



Colchester
City Council

Planning Committee Meeting

**Grand Jury Room, Town Hall, High Street,
Colchester, CO1 1PJ
Thursday, 23 May 2024 at 18:00**

The Planning Committee deals with planning applications, planning enforcement, public rights of way and certain highway matters. If you wish to come to the meeting please arrive in good time. Usually, only one person for and one person against each application is permitted.

Information for Members of the Public

Access to information and meetings

You have the right to attend all meetings of the Council, its Committees and Cabinet. You also have the right to see the agenda (the list of items to be discussed at a meeting), which is usually published five working days before the meeting, and minutes once they are published. Dates of the meetings are available here:

<https://colchester.cmis.uk.com/colchester/MeetingCalendar.aspx>.

Most meetings take place in public. This only changes when certain issues, for instance, commercially sensitive information or details concerning an individual are considered. At this point you will be told whether there are any issues to be discussed in private, if so, you will be asked to leave the meeting.

Have Your Say!

The Council welcomes contributions and representations from members of the public at most public meetings. At Planning Committee meetings, other than in exceptional circumstances, only one person is permitted to speak in support of an application and one person in opposition to an application. If you would like to speak at a meeting and need to find out more, please refer to the Have Your Say! arrangements here:

<https://colchester.cmis.uk.com/colchester/HaveYourSay/HYSPlanning.aspx>.

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Access

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Security Procedures

It is a condition of entry that members of the public are searched on arrival. This is conducted by a member of the Council Hall Keeping team. This may include a search of your person and bags with an electronic device or by hand. Please inform the Hall Keeping Team if you have a health condition. The team will always include a female member. The team are Security Industry Authority trained and the searches are conducted in line with the relevant regulations. Please note that placards, large bags, umbrellas, food and items that might disturb the meeting must be left in reception for collection on exit.

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COLCHESTER CITY COUNCIL
Planning Committee
Thursday, 23 May 2024 at 18:00

The Planning Committee Members are:

Members of the Committee Chair, and
Deputy Chair to be appointed at the annual
meeting.

AGENDA
THE LIST OF ITEMS TO BE DISCUSSED AT THE MEETING
(Part A - open to the public)

Please note that Agenda items 1 to 2 are normally dealt with briefly.

An Amendment Sheet is published on the Council's website by 4:30pm on the day before the meeting and is available to view at the bottom of the relevant Planning Committee webpage. Please note that any further information for the Committee to consider must be received no later than 5pm two days before the meeting in order for it to be included on the Amendment Sheet. With the exception of a petition, no written or photographic material can be presented to the Committee during the meeting.

Live Broadcast

Please follow this link to watch the meeting live on YouTube:

[\(107\) ColchesterCBC - YouTube](#)

1 Welcome and Announcements

The Chairman will welcome members of the public and Councillors and remind everyone to use microphones at all times when they are speaking. The Chairman will also explain action in the event of an emergency, mobile phones switched to silent, audio-recording of the meeting. Councillors who are members of the committee will introduce themselves.

2 Substitutions

Councillors will be asked to say if they are attending on behalf of a Committee member who is absent.

3 **Declarations of Interest**

Councillors will be asked to say if there are any items on the agenda about which they have a disclosable pecuniary interest which would prevent them from participating in any discussion of the item or participating in any vote upon the item, or any other registerable interest or non-registerable interest.

4 **Urgent Items**

The Chairman will announce if there is any item not on the published agenda which will be considered because it is urgent and will explain the reason for the urgency.

5 **Have Your Say(Hybrid Planning Meetings)**

At meetings of the Planning Committee, members of the public may make representations to the Committee members. This can be made either in person at the meeting or by joining the meeting remotely and addressing the Council via Zoom. These Have Your Say! arrangements will allow for one person to make representations in opposition and one person to make representations in support of each planning application. Each representation may be no longer than three minutes(500 words). Members of the public wishing to address the Committee either in person or remotely need to register their wish to address the meeting by e-mailing democratic.services@colchester.gov.uk by 12.00 noon on the working day before the meeting date. In addition for those who wish to address the committee online we advise that a written copy of the representation be supplied for use in the event of unforeseen technical difficulties preventing participation at the meeting itself.

These speaking arrangements do not apply to councillors who are not members of the Committee who may make representations of no longer than five minutes each

6 **Minutes of Previous Meeting**

The Councillors will be invited to confirm that the minutes of the meeting held on 18 April 2024 are a correct record.

2024-04-18 CCC Planning Committee Minutes

7 - 8

7 **Planning Applications**

When the members of the Committee consider the planning applications listed below, they may decide to agree, all at the same time, the recommendations in the reports for any applications which no member of the Committee or member of the public wishes to address the Committee.

7.1 **212507 Land North of, Wyvern Farm, London Road, Stanway., Colchester**

9 - 52

Outline Planning Application (with all matter reserved except for access) for the erection of up to 600 dwellings, land for a co-located 2FE primary school and early years nursery, public open space and

associate infrastructure. Vehicular access from London Road (B1408) and Red Panda Road.

7.2 **232295 50 London Road, Stanway, Colchester, CO3 0HB** 53 - 74

Application for change of use from Post Office delivery Office (sui generis) to café (class E). Installation of an extraction system to the rear elevation. 1st floor 1 bed flat. Additional Parking Plan received.

7.3 **231933 Yarra Family Resource Centre, Stanway Green, Stanway, Colchester, CO3 0RA** 75 - 86

Application for two detached structures, used as incidental office space (retrospective).

8 **Exclusion of the Public (not Scrutiny or Executive)**

In accordance with Section 100A(4) of the Local Government Act 1972 to exclude the public, including the press, from the meeting so that any items containing exempt information (for example confidential personal, financial or legal advice), in Part B of this agenda (printed on yellow paper) can be decided. (Exempt information is defined in Section 100I and Schedule 12A of the Local Government Act 1972).

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Part B
(not open to the public including the press)

PLANNING COMMITTEE

18 April 2024

<i>Present:-</i>	Cllrs Lilley (Chair), Barton, Davidson, Hogg, MacLean, McCarthy, McLean, Powling, Smithson, and Warnes
<i>Substitute Member:-</i>	Cllr Powling for Cllr Tate Cllr Smithson for Cllr Mannion
<i>Also in Attendance:-</i>	

1056. Minutes of Previous Meeting

The minutes of the meeting held on the 7 March 2024 and 28 March 2024 were confirmed as a true record.

1057. 240206 Bus Depot, Queen Street, Colchester, Essex, CO1 2PQ

The Committee considered an application for Hoarding at the front of building site boundary. Already installed with an illustrative graphic which we wish to update to promote the Levelling Up project which is being built. The application was referred to the Planning Committee as the applicant was Colchester City Council.

The Committee had before it a report in which all information was set out.

RESOLVED (UNANIMOUSLY) That the application was approved as detailed in the officer recommendation.

1058. 240563 Hythe House, Flat 1, 142 Hythe Hill, Colchester, Essex, CO1 2NF

The Committee considered an application for a proposed building to replace the existing container and is considered to be more appropriate within the Conservation Area. It will utilise traditional materials – black weatherboarding and pantiles. The proposed development is located to the rear of Hythe House and has minimal view from Hythe Hill. There is currently a 1.42m high brick wall to the boundary with Connaught Close. To the rear of the site is a wall with fencing and trellis above measuring 2.4m in height in total. The property adjacent to the rear boundary does not have any windows in the side elevation. The application was referred to the Planning Committee as the Applicant is known to a Colchester City Council employee.

The Committee had before it a report and amendment sheet in which all information was set out.

The Joint Head of Planning (Simon Cairns) detailed that there was an update to the recommendation as follows:

That the application be approved as detailed in the officer recommendation and amendment sheet, approve subject to receipt of no further representations raising materially new issues within outstanding consultation period (ends 25.04.2024) delegated to Simon Cairns, Joint Head of Planning. Matter to be reported back if new matters are raised.

RESOLVED (UNANIMOUSLY) That the application is approved as detailed in the officer recommendation and amendment sheet, approve subject to receipt of no further representations raising materially new issues within outstanding consultation period (ends 25.04.2024) delegated to Simon Cairns, Joint Head of Planning. Matter to be reported back if new matters are raised.

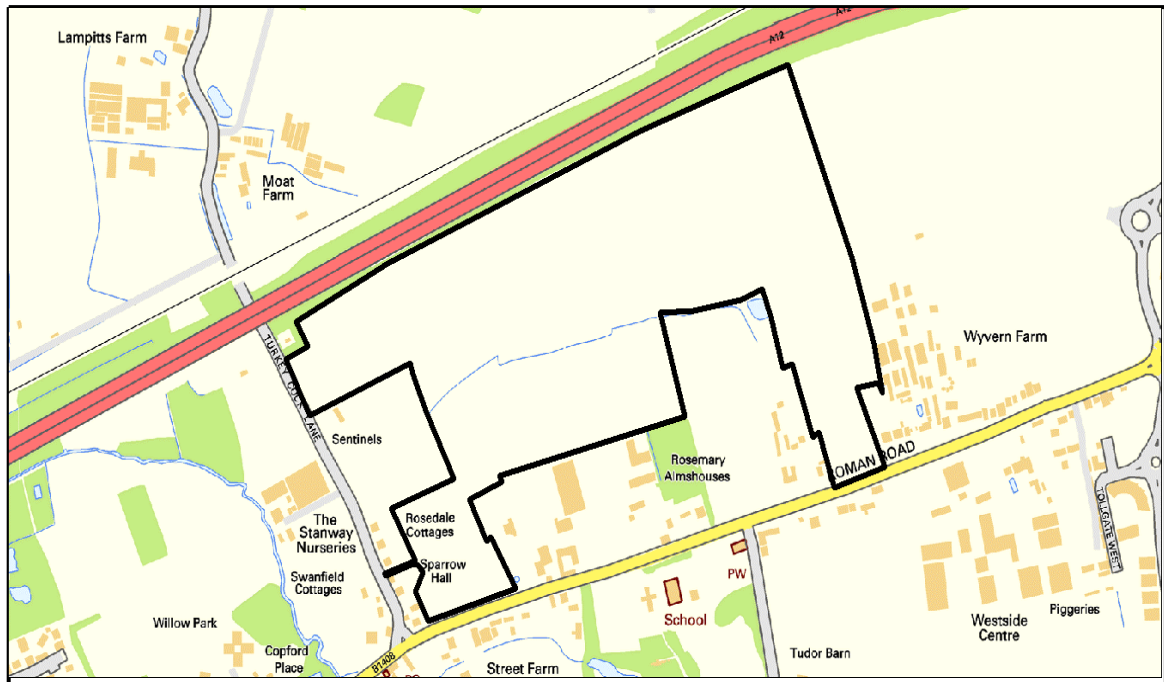
1059. 240528 Land Adj 32 and, 33-34 High Street, Colchester, CO1 1DH

The Committee considered an application for the relocation of the approved granite plinth to describe the Twinkle Star statue. The application was referred to the Planning Committee as the applicant was an Alderman of the City of Colchester.

The Committee had before it a report in which all information was set out.

RESOLVED (UNANIMOUSLY) That the application was approved as detailed in the officer recommendation.

Following the conclusion of the formal business of the meeting the Chair and Members of the Committee thanked Cllrs Hogg and Barton for their service to the Council as they would not be seeking re-election.



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Item No: 7.1

Application: 212507

Applicant: Weston Homes

Agent:

Proposal: Outline Planning Application (with all matters reserved except access) for the erection of up to 600 dwellings, land for a co-located 2FE primary school and early years nursery, public open space and associate infrastructure. Vehicular access from London Road (B1408) and Red Panda Road.

Location: Land North of, Wyvern Farm, London Road, Stanway, Colchester

Ward: Marks Tey & Layer

Officer: Lucy Mondon

Recommendation: Approval

1.0 Reason for Referral to the Planning Committee

1.1 This application is referred to the Planning Committee because it diverges from the relevant local plan Site Allocation Policy (WC2) by including a spine road through land designated as open space in the Local Plan, as well as slightly exceeding the number of allocated dwellings.

2.0 Synopsis

2.1 The application has been submitted on an Outline basis for up to 600 dwellings, land for a co-located 2FE primary school and early years nursery, public open space and associate infrastructure. All matters are reserved (meaning detail will be submitted for approval at a later date under 'Reserved Matters' application) except for access which is submitted for approval under the current outline application.

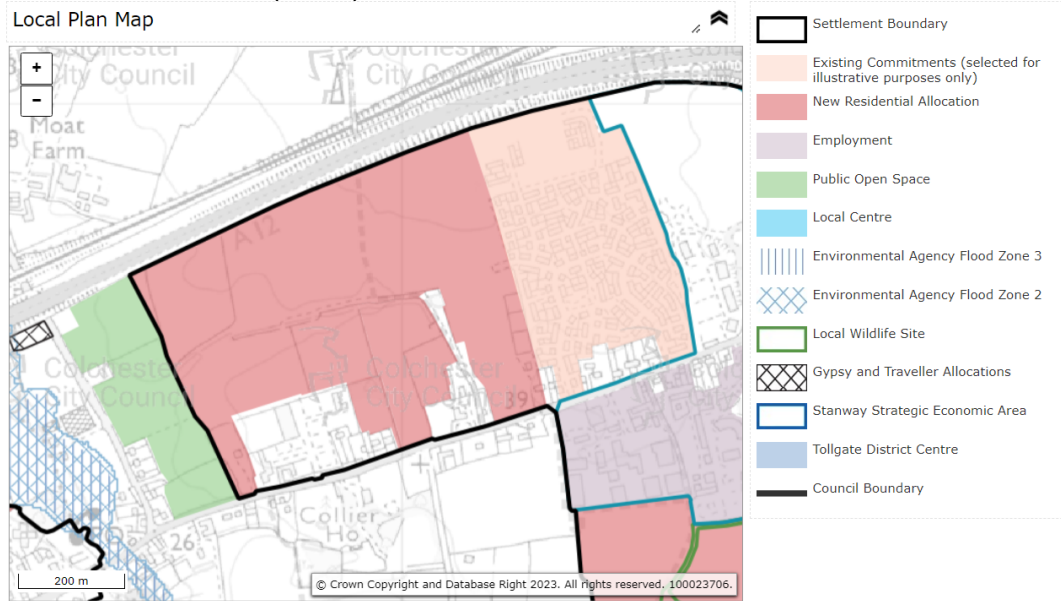
2.2 The application site is allocated for residential development with primary school and early years nursery provision in the Local Plan. The key issues for consideration are principle of development; flood risk and drainage; impacts on ecology; highway impact; heritage; and landscape and trees. Matters of contamination, amenity, and climate change are also considered, along with other material planning matters.

2.3 The proposed development has been assessed in line with adopted local plan policies, with the benefit of consultee comment and local representations. A consideration of the planning benefits of the proposed development has resulted in a balanced judgement which concludes that the benefits of the scheme outweigh any adverse impacts identified and the application is subsequently recommended for approval subject to a number of planning conditions, as well developer contributions/obligations secured through a s.106 agreement.

3.0 Site Description and Context

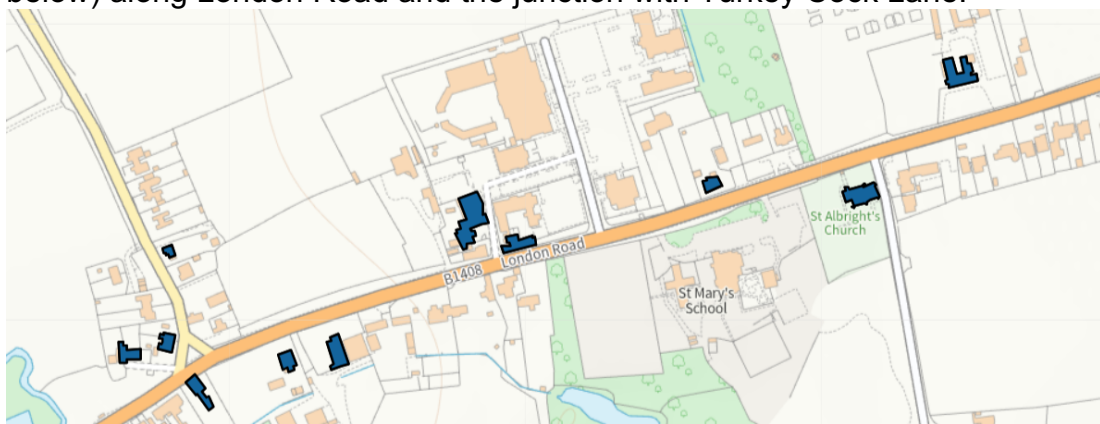
3.1 The application site is located adjacent to London Road in Stanway Parish, which lies in Marks Tey and Layer Ward. It is the larger portion of a wider site allocation (Local Plan policy WC2); a smaller parcel of 66 dwellings was approved in 2022 (ref: 202829) and is now undergoing construction.

3.2 The site allocation (WC2) as a whole is shown in red below:



3.3 The immediate context is considered to represent the changing character between the more built-up areas of Colchester and the surrounding rural area leading to Copford. London Road exhibits a variety of built form and architectural style due to ongoing development over a number of years. There is a mix of modest two-storey semi-detached properties, as well as much larger detached properties that are set back within their respective plots. There are also a number of more modern commercial units, such as car sales premises, garden centre, and restaurants along the road and in proximity to the application site. Recent residential development has also taken place at Wyvern Farm immediately east of the application site. Larger commercial development has taken place at Stane Park (to the east of the site beyond the Wyvern Farm development).

3.4 There are a number of listed buildings in the vicinity of the site (shown in blue below) along London Road and the junction with Turkey Cock Lane.



3.5 The site is located within a Site of Special Scientific Interest (SSSI) Impact Risk Zone (requiring Natural England to be consulted).

4.0 Description of the Proposal

- 4.1 The application seeks Outline Planning Permission (with all matters reserved except access) for the erection of up to 600 dwellings, land for a co-located 2FE primary school and early years nursery, public open space and associate infrastructure. Vehicular access from London Road (B1408) and Red Panda Road.
- 4.2 As this is an application for Outline Planning Permission, detailed proposals (relating to appearance, landscaping, layout, and scale) would be submitted under separate application(s) at a later stage; the 'Reserved Matters'.
- 4.3 The application is supported by the following documents:
- Air Quality Assessment
 - Arboricultural Report (and Tree Retention and Removal Plan)
 - Archaeological Evaluation
 - Biodiversity Net Gain Assessment
 - Construction Environmental Management Plan
 - Contamination Risk Assessment and Phase 2 Report
 - Design and Access Statement
 - Ecological Assessment (with licencing certificates as necessary)
 - Flood Risk Assessment and Surface Water Drainage Report
 - Health Impact Assessment
 - Heritage Assessment
 - Landscape and Visual Appraisal
 - Landscape Strategy
 - Minerals Resource Assessment
 - Noise Assessment
 - Parameter Plans:
 - Land Use
 - Green and Blue Infrastructure
 - Vehicular Movement
 - Pedestrian Movement
 - Maximum Density
 - Phasing and Parcels
 - Cycle Movement
 - Planning Statement
 - Shadow Habitat Regulation Assessment
 - Site Waste Management Plan
 - Site Wide Masterplan
 - Statement of Community Involvement
 - Transport Assessment (with associated Technical Notes)
 - Tree Canopy Cover Assessment
 - Utilities Strategy Report

5.0 Land Use Allocation

- 5.1 The application is allocated for development as part of the adopted Local Plan. The relevant local plan site allocation policy WC2 is set out below (note: the

section referring to 26 additional almshouses relates to a separate part of the site allocation and is not relevant to the application site):

Policy WC2: Stanway

Allocations as shown on the policies map will be safeguarded for predominantly residential uses unless otherwise stated. In addition to meeting the requirements set out in Policy PP1, a new primary school will also be required on 2.1 hectares of suitable land allocated for education and childcare use to the north of London Road in a location to be decided. The primary school will be secured through a S106 agreement and will be co-located with an early years and childcare nursery. An additional 0.13 hectares of suitable land for a 56 place early years and childcare nursery will also be required in Stanway in a location to be decided. All new residential developments in Stanway will be expected to contribute towards new education facilities. Commercial developments may be expected to contribute to Early Years and Childcare facilities.

All proposals must also satisfy the Local Planning Authority with regard to the site-specific requirements as identified below.

Before granting planning consent for Land to the North of London Road and Land to the West of Lakelands, wintering bird surveys will be undertaken at the appropriate time of year to identify any offsite functional habitat. In the unlikely event that significant numbers are identified, development must firstly avoid impacts. Where this is not possible, development must be phased to deliver habitat creation and management either on or off-site to mitigate any significant impacts. Any such habitat must be provided and fully functional before any development takes place which would affect significant numbers of SPA birds.

