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**Item No:** 7.6

**Application:** 172873

**Applicant:** Mr Stephenson

**Agent:** Mr Robert Pomery

**Proposal:** Change of use of land from agriculture and erection of 6 holiday lets

**Location:** West House Farm, Bakers Lane, Colchester, CO3 4AU

**Ward:** Lexden & Braiswick

**Officer:** Benjy Firth

**Recommendation:** Approval

## **1.0 Reason for Referral to the Planning Committee**

- 1.1 This application has been called-in for determination by the Planning Committee by Councilor Barber on the following basis:

*Considerable opposition received from local residents and the fact it is not in keeping with local surroundings nor in the Local Plan.*

## **2.0 Synopsis**

- 2.1 The key issues for consideration are whether an appropriate scale and design of development is proposed that ensures its compatibility with the rural character of the site and mitigates its impacts upon the wider landscape setting.
- 2.2 The application is subsequently recommended for Approval.

## **3.0 Site Description and Context**

- 3.1 The application site comprises of two parcels of agricultural land totalling just under 1ha. in area, located either side of Bakers Lane and forming part of the agricultural holding of West House Farm. Bakers Lane essentially connects the Spring Lane roundabout to the B1508 and has the character of a rural lane. The River Colne runs adjacent to the holding's western boundary, whilst a golf complex sits to the east and residential properties to the north and south.

## **4.0 Description of the Proposal**

- 4.1 The proposal seeks permission for the change of use of the land within the application site from agriculture and the erection of six holiday lets, along with associated landscaping, parking and access arrangements.

## **5.0 Land Use Allocation**

- 5.1 The site is located outside any settlement boundary and is considered agricultural "white" land.

## **6.0 Relevant Planning History**

- 6.1 None identified.

## 7.0 Principal Policies

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

7.2 The adopted Colchester Borough Core Strategy (adopted 2008, reviewed 2014) contains local strategic policies. Particular to this application, the following policies are most relevant:

- SD1 - Sustainable Development Locations
- UR2 - Built Design and Character
- TA5 - Parking
- ENV1 - Environment
- ENV2 - Rural Communities

7.3 The adopted Colchester Borough Development Policies (adopted 2010, reviewed 2014) sets out policies that apply to new development. Specific to this application are policies:

- DP1 Design and Amenity
- DP8 Agricultural Development and Diversification
- DP10 Tourism, Leisure and Culture
- DP14 Historic Environment Assets
- DP19 Parking Standards
- DP20 Flood Risk and Management of Surface Water Drainage
- DP21 Nature Conservation and Protected Lanes

### 7.4 Publication Draft Colchester Borough Local Plan 2017-2033

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

- Policy ENV1: Environment
- Policy OV2: Countryside
- Policy DM5: Tourism, Leisure, Culture and Heritage
- Policy DM15: Design and Amenity
- Policy DM23: Flood Risk and Water Management

Paragraph 216 of the Framework states that decision makers may give weight to relevant policies in emerging plans according to:

- (1) the stage of preparation of the emerging plan;
- (2) the extent to which there are unresolved objections to relevant policies in the emerging plan; and

(3) the degree of consistency of relevant policies to the policies in the Framework.

The Emerging Local Plan is at an advanced stage and may therefore be afforded some weight in the determination of this application. In the context of this application proposal there are no fundamental unresolved objections to the relevant policies in the emerging plan and it is considered, at this stage, that the relevant policies in the emerging Local Plan are consistent with the Framework. The Emerging Local Plan is, therefore, considered to carry some weight in the consideration of the application, but as it is yet to undergo examination, it is not considered to outweigh the material considerations assessed above in accordance with up-to-date planning policies and the NPPF.

## **8.0 Consultations**

- 8.1 The stakeholders who have been consulted and who have given consultation responses are as set out below. More information may be set out on our website.
- 8.2 The Council's Arboricultural Officer is satisfied with the arboricultural content content of the proposal subject to conditions.
- 8.3 The Council's Landscape Officer confirmed that the strategic proposals lodged on 06/02/19 would appear satisfactory. In conclusion, there are no objections to this application on landscape grounds.
- 8.4 The Council's Environmental Protection Team requested a condition be applied to any permission regarding external lighting.
- 8.5 The Council's Contaminated Land Officer made no comment on the application.
- 8.6 The Council's Archaeological Adviser has confirmed that an adequate trial trenched archaeological evaluation was undertaken in 2018 (CAT Report 1300). This work demonstrated that no material harm will be caused to the significance of below-ground archaeological remains by the proposed development. As a result, there will be no requirement for any archaeological investigation.
- 8.7 The Environment Agency have confirmed that they have no objection to the proposal as the application expands the proposed site outside of the flood zone areas and therefore poses no further flood risk.
- 8.8 The Highway Authority confirmed that from a highway and transportation perspective the impact of the proposal is acceptable to Highway Authority subject to conditions.
- 8.9 The ECC SUDs Team made no comment on the application.
- 8.10 Highways England made no comment on the application.
- 8.11 Natural England made no comment on the application.

