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Item No: 7.5

Application: 212804

Applicant: Alison Fogg, CBC

Agent: Kevin Whyte, Barefoot and Gilles

Proposal: Demolition of existing Rugby clubhouse and erection of a new two storey community centre with associated parking and landscaping.

Location: Former, Colchester Rugby Football Club, Mill Road, Colchester, CO4 5JF

Ward: Highwoods

Officer: Chris Harden

Recommendation: Authority to Approve subject to review of any requirement for any further minor revisions in respect of the relationship of hard surfaces to trees.

1.0 Reason for Referral to the Planning Committee

- 1.1 This application is referred to the Planning Committee because the applicant is Amphora submitted on behalf of Colchester Borough Council.

2.0 Synopsis

- 2.1 The key issues for consideration are the policy principle of the proposal along with detailed issues such as the layout and design, impact upon the street scene, and impact upon neighbouring residential amenity, highway safety and vegetation.
- 2.2 The proposed redevelopment of the Rugby Club has been included in the Emerging Local Plan to provide enabling development to help deliver the new sports hub. This is affirmed by emerging local plan policy NC1.
- 2.3 The proposal provides a community facility in place of an existing Rugby Club building and the design, scale and form of the development would be visually acceptable. The proposal is acceptable in terms of its impact upon neighbouring residential amenity, highway safety and wildlife. If any further minor revisions are required in respect of the relationship of hard surfaces to trees, then these can be undertaken. The proposal complies with the Neighbourhood Plan. Consequently approval is recommended.

3.0 Site Description and Context

- 3.1 The application site is located to the North of Mill Road and is part of the area known as Colchester Northern Gateway (South) (CNG). It consists of the former Rugby Club building with elements of associated parking and service areas.
- 3.2 There are a number of mature trees within the site.
- 3.3 The locality, which includes the site in its entirety and areas in the immediate vicinity which have been developed, is allocated as part of the Colchester North Regeneration/ Strategic Growth Area. These areas have been noted in Core Strategy Policy CE1 and Policy SA NGA3 in the Development locations Document of the LDF.
- 3.4 Policy NC1 of the Emerging Local Plan (2017-2033) is also relevant. It states that all land and premises within the North Colchester and Severalls Strategic Economic Area including the areas known as the Northern Gateway and Severalls and Colchester Business Parks will be safeguarded for the identified uses based on a zoned approach.

4.0 Description of the Proposal

- 4.1 The proposal seeks the demolition of the existing Rugby clubhouse and erection of a new two storey community centre with associated parking and landscaping. The replacement building would be in a similar position to existing

clubhouse but reorientated so that its gable would look towards the proposed village green which is to be approved under application 190665.

- 4.2 The building proposed would measure approximately 22 metres in length and 10.5 metres in width and have a height to roof ridge of 11.5 metres. It is indicated to be finished in standing seam dark blue metal for the roof and first floor of the wall and buff bricks for the ground floor walls. 32 car parking spaces are proposed, 3 motor cycle spaces and 14 cycle spaces.
- 4.3 An outdoor seating area adjacent to the indoor café is proposed along with a refuse/recycling compound. The aim is to retain the existing trees that are on the site and an Arboricultural Impact Assessment has been submitted.

5.0 Land Use Allocation

- 5.1 Adopted Local Plan Proposals Map: primarily designated as open space (Rugby pitches).

Site Allocation Policy SA NGA3 Employment Uses in the North Growth Area (To North)

Emerging Local Plan Policy NC1: North Colchester and Severalls Strategic Economic Area.

6.0 Relevant Planning History

- 6.1 190665 Authority to Approve granted at Committee:-
Hybrid planning appln - Outline appln for healthcare campus (5ha) of up to 300 older people's homes (C3), 4,300sqm private acute surgical hospital (C2), (1,200sqm.) medical centre (D1), 3,600sqm, 75-bed care home (C2), up to 45,100sqm offices (B1a); up to 350 homes (C3), with ancillary retail & food & drink of up to 1000m² of retail (A1), up to 500m² of food and drink (A3), digital network of ultra fast broadband; 2 points of vehicular access from public highway, pedestrian boulevard & community green (4.5ha). All matters apart from access to be reserved in relation to outline elements of proposals. Detailed consent for a 1st phase of infrastructure to include the creation of a pedestrian boulevard and associated landscaping, and a renewable energy centre & heat distribution network.
Between Via Urbis Romanae & Mill Road, Land South of, Axial Way, Colchester

200079 Detailed consent for a first phase of infrastructure to include the creation of a pedestrian 'Walk' (previously known as the Boulevard) and associated landscaping and a renewable energy centre and heat distribution network. Approved 20.4.20

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
SD2 - Delivering Facilities and Infrastructure
SD3 - Community Facilities
UR2 - Built Design and Character
ER1 - Energy, Resources, Waste, Water and Recycling