Land to the North of London Road

Development of these sites will be supported where they provide;

- (i) Up to 630 dwellings of a mix and type compatible with surrounding development;*
- (ii) A new primary school with co-located early years and childcare nursery places;*
- (iii) A comprehensively planned highways access which takes into account adjoining residential allocations in order to minimise the number of new access points onto London Road but without prejudice to the development of the adjoining sites;*
- (iv) Suitable landscaping and open space provision to the north of the site to form a buffer between future residential uses and the A12;*
- (v) An integrated cycleway and footway serving the development and connecting to the existing network;*
- (vi) A design and layout to minimise the impacts from, and mitigate against any impacts associated with noise from the A12; and*
- (vii) Suitable landscaping and open space provision to the west of the site to form a defensible boundary and visual separation from Copford.*

Up to 26 additional Almshouses (for affordable housing) on land to the north of London Road will be supported where it also provides:

- (i) Safe vehicular, pedestrian and cycle access;*
- (ii) A Tree Survey, to be agreed with the Local Planning Authority;*
- (iii) Retention of important landscape features on the northern and eastern boundaries of the site; and*
- (iv) Enhancement of the street frontage and the setting of the street scene.*

The best way of securing a comprehensive approach to development of these sites north of London Road is through the use of a masterplan which will be prepared prior to the first application being submitted. Any proposals will also take into account the Essex Minerals Local Plan and the developer will be required to submit a Minerals Resource Assessment as part of any planning application. Should the viability of extraction be proven, the mineral shall be worked in accordance with a scheme/masterplan as part of the phased delivery of the non-mineral development.

- 5.2 Part of the allocation has already received planning permission for 66 no. dwellings and is currently under construction. Relevant planning history is set out in section 6.0 of this report below.

6.0 Relevant Planning History

- 6.1 Recent planning history in relation to the current application site is summarised as follows:

- 213244 - Installation of a Temporary Construction Vehicular Access off London Road to serve development proposals at Wyvern Farm (Outline Planning Application ref. 212507) for a period of up to 5 years – Temporary Planning Permission granted 29.04.2022.
- 230161 – Temporary Construction Vehicular Access off London Road to serve development proposals at Wyvern Farm (Outline Planning Application ref. 212507) for a period of up to 2 years at Wyvern Farm, Stanway, Colchester – Temporary Planning Permission granted 14.03.2023.
- An application for a temporary sales and marketing suite (located in the area of open space to the western side of the site allocation) was refused on 22nd September 2023 (Ref: 231743).

- 6.2 Planning history of relevance to the wider site allocation policy is summarised as follows:

- 202829 Land to the Rear of Catchbells, London Road, Stanway. Development of 66 dwellings with access onto London Road – Approved September 2022.
- 200995 Rosemary Almshouses, London Road, Stanway
Erection of 31 almshouses (following demolition of existing almshouses) – This application has not been determined and is currently under consideration.

7.0 Principal Policies

- 7.1 Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material

considerations indicate otherwise. The National Planning Policy Framework (NPPF) must be taken into account in planning decisions and is a material consideration, setting out national planning policy. Colchester's Development Plan is in accordance with these national policies and is made up of several documents as follows below.

7.2 Local Plan 2017-2033 Section 1

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

- SP1 Presumption in Favour of Sustainable Development
- SP2 Recreational disturbance Avoidance and Mitigation Strategy (RAMS)
- SP3 Spatial Strategy for North Essex
- SP4 Meeting Housing Needs
- SP6 Infrastructure & Connectivity
- SP7 Place Shaping Principles

7.3 Local Plan 2017-2033 Section 2

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

SG1 Colchester's Spatial Strategy
SG2 Housing Delivery
SG7 Infrastructure Delivery and Impact Mitigation
SG8 Neighbourhood Plan
ENV1 Environment
ENV3 Green Infrastructure
ENV5 Pollution and Contaminated Land
CC1 Climate Change
PP1 Generic Infrastructure and Mitigation Requirements
NC4 Transport in North Colchester
DM1 Health and Wellbeing
DM2 Community Facilities
DM3 Education Provision
DM4 Sports Provision
DM8 Affordable Housing
DM9 Development Density
DM10 Housing Diversity
DM12 Housing Standards
DM15 Design and Amenity
DM16 Historic Environment
DM18 Provision of Open Space and Recreation Facilities
DM19 Private Amenity Space
DM20 Promoting Sustainable Transport and Changing Travel Behaviour
DM21 Sustainable Access to development
DM22 Parking

DM23 Flood Risk and Water Management
DM24 Sustainable Urban Drainage Systems
DM25 Renewable Energy, Water Waste and Recycling

- 7.5 Some “allocated sites” also have specific policies applicable to them. The adopted local plan policies set out below are of direct relevance to the decision making process:

WC2 Stanway (refer to 5.1 above)

- 7.8 Regard should also be given to the following adopted Supplementary Planning Documents (SPD):
The Essex Design Guide
Affordable Housing
Community Facilities
Open Space, Sport and Recreation
Cycling Delivery Strategy
Urban Place Supplement
Sustainable Drainage Systems Design Guide
Street Services Delivery Strategy
Planning for Broadband 2016
Managing Archaeology in Development.
Developing a Landscape for the Future
ECC’s Development & Public Rights of Way
Planning Out Crime
Air Quality Management Guidance Note, Areas & Order
Stanway Joint Design Statement and Parish Plan
Active Travel
Climate Change

- 7.9 It is considered that the Council can demonstrate a five-year housing land supply on the following basis:

Section 1 of the Colchester Local Plan 2017-2033 was adopted by the Council on the 1 February 2021, with Section 2 being adopted in July 2022. The complete Local Plan carries full statutory weight as the development plan.

Section 1 includes strategic policies covering housing and employment, as well as infrastructure, place shaping and the allocation of a Garden Community. Policy SP4 sets out the annual housing requirement, which for Colchester is 920 units. This equates to a minimum housing requirement across the plan period to 2033 of 18,400 new homes.

The Tendring Colchester Borders Garden Community is allocated in Section 1, all other site allocations are made within Section 2 of the Plan. Within Section 2 the Council has allocated adequate sites to deliver against the requirements set out in the strategic policy within the adopted Section 1. All allocated sites are considered to be deliverable and developable.

In addition, and in accordance with the NPPF, the Council maintains a sufficient supply of deliverable sites to provide for at least five years' worth of housing, plus an appropriate buffer and will work proactively with applicants to bring forward sites that accord with the overall spatial strategy. The Council has consistently delivered against its requirements that has been demonstrated through the Housing Delivery Test. It is therefore appropriate to add a 5% buffer to the 5-year requirement. This results in a 5-year target of 4,830 dwellings (5 x 920 + 5%).

The Council's latest published Housing Land Supply Annual Position Statement (2023) represents the current housing land supply position as of 1st April 2023. The Position Statement demonstrates a housing supply of 4,996 dwellings which equates to 5.17 years based on an annual target of 920 dwellings (966 dwellings with 5% buffer applied). This relates to the monitoring period 1st April 2023 to 31st March 2028.

8. Five Year Supply Calculation

8.1 The table below illustrates the 5-year supply calculation for the district during the period between 2022/2023 through to 2026/2027.

Housing Need OAHN	
Annualised objectively assessed housing need (OAHN)	920
5 year housing requirement (5x920)	4600
5 year housing requirement and 5% buffer	4830
Supply	
Permissioned sites, existing allocations and windfall allowance	5074
Total number of years' worth of housing supply including emerging allocations	
Supply against OAN with permissioned sites, existing allocations and windfall	5.25

8.2 The calculation above demonstrates that the Council has a sufficient supply of deliverable housing to meet the 5-year requirement. A total of 5.25 years is deliverable within this period.

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.

Air Quality

In agreement with the Air Quality Impact Assessment (AQIA). The following should be secured/provided: travel plan and electric vehicle charging points. There is an expectation that sustainable transport infrastructure would be incorporated, such as bus stops and shelters, cycle lanes, and other off-site improvements for cyclists and pedestrians.

Anglian Water

Confirmation that the foul drainage from the development is in the catchment of Colchester Water Recycling Centre that will have available capacity for these flows. Recommended condition for a scheme for on-site foul water drainage works to be agreed.

Arboricultural Officer

In agreement with the submitted tree report. It will be necessary to condition tree protection and for the reserved matters to include the tree canopy cover uplift as part of landscape proposals.

Archaeological Adviser

No objections subject to conditions.

Cadent Gas

No objections. General guidance provided.

Contamination

No objection subject to conditions to agree/secure further investigation and remediation scheme, as well as process should any unexpected contamination be found during the development.

Ecology (Place Services)

No objection subject to conditions to secure biodiversity mitigation and enhancement.

Environmental Protection

No objection subject to conditions that cover construction method statement; hours of working; noise levels; electric vehicle charging; communal storage area management; and the control of fumes, smells, and odours (relating to the school site).

Essex Bat Group

No comments received.

Essex Bridleways Association

No comments received.

Essex County Council Green Infrastructure

No objection. Recommendations and suggested conditions put forward in order to achieve net environmental gains.

Essex County Fire and Rescue

General comments in respect of provision for fire services and building regulations.

Essex Police

Guidance provided regarding Secure by Design.

Essex Wildlife Trust

No comments received.

Health and Safety Executive

No objections.

Highway Authority

The impact of the proposed development is acceptable from a highway and transportation perspective subject to conditions and s106 requirement (obligations and/or financial contributions).

Historic Buildings and Areas Officer

Comments received as part of pre-application. Advice given as to impact on nearby heritage assets.

Historic England

No comment; direct to in-house specialist advice.

Landscape Officer

The submitted details are considered satisfactory in principle in landscape terms. Points of guidance to take into account as part of the Reserved Matters provided.

Minerals and Waste

No objection subject to a condition to agree a Site Waste Management Plan.

National Highways

No objection subject to conditions to secure improvements to the approaches to the Junctions 25 and 26 of the A12, as well as a travel plan.

Natural England

No objection subject to appropriate RAMS mitigation being secured.

Network Rail

No comments received.

North East Essex Badger Group

No comments received.

Planning Policy

No comments received.

Street Services

No comments received.

SUDs

No objections subject to conditions to secure details of a scheme to minimise the risk of flooding during construction; a detailed surface water drainage scheme; as well as its implementation and future maintenance/management.

The Ramblers Association

No comments received.

Transport and Sustainability

No comments received.

Urban Design

No objections subject to conditions.

9.0 Parish Council Response

9.1 The Parish Council have stated that they have no objections, but do raise some concerns regarding the lack of infrastructure (e.g., doctors, dentist and serviced bus route). The Parish Council have also requested crossing points (on London Road and between Nando's and Sainsburys) and for funding to be provided for Jansma Park (opposite the site).

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.

- Principle:
 - Colchester has exceeded its housing target each year so further houses are not needed.
- Procedural matters:
 - Lack of detail with which to make a comment on the impacts
- Highway matters:
 - Increase in traffic
 - Already failing infrastructure
 - Pedestrian access to Turkey Cock Lane is hazardous due to lack of pavements
 - Narrow pavements on London Road are dangerous
 - Poor access on to busy road
 - Increase traffic to Turkey Cock Lane
 - Query traffic modelling and lack of mitigation being proposed in terms of road improvements and/or traffic calming.
 - The existing Wyvern Farm development would not be able to cope with the increased traffic coming in and out of the estate.
- Spatial matters:
 - Loss of greenspace
 - Loss of agricultural land
- Landscape Character:
 - Loss of rural feel to the area
- Design matters:
 - Over-bearing and out of scale with the character of the surrounding area
 - Three-storey dwellings would be out of character with the area
- Neighbouring amenity: detrimental impact in terms of noise, disturbance, overlooking, overshadowing and loss of privacy.
- Environmental matters:
 - Increased light pollution
 - Increased air pollution
 - Will increase risk of flooding

- Solar panels should be a mandatory requirement
- Ecology:
 - Impact on wildlife
- Infrastructure:
 - Lack of healthcare facilities
 - Lack of secondary school provision
 - Primary school site not needed due to capacity in surrounding schools

Colchester Cycling Campaign have also submitted a detailed objection primarily in relation to LTN1/20 requirements.

11.0 Parking Provision

11.1 As an outline application, no details have been provided as to parking provision. The Reserved Matters will need to detail parking provision in accordance with planning policy requirements.

12.0 Accessibility

12.1 The Equality Act 2010 legally protects people from discrimination in the workplace and in wider society. The proposed development is not considered to lead to any form of discrimination. Detailed design proposals would be submitted under Reserved Matters so more detailed consideration would be given at that stage.

Nonetheless, at least 10% of market housing and 95% of affordable housing will be required to meet Building Regulations Part M4 Cat 2 (accessible and adaptable dwellings), with a further 5% of affordable housing being required to meet Part M4 Cat 3 (2) (b) (wheelchair user dwellings) as set out in Local Plan Policy DM12 vi. These requirements can be secured under condition and s106 agreement as appropriate.

13.0 Open Space Provisions

13.1 The application sets out that at least 7ha open space would be provided and the application has been assessed on this basis; the open space provision would exceed the 10% minimum site area set out in planning policy. A condition is recommended to clarify that the public open space (POS) shall be proposed within the developable area of the site (i.e., not within the western landscape separation area required in the site allocation policy) as this will ensure appropriate dispersion of open space in the interests of amenity, landscape, and place-making.

14.0 Air Quality

14.1 The site is outside of any Air Quality Management Area. An Air Quality Impact Assessment (AQIA) has been submitted as part of the application and this has been found sound. There are no objections to the application based on air quality subject to conditions that would promote the use of more sustainable modes of transport.

15.0 Planning Obligations

15.1 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 be sought. The Obligations that would be agreed as part of any planning permission would be:

- Affordable Housing: 30% with a tenure split of no less than 80% affordable housing for rent and no more than 20% Other Affordable Routes to Home Ownership as defined in Annex 2 of NPPF. In addition, 95% of affordable housing to meet Building Regulations 2015 Part M4 (2) accessible and adaptable standards and 5% of affordable homes to be Part M4 (3)(2)(b) wheelchair user standards.
- Archaeology: Financial contribution towards the display promotion and management of any archaeological discoveries from the site. In the event that no archaeological finds are discovered, a financial contribution is required towards the Historic Environment Record in order to update information on the site.
- Community Facilities: Financial contribution (as per the Community Facilities SPD) towards projects at Jansma Park, Scout Hall Village Road, Tollgate Hall Villa Road, Copford Village Hall, and/or Lakelands Community Centre.
- Education: Education site (2.1ha of land within the site allocation) secured, as well as a financial contribution towards Early Years and Childcare.
- Healthcare:
 - Financial contributions towards Primary Health Care (Ambrose Avenue Group Practice and Branch, Tollgate Health Centre, and Winstree Medical Practice and Branch); and
 - Financial contribution to the Ambulance Service.
- Highways:
 - Financial contributions for the procurement of a new and/or improved bus service(s);
 - Financial contributions (or details being approved for works to be carried out by the developer) towards improvements at and/or in the vicinity of the B1408 London Road/Stanway Western Bypass roundabout, and new and/or improved crossing facilities on London Road.
 - Financial contributions towards the provision of, or improvements to, a bus gate between Stane Park and Wombat Street, improvements to Footpath 5 and Footpath 25 Stanway between London Road and Stanway Western Bypass, a toucan crossing on Stanway Western Bypass, and the widening of Reg Hilham Walk to provide footpath/cyclepath; these matters would be dependent upon phasing and whether the works have already been carried out as a result of other development(s) in the surrounding area.
 - Requirement for a travel plan and travel plan monitoring fee.
- Libraries: Financial contribution per dwelling (as per Essex County Council Infrastructure Guide requirements).
- Open Space, Sport and Recreation:
 - On-site open space and play provision (as well as management/maintenance) secured.
 - Financial contribution (as per the Sport and Recreation SPD) towards projects at Jansma Park, Stanway Rovers Football Club, and/or Lakelands Community Centre Multi Use Games Area (MUGA).
- RAMS: On-site provisions and financial contribution per dwelling (as per the Essex Coast Recreational disturbance Avoidance Mitigation Strategy SPD).

16.0 Report

16.1 The key issues for consideration are principle of development; flood risk and drainage; contaminated land; impacts on ecology; character of the area (including landscape impact); heritage; highway impact; design; and amenity. Matters of climate change and health impacts are also considered, as are consultation comments that may not fall within the aforementioned considerations.

16.2 Principle of Development

In terms of the principle of development, the application site has been allocated for development as part of location plan site allocation policy WC2. Development of this site is therefore considered acceptable in principle subject to meeting the requirements of policy WC2.

16.3 Policy WC2 sets out requirements for the site allocation as a whole:

- Predominantly residential
- Provision of 2.1ha of land for new primary school (for education and childcare)
- Wintering bird surveys will be undertaken at the appropriate time of year to identify any offsite functional habitat.
- Minerals Resource Assessment

The application accords with all of these requirements.

16.4 Requirements specific to the site (with Case Officer comment in italics):

- (i) Up to 630 dwellings of a mix and type compatible with surrounding development; *The application seeks permission for up to 600 dwellings. When taken in conjunction with the 66 dwellings already permitted on part of the site allocation, the total number of dwellings would be 666 which exceeds the policy limit by 36 no. dwellings. Whilst this is not a significant increase when taken on a proportionate basis it is necessary to consider the impacts as part of the planning balance.*
- (ii) A new primary school with co-located early years and childcare nursery places; *Land would be made available for a primary school and co-located early years and childcare nursery (with the provision of the school and nursery being taken forward by Essex County Council, secured by s106 Agreement).*
- (iii) A comprehensively planned highways access which takes into account adjoining residential allocations in order to minimise the number of new access points onto London Road but without prejudice to the development of the adjoining sites; *The development would be served by 2 no. access points; one being via the Wyvern Farm development to the east, and one being on London Road. The site currently under construction is also accessed via London Road. In total, there would be 2 no. new accesses on London Road. The Highway Authority have confirmed that they have no objections to the access strategy for the site (subject to conditions).*
- (iv) Suitable landscaping and open space provision to the north of the site to form a buffer between future residential uses and the A12; *The submitted*

Parameter Plans show this provision. Further detail would be submitted and considered at Reserved Matters stage.

- (v) An integrated cycleway and footway serving the development and connecting to the existing network; *The submitted Parameter Plans show cycleway and footway routes throughout the site, as well as linkages to the existing network. Further detail would be submitted and considered at Reserved Matters stage.*
- (vi) A design and layout to minimise the impacts from and mitigate against any impacts associated with noise from the A12; and *Noise Impact Assessment has been submitted as part of the application and this has been assessed by the Council's Environmental Protection team who have no objections subject to conditions and appropriate design at Reserved Matters stage.*
- (vii) Suitable landscaping and open space provision to the west of the site to form a defensible boundary and visual separation from Copford. *This is shown on the submitted Parameter Plans, although the London Road access and spine road into the site would be located in part of this area. The impact is assessed as part of landscape considerations and the planning balance.*

16.5 In addition the PP1 infrastructure and mitigation requirements are relevant and are set out below (with Case Officer comment in italics):

- i) Adequate wastewater treatment, water supply network enhancements, and sewage infrastructure enhancements for the relevant catchment area; *This has been considered by Anglian Water and conditions are recommended.*
- ii) Appropriate SuDS for managing surface water runoff within the overall design and layout of the site; *This has been considered by Essex County Council as Lead Local Flood Authority and conditions are recommended.*
- iii) Proportionate mitigation for area-wide transport issues as identified in the policies for North, East, South and West Colchester contained in the 'Places' section of the plan; *The Highway Authority recommendation includes requirements for Public Transport and infrastructure for sustainable modes of transport (such as walking and cycling).*
- iv) Safe pedestrian access from the site to existing footways to enhance connectivity; *This is indicated on the submitted Parameter Plans and further detail would be required as part of Reserved Matters.*
- v) Suitable design and screening/landscaping to minimise any negative impact on the surrounding landscape and/or heritage assets; *Impacts have been considered with the benefit of consultation comment. Mitigation measures can be secured by condition and further detail required for submission as part of Reserved Matters.*
- vi) Potential archaeological significance of the site as required, by way of pre-determination evaluation (geophysical survey and trial trenching). Any findings from the evaluation will need to be reflected in a detailed mitigation strategy for further investigation to be agreed and submitted with the application to preserve in-situ or adequately recorded by excavation, secured by a planning condition. *This has been considered as part of this application with the benefit of advice from the Council's Archaeological Consultant;* and
- vii) Further to Section 1 Policy SP2, developments will be required to contribute towards mitigation measures in accordance with the Essex Coast Recreational disturbance Avoidance and Mitigation Strategy 2018-2038 (RAMS). *This can be secured by way of s106 Agreement.*

16.6 Flood Risk and Drainage

Local Plan Policies CC1 (Climate Change) and DM23 (Flood Risk and Water Management) state that development will be directed to locations with the least impact on flooding or water resources. Major development proposals are required to reduce the post development runoff rate back to the greenfield 1 in 1 year rate, with an allowance for climate change. On brownfield sites where this is not achievable, then a minimum betterment of 50% should be demonstrated for all flood events.