8.12 Historic England made no comment on the application.

8.13 Anglian Water provided no comment on the application.

## **9.0 Parish Council Response**

9.1 No comments received.

## **10.0 Representations from Notified Parties**

10.1 The application resulted in a number of notifications to interested third parties including neighbouring properties. The full text of all of the representations received is available to view on the Council's website. However, a summary of the material considerations is given below;

- Concerns regarding highway safety
- Intensification in the use of Bakers Lane
- Unsafe access arrangements
- Inadequate visibility splays
- Impact on ecology and wildlife
- Disposal of waste/foul water
- Potential flooding
- Potential noise pollution
- Potential light pollution
- Impact on neighbouring amenity
- Impact on the character of the area
- Lack of benefits for local community
- Impact on national monument
- Sustainability of location
- Inadequate landscaping
- Visual impact
- Design

## **11.0 Parking Provision**

11.1 The proposal includes the provision of two parking spaces per unit. This is consistent with the requirements of dwellings of similar size. The level of parking provided is therefore considered appropriate and acceptable considering the size of the units and the proposed use.

## **12.0 Open Space Provisions**

12.1 N/A

## **13.0 Air Quality**

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

## **14.0 Planning Obligations**

14.1 As a “Major” application, there was a requirement for this proposal to be considered by the Development Team. It was not considered that any Planning Obligations should be sought.

## **15.0 Report**

### The Principle of Development

15.1 Adopted policy DP10 states that development for new visitor accommodation will be supported in suitable locations where it is compatible with the rural character. Policy goes on to state that where accessibility is poor proposals should be small scale. Both adopted and Emerging policy (DM5) acknowledges that proposals for leisure and tourism schemes may require a countryside location and states they will be supported if they are of an appropriate scale, minimise negative environmental impacts, and harmonise with the local character and surrounding countryside where they are being proposed.

15.2 On this basis, policies within both the adopted, and emerging, Local Plans are supportive of new visitor accommodation subject to achieving an appropriate scale and minimising their impact on the surrounding area. As a result, the proposed development is acceptable in principle and the key considerations are the scale of the development and its impact on the surrounding area.

### Layout

15.3 The proposal seeks to install three holiday lets on twin opposed parcels of land set to either side of Bakers lane. The structures and associated access tracks will be laid out in a linear pattern, running parallel to the site’s boundaries, the adjacent lane and the river. The layout of the proposal therefore reflects the existing grain of the area. The proposed layout also allows for all the proposed development to be positioned on areas of the site beyond the flood zone and adjacent to existing developed land and infrastructure. This minimises the impact of the proposal’s intrusion into the rural landscape and enables existing landscape features such as hedging and site levels to contribute to mitigating the visual impact of the proposal. It is therefore considered that the proposed layout provides a relatively optimal means of facilitating the proposed development within the site in question and as such the layout is considered acceptable.

## Design

- 15.4 The proposed holiday lets take the form of six independent and identical structures. Designed to appear as relatively low-key lodges, the structures have a footprint measuring 6.3m by 17.1m and a height measuring 2m to the eaves and 4m to the ridge. The walls are to be timber clad above a plinth, whilst the roof will be slate, adopting a dual pitch. Precise details of materials would be agreed by condition in order ensure an acceptable standard of quality is achieved and the rural design character is not undermined.
- 15.5 In light of the above, it is considered that the proposed lodges are of a relatively modest size, adopt a traditional architectural approach and a traditional rural design. The design of the lodges is sensitive and befitting of their setting, achieving an acceptable degree of compatibility with the site's rural location. Paragraph 170 of the NPPF states that policies and decisions should contribute to and enhance the natural and local environment by ..b) recognising the intrinsic character and beauty of the countryside." The Council's Landscape Officer advises that the proposals are generally satisfactory subject to appropriate landscape screen planting to enclose the development and filter views.
- 15.6 Each unit has a veranda running along the length of the rear elevation, comprising of a timber deck enclosed by a timber balustrade railing. This veranda will not have any significant impact on the appearance and openness of the site by virtue the its open character of its design and the low height of the balustrade. Additionally, the veranda is accessed from within the unit and as a result the veranda and its associated enclosure act as a barrier between the proposed use and the wider site. Restricting the access and the impact of the proposed use on the wider rural area.
- 15.7 On this basis, the design of the proposed development is considered appropriate and would have an acceptable impact on the character of the site.

