

Planning Committee

Town Hall, Colchester
14 March 2013 at 6.00pm

This 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. Attendance between 5.30pm and 5.45pm will greatly assist in noting the names of persons intending to speak to enable the meeting to start promptly.

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, which is usually published 5 working days before the meeting, and minutes once they are published. Dates of the meetings are available at www.colchester.gov.uk or from Democratic Services.

Have Your Say!

The Council values contributions from members of the public. Under the Council's Have Your Say! policy you can ask questions or express a view to meetings, with the exception of Standards Committee meetings. If you wish to speak at a meeting or wish to find out more, please refer to Attending Meetings and "Have Your Say" at www.colchester.gov.uk

Private Sessions

Occasionally meetings will need to discuss issues in private. This can only happen on a limited range of issues, which are set by law. When a committee does so, you will be asked to leave the meeting.

Mobile phones, pagers, cameras, audio recorders

Please ensure that all mobile phones and pagers are turned off or switched to silent before the meeting begins and note that photography or audio recording is not permitted.

Access

There is wheelchair access to the Town Hall from St Runwald Street. There is an induction loop in all the meeting rooms. If you need help with reading or understanding this document please take it to Angel Court Council offices, High Street, Colchester or telephone (01206) 282222 or textphone 18001 followed by the full number that you wish to call and we will try to provide a reading service, translation or other formats you may need.

Facilities

Toilets with lift access, if required, are located on each floor of the Town Hall. A vending machine selling hot and cold drinks is located on the ground floor.

Evacuation Procedures

Evacuate the building using the nearest available exit. Make your way to the assembly area in the car park in St Runwald Street behind the Town Hall. Do not re-enter the building until the Town Hall staff advise you that it is safe to do so.

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Material Planning Considerations

The following are among the most common issues which the Planning Committee can take into consideration in reaching a decision:-

- planning policy such as adopted Local Development Framework documents, for example the Core Strategy, Development Plan Documents (DPDs) and the Site Allocations DPD, Government guidance, case law, previous decisions of the Council
- design, appearance and layout
- impact on visual or residential amenity including potential loss of daylight or sunlight or overshadowing, loss of privacy, noise disturbance, smell or nuisance
- impact on trees, listed buildings or a conservation area
- highway safety and traffic
- health and safety
- crime and fear of crime
- economic impact – job creation, employment market and prosperity

The following are among the most common issues that are **not** relevant planning issues and the Planning Committee cannot take these issues into account in reaching a decision:-

- land ownership issues including private property rights, boundary or access disputes
- effects on property values
- restrictive covenants
- loss of a private view
- identity of the applicant, their personality or previous history, or a developer's motives
- competition
- the possibility of a "better" site or "better" use
- anything covered by other legislation

Human Rights Implications

All applications are considered against a background of the Human Rights Act 1998 and in accordance with Article 22(1) of the Town and Country Planning (General Development Procedure) (England) (Amendment) Order 2003 there is a requirement to give reasons for the grant of planning permission. Reasons always have to be given where planning permission is refused. These reasons are always set out on the decision notice. Unless any report specifically indicates otherwise all decisions of this Committee will accord with the requirements of the above Act and Order.

Community Safety Implications

All applications are considered against a background of the implications of the Crime and Disorder Act 1998 and in particular Section 17. Where necessary, consultations have taken place with the Crime Prevention Officer and any comments received are referred to in the reports under the heading Consultations.

Equality and Diversity Implications

All applications are considered against a background of the Council's 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. The legal context for this framework is for the most part set out in the Equality Act 2010.

REASONABLE DECISIONS AND REASONS FOR REFUSAL.

Circular 03/2009: “Costs Awards In Appeals And Other Planning Proceedings”

Attention is drawn to the following paragraphs of Circular 03/2009:

A3 *“the costs regime is aimed at ensuring as far as possible that... planning authorities properly exercise their development control responsibilities, 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”.*

B20 *“Planning authorities 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.”*

B25 *“Whenever appropriate, planning authorities will be expected to show that they have considered the possibility of imposing relevant planning conditions to allow development to proceed. They should consider any conditions proposed to them before refusing permission. A planning authority refusing planning permission 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.”*

**COLCHESTER BOROUGH COUNCIL
PLANNING COMMITTEE
14 March 2013 at 6:00pm**

Members

Chairman : Councillor Theresa Higgins.
Deputy Chairman : Councillor Helen Chuah.
Councillors Nick Barlow, Nigel Chapman, Peter Chillingworth, John Elliott, Stephen Ford, Sonia Lewis, Cyril Liddy, Jackie Maclean, Jon Manning, Nigel Offen, Philip Oxford and Laura Sykes.

Substitute Members

: All members of the Council who are not members of this Committee or the Local Plan Committee and who have undertaken the required planning skills workshop. The following members meet the criteria:-
Councillors Lyn Barton, Mary Blandon, Mark Cable, Barrie Cook, Nick Cope, Beverly Davies, Annie Feltham, Marcus Harrington, Dave Harris, Jo Hayes, Pauline Hazell, Peter Higgins, Brian Jarvis, Michael Lilley, Sue Lissimore, Colin Mudie, Gerard Oxford, Will Quince, Lesley Scott-Boutell, Terry Sutton, Anne Turrell, Dennis Willetts and Julie Young.

Agenda - Part A

(open to the public including the media)

Members of the public may wish to note that Agenda items 1 to 6 are normally brief and agenda items may be considered in a different order if appropriate.

An Amendment Sheet is available on the council's website by 4.30pm on the day before the meeting (see Planning and Building, Planning Committee, Planning Committee Latest News). Members of the public should check that there are no amendments which affect the applications in which they are interested. Could members of the public please note that any further information which they wish the Committee to consider must be received by 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.

Pages

1. Welcome and Announcements

(a) The Chairman to welcome members of the public and Councillors and to remind all speakers of the requirement for microphones to be used at all times.

(b) At the Chairman's discretion, to announce information on:

- action in the event of an emergency;

- mobile phones switched off or to silent;
- location of toilets;
- introduction of members of the meeting.

2. Have Your Say!

The Chairman to invite members of the public to indicate if they wish to speak or present a petition on any of items included on the agenda. You should indicate your wish to speak at this point if your name has not been noted by Council staff.

3. Substitutions

Members may arrange for a substitute councillor to attend a meeting on their behalf, subject to prior notice being given. The attendance of substitute councillors must be recorded.

4. Urgent Items

To announce any items not on the agenda which the Chairman has agreed to consider because they are urgent and to give reasons for the urgency.

5. Declarations of Interest

The Chairman to invite Councillors to declare individually any interests they may have in the items on the agenda. Councillors should consult Meetings General Procedure Rule 7 for full guidance on the registration and declaration of interests. However Councillors may wish to note the following:-

- Where a Councillor has a disclosable pecuniary interest, other pecuniary interest or a non-pecuniary interest in any business of the authority and he/she is present at a meeting of the authority at which the business is considered, the Councillor must disclose to that meeting the existence and nature of that interest, whether or not such interest is registered on his/her register of Interests or if he/she has made a pending notification.
- If a Councillor has a disclosable pecuniary interest in a matter being considered at a meeting, he/she must not participate in any discussion or vote on the matter at the meeting. The Councillor must withdraw from the room where the meeting is being held unless he/she has received a dispensation from the Monitoring Officer.
- Where a Councillor has another pecuniary interest in a matter being considered at a meeting and where the interest is one which a member of the public with knowledge of the relevant facts would

reasonably regard as so significant that it is likely to prejudice the Councillor's judgment of the public interest, the Councillor must disclose the existence and nature of the interest and withdraw from the room where the meeting is being held unless he/she has received a dispensation from the Monitoring Officer.

- Failure to comply with the arrangements regarding disclosable pecuniary interests without reasonable excuse is a criminal offence, with a penalty of up to £5,000 and disqualification from office for up to 5 years.

6. Minutes

1 - 10

To confirm as a correct record the minutes of the meeting held on 14 February 2013.

7. Planning Applications

In considering the planning applications listed below, the Committee may choose to take an en bloc decision to agree the recommendations made in respect of all applications for which no member of the Committee or member of the public wishes to address the Committee.

1. 121444 Betts UK Ltd, 505 Ipswich Road, Colchester.
(St John's)

11 - 52

Application for the demolition of existing buildings, remediation and earthworks, construction of a new access, bus turning area and junction as well as a spine road (details included within). Outline proposal for the erection of up to 128 residential units (C3 use), a 65 bed care home (C2 use) with associated hard and soft landscaping, surface water pumping station, footpaths, secondary access roads, perimeter enclosure, car parking and lighting (details being reserved matters).

2. F/COL/01/1626 A12t/Northern Approaches Road, Mile End,
Colchester.
(Mile End)

53 - 80

Submission of details of proposed bus-way and associated works pursuant to condition 6 of planning permission F/COL/01/1626.

3. 121780 Chappel & Wakes Colne Station, Station Road, Wakes
Colne, Colchester.
(Great Tey)

81 - 95

New restoration and storage sheds and associated works. New pedestrian ramped access to station museum. Conversion of existing restoration shed to heritage centre. Removal of temporary buildings and extension to platform 5/6. Resubmission of 111819.

- 8. Endorsement to proposed amendments to S106 Agreement for development at Brook Street, Colchester.** **96 - 100**
(New Town)
- See Report from Head of Strategic Policy and Regeneration.
- 9. Request to agree amended drawing numbers for Williams & Griffin Redevelopment Proposal within Planning Application 121902.** **101 - 104**
(Castle)
- See Report from Head of Environmental and Protective Services.
- 10. Exclusion of the Public**
- 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).
- 11. Amendment Sheet** **105 - 109**
- See amendment sheet attached

PLANNING COMMITTEE 14 FEBRUARY 2013

Present :- Councillor Theresa Higgins* (Chairman)
Councillors Nick Barlow*, Nigel Chapman*,
Peter Chillingworth*, Helen Chuah*, John Elliott,
Cyril Liddy*, Jon Manning, Nigel Offen* and
Laura Sykes*

Substitute Members :- Councillor Dave Harris for Councillor Stephen Ford
Councillor Pauline Hazell for Councillor Sonia Lewis
Councillor Terry Sutton for Councillor Jackie Maclean*
Councillor Gerard Oxford for Councillor Philip Oxford*

Also in Attendance :- Councillor Lesley Scott-Boutell
Councillor Colin Sykes

(* Committee members who attended the formal site visit.)

86. Urgent Items

Planning application for the construction of a new 300 place primary school with external hard and soft play areas, canopy and 20 space car park.

The report concerns an Essex County Council planning application for the construction of a new 300 place primary school with external hard and soft play areas, canopy and 20 space car park.

Members had been asked to endorse the proposal to withdraw the letter of objection (dated 5th November 2012) in respect of this application and that Essex County Council is advised that this Council has no objection to the amended scheme being approved, provided appropriate conditions are attached to secure a high standard of development.

This was taken as an urgent item because Essex County Council had formally notified the Council of the proposed amendments to this application and had asked for written comments by 18 February 2013.

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

Mr. Alistair Day, Planning Officer, attended to assist the Committee in its deliberations. Mr. Day explained that as a result of previous consultation the design and layout of the proposed school had been modified, and these changes were noted in paragraph 5.2 of the report. Mr. Day advised the Committee to endorse the proposal to withdraw the letter of objection in respect of this application.

Councillor Higgins insisted that there should be adequate cycle parking in the school, that with Colchester having Cycle Town Status it was right that Essex County Council is advised to set a good example in respect of the provision of cycle parking that is fully in compliance with the adopted standards.

Councillor Offen said the appearance of, and access to the building had been greatly improved. Councillor Offen said there was a need for more primary school places in the area and endorsed Councillor Higgins comments in respect of cycle parking. Councillor Offen proposed that the Committee agree the decision as set out in the report and to include the proposed advice in respect of cycle parking. Councillor Harris endorsed the comments of Councillor Higgins and Offen to advise Essex County Council of their obligations to cycle parking.

