8.1	ABRO Site Development Brief (December 2021)
CD8.2	Colchester Garrison Conservation Area Appraisal (2004)
CD8.3	Colchester Local Development Scheme (March 2025)
CD8.4	Emerging Housing Numbers and Spatial Strategy (June 2024)
CD8.5	Housing Land Supply Position Statement (April 2023)
CD8.6	Monitoring Statement 2023-2024 (December 2024)
CD8.7	Preferred Options Draft Regulation 18 Local Plan
CD8.8	Regulation 18 Preferred Options Local Plan LPC Report (February 2025)
CD8.9	Roman Circus Management Plan (2020)

CD reference	Document title
CD9 - Other Relevant Documents	
CD9.1	Planning Reform Working Paper - Brownfield Passport (September 2024)
CD9.2	Planning Reform Working Paper - Planning Committees
CD9.3	Conservation Principles
CD9.4	GPA2
CD9.5	GPA3.2
CD9.6	HEAG279 Statements of Heritage Significance
CD10 - Relevant Appeal and High Court Decisions	
CD10.1	Barnwell
CD10.2	Forge Fields
CD10.3	Holocaust Memorial
CD10.4	Kay
CD10.5	Kinsey
CD10.6	Mordue
CD10.7	Nuon
CD10.8	Steer
CD10.9	Palmer
CD11 - Other Documents	
CD11.1	Pre-App Response (December 2022)
CD11.2	Response to LLFA Comment made February 2024 (March 2024)
CD11.3	Response to Colchester City Council re Viability Matters (August 2024)
CD11.4	Response to Colchester City Council re Urban Design Comments (September 2024)
CD11.5	Design Response Letter (March 2025)
CD11.6	BNPPRE Appraisal including updated Section 106 (July 2024)
CD11.7	DRAFT 310 Unit Scenario Test Appraisal (July 2024)
CD11.8	DRAFT BNPPRE FVA Review (May 2024)
CD11.9	FVA Report Executive Summary (March 2024)
CD11.10	FVA Report Final (March 2024)
CD12 - Appellant's Case	
CD12.1	Appellant's Statement of Case
CD13 - Council's Case	
CD13.1	
CD14 - Agreed Documents	
CD14.1	Draft Statement of Common Ground
CD15 - Pre-Inquiry Documents	
CD15.1	
ID - Inquiry Documents	
ID1	
