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Item No: 7.1

Application: 221868

Applicant: Colchester Borough Council

Agent: Mr Lee Copping

Proposal: Application to vary condition 2 of planning permission.
(183133)

Location: Colchester Crematorium, Mersea Road, Colchester, CO2
8RU

Ward: Berechurch

Officer: John Miles

Recommendation: Approval

1.0 Reason for Referral to the Planning Committee

- 1.1 This application is referred to the Planning Committee because the applicant is Colchester City Council.

2.0 Synopsis

- 2.1 The application seeks to vary the approved drawings of application 183133, under which permission was granted for alterations to the crematorium's southern vehicular access point. Revised railing and gate designs are now proposed. Key issues for consideration are visual impacts, and any impact upon trees and landscaping, amenity and highway safety. In this instance the proposed revisions to the approved scheme are not anticipated to have an adverse impact with regards to any relevant material planning considerations.
- 2.2 The application is subsequently recommended for approval.

3.0 Site Description and Context

- 3.1 The application site relates to Colchester Crematorium which opened in 1957. Colchester Crematorium includes a large expanse of garden and landscaped areas. The site is served by two existing entrances/exits.

4.0 Description of the Proposal

- 4.1 The application seeks to vary the design of replacement gates and railings, to the site's southern entrance, from those original approved under application 183133. The previously approved plans are specified under Condition 2 of application 183133 and this application looks to vary this condition, to take account of the proposed design changes.

5.0 Land Use Allocation

- 5.1 The site serves a well-established crematorium in a predominantly residential area.

6.0 Relevant Planning History

- 6.1 As discussed there is relevant planning history in the form of application 183133. Under this application approval was granted for the widening of the existing (southern) entrance, part removal of existing boundary walls and provision of new gates and railings, repositioned to fit the revised entrance. In addition to this, plans included the introduction of electrical gate opening system - all for the purposes of Health and Safety.
- 6.2 Minor alterations to the approved scheme (access width) were subsequently approved under Non-material Planning Amendment [NMA] application 200027.

7.0 Principal Policies

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

7.2 Local Plan 2017-2033 Section 1
The shared Section 1 of the Colchester Local Plan covers strategic matters with cross-boundary impacts in North Essex. This includes a strategic vision and policy for Colchester. The Section 1 Local Plan was adopted on 1 February 2021. The following policies are considered to be relevant in this case:

- SP1 Presumption in Favour of Sustainable Development
- SP7 Place Shaping Principles

7.2 Local Plan 2017-2033 Section 1
Section 2 of the Colchester Local Plan was adopted in July 2022. The following policies are of relevance to the determination of the current application:

SG1 Colchester's Spatial Strategy
ENV1 Environment
DM2 Community Facilities
DM15 Design and Amenity
DM16 Historic Environment
DM21 Sustainable Access to development

7.3 Regard should also be given to the following adopted Supplementary Planning Documents (SPD):
The Essex Design Guide
External Materials in New Developments
EPOA Vehicle Parking Standards
Community Facilities

8.0 Consultations

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

8.2 **Archaeological Advisor:** No archaeological issues.

8.3 **Contaminated Land Officer:** No objections.

8.4 **Environmental Protection:** No comments.

8.5 **Highway Authority:** No objections.

- 8.6 **Historic Buildings and Areas Officer:** Concerns regarding the inclusion of ivy detailing on the gates. It is considered these features appear overly elaborate, in the context.

Officer comments: These matters are addressed in the main body of the report.

- 8.7 **Natural England:** No comments.

- 8.8 **Landscape Advisor:** No objections.

9.0 Parish Council Response

- 9.1 The site is non-parished.

10.0 Representations from Notified Parties

- 10.1 The application resulted in a number of notifications to interested third parties including neighbouring properties. No representations have been received at the time of writing.

11.0 Parking Provision

- 11.1 The proposal will have no material impact on parking provisions.

12.0 Accessibility

- 12.1 The Equality Act 2010 legally protects people from discrimination in the workplace and in wider society. The proposed development does not raise any concerns in this regard.

13.0 Open Space Provisions

- 13.1 Not applicable.

14.0 Air Quality

- 14.1 The site is outside of any Air Quality Management Area and will not generate significant impacts upon the zones.

15.0 Planning Obligations

- 15.1 This application is not classed as a “Major” application and therefore there was no requirement for it to be considered by the Development Team and it is considered that no Planning Obligations should be sought via Section 106 (s.106) of the Town and Country Planning Act 1990.

16.0 Report

Principle

- 16.1 As discussed, the principle of the works to create a new widened access has also already been established through the previous permission, with this application simply seeking to vary the detailed design of the approved gates. In this case, the main considerations will be impact on visual amenity, given the nature of the changes proposed.