Councillor Chillingworth commented that the new appearance was very much improved from the original application, that the Design Team had done a good job and showed what can be done.

Mr. Day said the Council's response will include an assurance that the conditions on landscaping, including some new tree planting, are carried out. Mr. Day also confirmed that the response will include reservations to the intention to relax parking on Circular Road East.

RESOLVED (THIRTEEN voted FOR and ONE ABSTAINED from voting) that the Committee:-

- i) Endorsed the proposal to withdraw the letter of objection (dated 5th November 2012) in respect of this application and that Essex County Council is advised that this Council has no objection to the amended scheme being approved, provided appropriate conditions are attached to secure a high standard of development.
- ii) Requested officers to advise Essex County Council to set a good example in respect of the provision of cycle parking that is fully in compliance with the adopted standards.

87. Minutes

The minutes of the meeting held on 3 January 2013 and 17 January 2013 were confirmed as a correct record.

The minutes of the meeting held on 31 January 2013 were confirmed as a correct record subject to the following amendment – The declaration from Councillor Chillingworth in regard to application 122189 Kyloe, Penlan Hall Lane, Fordham to read “Councillor Chillingworth (in respect of being the applicant’s agriculture landlord) declared a pecuniary interest in the following item pursuant to the provisions of Meetings General Procedure Rule 7(12)”.

88. 122122 Former Cooks Shipyard Phase 3, Walter Radcliffe Way, Wivenhoe

The Committee considered an application for a variation of Conditions 2 and 8 of application no. 091559 in order to include A3 restaurant use and to include reference to

Drawing Numbers 1369-105 and 1369-102.

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

RESOLVED (UNANIMOUSLY) that the application is approved with conditions and informatives as set out in the report, plus amendments of conditions and representatives received as set out in the Amendment Sheet.

89. 122146 10 Easter Park, Colchester

The Committee considered an application for a proposed new Volkswagen car dealership for the sale and service of motor vehicles including associated office and parts storage and MOT testing facility (resubmission of 120452).

The Committee made a site visit in order to assess the impact of the proposal upon the locality and the suitability of the proposal for the site.

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

The Planning Officer's recommendation was for Conditional Approval, and Mrs Sue Jackson, Principal Planning Officer, attended to assist the Committee in its deliberations.

Ms. Jean Dickenson (Myland Community Council) addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in opposition to the application. She said flood protection is a major issue in Myland and felt the application did not provide for adequate drainage. Ms. Dickenson said the proposed building was imposing and was sited in a prominent position within easy view of the A12 dual carriageway, a totally inappropriate location. She was of the view that the building offered poor quality visibility to those visitors accessing the carriageway junction to visit the town centre. She said the purpose of the new developments was to generate employment, but felt given the low number of anticipated employees and the size of the building development the application was in breach of policy DP5 of the Development Policy. Ms. Dickenson concluded by saying she felt the Core Strategy Process had not been properly applied to the application.

In response Mrs. Jackson said the car dealership is allowed under local planning policy. She said it was a substantial building that will employ a significant number of people and is an appropriate use for this site. She acknowledged that there are drainage and flooding issues in the area but these had been addressed by Planning Policy in paragraph 8.4 of the report, and it was anticipated that these measures will alleviate any concerns. She concluded by saying the site will be subject to substantial decent landscaping that will help mask a large amount of the parking.

The Committee was sympathetic to the concerns of Myland Community Council, but felt these concerns had been addressed by Planning Policy. However whilst the Committee had differing views to the visual impact of such a substantial building were in agreement that substantial landscaping will mask and soften the overall site.

Mrs. Jackson confirmed that a informative can be added to prevent hoardings being viewed from the A12 dual carriageway. Mr. Vincent Pearce, Development Service Manager said a condition could be added to ensure the outlying areas used to be landscaped could be used for no other purpose.

RESOLVED (UNANIMOUSLY) that the Committee approved the deferral of the application (as set out in the Amendment Sheet) until a further response is received from the Environment Agency and if the response is still an objection or if it has not been received by the 4 March 2013 the application will be refused on drainage and flood risk grounds. If officers accept the application, the Committee also approved the application with conditions and informatives as set out in the report together with an additional condition stating that all landscaped areas will not be used for any other purpose.

90. 122272 Old Police Station, 37 Queen Street, Colchester

Councillor Barlow (in respect of being a Member of 15 Queen Street) declared a non pecuniary interest in the following item pursuant to the provisions of Meetings General Procedure Rule 7(5).

The Committee considered an application for alterations, demolitions and repairs to the existing building, including change of use to creative business centre and café.

The Committee made a site visit in order to assess the impact of the proposal upon the locality and the suitability of the proposal for the site.

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

Mr. Alistair Day, Principal Planning Officer, attended to assist the Committee in its deliberations.

Members of the Committee raised concerns in respect of the application and the need for the building to be fully DDA (Disability Discrimination Act) compliant, including lift access to all floors.

Mr. Alistair Day explained that from the outset of the original discussions, it was suggested that a lift would be constructed within the current stairwell and this would require a great deal of adaptation. He said that because of the current difficulties in entering the building due to the tenant being in administration, the architects could not confirm the condition of the timber frame construction and therefore demonstrate the impact of a new lift on the stairwell of this Grade II listed building and it was therefore considered prudent not to hold up this application because of this. Mr. Day said it was the applicant's intention to do the exploratory work and install a lift.

Members of the Committee remained concerned, with Councillor Oxford suggesting that the application should be amended whereby approval was conditional on the provision of a lift / lift platform to all floors of the building. He said it is possible to

accommodate a platform lift without interfering with the fabric of the building.

Councillor Barlow said this was another part of the St Botolph Quarter to be regenerated and confirmed that creative business centre hubs are thriving in the town centre. Councillor Barlow endorsed Councillor Oxford's proposal to include an additional condition for the provision of a lift to all floors. Councillor Offen also supported what he considered was an excellent proposal.

RESOLVED (UNANIMOUSLY) that the Committee:-

i) Agreed that subject to no objection(s) being raised (that cannot be overcome by conditions) the Head of Environmental and Protective Services be authorised under delegated powers to grant planning permission subject to the conditions and informatives as set out in the report, together with the additional conditions as set out in the Amendment Sheet.

ii) That the informative "that the building must be fully DDA compliant before occupation" is supported by the additional condition "Before any upper floor can be put into beneficial use, a lift must be provided to that floor".

91. 122273 Old Police Station, 37 Queen Street, Colchester

Councillor Barlow (in respect of being a Member of 15 Queen Street) declared a non pecuniary interest in the following item pursuant to the provisions of Meetings General Procedure Rule 7(5).

The committee considered a Listed Building application for alterations, demolitions and repairs to the existing building, including change of use to creative business centre and café.

The Committee made a site visit in order to assess the impact of the proposal upon the locality and the suitability of the proposal for the site.

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

Mr. Alistair Day, Principal Planning Officer, attended to assist the Committee in its deliberations

RESOLVED (UNANIMOUSLY) that the Committee:-

i) Agreed that subject to no objection(s) being raised by English Heritage and/or the Amenity Societies, the application is referred to the National Planning Casework Unit advising that this Authority is minded to recommend a conditional approval.

ii) That the informative "that the building must be fully DDA compliant before occupation" is supported by the additional condition "Before any upper floor can be put into beneficial use, a lift must be provided to that floor".

92. 122040 11-16 Duffield Drive, Colchester

The Committee considered an application for the installation of 10 metre length of timber fencing with concrete gravel boards about 1.8 metres high, which will include a gated entrance.

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

RESOLVED (UNANIMOUSLY) that the Committee approved the application with conditions and informatives as set out in the report.

93. 121424 Abbey House, Flagstaff Road, Colchester

The Committee considered an application for the conversion of the former MOD Police Station to form 2 residential units, together with the conversion of the Coach House to form garaging and storage, plus associated external works.

The Committee made a site visit in order to assess the impact of the proposal upon the locality and the suitability of the proposal for the site.

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

Mr. Alistair Day, Principal Planning Officer, attended to assist the Committee in its deliberations. Mr. Day confirmed that officers had received two letters, from a nearby resident and the St Johns Green Residents Association, in support of the application.

The Committee considered this to be an excellent application and in an area of the town deserving the care and attention being proposed. They felt this new application was much improved from the original application and with the need to safeguard open space were in agreement with an area of land adjoining the medieval Abbey Gatehouse been secured as public open space.

RESOLVED (UNANIMOUSLY) that the Committee approved the application with conditions and informatives as set out in the report, plus amendments of conditions and representatives received as set out in the Amendment Sheet. Approval of the application is subject to the prior completion of a legal agreement under Section 106 of the Town and Country Planning Act 1990, with the Head of Environmental and Protective Services authorised to complete the agreement to, a) link the application to the main garrison legal agreement; b) Link the repair of Abbey House to the occupation of the new terraced housing proposed under planning application 121426.

94. 121426 Abbey House, Flagstaff Road, Colchester

The Committee considered an application seeking approval of reserved matters following outline approval (O/COL/01/0009) for the proposed erection of five residential units (Plots 3-4), including associated works.

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

The Committee made a site visit in order to assess the impact of the proposal upon the locality and the suitability of the proposal for the site.

Mr. Alistair Day, Principal Planning Officer, attended to assist the Committee in its deliberations.

RESOLVED (UNANIMOUSLY) that the Committee approved the application with conditions and informatives as set out in the report, plus amendments of conditions and representatives received as set out in the Amendment Sheet. Approval of the application is subject to the prior completion of a legal agreement under Section 106 of the Town and Country Planning Act 1990 and authorised the Head of Environmental and Protective Services to complete the agreement to provide linking the occupation of the proposed dwelling houses to the repair of Abbey House.

95. 130017 Meadowside Lodge, Olivers Lane, Colchester

The Committee considered an application for an extension to an existing building because the agent works in the Council's Building Control Team.

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

RESOLVED (UNANIMOUSLY) that the Committee approved the application subject to the conditions and informatives as set out in the report, plus representatives received and responses as set out in the Amendment Sheet.

96. 121987 8 Sandmartin Crescent, Stanway

The Committee considered an application for the erection of a picket fence between drives of No. 6 and 8 Sandmartin Crescent (to be 1 metre tall and 8.6 metres long).

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

Ms. Lucy Mondon, Planning Officer attended to assist the Committee in its deliberations.

Councillor Colin Sykes attended and, with the consent of the Chairman, addressed the Committee. He explained that all that part of Sandmartin Crescent at the centre of the whole development, is quite distinct with open plan drives with no dividers or fences separating properties. The estate remains as the Council originally intended. He said the fence being proposed was both an alien and incongruous feature and should be rejected in terms of planning policy. He said that in respect to the Principal Policy UR2 – Built Design and Character, the proposal was discordant with the development and failed to enhance the area and therefore if the Committee approved the application it will set a precedent and open up the Council to further similar applications. Councillor

Sykes concluded by asking the Committee to reject the application

Councillor Lesley Scott-Boutell attended and, with the consent of the Chairman, addressed the Committee. She asked the Committee to support the proposal and for the reasons set out in paragraph 15.9 of the report. She did not believe the proposal will impact on the neighbours amenity or on the overall development and suggested the proposed fence was better than the current plant pots. Councillor Scott-Boutell said Stanway Parish Council had not raised any objections and reiterated her request for the Committee to support the proposal.

In response, Ms. Mondon said there are examples of dividing fences on the development, e.g. at 7/8 Nightingale Close, although this does not appear to benefit from planning permission. Despite there not being many examples of fencing in the area, the proposal would not impact on the character of the estate as it would not be overly visible.

Mr. Pearce said the picket fence being proposed and set back from the boundary line will not harm the arcadian character and overall design of the estate.

