



Application No: 160262

Location: Land to the rear of Lancaster Toyota, Axial Way, Colchester, Essex, CO4 5XD

Scale (approx): 1:1250

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7.2 Case Officer: James Ryan**MINOR**

Site: Land to the rear of Lancaster Toyota, Axial Way, Colchester, Essex, CO4 5XD

Application No: 160262

Date Received: 1 March 2016

Applicant: Mrs Elizabeth Flood, CBC

Development: Proposed erection of a foul drainage pumping station.

Ward: Mile End

Summary of Recommendation: Conditional Approval

1.0 Reason for Referral to the Planning Committee

- 1.1 This application is referred to the Planning Committee because Colchester Borough Council is the applicant. It has also been called in by Councillor Martin Goss for that same reason.

2.0 Synopsis

- 2.1 The key issues explored below are the impact the proposed pumping station will have on the Public Right of Way and on visual amenity.

3.0 Site Description and Context

- 3.1 The site is a small piece of long grass behind the recently constructed Lancaster Toyota on Axial Way.

4.0 Description of the Proposal

- 4.1 A foul drainage pumping station is proposed. This includes the pumping equipment, a radio antenna, a floodlight for emergency maintenance purposes, a 1.8 metre wall around the compound, palisade gates to the compound and the access track to the compound from the existing bell-mouth east of the Toyota garage.

5.0 Land Use Allocation

- 5.1 The land is allocated for B1 uses on the Northern Grown Area masterplan. On the local plan maps the site is on land that is allocated as an employment zone, a strategic employment zone, a growth area and is within the defined settlement limits.

6.0 Relevant Planning History

- 6.1 Whilst the site is part of the wider northern growth area that has a detailed planning history with consents for a multitude of uses, there is no planning history particularly relevant to this scheme.

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 also be taken into account in planning decisions and sets out the Government's planning policies are to be applied. The NPPF makes clear that the purpose of the planning system is to contribute to the achievement of sustainable development. There are three dimensions to sustainable development: economic, social and environmental.

- 7.2 Continuing the themes of the NPPF, the adopted Colchester Borough Core Strategy (adopted 2008, amended 2014) adds detail through local strategic policies. Particular to this application, the following policies are most relevant:

SD1 - Sustainable Development Locations
UR1 - Regeneration Areas
UR2 - Built Design and Character
ER1 - Energy, Resources, Waste, Water and Recycling

- 7.3 In addition, the following are relevant adopted Colchester Borough Development Policies (adopted 2010, amended 2014):

DP1 Design and Amenity
DP20 Flood Risk and Management of Surface Water Drainage

- 7.4 Further to the above, the adopted Site Allocations (adopted 2010) policies set out below should also be taken into account in the decision making process:

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 Regard should also be given to the following adopted Supplementary Planning Guidance/Documents:

- Northern Growth Area Masterplan.

- 7.6 Myland Community Council has a Village Design Statement which is also relevant to this scheme.

8.0 Consultations

- 8.1 Environmental Protection - No objection.

- 8.2 ECC Public Rights of Way (Jason Botelho) – I have no issue with this. Most people walk the permissive headland route to the east of the footpath and Colchester Borough Council is concurrently applying to permanently divert the north end of Footpath 69 to this headland route. If CBC was to fail to gain this permanent diversion we would still grant a temporary closure of the current line of the path. The only detail we need to be sure of is the nature of the surface which will be changed on the existing line. Footpath 69 is about 900 metres long and the section that falls under this application is about 60 metres. However, for the relatively short length being changed and the very low volume of traffic that this would result in I don't see any issue here.
- 8.3 Natural England – No objection.
- 8.4 The Ramblers - The exact position and full width of the Public Right of Way needs to be clear on the plans before any decision can be considered.
- 8.5 Environment Agency – No comment to date.
- 8.6 Anglian Water – No comment to date.

In addition to the details reported above, the full text of all consultation responses is available to view on the Council's website.

9.0 Parish Council Response

- 9.1 The Parish Council have stated that "MCC understands a Public Path Diversion Order for Footpath 69 is being made".

10.0 Representations

- 10.1 Three comments were received.

Cllr Martin Goss:

This application must be heard by the planning committee as the Council is the applicant. I am concerned about the points raised about PROW missing from the plan and previous diversions which have impacted the enjoyment of walking in the area. This needs resolving please.

Robert Johnstone:

I object to this application as it impacts on PROW FP69 (Myland). This PROW was temporarily diverted as a result of the previous approved application to build the car showroom. To develop the site further without making the diversion permanent would be a mistake. The applicant states in section 6 of the planning application that a PROW is to be diverted/extinguished and/or created. The attached drawings do not show a PROW.