- 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
DP4 Community Facilities
DP14 Historic Environment Assets
DP17 Accessibility and Access
DP19 Parking Standards
DP20 Flood Risk and Management of Surface Water Drainage
DP21 Nature Conservation and Protected Lanes
DP25 Renewable Energy

- 7.4 Some "allocated sites" also have specific policies applicable to them. The adopted Site Allocations (adopted 2010) policies set out below should also be taken into account in the decision making process:

SA TC1 Appropriate Uses within the Town Centre and North Station Regeneration Area
SA NGA1 Appropriate Uses within the North Growth Area
SA NGA2 Greenfield Sites in the North Growth Area
SA NGA3 Employment Uses in the North Growth Area
SA NGA4 Transport measures in North Growth Area
SA NGA5 Transport Infrastructure related to the NGAUE

- 7.5 The Neighbourhood Plan for Boxted / Myland & Braiswick is also relevant. This forms part of the Development Plan in this area of the Borough.

- 7.6 Submission Colchester Borough Local Plan 2017-2033:

Local Plan 2017-2033 AdoptedSection 1

- SP1 Presumption in Favour of Sustainable Development
- SP3 Spatial Strategy for North Essex
- SP7 Place Shaping Principles

Adopted Local Plan and Emerging Local Plan Status

Overview

The Section 1 Local Plan was adopted on 1 February 2021 and is afforded full weight. The Section 2 Emerging Local Plan underwent examination, with hearing sessions in April 2021. The Examiner's letter proposed a series of major modifications that have now been subject to public consultation. Section 2 policies must now be assessed on a case by case basis in accordance with NPPF paragraph 48 to determine the weight which can be attributed to each policy.

Core Strategy Policy SD1 is fully superseded by policies SP5 and SP6 of the Section 1 Local Plan. Policies SD1, H1 and CE1 are partially superseded by policies SP3, SP4 and SP5 in relation to the overall housing and employment requirement figures. The remaining elements of policies SD1, H1 and CE1 are relevant for decision making purposes.

Adopted Section 1 Local Plan

On 1st February 2021, Full Council resolved to adopt the modified Section 1 Local Plan in accordance with Section 23(2)(b) of the Planning and Compulsory Purchase Act 2004. The final version of the Adopted North Essex Authorities' Shared Strategic Section 1 Local Plan is on the council's website [here](#).

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. Section 2 of each plan contains policies and allocations addressing authority-specific issues.

Appendix A of the Section 1 Local Plan outlines those policies in the Core Strategy Focused Review 2014 which are superseded. Having regard to the strategic nature of the Section 1 Local Plan, policy SD2 of the Core Strategy is fully superseded by policies SP5 and SP6 of the Section 1 Local Plan. Policies SD1, H1 and CE1 of the Core Strategy are affected in part. The hierarchy elements of policies SD1, H1 and CE1 remain valid, as given the strategic nature of policies SP3, SP4 and SP5 the only part of the policies that are superseded is in relation to the overall requirement figures.

The final section of Policy SD1 which outlines the presumption in favour of sustainable development is superseded by policy SP1 of the Section 1 Local Plan as this provides the current stance as per national policy.

All other Policies in the Core Strategy, Site Allocations and Development Management Policies and all other adopted policy which comprises the Development Plan remain relevant for decision making purposes.

Emerging Section 2 Local Plan

Paragraph 48 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.

Section 2 is at an advanced stage having undergone examination hearing sessions in April 2021 and currently undergoing consultation on modifications. Section 2 will be afforded some weight due to its advanced stage. However, as it is yet to undergo full and final examination, the exact level of weight to be afforded will be considered on a site-by-site basis reflecting the considerations set out in paragraph 48 of the NPPF. Proposals will also be considered in relation to the adopted Local Plan and the NPPF as a whole.

Relevant Section 2 CB Local Plan 2017-2033 Policies:

Policy NC1 of the Emerging Local Plan (2017-2033) is particularly relevant and can be given significant weight. This states:

“Policy NC1: North Colchester and Severalls Strategic Economic Area

All land and premises within the North Colchester and Severalls Strategic Economic Area including the areas known as the Northern Gateway and Severalls and Colchester Business Parks will be safeguarded for the identified uses based on a zoned approach as indicated below.

A master plan will be prepared to provide a detailed guidance covering parts of the economic area. Proposals which are in accordance with the agreed masterplan will be supported.

All proposals within the North Colchester and Severalls Strategic Economic Area will be required to provide good public transport, pedestrian and cycle links ensuring good connectivity within the area, with neighbouring communities, to the Colchester Orbital Route, and to and from the town centre and Colchester Station.

Development will be expected to contribute to the cost of infrastructure improvements where necessary and identified in the Infrastructure Delivery Plan (IDP) or subsequent evidence.