Councillor Laura Sykes said the estate is an open plan environment and the erection of fences as that proposed does harm the amenity. She said approving the proposal will set a precedent, with different styles and colours being introduced, and the Council should be trying to preserve what is there. Councillor Offen said that he believed in an open plan environment the introduction of dividing fences will harm the appearance of the estate, and given he could not think of a valid reason for a fence being erected suggested the proposal should be rejected.

Councillor Chillingworth said he would be happy if the colour of the picket fence was dark green or brown in keeping with the arcadian character of the development.

RESOLVED (EIGHT voted FOR and SIX voted AGAINST) that the Committee approved the application subject to the conditions and informatives as set out in the report.

97. Endorsement of proposed amendment to the S229a Garrison legal agreement in respect of the provision of affordable housing on Area 1

Councillor Barlow (in respect of being involved in the negotiations concerning this site when he was the Portfolio Holder for Commerce and Sustainability) declared a non pecuniary interest in the following item pursuant to the provisions of Meetings General Procedure Rule 7(5).

The Committee considered the proposal that required them to endorse a Deed of Variations to legal agreements that would result in a change in the provisions of the obligations secured under the original agreement.

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

Mr. Alistair Day, Principal Planning Officer, attended to assist the Committee in its deliberations.

The Committee considered the proposal and some members raised concerns over the reduction in affordable housing, that there are many people wanting to get on the housing ladder and the Council should be endeavouring to provide every opportunity it can to those people. Whilst members believed the proposal had a good case to reduce the number of affordable housing units, and 22 affordable housing units was better than none, some members said they could not support the proposal.

RESOLVED (TEN voted FOR, THREE voted AGAINST and ONE ABSTAINED) that the Committee endorsed the proposal to provide a reduced provision of affordable housing on the part of the Garrison Urban Village Development known as Area A1 (the former Hyderabad and Meeanee Barracks site).

98. Endorsement of proposed amendment of the legal Agreement in respect of the provision of play equipment on land at Maximus Drive and Rawlings Crescent, Colchester

The Committee considered the proposal that requested them to endorse a Deed of Variation to the original legal agreement that would result in a change in the provisions of the obligations secured under the original agreement.

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

Mr. David Whybrow, Principal Planning Officer attended to assist the Committee in its deliberations

RESOLVED (UNANIMOUSLY) that the Committee endorsed the proposal to provide a reduced contribution towards play equipment to be provided as part of the development off Mill Road and for this contribution to be transferred to provide additional play equipment and landscaping at the established play area at Rawlings Crescent and as set out in paragraph 4 of the report.

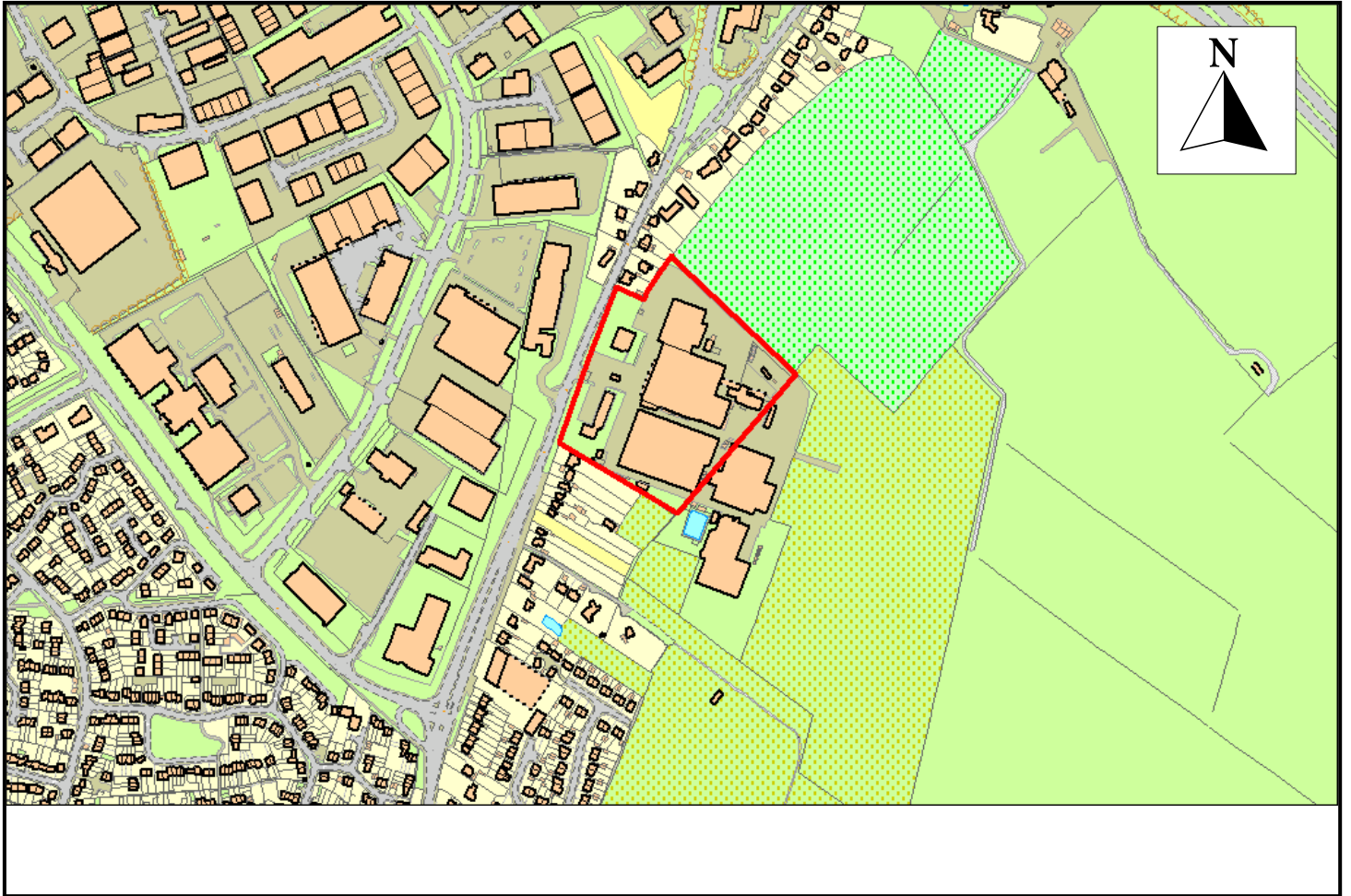
99. Endorsement of proposed amendment to the s106 legal agreement in respect of the provision of affordable housing on Area S2SW of the Garrison Urban Village Development – Application No. 091563

The Committee considered the proposal in light of the need for them to endorse Deed of Variations to legal agreements that would result in a change in the provisions of the obligations secured under the original agreement.

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

Mr. Alistair Day, Principal Planning Officer, attended to assist the Committee in its deliberations.

RESOLVED (UNANIMOUSLY) that the Committee endorsed the proposal to change the specified tenure of the affordable housing on Area S2SW from shared ownership tenure to shared equity.



Application No: 121444

Location: Betts UK Limited, 505 Ipswich Road, Colchester, CO4 9HE

Scale (approx): NOT TO SCALE

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Committee Report

Agenda item

7

To the meeting of **Planning Committee**
on: **14 March 2013**
Report of: **Head of Environmental and Protective Services**
Title: **Planning Applications**

7.1 Case Officer: Bradly Heffer

MAJOR

Site: Betts UK Ltd., 505 Ipswich Road, Colchester, CO4 9HE

Application No: 121444

Date Received: 6 August 2012

Agent: Ms Viktoria Oakley, Strutt & Parker

Applicant: Ms Kate Turner, Land Improvement Holdings

Development: Application for the demolition of existing buildings, remediation and earthworks, construction of a new access, bus turning area and junction as well as a spine road (details included within). Outline proposal for the erection of up to 128 residential units (C3 use), a 65 bed care home (C2 use) with associated hard and soft landscaping, surface water pumping station, footpaths, secondary access roads, perimeter enclosure, car parking and lighting (details being reserved matters).

Ward: St Johns

Summary of Recommendation: Conditional Approval subject to signing of Section 106 Agreement

1.0 Reason for Referral to the Planning Committee

1.1 This application is referred to the Planning Committee because it is a major development proposal and an approval would require the Council to enter into a section 106 agreement with the developer.

2.0 Synopsis

- 2.1 This planning application can be divided into two parts. Firstly, the proposal seeks full planning permission for the demolition of the existing buildings on the site, together with site decontamination and remediation and earthworks, as well as the construction of a new access to the site from Ipswich Road and associated spine road and bus turning area. The scheme presented for Members' consideration also seeks outline planning permission for the redevelopment of the site for residential purposes.
- 2.2 The originally-submitted proposal sought outline planning permission for the redevelopment of the site for a mixed residential and commercial development. However, during the consideration of the application the commercial element of the development has been removed, and the proposal submitted for Members' consideration is a wholly residential scheme. As part of the Council's adopted Local Development Framework document the site is allocated for redevelopment, and it is considered that the submitted application accords with the terms of the allocation. Subject to successful completion of a section 106 agreement it is recommended that a conditional planning permission is granted for the submitted application.

3.0 Site Description and Context

- 3.1 It should be noted that the site for this proposal falls across two administrative districts – the majority of the site is within Colchester while the remainder is within Tendring District. In seeking to provide Members with as full a picture as possible the entire site will be described, accepting of course that part of it falls outside of Colchester Borough. The reason for this is that there is little physical indication on site of the boundary between the two areas and in effect the site 'reads' as a single entity.
- 3.2 The site has a given area of 5.63 hectares. Currently the majority of the site is occupied by industrial buildings and associated hardstanding areas. It is understood that most of the buildings were constructed during the 1950s. This site has been used for a significant period for industrial purposes; the last use being for the manufacture of various plastic products including toothpaste caps and containers. The site is currently vacant; the previous occupiers having relocated to modern premises within Severalls Business Park.
- 3.3 The frontage of the site with Ipswich Road is characterised by areas of greensward and trees/hedging that separate the main two storey office building and other ancillary single storey buildings from the boundary.
- 3.4 To the north of the site is an area of disused orchard land, while to the south and east is Bullock Wood which is a designated Site of Special Scientific Interest (SSSI). Members should note that both features described above are within Tendring District. The former orchard land is screened from the remainder of the site by an established line of trees and hedging, while the SSSI is fenced from the industrial land.

3.5 Either side of the frontage of the site are rows of established residential development that face on to Ipswich Road. On the opposite side of Ipswich Road is the edge of a significant area of commercial and industrial development – characterised by storage buildings and car showrooms and repair facilities. Established residential frontage development is also located on the same side of the road as the commercial development, to the north-west.

4.0 Description of the Proposal

4.1 Members should note that prior to the submission of the application the Council received a request for a screening opinion as to whether the consideration of an application for the redevelopment of the site should be accompanied by an Environmental Impact Assessment. The applicant company was subsequently advised that an assessment of environmental impact was necessary, due to the fact that the proposed redevelopment proposals would potentially have a significant impact on the amenities of the area and these should be properly quantified. The application submission includes an Environmental Statement to accord with the Council's request.

4.2 Under the application submission lodged with Colchester Borough Council **full** planning permission is sought for the following works:

- Demolition of all buildings and structures
- Breaking out of hardstanding
- Implementation of appropriate remediation
- Bulk earthworks to ground formation levels
- Tree removal and tree protection works
- Provision of site access, bus turning area and the central spine road including T-junction

Outline planning permission is sought for the following:

- Up to 128 residential units of up to three storeys
- A flexible use for a 65 bedroom residential care home
- Car parking
- Soft and Hard Landscaping scheme, including boundary buffer treatment
- Sustainable Urban Drainage Systems
- Lighting
- Surface water pumping station
- Service diversions, connections and ancillary structures
- Means of perimeter enclosure and associated structures
- The laying out of footpaths and associated access points off site.