16.7 The site is located within Flood Zone 1 which means that there is low probability of flooding (less than 0.1%). The development itself is, therefore, unlikely to be susceptible to flooding. It is still important, however, to assess whether/how the development could affect flood risk elsewhere in terms of surface water flooding. Points of note from the submitted Flood Risk Assessment:

- Development parcels are located outside any high and medium risk surface water flood extents with no requirement for mitigation.
- A buffer of at least 3m would be left undeveloped along the route of the ditch.
- In the 1:1000 (0.1%) year event flood mapping shows a depth of up to 300mm of puddled water in a small area to the north-west of development parcel A and along the south of parcels B and F. Greenfield run-off from the site would be collected and controlled by the site drainage, although any properties located in this area should have finished floor levels set at a minimum of 300mm above the ground level.
- The proposed development site has been split into 5no. catchment areas. 3no. catchment areas would infiltrate to ground where the underlying strata is permeable. Where it is not possible to infiltrate to ground, catchments are attenuated with outfall directed to the watercourse running along Turkey Cock Lane with flows restricted to the 1:2yr Greenfield (QBAR) Runoff Rate.
- Later design stage may incorporate further SUDs features such as Raingarden Planters, Green Roofs and Rainwater Harvesting as necessary.
- The proposed outline drainage strategy shows some catchments discharging to the existing watercourse crossing the site, which in turn discharges to a 300mm diameter culvert beneath the fields and road to the west, before outfalling to the Roman River. This culvert is to be further investigated by way of a CCTV drainage survey and a condition survey, to ensure has adequate capacity and condition. Maintenance measures can be included to ensure this culvert remains suitable for the lifetime of the development.

16.8 Essex County Council, as Lead Local Flood Authority, have confirmed that they have no objections to the proposed development with regards to flood risk, subject to conditions to secure the submission and approval of a detailed surface water drainage scheme for the site, as well as details of ongoing management and maintenance. Details of surface water management during the construction phase of the development would also be secured.

16.9 In respect of drainage, Anglian Water have confirmed that there would be available capacity for the foul drainage flows from the proposed development. A condition is recommended to secure a scheme for on-site foul water drainage

works in the interests of preventing environmental or amenity issues as a result of flooding.

16.10 On the basis of the submitted information and details/works that would be secured by condition, the proposed development is not considered to have a detrimental impact on flood risk and/or drainage.

16.11 Contamination

Section 2 Policy ENV5 (Pollution and Contaminated Land) supports proposals that will not result in an unacceptable risk to public health or safety, the environment, general amenity or existing uses due to land pollution.

16.12 The Council's Contaminated Land Officer confirms that the submitted risk assessment is acceptable. It is noted that there are some potential sources of contamination (on-site fly-tipped material, a small sewage works on the eastern boundary, and off-site filled land); as such, some intrusive investigation, including ground gas risk assessment, is recommended. The Contaminated Land Officer has concluded that, on the basis of the submitted information, the site can be made suitable for the proposed use and that contamination risk assessment matters (as well as any remediation measures as necessary) can be secured by condition.

16.13 Ecology

Section 40 of the Natural Environment and rural Communities Act 2006 places a duty on all public authorities in England and Wales to have regard, in the exercise of their functions, to the purpose of conserving biodiversity and a core principle of the NPPF is that planning should contribute to conserving and enhancing the natural environment. Development Plan policy DP21 seeks to conserve or enhance biodiversity and geodiversity in the Borough. New developments are required to be supported by ecological surveys where appropriate, minimise the fragmentation of habitats, and maximise opportunities for the restoration, enhancement and connection of natural habitats.

16.14 Various policies in the adopted Local Plan seek opportunities to safeguard and enhance biodiversity throughout the Borough. Policy ENV1 (Environment) requires development proposals to be supported by appropriate ecological surveys where necessary; conserve or enhance the biodiversity value of greenfield and brownfield sites (minimising fragmentation of habitats); maximise opportunities for preservation, restoration, enhancement, and connection of natural habitats; and incorporate biodiversity net gain (BNG) of at least 10% in line with principles outlined in the Natural England Biodiversity Metric.

16.15 The submitted information confirms the following:

- No statutory designations within or directly adjacent the site (site falls within the Zone of influence of Blackwater Estuary SPA and Ramsar site, Dengie SPA and Ramsar site, and Essex Estuaries SAC (as well as their underpinning SSSI).
- Closest designated site for ecological value is Lexden Park Local Nature Reserve located 3km east of the site. Given the distance of the site, as well as the intervening habitat including residential development along with a network

of roads, no direct or indirect adverse effects are anticipated on this designated site as a result of the development.

- The site is not subject to any non-statutory designation (closest is Keeper's Cottage Wood, located 0.4km south of the site). Owing to the distance of the LWS from the development site no direct impacts are anticipated as a result of the development.
- Habitats – existing grassland retained and enhanced where possible. Hedgerows and treelines to be protected and enhanced where possible. New landscape planting will be based around a diverse mix of native species.
- Measures in place in respect of badgers.
- Suitable habitat for bats – hedgerow to be retained. Enhancements provided as part of the landscape strategy. Trees with the potential for bat roosts to be retained. A sensitive lighting scheme will be designed and a range of bat boxes will be provided to increase roosting opportunities available.
- Opportunities for foraging and dispersing hedgehogs. The inclusion of native species in the landscaping scheme should provide continued opportunities for foraging and dispersal, as well as hibernation.
- Birds – no protected species recorded on site during the wintering bird survey or subsequent site visits. Precautionary measures recommended to only remove suitable nesting habitats outside the breeding season (March to July inclusive) or checked for nesting birds by a trained ecologist immediately prior to removal. Retention and enhancement of areas of grassland, hedgerows and treelines to ensure foraging and nesting opportunities post-development.
- Reptiles – single grass snake and slow worm recording. Owing to the small number of reptiles present on site, translocation is not considered necessary. However, to ensure that no offence is committed, the grassland will be subject to a passive displacement regime to encourage any reptiles that may be present to naturally disperse into retained habitats within the site. The retention and subsequent enhancement of the grassland as well as the SuDS will ensure continued basking and foraging opportunities are retained and on-site. As an additional enhancement, hibernacula can be created within the retained areas to provide opportunities for hibernating reptiles.
- Amphibians – suitable habitat for amphibians (including Great Crested Newt). There is a single ditch and a SuDS on site, with a further pond located immediately off site. The SuDS and off-site pond were subject to eDNA testing in April 2021. The results indicated presence of Great Crested Newts in the off-site ponds and, as such, more detailed surveys were undertaken of this pond. The further survey work recorded a peak count of 16 Great Crested Newts. Owing to the confirmed presence of Great Crested Newts within the adjacent off-site pond and the suitable terrestrial habitat on site, a licence will be required prior to any site clearance. This licence can either take the form of the traditional EPS licence whereby a receptor site is required and a translocation is undertaken, or the District-level Licence route, whereby a financial contribution is paid by developers based on the impact the development has on ponds.
- Invertebrates – no species recorded. The proposed landscape scheme will provide opportunities for invertebrate species not currently present on site.

16.16 The application has been assessed by Place Services Ecology on behalf of the Council, their conclusions being that sufficient information has been submitted

with which to assess the likely impacts of the proposed development, and that biodiversity mitigation and enhancement measures can be secured by condition. A 10% Biodiversity Net Gain (BNG) would be secured by condition in accordance with policy ENV1 (whilst BNG is now a national statutory requirement, the application was submitted prior to legislation so does not fall under those requirements; the provisions of the adopted Local Plan remain relevant however). The proposed development is therefore considered to be acceptable in terms of biodiversity on this basis.

16.17 There is also a requirement for the proposed development to satisfactorily mitigate recreational disturbance on Habitat sites (as part of the Essex Coast Recreational disturbance Avoidance Mitigation Strategy (RAMS)). Whilst the submitted information considered that there would be limited impact from the development due to the distance from Habitat sites, as well as there being recreational opportunities on-site and in the immediate vicinity, the Council Habitat Regulations Assessment is clear that the whole of the Colchester City Council administrative area is within the zone of influence (Zoi) for the Essex Coast RAMS and that the proposed development is likely to have a significant effect upon the interest features of Habitat sites through increased recreational pressure (when considered either alone or in-combination with other plans and projects). It is therefore considered necessary to secure on-site mitigation measures (e.g. open space, dog walking routes, signage/information leaflets to householders to promote areas other than Habitat sites for recreation, dog waste bins, and maintenance/management arrangements of the on-site provision). In addition, a financial contribution is required towards off-site mitigation measures. Subject to these measures being secured (as part of the legal agreement), the proposed development is considered to meet RAMS requirements.

16.18 Character of the area (including landscape impact)

Policy ENV1 seeks to conserve and enhance Colchester's natural and historic environment, countryside and coastline, with Development Plan Policy DM15 requiring development proposals to demonstrate that they, and any ancillary activities associated with them, will respect and enhance the character of the site, context and surroundings in terms of (inter alia) its landscape setting. Policy CC1 requires all major applications to include a tree Canopy Cover Assessment and for development proposals to increase the level of canopy cover on site by a minimum of 10%.

16.19 Given the fact that the site is allocated for development, the impact of development on the wider landscape is acceptable in principle. Detailed assessment has been undertaken as part of the application process and the submitted Landscape Appraisal and Landscape Strategy have been assessed as acceptable by the Council's Landscape Officer. Key points from the Landscape Appraisal are summarised below:

- [The site is] currently undeveloped and, whilst it does contain some positive features, is it not designated in landscape terms and its features and characteristics are not noted in any published assessments at a National, Regional or Local scale. Its landscape value is limited to those residents currently overlooking it and those walkers who currently cross it and enjoy its currently undeveloped state.

- The scheme proposals are in outline form. The theoretical visibility of the development parcels has been assessed at a maximum height of three storeys. The development proposals present a logical extension to the existing settlement area and an appropriate establishment of a permanent green settlement edge.
- There will be residual adverse effects on residents overlooking the site and on walkers who currently enjoy walking across it. These adverse effects are as would be expected for this change of use and, whilst it is not possible to reduce the scale of the effects (without reducing the ability of the Site to meet the needs of the allocation) the detailed design stages beyond the outline approval will present opportunities to ensure the developer develops an attractive built environment with extensive areas of public realm which will offer a range of amenity and wildlife benefits.
- It can be concluded that the landscape and visual effects have been appropriately assessed and the outline proposals present a framework to develop an attractive, sustainable development which will comply with planning policies at a National, Local and Neighbourhood Scale.

16.20 Both National and Local planning policy emphasise the importance of landscape and green infrastructure in achieving good design. As the application is for Outline Permission, detailed landscape proposals would be submitted and assessed at a later date as part of subsequent Reserved Matters application(s), although the submitted Parameter Plans do set out green infrastructure proposals which show the dispersal of green space throughout the site, as well as the connectivity of green routes.

16.21 From an Urban Design perspective in consideration of the impact of development on the character of the area, the development density (being approximately 25dph across the developable area of the site taking into account the landscape separation to the west of the site, on-site open space, and the provision of land allocated for education purposes) would allow for appropriate fluctuations of density across the site in order to respond to the context of the surrounding area. For example, existing development to the east of the site is of a greater density in comparison to the existing built environment to the west; the application site is capable of accommodating a suitable design and layout to respect those changes in character. Detailed layout and design principles would be secured as part of a Design Code for the development or be determined as part of a complete Reserved Matters (covering the site as a whole).

16.22 The application proposes a spine road through the site from the Wyvern Farm development on the eastern boundary to London Road on the southern boundary of the site. This spine road would pass through the landscape separation area identified in the site allocation policy and, whilst not being above ground development, would introduce built infrastructure in this area. The spine road would result in benefits in terms of access and connectivity to the site, as well as provide suitable infrastructure for public transport which would serve future residents and reduce the need for private means of transport in the interests of sustainability. The visual impact of the spine road onto London Road could be reduced with the introduction of suitable landscaping (which would be considered under Reserved Matters). The impact of the spine road, along with

the benefits of its inclusion within the scheme, will need to be considered as part of the overall planning balance.

16.23 In respect of trees, the submitted Tree Retention and Removal Plan shows that there would be some minimal tree and hedgerow removal, primarily to allow for access points and routes. Neither the Council's Arboricultural Officer or Landscape Officer have raised any objections to the proposed areas of tree/hedge removal. A later amendment to the proposals shows tree and hedgerow removal within the school land (2 no. category B Field Maples and 2 no. sections of category C Hawthorn hedge); this amendment is as a result of negotiations with Essex County Council where it has been made clear that it is a requirement that the school land is kept clear of any planting. Whilst the loss of any trees and hedgerow is unfortunate, the justification is accepted and suitable replacement planting would be secured by condition, as well as a 10% increase in tree canopy cover (as per policy CC1 requirements). The impact of the development is therefore considered to be acceptable, with particular benefits in terms of additional tree planting.

16.24 Heritage

Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act (1990), requires that the decision to grant planning permission for development which affects a listed building or its setting shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Paragraph 205 of the NPPF determines that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

16.25 In terms of local policy, adopted Local Plan Policies ENV1 and DM16 seek to conserve and enhance Colchester's historic Environment. In line with the NPPF, development that will lead to substantial harm to or total loss of significance of a listed building, conservation area, historic park or garden or important archaeological remains (including the setting of heritage assets) will only be permitted in exceptional circumstances where the harm or loss is necessary to achieve substantial public benefits that outweigh the harm or loss. Where development will lead to less than substantial harm this harm should be weighed against the public benefits of the proposal.

16.26 During the course of the application archaeological evaluations were undertaken and these were then followed up by a series of archaeological mitigation excavations. The investigations to date have taken into account previous investigations as part of adjacent development (Wyvern Farm and Stane Park) which recorded small quantities of prehistoric, medieval and post-medieval remains. London Road is acknowledged as being considered to be the route of the Roman road between London and Colchester. As part of the archaeological investigation, archaeological features were identified in fourteen of the twenty-six trenches investigated across the c.27.7ha site. These include a shallow Iron Age pit; a number of linear ditches in the north-east of site that likely relate to Late Iron Age/ Roman agricultural land use; and two Roman ditches

parallel to London Road, which may relate to its use during the Roman period. Several large pits in the west of the site were identified as post-medieval but their function remains unknown. The Archaeological work has now entered a post-excavation assessment and analysis stage (this will ultimately result in the production of a report for the Historic Environment Record (HER) and potentially a publication. Following advice from the Council's Archaeological Consultant it is concluded that the necessary pre-determination archaeological investigation has taken place and it is therefore necessary to secure the post-investigation analysis so that the proposed development satisfactorily mitigates any impacts on below-ground heritage. Dependent upon the results of analysis, a financial contribution would be required towards the display promotion and management of any archaeological discoveries; a financial contribution would be required to record the investigation and analysis as part of the Historic Environment Record (HER) in any case (both of which being secured in the s106 Agreement).

16.27 In consideration of built heritage, there are a number of listed buildings situated in the vicinity of the application site, the majority of them along London Road. Whilst the proposed development would not have a direct impact on the architectural interest of any of the listed buildings, the undeveloped site forms part of their setting (for the most part) and contributes to the manner in which those heritage assets are experienced. A development of this scope has the potential to alter significantly the character of the area and represent a notable change to the setting of these heritage assets.

16.28 The impact upon each of the nearby listed buildings has been considered in turn below:

16.29 The site allocation is in the vicinity of Catchbells (a Grade II* listed property). Planning permission has already been approved for residential development to the west and north of the property as part of the site allocation (ref: 202829) and the current application proposes development to the east. Although hedgerows around the boundary of the listed building and the large 18th century brick wall which runs along the eastern boundary of Catchbells limit the appreciation of some of the glimpsed views of the countryside in this location, there will be an alteration in the character and land-use of this part of its setting which will affect its significance. The impact of development to the east of Catchbells is considered to cause moderate harm to the significance of the listed building. The impacts of development in close proximity to Catchbells would have been taken into account as part of the site allocation process and mitigation measures (such as landscaping) can be incorporated as part of the detailed design of the development, although the residual harm identified does still need to be taken into account as part of the planning balance.

16.30 The application site is located opposite the Church of St Albright Grade (Grade II* listed). The church derives its significance from its architectural interest as a medieval church as well as historic value as one of the oldest surviving buildings in the community of Stanway. The application site is screened by mature hedgerows and existing built development, but the open fields contribute to the historic rural setting of the church and therefore make a positive contribution to its significance. Given existing intervening development, the proposed development is considered likely to be visible in glimpsed views

from the church, with parts of the site (the southeastern corner in particular) sharing no inter-visibility with the church. Given the context, the proposed development is considered to result in limited harm to the significance of the church (*less than substantial* in magnitude).

16.31 Wisemans (Grade II listed), is situated to the east of the application site. It's significance lies in its architectural and historic interest as a late 17th century timber framed building and one of the earlier surviving buildings in the village of Stanway, with potential re-used building materials from other medieval buildings. Its most immediate setting, comprising private gardens and drives, contributes positively to the significance of the heritage asset, although much of the rural and secluded character of its former wider setting has been eroded by modern development and thus does not contribute to the significance of the heritage asset. The application site shares no visual or functional connection with the heritage asset and does not contribute to its significance. It is therefore concluded that the proposed development would not cause harm to the significance of the listed building.

16.32 Grade II listed property Rosemary is located on the northern side of London Road (to the south of the application site boundary). The significance of the property lies in its architectural interest as a handsome 18th century private residence. The immediate setting contributes positively to the significance of the heritage asset, as its character has remained as a private residential environment. Rosemary is notably separated from the application site by the existing retail park and as such the development proposals will have no impact on its significance.

16.33 Cants Garden Centre and the Barn to the West of Cants Garden Centre (both Grade II listed) are located within the existing commercial site to the south of the application site. These listed buildings derive their significance from their historic and architectural interest. Although an element of their historic setting is somewhat appreciable travelling west along London Road this has been compromised not only by their current use, but also by the surrounding, modern developments which are detracting features. Until the 1980s, the listed buildings would have bordered onto the site, which would have provided free views over the open countryside. Both Cants Garden Centre, as well as the barn to the west are now separated from the site by the late 20th century retail park to the immediate north and a residential dwelling and soft landscaping to the west. The application site no longer contributes to the significance of the heritage asset as a result of intervening development and the proposed development is not considered to have an impact on the significance of the listed buildings as a result.

16.34 Sparrow Hall (Grade II listed) is located on Turkey Cock Lane to the west of the application site, immediately adjacent to the landscape buffer included as part of the site allocation. The listed property derives its significance from its historic and architectural interest as one of Stanway's earliest, timber-framed buildings. Despite the Kings Coaches building to the south of Sparrow Hall, the listed building is still appreciable as part of a linear development along Turkey Cock Lane. The open fields at the southwest corner of the site to the rear of the listed

building are indicative of its historic setting. Whilst there may be glimpsed views of the wider application site to the northeast from the rear of Sparrow Hall, the impact would be mitigated by the landscape buffer and the location of the proposed access road on the eastern side of the southeastern corner of the site. Although there is no impact on the architectural interest of Sparrow Hall, there would be an alteration in the character and land-use of its eastern setting which will affect its historic interest and this is considered to cause minor harm to the significance of the listed building, albeit at the low end of the spectrum of *less than substantial harm*.

16.35 Street Farmhouse and Barn to East of Street Farmhouse (Grade II) are located on the southern side of London Road opposite the proposed spine road access point. The significance of these listed buildings lies in their age as 17th century farm buildings and their historical connections as one of Stanway's earliest surviving farmsteads and developments along London Road, although this has been somewhat compromised by the commercial use of the barn. The south-western corner of the application site currently forms part of the open rural landscape of the listed building's historic setting, although this setting has already been encroached upon by existing retail park. Nonetheless, this part of the application makes a positive contribution to the significance of the listed buildings. The information submitted with the application shows that this area will be retained as green infrastructure with a proposed attenuation pond. The access point and spine road is proposed to this area, but it is offset to the eastern side, so it would not be directly opposite the listed buildings and this would mitigate the impact. The proposed development would alter the character and land-use of the northern setting of these listed buildings which will affect their historic interest. In consideration of the combined effect of the design mitigation referred to, the surrounding late 20th century development and, in the case of the barn, its commercial use, the proposed development is considered to cause minor residual harm to the significance of the listed buildings which is at the low end of the spectrum of less than substantial harm.