Design

- 16.2 Section 1 Policy SP7 states that all new development should respond positively to local character while Section 2 Policy DM15 sets similar requirements for high quality design. The National Planning Policy Framework (the Framework) (2021) and the Planning Practice Guidance recognise the importance of good design and sets further design requirements.
- 16.3 The proposed revised fence design is considered acceptable, with the proposed revised design retaining a simple, lightweight form. While concerns have been raised about the current gate design, the issues raised by the Council's Historic Buildings and Areas Officer have been discussed with the applicant and revised drawings omitting the ivy detailing are expected to be received (and made available for inspection) before the next committee. Subject to the above, the proposed changes are considered acceptable in design terms.

Trees and Landscaping

- 16.4 Policy ENV1 of the Section 2 Local Plan states that the Borough Council will conserve and enhance Colchester's natural environment. Central Government guidance on conserving the natural environment is set out in the NPPF. Section 2 Local Plan Policy DM15 requires development to respect and enhance the landscape and other assets that contribute positively to the site and the surrounding area, in addition to creating a safe and secure environment. Policy SP7 of the adopted Section 1 Local Plan (2021) which requires development to protect and enhance assets of historical or natural value.
- 16.5 It is understood that groundworks have already taken place, in accordance with the details approved under the original application, with the only works outstanding the installation of the proposed gates. It is not considered any of the remaining works pose the potential to adversely impact existing natural features. Landscaping works have also already been undertaken, with the submitted drawings confirming the landscaping works previously agreed under planning application 183133 will be managed in perpetuity sufficient to keep them in a safe & tidy condition, they will be regularly inspected, and any failing works will be replaced like for like as soon as is practical. For these reasons there are no concerns with regards to trees or landscaping.

Highway Safety

- 16.6 Section 2 Local Plan Policy DM21 requires development to give priority to the movement of people walking and cycling; and create safe, secure, convenient and attractive layouts which minimise conflicts between traffic, cyclists and pedestrians. Section 2 Local Plan Policy DM22 relates to parking standards in association with the Vehicle Parking Standards SPD. Paragraph 111 of the NPPF provides that development may be refused on highways grounds if there would be unacceptable impact on highway safety.
- 16.7 In terms of impact on highway safety, the Highway Authority have considered the proposal and raised no objections. It is also noted that the original scheme was submitted in order to improve safety and the revised proposals do not give rise to any concerns in terms of highways safety or capacity.

Impact upon Residential Amenity

- 16.8 Section 2 Policy DM15 states that all development must be designed to a high standard and protect and promote public and residential amenity, particularly with regard to privacy, overlooking, security, noise and disturbance. Section 1 Policy SP7 echoes these sentiments.
- 16.9 In regard to residential amenity, it is not considered that the proposal will cause material harm. It was concluded under the original application that the proposed development is unlikely to create any significant increase in traffic movements and it is not considered the proposal will result in increased noise and as a result increased disturbance is likely to be minimal. There are not considered to be any changes in circumstances that alter these conclusions.

Other Matters

- 16.10 No material harm will be caused to the significance of below-ground archaeological remains by the proposed development. There will be no requirement for any archaeological investigation.
- 16.11 Finally, in terms of other usual planning considerations (e.g. contaminated land, flood risk, ecology etc.) the proposed development does not raise any concerns.
- 16.12 As a procedural matter, while the application solely seeks the variation of Condition 2 of application 183133, for the reasons outlined above it is considered Conditions 5 and 6 of application 183133 (tree protection measures) are now superfluous. Similarly the works controlled by Condition 4 (landscaping) are understood to have already been carried out, while the form of any landscape management - previously the subject to Condition 3 - has been addressed by the details submitted under this application. With the development having commenced, Condition 1 which imposed a time limit for commencement also falls away. Condition 2 of application 183133 (approved drawings) is therefore the only condition still considered necessary in planning terms.

17.0 Conclusion

17.1 To summarise, the proposed development is considered to be acceptable. The proposed revisions to the approved scheme's design are, subject to submission of final revised plans, unobjectionable in terms of visual impacts. The proposal also does not give rise to any concerns with regards to other relevant material planning considerations.

18.0 Recommendation to the Committee

18.1 The Officer recommendation to the Committee is for:

APPROVAL of planning permission subject to the following condition:

1. ZAM - *Development to Accord With Approved Plans*

The development hereby permitted shall be carried out in accordance with the details shown on the submitted Drawing Numbers 18.4033.01 Revision C and *[revised detailed design drawing - reference to be added when known]*.

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

19.0 Informatives

19.1 The following informatives are also recommended:

ZT0 – Advisory Note on Construction & Demolition

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