4.3 The part of the development that falls within the Tendring area follows a similar full/outline permission split but the submission proposes the construction of up to 73 units. On this basis the combined number of residential units proposed for the entire site (within Colchester Borough and Tendring District) is up to 201 units.

4.4 Members should note that the application is accompanied by a suite of supporting documentation in addition to the Environmental Statement as follows:

- Affordable Housing Statement
- Design and Access Statement
- Employment Land Statement
- Flood Risk Assessment
- Outline Demolition Method Statement
- Phase II Bat Survey
- Photograph Survey
- Statement of Participation
- Transport Statement
- Site Waste Management Plan (Preparation and Construction)
- S106 Heads of Terms
- Illustrative masterplan
- Planning Statement

4.5 Members should note that various supporting documents have been updated since initial submission to reflect the change in the proposal to a wholly residential scheme. All documents referred to above are available for inspection on the Council's website. However the following extract from the Design and Access Statement is included in this report for Members' information as it explains the applicant's vision for the site:

'...The vision for the site is to create an aspirational residential setting, with the opportunity for a care home development fronting Ipswich Road, on a soon to be vacated brownfield site. Bullock Wood to the east and the orchard to the north will be retained and protected as part of the proposals. This will be achieved through:

- The delivery of a range of high quality well-designed housing to meet the needs of the local people and widen their housing choice
- Creating a distinctive residential environment comprising a number of character areas which reflect the different characteristics of the site
- Introducing a range of densities and built form principles reflecting the proposed character areas
- Promoting the principles of Secure by Design
- Protecting and preserving the landscape character to the north and east of the site
- Enhancing the vitality of this northern part of Colchester
- Promoting sustainable access and improving pedestrian and cycle links to the centre of Colchester
- Improving the site's integration with the SSSI'

It is also important to note that all reports have been produced on the basis that a development of up to 230 units is provided on the site. This is because the Council's adopted SPD document did envisage the 230 unit figure as being the maximum that could be achieved on the site. The reduction in the maximum number of units proposed (from 230 to 201) reflects the fact that revisions have taken place over time to the indicative layout plans, prior to formal submission of the application, during discussions with Council officers.

- 4.6 Furthermore the layout takes account of the revised parking standards of the Council that require more and larger spaces, which obviously impacts on the amount of land taken to meet these standards.
- 4.7 The illustrative layout plan that is submitted with this application shows the provision of a new residential development on the site, served by an access located centrally on the site frontage with Ipswich Road. This access would take the form of a priority junction. The submitted drawings show the provision of a bus lay-by and turning area immediately to the east of the access point leading to a main spine route towards the rear of the site, with a T-junction and associated roads leading in north-easterly and south-westerly directions towards the boundaries of the site. Members are reminded that full planning permission is being sought for this road and the access on to Ipswich Road at this stage.
- 4.8 The part of the site that is within Colchester Borough is shown as being given over to residential development, generally in the form of perimeter blocks. The majority of dwellings shown would benefit from on site garaging/parking provision with some incidents of parking court arrangements – these being located mainly behind dwelling units that would face Ipswich Road, although other areas of the development would create formalised ‘parking square’ arrangements.
- 4.9 The development within Tendring District would follow the general pattern of development proposed for the Colchester Borough area. In overall character terms the layout principles would therefore be carried across the site. Members will note that the part of the development within Tendring District would have a direct interface with Bullock Wood. Furthermore, a linear area of open space that is on the northern boundary of the site (formerly utilised as orchard land) is proposed as an amenity space to serve the overall site – but this land is also within Tendring District.
- 4.10 As part of the Environmental Statement submission accompanying the application a specific parameter plan shows the proposed storey heights of the development. This plan indicates that a range of storey heights would be proposed, with the highest (at three storeys) being located on the boundary of the site with Ipswich Road, and along the main spine road into the site. A further area of three storey development is proposed to be located within an area of housing that faces the linear open space on the north-eastern periphery of the site. Some three storey elements would also be located within the part of the site within Tendring, arranged to address junctions and also open spaces. The remainder of the development would be either two or two-and-a-half storeys.
- 4.11 In terms of tenure the submission envisages the provision of a variety of dwelling types across the site from one and two bedroom flats to four bedroom houses – although it is important to note that planning permission is not being sought for specific dwelling mix. The submission would propose an average density of approximately 30 dwellings per hectare across the site. However, if the proposed care home were to be constructed on the site this would increase the overall residential density figure on the remaining land to approximately 35 dwellings per hectare.

4.12 With regard to the care home element of the proposals the following comment is made in the supporting information submitted with the application:

'It is proposed that the care home will provide a flexible use. As detailed within the Land Use Parameter Plan this would replace an area of residential development with 23 properties; reducing the overall number of properties to 178. The care home would have approximately 65 beds, 5000 sq m in size and could extend up to three storeys in height. This area, indicated in grey on the Land Use Parameter Plan would be a flexible permission allowing for either C3 residential use or C2 residential care home use in order to respond to market demand.'

4.13 The location of the care home is shown on the submitted drawing as being on the site frontage – to the north of the proposed site access.

5.0 Land Use Allocation

5.1 Within the Council's adopted Local Development Framework, that part of the site which falls within Colchester Borough is currently allocated for mixed use redevelopment.

6.0 Relevant Planning History

6.1 Although the Betts site has been subject to a series of planning applications during the lifetime of the factory none of these is of direct relevance to the consideration of this particular proposal.

7.0 Principal Policies

7.1 The following national policies are relevant to this application:
The National Planning Policy Framework (NPPF)

7.2 In addition to the above national policies, the following policies from the adopted Colchester Borough Core Strategy (December 2008) are relevant:

SD1 - Sustainable Development Locations
SD2 - Delivering Facilities and Infrastructure
SD3 - Community Facilities
CE3 - Employment Zones
H1 - Housing Delivery
H2 - Housing Density
H3 - Housing Diversity
H4 - Affordable Housing
UR2 - Built Design and Character
PR1 - Open Space
PR2 - People-friendly Streets
TA1 - Accessibility and Changing Travel Behaviour
TA2 - Walking and Cycling
TA3 - Public Transport
TA4 - Roads and Traffic
TA5 – Parking
ENV1 - Environment

ER1 - Energy, Resources, Waste, Water and Recycling

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

DP1 Design and Amenity
DP2 Health Assessments
DP3 Planning Obligations and the Community Infrastructure Levy
DP4 Community Facilities
DP5 Appropriate Employment Uses and Protection of Employment Land and Existing Businesses
DP12 Dwelling Standards
DP16 Private Amenity Space and Open Space Provision for New Residential Development
DP17 Accessibility and Access
DP18 Transport Infrastructure Proposals
DP19 Parking Standards
DP20 Flood Risk and Management of Surface Water Drainage
DP21 Nature Conservation and Protected Lanes

7.4 Within the Council's Adopted Site Allocations document policy SA CE1 Mixed Use Sites is particularly relevant to this proposal as the Betts Factory site is specifically identified as an allocated site. The following comments are made in relation to the development of the site:

- Comprehensive redevelopment required including land within Tendring District
- Future uses guided by a detailed Development Brief
- Mixed use will be expected to include employment and up to 200 dwellings
- Re-development of the site will need to have regard to Bullock Wood SSSI and the adjacent orchard
- Site is over a minor ground aquifer zone and a SUDS scheme is expected to be developed on site to ensure any potential flood risk is minimised.

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

Community Facilities
Vehicle Parking Standards
Sustainable Construction
Open Space, Sport and Recreation
The Essex Design Guide
External Materials in New Developments
Affordable Housing

7.6 Members should also note that the site is the subject of a Planning and Development Brief that has the status of a Supplementary Planning Document, having been adopted by Colchester Council. This document was adopted by the Council during December 2010. The Brief was produced by consultants working on behalf of the Council and was intended to benefit potential developers of the site as it set out the requirements of Colchester and Tendring councils, the Highway Authority and other service providers. The document sets out the principles of development, including land uses, layout, design, provision of open space, access, landscaping and provision for wildlife and protection of existing vegetation. Officers of Colchester Council were involved with the production of the Brief, and discussions were also held with officers at Tendring District Council and Essex County Council as Highway Authority. It is also the case that discussions were held with representatives of the local community and a two-day public consultation event was held on 12-13 March 2008.

7.7 A summary of the key principles emerging from the Brief is given below for Members' information:

- A mixed use redevelopment scheme was sought and within this a significant residential component was envisaged
- The commercial element of the scheme (anticipated at 1300 square metres floorspace) should be located within the Ipswich Road frontage of the site. It was envisaged that the commercial element of the scheme should consist of uses that serve the local community
- A variety of dwelling types and character areas should be provided across the site with essentially a more urban form to the front and a more rural form to the rear (towards Bullock Wood and the orchard land). The SPD further advises that '...It is evident through Colchester Borough Council's aspirations for the site that the more urban and larger forms of development [will be] within enclosed squares and generally within the central section of the site. Retaining the larger development forms in the central area of the site will allow for a better transitional relationship between the orchard land and SSSI and the built form.
- The site should have a residential density of between 30 and 50 dwellings per hectare. The SPD states that '...This will result in a predominantly two storey development with some three storey houses and flats to differentiate and break up the roof lines and create visual interest in the street scene. The flatted element of the scheme will predominantly be located to the front of the site along Ipswich Road...'
- Affordable housing provision will require 35% of the total residential provision to be of an affordable nature. The SPD states that '...The exact tenure mix will be decided through negotiation with the Borough Council but any proposal will be required to provide a mix of housing to meet the diverse needs of the community. However, the Borough Council will expect to see the majority of affordable units to be of a rented tenure...'
- The site is to be served by a priority junction in Ipswich Road and parking should be in accordance with the emerging (at that time) standards
- At least 10% of the land within the red line application site should be given over to public open space and the SPD identified that the orchard land would be a suitable location for this provision.

- Submitted proposals should demonstrate appropriate sustainability measures such as sustainable construction techniques, drainage schemes etc. Dwellings will be encouraged to secure a minimum of Code 3 under the Code for Sustainable Homes.
- The ongoing protection of Bullock Wood is essential (bearing in mind its SSSI status) and the SPD advises that ‘...the Councils will expect to see an impenetrable buffer within any proposed scheme to be completed prior to occupation of the development...no back gardens of proposed residential properties [should] face directly on to the SSSI...’

8.0 Consultations

- 8.1 The Highway Authority required an amendment to the initially-submitted layout drawing for spine road (bearing in mind that full planning permission is being sought for this element) that demonstrated that buses etc. could access the site. Amended drawings have been submitted that show this can be achieved safely. On this basis the Authority does not object to the proposal, subject to the imposition of conditions and securing necessary off-site highway improvement works.
- 8.2 The Highways Agency has confirmed that it has no objection to the proposal and has issued a Direction to this effect.
- 8.3 The following comment has been received from the Spatial Policy Team following submission of the **revised** scheme which is for a solely residential development:

‘As outlined in the comments originally provided by Spatial Policy in September 2012, the proposal is considered to be broadly in accordance with the adopted policies found within the Local Development Framework.

The Site Allocations DPD proposes a comprehensive redevelopment including a mix of uses to include employment opportunities and up to 200 dwellings. The Spatial Policy Team is lead to believe that viability of the site may be compromised by the delivery of the commercial units which may affect the site being brought forward. The relevant polices are clear that a mix of commercial and residential uses on the site is supported but like with every site the policy requirements need to be balanced against delivery of the site and more recent national policy requirements.

Since the Site Allocations policies were adopted in December 2010, the priorities for both the local authority and national government have shifted and a much greater emphasis is now placed on the delivery of housing and in particular affordable housing. Core Strategy Policy H4 seeks to secure 35% affordable housing on all new developments over a certain size. Commercial units are expected to be delivered as part of the comprehensive redevelopment of this site, but could have a detrimental impact on the viability of the overall scheme. If it can be demonstrated that a further increase in affordable housing is achievable and ensures the successful delivery of the site, the Spatial Policy Team may support a reduction in the commercial floor space as a departure from adopted policy as an exception as it promotes a Council priority to achieve a greater level of affordable housing across the Borough.’