16.36 Finally, Wayside (Grade II listed) is located on the southern side of London Road to the south-west of the application site. There are not considered to be any direct views between this listed building and the application site and there is no functional or historical connection between them. The application site is not therefore considered to contribute to the significance of this listed building and the proposed development would not have an impact on the significance.

16.37 The impacts of the proposed development are considered to be capable of mitigation (as a result of appropriate design and layout, as well as landscaping) and will be considered as part of the overall planning balance.

16.38 Highway Matters

Local Plan Policies (including policies DM21 and DM15 in particular) seek to make the best use of the existing highway network and manage demand for road traffic, with access to all development expected to be created in a manner which maintains the right and safe passage of all highway users. Where development requires a new road or road access it should be designed to give high priority to the needs of pedestrians and cyclists. Development proposals

are required to incorporate any necessary infrastructure and services including highways and parking.

16.39 Policy PP1 requires proportionate mitigation for area-wide transport issues as identified in the relevant policies for North, East, South and West Colchester. Policy WC5 focuses on transport in West Colchester and states that developments in this area will be expected to contribute to a package of sustainable transport measures (including walking, cycling, public transport, travel planning, and the promotion of sustainable travel).

16.40 The application has undergone extensive assessment in respect of the highway impact. A Transport Assessment and supplementary Technical Notes have been submitted that include information in respect of junction capacity and modelling, existing and predicted traffic flows (which include predicted flows from committed development), and necessary safety audits. The information has been assessed by both National Highways and the Highway Authority (Essex County Council).

16.41 National Highways have confirmed that they have no objections to the proposed development subject to conditions to secure a scheme of improvements for Junctions 25 and 26 of the A12, as well as a travel plan to identify targets for trip reduction and modal shift.

16.42 The Highway Authority have confirmed that they have no objections to the proposed development subject to securing means to mitigate the impact of the development, both in terms of impact on the local network and in respect of sustainable transport requirements. The Highway Authority recommendations can be secured by way of planning condition or s106 Agreement as appropriate. For completeness, the Highway Authority requirements cover the following:

- Construction Traffic Management Plan;
- Priority junction (with right turn lane) off the B1408 London Road (to include 2no. minimum 2 metre wide pedestrian islands);
- Provision of vehicular, cycle, and pedestrian access to the site as a continuation of Red Panda Road (with a minimum 6.75m wide carriageway);
- Improvements at and/or in the vicinity of the B1408 London Road/Stanway Western Bypass roundabout;
- A new and/or improved bus service to serve the application site;
- Fully operational bus gate between Stane Park and Wombat Street (if not already provided as a result of other development);
- New and/or improved crossing facilities on the B1408 London Road;
- Improvements to Footpath 5 and Footpath 25 (if not already provided as a result of other development);
- Toucan crossing on the Stanway Western Bypass and widening of Reg Hilham Walk between the Stanway Western Bypass and Lakelands Primary School to provide a 3.5m wide footpath/cyclepath (if not already provided as a result of other development);
- Travel Plan and monitoring fees;
- Residential Travel Information Packs; and
- Details of the spine road to include location and specification of bus stops.

16.43 Subject to the above, the proposed development is considered to be acceptable in respect of highway efficiency and safety, as well as ensure accessibility by more sustainable modes of transport.

16.44 Design Matters

Policies SP7 and DM15 are relevant in respect of design. These policies seek to secure high quality and inclusive design in all developments, respecting and enhancing the characteristics of the site, its context and surroundings. Policy SP7 states in particular that all new development must meet high standards of urban and architectural design.

16.45 Detailed proposals would be submitted as part of subsequent Reserved Matters application(s) so would not be considered at Outline stage. Some letters of objection have concerns that the impact of the development cannot be assessed due to the lack of detailed proposals, but the Outline Planning process is well-established, and it is considered that matters of principle can be adequately assessed on the basis of the information submitted. The Reserved Matters submission(s) would be considered alongside both national and local policy requirements to ensure good design. Given the scale of development and in order to ensure a comprehensively designed development going forward, in the event that Reserved Matters applications are made for separate phases of the development, it is recommended that a condition be imposed to require a Design Code to be submitted and agreed (this would not be required in the event that a detailed application is made for the site as a whole as a complete development scheme would be submitted for assessment).

16.46 Amenity

Section 2 Policy DM15 requires all development to be designed to a high standard that protects and promotes both public and residential amenity, particularly with regard to privacy, overlooking, security, noise and disturbance, and daylight and sunlight.

16.47 The Council's Environmental Protection team have considered the application submission and have recommended conditions in order to ensure that the detailed design would suitably mitigate any impacts from noise (i.e. from the A12 and/or adjacent commercial site). There is an expectation that noise attenuation would be achieved as part of the design of the development, rather than relying on mechanical intervention, in the first instance and this is referred to in the recommended conditions. Further details would be required of the bund and attenuation fencing along the northern portion of the site (in relation to noise from the A12).

16.48 In respect of impacts from the development on neighbouring amenity, matters of overlooking, disturbance, and loss of light would be considered at detailed design stage (Reserved Matters). It is considered that the submitted Parameter Plans demonstrate that the site would be capable of development without a detrimental impact on neighbouring amenity; either development parcels are located removed from existing residences, have intervening development, or

the density is such that there would be scope to design an appropriate layout to either avoid or suitably mitigate impacts.

16.49 The construction of development is likely to cause some disturbance to existing residents, although this would not be in the long-term and would not be a reasonable reason to refuse the application. A construction method statement and traffic management plan can be secured via planning condition in order to ensure that the development is undertaken in an appropriate manner.

16.50 Other Matters

Policy DM1 focuses on health and wellbeing and includes a requirement for applications of over 100 residential units to include a Health Impact Assessment (HIA). The application is supported by an HIA. No objections or concerns have been raised by the NHS in this regard; financial contributions would be secured in respect of healthcare services and the ambulance service. For information, key points from the HIA include:

- The site is located in a sustainable location adjacent to the existing settlement boundary of Colchester and forms part of the Stanway Growth Area, which has been an area of focus for mixed-use development in recent years. As a result of this growth Stanway is a highly sustainable location which provides access to a number of local facilities, services and leisure including Retail, restaurants, pubs, education, community facilities, healthcare and formal open space.
- The site also benefits from being located near to local transport infrastructure including bus services and access to railway services from Marks Tey. The proposals themselves, promote active travel and exercise within the site through the proposed footpaths and cycle paths; the network of green infrastructure and open space; and the connections to the surrounding wider area. The proposals therefore provide opportunities for local residents to lead more active lifestyles and be less reliant on private motorised vehicles for travel.
- Access to open space (on-site or through wider connections to the local the area) is known to assist in promoting healthier lifestyles both through providing opportunities for physical activity, but also due to its therapeutic qualities which can help local users and residents achieve better mental wellbeing.
- We have assessed the impact of the development on local healthcare provision and have concluded that the development will likely increase pressure to the locally identified practice (in which residents would likely register with) as they are already at capacity. As a result, a financial contribution towards primary healthcare provision will likely be requested.
- Overall, it is considered that the proposals will have a beneficial impact against all of the categories assessed and that the proposals are acceptable from a health and wellbeing perspective.

16.51 In respect of utilities, there is a local high pressure gas main crossing the site north to south from London Road to the A12. Consultation has been undertaken with the Health and Safety Executive, as well as Cadent Gas, neither of whom raise any objections. The developer is aware of the gas main and related easement and this can be taken into account as part of the site layout.

16.52 Public representations have been taken into account as part of the assessment of the application and it is considered that the points raised have been addressed in the report above. Stanway Parish Council have expressed concern in the lack of doctors, dentist, and serviced bus route; the s106 would secure financial contributions to healthcare as per NHS requirements, as well as a financial contribution towards the procurement of a bus service as recommended by the Highway Authority. The LTN1/20 requirements referenced by the Colchester Cycling Campaign will be considered as part of the detailed proposals at Reserved Matters Stage.

16.53 On a procedural matter, the applicant has been notified of the recommended conditions. The applicant has not objected to the pre-commencement conditions and the requirements of the Town and Country Planning (Pre-commencement Conditions) Regulations 2018 are considered to be met.

17.0 Planning Balance and Conclusion

17.1 National policy requires planning to be genuinely plan-led. The proposal is considered to accord with the adopted Local Plan and in particular the site allocation policy WS2. The National Planning Policy Framework (the Framework) makes it plain that the purpose of the planning system is to contribute to the achievement of sustainable development and identifies three dimensions to sustainable development: economic, social and environmental.

In respect of the first of these, the current proposal would provide **economic** benefits, for example in respect of employment during the construction phase, as well as support for existing and future businesses, services, and facilities by introducing additional residents that would make use of them and provide future spend in the local economy.

The **social** role of sustainable development is described as supporting strong, vibrant and healthy communities by providing the supply of housing required to meet the needs of present and future generations and by creating a high-quality built environment with accessible local services that reflect the community's needs and support its health, social and cultural well-being. The proposal is considered to meet these objectives as it would contribute towards the number of dwellings required to support growth in the west of Colchester, including balanced communities through the delivery of 30% affordable housing, and is located within walking distance of a number of key local services and facilities required for day-to-day living.

In respect of the third dimension (**environmental**), the proposal will provide housing in a sustainable location so that future residents would not be wholly reliant on private car, being able to walk, cycle or use public transport to access necessary services and facilities, thereby minimising environmental impacts; enhancements to pedestrian/cycle infrastructure form part of the development, as well as the provision of infrastructure to support a bus service through the site which will provide for means of transport other than private car for trips further afield. Ecological enhancements can also be secured as part of the development through enhanced habitats.

There is also sufficient evidence to be confident that overall, the development would not cause significant harm to the amenity of nearby residents or have a severe impact upon the highway network. Whilst the proposed development would have an impact on the existing character of the site and setting of listed buildings through a general suburbanising effect on the wider setting (by introducing built development where there is none currently), which carries some weight against the proposal, the positive economic and social effects, as well as the sustainability of the proposal would weigh in favour of this scheme as does the significant weight afforded to the supply of new homes in the Framework. Similarly, the inclusion of the spine road through the landscape separation area required by the site allocation policy would have a negative landscape impact, but the benefits that would result in terms of enabling sustainable transport is considered to be of benefit and would weigh in favour of the scheme.

In conclusion, it is considered that the benefits of the scheme outweigh any adverse impacts and, as such, a recommendation of approval can be put forward, subject to conditions and s106 requirements.

18.0 Recommendation to the Committee

18.1 The Officer recommendation to the Committee is for:

APPROVAL of planning permission subject to the signing of a legal agreement under Section 106 of the Town and Country Planning Act 1990, within 6 months from the date of the Committee meeting. In the event that the legal agreement is not signed within 6 months, to delegate authority to the Head of Service to refuse the application, or otherwise to be authorised to complete the agreement. Delegated authority to make non-material amendments to planning conditions and Section 106 clauses as necessary.

The Permission will also be subject to the following conditions:

1. Time Limit for Outline Permissions Part 1 of 3

No development shall be commenced until plans and particulars of "the reserved matters" referred to in the below conditions relating to the APPEARANCE, LANDSCAPING, LAYOUT AND SCALE have been submitted to and agreed, in writing, by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: The application as submitted does not provide sufficient particulars for consideration of these details.

2. Time Limit for Outline Permissions Part 2 of 3

Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

Reason: To comply with the requirements of Section 92 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

3. Time Limit for Outline Permissions Part 3 of 3

The development hereby permitted shall be begun before the expiration of two years from the date of approval of the last of the reserved matters to be approved.

Reason: To comply with the requirements of Section 92 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

4. Approved Documents

With the exception of any provisions within the following conditions, the development hereby permitted shall be carried out in accordance with the details shown on the submitted drawings:

- WH203_05_P_10 Site Location Plan
- BA10849 – 2010 Rev B Parameter Plan: Land Use
- BA10849 – 2011 Rev B Parameter Plan: Green & Blue Infrastructure
- BA10849 – 2012 Rev B Parameter Plan: Vehicular Movement
- BA10849 – 2013 Rev C Parameter Plan: Pedestrian Movement
- BA10849 – 2014 Rev B Parameter Plan: Maximum Density
- BA10849 – 2015 Rev B Parameter Plan: Phasing & Parcels
- BA10849 – 2016 Rev C Parameter Plan: Cycle Movement
- 10677-D-TRRP Rev B Tree Retention & Removal Plan

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

5. Reserved Matters to be in Accordance with

Any Reserved Matters proposals shall be in accordance with the following documents:

- Landscape, Townscape & Visual Assessment lodged on 01/10/2021 and the Landscape Strategy doc 2964-RE-01.D lodged 10/01/2022

Reason: To ensure that the detailed proposals follow the principles that formed the basis on which the application was submitted, considered, and approved by the Local Planning Authority having had regard to the context of the site and surrounding area.

6. Details of Spine Road

Concurrent with the first Reserved Matters, details of the proposed spine road (including but not limited to the location and specification of bus stops) shall be submitted. The spine road should include a sufficient number of bus stops (to Essex County Council specification) such that no dwelling is more than 400 metres walking distance (not as the crow flies) to/from a bus stop.

Reason: To ensure that the development is accessible by sustainable modes of transport in the interests of highway efficiency and sustainable development.

7. Trees

The following shall be submitted concurrent with the Reserved Matters application(s):

- Arboricultural Impact Assessment, Arboricultural Method Statement, and Tree Protection Plan relative to the submitted Reserved Matters/Phase;
- Strategy to provide 10% uplift in on-site tree canopy cover within the site, based upon the Existing Canopy Coverage drawing WHXXX_XX_P_XX.01, and in addition to provide trees to replace trees T011, T012, and A012 shown to be removed on Tree Retention and Removal Plan 10677-D-TRRP Rev B.

Reason: To ensure that there is appropriate mitigation and enhancement in respect of the natural environment and to secure the enhancements put forward as part of the application and which formed part of the basis on which the application was submitted, considered, and approved by the Local Planning Authority.

8. Public Open Space

The Reserved Matters shall demonstrate that at least 10% public open space will be provided within the development site. The 10% public open space shall be provided within the land shown white on drawing WH203_07_P_02.

Reason: In order to secure policy compliant public open space in the interests of public amenity and good design within the developable area of the site.

9. Housing Standards

The Reserved Matters application(s) shall include details to demonstrate the provision of at least 10% of market housing being designed to meet Building Regulations 2015 Part M4 (2) accessible and adaptable standards (including any necessary ancillary parking requirements).

Reason: In the interests of good design and accessibility in accordance with Policy DM12 of the adopted Local Plan.

10. Noise

Concurrent with the reserved matters submission, the following information shall be submitted:

- Details of the proposed Green Soundblock (or similar to be proposed) acoustic barrier together with plans to show where the Green Soundblock shall be installed, including details to show the acoustic barrier in relation to the bunding adjacent to the A12. The details shall include specific heights, sections and construction details of both the acoustic barrier and the bunding.
- Details of noise levels for the southern part of the site adjacent the existing London Road commercial site in relation to the proposed development layout and building design. Any noise impacts should be mitigated through design measures, rather than mechanical ventilation, in the first instance.
- Specific modelled noise levels with proposed mitigation in place across the different site noise zones at the dwelling facades (including calculations to demonstrate how the façade 16 and 8 hour Laeqs have been derived from the site measurements and align with the modelling), to include all storeys (i.e. first floor and flats), showing external day and night-time levels (including night-time levels for facades facing the A12), the level of glazing and ventilation required, and resulting internal levels for each unit. The development shall be designed so as to comply with the current version of BS8233 without the need for mechanical ventilation systems. A justification should be provided where this is not possible and in this instance, where the internal noise levels exceed those stated in the current version of BS8233 with windows open, enhanced passive ventilation with appropriate sound insulating properties shall be provided to ensure compliance

with the current version of BS8233 with windows closed and that maximum internal noise levels at night do not exceed 45dBA on more than 10 occasions a night. Where exposure exceeds the noise levels of 60dBLAeq 16 hours (daytime, 07:00-23:00, outside), 55dBLAeq 8 hours (night, 23:00-07:00, outside) significantly enhanced ventilation will be required. In addition, noise levels in external amenity spaces shall not exceed 55dBLAeq 16 hours, daytime

The development shall thereafter be carried out in accordance with any details approved, and shall be retained in accordance with these details thereafter.

Reason: To ensure that the development hereby permitted is not detrimental to the amenity of the future residents by reason of undue external noise where there is insufficient information within the submitted application.

11. Design Code

In the event that the Reserved Matters is submitted in separate phases, prior to, or concurrently with, the submission of the first reserved matters for any part submission of the site, a site wide Design Code (as defined by Annex 2 of the National Planning Policy Framework) shall be submitted to and approved in writing by the Local Planning Authority. The Design Code shall be prepared in accordance with and have due regard to the principles and parameters established by this outline approval and shall include both strategic and detailed elements. The Design Code shall comply to the principles and guidance set out within the National Planning Policy Framework, National Design Guide, and National Model Design Code, along with both National and Local adopted planning policies pertaining to design. The Design Code shall provide a design framework that will:

- identify, and justify, which design parameters it seeks to prescribe and which parameters it affords more flexibility or freedom to;
- seek to create a beautiful, sustainable and distinctive place with a consistent and high-quality standard of design;
- respond positively to the existing character of the site, its context and surroundings, whilst ensuring the quality of existing places and their environs are preserved and enhanced;
- establish a distinct and legible identity for the site, using the arrangement of streets, spaces, building types and materials to create a strong sense of place and contribute to individual character areas within the site;
- create an integrated and connected network of biodiverse public open space with green and blue infrastructure;
- create a well-connected place that prioritises the needs of pedestrians, cyclists and public transport services above use of the private car;
- and; create a place that is safe, inclusive and accessible and which promotes health and well-being, with a high standard of amenity.

The reserved matters shall comply with the Design Code as approved and no development shall take place, other than enabling works agreed in writing by the Local Planning Authority, until the Design Code for the entire site has been approved in writing by the Local Planning Authority. A design code is not required in the event that a single Reserved Matters is submitted for the site as a whole.

Reason: To ensure a comprehensive approach to development and a consistent approach to design, that meets the high-quality standard of design required by both National and Local policy.

12. Surface Water Drainage Scheme

Concurrent with the Reserved Matters, a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, shall be submitted. The scheme shall incorporate the information provided in the FRA Technical Note (EAS Consultants, dated 29th February 2024) as well as the following information:

- Demonstrate that all storage features can half empty within 24 hours for the 1 in 30 plus 40% climate change critical storm event, *OR, if impracticable*
- Demonstrate that features are able to accommodate a 1 in 10 year storm event within 24 hours of a 1 in 30 year event plus climate change
- Detailed engineering drawings of each component of the drainage scheme.
- A final drainage plan which details exceedance and conveyance routes, FFL and ground levels, and location and sizing of all drainage features.
- A written report summarising the final strategy and highlighting any minor changes to the approved strategy.
- Demonstrate all necessary approvals to proposed outfall proposals.
- Manufacturer's confirmation of the pollution hazard mitigation indices of the proposed Downstream Defenders.

The scheme shall subsequently be implemented as approved prior to occupation.

Reason: In order to ensure that the development does not increase flood risk elsewhere and does not contribute to water pollution; and to ensure that the drainage scheme is compatible with the design principles and landscaping of the development.

13. Biodiversity Mitigation and Enhancement

All mitigation and enhancement measures and/or works shall be carried out in complete accordance with the details contained in the Ecological Assessment (Ecology Solutions, August 2021), the Construction Environmental Management Plan (Ecology Solutions, March 2022) and Badger Survey and Update and Assessment (Ecological Solutions, 2022).

Reason: To conserve and enhance protected and Priority species and allow the Local Planning Authority to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species).

14. EV Charging

The development hereby approved shall be provided with at least 1 No. electric vehicle (EV) charging point per dwelling that has dedicated parking and at a rate of at 10% provision for unallocated parking spaces. The EV charging points shall be installed prior to the first occupation of their respective dwellings and thereafter retained and maintained in good working order.

Reason: In the interests of minimising the impact on climate change and to promote the use of sustainable modes of transport and ultra-low emission vehicles in accordance with policy DM21 of the adopted Local Plan.

15. Limits to Hours of Work

No demolition or construction work shall take outside of the following times;

Weekdays: 08:00-18:00

Saturdays: 08:00-13:00

Sundays and Bank Holidays: No working.

Reason: To ensure that the construction phase of the development hereby permitted is not detrimental to the amenity of the area and/or nearby residents by reason of undue noise at unreasonable hours.

16. Site Waste Management Plan

The development shall be implemented and undertaken in accordance with the Site Waste Management Plan (SWMP) version 1.1 dated March 2022 (project reference: ENV01-STAN-071) with updated version submitted as per section 4.2.