## Public Amenity

- 15.8 Public vantage points of the proposed development will primarily be afforded from Bakers Lane, however some long-distance views may be afforded across the river valley from the A12 and associated slip road. The proposed layout of the development along with its sensitive design seek to minimise its impact upon public amenity. A landscaping scheme has been submitted that seeks to further mitigate any impact in conjunction with existing site levels and planting.
- 15.9 The landscaping scheme ensures any existing hedging that is removed along the site boundary to facilitate site splays is replaced. The planting then seeks to ensure that the proposed development is surrounded by native hedging on all sides. The Councils Landscape Officer is satisfied with the assessment provided within the submitted Landscape and Visual Issues Scoping Note and the subsequent landscaping scheme.
- 15.10 Following implementation of the proposal, views of the development from Bakers Lane looking east will be obtained through the existing hedgerow along the highway boundary, up the slope of the valley and filtered through

additional proposed planting. The development to the west of the lane will be viewed through existing and replacement hedging. Additionally, the development to the west will sit at a lower ground level than the lane, thus reducing its mass. As a result, views of the development from Bakers Lane will be fleeting and largely obscured by landscaping. The limited views of the development from the A12 and corresponding slip road would present the proposed structures as part of the existing loose ribbon of development sat above the river valley associated with Bakers Lane itself. These views will also be filtered by existing and proposed planting. Additionally, it should be noted that neither highway affording vantage points of the development is served by pavements. As such the development would largely be observed by receptors within passing vehicular traffic and would not be the primary focus of observation.

- 15.11 The development will potentially have a more significant impact on public amenity at night if any external illumination were to be installed. As a result, this would be limited by a condition imposed on any approval.
- 15.12 In conclusion, it is acknowledged that the the proposed development could potentially be contrary to the Planning and Landscape Management Guidance within the Colchester Borough Landscape Charter Assessment (Character Area A4), which explains that there is a sense of remoteness and tranquility within the valley floodplain. However, the development is located as far above the river valley as is practicable, sits amongst an existing ribbon of development and would be enclosed by planting. As a result, it is considered that the development would have limited impact on public amenity by virtue of its self-contained and generally well screened setting. Additionally, the proposed and existing landscaping in conjunction with the positioning of the development ensure that the development would not have a significant impact on the wider landscape setting.

#### Residential Amenity

- 15.13 The proposed units to the east of Bakers lane sit within proximity of existing residential properties and as such could potentially impact their amenity. However, the modest size and single storey design ensure that there would be no significant impact on amenity; in terms of privacy, outlook or loss of light. The units to the west of Bakers Lane are located some distance from neighbouring residential land uses and as such cause no concerns in this regard. Concerns have been raised regarding noise pollution, however the use proposed is considered compatible with and sympathetic to neighbouring residential uses and as such it is not anticipated it would generate any more noise than existing residential properties in the area. On this basis, the proposal is considered acceptable in terms of its impact on residential amenity.

### Scale

- 15.14 The site is physically capable of accommodating the proposed development. The number of units proposed are able to be positioned in a manner that reflects existing natural features of the site and maintain its rural character. The proposed layout also allows space for the landscaping required to mitigate the impacts of the development on the wider landscape. Additionally, the resulting site does not appear cramped or over developed. On this basis, it is considered that the proposed development is of an acceptable scale.

### Highways

- 15.15 The proposal makes use of three access point on to Bakers Lane, two existing access points to the east and one new access to the west. Each of the access points provides sufficient site splays and has been considered acceptable by the Highway Authority, subject to conditions that would be applied to any approval. Additionally, it is noted that the proposed addition of one access is far less intrusive on the road that the addition of multiple access points that might be expected with other forms of development.
- 15.16 It is acknowledged that Bakers Lane is a busier road than its design befits. However, considering the existing level of use of this road it is not considered that the addition of six holidays lets would result in a significant intensification of this use. The trips generated by the proposed use would not be dissimilar to that generated by other residential uses and would have far less impact than other existing uses accessed via this road. Ultimately, this proposal would not push the level of use of this road over the tipping point of acceptability and this application is not the appropriate vessel for solving existing problems on this road.
- 15.17 In light of the above, the proposed development is considered acceptable in terms of its impact on the highway.