Zone 1: as defined on the Policies Map (existing and proposed employment land) will be the primary focus for B class employment uses and as such, alternative non- B Class uses will only be supported where they;

- (i) Are ancillary to the existing employment uses on the site intended to serve the primary function of the site as an employment area and;*

- (ii) *Provide the opportunity to maximise the sites potential for economic growth and support the continued operation of existing employment uses within the economic area and;*
- (iii) *Do not generate potential conflict with the existing proposed B class uses / activities on the site; and*
- (iv) *There is no reasonable prospect of the site being used for B class employment.*

Proposals for main town centre uses will not be permitted within zone 1 of North Colchester and Severalls Economic Area.

Zone 2: The area defined on the policies map as zone 2 (adjacent to the Stadium) is being developed by the Council as a leisure / community hub and will be safeguarded for a mix of uses including sport, leisure and recreation. Uses will be permitted where they clearly demonstrate the potential for job creation and provided that they do not undermine or constrain the main purpose of the economic function of the wider area. Uses may include an appropriate scale of leisure and commercial space, open space and green infrastructure to enhance connectivity. No retail use will be permitted unless it is ancillary to another use and meets the requirements of the sequential test and impact test if required.

Zone 3 as defined on the Policies Map (including areas known as the Northern Gateway area north of the A12) land will be safeguarded primarily for a range of sport and recreation uses within Use classes D, subject to up to date evidence supporting a need for such use. Proposals will need to be in accordance with an agreed master plan.

Allocation for Residential and Open Space Uses

The area shown on the policies map which comprises the existing Rugby Club will be safeguarded for employment use (as set out above) as well as residential use to provide enabling development to deliver the sport and leisure / community uses in Zone 3. Development of the site will provide for approximately 300 new dwellings, 260 units of Extra Care accommodation and community space which may include a church. Access will be taken from Axial Way unless other considerations prevent this.

Proposals will be permitted in accordance with a masterplan to be approved by the Local Planning Authority which will incorporate an appropriate design approach and enhanced public realm to ensure the different uses can be accommodated in a compatible way.”

Policy SG8: Neighbourhood Plans

Policy NC3: North Colchester

Policy DM2: Community Facilities

Policy DM15: Design and Amenity

Policy DM16: Historic Environment

Policy DM22: Parking

Policy DM24: Sustainable Urban Drainage Systems

7.7 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
Sustainable Construction
Cycling Delivery Strategy
Urban Place Supplement
Sustainable Drainage Systems Design Guide
Managing Archaeology in Development.
North Colchester Growth Area
Myland Parish Plan AND Myland Design Statement

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 Highways Authority states:

Having reviewed the submitted information, I confirm that from a highway and transportation perspective the impact of the proposal is acceptable to the Highway Authority subject to the following requirement:

- a construction traffic management plan, to include but shall not be limited to details of vehicle/wheel cleaning facilities.

8.3 Environmental Protection states the following:

Should planning permission be granted Environmental Protection wish to make the following comments: (conditions- in full in conditions section)

ZPA – Construction Method Statement

ZGA - *Restriction of Hours of Operation

ZGA - *Restriction of Hours of Operation

ZGB - *Restricted Hours of Delivery

ZGE - Restriction of Amplified Music

All external doors and windows must be kept closed, other than for access and egress, in all rooms when events involving amplified sound are taking place. No access is permitted to the balcony or outdoor seating area when amplified sound is taking place in the adjacent room. Use of the outdoor seating area and balcony during private functions shall cease at 22.00.

ZGG - Site Boundary Noise Levels

Reason: To ensure that the development hereby permitted is not detrimental to the amenity of the surrounding area by reason of undue noise emission and/or unacceptable disturbance.

No refuse, bottles or cans to be put outside after 22.00 No refuse or recycling collection before 08.00.

No access to the outdoor stores is permitted between 22.00 and 08.00.

ZGR - *Light Pollution for Minor Development*

The Northwest boundary adjacent to the proposed new residential development and the southwest boundary adjacent to existing residential properties shall be 1.8m high and constructed of brick or close board fully sealed to the ground with no gaps or penetrations.

8.4 **Natural England** “ No comments...standing advice.”

8.5 **Contaminated Land officer:** states “it would appear that this site could be made suitable for the proposed use, with the remaining contamination matters dealt with by way of condition.

Consequently, should this application be approved, Environmental Protection would recommend inclusion of the following Conditions and Informative:

Conditions:

ZGX - Contaminated Land Part 1 of 4 (Site Characterisation)

ZGY - Contaminated Land Part 2 of 4 (Submission of Remediation Scheme)

ZGZ - Contaminated Land Part 3 of 4 (Implementation of Approved Remediation Scheme)

ZG0 - Contaminated Land Part 4 of 4 (Reporting of Unexpected Contamination)

ZG3 - *Validation Certificate*

Informative - Asbestos in Existing Buildings

The Local Planning Authority has determined the application on the basis of the information available to it, but this does not mean that the land is free from contamination. The applicant is responsible for the safe development and safe occupancy of the site.”