Reason: In the interests of sustainable development.

17. A12 Junction 26 Works

No works shall take place until design details relating to improvement to the approaches to Junction 26 of the A12 have been submitted to, and approved in writing by, the Local Planning Authority. The details shall follow the scheme for traffic signs, alterations to kerbs, and white lines shown in outline on Motion drawing 2011080-16 J16 alterations to lane markings and Advances signing, dated 31st May 2023. The approved scheme shall then be fully completed and functioning before first occupation of the development.

Reason: To ensure that the A12 continues to serve its purpose as part of a national system of through traffic in accordance with Section 10 of the Highways Act 1980, and to satisfy the requirements of road safety.

18. A12 Junction 25 Works

No works shall take place until either: a written statement from National Highways is submitted to confirm that the A12 Chelmsford to A120 Widening Scheme (or other similar comprehensive improvement scheme) has significantly progressed so that further works to mitigate the development are no longer required; or design details relating to improvements to Junction 25 of the A12 have been submitted to, and approved in writing by, the Local Planning Authority. The details shall follow that shown in outline on Motion drawing 2011080-18, dated 31st October 2023, and shall include drawings and documents to show the following:

- How the improvement interfaces with the existing highway alignment and carriageway markings, including lane destinations;
- Full construction details relating to the highway improvement (this should include any modifications to existing structures or proposed structures with supporting analysis);
- Full signing and lighting details;

- Confirmation of compliance with departmental standards (DMRB) and policies (or approved relaxations/departures from standards);
- Evidence that the scheme is fully deliverable within land in control of either the applicant or the highway authority;
- An independent Road Safety Audit (carried out in accordance with departmental standards (DMRB) and Advice Notes);
- A Construction Management Plan detailing how construction traffic will be managed.

In the event that improvement works are required, the approved scheme shall be fully completed as approved prior to first occupation of the development.

Reason: To ensure that the A12 continues to serve its purpose as part of a national system of through traffic in accordance with Section 10 of the Highways Act 1980, and to satisfy the requirements of road safety.

19. Submission of Natural England Mitigation License for Great Crested Newt

No works shall take place until the following has been submitted to the Local Planning Authority:

- a) a licence issued by Natural England pursuant to Regulation 55 of The Conservation of Habitats and Species Regulations 2017 (as amended) authorizing the specified activity/development to go ahead; or
- b) a GCN District Level Licence issued by Natural England pursuant to Regulation 55 of The Conservation of Habitats and Species Regulations 2017 (as amended) authorizing the specified activity/development to go ahead; or
- c) a statement in writing from the relevant licensing body to the effect that it does not consider that the specified activity/development will require a licence.

Reason: To conserve protected and Priority species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 and s17 Crime & Disorder Act 1998.

20. Biodiversity Enhancement Strategy

Notwithstanding the submitted details, no works shall take place until a Biodiversity Enhancement Strategy for Protected and Priority species has been submitted to and approved in writing by the Local Planning Authority. The strategy shall follow the recommendations made within the Ecological Assessment (Ecology Solutions, August 2021) and Biodiversity Net Gain Assessment and Recommendations for Landscape Strategy (Ecology Solutions, March 2022).

The content of the Biodiversity Enhancement Strategy shall include the following:

- a) Purpose and conservation objectives for the proposed enhancement measures;
- b) detailed designs to achieve stated objectives;
- c) locations of proposed enhancement measures by appropriate maps and plans;
- d) timetable for implementation demonstrating that works are aligned with the proposed phasing of development;
- e) persons responsible for implementing the enhancement measures;
- f) details of initial aftercare and long-term maintenance (where relevant).

The works shall be implemented in accordance with the approved details and shall be retained in that manner thereafter.

Reason: To enhance Protected and Priority Species/habitats and allow the Local Planning Authority to discharge its duties under the s40 of the NERC Act 2006 (Priority habitats & species).

21. Biodiversity Net Gain Design Stage Report

No works shall take place until a Biodiversity Net Gain Design Report, in line with Table 2 of CIEEM Biodiversity Net Gain report and audit templates (July 2021), has been submitted to and approved in writing by the Local Planning Authority which provides a minimum of 10% measurable biodiversity net gain, using the DEFRA Biodiversity Metric 3.1 or any successor.

The content of the Biodiversity Net Gain report should include the following:

- a) Baseline data collection and assessment of current conditions on site;
- b) A commitment to measures in line with the Mitigation Hierarchy and evidence of how BNG principles have been applied to maximise benefits to biodiversity;
- c) Provision of the full BNG calculations, with detailed justifications for the choice of habitat types, distinctiveness and condition, connectivity and ecological functionality;
- d) Details of the implementation measures and management of proposals;
- e) Details of any off-site provision to be secured by a planning obligation; and
- f) Details of the monitoring and auditing measures.

The proposed enhancement measures shall be implemented in accordance with the approved details and shall be retained in that manner thereafter.

Reasons: In order to demonstrate measurable net gains and allow the Local Planning Authority to discharge its duties under the National Planning Policy Framework (2021).

22. Construction Management and Traffic Management Plan

No works shall take place, including any demolition, until a Construction Method Statement and Construction Traffic Management Plan has been submitted to and approved, in writing, by the Local Planning Authority. The approved Statement and Plan shall be adhered to throughout the construction period and shall provide details for:

- a) the parking of vehicles of site operatives and visitors;
- b) hours of deliveries and hours of work;
- c) loading and unloading of plant and materials;
- d) storage of plant and materials used in constructing the development;
- e) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- f) vehicle and wheel washing facilities within the site and adjacent to the egress onto the highway;
- g) measures to control the emission of dust and dirt during construction; and
- h) a scheme for recycling/disposing of waste resulting from demolition and construction works.

Reason: In order to ensure that the construction takes place in a suitable manner to protect highway efficiency of movement and safety, and to ensure that amenities of existing residents are protected as far as reasonable.

23. Surface Water Drainage Scheme during Construction

No works shall take place until a scheme to minimise the risk of offsite flooding caused by surface water run-off and groundwater during construction works and prevent pollution has been submitted to, and approved in writing by, the local planning authority. The scheme shall subsequently be implemented as approved.

Reason: In order to ensure that the development does not increase flood risk elsewhere and does not contribute to water pollution.

24. Foul Water Drainage

No works shall take place above damp proof course level until a scheme for on-site foul water drainage works, including connection point and discharge rate, has been submitted to and approved in writing by the Local Planning Authority. Prior to the occupation of any phase, the foul water drainage works relating to that phase must have been carried out in complete accordance with the approved scheme.

Reason: To prevent environmental and amenity problems arising from flooding.

25. Wildlife Sensitive Lighting Design Scheme

No works shall take place above ground floor slab level within each phase of the development until a lighting design scheme for biodiversity has been submitted to and approved in writing by the Local Planning Authority. The scheme shall identify those features on site that are particularly sensitive for bats and that are likely to cause disturbance along important routes used for foraging; and show how and where external lighting will be installed (through the provision of appropriate technical specification) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory.

All external lighting shall be installed in accordance with the specifications and locations set out in the scheme and maintained thereafter in accordance with the scheme. Under no circumstances should any other external lighting be installed without prior consent from the Local Planning Authority.

Reason: To allow the Local Planning Authority to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species).

26. Updated Ecological Assessment

No works shall take place until a review of the approved ecological mitigation measures, as well as any amendments or updates, has been submitted to, and agreed in writing by, the Local Planning Authority.

The review shall be informed by further ecological surveys commissioned to:

- i. establish if there have been any changes in the presence and/or abundance of protected species; and
- ii. identify any likely new ecological impacts that might arise from any changes.

Where the survey results indicate that changes have occurred that will result in ecological impacts not previously addressed in the approved scheme, the original approved ecological measures will be revised and new or amended measures, and a timetable for their implementation, will be submitted to and approved in writing by the local planning authority prior to the commencement of the development.

Works will then be carried out in accordance with the proposed new approved ecological measures and timetable.

Reason: To allow the Local Planning Authority to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species).

27. Contaminated Land (Submission of Remediation Scheme)

No works shall take place within each phase of the development 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.

28. Contaminated Land (Implementation of Approved Remediation Scheme)

No works shall take place within each phase of the development, 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.

29. Validation Certificate

In the event that contamination remediation is required as detailed in conditions 26 and 27, prior to the first occupation of any and each phase of the development, the developer shall submit to the Local Planning Authority a signed certificate to confirm that the contamination remediation works for that phase have been completed in accordance with the documents and plans detailed in Conditions 26 and 27.

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.

30. Archaeology

No occupation of the development shall take place until, a programme of archaeological post-excavation analysis and reporting has been undertaken in accordance with the submitted 'Written scheme of Investigation for an Archaeological Excavation' prepared by RPS in May 2022 and an additional WSI for 'Archaeological Excavation Land at Wyvern Farm Area 5' prepared by Archaeology South-East in March 2023, and submitted to the Local Planning Authority.

Reason: To safeguard archaeological assets within the approved development boundary from impacts relating to any groundworks associated with the development scheme and to ensure the proper and timely investigation, recording, reporting and presentation of archaeological assets affected by this development.

31. Site Boundary Noise Levels (only for new external plant)

No occupation of the development within each phase shall take place until a competent person has ensured that the rating level of noise emitted from the site's plant, equipment and machinery shall not exceed 0dB(A) above the background levels determined at all facades of [or boundaries near to] noise-sensitive premises. The assessment shall have been made in accordance with the current version of British Standard 4142 and confirmation of the findings of the assessment shall have been submitted to, and agreed in writing by, the Local Planning Authority and shall be adhered to thereafter.

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, as there is insufficient information within the submitted application.

32. Surface Water Drainage Management and Maintenance

No occupation of the development within each phase shall take place until a maintenance plan detailing the surface water drainage maintenance arrangements (including who is responsible for different elements of the surface water drainage system and the maintenance activities/frequencies) has been submitted to and agreed, in writing, by the Local Planning Authority. Should any part be maintainable by a maintenance company, details of long-term funding arrangements should be provided. The surface water drainage management and maintenance shall then be undertaken as approved.

Reason To ensure appropriate maintenance arrangements are put in place to enable the surface water drainage system to function as intended to ensure mitigation against flood risk.

33. Highway Conditions

No occupation of the development shall take place until the following have been provided or completed:

- a) A priority junction (with right turn lane) off the B1408 London Road to include 2 no. 2 metre wide (minimum) pedestrian islands (details having been first submitted to and agreed in writing by the Local Planning Authority); and
- b) A continuation of Red Panda Road with a minimum 6.75 metre wide carriageway (details having been first submitted to and agreed in writing by the Local Planning Authority).

Reason: To protect highway efficiency of movement and safety, and to ensure the development site is accessible by sustainable modes of transport such as public transport, cycling and walking in the interests of sustainable development.

34. Communal Storage Areas

Prior to the first occupation of any dwellings served by communal storage areas (including refuse and cycle storage areas) within each phase of the development, details of the management company responsible for the maintenance of communal storage areas and for their maintenance of such areas, shall be submitted to, and agreed in writing by, the Local Planning Authority. Such detail as shall have been agreed shall thereafter continue unless otherwise subsequently agreed, in writing, by the Local Planning Authority.

Reason: The application contains insufficient information to ensure that the communal storage areas will be maintained to a satisfactory condition and there is a potential adverse impact on the quality of the surrounding environment.

35. Contaminated Land (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, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 26, 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 conditions 27 and 28.

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.

19.1 Informatives

19.1 The following informatives are 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.

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.

Informative on Section 106 Agreements

Please note that this permission is subject to a Section 106 legal agreement and this decision should only be read in conjunction with this agreement.

Cadent Gas

Cadent Gas Ltd own and operate the gas infrastructure within the area of your development. Prior to carrying out works, please register on www.linesearchbeforeudig.co.uk to submit details of the planned works for review, ensuring requirements are adhered to.

Essex Police

Essex Police would recommend the applicant incorporate crime prevention through environmental design and apply for nationally acknowledged and police recommended Secure By Design accreditation to ensure safe, well planned and inclusive environments as recommended in the NPPF, the National Design Guide and the Colchester Development Core Strategy Plan.

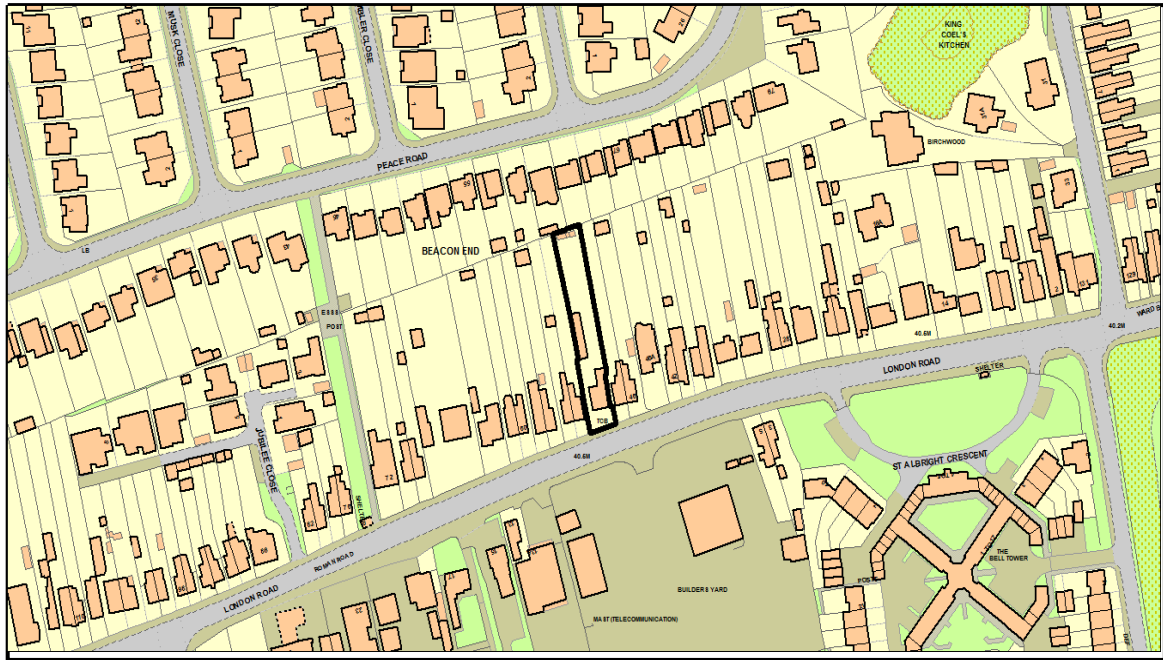
Essex Police, provide a no cost, impartial advice service to any applicant who request this service; we are able to support the applicant to achieve the requirements to gain the nationally acknowledged Secured by Design accreditation and would invite the them to contact Essex Police via designingoutcrime@essex.police.uk

Landscape

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/C (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).

SUDS

It is recommended that the Applicant/Developer look at the Essex Green Infrastructure Strategy to ensure that the proposals are implementing multifunctional green/blue features effectively. The link can be found below.
<https://www.essex.gov.uk/protecting-environment>



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Item No: 7.2

Application: 232295

Applicant: Mr. Gezim Aliaj

Agent: Ada Group

Proposal: Change of use from Post Office delivery office (sui generis) to cafe (Class E). Installation of an extraction system to the rear elevation. 1st floor 1 bed flat. Additional Parking Plan Received.

Location: 50 London Road, Stanway, Colchester, CO3 0HB

Ward: Stanway

Officer: Chris Harden

Recommendation: Authority to Approve, subject to finalisation of a Unilateral Undertaking securing community/leisure contributions/RAMs.

1.0 Reason for Referral to the Planning Committee

- 1.1 This application is referred to the Planning Committee because it has been called in by Cllr Scott-Boutell who states: "The application states that work has not started but the flue has been installed and appears to be a different design to the plans submitted. Inadequate parking for 5 staff and customers. At best there are 3 spaces at the front of the building. No cycle storage and no disabled bays. There is only one toilet shown on the plan. Is that to be used by clients and staff? There's no disabled toilet shown. Clarification needed on where the foul sewage goes and how is the applicant going to dispose of foul sewage as the application states unknown.

Stairs are shown as going upstairs but no first floor plans have been submitted. What is upstairs? No detail. Is this accessible to the public? Has the use of the first floor changed. What was it and what is intended for future use?

No to the question "Does the proposed development require any materials to be used externally?" The installed flue is external materials and is installed. No detail on how waste will be stored and disposed of, and no plans of storage and disposal of recyclables.

Hours of opening are relevant to the scheme as drawing shows a planned bar. 38 covers are shown on the plan downstairs. No details on plans/use for upstairs as none submitted although plans show stairs. No parking listed for the covers shown. The kitchen and prep area appears too small for the cover area with the bar area of nearly equal size.

There is not enough detail and too much detail is missing for an informed decision to be made. As submitted, and as a retrospective application, it is already having a negative impact on neighbour's amenity and well being."

2.0 Synopsis

- 2.1 The key issues for consideration are the principle of the proposal for the café and flat and other material planning issues including impact upon neighbouring residential amenity and highway safety.
- 2.2 The application is subsequently recommended for Approval subject to finalisation of a Unilateral Undertaking for community facilities provision and a RAMs wildlife payment. [The site lies within a sustainable location and is economically beneficial, securing the reuse of a vacant building. It is considered that any impact upon neighbouring residential amenity and highway safety can be mitigated through the use of planning conditions. Adequate parking provision is deemed to be available and the Highway Authority and Environmental Protection have raised no objections subject to detailed conditions.

3.0 Site Description and Context

- 3.1 The main site lies within the City limits and is the former Post Office delivery office is deemed to be a sui generis use, (i.e. a use that does not fall into any specific category.) There are 2 parking spaces available in front of the Old Post Office, one for the flat and one for a member of staff/dropping off stock. In

addition the forecourt of an MOT garage situated nearby in London Road, number 29, on the opposite side of the road is included in an additional red line site area and this would provide around 10 customer parking spaces to serve the café when it is open under a 10 year lease. There is a pedestrian crossing in front of this forecourt. A copy of the Sub-Tenancy Agreement for the parking with a duration: from 1st May 2024 to 1st May 2034 has been submitted.

4.0 Description of the Proposal

4.1 The proposal is for the change of use of the former Post Office delivery office (sui generis) to a café (Use Class E). The conversion works have already commenced. The proposal also includes the installation of an extraction system to the rear elevation. The first floor is proposed to be used as a 1 bed flat. An additional parking area for customer parking on the forecourt of a nearby MOT garage is also proposed.

5.0 Land Use Allocation

5.1 Former Post Office delivery office and MOT garage.

6.0 Relevant Planning History

6.1 94/1375
07/11/1994 - Full
Extension to post office sorting office
Approve Conditional - 05/01/1995

76/1324
Full
Enlargement of front shop window.
Approve Conditional - 13/12/1976

79/0843
Full
Demolition of garage and conservatory and erection of garage/sorting office and two storey rear extension.
Approve Conditional - 25/06/1979

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 two sections as follows below.

7.2 Local Plan 2017-2033 Section 1

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

- SP1 Presumption in Favour of Sustainable Development
- SP2 Recreational disturbance Avoidance and Mitigation Strategy (RAMS)
- SP3 Spatial Strategy for North Essex
- SP4 Meeting Housing Needs
- SP5 Employment
- SP6 Infrastructure & Connectivity
- SP7 Place Shaping Principles

7.3 Local Plan 2017-2033 Section 2

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

SG1 Colchester's Spatial Strategy
 SG2 Housing Delivery
 SG3 Economic Growth Provision
 SG4 Local Economic Areas
 SG5 Centre Hierarchy
 SG6 Town Centre Uses
 SG6a Local Centres
 SG7 Infrastructure Delivery and Impact Mitigation
 SG8 Neighbourhood Plan
 ENV1 Environment
 ENV3 Green Infrastructure
 ENV5 Pollution and Contaminated Land
 CC1 Climate Change
 PP1 Generic Infrastructure and Mitigation Requirements
 TC1 Town Centre Policy and Hierarchy
 TC2 Retail Frontages
 TC4 Transport in Colchester Town centre
 NC4 Transport in North Colchester
 DM1 Health and Wellbeing
 DM2 Community Facilities
 DM3 Education Provision
 DM4 Sports Provision
 DM9 Development Density
 DM10 Housing Diversity
 DM12 Housing Standards
 DM13 Domestic Development
 DM15 Design and Amenity
 DM16 Historic Environment
 DM17 Retention of Open Space
 DM18 Provision of Open Space and Recreation Facilities
 DM19 Private Amenity Space
 DM20 Promoting Sustainable Transport and Changing Travel Behaviour
 DM21 Sustainable Access to development
 DM22 Parking
 DM23 Flood Risk and Water Management
 DM24 Sustainable Urban Drainage Systems

- 7.5 Some “allocated sites” also have specific policies applicable to them. The adopted local plan policies set out below are of direct relevance to the decision making process:

N/A

- 7.6 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
 - Open Space, Sport and Recreation
 - Sustainable Construction
 - Shopfront Design Guide
 - Cycling Delivery Strategy
 - Urban Place Supplement
 - Sustainable Drainage Systems Design Guide
 - Street Services Delivery Strategy
 - Stanway Joint Design Statement and Parish Plan

7.7 5 Year Housing Land Supply

Section 1 of the Colchester Local Plan 2017-2033 was adopted by the Council on the 1 February 2021, with Section 2 being adopted in July 2022. The complete Local Plan carries full statutory weight as the development plan.