The Ramblers:

The exact position and full width of the Public Right of Way needs to be clear on the plans before any decision can be considered.

The full text of all of the representations received is available to view on the Council's website.

11.0 Parking Provision

11.1 This scheme has no parking implications.

12.0 Open Space Provisions

12.1 This scheme raises no open space implications.

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 Development Team and Planning Obligations

14.1 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 (S106) of the Town and Country Planning Act 1990.

15.0 Report

Need

15.1 The CBC Projects officer responsible for the scheme has stated: "The proposed pumping station is required to pump sewerage to the new foul sewer in NAR3. A pumping station is required as, due to the topography, it's not possible to have a gravity system. Until the foul drains were built as part of NAR3 it was not possible to connect the developments within the Northern Gateway to the foul sewerage system, so a temporary system was used. However this has come to the end of its life and wouldn't have the capacity for the further development. Therefore, as part of the wider Northern Gateway development, a pumping station is required. The pumping station will be built by Colchester Council and will then be adopted by Anglian Water – this process takes about a year".

Design/Layout

15.2 The scheme is relatively utilitarian in design terms. It will be highly visible from the PRoW but most of the equipment will be screened by the 1.8m brick wall that surrounds the compound and the gates that allow access to it. In this context, with the backdrop of the Toyota Garage and its surface car park this design and layout are held to be acceptable.

The Public Right of Way (PRoW)

15.3 This application also requires the construction of a small piece of service road from the existing bell mouth to the proposed compound. This will involve the surfacing of part of the PRoW 69. This does not appear to cause any significant issues as access will still be possible at all times to the definitive route of the PRoW.

- 15.4 On site there are two routes worn through the grass. The most well-worn is the one that runs alongside the field boundary to the east of the site. To the west of this is another route which is more central and appears as less worn – it does not actually follow the definitive line however. The definitive line is a few meters to the west of that. The Project Officer has confirmed that the proposed compound will not sit on the current definitive PRow but an informative to that effect will be imposed on any consent.
- 15.5 The Project Officer has also confirmed that the Council have made an application to divert PRow 69 around the field boundary (which appears to be the route most people are taking, indicated by a well-worn track on site). This scheme is acceptable in terms of its impact on the PRow in any regard and there is no reason to delay granting consent of this pumping station until the PRow has been formally diverted.

Ecology

- 15.6 The site is regularly mown to prevent colonisation by protected species. Natural England has no objection to the scheme. It is therefore held that this scheme will not be demonstrably harmful to the interests of ecology.

16.0 Conclusion

- 16.1 The scheme is acceptable and therefore an approval is warranted.

17.0 Recommendation

- 17.1 APPROVE subject to the following conditions:

18.0 Conditions

1 - 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 - *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 45783/C/003, 45783/C/016, 45783/C/003, 45783/C/001, 45783/C/002A.

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

3 - Non-Standard Condition/Reason

The brick to be used in the construction of the compound perimeter wall shall be either a plain red or plain buff brick.

Reason: In order to ensure that suitable materials are used for the wall which will have a significant degree of public visibility, in the interests of visual amenity.

4 - Non-Standard Condition/Reason

The floodlight shown on plan 45783/C/002 Rev A shall only be illuminated during periods of emergency maintenance and at no other time.

Reason: To ensure the light is not illuminated for prolonged periods to the detriment of the area and ecology.

19.0 Informatives

(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.

(2) All works affecting the highway should be carried out by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority and application for the necessary works should be made by initially telephoning 08456 037631.

(3) **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. Please pay particular attention to these requirements.

(4) PLEASE NOTE: The applicant/developer is advised that the application site is, or appears to be, affected by the existence of a public right of way. It should be noted that:

(i) it is an offence to obstruct or divert a public right of way (or otherwise prevent free passage on it) without the proper authority having been first obtained. In the first instance contact should be made with the Public Rights of Way Office, Highways and Transportation Services, Essex County Council, County Hall, Chelmsford, Essex CM1 1QH. The telephone number is 01245 437563.

(ii) The granting of planning permission does not authorise the undertaking of any work on a public right of way. Where it is necessary for a right of way to be stopped-up or diverted in order that development may take place, no work may take place upon the line of the right of way until an appropriate order has been made and confirmed (see (i) above). The applicant/developer should note that there is a charge for making a change to the rights of way network. (iii) Where a private means of access coincides with a public right of way, the granting of planning permission cannot authorise the erection of gates across the line or the carrying out of any works on the surface of the right of way and that permission for any changes to the surface must be sought from the highway authority (Essex County Council).

20.0 Positivity Statement

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.