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Item No: 7.3

Application: 172138

Applicant: Mr Ian Reed

Agent: Mr David Owen

Proposal: Variation of conditions 2, 4 and 5 of planning permission 161724

Location: Chappel And Wakes Colne Station, Station Road, Wakes Colne, Colchester, CO6 2DS

Ward: Rural North

Officer: Eleanor Moss

Recommendation: Approval

1.0 Reason for Referral to the Planning Committee

- 1.1 This application is referred to the Planning Committee because the application site is larger than a hectare, so forms a major application, and unresolved objections have been received.

2.0 Synopsis

- 2.1 The key issues for consideration are the design, the impact upon the character of the surrounding area and impact upon residential amenity. These are considered to be acceptable.
- 2.2 The application is subsequently recommended for approval.

3.0 Site Description and Context

- 3.1 The site forms part of an active railway, Chappel and Wakes Colne, which is operated by Network Rail and Abellio Greater Anglia. Much of the site is owned by the East Anglian Railway Museum (EARM), overall the site measures 1.6 hectares. The site contains a number of existing buildings and car parks for the use of the EARM which are dispersed throughout the site.
- 3.2 The site is located within the open countryside, with the existing raised railway track fairly remote from residential properties. Much of the EARM is located within the valley and well screened by existing vegetation and, as such, views from the public realm would be very limited.

4.0 Description of the Proposal

- 4.1 This application seeks to vary conditions 2, 4 and 5 of Planning permission 161724. That permission was for *“new single-storey building containing display rooms for a model railway club and EARM classrooms, as well as the repositioning of the restoration shed and associated works (staff car park, embankment and railway track). New extension to platform 5/6.”*
- 4.2 By way of clarification, these conditions relate to the following:

Condition 2: Drawing numbers;
Condition 4: Details of profile sheet metal;
Condition 5: Details of materials to be agreed.

4.3 In more detail, the changes to condition 2 (drawing numbers) seek the following changes:

- A reduction of the overall footprint;
- A change in the shape of the building to avoid changing existing retaining walls to the embankment;
- Removal of a 1st floor reducing the overall height from 8540 to 6910;
- The adoption of a steel frame/cladding package building (omission of containers) as used for the storage shed approved and built previously in the adjacent field;
- The omission of the salvaged Crystal Palace Booking Hall for a public entrance;

4.4 Condition 4 is now to be removed. It originally asked for details of the profile sheet metal. The application now explicitly states that the sheeting is to be:

“Steadman’s A35 composite profiled panels colour Olive Green 12 B 27 to match storage shed on site.”

4.5 Condition 5, similarly, sought details of colours of facing materials. Again, this condition is no longer necessary as the details have been submitted with this application. For the record, the materials are to be olive in colour.

4.6 Effectively, therefore, whilst condition 2 is to be varied, conditions 4 and 5 are to be removed.

5.0 Land Use Allocation

5.1 The EARM is a long established tourist attraction sited alongside Chappel and Wakes Colne Station.

6.0 Relevant Planning History

6.1 161724 - Resubmission of approved application 150630 for a new single storey building containing display rooms for a model railway club and EARM classrooms, as well as the repositioning of the restoration shed and associated works (staff car park, embankment). Approve Conditional - 07/10/2016

6.2 150630 - New single storey building containing display rooms for Model Railway Club and Classrooms previously approved under Outline Planning Approval ref: 121780 dated 18th March 2013. Approve Conditional - 23/07/2015

6.3 143599 - Application for a lawful development certificate for an existing use. The Museum has for many years 25+ hired buildings and facilities to third parties in order to raise funds for the charitable work of the Museum. The hires range from private part. Approve Certificate of Lawful Use or Development - 12/04/2016

- 6.4 121780 - New restoration and storage sheds and associated works. New pedestrian ramped access to station museum. Conversion of existing restoration shed to heritage centre. Removal of temporary buildings and extension to platform 5/6. Resubmission of 111819. Approve Conditional - 18/03/2013
- 6.5 111568 - Extension of planning permission ref F/COL/05/0942 from 31 March 2013 until 31 March 2021 and for retention of demountable buildings 1 and 2. Construction of mock platform 5/6 and canopy & relocation of ticket office and signal box. Approve Conditional - 30/09/2011.
- 6.6 111819 - New restoration and storage sheds and associated works. New pedestrian ramped access to station museum. Conversion of existing restoration shed to heritage centre. Removal of temporary buildings and extension to platform 5/6.
Withdrawn - 29/02/2012
- 6.7 111928 - Erection of 35m x 15m storage shed and the installation of 192 solar PV panels on the southern roof slope. This application reflects part of the proposals applied for in the current outline planning application for a 10 year master plan. Approve Conditional - 09/01/2012
- 6.8 100492 - Replacement of existing hinged wooden strutt entrance gate with 2.1m high security mesh panels by a 2.4m sliding metal palisade gate. Approve Conditional - 17/05/2010

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
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
DP9 Employment Uses in the Countryside
DP10 Tourism, Leisure and Culture
DP21 Nature Conservation and Protected Lanes

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

The Essex Design Guide
External Materials in New Developments

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 Landscape Planning Officer – No objections received.