Section 1 includes strategic policies covering housing and employment, as well as infrastructure, place shaping and the allocation of a Garden Community. Policy SP4 sets out the annual housing requirement, which for Colchester is 920 units. This equates to a minimum housing requirement across the plan period to 2033 of 18,400 new homes.

The Tendring Colchester Borders Garden Community is allocated in Section 1, all other site allocations are made within Section 2 of the Plan. Within Section 2 the Council has allocated adequate sites to deliver against the requirements set out in the strategic policy within the adopted Section 1. All allocated sites are considered to be deliverable and developable.

In addition, and in accordance with the NPPF, the Council maintains a sufficient supply of deliverable sites to provide for at least five years’ worth of housing, plus an appropriate buffer and will work proactively with applicants to bring forward sites that accord with the overall spatial strategy. The Council has consistently delivered against its requirements that has been demonstrated through the Housing Delivery Test. It is therefore appropriate to add a 5% buffer to the 5-year requirement. This results in a 5-year target of 4,830 dwellings (5 x 920 + 5%).

The Council’s latest published Housing Land Supply Annual Position Statement (2023) represents the current housing land supply position as of 1st April 2023. The Position Statement demonstrates a housing supply of 4,996 dwellings which equates to 5.17 years based on an annual target of 920

dwellings (966 dwellings with 5% buffer applied). This relates to the monitoring period 1st April 2023 to 31st March 2028.

8. Five Year Supply Calculation

8.1 The table below illustrates the 5-year supply calculation for the district during the period between 2022/2023 through to 2026/2027.

Housing Need OAHN	
Annualised objectively assessed housing need (OAHN)	920
5 year housing requirement (5x920)	4600
5 year housing requirement and 5% buffer	4830
Supply	
Permissioned sites, existing allocations and windfall allowance	5074
Total number of years' worth of housing supply including emerging allocations	
Supply against OAN with permissioned sites, existing allocations and windfall	5.25

8.2 The calculation above demonstrates that the Council has a sufficient supply of deliverable housing to meet the 5-year requirement. A total of 5.25 years is deliverable within this period.

Given the above, it is therefore considered that the Council can demonstrate a five-year housing land supply.

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 Highway Authority: 30.4.24

“Having reviewed the submitted information, I confirm from a highway and transportation perspective the Highway Authority has no further comments to make on the proposal, from our previous response dated 10th April 2024.

Note: The proposal is in accordance with the Highway Authority's Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.”

10.4.24:

“Thank you for your re-consultation on the above planning application which includes a revised parking plan. It is noted that vehicle parking for the

proposed development is now shown to be remote from the site and utilises an existing forecourt requiring customers to walk approximately 135 metres via the existing zebra crossing and footway in London Road. I understand the previously proposed parking arrangement to the rear of the site is not acceptable to the Local Planning Authority.

London Road is a Main Distributor route with parking restrictions in the form of double yellow lines (No Waiting at Any Time) for most of its length. Any parking associated with the development, as is the case with other existing businesses in the area, is therefore not permitted on this route.

Were it not possible to secure the proposed remote parking area via a planning permission, there are potential opportunities for vehicles to park in roads off London Road in the vicinity of the proposal site and were this to occur it would be unlikely to be detrimental to highway capacity and safety. For non-residential land uses, the current parking standards require vehicle parking provision as a maximum, to encourage and with the expectation that some trips will be made via more sustainable travel modes, such as walking, cycling and public transport. The standards also confirm that a lower provision of vehicle parking may be appropriate in urban areas where good access to alternative forms of transport exist. Given the nature of the proposal and its location, it would seem reasonable to assume that it would attract customers from the local area, and they could walk to cycle to the proposal site.

If it is possible to secure the proposed remote parking area via a planning permission, this would be beneficial but if not given the above comments, I remain content the proposal would not be detrimental to highway capacity or safety.

Further to our initial objection to the planning application, we have given the proposal further careful consideration and do not consider our objection could be sustained were planning permission to be refused and an appeal lodged. To act unreasonably could risk costs being awarded against the Local Planning Authority and Highway Authority.

Therefore, having taken the above comments into account, from a highway and transportation perspective the impact of the proposal is acceptable to the Highway Authority subject to the following requirements:

1. Cycle parking shall be provided onsite in accordance with current parking standards. The cycle parking shall be secure, convenient, covered and provided prior to occupation and retained at all times Reason: To encourage use of sustainable transport in accordance with Policy DM8 of the Highway Authority's Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.
2. Areas within the curtilage of the site shall be allocated for the purpose of the safe reception and storage of building materials prior to the commencement of further development. Reason: In order to protect highway efficiency of movement and safety in accordance with policy DM1

of the Highway Authority's Development Management Policies as adopted as County Council Supplementary Guidance in February 2011."

8.3 Environmental Protection:

Should planning permission be granted Environmental Protection wish to make the following comments:-

The premises is located adjacent to and just a few metres from residential properties and has the potential to adversely impact the amenity from odour and noise as there is often a residual odour in close proximity to such premises regardless of the odour abatement equipment installed.

With use restricted to café only (not takeaway), restricted hours and the high spec. odour control submitted I don't think we'd have sufficient grounds to refuse and win a subsequent appeal.

If permission is granted, we recommend the following conditions:

Use shall be restricted to a café only and no takeaway.

ZGA - *Restriction of Hours of Operation*

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

Weekdays: 08:00-18:00

Saturdays: 08:00-18:00

Sundays and Public Holidays: No operation.

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.

ZGB - *Restricted Hours of Delivery* & waste collection.

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

Weekdays: 08:00-18:00

Saturdays: 08:00-13:00

Sundays and Public Holidays: No deliveries.

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.

ZGF - Self-Closing Doors

Prior to the first use or occupation of the development hereby permitted, all doors allowing access and egress to the premises shall be self-closing and shall be maintained as such, and kept free from obstruction, at all times thereafter.

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 odour 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.

ZGG - Site Boundary Noise Levels

Prior to the first use or occupation of the development as hereby permitted, a competent person shall have ensured that the rating level of noise emitted from the site's plant, equipment and machinery shall not exceed -5dB(A) above the background levels determined at all facades of noise-sensitive premises. The assessment shall have been made in accordance with the current version of British Standard 4142 and confirmation of the findings of the assessment shall have been submitted to, and agreed in writing by, the Local Planning Authority and shall be adhered to thereafter.

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, as there is insufficient information within the submitted application.

ZGO - Food Premises (Control of Fumes and Odours)

Prior to the first use of the development hereby permitted, control measures shall be installed in accordance with a scheme for the control of fumes, smells and odours that shall have been previously submitted to, and agreed in writing by, the Local Planning Authority. This scheme shall be in accordance with Colchester City Council's Guidance Note for Odour Extraction and Control Systems and current EMAQ guidance. The scheme shall include the components specified in the submitted Purified Air report, the duct terminal height above eaves and terminal discharge velocity. It shall also include a maintenance schedule in accordance with manufacturer's specifications. Such control measures as shall have been agreed shall thereafter be retained and maintained to the agreed specification and working order.

Reason: To ensure that there is a scheme for the control of fumes and odours in place so as to avoid unnecessary detrimental impacts on the

surrounding area and/or neighbouring properties, as there is insufficient detail within the submitted application.

ZHA - Grease Traps Required

Prior to the first use of the development hereby permitted, any foul water drains serving the kitchen shall be fitted with grease traps that shall at all times thereafter be retained and maintained in good working order in accordance with the manufacturer's instructions.

Reason: To prevent unnecessary pollution of the groundwater environment quality in the area and/or blocking of the drainage system.

ZPD - Limits to Hours of Work

No demolition or construction work shall take outside of the following times;

Weekdays: 08:00-18:00

Saturdays: 08:00-13:00

Sundays and Bank Holidays: No operation.

Reason: To ensure that the construction phase of the development hereby permitted is not detrimental to the amenity of the area and/or nearby residents by reason of undue noise at unreasonable hours.

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 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.

ZGE - Restriction of Amplified Music

Amplified music shall be restricted to low background levels only.

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.

Contaminated Land officer:

There does not appear to be any changes to the footprint of the building. However the applicant is reminded of their duties under the Control of Asbestos Regulations 2012. It is recommended if internal alterations are to be made, an asbestos survey is undertaken prior to these works.

9.0 Parish Council Response

9.1 The Stanway Parish Council OBJECTS to this proposal as per the 3 previous objections.

Stanway Parish Council OBJECTS to this proposal and strongly supports the Call-In comments made by City Councillor L Scott-Boutell as well as the numerous objections raised by residents as well as the one made by Highways.

There is inadequate staff and customer parking with only 3 spaces being shown, plus no designated disabled parking or cycle stands. There is only one toilet for both staff and customers and no disabled toilet facilities but there is seating for 38 customers. The use of the upstairs area has not been explained.

The application is retrospective, and the information supplied is insufficient to make an informed decision.

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.

17 letters of objection have been received which raise concern about the following points:

- In a residential area with private properties immediately adjacent to the site.
- Concerns regarding possible noise, odours from commercial use, footfall and associated parking facilities.
- Works have commenced ahead of planning application, in particular the kitchen extract has been poorly installed. It is clearly not vertical and creates eyesore.
- Extract fan is also not the same as the drawing.
- Other works already been undertaken with little consideration given to quality, detail or health and safety.
- No attempt made to liaise with local residents.
- The proposed seating arrangement looks to be in excess of the kitchen and WC facilities and inclusion of a bar area suggests late opening.
- Have suspicions regarding the future purpose and suggest scheme is objectionable.
- No plans for waste collection.
- No plans for any vehicle parking. Double yellow lines. Increased traffic congestion. Highway and pedestrian safety issues.
- No idea of opening times.
- Garden surface scraped away. All trees removed.
- Outbuilding has new window and door fitted for intended Barber's use.
- Inadequate toilets.
- Effect on public health and obesity due to the proliferation of too many food outlets.
- Food waste and litter from the business will attract foraging animals and pest species.

- No privacy for ourselves and other residents.
- Risk of flooding – There are no suitable plans for surface water and if the rear is changed into a car park.
- No parking for barbers. No disabled parking.
- Currently people living in flat above.
- Location of delivery zone is another concern- how will a lorry or van be able to safely unload.
- A previous owner had planning permission for two dwellings in the garden denied on the grounds of unsuitable access and egress.
- Paving already laid for parking.
- Proposed hours are unacceptable.
- Correct times for the businesses mentioned in the statement operating on the opposite side of London Road are as follows:
Builders Merchants - CLOSE AT 5pm Saturday 8am – 12 (mid-day)
Sunday CLOSED
Tool Hire Merchants – CLOSE AT 5pm Saturday 8am – 12 (mid-day)
Sunday CLOSED
Garden Centre – OPENS 9am CLOSED WEDNESDAY.
- Garage only converted into sorting office towards the end of the Post Offices tenure.
- Previous post office operation only occupied the plot of number 50 London Rd.
- Fail to see how some timber screen partially covering bottom half of flue will improve look.
- Staff will need to arrive before opening and staff staying to close up the businesses.
- Works are continuing without any planning permission.
- Customers are not going to walk across the road and down, quite some distance, to use a cafe.
- Pedestrian Crossing is regularly ignored by traffic and there have been numerous near misses without additional footfall.
- Garage used on a daily and regular basis whereby front access is required for access into the working bays.
- Having proposed car park for up to 12 vehicles will hinder the day to day movements for the working garage.

11.0 Parking Provision

11.1 2 on the site of the Old Post Office plus additional 10 parking spaces at 29 Old London Road (Garage).

12.0 Accessibility

12.1 The Equality Act 2010 legally protects people from discrimination in the workplace and in wider society. The proposed development does not raise any issues of discrimination; the site is accessible by a number of modes of transport (cycle, wheelchair, foot). Building Regulations will need to be complied with in terms of access into café.

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. It is considered that Planning contributions for RAMs and community/leisure facilities should be sought via Section 106 (s.106) of the Town and Country Planning Act 1990 under a Unilateral Undertaking.

16.0 Report

Principle:

16.1 In terms of the principle of the development the site lies within the settlement limits and was formerly in a commercial use. Local Plan policies SP5 and SG3 aim to encourage and retain economic uses. The NPPF has similar provisions. Accordingly, there is general support for economic development including this proposed cafe, particularly in a sustainable location such as this site.

16.2 With regard to the principle of the first floor flat, as the site lies within the City settlement limits, the creation of new residential units should be judged on the planning merits in accordance with settlement policies SP1, SP3, SP4 which aim to steer such development to the most sustainable locations such as this site. Settlement policies and the NPPF indicate a presumption in favour of sustainable development.

16.3 Accordingly the proposals for the café and flat should be judged on their planning merits, including impact upon neighbouring residential amenity and highway safety.

Impact on Residential Amenity and Visual Impact:

16.4 With regard to potential impact upon neighbouring residential amenity, careful consideration needs to be given to any potential impacts relating to issues such as noise, disturbance and odour. Local Plan policy DM15 provides that all development should protect public and residential amenity particularly with regard to privacy, noise and disturbance and pollution (including light and odour pollution.)

16.5 Environmental Protection have raised no objections and have suggested a number of detailed conditions. It should be noted that the flue installed differs from the details initially submitted so a revised drawing and technical details have been submitted and it will be the flue that is installed that the applicant proposes to use. Environmental Protection have confirmed no objections to the installed flue, but the detailed conditions will be applied to cover noise and odour controls. The flue itself is considered visually acceptable. Whilst it is not an attractive feature, it is positioned on the rear of the building and is not prominent in the public realm so there is no impact of significance on the street scene.

16.6 Given the nature of the proposal (i.e, Café) and its location close to residential properties the conditions recommended by Environmental Protection cover the following:

- Commercial use restricted to café only (not takeaway).
- Restriction of hours of operation to : Weekdays: 08:00-18:00, Saturdays: 08:00-18:00, Sundays and Public Holidays: No operation.
- ZGB - *Restricted Hours of Delivery* & waste collection.
- No deliveries shall be received at, or despatched from, the site outside of the following times:
Weekdays: 08:00-18:00
Saturdays: 08:00-13:00
Sundays and Public Holidays: No deliveries.
- Self-Closing Doors
- Site Boundary Noise Levels
- Food Premises (Control of Fumes and Odours)
- Grease Traps
- Limits to Hours of Work i.e.:
No demolition or construction work shall take outside of the following times;
Weekdays: 08:00-18:00
Saturdays: 08:00-13:00
Sundays and Bank Holidays: No operation.
- Refuse and Recycling Facilities
- Restriction of Amplified Music

16.7 Subject to the above conditions, it is therefore considered that there would not be any significant or unacceptable impact upon neighbouring residential amenity from noise, disturbance and odours. Local Plan policy DM15 would therefore be complied with in this respect.

16.8 It is not considered there would be any additional overlooking from the premises, including from the residential use as the building exists and there are no additional first floor openings proposed. Whilst some vegetation has been removed from the rear of the site, this would not justify a refusal on overlooking grounds. The proposal therefore does not conflict with Policy DM15 in this respect.

Access, Parking and Highway Safety:

16.9 Local Plan Policy DM22 covers the provision of parking and refers to the adopted County Council parking standards. These are maximum standards for commercial uses. Policy DM15 states that all development should create a safe environment and Policy DM21 provides that all development should be safely accessible. With regard to parking provision, two spaces are provided in front of the former Post Office, one to serve the one bedroom flat and one for café staff/stock delivery. There are also approximately 10 spaces to be made available under a 10 year lease at number 29 on the opposite side of the road

approximately 135 metres along the street to the west. The adopted parking standards state that one space should be provided for a one-bedroom flat and there are only maximum standards for parking provision for a Café.

- 16.10 Parking provision on site therefore meets the adopted standard for the one-bedroom flat. The Highway Authority have raised no objection to overall parking provision, including for the Café. The Highway Authority concludes that there are double yellow lines on London Road which prevents waiting at any times and, even if parking could not be provided on the garage forecourt, “there are potential opportunities for vehicles to park in roads off London Road in the vicinity of the proposal site and were this to occur it would be unlikely to be detrimental to highway capacity and safety.”
- 16.11 As emphasised by the Highway Authority, for non-residential land uses, the current parking standards require vehicle parking provision for a Cafe as a maximum, to encourage and with the expectation that some trips will be made via more sustainable travel modes, such as walking, cycling and public transport. The standards also confirm that a lower provision of vehicle parking may be appropriate in urban areas such as this site where good access to alternative forms of transport exist. The Highway Authority concludes “Given the nature of the proposal and its location, it would seem reasonable to assume that it would attract customers from the local area, and they could walk to cycle to the proposal site. If it is possible to secure the proposed remote parking area via a planning permission, this would be beneficial but if not, given the above comments, I remain content the proposal would not be detrimental to highway capacity or safety.”
- 16.12 Accordingly it is considered that two on site spaces plus the 10 spaces available on the garage forecourt (for a minimum of 10 years on the forecourt), is an acceptable level of parking provision. Even if the garage forecourt was not available, it is not considered the proposal should be refused on parking provision grounds for the above reasons. Given that the Highway Authority has not raised an objection, that this is a sustainable location and has good access to public transport, it is therefore considered an adequate level of parking provision would be provided for the one-bedroom flat and café.
- 16.13 Overall, it is not considered the proposal conflicts with Paragraph 115 of the NPPF which confirms development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. It is not considered the impact upon the road network would be severe. Accordingly it is considered the proposal accords with Local Plan Policies DM21,DM22 and DM15.

- 16.14 There would be room to provide cycle parking within the site.

Amenity space:

- 16.15 As a one bedroom flat, Local Plan Policy DM19 provides that a minimum of 50 sqm of private amenity space. This is achievable on site and can be conditioned.

European Designated Sites/RAMs:

- 16.16 Under the Conservation of Habitats and Species Regulations 2017 (commonly referred to as the Habitat Regulations) a Habitat Regulations Assessment (HRA) is required for land use plans and for planning applications, which are likely to have significant effects on a Habitat Site, including a new residential unit. An HRA has been undertaken for the flat. This stance is reflected in policy SP2 of the adopted local plan.
- 16.17 It is anticipated that, without mitigation, new residential development in this area could have a significant effect on the sensitive interest features of these European designated sites, through increased recreational pressure, particularly when considered 'in combination' with other plans and projects. Accordingly, a RAMs payment is required and this can be included in a Unilateral Undertaking which is being progressed.

UU Contributions

- 16.18 A Unilateral Undertaking is also required to secure community and leisure provisions which would be triggered by the grant of planning permission for the one-bedroom flat. This is being progressed and permission can only be granted once it has been finalised.

Trees and Vegetation:

- 16.19 No trees or vegetation of significance would be affected by the proposal itself. The proposal will therefore not conflict with Policy DM15 which provides that development should integrate positively with arboricultural assets. Whilst some vegetation has been removed from within the curtilage to the rear, this could be done without any permission.

Wildlife Impact:

- 16.20 There would be no wildlife impact from the proposal itself so the proposal therefore does not conflict with Policy ENV1 which cover impacts upon wildlife.

Other:

- 16.21 Objectors have made reference to the garage being potentially converted into a Barbers shop. However, this is not part of this planning application and if a Barbers is proposed, this would require the submission of a further planning application for assessment. If a Barber's is opened without planning permission then the Council has an Enforcement Team that can address the issue.
- 16.22 Objector's have raised the issue about a lack of toilet facilities. However, this would be a Building Regulation issue rather than planning.
- 16.23 It is not considered there are any surface water drainage issues. (Policy DM23).

17.0 Planning Balance and Conclusion

17.1 The National Planning Policy Framework (NPPF) makes it clear that the purpose of the planning system is to contribute to the achievement of sustainable development and identifies three dimensions to sustainable development: economic, social and environmental. In this respect the site lies within a sustainable location and is economically beneficial, with a reuse of a vacant building. It is considered any impact upon neighbouring residential amenity and highway safety can be effectively mitigated through planning conditions. Accordingly, the planning balance weighs in favour of the proposal.