8.6 **Landscape Officer** has no objections and recommends the following conditions and informative:

Standard:

ZFE – Landscape management plan

Bespoke:
Landscaping scheme

- 8.7 **Colchester Cycling Campaign** States: Convenient secure cycle parking should be provided for visitors and staff.

9.0 Parish Council Response

- 9.1 Myland Community Council "Support the proposal welcomes the provision of this new community facility and supports the application.
We would ask for clarification that the lift provided is suitable for access to the first floor for users who for different reasons are unable to use the stairs - for instance those in mobility scooters - and not just for standard wheelchairs.
We welcome the provision of electric car charging points but would like consideration to be given to the accessibility of these points - whether they would be available for use 24 hours a day, and whether they would only be used by users of the community centre.
We note concerns raised about the potential noise from the facility and look forward to further information on the licensing hours."

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.

- 10.2 **Two letters of support** has been received which makes the following points:

- Long overdue, long needed additional community centre. For Highwoods, for residents soon to arrive in the nearby new developments, and for nearby Mill Road and Mile End residents.
- Welcome a new build and a community led design that looks likely to provide a great set of flexible spaces, for all, as well as investments in the nearby green space helpful to biodiversity. Many residents will share this view.
- Will be an essential and much-used facility within Highwoods and Myland.
- It promises to be a popular community hub in the day time, with the coffee house to draw people in, and also activities in the evenings.
- There will be links between the community centre trustees and Myland Community Council in order to ensure a good relationship between the community centre and the adjacent village green.
- The sustainable features of the design plans look great and it is my hope that this can be a "green" building.

- 10.3 **One letter of general observation** makes the following points:

- Local residents previously blighted by late night noise, disco music and misbehaviour.
- We had to fight to prevent illegal verge parking and to secure noise limitations and similar.

- Been blighted by travellers and motorcycle hooligans, smelly fish & chip vans and nuisance simply resulting from having the Rugby Club as neighbours.
- Promised a "village green".
- Been one broken promise after another from Amphora Ltd.
- Already suffered for three years with bore holes and other construction close to our homes.
- Originally promised NO new construction anywhere near our properties at the original public consultations, hence we didn't object then and same promise is being broken!
- Not objecting in principle to the Community Centre, residents seek assurances that we are not going to go backwards.
- Concern is what will it be used for? Local residents do seek assurances that;
 1. There will be no revival of noisy late night activity (such as discos, live bands and similar).
 2. An alcohol licence will NOT be granted.
 3. That this venue will not be allowed to become a meeting place for undesirables.
- Boulevard and Cafe (even when the latter is closed) seem to be an ideal location for problem with undesirables.
- Need agreements to lock the gates when no sports activity. Need proper enforcement of the original agreements that when the Rugby Club (now Community Centre) is NOT in use the car park is locked to keep travellers and undesirables out.

11.0 Parking Provision

11.1 32 car parking spaces are proposed, 3 motor cycle spaces and 14 cycle spaces.

12.0 Accessibility

12.1 With regards to the Equalities Act, the proposal has the potential to comply with the provisions of Policy DP17 (Accessibility and Access) which seeks to enhance accessibility for sustainable modes of transport and access for pedestrians (including the disabled), cyclists, public transport and network linkages.

13.0 Open Space Provisions

13.1 N/A

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

Policy Principle

- 16.1 In terms of the principle of the proposal, the application is considered to be policy compliant with the adopted Local Plan, Emerging Local Plan and National Planning Policy Framework. The proposed redevelopment of the Rugby Club has been included in the Emerging Local Plan (NC1) and provides enabling development to help deliver the Sports Hub. Weight may be given to this policy. Accordingly, with relocation of the Rugby Club the existing building falls to be replaced with a more appropriate, up to date Community building which accords with Policies DP4 of the adopted Local Plan and DM2 of the Emerging Local Plan which cover the provision of community facilities.
- 16.2 The proposal also accords with the Northern gateway Masterplan which was reviewed in August 2016 and again in December 2017 to reflect the Local Plan.
- 16.3 The site lies within the settlement limits and is deemed to be sustainable development and the National Planning policy Framework has a presumption in favour of sustainable development. Accordingly it is considered that, overall, the principle of the proposal can be supported and the proposal should be judged on its planning merits.

Layout, Design and Visual Impact

- 16.4 In terms of the planning merits of the proposal, it is considered that the proposed design, scale and form of the proposed building is acceptable and would represent a marked visually improvement to the area compared to the existing building it replaces. The use of buff bricks and blue, seemed metal roofing has the potential to give a sharp contemporary, attractive appearance and a condition requiring the submission of the precise details of the materials will be applied.
- 16.5 Ancillary associated structures are also considered visually acceptable and would not be particularly prominent as existing mature vegetation will be retained which would help screen them from wider views beyond the site. Existing hard surfaces are utilised for parkin and manoeuvring and there will be some additional hard surface added to provide appropriate parking.