9.0 Parish Council Response

- 9.1 Wakes Colne Parish Council has no objection to this application.
- 9.2 Chappel Parish Council would ask that the Planning Department look into any concerns from neighbouring properties.

10.0 Representations from Notified Parties

- 10.1 One letter of objection and one letter of general observation were received following the consultation exercise. The full text of all of the representations received is available to view on the Council's website. However, a brief summary of the material considerations is given below:
- Concerns regarding the former orchard
 - Concerns regarding the railway track
 - Concerns regarding impact upon neighbouring amenity
 - Concerns regarding the red line of the site
 - Concerns regarding the railway track and buffer design
- 10.2 It is worth noting a number of these concerns related to the proposed track design and position of the restoration shed being impractical and called for reviews into the operation of the proposed track and train movements. Some of these details are explained further in the officer report below.
- 10.3 In this instance, even though reports have not been submitted by a civil engineer to confirm that the proposed track is feasible, this does not warrant a refusal as it could be conditioned as part of any planning consent. It was conditioned under

permission 161724 and this condition shall be re-enforced here at condition 2 which references back to all previous conditions. In the event that this Permission could not be implemented, a new application would be required.

- 10.4 Furthermore, a number of the concerns raised are not material planning considerations, for example The Chappel and Wakes Colne Light Railway Order 1994. Acts such as these are separate from obtaining planning permission and are not material planning considerations. It is therefore advised that any interested parties should seek independent legal advice on these matters. There are other various objections about the rights of EARM in relation to rail legislation and the network operator and so on. These are not planning issues. The granting of planning permission does not prejudice other statute, nor the rights of the rail operator as land owner or in any other capacity. Other non-planning issues are not for consideration herein.

11.0 Parking Provision

- 11.1 Complies with current car parking standards, no change from previous permission.

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 considered that Planning Obligations should not be sought.

15.0 Report

Principle of the Development

- 15.1 The site lies outside the village settlement boundaries for Chappel and Wakes Colne and is subject to rural protection policies. Most significantly, ENV2 states “outside village boundaries, the Council will favourably consider small-scale business, leisure and tourism schemes that are appropriate to local employment needs, minimise negative environmental impacts and harmonise with the local character and surrounding natural environment”.
- 15.2 In this instance, permission has been granted previously to extend the EARM (please see paragraph 6.1 for further details) as it provides a valuable tourism and recreation resource to the charity. The revisions to the restoration shed or the site do not result in a new tourist destination within the countryside but rather enhance an existing site.

- 15.3 In view of the above, it is considered that the principle would be acceptable. However, there are other matters such as design and impact on neighbouring amenity amongst others, which will be discussed further in this report.

Design and Impact upon Surrounding Area

- 15.4 The amendments to the previously approved restoration shed and the site are generally not visible from the surrounding rural area, due to the existing complex of buildings on site, the operational train station and surrounding vegetation.
- 15.5 The restoration shed is located within the centre of the site and the design follows the industrial and functional style of its immediate context. Views of the proposed restoration shed will be extremely limited from the public realm. As such, the proposal is considered to be in keeping with the site.

Impact upon Neighbouring Amenity

- 15.6 The site is part of a railway museum, along with an active railway line which has been operational for nearly 45 years. Train noise would be expected at no different level or frequency to that which exists today. As the proposals are set firmly within the EARM site, the proposals are set away from the closest residential properties and the proposed use is compatible with the existing land uses/activities. It is considered that any impact upon residential amenity will be marginal.