18.0 Recommendation to the Committee

18.1 The Officer recommendation to the Committee is for:

APPROVAL of planning permission subject to the prior completion of a Unilateral Undertaking (s.106) to secure contributions, the permission is recommended subject to the following conditions:

1. 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: Ground floor plan only Rec'd 13.10.23, Location of parking plan Rec'd 18.4.24, Extractor fan Rec'd 18.4.24, Parking off-site 21.3.24, Block Plan and Sites Plan Rec'd 9.5.24, 100A first floor Rec'd 26.1.24.

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

2. Z00- Restriction of Use.

The use of the ground floor hereby approved shall be restricted to a café only (as defined in Class E of the Use Classes Order 2015) and there shall be no takeaway activity

Reason: In the interests of residential amenity.

3. ZGA - *Restriction of Hours of Operation*

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

Weekdays: 08:00-18:00

Saturdays: 08:00-18:00

Sundays and Public Holidays: No operation.

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.

4. ZGB - *Restricted Hours of Delivery* & waste collection.

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

Weekdays: 08:00-18:00

Saturdays: 08:00-13:00

Sundays and Public Holidays: No deliveries.

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.

5. ZGF - Self-Closing Doors Prior to the first use or occupation of the development hereby permitted, all doors allowing access and egress to the premises shall be self-closing and shall be maintained as such, and kept free from obstruction, at all times thereafter.

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 odour 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.

6. ZGG - Site Boundary Noise Levels

Prior to the first use or occupation of the development as hereby permitted, a competent person shall have ensured that the rating level of noise emitted from the site's plant, equipment and machinery shall not exceed -5dB(A) above the background levels determined at all facades of noise-sensitive premises. The assessment shall have been made in accordance with the current version of British Standard 4142 and confirmation of the findings of the assessment shall have been submitted to, and agreed in writing by, the Local Planning Authority and shall be adhered to thereafter.

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, as there is insufficient information within the submitted application.

7. ZGO - Food Premises (Control of Fumes and Odours)

Prior to the first use of the development hereby permitted, control measures shall be installed in accordance with a scheme for the control of fumes, smells and odours that shall have been previously submitted to, and agreed in writing by, the Local Planning Authority. This scheme shall be in accordance with Colchester City Council's Guidance Note for Odour Extraction and Control Systems and current EMAQ guidance. The scheme shall include the components specified in the

submitted Purified Air report, the duct terminal height above eaves and terminal discharge velocity. It shall also include a maintenance schedule in accordance with manufacturer's specifications. Such control measures as shall have been agreed shall thereafter be retained and maintained to the agreed specification and working order.

Reason: To ensure that there is a scheme for the control of fumes and odours in place so as to avoid unnecessary detrimental impacts on the surrounding area and/or neighbouring properties, as there is insufficient detail within the submitted application.

8. ZHA - Grease Traps Required

Prior to the first use of the development hereby permitted, any foul water drains serving the kitchen shall be fitted with grease traps that shall at all times thereafter be retained and maintained in good working order in accordance with the manufacturer's instructions.

Reason: To prevent unnecessary pollution of the groundwater environment quality in the area and/or blocking of the drainage system.

9. ZPD - Limits to Hours of Work

No demolition or construction work shall take outside of the following times;

Weekdays: 08:00-18:00

Saturdays: 08:00-13:00

Sundays and Bank Holidays: No operation.

Reason: To ensure that the construction phase of the development hereby permitted is not detrimental to the amenity of the area and/or nearby residents by reason of undue noise at unreasonable hours.

10. ZCE - Refuse and Recycling Facilities

Prior to the first occupation of the development hereby permitted, refuse and recycling storage facilities shall be provided in the outbuilding as shown on the approved block plan 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.

11. ZGE - Restriction of Amplified Music

Amplified music shall be restricted to low background levels only.

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. Z00- Cycle Parking

Cycle parking shall be provided on site in accordance with current parking standards. The cycle parking shall be secure, convenient, covered and provided prior to occupation and retained at all times.

Reason: To encourage use of sustainable transport.

13.Z00 – Building Materials

Areas within the curtilage of the site for the purpose of reception and storage of Building materials shall be provided clear of highway.

Reason: To protect highway efficiency of movement and safety.

14. Z00 – Parking Provision

Prior to the first occupation of the development hereby permitted, the parking spaces in front of 50 London Road and 29 London Road as shown in the approved drawings shall have been laid out within the site in accordance with the approved drawings. The spaces in front of the 50 London Road shall thereafter be maintained free from obstruction and available for parking use at all times and the spaces at 29 London Road shall be available for parking in association with the Café whilst the Café is open to customers and for a minimum of 10 years from 1.5.24.

Reason: To ensure that there is satisfactory parking provision at the site at the time when the development becomes occupied.

15. Z00 – No Parking

There shall be no vehicular parking or manoeuvring to the rear of No.50 in association with the approved uses.

Reason: In the interests of neighbouring residential amenity and for the avoidance of doubt as to what has been considered and approved.

16. Z00 – Private Amenity Space

Within two months of the date of this approval, precise details of the area to be provided for private amenity space to serve the first floor flat shall be submitted to and agreed in writing by the Local Planning Authority. The approved area shall be provided within two months of its approval and shall thereafter be retained as such.

Reason: To ensure the adequate private amenity space in the interests of residential amenity.

19.1 Informatives

19.1 The following informatives are also recommended:

The applicant is reminded of their duties under the Control of Asbestos Regulations 2012. It is recommended if internal alterations are to be made, an asbestos survey is undertaken prior to these works.

The applicant is advised that Building Regulations will need to be complied with including adequate provision of toilet facilities.

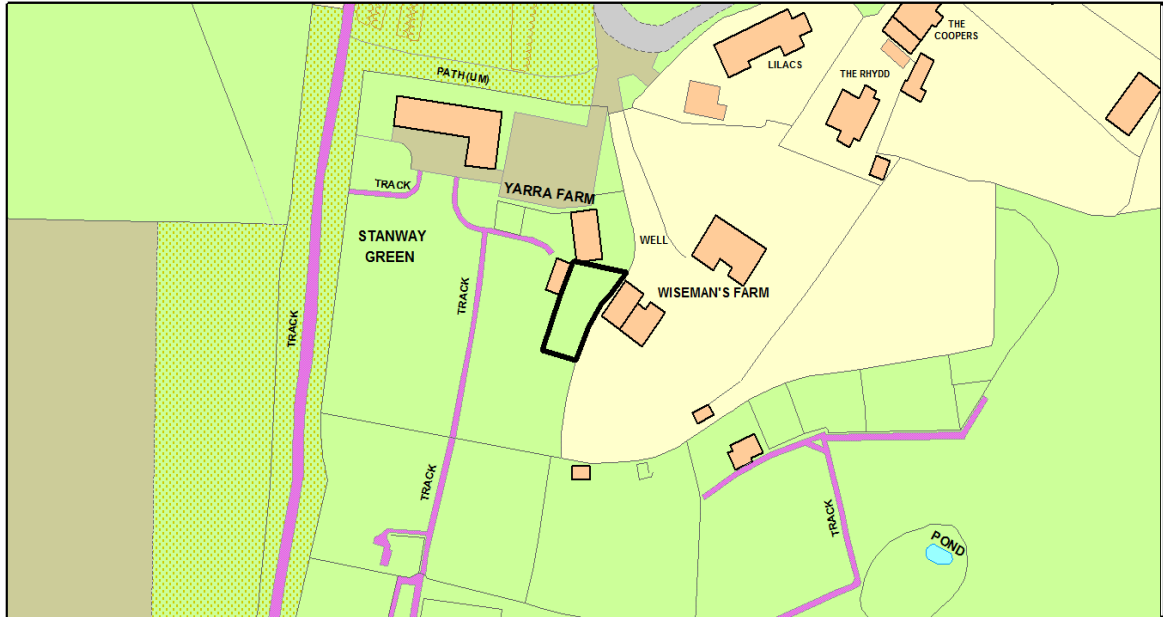
The applicant should note that Advertisement Consent may be required for any proposed advertisements on the premises.

WA2 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.

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.



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Item No: 7.3

Application: 231933

Applicant: Mrs Sue Middleton

Agent: Miss Alison Cox

Proposal: Two detached structures, used as incidental office space (retrospective)

Location: Yarra Family Resource Centre, Stanway Green, Stanway, Colchester, CO3 0RA

Ward: Stanway

Officer: Simon Grady

Recommendation: Approval

1.0 Reason for Referral to the Planning Committee

1.1 This application is referred to the Planning Committee because it has been called in by Councillor Lesley Scott-Boutell due to the lack of parking, increase in traffic, change of use into commercial use, damage to public open space and inadequacy of toilets provided on site.

2.0 Synopsis

2.1 The key issues for consideration are whether the proposed addition of 2 outbuildings would cause unacceptable harm to the countryside setting of the site or represents an intensification use of the site that causes unacceptable harm to neighbouring amenity and highway safety.

2.2 This is a retrospective application for planning permission for the siting of two outbuildings in connection with the service offered at the site.

2.3 The application is subsequently recommended for approval.

3.0 Site Description and Context

3.1 The Yarra Family Resource Centre in Stanway Green provides care for working age adults with learning in a farm setting of 15 acres. The farm includes fruit and vegetable allotments, an orchard as well as animal care for a variety of animals including Alpacas pigs, sheep, goats, bees, chickens, ducks and quails. The centre also provides facilities for arts and crafts and cooking and baking.

3.2 The site is in the countryside but immediately adjacent to the Central Colchester settlement boundary. To the east is the Westlands Country Park, to the north are a number of dwellings including the listed Wiseman's Farm. To the south is open farmland and there is a sand and gravel quarry to the west. A public right of way runs along the northern and western site boundary.

3.3 The centre opens from 9am to 5pm on weekdays and is used on average by 19 service users every day. In addition, the centre is used by schools in the morning during term time generating on average 10 visitors. On average there are 20 staff members on site to support the activity.

3.4 Users of the site arrive by a variety of different modes of transport, including by car, arriving by taxi, public transport, being collected by the Centre staff and by social services' minibuses. There are 18 car parking spaces on site.

3.5 Stanway Green is a piece of open space owned and maintained by Colchester Council used for informal recreation and play.

3.6 The site is accessed from Heath Road in the Stanway Fiveways area and the last 100m of the road is not maintained highway (adjacent to the green). It is understood that Yarra Farm pay to use this stretch of road. Heath road is also

used to access approximately 40 dwellings and a residential care home that are beyond the Yarra Farm site.

4.0 Description of the Proposal

- 4.1 This application seeks retrospective planning permission for 2 detached outbuildings to be used as office space in connection with the operation of the Yarra Farm Centre. Both buildings are the same with a footprint of 5m x 4m, eaves height of approximately 2.1m and a dual-pitched roof with a ridge height of just under 2.5m. The walls are finished externally with horizontal tongue-and-groove timber and the roof is covered in felt shingles. Both of these new buildings have been painted black to match the existing black buildings on site.
- 4.2 One of the new buildings is used by the farmers during inclement weather and for them to take breaks. The other is used as an office by the operators of Yarra Farm and by various groups, including social services, the Care Quality Commission and the students who use the facility as part of their learning (eg. Occupational Therapy students from Essex University, Health and Social Care students from Colchester Institute and Veterinary students from Writtle College).
- 4.3 The applicant's old office is now being used as a sensory room to provide sensory stimulation or calming for service users to enhance their experience at Yarra.
- 4.4 The use of the site as a Family Resource Centre has increased significantly in the 10 years since it started, having moved from a premises on Collingwood Road in Colchester that it outgrew. This signifies that the service being provided is fulfilling a need and that the service offered is valued by its users.

5.0 Land Use Allocation

- 5.1 The site is outside of any settlement boundary and is therefore considered to be located in the countryside in the adopted Local Plan.

6.0 Relevant Planning History

- 6.1 This site has a complicated planning history.
- 6.2 An Application (ref. 131095) for a proposed resource centre was refused because it was "...inappropriate, unnecessary and would not respect or enhance the character of the site." This application was appealed and the appeal was dismissed. Whilst the Inspector did not object to the principle, scale or location of the proposed resource centre it found that the domestic design and size of the building would "detract significantly from the semi-rural character and appearance of the locality."
- 6.3 An application (ref. 144778) to erect a resource centre and store on the site was approved, subject to condition. "*application follows on from the Appeal of 131095 which was dismissed although the Inspector gave a clear indication that the principle was acceptable but the building was too big and could be seen from the PRow. Therefore the applicant has resubmitted with a smaller building*". These buildings are still present on the site. This permission included a condition that the premises can only be used for the stated Resource Centre

and associated storage. However, no conditions were added to this permission that prevent the addition of further buildings being erected on the site.

- 6.4 An application (ref. 145917) for prior notification of agricultural or forestry development for a proposed field shelter for lambs and alpacas, a quail aviary, chicken coop for breeding chickens/shelter was refused by the Council. This decision was appealed and the Planning Inspectorate dismissed the appeal (application reference APP/A1530/A/14/222864) on the basis that buildings to house can not be built as Permitted Development if they are within 400m of a dwelling. However, in this appeal decision the Inspector confirmed that the site is in Agricultural use, despite the Council's decision suggesting otherwise.
- 6.5 An application (ref. 170330) for prior notification of agricultural or forestry development for a proposed building at Yarra Family Resource Centre, was withdrawn.
- 6.6 An application (ref. 170677) for prior notification of agricultural or forestry development for a chicken coop, goat shelter, quail aviary, green house and grain and hay store was also withdrawn.

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 Sections as follows below.

7.2 Local Plan 2017-2033 Section 1

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

- SP1 Presumption in Favour of Sustainable Development
- SP3 Spatial Strategy for North Essex
- SP5 Employment
- SP7 Place Shaping Principles

7.3 Local Plan 2017-2033 Section 2

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

- ENV1 Environment
- OV2 Countryside
- DM15 Design and Amenity
- DM16 Historic Environment
- DM19 Private Amenity Space

- DM22 Parking

7.4 The application site is not an “allocated site”.

7.5 There is no Neighbourhood Plan in Stanway.

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
- Managing Archaeology in Development.
- Stanway Joint Design Statement and Parish Plan

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.

Colchester Council’s Archaeology Advisor

8.2 *“Having examined the submitted plans and documents, I can confirm that the proposed development will not result in material harm to the significance of below-ground archaeological remains. Therefore, there will be no requirement for any archaeological investigation in this case.”*

Essex Highway Authority

8.3 Whilst the Highway Authority do not object to the proposed new buildings per se, concerns were expressed about the significant increase in staff working and intensification of use at the site since the previous permissions were granted in 2013 and 2014, who are likely to drive to the site.

8.4 They described this as being unacceptable and note that access to the application site is via a private, unmade track with a bridleway running across the frontage of the site. In addition, the Stanway Green area is classified as Common Land.

8.5 However, despite the concerns raised by the Highway Authority in their consultation response, they confirmed that they did not wish to object to the application.

Parks and Open Spaces

8.6 The Council’s Parks and Open Spaces Team raised concerns about the increased flow of traffic over Council maintained land generated by the use of Yarra Farm. It was suggested that this has contributed to damage to the grass verges and regular erosion to the road surface, with the costs to repair this damage falling to CCC.

9.0 Parish Council Response

9.1 The Parish Council has not responded to the consultation.

10.0 Representations from Notified Parties

10.1 The application resulted in 2 objections from 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 The first objection identifies that the staff and users of Yarra Farm generates considerable traffic (particularly at the beginning and end of the day) leading to parking issues around Stanway Green and raises concerns about further expansion. It also suggests that the buildings are not in an agreed location, if the buildings are used by service users it may cause a noise nuisance to neighbours and raises concerns whether the sewerage system will be able to cope with any additional use.

10.3 The second objection raises similar concerns but suggests increased traffic volumes are as a result of the 2 new buildings being provided. This objection points out that staff numbers at Yarra Farm has increased from 2 to 32 in the last 10 years, suggests that the growth of the site is in contravention of previous planning permissions and suggests that parking on site is inadequate.

11.0 Parking Provision

11.1 Whilst the current parking provision on site is unaffected by this proposed development, parking on site is one of the reasons for the call-in of this application and is considered in the assessment below.

12.0 Accessibility

12.1 The Equality Act 2010 legally protects people from discrimination in the workplace and in wider society. Access to the proposed 2 new buildings do not raise any concerns in terms of accessibility due to the fact the entrance doors are at ground level.

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

16.1 The main issues in this case are the visual impact that the buildings have on the character of the surrounding area, including the setting of the adjacent listed building and its countryside setting, and whether the addition of the buildings represents an intensification of use of the site that would have a harmful impact on the surrounding area, including in respect of parking and traffic. These issues are considered in the assessment below:

- The Principle of Development
- Visual Impact on the Surrounding Area
- Visual Impact on Heritage Asset
- Impacts on Neighbouring Properties
- Intensification of Use of the Site
- Other Matters

The Principle of Development

16.2 The principle of the Yarra Centre operating from the site is now long established, as is the agricultural use of the site via the appeal decision for proposed buildings (ref. 145917). There are no conditions from previous permissions or other Planning restrictions that prevent this proposed development.

16.3 In addition, it is possible that the buildings may have been lawfully added as Permitted Development under Part 6: Agricultural and forestry, Class A: agricultural development on units of 5 hectares or more, subject to the proposal meeting the relevant criteria and conditions.

16.4 The proposed development being considered in this application is not seeking approval for a change of use.

Visual Impact on the Surrounding Area

16.5 The Yarra Farm site is just outside of the Central Colchester settlement boundary and is therefore in the countryside in planning terms. Local Plan Section 2 Policy ENV1: Environment (E): Countryside states that the Local Planning Authority will balance the requirement for new development within the countryside with its impact on the character of the countryside, amongst other things. Local Plan Section 2 Policy OV2: Countryside says that development will need to respect the character and appearance of landscapes". Policy DM15 sets similar requirements to secure high quality design that protects its surroundings.

16.6 The buildings are modest and single storey, finished in weatherboarding that have been painted black and red felt shingle roofing, which are considered appropriate materials for their countryside location, helping them to blend in to their surroundings. They cannot be seen from the public domain, including from the Public Right of Way that runs alongside the western boundary of the application site.

16.7 It is therefore considered that the visual impact the buildings have would not be harmful to the character of the surrounding area and are therefore acceptable in this regard.

Visual Impact on Heritage Asset

- 16.8 S66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires special regard to be had to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess.
- 16.9 In addition, Local Plan Policy SP7: Place Shaping Principles states that all new development should respond positively to local character and protect and enhance assets of historical value. Local Plan Policy DM16: Historic Environment states that, where development will lead to less than substantial harm to the setting of a listed building, this harm should be weighed against the public benefits of the proposal.
- 16.10 The proposed buildings are single storey with modest height and massing. Given the degree of separation between the buildings and the adjacent listed dwelling (Wisemans Farm) along with the intervening neighbour's garage and boundary vegetation, it is considered that there is no material harm to the setting of the heritage asset.

Impact on Neighbour Amenity

- 16.11 Local Plan Policies SP7: Place Shaping Principles, DM13: Domestic Development and DM15: Design and Amenity all seek to protect the amenity of existing and future residents, amongst other things, particularly with regard to privacy, overlooking, security, noise and disturbance, pollution (including light and odour pollution), daylight and sunlight.
- 16.12 The buildings are single storey and are considered to be far enough away from the nearest neighbours to avoid any consequential harm to residential amenity in terms of appearing overbearing or causing a loss of light or harmful overlooking.
- 16.13 The addition of buildings to be used by staff and by service users of the site is unlikely to lead to harmful additional noise being generated on the site that would adversely affect neighbouring residential amenity. The buildings provide an indoor space for existing users of the site, which could reduce the ambient noise levels on site. No change of use is proposed and the buildings do not facilitate a clear increase in the intensity of use of the site that would suggest an increase of noise levels.

Intensification of Use of the Site

- 16.14 Given that the new buildings are not considered to be harmful in terms of their appearance and location on site, the key issue with this application is whether the proposed addition of these two buildings would result in a harmful intensification of use of the site.
- 16.15 There is no doubt that use of the site has grown significantly since the service started to be delivered at Yarra Farm, but there are no planning controls in place

to restrict the site's growth. There is enough space on the site for the agricultural and educational services provided to expand and the site is large enough to comfortably accommodate the 2 buildings proposed in this application. Consequently, it is not considered that this proposal constitutes over-development of the site.

16.16 The key concern is whether the intensification of use arising from the addition of these 2 buildings has resulted in harm to local amenity or to highway safety in terms of comings and goings and parking. The Essex Highway Authority has not objected to this application. Two objections from local residents have been received in respect of this application, which both raise concerns about traffic but the Parish Council has not objected.