### Archaeology

- 15.18 The application site sits in an area of high archaeological interest and in proximity to an Ancient Scheduled Monument, as a result pre-determination trial trenching was required. The Council's Archaeological Officer has confirmed that an adequate trial trenched archaeological evaluation was undertaken in 2018 (CAT Report 1300). This work demonstrated that no material harm will be caused to the significance of below-ground archaeological remains by the proposed development. As a result, there will be no requirement for any further archaeological investigation.

## Ecology

- 15.19 A phase one ecology survey has been submitted with the application considering the proposed developments impact upon the fauna and wildlife that may be present at the site (including nesting birds, hedgehogs, badgers, water voles, otters and reptiles). The report concludes that the footprint of the proposed lodges and track lies over improved species-poor managed grassland and that with appropriate mitigation the more ecologically interesting parts of the site (river, hedges, trees) would not be impacted significantly by the proposed development.
- 15.20 The report prescribes key recommendations and precautionary methods to be adopted that will minimise and mitigate the impact of the development on the ecology of the site. Said measures outlined within the report would be ensured via a condition attached to any permission granted in order to ensure the development is achieved in an appropriate manner.
- 15.21 On this basis, it is considered that ecology and biodiversity at the site will be conserved and the proposed development is acceptable in this regard.

## Flooding

- 15.22 Following revisions to the scheme the application site measures less than 1 hectare and falls fully within Flood Zone 1, as such the NPPF does not require the submission of a site specific Flood Risk Assessment (FRA). The siting of the proposed development beyond Flood Zones two and three ensures that the development is at a lower risk of flooding from the adjacent river.
- 15.23 However, the previously submitted FRA does allow us to assess other sources of flooding. This confirmed that the site is at a low risk of suffering from ground water flooding, a very low risk from surface water flooding and is unlikely to be affected by flooding caused by artificial water sources.
- 15.24 Additionally, when considering the impacts of the development in other areas the impermeable area created by the proposed development falls below 500 square meters and as such the Lead Local Flood Authority has confirmed that the development would not require a Sustainable Urban Drainage strategy (SUDs).
- 15.25 On this basis, the proposal is considered acceptable with regard to flood risk.

## **16.0 Conclusion**

16.1 To summarise, policy supports the provision of holiday accommodation in rural locations such as this on the proviso that an appropriate scale can be achieved and impacts on the surrounding area can be minimised. In this instance, it is considered that the proposal preserves the openness of the site and provides a suitable scale of development. The design and layout of the proposal, in conjunction with its scale, ensure that the proposed development is compatible with the rural character of the site. Additionally, the proposed landscaping scheme ensures mitigation for the impact of the proposal on the sites wider setting. It is therefore considered that the proposed development is policy compliant and acceptable in the absence of identifiable material harm to material planning considerations..

## **17.0 Recommendation to the Committee**

17.1 The Officer recommendation to the Committee is for:

APPROVAL of planning permission subject to the following conditions:

### **1. ZAA - Time Limit for Full Permissions**

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

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

### **2. ZAM - Development to Accord with Approved Plans**

The development hereby permitted shall be carried out in accordance with the details shown on the submitted Drawing Numbers POS/18/121/1104, NC\_17.325/P200 Rev.A and 1001-B.

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

### **3. Non Standard Condition - Schedule of Types and Colours to be Submitted**

Prior to their use a schedule of all types and colours of external materials to be used has been submitted to and approved, in writing, by the Local Planning Authority and the development shall thereafter be carried out in accordance with the approved schedule.

Reason: This is a prominent site where types and colours of external materials to be used should be polite to their surroundings in order to avoid any detrimental visual impact.

### **4. Non Standard Condition - Tree and Hedgerow Protection: General**

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

#### **5. Tree and Hedgerow Protection: General**

All works shall be carried out in accordance with the submitted Arboricultural Impact Assessment (dated 7<sup>th</sup> December 2018) unless otherwise agreed, in writing, by the Local Planning Authority (LPA).

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

#### **6. Non Standard Condition - Ecological Recommendations**

All works shall be carried out in accordance with the Key Recommendations and Precautionary Methods set out within section five of the submitted Ecological Survey (ref: REP16024.3) unless otherwise agreed, in writing, by the Local Planning Authority (LPA).

Reason: To ensure appropriate mitigation of the developments impact upon the sites ecology and nature conservation interests.

#### **7. Non Standard Condition - Vehicular Access**

Prior to the first occupation of the proposed dwelling, the proposed vehicular access shall be constructed to a width of 4.8m and shall be provided with an appropriate dropped kerb vehicular crossing of the footway/highway verge to the specifications of the Highway Authority.

Reason: To ensure that all vehicles using the private drive access do so in a controlled manner, in the interests of highway safety.