Track design

- 15.7 In the interests of transparency, and as these issues were raised by the objector (although not fundamentally at the heart of this submitted planning application and have previously been approved within application 161724), the track design, embankment and staff car park (considered below) are discussed within this report.
- 15.8 The existing track running into Platform 5/6 is to be lengthened to the east and west (to be connected to the existing track at the top of the embankment) and the existing EARM track will also be extended at the top of the embankment. This will require the existing buffers to be moved, however these will still be within land owned by the EARM. A new extended platform 5/6 is proposed to be built. These proposals are required in order to accommodate trains on site and increased visitor numbers every year. The extension to Platform 5/6 poses no impacts outside of the site and raises no other concerns. The objector has raised concerns in relation to the track design, safety and functional operation. Whilst the Local Planning Authority (LPA) notes these concerns, they are not material planning reasons for refusal. The burden rests with the applicant to secure a suitable and safe track design. If, in the future, the applicant finds the proposed track design unsuitable and requires amendments then another planning application will be required.

Embankment

- 15.9 Additional embankment is proposed and has already been approved under application 161724. This is in order to provide a base for the extension of the railway track so as to connect the track directly to the new restoration shed.
- 15.10 The proposed embankment will require quite a steep gradient; engineering documents have been submitted as per the discharge of condition application and these are being considered separately. The Agent has confirmed that an engineer previously visited the site and inspected the proposal. The Agent confirmed that the embankment gradient is suitable for the railway use and can be stabilised.
- 15.11 This has limited public impact and it is considered that conditions could be used to finalise the scheme within the parameters granted by any approval herein.
- 15.12 An objection has also been raised regarding the slope; the suggestion is that that the embankment will not be feasible when it comes to the engineering stage. This is not for the Local Planning Authority to comment on, however, if that is the case, then a new application would be required for any amended embankment. This application grants permission for what is shown, and conditioned, and not for any other works that are not detailed on the approved drawings. This will be an issue the applicant will need to address if they cannot build what has permission, and it will then be reconsidered on its merits if and when such a matter arises.
- 15.13 On balance, the embankment would have no impact outside of the site and from public vantage points. Therefore, this is not a fundamental issue that warrants a refusal. There is enough information to satisfy the LPA that the works can be undertaken without public harm.

Staff car park

- 15.14 The current staff car park will need to be moved to accommodate the new track and the restoration shed and this has previously been approved under 161724. This is moved to an area that lies lower, and that is well screened and away from neighbouring properties. The staff car park will include spaces for staff and also disabled parking for members of the public. Given the location of the car park, it is not considered that this will have any impact outside of the application site. It will be conditioned to ensure that the use of the access from Spring Gardens Road will be restricted to staff and blue badge holders.

Single storey building

- 15.15 The new structure is in order to provide a space which is suitable for a multitude of uses, including; teaching classrooms, educational visits, training rooms and private hire. The building will also be used to provide a base for the model railway group. This is well within the site and as such will have no direct impact outside of the site.
- 15.16 It is worth noting that all of these above mentioned works were detailed on a number of historic planning applications but have been discussed within this report explicitly for reasons of transparency.

16.0 Conclusion

- 16.1 To summarise, the development accompanied by reasonable conditions set out in the recommendation is considered acceptable in that it represents a suitable land use which accords with the Council's Adopted development Plan and the National Planning Policy Framework.

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. ZAW - *Removal/Variation of Condition(s) Approval*

With the exception of condition 2 Planning Permission 161724 which is hereby varied, and conditions 4 and 5 of that permission, which are hereby removed, the requirements of all other conditions imposed upon planning permission 161724 remain in force and shall continue to apply to this permission, including the details and provisions of any approved matters discharging any condition(s) of that permission.

Reason: To avoid any doubt that this application only applies for the variation of the stated condition(s) of the previous planning permission as referenced and does not seek the review of other conditions, in the interests of proper planning and so that the applicant is clear on the requirements they need to comply with.

3. 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:

2014-17/15D, 2015-03/03E, 2014-17/16F, 2014-17/17B, 2014-17/18F, 2014-17/19E, 2014-17/20C, 2014-17/37, 2014-17/38, 2016-1 1/01, 2015-03/02C, 2015-03/04B, 2015-03/05B, 2015-03/06B, 2014-17/07A, 2014-17/08A, 2014-17/09A, 2014-17/13D and 2014-17/14A.

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

4. ZBB - Materials As Stated in Application

The external facing and roofing materials of the restoration shed shall be those specified on the Schedule of Finishes and Colours referenced: 2014-17, unless otherwise agreed, in writing, by the Local Planning Authority.

Reason: To ensure that materials are of an acceptable quality appropriate to the area.

18.0 Informatives

18.1 The following informative is also recommended:

1. ZT0 – Advisory Note on Construction & Demolition

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

19.0 Positivity Statement

WA1 – Application Approved Without Amendment

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.