Officer comment: the consequence of the removal of the commercial element of the scheme on the provision of affordable housing on the site is explained further on in this report.

- 8.4 Environmental Control has confirmed that it has no objection to the proposals but would require the imposition of conditions on a grant of planning permission.
- 8.5 The Council's Contaminated Land Officer has commented on the proposals as follows:

'The Contaminated Land Officer has read the documents submitted in support of this application. It is noted that some elevated levels of contaminants have been recorded on the site, in both soils and groundwater, and that further investigation, identification of appropriate remedial actions and verification will therefore be required. Note that further consideration of contamination matters is required, both for the demolition phase and the development phase of this application. However, if the recommended actions are fully implemented, based on the information proved, it would appear that the site can be made suitable for the proposed use.'
The recommendation also includes the imposition of conditions on a grant of planning permission.
- 8.6 The Council's affordable housing officer has confirmed that a housing contribution in line with the Council's adopted Core Strategy will be required.
- 8.7 As part of the consultation process Natural England's views on the proposal were sought. Members should note that the parts of the site that are of particular concern to that organisation i.e. Bullock Wood to the rear (which has SSSI status) and the orchard land are within Tendring District. Natural England has confirmed that it has no objection to the proposal, subject to the imposition of conditions. Members are advised that as these would relate to land within Tendring District, it would be for that Authority to impose them.
- 8.8 The Council's Landscape officer has confirmed that the details of the landscaping scheme can be addressed at the reserved matters stage; the information being indicative at this stage. Specific comments related to the impact of the development on Bullock Wood and how this interface will be treated, although it is acknowledged that this section of the development falls within Tendring's area.
- 8.9 The following comment has been received from the Environment Agency:

'We have no objections to the planning application. However we consider the proposed development will only be acceptable if the surface water drainage scheme as detailed in the approved Flood Risk Assessment (FRA), Ref COLC-DOC-GLB-ACC-FRA-001, dated 16 July 2012, undertaken by WSP UK, and e-mail of 19 September 2012 from WSP UK, submitted with this application is implemented and secured by way of a planning condition on any planning permission.'
- 8.10 The following comments have been received from Colchester Cycling Campaign:

'We are neither in favour of or against this application as a whole but we have severe reservations about the current layout.
We object to:
1. The narrowness of the proposed cycleway along Ipswich Road. This should be given more space, and there should be a verge between the path and the road to increase users' subjective safety. Under the current scheme, the addition of any safety railings would reduce the proposed 3m width to just 1.5m. A width of 4m with a 1m verge would be best.

2. The poor sight lines around the junction splays. The building on the south side of the frontage is far too close to the junction. A comparison might be the Mill Road/Severalls Lane roundabout with the most recent housing there, which is both unattractive and dangerous because of reduced visibility. The cycle path should cut across the splays rather than follow the edge of the road. Colchester Cycling Campaign is happy to advise.

3. The termination of the cycle path at the development junction. The cycle path should continue northwards (with improved sight lines) along the entire frontage of the development (options should be kept open in case the road is ever widened by demolishing older houses farther north that constrict road width)

4. Lack of connections between the cycle path and the development road. There is no "pick-up" for cyclists leaving the estate to join the path, and matters could be hugely improved for cyclists heading into the development. Colchester Cycling Campaign is happy to provide detail of what is needed.

We note the provision of a new toucan crossing of Ipswich Road and look forward to commenting on its design and timings.

All homes should adhere to the Essex County Council standards on cycle parking.

We note that CBC's cycling master plan looks at foot/cycle connections north and south from the site, to Ardleigh and Evergreen Drive/Bullock Wood. If land ownership prevents these being achieved in the short term, the developer should provide public highway cul-de-sacs to the edge of their land to allow links to be made in the future. We do, however, hope to see the connection to Evergreen Drive/Bullock Wood achieved as part of this scheme to enable safer routes to school.

We would like any future development help to fund a cycle-pedestrian bridge over the A120 to connect with the roads adjacent to the Ardleigh Crown, as well as create cycle links towards Harwich Road/Colchester Road (A137). We also note the existence of a footbridge 1km east of Crown Interchange which could be adapted for cycle use if the connections are suitable.

Tendring Council should add these to its own cycling development master plan.

We look forward to seeing alterations made to the current proposals.'

An Officer response is provided on a point by point basis in response to CCC's comments as follows:

- *The provision of a three-metre wide footway and cycleway accords with adopted standards within the Essex Design Guide and also the Design Manual for Roads and Bridges which is a guidance document utilised by the highway authority. While a wider provision may be desirable this is not something that the Council could insist on. It should be noted that this feature would link to a new toucan crossing of Ipswich Road to the south of the site.*
- *The layout of the junction has been revised following initial submission of the scheme in order to accord with the Highway Authority's requirements. The location of the footway/cycleway in this arrangement meets with that Authority's safety requirements. It should be noted that the final location of buildings within the site will be the subject of reserved matters planning applications but, in any event, development would not be permitted where it obscured required vision splays*
- *The submitted drawing does indicate the retention of an additional 1-metre strip to the north of the access in order to create a further shared footway/cycleway*
- *The submission seeks full planning permission inter alia for the spine road leading into the site and the proposed footway and cycleway would link into the*

remainder of the spine road. As reserved matters proposals are submitted across the site in the future the extent of the network for cyclists and pedestrians will be considered further.

- *The comments regarding a link through Bullock Wood and land to the south are fully acknowledged. However it is the case that public access to this woodland is not encouraged as identified in the Council's own SPD document due to the detriment it could cause to its SSSI value.*

8.11 Members should note that the application has been considered on a number of occasions by the Council's Development Team. The Team has agreed that the mitigation package that would be delivered as part of the redevelopment of the site is acceptable. The package is explained in the relevant section of the report.

8.12 The following comment has been received from the Design and Heritage Officer:

'The principles of the application accord with the adopted development brief for the site. The masterplan demonstrates a largely satisfactory arrangement that has compliant parking standards and garden sizes.

There are a few incidences of poor layout but I am confident that these can be amended at the detailed design stage. The character of the area with its mix of scale, mass and uses is not harmed by the proposals with regard to the massing of non residential uses and the site has adequate frontage to provide the opportunity for some three storey elements at the entrance and along the formal, spine road. The bus turning facility is welcomed as a sustainable attribute and creates the opportunity for new public transport in the area. The landscaping and arrangement at the entrance allows the carriageway to dominate but this can be improved at the detailed design stage.'

8.13 The Council's Arboricultural Planning Officer comments as follows:

'Generally I am in agreement with the conclusions and recommendations made within the report however the following points should be noted:

The outline application details that numerous trees within boundary of the site are low to moderate value. I am in agreement with this and do not consider that there loss is of particular consequence to the area. The most important trees are outside of the development area and form the character of the larger area. It is important that these trees are maintained and given adequate space to continue to thrive. The principles outlined within the report are acceptable but further detail will be required at reserved matters to ensure adequate siting of buildings, location of services, position of internal roads and any other possible adverse issue between trees and the built form are considered.'

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

9.0 Parish Council Response

9.1 Not applicable in this case.

10.0 Representations

10.1 Members are advised that following consultation on the initial submission (which included a commercial element) a total of 11 letters were received from local residents. Nine of these letters raised objections to the proposal and two included mixed comments. The points of objection may be summarised as follows:

- The provision of A and B use classes on the site is not acceptable as this would encourage fast food outlets and shops etc with the attendant nuisances these uses create. The use of this site should be for residential only.
- The provision of a care home is unnecessary as other homes are located in the area.
- The proposal will exacerbate traffic problems that are experienced along Ipswich Road
- The provision of affordable housing is unnecessary and the development will impact adversely on Bullock Wood SSSI. The site should be used for the provision of good quality spacious housing. This proposal constitutes an overdevelopment.
- The development could lead to drainage problems in the area as these have been experienced in the past.
- Bus access to the site would impact adversely on the SSSI. The proposal does not include the provision of proper wildlife corridors and the open spaces should be much larger. The orchard should be retained for community use. Access to Bullock Wood should be included.
- The social housing should be mixed in with other housing. The use of flats as social units should be avoided.

Officer comments:

- *The scheme now submitted for determination does not include a commercial element*
- *The provision of a care home on this site falls to be considered on its own planning merit. That said, the provision of a care home on the site would, arguably, accord with the Council's SPD requirement that '...the commercial section of any proposed scheme will be formed of uses that service the local community...' It is noted that the Policy Team support the principle of a care home.*
- *The proposed development has not given rise to an objection from the Highway Authority with regard to highway capacity and safety issues. Indeed the stages inherent in considering the site's suitability for alternative uses would include an assessment of the likely traffic generation that would result.*
- *The use of the site to accept housing development accords with central and local policies regarding the reuse of brownfield land. This is reflected in the site's allocation in the Local Development Framework and adopted SPD document. As part of the provision of housing per se an important element of this is the provision of affordable housing – as emphasised in the National Planning Policy Framework and as reflected in the Council's own policy requirements. An approximate density of development of 30 dwellings to the hectare is not considered excessive in the context of the surrounding form of development.*

- *The proposal does not enable any public access to Bullock Wood SSSI, in accordance with the adopted SPD and also the requirements of Natural England.*
- *The submission to the Council includes a detailed consideration of the drainage issues presented by redevelopment of the site and the proposed solution includes a sustainable drainage scheme as required by the Council's SPD document.*
- *In terms of promoting sustainable modes of travel, the provision of elements to promote bus penetration into the site is encouraged. This element in itself is not considered to adversely affect the SSSI and it is noted that no objection has been received from Natural England on this basis.*
- *It is the intention that the road networks within the site would encourage wildlife movement through design and the provision of ground planting and trees etc. It is considered that the framework of roads that is presented at this stage shows that intention. For example the main spine road and the north-west and south-east spurs incorporate verges and planted areas together with avenue planting. The final detail of this treatment may be controlled through the imposition of appropriate conditions.*
- *The final location of the affordable housing will be agreed through the reserved matters stage and the types of dwelling would have to meet the requirements of the Council. The details of the affordable housing would be contained within any s106 agreement that was attached to a grant of planning permission.*

10.2 Two letters expressed support for the redevelopment of the site for residential purposes as this is better than a commercial, retail or industrial use. However, the drainage of the site is queried and it is suggested that access to the site should take the form of a roundabout in order to address traffic generation issues.

10.3 Following receipt of the amended proposals (removing the commercial element of the scheme and replacing it with additional residential development) a total of 4 letters have been received. While some comments made repeat those that have been summarised above, some additional points raised are identified as follows:

- Support was expressed for the removal of the commercial element of the scheme
- The provision of three-storey development is not acceptable
- There are too many dwellings proposed for the site
- The amount of open space appears to have been reduced
- The buffer between the development and Bullock Wood needs to be widened

Officer comment: with regard to the issue raised in the fourth bullet point, it should be noted that the revision from a mixed scheme to a wholly residential scheme has resulted in the variation of one part of the overall layout plan that is adjacent to the site access off Ipswich Road. The remainder of the site layout shown is unchanged from that originally submitted and this includes the amount and location of the open space proposed to serve the development.

- 10.4 It is also important to note that the applicant has undertaken an extensive ongoing programme of local liaison and consultation. This has included two public consultation exercises and meetings with residents groups and Ward Members. It is understood that letters explaining the extent of recent decommissioning works have also been sent to residents to allay any concerns.