#### **8. Non Standard Condition - Unbound Materials**

No unbound materials shall be used in the surface treatment of the proposed vehicular access within 6m of the highway boundary.

Reason: To ensure that loose materials are not brought out onto the highway, in the interests of highway safety.

### **9. Non Standard Condition - Watercourse Bridging**

Prior to the first use of the proposed access, details of the construction and future maintenance of the necessary bridging or piping of the drainage ditch/watercourse shall be submitted to and approved in writing by the Lead Local Flood Authority (Essex County Council).

Reason: To prevent or reduce the risk of flooding of the adjoining highway, in the interests of highway safety.

### **10. Non Standard Condition - Visibility Splays**

Prior to the proposed access being brought into use, vehicular visibility splays of 33m by 2.4m by 33m as measured along, from and along the nearside edge of the carriageway, shall be provided on both sides of the centre line of the access and shall be retained and maintained free from obstruction clear to ground thereafter.

Reason: To ensure adequate intervisibility between drivers of vehicles using the proposed access and those in the adjoining highway, in the interests of highway safety.

### **11. Non Standard Condition - Gates**

Any gates erected at the vehicular access shall be inward opening only and shall be recessed a minimum of 6m. from the highway boundary.

Reason: To ensure that vehicles using the access may stand clear of the carriageway whilst those gates are being opened/closed, in the interests of highway safety.

### **12. Non Standard Condition - Parking**

The development shall not be occupied until such time as the car parking and turning area, has been provided in accord with the details shown in Drawing Numbered 1104-dated 06 February 2019. The car parking area shall be retained in this form at all times and shall not be used for any purpose other than the parking of vehicles related to the use of the development thereafter.

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

### **13. Non Standard Condition - Boundary Hedging**

Any new or proposed boundary hedge shall be planted a minimum of 1m back from the highway boundary and 1m behind any visibility splays which shall be maintained clear of the limits of the highway or visibility splays thereafter.

Reason: To ensure that the future outward growth of the hedge does not encroach upon the highway or interfere with the passage of users of the highway and to preserve the integrity of the highway, in the interests of highway safety.

### **14. Non Standard Condition - Wheel Washing Facility**

For the duration of works relating to the development hereby approved a wheel and underbody cleaning facility shall be provided within the site, adjacent to the egress onto the highway.

Reason: To ensure that loose materials and spoil are not brought out onto the highway, in the interests of highway safety.

### **15. Landscaping**

The landscape details as shown on the approved drawing(s) NC-17.325.P200 A lodged on 06/02/19 shall be carried out in full prior to the end of the first planting season following the first occupation of the development or in such other phased arrangement as shall have previously been agreed, in writing, by the Local Planning Authority. Any trees or shrubs which, within a period of 5 years of being planted die, are removed or seriously damaged or seriously diseased shall be replaced, like for like, in the next planting season with others of similar size and species, unless the Local Planning Authority agrees, in writing, to a variation of the previously approved details.

Reason: To ensure appropriate mitigation of the impacts of the proposed development on the amenity of the area.

### **16. Landscape Management Plan**

Prior to the first occupation of the development, a landscape management plan including long term design objectives, management responsibilities and maintenance schedules for all landscape areas 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 at all times.

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

### **17. Private Sewage Treatment Plant**

Foul drainage from the development hereby approved shall be to its own private sewage treatment plant which shall be installed and available for use prior to the first use of any of the units.

Reason: To ensure that an adequate and satisfactory means of foul drainage in accordance with Circular 3/99 is provided to avoid pollution, in the absence of a foul sewer.

### **18. Refuse and Recycling Facilities**

Prior to the first occupation of the development hereby permitted, refuse and recycling storage facilities shall be provided in accordance with a scheme which shall have been previously submitted to and agreed, in writing, by the Local Planning Authority. Such facilities shall thereafter be retained to the satisfaction of the Local Planning Authority at all times.

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

### **19. No External Light Fixtures**

No external lighting fixtures shall be constructed, installed or illuminated at any time unless otherwise agreed, in writing, by the Local Planning Authority.

Reason: To ensure that there are no undesirable effects of light pollution

## **20. Holiday Accommodation Occupancy Restriction**

The Holiday Accommodation hereby permitted shall not be used continuously by any person(s), family, families or other group(s) for any period exceeding 28 days in any 90 day period. The owner of the site shall maintain a log of the names, addresses and duration of stays of all users of the units hereby approved. Said log shall be made available to the LPA upon request in order to demonstrate compliance with this condition.

Reason: The site lies in an area where new development is strictly controlled and the proposal has only been justified on the grounds of its benefit to local tourism.

## **18.0 Informatives**

18.1 The following informative is also recommended:

### **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.