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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.