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

11.0 Parking Provision

- 11.1 It should be noted that the application submission is made in outline and the only matters to be considered for full permission at this stage are the site demolition and preparation works, together with the new access arrangements and associated spine road. Nevertheless, the pre-application discussions with the applicant were predicated on the basis that the applicable parking standards of the Council must be met as part of any redevelopment proposals and the submitted layout plan has been produced on this basis. Indeed, the compliance with the standard is a factor that has reduced the amount of dwelling units that are proposed across the site. It should be noted that the parking standards applicable to Colchester are also applicable to Tendring and the submitted indicative drawings reflect this situation.

- 11.2 The Planning Statement accompanying the application confirms the point as follows:

‘Car Parking across the site will be provided in accordance with Essex County Council’s Parking Standards (2009)’

- 11.3 Members will also be aware that an outline planning permission for the proposed development could be subject to a condition that requires parking provision in accordance with adopted standards to safeguard the Council's position.

12.0 Open Space Provisions

- 12.1 The submitted plans show that the majority of open space that would serve the development is provided through the utilisation of the former orchard land on the north-eastern boundary of the site (land within Tendring District). This land has a given area of 6480 square metres (comprising approximately 10% of the developable site area) and would provide formal play and informal recreation opportunities for the occupiers of the proposed dwellings. The submission indicates that Local Equipped Area of Play (LEAP) would be located on this land.

- 12.2 The indicative layout plan also shows the provision of ‘green corridors’ within the site (following the line of the spine roads) augmented with tree planting and grassed areas. At the internal junction of the spine road the plan shows the provision of a larger grassed area, to the front of residential development that would contain a Local Area of Play (LAP).

- 12.3 Members should note that although the site is immediately adjacent to Bullock Wood, the scheme would not provide for public access to this land. The applicant has been in consultation with Natural England in order to agree a scheme for the boundary treatment between the site and the wood and the principles established include:
- No back gardens directly on to the woodland
 - Fencing off of the woodland to prevent public access
 - Removal of self-seeding sapling growth at woodland edge
- 12.4 With regard to the issue of sapling removal Members are advised that the wood itself is covered by a tree preservation order issued by Tendring District Council. A strategy for sapling removal has been agreed with Natural England and it is understood that this strategy has also been agreed by Tendring District Council.

13.0 Air Quality

- 13.1 The Environmental Statement that accompanies the application submission does consider the issue of air quality. For Members' information the following comments are included in the Non-Technical Summary document:

'To inform the assessment and determine any constraints to the Proposed Development, a baseline assessment was undertaken. This involved a review of available air quality monitoring data for the area surrounding the Site. The baseline assessment concluded that the main source of air pollution within the area is likely to be emissions from road traffic. Consequently, exceedences of the objectives for pollutants may be occurring at a number of locations close to or within Colchester Town Centre and CBC have therefore declared a number of Air Quality Management Areas (AQMAs). However, the Proposed Development is not located in or near any of the designated AQMAs. No exceedences of the objectives for any of the other pollutants included within the Air Quality Strategy are anticipated within the area. An assessment of the potential effects on local air quality arising from activities performed during the site preparation, demolition, earthworks and remediation phase and the construction phase has been undertaken. This showed that during on-site activities releases of dust and fine particle material are likely to occur. The greatest potential for nuisance problems to occur will be within close proximity of the Site perimeter; although there may be limited incidences of increased dust deposited on property more distant from the Site. However, through good site practice and the implementation of suitable measures (for example, use of appropriate equipment, implementation of screening and dampening measures, use of wheel washers etc.), the effect of dust and fine particle material releases will be reduced and the risk of excessive releases minimised wherever possible. Following measures to reduce the effect of dust and fine particle material emissions during both phases there is considered to be a minimal effect. The effect of construction traffic generated during these two phases of the Proposed Development was also considered. The main effects will arise in the areas immediately adjacent to the Site access for traffic associated with the works and along the designated haulage routes. However, effects will be temporary and providing appropriate measures are implemented, the additional construction traffic associated with the works is considered to be minimal.

An assessment of air quality effects arising during the operational phase of the Proposed Development was undertaken through modelling. The model was used to predict the changes in pollutant concentrations that would occur at a number of residential properties and Bullock Wood SSSI as a result of traffic from the Proposed

Development. The results show that the Proposed Development would cause minimal increases in pollutant concentrations at the residential properties and Bullock Wood SSSI, and indicate no exceedances of statutory objectives for pollutants are anticipated for these areas. The effect of the Proposed Development on pollutant concentrations is therefore considered to be minimal. Pollutant concentrations predicted within the Site itself were also below the relevant Air Quality Strategy objective levels.

In addition, an assessment of the potential effect of the Proposed Development on pollutant concentrations and the level of nitrogen deposition within the adjacent Bullock Wood SSSI was undertaken using the Highways Agency. The assessment showed that traffic from the Proposed Development would have a minimal effect on the SSSI.'

- 13.2 Members should note that the above statement forms part of the Environmental Statement that accompanied the initial planning submission. Following removal of the commercial element of the scheme the applicant has revisited the Statement to consider any likely changes that may have occurred as a result of this revision. The following extract is included in the letter of conformity that supports the Statement:

'...the proposed change as outlined above [i.e. the proposed additional residential use in lieu of the commercial use] has no material effect on the ES, other than assessments relating to the proposed commercial use no longer being of relevance. The conclusions, recommendations and significance of effects previously presented within the ES remain valid and robust and there is no need for the provision of additional material...'

14.0 Development Team and Planning Obligations

- 14.1 This proposal has been considered on a number of occasions by the Council's Development Team. When the proposal was originally submitted it was accompanied by an Affordable Housing Viability assessment – based on the originally proposed mixed use scheme that included an element of commercial use as well as residential development. The findings of the assessment were that the scheme could support the provision of 10% affordable housing (by unit number). Members will be aware that the Council's policy requirement for affordable housing seeks to secure 35% of new dwellings within a scheme of 10 or more dwellings (Core Strategy policy H4 – Affordable Housing refers). Clearly the offer was below the amount sought under the policy and on this basis the Viability Assessment submitted by the applicant was independently scrutinised, as well as being considered by members of the Development Team. The Council's consultant commented as follows:

'We have reviewed the various documents provided by the applicant's advisers, and have requested further information where required to support the cost and value assumptions applied in the appraisal. Further information has duly been provided, and as a result of our assessment, we are satisfied that, overall, the assumptions made in relation to value and cost inputs are reasonable...We have concluded that, based on the appraisal results, the level of contributions being offered in respect of planning contributions, including affordable housing, is the maximum that can be reasonably be provided on viability grounds.'

14.2 The opinion of the Council's consultant was that the offer was a reasonable one bearing the circumstances that were relevant in this case. It is pertinent to bear in mind that the redevelopment of this particular site is subject to significant costs relating to land preparation and remediation – given the extent of development that has taken place on the site and also the nature of the industrial use which involved chemical storage etc.

14.3 Members are also advised that during the consideration of the application the efficacy of providing a commercial element on the site was also revisited. This was due to the fact that the likelihood of achieving occupancy of the commercial floor space, particularly in the current economic climate, had to be balanced against the need to provide as many affordable housing units on the site in accordance with the Council's current aspirations and also with advice in the NPPF.

14.4 Following removal of the commercial development from the site and its replacement with additional residential development, the applicant considered the issue of viability of the scheme again and through negotiation the affordable housing provision on the site has increased from 10% to 20%. This is clearly nearer the 35% figure that the Council seeks on new volume development schemes. As well as the 20% affordable housing provision the following contributions would also be secured as a result of the proposed development taking place:

- Open space contribution of £368 045 towards strategic leisure facilities within the Borough that residents of the entire development are likely to use. Members should note that as the main open space areas in the proposed development fall within Tendring district (and would therefore be maintained by Tendring District Council), an on-site CBC maintenance sum for Colchester Borough is not applicable in this case
- Education contribution of £363 979 to meet demand for primary school places generated by the development, there being a shortfall of provision in North Colchester
- Street Services contribution of £1650 for installation and maintenance of one litter bin
- Business and Enterprise contribution of £37 700 to reflect the loss of employment on the site
- Community contribution of £27 000 – the intended use of this money to create a disabled accessible pathway which will enable better access to the activities and services held at the Baptist Church Hall.

15.0 Report

15.1 As mentioned previously in this report, this site is specifically identified within the Council's Local Development Framework as being suitable for redevelopment for mixed use (policy SA CE1 refers). The established commercial use of the site has now completely ceased – not least because the layout of the site and the standard of the buildings themselves did not meet the requirements of the business. However, the business itself is not lost to the Borough as it has relocated to alternative premises within the Severalls Business Park.

15.2 In anticipation of the possible redevelopment of the site a Design and Development Brief for the site has previously been undertaken on behalf of the Council. The following statement is taken from the Brief:

‘The site provides a good opportunity to provide a well designed, sustainable mixed use development. With no real development comparable in the locality, the site allows for a level of built form that sympathetically translates between the urban nature of the front (Ipswich Road end) of the site and the more open/ rural areas of the site to the north and west towards Bullock Wood and the orchard land.

Any proposals must be based upon a scheme that sympathetically integrates a well designed architectural built form into a natural woodland environment to the rear of the site. The key vision for the site is a high quality residential scheme that positively impacts on the surrounding environment. It should have a distinct character, a high standard of architecture and public realm.’

15.3 In combination, it is considered that the relevant site specific policy and the SPD provide important guidance on the way in which the application site should be developed - and are important material considerations with regard to the consideration of the scheme, notwithstanding general policy and other material considerations.

15.4 Bearing the above in mind, the Council has been asked to consider a proposal that in effect is in two parts. Firstly there are the works to prepare the site for redevelopment in the future – consisting of the demolition of the buildings and hardstandings on the site, remediation of land contamination, and construction of a new access on to Ipswich Road and the associated spine road through the site. Full planning permission is being sought for this work at this stage.

15.5 Examination of the site as it stands reveals that it is covered by a significant amount of built form and associated hardstanding. The removal of these elements and the subsequent remediation of the site to make it fit for residential use (given that it has been used previously for industrial purposes) will clearly impact on the surroundings and these impacts are an important consideration at this stage. As advised earlier in this report, the demolition, remediation, preparation and initial construction stages (for the spine road) have been addressed in depth through the Environmental Impact Assessment process. Additionally, the submission is supported by an Outline Demolition Method Statement, Site Preparation document and Site Construction Waste Management Plans. These reports have described and evaluated the impacts of the various site clearance and remediation processes. Additionally, they have been considered by relevant consultees and it is noted that there is no objection to this element of the proposals, subject to the imposition of conditions.

15.6 With regard to the construction of the spine road, it is considered that the arrangement of this feature as shown would provide a key framework element within the overall development. It is considered particularly important that hierarchy of space within the site is established through appropriate treatment of the road network. The spine road entrance, leading as it would off a main distributor route serving the town, needs to have sufficient scale and presence and in this regard the creation of what would appear as a tree-lined avenue (addressed by larger scale buildings) would achieve this aim. In terms of legibility, the hierarchy of smaller scale routes off this main spine could, it is felt, be quickly established.

- 15.7 As an adjunct to this, the design of the spine route incorporates the space for a bus to turn and, indeed, could be utilised as a route termination point (space being available for a bus to park clear of the highway). In the interests of sustainability and choice of transport mode it is considered that the accessibility of the site by bus is a key aim. Indeed the provision of this element within the overall proposals is considered to accord with the aims of Core Strategy policy TA3 – Public Transport as well as Development Policy DP17: Accessibility and Access both of which require enhancement of accessibility to public transport in order to reduce dependency on private vehicles.
- 15.8 Secondly, outline planning permission is being sought for a residential redevelopment of the site. The fact that the application site is covered by an SPD document and is specifically mentioned in the Council's Adopted Site Allocations document means that a submitted scheme may be judged against their terms.
- 15.9 It is also important to note that prior to the formal submission of the application the applicant did agree to enter into a Planning Performance Agreement with the Council, and therefore the submitted scheme follows on from a significant amount of liaison between the applicant and your Officers.