- 16.6 Overall, in terms of layout, design and impact on surroundings, it is considered the proposal would therefore comply with Policy UR2 of the Local Plan Core Strategy which provides that the Borough Council will secure high quality and inclusive design in all developments to make better places for both residents and visitors.
- 16.7 The proposal is also considered to comply with Policy DP1 of the Local Plan Development Policies document adopted 2010 (with selected Policies revised July 2014) which provides that all development must be designed to a high standard and respect the character of the site, its context and surroundings including in terms of layout. Policy DM15 of the Emerging Local Plan has similar provisions. It is also considered to comply with the revised NPPF section 12 which promotes well- designed places.

Impact on Neighbour Amenities:

- 16.8 It is not considered there would be a significant impact upon neighbouring residential amenity from the proposal. The main building and ancillary structures are positioned far enough from the boundaries of neighbouring properties to avoid an overbearing impact. The Council policy sets out that a 45 degree angle of outlook from the mid-point of the nearest neighbouring windows should be preserved and it is considered that this proposal satisfies this requirement.
- 16.9 Similarly, there are no concerns regarding loss of light. The combined plan and elevation tests are not breached and the proposal therefore satisfies the Council's standards for assessing this issue as set out in the Essex Design Guide.
- 16.10 Additionally, the proposal does not include any new windows at first floor level that would offer an unsatisfactory angle of overlooking that harmed the privacy of the neighbouring properties, including their protected sitting out areas. Rear facing glazing at first floor level can have a condition applied to ensure that it is glazed in obscure glazing and is non-opening where it is not above 1.7 m above floor level. The side facing glazing is far enough away from neighbouring properties and there is intervening vegetation to ensure no overlooking of significance of properties.
- 16.11 The objections received regarding noise and disturbance from the proposed use and from construction works are noted. Appropriate conditions as suggested by Environmental Protection can be applied including hours of use, delivery times and noise levels in order to minimise any disturbance. It should be noted that the site was already previously in use as a leisure facility. Conditions relating to a demolition management plan and construction management plan can also be applied to minimise disruption including control over hours of working. Environmental Protection have made no objections.
- 16.12 The proposal would thus comply with Policy UR2 (better places for residents and visitors expected) and DP1 which provides that all development should avoid unacceptable impacts upon amenity, including the protection of residential amenity with regard to noise and disturbance and overlooking. Policy DM15 of the Emerging Local Plan has similar provisions.

Highway Matters:

- 16.13 The Highway Authority has raised no objection to the scheme subject to a condition about a traffic management plan regarding wheel washing. This will be incorporated into the demolition and construction management plan conditions. The existing access is considered to allow for adequate visibility splays and there would be adequate parking and manoeuvring provision on site. The proposal complies with Policy DP19, in terms of parking space provision. The proposal would also not cause a severe impact upon the Highway network, as referred to in the NPPF (para.111).

Impact Upon Vegetation:

- 16.14 It is considered that the proposed building would be positioned far enough away from the existing vegetation, which includes mature trees, to avoid significant impacts. Conditions can be applied to ensure appropriate tree protection measures are in place. The plan has been slightly revised in terms of the positioning of some hard surfaces and the tree officer's comments are awaited in this respect and will be reported to the Committee. If any further minor revisions are required then these can be undertaken. The submitted Arboricultural Impact Assessment can be an approved document.

Wildlife issues:

- 16.15 It is not considered that there would be any significant impact upon wildlife from the proposal. The site is not particularly overgrown, trees and vegetation are to be retained and the building to be demolished is relatively modern. Accordingly it is not considered the scheme is contrary to policy DP21 which aims to protect and enhance biodiversity or to Emerging Local Plan Policy ENV1.

Environmental and Carbon Implications

- 16.16 The Council has declared a Climate Emergency and has committed to being carbon neutral by 2030. The purpose of the planning system is to contribute to the achievement of sustainable development as defined in the National Planning Policy Framework. Achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways. These are economic, social and environmental objectives. The consideration of this application has taken into account the Climate Emergency and the sustainable development objectives set out in the NPPF. It is considered that, on balance, the application can contribute to achieving sustainable development. The site is considered to be in a sustainable location and would minimise carbon emissions from trips generated to access services.

Neighbourhood Plan

- 16.17 The adopted Myland and Braiswick Neighbourhood Plan (NP) is relevant when considering this application as it forms part of the Development Plan. The proposal is considered to accord with the provisions of the NP, namely:

- Developers achieving the highest quality of design.
- DPR1 - attain the highest quality of design standards, sustainability and sustainability.
- SAM1 (Social Amenity) and SPL 1 & 3 (Sport and Leisure).