16.17 There is no clear evidence to suggest that the buildings being considered in this application has resulted in a material increase in congestion close to the application site. Given that this is a retrospective application, there is the benefit that the buildings have been in situ for many months and any harm caused by the additional buildings will have been experienced for some time now.

16.18 The applicant states that the primary purpose of the 2 new buildings is for staff / office use and their presence does not have a material bearing on the level of use of the site. Whilst this is a subjective point and it cannot be proved either way whether they definitely have or have not lead to a harmful intensification of use. It is a material consideration that with no restrictions in place to control the level of use of the site or vehicle movements to the site, intensification of the site could occur regardless of whether the 2 proposed buildings are added or not. The agent / applicant has suggested that hypothetically, even if the buildings were not granted permission and consequently removed from the site, the number of vehicle movements to the site would not be reduced.

16.19 The Stanway Green area is used by walkers and dog-walkers and this will generate traffic in the area to undertake their activity. This could be adding to any congestion witnessed in the area surrounding the site.

16.20 The parking provision on site (18 spaces) remains unchanged since the service started at the site and the Council's adopted parking standards does not include a minimum number of spaces that must be provided for this type of use. The applicant has stated that there are approximately 20 staff on site per day and so the parking provision broadly caters for the staff (assuming not all staff arrive as single-occupant private car drivers). It is therefore considered that the parking provision on site is acceptable in terms of meeting the needs of current staffing levels.

16.21 There are some concerns that if use of the Yarra Farm service continues to grow, in terms of staffing levels and service user numbers, resulting in an increase in comings and goings, the amenity of residents could be impacted in terms of congestion on the roads, including parking within local roads, for example.

16.22 To protect neighbour amenity, future growth could be controlled by restricting operating hours of the site.

Other Matters

- 16.23 There are Scheduled Monuments close to the application site but not where the proposed buildings are located. The Council's archaeology Advisor has confirmed that there is no need for any archaeological investigation or monitoring in respect of this application.
- 16.24 In the representations received it has been suggested that the use of the site has changed from agricultural use into commercial use. Given the Inspectorate's previous decision and the land can be seen as being used for keeping animals and growing produce it is considered that the use has not changed from its existing use. An agricultural use can operate commercially, this does not change its use class in planning terms.
- 16.25 In the representations received it has been suggested that the site does not have adequate toilets or sewerage system. This issue has not been explored on the basis that this is not considered to be a planning issue relevant to this proposed development.

17.0 Planning Balance and Conclusion

- 17.1 This proposal is considered to accord with the relevant policies contained in the Council's adopted development plan subject to planning conditions. In respect of national policy, the NPPF makes it plain that the purpose of the planning system is to contribute to the achievement of sustainable development. The NPPF identifies three dimensions to sustainable development – economic, social and environmental. In respect of the first of these, the proposal is helping to support employment and training opportunities that provide economic benefits. The social role of sustainable development is described as supporting strong, vibrant and healthy communities. The continued service at Yarra Farm is providing accessible local services that reflect the community's needs and support its health, social and cultural well-being. In respect of the environmental dimension, the proposed development would contribute to the continued agricultural and horticultural uses of the site.
- 17.2 In the opinion of your officers, there is also not a strong enough or demonstrable link to the provision of the two outbuildings proposed in this application and a harmful intensification of use. Indeed, there is no evidence that these two buildings have increased use of the site.
- 17.3 In conclusion, it is considered that the economic, social and environmental benefits to the local community arising from the continued success of the Yarra Farm Service outweighs any adverse impacts that providing the service has on local amenity and, as such, the recommendation is to approve the application subject to conditions.

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. The development hereby permitted shall be carried out in accordance with the details shown on the submitted Location Plan and manufacturer's elevation, floor plan and parts drawings.

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

2. All external boarding to the development hereby approved shall be painted black and retained in this colour. The roof covering shall be retained as red tiles.

Reason: To ensure that the appearance of the building is appropriate for its countryside setting.

3. The development hereby permitted shall not be occupied or used at any time other than for purposes ancillary to the use of the Learning Disability Service at Yarra Farm, Stanway Green, Colchester.

Reason: For the avoidance of doubt as to the scope of the permission as this is the basis on which the application has been considered and any other use would need to be given further consideration at such a time as it were to be proposed.

4. A travel plan for the employees and clients using the development shall be submitted to and agreed in writing by the Ipa. The travel plan shall detail measures to promote active and sustainable transport having regard to the City Council's Active Travel SPD and the measures included therein shall be implemented within 12 months of the date of this decision and an annual review detailing key performance indicators and measures to enhance the effectiveness of the plan shall be submitted annually on the anniversary of the decision.

Reason: To reduce the impact upon the local road network by reducing trips undertaken by private car in accordance with policy DM20 of the Adopted Colchester Local Plan.

19.1 Informatives

19.1 The following informatives are also recommended:

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 City Council would appreciate your co-operation in taking the site notice down and disposing of it properly, in the interests of the environment.

Material Planning Considerations

The National Planning Policy Framework highlights that the planning system is plan-led and reiterates The Town and Country Planning Act 1990 and The Planning and Compulsory Purchase Act 2004, which require (in law) that planning applications “must be determined in accordance with the development plan, unless material considerations indicate otherwise”.

Where our Development Plan is absent, silent or the relevant policies are out of date, paragraph 14 of the National Planning Policy Framework requires the application to be determined in accordance with the presumption in favour of sustainable development unless otherwise specified.

The following approach should be taken in all planning decisions:

- Identify the provisions of the Development Plan which are relevant to the decision and interpret them carefully, looking at their aims and objectives
- Identify and consider relevant material considerations for and against the proposal
- Consider whether or not the proposal accords with the Development Plan and, if not, whether material considerations warrant a departure from the Development Plan.

A material planning consideration is one which is relevant to making the planning decision in question (e.g. whether to grant or refuse an application for planning permission). The scope of what can constitute a material consideration is very wide and so the courts often do not indicate what cannot be a material consideration. However, in general they have taken the view that planning is concerned with land use in the public interest, so that the protection of purely private interests such as the impact of a development on the value of a neighbouring property or loss of private rights to light could not be material considerations.

When applying material considerations the Committee should execute their decision making function accounting for all material matters fairly, reasonably and without bias. In court decisions (such as *R v Westminster CC ex-parte Monahan 1989*) it has been confirmed that material considerations must relate to the development and use of land, be considered against public interest, and be fairly and reasonably related to the application concerned.

Some common material planning considerations which the Planning Committee can (and must) take into consideration in reaching a decision include:-

- Planning policies, including the NPPF and our own Development Plan
- Government guidance, case law, appeal decisions, planning history
- Design, scale, bulk, mass, visual appearance and layout
- Protection of residential amenities (light, privacy, outlook, noise or fumes)
- Highway safety and traffic issues, including parking provisions
- Heritage considerations; archaeology, listed buildings and conservation areas
- Environmental issues; impacts on biodiversity, trees and landscape, flooding
- Economic issues such as regeneration, job creation, tourism and viability
- Social issues; affordable housing, accessibility, inclusion, education, recreation

The above list is not exhaustive

The following are among the most common issues that are **not** relevant planning issues and cannot be taken into account in reaching a decision:-

- land ownership issues; private property rights, boundary disputes and covenants
- effects on property values
- loss of a private view
- identity of the applicant, their character, previous history, or possible motives
- moral objections to a development, such as may include gambling or drinking etc
- competition between commercial uses

- matters specifically controlled through other legislation

Strong opposition to large developments is a common feature of the planning process but whether or not a development is popular or unpopular will not matter in the absence of substantial evidence of harm (or support from the policies within the Development Plan). It is the quality of content, not the volume that should be considered.

The law also makes a clear distinction between the question of whether something is a material consideration, and the weight which it is to be given. Whether a particular consideration is material will depend on the circumstances of the case but provided it has given regard to all material considerations, it is for the Council to decide what weight is to be given to these matters. Subject to the test of “reasonableness”, the courts (or the Local Government Office) will not get involved in the question of weight. Weight may be tested at appeal.

Planning Obligations

Planning obligations assist in mitigating the impact of unacceptable development to make it acceptable in planning terms. Planning obligations may only constitute a reason for granting planning permission if they meet the tests that they are:

1. necessary to make the development acceptable in planning terms
2. directly related to the development, and
3. fairly and reasonably related in scale and kind.

These legal tests are set out as statutory tests in the Community Infrastructure Levy Regulations and as policy tests in the National Planning Policy Framework.

Human Rights, Community Safety and Equality and Diversity Implications

All applications are considered against the background and implications of the:

- Human Rights Act 1998
- Crime and Disorder Act 1998 (and in particular Section 17)
- Equality Act 2010
- Colchester Borough Council Equality Impact Assessment (EIA) Framework

In order that we provide a flexible service that recognises people's diverse needs and provides for them in a reasonable and proportional way without discrimination.

Using Planning Conditions or Refusing Planning Applications

The Planning System is designed to manage development, facilitating (not obstructing) sustainable development of a satisfactory standard. The National Planning Policy Framework (NPPF) and National Planning Practice Guidance (PPG) reinforce this, stating that “Planning should operate to encourage and not act as an impediment to sustainable growth”. Therefore, development should be considered with a positive approach. Where a condition could be used to avoid refusing permission this should be the approach taken.

The PPG sets out advice from the Government regarding the appropriate use of conditions, and when decision makers may make themselves vulnerable to costs being awarded against them at appeal due to “unreasonable” behaviour. Interpretation of court judgments over the years is also an important material consideration. Reasons why a Planning Authority may be found to have acted unreasonably at appeal include lack of co-operation with applicants, introducing fresh evidence at a later stage, introducing a new reason for refusal, withdrawal of any reason for refusal or providing information that is shown to be manifestly inaccurate or untrue.

In terms of the Planning Committee, Members are not bound to accept the recommendations of their officers. However, if officers’ professional or technical advice is not followed, authorities will need to show reasonable planning grounds for taking a contrary decision and produce relevant evidence on appeal to support the decision in all respects. If they fail to do so, costs may be awarded against the authority.

Whenever appropriate, the Council will be expected to show that they have considered the possibility of imposing relevant planning conditions to allow development to proceed. Therefore, before refusing any application the Planning Committee should consider whether it is possible to resolve any concerns by use of conditions before refusing permission. Failure to do so on a planning ground capable of being dealt with by conditions risks an award of costs where it is concluded on appeal that suitable conditions would enable the proposed development to go ahead.

Any planning condition imposed on a development must pass 6 legal tests to be:

1. Necessary
2. Relevant to planning
3. Relevant to the development permitted
4. Reasonable
5. Precise
6. Enforceable

Unless conditions fulfil these criteria they are challengeable at appeal as ultra vires (i.e. their imposition is beyond the powers of local authorities).

If no suitable condition exists that can satisfy these tests a refusal of planning permission may then be warranted. In considering the reasons for that refusal, the Council must rely only on reasons for refusal which stand up to scrutiny and do not add to development costs through avoidable delay or refusal without good reason. In all matters relating to an application it is critically important for decision makers to be aware that the courts will extend the common law principle of natural justice to any decision upon which they are called to adjudicate. The general effect of this is to seek to ensure that the Council acts fairly and reasonably in executing our decision making functions, and that it is evident to all that we have done so.



Colchester Borough Council Development Management

Highway Safety Issues

When considering planning applications, Colchester Borough Council consults Essex County Council Highways Authority on all highway safety issues. They are a statutory consultee, and a recognised expert body. This means that they must be consulted on planning applications, by law, where the proposed development will involve a new access to the highway network, create “material” changes in traffic movement, or where new roads are to be laid out. Where developments affect the trunk road network Highways England become a statutory consultee.

When the Highway Authority is consulted they are under a duty to provide advice on the proposal in question as the experts in highway matters. Their opinion carries significant weight upon which the Local Planning Authority usually relies. Whilst this Council could form an opinion different to the Highway Authority, it would need to provide counter-evidence to justify an argument that the expert body was incorrect. That evidence would need to withhold challenge in appeal or through the courts. Failure to do so would result in a costs award against the Council for acting unreasonably (see other notes pages within this Agenda). Similarly, if the Highway Authority were unable to support their own conclusions they may face costs being awarded against them as the statutory consultee.

Officers of Essex County Council Highway Authority conduct their own site visits to each site in order to take account of all highway safety matters. They also consult their own records and databases, traffic flow information and any other relevant material that may be available, including any submitted documents within planning applications.

Parking Standards

Although the Highway Authority has some remit over parking in so far as it relates to highways safety issues, parking itself is a matter for the Local Planning Authority to determine against national policy and our own adopted standards. Like the other Essex Authorities, Colchester Borough Council has adopted the Essex Planning Officer’s Association Parking Standards. These standards set out that:

- A parking space should measure 2.9 metres by 5.5 metres. A smaller size of 2.5 metres by 5 metres is acceptable in special circumstances.

For residential schemes:

- The residential parking standard for two bedroom flats and houses is two spaces per unit.
- The residential parking standard for one bedroom units is one space per unit.
- A garage should have an internal space of 7 metres by 3 metres. Smaller garages do not count towards the parking allocation.
- One visitor space must be provided for every four units.

Residential parking standards can be relaxed in areas suitable for higher density development and where there is good walkable access to shops, service and public transport, such as town centres.



Colchester Borough Council Environmental Control

Advisory Notes for the Control of Pollution during Construction and Demolition Works

The following information is intended as guidance for applicants/developers and construction firms. In order to minimise potential nuisance to nearby existing residents caused by construction and demolition works, Environmental Control recommends that the following guidelines are followed. Adherence to this advisory note will significantly reduce the likelihood of public complaint and potential enforcement action by Environmental Control.

Best Practice for Construction Sites

Although the following notes are set out in the style of planning conditions, they are designed to represent the best practice techniques for the site. Therefore, failure to follow them may result in enforcement action under nuisance legislation (Environmental Protection Act 1990), or the imposition of controls on working hours (Control of Pollution Act 1974)

Noise Control

1. No vehicle connected with the works to arrive on site before 07:30 or leave after 19:00 (except in the case of emergency). Working hours to be restricted between 08:00 and 18:00 Monday to Saturday (finishing at 13:00 on Saturday) with no working of any kind permitted on Sundays or any Public/Bank Holiday days.
2. The selection and use of machinery to operate on site, and working practices to be adopted will, as a minimum requirement, be compliant with the standards laid out in British Standard 5228:1984.
3. Mobile plant to be resident on site during extended works shall be fitted with non-audible reversing alarms (subject to HSE agreement).
4. Prior to the commencement of any piling works which may be necessary, a full method statement shall be agreed in writing with the Planning Authority (in consultation with Environmental Control). This will contain a rationale for the piling method chosen and details of the techniques to be employed which minimise noise and vibration to nearby residents.

Emission Control

1. All waste arising from the ground clearance and construction processes to be recycled or removed from the site subject to agreement with the Local Planning Authority and other relevant agencies.
2. No fires to be lit on site at any time.
3. On large scale construction sites, a wheel-wash facility shall be provided for the duration of the works to ensure levels of soil on roadways near the site are minimised.
4. All bulk carrying vehicles accessing the site shall be suitably sheeted to prevent nuisance from dust in transit.

Best Practice for Demolition Sites

Prior to the commencement of any demolition works, the applicant (or their contractors) shall submit a full method statement to, and receive written approval from, the Planning & Protection Department. In addition to the guidance on working hours, plant specification, and emission controls given above, the following additional notes should be considered when drafting this document: -

Noise Control

If there is a requirement to work outside of the recommended hours the applicant or contractor must submit a request in writing for approval by Planning & Protection prior to the commencement of works.

The use of barriers to mitigate the impact of noisy operations will be used where possible. This may include the retention of part(s) of the original buildings during the demolition process to act in this capacity.

Emission Control

All waste arising from the demolition process to be recycled or removed from the site subject to agreement with the Local Planning Authority and other relevant agencies.

The Town and Country Planning (Use Classes) Order 1987 (as amended)

Class A1. Shops

Use for all or any of the following purposes—

- (a) for the retail sale of goods other than hot food,
- (b) as a post office,
- (c) for the sale of tickets or as a travel agency,
- (d) for the sale of sandwiches or other cold food for consumption off the premises,
- (e) for hairdressing,
- (f) for the direction of funerals,
- (g) for the display of goods for sale,
- (h) for the hiring out of domestic or personal goods or articles,
- (i) for the washing or cleaning of clothes or fabrics on the premises,
- (j) for the reception of goods to be washed, cleaned or repaired,
- (k) as an internet café; where the primary purpose of the premises is to provide facilities for enabling members of the public to access the internet where the sale, display or service is to visiting members of the public.

Class A2. Financial and professional services

Use for the provision of —

- (a) financial services, or
 - (b) professional services (other than health or medical services), or
 - (c) any other services (including use as a betting office)
- which it is appropriate to provide in a shopping area, where the services are provided principally to visiting members of the public.

Class A3. Restaurants and cafes

Use for the sale of food and drink for consumption on the premises.

Class A4. Drinking establishments

Use as a public house, wine-bar or other drinking establishment

Class A5. Hot food takeaways

Use for the sale of hot food for consumption off the premises.

Class B1. Business

Use for all or any of the following purposes—

- (a) as an office other than a use within class A2 (financial and professional services),
 - (b) for research and development of products or processes, or
 - (c) for any industrial process,
- being a use which can be carried out in any residential area without detriment to the amenity of that area by reason of noise, vibration, smell, fumes, smoke, soot, ash, dust or grit.

Class B2. General industrial

Use for the carrying on of an industrial process other than one falling within class B1 above

Class B8. Storage or distribution

Use for storage or as a distribution centre.

Class C1. Hotels

Use as a hotel or as a boarding or guest house where, in each case, no significant element of care is provided.

Class C2. Residential institutions

Use for the provision of residential accommodation and care to people in need of care (other than a use within class C3 (dwelling houses)).

Use as a hospital or nursing home.

Use as a residential school, college or training centre.

Class C2A. Secure residential institutions

Use for the provision of secure residential accommodation, including use as a prison, young offenders institution, detention centre, secure training centre, custody centre, short-term holding centre, secure hospital, secure local authority accommodation or use as military barracks.

Class C3. Dwellinghouses

Use as a dwellinghouse (whether or not as a sole or main residence) by—

(a) a single person or by people to be regarded as forming a single household;

(b) not more than six residents living together as a single household where care is provided for residents; or

(c) not more than six residents living together as a single household where no care is provided to residents (other than a use within Class C4).

Class C4. Houses in multiple occupation

Use of a dwellinghouse by not more than six residents as a “house in multiple occupation”.

Class D1. Non-residential institutions

Any use not including a residential use —

(a) for the provision of any medical or health services except the use of premises attached to the residence of the consultant or practitioner,

(b) as a crèche, day nursery or day centre,

(c) for the provision of education,

(d) for the display of works of art (otherwise than for sale or hire),

(e) as a museum,

(f) as a public library or public reading room,

(g) as a public hall or exhibition hall,

(h) for, or in connection with, public worship or religious instruction, (i) as a law court.

Class D2. Assembly and leisure

Use as —

(a) a cinema,

(b) a concert hall, (c) a bingo hall or casino,

(d) a dance hall,

(e) a swimming bath, skating rink, gymnasium or area for other indoor or outdoor sports or recreations, not involving motorised vehicles or firearms.

Sui Generis Uses

Examples of sui generis uses include (but are not exclusive to):

theatres, amusement arcades or centres, funfairs, launderettes sale of fuel for motor vehicles, sale or display for sale of motor vehicles, taxi businesses or a business for the hire of motor vehicles, a scrapyards or the breaking of motor vehicles, hostels, retail warehouse clubs (where goods are sold, or displayed for sale, only to persons who are members of that club), night-clubs, or casinos.

Interpretation of Class C3

For the purposes of Class C3(a) “single household” shall be construed in accordance with section 258 of the Housing Act 2004.

Interpretation of Class C4

For the purposes of Class C4 a “house in multiple occupation” does not include a converted block of flats to which section 257 of the Housing Act 2004 applies but otherwise has the same meaning as in section 254 of the Housing Act 2004

Supreme Court Decision 16 October 2017

CPRE Kent (Respondent) v China Gateway International Limited (Appellant).

This decision affects the Planning Committee process and needs to be acknowledged for future reference when making decisions to approve permission contrary to the officer recommendations.

For formal recording in the minutes of the meeting, when the Committee comes to a decision contrary to the officer recommendation, the Committee must specify:

- Full reasons for concluding its view,
- The various issues considered,
- The weight given to each factor and
- The logic for reaching the conclusion.

Deferral and Recommendation Overturn Procedure (DROP) Flowchart

If Councillors require more information, or minor amendments to be explored, then the item should be deferred.

If no more information or amendment is desired Councillors will proceed to propose a motion.