Design and Layout

- 15.10 Members are advised that although the residential redevelopment scheme is submitted in outline it is accompanied by a comprehensive amount of material that illustrates the evolution and development of the scheme that is submitted for formal determination. Members are reminded that the Council's SPD for this site requires the creation of areas of different character across the site – contributing a variety of spaces in order to create a cohesive whole. In acknowledgement of this aim a key concept in the submitted scheme is the creation of 5 character areas across the site identified as follows:
- Area 1 – Primary Road / Boulevard and bus turning area
This area is defined by the proposed access into the site, the associated bus turning area and the main avenue access into the site. The Design and Access statement advises that building in this location would be up to three storeys in height and would contain a variety of building types and roof forms. Another key feature is the provision of avenue planting to augment the avenue/boulevard arrangement.
 - Area 2 – Secondary access road with central open space
This space would contain the green link that runs north/south as well as tree planting and a possible swale at the northern end. Three storey development would be used to define street entrances here – otherwise the scale of development would be at a maximum of 2.5 storeys.
 - Area 3 – Development fronting onto Ipswich Road
Accessed via the central avenue the development here would front on to Ipswich Road and distinct buildings would define the entrance point. If the care home option were to be exercised in the future, the DAS advises that this would follow the design principles adopted for this area of the overall development. This area also identifies the site constraint presented by wayleaves to the retained electricity sub station at the southern end of the frontage. The

submitted parameter plans allows for three storey development here but where it abuts existing two storey development within the Ipswich Road frontage, it would be set at two storeys.

- Area 4 – Residential development fronting on to the major amenity area
The DAS recognises that this space differs from others in that it contains the principle open space serving the site. Members are reminded that the open space area itself (currently orchard) is within Tendring District. The housing at the western end of this space would be set at two storeys and would back on to dwellings fronting Ipswich Road. The remainder would face across the open space, and would be set at between 2.5 and three storeys.
- Area 5 – Development fronting on Bullock Wood
This area falls entirely within Tendring District and is distinguished by the spatial relationship it would have with Bullock Wood. The arrangement of development would create frontages of development that face towards the woodland – the space between containing access roads and soft margins/swales. The character of development here would be predominantly 2 – 2.5 storeys although some focal points could be three storeys. Generally, the density of the development within this part of the site would be less than would be found elsewhere on the overall site.

15.11 In terms of the design and layout of the proposed development, the submitted scheme reflects a traditional townscape approach advocated within the Essex Design Guide, whereby dwellings are arranged in a series of mainly perimeter blocks that are accessed by a permeable highway and footpath network. A notable feature of the development would be the provision of the revised access on to Ipswich Road, and the associated avenue leading off the access point. It is considered that such an arrangement establishes a clear hierarchy of space i.e. a main access and spine route that leads to smaller enclaves of dwellings and associated open space, which in itself creates a legible arrangement for pedestrians and motorists alike.

15.12 Another notable feature of the development is the relationship between the proposed dwellings and the neighbouring land uses. The arrangement of development is such that the frontage of the site would consist of buildings that related visually to Ipswich Road, in the same way as the established development along this route. Additionally, the arrangement of development within the site would mean that important spaces such as the proposed open space (currently orchard) and Bullock Wood to the rear would be fronted by development as opposed to dwellings' rear amenity areas facing these areas. Such an arrangement reinforces the hierarchy of space and, particularly in the case of the open space, allows for informal surveillance to take place. This would assist in making the open space safe and useable.

Scale, Height and Massing

15.13 The Council's own adopted SPD document in relation to this site considered the issue of building scale as part of the development proposal. Importantly, the SPD advises as follows:

'...In accordance with both the adopted Colchester and Tendring Local Plans the site should have a residential density of between 30 and 50 dwellings per hectare...This will result in a predominantly two storey development with some three storey houses

and flats to differentiate and break up the roof lines and create visual interest in the street scene. The flatted element of the scheme will predominantly be located to the front of the site along Ipswich Road. As development moves east across the site, away from Ipswich Road, it will become less dense than the urban forms expected on the Ipswich Road frontage of the site...' (para 3.4.1)

- 15.14 The provision of three storey development assists in defining a hierarchy of development and spaces across a site and also in reinforcing the legibility. It should be borne in mind, of course, that the residential development element of the proposed scheme is submitted in outline, and detailed design issues would therefore be addressed as part of reserved matters submissions. Nevertheless, the principles should be established at this stage in order that a framework is in place to guide reserved matters submissions that could, potentially, be made over a significant period of time.
- 15.15 To this end, it is noted that the scheme proposes the use of three storey development along the site frontage with Ipswich Road, and also along the main avenue into the site. The submitted scheme also proposes some provision of three storey development that would face across the open space area. Although it is the case that there are no instances of three storey development on the same side of this part of Ipswich Road, it is considered that the delivery of three storey development here would not appear visually harmful and incongruous. This is because the site is of sufficient size to absorb three storey elements without it appearing cramped or out of scale in relation to its surroundings.
- 15.16 Furthermore, the existing buildings on the site are of a similar height to the tallest of those being proposed under this redevelopment proposal albeit of a far greater overall scale individually than the residential development that would replace them. In the case of the three storey development facing across the main area of open space here it would be read within the context of the wider landscape to the north. The remainder of the site would be given over to housing of two and two-and-a-half storeys – a building height that it found within the area and across the borough as a whole. With regard to the issue of scale and massing, the following statement is taken from the applicant's Planning Statement which explains the approach taken:

' As per the Heights Parameter Plan, it is proposed that the development will be largely two and two and a half storeys in height; below the existing building line on site. The three storey buildings, which are concentrated along the frontage, the boulevard and around the two areas of public open space to provide a presence to the development, are 2.5 metres higher than the existing building line. These have however been tested in terms of impact and it has been concluded that the visual impact of these buildings has a negligible effect on the landscape and surrounding views. The proposals therefore conform to CBC's Core Strategy Policy UR2, Development Management Policy DP12, TDC's Local Plan Policy QL9 and the Essex Design Guide (2005)...

Impact on the Surrounding Area and Neighbouring Properties

- 15.17 The nearest residential development in relation to the application site forms the frontage on to Ipswich Road. In this regard the potential impact of development on the amenity of the occupiers of these dwellings is an important consideration. To this end, it is noted that the proposed layout of development along the site frontage generally seeks to repeat this frontage form albeit with some three storey elements. Importantly where the new frontage development would abut existing frontage dwellings (on the northern and southern boundaries) the Design and Access statement parameter plans illustrate that these would be built to a maximum of two storeys. Therefore the overall appearance of the frontage would vary in height from two to three storeys with those elements nearest existing dwellings being set at the same height. The submitted plans indicate that the nearest terrace of new development that would back onto existing development in Ipswich Road (within character area 4), would be located approximately 25 metres distant from the rear of those dwellings. Additionally the rear garden depths at this point scale at approximately 15 metres. In this regard, the submitted layout therefore accords with the principles of the Essex Design Guide. Although the design of new dwellings can be fully considered at the detailed design stage, clearly the parameters described above in relation to impact on immediate neighbours need to be established at the outline stage and the layout submitted for Members' determination is considered to achieve this aim.
- 15.18 As well as the potential impact of the development on immediate neighbours, the impact of the scheme on the wider area is also an important consideration, not least on Bullock Wood which is immediately adjacent to the application site and which has a SSSI status. The woodland falls within Tendring District and as such it is that Authority which would consider detailed proposals of the interface between this and the proposed development. That said, this particular matter was examined in the Council's SPD document. The following statement is included:
- '...It is essential to preserve the natural heritage of the SSSI for future generations. Wildlife and geological features are under pressure from development, pollution, climate change and unsustainable land management. As such, the Councils will expect to see an impenetrable landscaped buffer within any proposed scheme to be completed prior to occupation of the development...'
- 15.19 The illustrative masterplan appended to the SPD document included a design feature whereby no back gardens of residential properties backed on to the SSSI. The scheme submitted to Members reflects this requirement. Furthermore the actual boundary between the two sites would be defined by carriageways and close boarded fencing. As a consequence of the creation of the boundary the proposed works would include the removal of sapling growth on the periphery of the woodland, together with the removal of material that had previously been deposited during the former industrial use of the site. Importantly, the proposals – described in the supporting application documents including the habitats assessment and arboricultural report – have been assessed by Natural England and held to be acceptable, notwithstanding the SSSI status of the woodland in which they would take place.

15.20 As advised earlier in this report the site clearance and remediation works will have an impact on the amenity of the area and the neighbouring properties. However, this impact is deemed to be manageable and the proposed mitigation of the impact is considered acceptable subject to the imposition of conditions on a grant of planning permission.

Highway Issues

15.21 The proposed access into the site, and the spine road leading off this access are elements for which full planning permission is being sought at this stage. Members are advised that the form of junction on to Ipswich Road and the configuration of the spine road were discussed prior to the submission of the application itself. In terms of the junction this would take the form of a remodelling of the existing site access. Other works proposed in the vicinity of the site access are as follows:

- the provision of a footway on the northern side of the site access to link with the existing footpath on the eastern side of Ipswich Road
- a shared footway and cycleway on the southern side of the new access which will link to a new toucan crossing facility on Ipswich Road.

15.22 The western end of the spine road into the site would incorporate a bus turning feature that would enable public transportation penetration into the site in the future. The entrance feature has been designed to accommodate a bus stop and adequate turning space for a 12 metre long double-decker bus. Additionally, sufficient land would be safeguarded in order that a bus shelter could be provided as well. Lastly, Members should note that the scheme has been designed in order that a large refuse vehicle (i.e. 9.9 metres in length) can access all areas of the site.

15.23 The established use of the site for industrial purposes obviously gave rise to a significant amount of traffic generated by the use and also by employees visits etc. Although the volume of traffic generated by the redevelopment proposals is likely to exceed the levels generated by the previous use it is noted that the highway authority does not raise an objection to the submitted development proposals. Additionally it is recognised that elements such as the improvement of cycle access to the site and also the fact that access by public transport is being encouraged would promote modal shift for both occupiers of and visitors to the site.

Drainage Issues

15.24 Given the scale and nature of the proposals the application is supported by a Flood Risk Assessment that also includes details of a sustainable drainage strategy for the site. As a principle it is intended that, wherever possible, the existing drainage infrastructure will be utilised and where necessary improved.

15.25 The general drainage strategy of the site is described as follows within the submitted Design and Access statement:

- diverting existing surface water flows entering foul sewers to new surface water systems
- the implementation of swales to treat the runoff and attenuate flows to rates below the existing rates to reduce the risk of off-site flooding
- designing infrastructure to accommodate forecast increased rainfall rates predicted as a consequence of climate change

The DAS advises that the proposed swales would discharge to existing ditches through Bullock Wood. As much of the existing vegetation relies on surface water delivered through the ditch system an attenuated flow of surface water drainage from the site (i.e. on-site storage of surface water during high flow periods and discharged over an extended period) is likely to be of some benefit to the woodland in the future.

15.26 Members are advised that the site for the proposal is located within Flood Zone 1 i.e. the least sensitive in terms of flood risk. It is noted that the Environment Agency has confirmed that the proposed re-development is acceptable in terms of the impact it may have, subject to the development being carried out in accordance with the information submitted with the application.

16.0 Conclusion

16.1 In summary, it is considered that the proposed redevelopment of the identified site for residential purposes is an appropriate proposal in planning terms. Importantly, the development principles adopted by the Council in its SPD for this site are, in your officer's view, successfully reflected in the submitted scheme.

16.2 The fact that the proposal put forward for determination does not include a commercial element reflects the likelihood that occupiers for the floor space would prove difficult to find, and the longevity of occupation could not be guaranteed. This is acknowledged by the Spatial Policy Team and follows on from market investigation by the applicant. As regards the mitigation that would be secured, including the level of affordable housing provision – this has been analysed for a substantial period and determined to be a wholly reasonable response when the site specific circumstances of bringing this redundant site into re-use in accordance with the Council's Site Allocations.