Other

- 16.18 Finally, in terms of other planning considerations, the proposed development does not raise any concerns. There are no archaeological implications (Policy DP14) and the site is not within a flood zone so there is no flood risk issue (DP20).
- 16.19 Relevant contaminated land conditions can be applied as per the recommendation from Environmental Protection.
- 16.20 With regard to the comments received from Myland Community Council about disabled access, the lift included in the scheme has a platform of approx. 1.4m x 1.1m, which is big enough for small or medium sized mobility scooters.

17.0 Conclusion

17.1 In conclusion the proposal is considered acceptable for the following reasons:

- The proposed redevelopment of the Rugby Clubhouse has been included in the Emerging Local Plan and the proposal provides enabling development to help deliver the new sports hub. This is affirmed by emerging local plan policy NC1.
- The proposal provides a community facility, and the design, scale and form of the development would be visually acceptable.
- The proposal is acceptable in terms of its impact upon neighbouring residential amenity, highway safety and wildlife. If any further minor revisions are required in respect of the relationship of hard surfaces to trees, then these can be undertaken.
- The proposal complies with the Neighbourhood Plan.

18.0 Recommendation to the Committee

18.1 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 In accordance with Approved Plans

The development hereby permitted shall be carried out in accordance with the details shown on the submitted Drawing Numbers: 2170 DE 10-001A Arboricultural Impact Assessment Rec'd 12.10.21, 2170DE 30-001B, 002B, 003B, 004B Rec'd 3.11.21.

Reason: For the avoidance of doubt and to ensure that the proposed development is carried out as approved.

3. ZBC - Materials To Be Agreed

No external facing or roofing materials shall be used in the construction of the development hereby permitted until precise details of the manufacturer, types and colours of these have been submitted to and approved, in writing, by the Local Planning

Authority. Such materials as may be approved shall be those used in the development.

4. Non Standard Condition - Parking/Turning Area

The development shall not be occupied until such time as the turning area and off street parking has been provided in accord with the details shown in Drawing Numbered 349- 01-03B. 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.

5. Non Standard condition - Cycle storage.

The approved cycle storage facility shall be provided prior to the first occupation of the proposed development hereby permitted within the site which shall be maintained free from obstruction and retained thereafter.

Reason: To promote the use of sustainable means of transport.

6. ZPA Construction Method Statement

No construction works shall take place, including any ground works or works of demolition, until a Construction Management Plan (CMP) has been submitted as a scaled drawing to and approved in writing by, the local planning authority. The approved plans shall be adhered to throughout the construction period. The plans shall provide for:

- i. the parking of vehicles of site operatives and visitors
- ii. loading and unloading of plant and materials
- iii. storage of plant and materials used in constructing the development
- iv. wheel and under body washing facilities
- v. hours of deliveries and hours of work;
- vi. the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;

- vii. measures to control noise and vibration;
- viii. measures to control the emission of dust and dirt during construction; and
- ix. a scheme for recycling/disposing of waste resulting from demolition and construction works. No waste materials should be burnt on the site, instead being removed by licensed waste contractors.

Reason: In the interests of residential amenity and ensure that on-street parking of these vehicles in the adjoining streets does not occur, in the interests of highway safety.

7. Non Standard Condition - Demolition Method Statement

All demolition works shall be undertaken in accordance with the demolition method statement received 17.11.21 and the approved details shall be adhered to throughout the construction period.

Reason: In the interests of residential amenity and to ensure that on-street parking of these vehicles in the adjoining streets does not occur, in the interests of highway safety.

8. Non Standard Condition - Cafe

The café outdoor use hereby permitted shall not BE OPEN TO CUSTOMERS outside of the following times:

Weekdays: 08.00 – 20.00

Saturdays: 08.00 – 20.00

Sundays and Public Holidays: 09.00 - 18.00

Reason: To ensure that the development hereby permitted is not detrimental to the amenity of the area and/or nearby residents by reason of undue noise including from people entering or leaving the site, as there is insufficient information within the submitted application, and for the avoidance of doubt as to the scope of this permission.

9.ZGA - *Restriction of Hours of Operation*

The use hereby permitted shall not be open outside of the following times:

Mon to Thursday: 08.00 – 23.00

Friday & Saturdays: 08.00 – 00.00

Sundays and Public Holidays: 08.00 – 23.00

Reason: To ensure that the development hereby permitted is not detrimental to the amenity of the area and/or nearby residents by reason of undue noise including from people entering or leaving the site, as there is insufficient information within the submitted application, and for the avoidance of doubt as to the scope of this permission.

10.ZGB - *Restricted Hours of Delivery*

No deliveries shall be received at, or despatched from, the site outside of the following times:

Weekdays: 08.00 – 18.00

Saturdays: 08.00 – 18.00

Sundays and Public Holidays: 10.00 – 16.00

Reason: To ensure that the development hereby permitted is not detrimental to the amenity of the area and/or nearby residents by reason of undue noise including from delivery vehicles entering or leaving the site, as there is insufficient information within the submitted application, and for the avoidance of doubt as to the scope of this permission.

11. ZGE - Restriction of Amplified Music

Prior to the first use or occupation of the development hereby permitted, the level of internal amplified sound shall be restricted by the installation and use of a noise-limiting device that complies with details that shall have been submitted to and agreed, in writing, by the Local Planning Authority. Thereafter, such devices shall be retained and operated in accordance with the approved specification and working order at all times. Reason: To ensure that the development hereby permitted is not detrimental to the amenity of the area and/or nearby residents by reason of undue noise and disturbance from amplified noise, as there is insufficient information within the submitted application.

12. Non Standard Condition - External doors and windows closed.

All external doors and windows must be kept closed, other than for access and egress, in all rooms when events involving amplified sound are taking place. No access is permitted to the balcony or outdoor seating area when amplified sound is taking place in the adjacent room. Use of the outdoor seating area and balcony during private functions shall cease at 22.00.

Reason: In the interests of neighbouring residential amenity.

13. ZGG - Site Boundary Noise Levels

The rating level of noise emitted from the site's plant and equipment shall not exceed 0dB(A) above the background levels determined at boundaries near to noise-sensitive premises in accordance with the current version of British Standard 4142.

Reason: To ensure that the development hereby permitted is not detrimental to the amenity of the surrounding area by reason of undue noise emission and/or unacceptable disturbance.

14. Non Standard Condition - Refuse Timing

No refuse, bottles or cans to be put outside after 22.00. No refuse or recycling collection before 08.00.

Reason: To ensure that the development hereby permitted is not detrimental to the amenity of the surrounding area by reason of undue noise emission and/or unacceptable disturbance.

15. Non Standard Condition- Outdoor Stores

No access to the outdoor stores is permitted between 22.00 and 08.00.

Reason: To ensure that the development hereby permitted is not detrimental to the amenity of the surrounding area by reason of undue noise emission and/or unacceptable disturbance.

16. ZGR - *Light Pollution for Minor Development*

Any lighting of the development (including resultant sky glow, light trespass, source intensity and building luminance) shall fully comply with the figures and advice specified in the CBC External Artificial Lighting Planning Guidance Note for E22 RURAL, SMALL VILLAGE OR DARK URBAN AREAS.

Reason: In order to safeguard the amenity of the surrounding area by preventing the undesirable, disruptive and disturbing effects of light pollution.

17. Non Standard Condition - Boundaries

The Northwest boundary adjacent to the proposed new residential development and the southwest boundary adjacent to existing residential properties shall be 1.8m high and constructed of brick or close board fully sealed to the ground with no gaps or penetrations prior to first occupation of the development hereby permitted.

Reason: In the interests of neighbouring residential amenity.

18. ZFE- 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.

19. Z00- Hard and soft Landscaping

No construction works shall take place above ground floor slab level until a scheme of hard and soft landscape works has been submitted to and agreed, in writing, by the Local Planning Authority. This scheme shall include any significant changes in ground levels and also accurately identify positions and spread of all existing trees, shrubs and hedgerows on the site; proposed planting; details of any hard surface finishes and external works. The implementation of all the landscape works shall comply with the recommendations set out in the relevant British Standards current at the time of submission. The approved landscape scheme shall be carried out in full prior to the end of the first planting and seeding 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 hard or soft landscape works which, within a period of 5 years of being implemented fail, are removed or seriously damaged or seriously diseased shall be replaced, like for like, in the next planting season with others of similar specification/size/species/mix, unless the Local Planning Authority agrees, in writing, to a variation of the previously approved details.

Reason: In order to ensure that there is a sufficient landscaping scheme for the relatively small scale of this development where there are areas to be laid out but there is insufficient detail within the submitted application.

20. ZFS- Tree Protection

No works shall take place until all trees, shrubs and other natural features not scheduled for removal on the approved plans have been safeguarded behind protective fencing to a standard that will have previously been submitted to and agreed, in writing, by the Local Planning Authority (see BS 5837). All agreed protective fencing shall thereafter be maintained during the course of all works on site and no access,

works or placement of materials or soil shall take place within the protected area(s) without prior written consent from the Local Planning Authority.

Reason: To safeguard existing trees, shrubs and other natural features within and adjoining the site in the interest of amenity.

21. Z00 – Electric Charging Points

Prior to first occupation of the building, precise details of electric vehicle charging points shall be submitted to and agreed in writing by the Local Planning Authority. The approved charging points shall be provided prior to first occupation of the building and thereafter retained as such.

Reason: To encourage the use of sustainable transport.

22. ZDF- Removal of PD- Obscure Glazing.

Notwithstanding the provisions of Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), the 1st floor rear gable glazing shall be non-opening and glazed in obscure glass to a minimum of level 4 obscurity both to a level a minimum of 1.7 m above floor level before the development hereby permitted and all shall thereafter be permanently retained in this approved form.

Reason: To avoid the overlooking of neighbouring properties in the interests of the amenities of the occupants of those properties.

23.ZCL- Surface Water Drainage

No works shall take place until details of surface water drainage shall have been submitted to and approved, in writing, by the Local Planning Authority. No part of the development shall be first occupied or brought into use until the agreed method of surface water drainage has been fully installed and is available for use.

Reason: To minimise the risk of flooding.

24. ZGX - Contaminated Land Part 1 of 4 (Site Characterisation)

No works shall take place until an investigation and risk assessment, in addition to any assessment provided with the planning application, has been completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval, in writing, of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

- (i) a survey of the extent, scale and nature of contamination, including contamination by soil gas and asbestos;
- (ii) an assessment of the potential risks to:

- human health,
- property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
- adjoining land,
- groundwaters and surface waters,
- ecological systems,
- archaeological sites and ancient monuments;

(iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with all relevant, current, best practice guidance, including the Essex Contaminated Land Consortium's

'Land Affected by Contamination: Technical Guidance for Applicants and Developers'.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors

25. ZGY - Contaminated Land Part 2 of 4 (Submission of Remediation Scheme)

No works shall take place until a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment has been prepared and then submitted to and agreed, in writing, by the Local Planning Authority.

The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

26.ZGZ - Contaminated Land Part 3 of 4 (Implementation of Approved Remediation Scheme)

No works shall take place other than that required to carry out remediation, the approved remediation scheme must be carried out in accordance with the details approved. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works. Following completion of measures identified in the approved remediation scheme, a verification/validation report that demonstrates the effectiveness of the remediation carried

out must be produced, and is subject to the approval in writing of the Local Planning Authority.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

27. ZG0 - Contaminated Land Part 4 of 4 (Reporting of Unexpected Contamination)

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition 14, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 15, which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition 16.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors

28. ZG3 - *Validation Certificate*

Prior to the first OCCUPATION/USE of the development, the developer

shall submit to the Local Planning Authority a signed certificate to confirm that the remediation works have been completed in accordance with the documents and plans detailed in Condition 15.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

29. Non-Standard- Enclosures

Prior to their installation precise details of the, siting, design and materials of any screen walls, gates and fences shall be submitted to and agreed, in writing, by the Local Planning Authority. Only the approved details shall be implemented.

Reason: There are insufficient details within the submitted application to ensure that the boundary treatments are satisfactory in relation to amenities and the surrounding context.

30. ZCE 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 the approved details. 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.

19.1 Informatives

19.1 The following informatives are also recommended:

Informative1: All work within or affecting the highway is to be laid out and constructed by prior arrangement with and to the requirements and specifications of the Highway Authority; all details shall be agreed before the commencement of works.

The applicants should be advised to contact the Development Management Team email at development.management@essexhighways.org or by post to:

SMO1 – Development Management
Essex Highways Ardleigh Depot,
Harwich Road,
Ardleigh,
Colchester,
Essex
CO7 7LT

Informative 2

Multiple Asbestos Containing Materials have been identified in the existing building. In accordance with the applicant's obligations under The Control of Asbestos Regulations 2012, prior to undertaking the permitted development works, all relevant identified material must be managed, removed safely, and appropriately disposed of at a suitable waste acceptance facility. The enforcing authority for this type of work is the Health and Safety Executive and it is recommended that you contact them directly to discuss their requirements.

Reason –the presence of asbestos-containing materials (ACM's) in the existing building has been highlighted and Environmental Protection wish to ensure that no new contamination pathways are created by the proposed development.

Informative 3. Landscaping

'Detailed landscape proposals, if/when submitted in order to discharge landscape conditions should first be cross-checked against the Council's Landscape Guidance Note LIS/B (this available on this CBC landscape [webpage](https://www.colchester.gov.uk/info/cbc-article/?catid=which-application-form&id=KA-01169): <https://www.colchester.gov.uk/info/cbc-article/?catid=which-application-form&id=KA-01169> under Landscape Consultancy by clicking the 'read our guidance' link)'.

4.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.

5.ZTA - Informative on Conditions Stating Prior to Commencement/Occupation

PLEASE NOTE that this permission contains a condition precedent that requires details to be agreed and/or activity to be undertaken either **before you commence the development or before you occupy the development**. This is of critical importance. If you do not comply with the condition precedent you may invalidate this permission and be investigated by our enforcement team. Please pay particular attention to these requirements. To discharge the conditions and lawfully comply with your conditions you should make an application online via www.colchester.gov.uk/planning or by using the application form entitled 'Application for approval of details reserved by a condition following full permission or listed building consent' (currently form 12 on the planning application forms section of our website). A fee is also payable, with the relevant fees set out on our website.

6.ZTB - Informative on Any Application With a Site Notice

PLEASE NOTE that a site notice was erected in a publicly visible location at the site. Colchester Borough Council would appreciate your co-operation in taking the site notice down and disposing of it properly, in the interests of the environment.