17.0 Recommendation

17.1 APPROVE subject to the prior completion of a legal agreement under Section 106 of the Town and Country Planning Act 1990. The Head of Environmental and Protective Services to be authorised to complete the agreement to provide the following:

- 20% affordable housing provision
- Open space contribution of £368 045
- Education contribution of £363 979
- Street Services contribution of £1650 for installation and maintenance of one litter bin

- Business and Enterprise contribution of £37 700 to reflect the loss of employment on the site
- Community contribution of £27 000

17.2 That following the successful completion of the s106 agreement the Head of Environmental and Protective Services be authorised under delegated powers to grant **FULL** planning permission for the following works:

- Demolition of all buildings and structures
- Breaking out of hardstanding
- Implementation of appropriate remediation
- Bulk earthworks to ground formation levels
- Tree removal and tree protection works
- Provision of site access, bus turning area and the central spine road including T-junction

Subject to the following conditions:

1 - Time Limit for Full Permissions

The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.

2 - Non Standard Condition

The development hereby permitted shall be carried out in accordance with the details shown in the Outline Demolition Method Statement (document ref COLC-DOC-GLB-ACC-OUTDS-001) and the Site Waste Management Plan (Preparation) and the submitted plans refs COLC-DWG-GLB-APP-RED-001, COLC-DWG-GLB-APP-DEM-001, COLC-DWG-GLB-APP-CAFFL-001, COLC-DWG-GLB-APP-TPARP-001 unless otherwise subsequently agreed, in writing, by the Local Planning Authority.

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

3 – Tree and Natural Feature Protection: Protected Areas

Prior to the commencement of development, all trees, shrubs and other natural features not scheduled for removal on the approved plans shall have been safeguarded behind protective fencing to a standard that will have previously been submitted to and agreed, in writing, by the Local Planning Authority (see BS 5837). All agreed protective fencing shall thereafter be maintained during the course of all works on site and no access, works or placement of materials or soil shall take place within the protected area(s) without prior written consent from the Local Planning Authority.

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

4 – Tree and Natural Feature Protection: Entire Site

No burning or storage of materials shall take place where damage could be caused to any tree, shrub or other natural feature to be retained on the site or on adjoining land (see BS 5837).

Reason: To protect the health of trees, shrubs and other natural features to be retained in the interest of amenity.

5 - Tree and Hedgerow Protection: General

All existing trees and hedgerows shall be retained, unless shown to be removed on the approved drawing. All trees and hedgerows on and immediately adjoining the site shall be protected from damage as a result of works on site, to the satisfaction of the Local Planning Authority in accordance with its guidance notes and the relevant British Standard. All existing trees shall be monitored and recorded for at least five years following contractual practical completion of the approved development. In the event that any trees and/or hedgerows (or their replacements) die, are removed, destroyed, fail to thrive or are otherwise defective during such a period, they shall be replaced during the first planting season thereafter to specifications agreed, in writing, by the Local Planning Authority. Any tree works agreed to shall be carried out in accordance with BS 3998.

Reason: To safeguard the continuity of amenity afforded by existing trees and hedgerows.

6 – Non Standard Condition

No works or development shall take place until a scheme of supervision for the arboricultural protection measures required by conditions 3 and 5 has been approved in writing by the Local Planning Authority. This scheme will be appropriate to the scale and duration of the works and will include details of:

- a. Induction and personnel awareness of arboricultural matters
- b. Identification of individual responsibilities and key personnel
- c. Statement of delegated powers
- d. Timing and methods of site visiting and record keeping, including updates
- e. Procedures for dealing with variations and incidents.
- f. The scheme of supervision shall be carried out as agreed.
- g. The scheme of supervision will be administered by a qualified arboriculturist instructed by the applicant and approved by the local planning authority.

Reason: To safeguard the continuity of amenity afforded by existing trees and hedgerows.

7 - Wheel Washing Facilities During Construction

Prior to the commencement of development, details of a wheel washing facility within the site and adjacent to the egress onto the highway shall be submitted to and approved, in writing, by the Local Planning Authority. The wheel washing facility shall be provided at the commencement of the development and maintained during the entire period of construction unless otherwise agreed, in writing, by the Local Planning Authority.

Reason: To ensure that loose materials and spoil are not brought out onto the highway, in the interests of highway safety.

8 – Non Standard Condition

Prior to the commencement of demolition or construction a Construction/Works Method Statement shall have been submitted to and approved, in writing, by the Local Planning Authority. The approved Statement shall be adhered to throughout the construction/works period and shall provide details for:

- the parking of vehicles of site operatives and visitors;
- hours of deliveries and hours of work; loading and unloading of plant and materials; storage of plant and materials used in constructing the development;
- the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate; wheel washing facilities; measures to control the emission of dust and dirt during construction; and 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 and to ensure that amenities of existing residents are protected as far as reasonable.

9 – Non Standard condition

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

- Weekdays: 08.00- 18.00 hours
- Saturdays: 08.00-13.00
- Sundays and Bank Holidays: No work

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 – Non Standard Condition

No construction deliveries to or from the site or worker vehicle movements shall take place outside of the following times;

- Weekdays: 07.30 -18.00 hours
- Saturdays: 07.30 -13.00 hours
- Sundays and Bank Holidays: None

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.

11 – Non Standard Condition

No demolition or remediation works shall commence until the frontage of the site has been fully secured. The existing hedge frontage of the site shall be retained until such time that a continuous solid fence shall be installed in accordance with details to be agreed with the Local Planning Authority. Such fencing shall remain in place until the development works have been completed unless otherwise subsequently agreed, in writing, by the Local Planning Authority.

Reason: To ensure that there is adequate screening around the site in order to protect the amenities of the locality.

12 – Non Standard Condition

An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

- (i) a survey of the extent, scale and nature of contamination, including contamination by soil gas and asbestos;
- (ii) an assessment of the potential risks to:
 - human health,
 - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
 - adjoining land,
 - groundwaters and surface waters,
 - ecological systems,
 - archeological sites and ancient monuments;
- (iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's *'Model Procedures for the Management of Land Contamination, CLR 11'* and the Essex Contaminated Land Consortium's *'Land Affected by Contamination: Technical Guidance for Applicants and Developers'*.

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

13 – Non Standard Condition

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 must be prepared, and is subject to the approval in writing of 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.

14 – Non Standard Condition

The approved remediation scheme to include any supplementary validation investigations must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. 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 report (referred to in PPS23 as a 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.

15 – Non Standard condition

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition 11 and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 12, which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition 13.

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

16 – Non Standard Condition

Prior to occupation of any property hereby permitted the developer shall submit to the Local Planning Authority a validation report to confirm that the remediation works have been completed in accordance with the documents and plans detailed in Condition 12.

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.

17– Non Standard Condition

A monitoring and maintenance plan in respect of contamination including a timetable of monitoring and submission of reports to the Local Planning Authority, shall be submitted to and approved in writing by the Local Planning Authority. Reports as specified in the approved plan, including details of any necessary contingency action arising from the monitoring, shall be submitted to and approved in writing by 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.

17.3 That following the successful completion of the s106 agreement the Head of Environmental and Protective Services be authorised under delegated powers to grant **OUTLINE** planning permission for the following works:

- Up to 128 residential units of up to three storeys
- A flexible use for a 65 bedroom residential care home
- Car parking
- Soft and Hard Landscaping scheme, including boundary buffer treatment
- Sustainable Urban Drainage Systems
- Lighting
- Surface water pumping station
- Service diversions, connections and ancillary structures
- Means of perimeter enclosure and associated structures
- The laying out of footpaths and associated access points off site.

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 ACCESS, 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 2 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 - Development to Accord With Approved Plans

The development hereby permitted shall be carried out in accordance with the details shown on the submitted Drawing Numbers as follows:

- Planning Application Red Line Boundary Plans (COLC-DWG-GLB-APP-RED-001)
- Location Plan (COLC-DWG-GLB-CON-LOC-001)
- Demolition Plan (COLC-DWG-GLB-APP-DEM-001)
- Cut and Fill Plan and Formation Levels Plan (Ref: COLC-DWG-GLB-APPCAFFL-001)
- Tree Removal and Protection Plans (COLC-DWG-GLB-APP-TPARP-001)
- Central Spine Road Geometry Plan (COLC-DWG-GLB-APP-RP-001-001)
- Central Spine Road General Arrangement (COLC-DWG-GLB-APP-GA-004-004)
- Central Spine Road Drainage Plan (COLC-DWG-GLB-APP-D-003-004) Access and Circulation Parameter Plan (COLC-DWG-MS-APP-ACS-001)
- Green Infrastructure Parameter Plan (COLC-DWG-MS-APP-GIP-001)
- Maximum Storey Heights Parameter Plan (COLC-DWG-MS-APP-MHT-001)

- Land Use Parameter Plan (COLC-DWG-MS-APP-ZON-002)
- Combined Parameter Plan (COLC-DWG-MS-APP-CPP-002)

unless otherwise subsequently agreed, in writing, by the Local Planning Authority. Furthermore the submission of reserved matters shall be substantially in accordance with the details shown on the illustrative masterplan drawing ref. COLC-DWG-MS-ILL-MAS-002

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

5 - Heights of Buildings

No building on any part of the development hereby permitted shall exceed 3 storeys in height.

Reason: In order to ensure that a suitable scale of density is provided with consideration to a contextual analysis of the surrounding area.

6 - Removal of PD Retaining Garage for Parking

Notwithstanding the provisions of Class A of Part 1 Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 (or the equivalent provisions of any order revoking and re-enacting that Order), the garage accommodation forming part of the development shall be retained for parking motor vehicles at all times and shall not be adapted to be used for any other purpose unless otherwise subsequently approved, in writing, by the Local Planning Authority.

Reason: To retain adequate on-site parking provision in the interest of highway safety

7 - Residential Code for Sustainable Homes (Part 1 of 2)

Prior to the commencement of development, evidence that the development is registered with an accreditation body under the Code for Sustainable Homes and a Design Stage or Interim Code Certificate demonstrating that the development will achieve Code Level 3 or higher for all dwellings shall have been submitted to and agreed, in writing, by the Local Planning Authority.

Reason: To ensure that the development is designed to be sustainable and will make efficient use of energy, water and materials.

8 – Residential Code for Sustainable Homes (Part 2 of 2)

Within 3 months of the first occupation of any dwelling hereby approved, a post-construction Final Code Certificate issued by an accreditation body confirming that the dwelling has achieved a Code for Sustainable Homes rating of Code Level 3 or higher shall have been submitted to and agreed, in writing, by the Local Planning Authority.

Reason: To ensure that the completed development is sustainable and makes efficient use of energy, water and materials.

9 - Full Landscape Proposals TBA

Prior to the commencement of development, full details of all landscape works shall have been submitted to and agreed, in writing, by the Local Planning Authority and the works shall be carried out prior to the occupation of any part of the development unless an alternative implementation programme is subsequently agreed, in writing, by the Local Planning Authority. The submitted landscape details shall include:

- PROPOSED FINISHED LEVELS OR CONTOURS;
- MEANS OF ENCLOSURE;
- CAR PARKING LAYOUTS;
- OTHER VEHICLE AND PEDESTRIAN ACCESS AND CIRCULATION AREAS;
- HARD SURFACING MATERIALS;
- MINOR ARTEFACTS AND STRUCTURES (E.G. FURNITURE,

REFUSE OR OTHER STORAGE UNITS, SIGNS, LIGHTING ETC.);

- PROPOSED AND EXISTING FUNCTIONAL SERVICES ABOVE AND BELOW GROUND (E.G. DRAINAGE POWER, COMMUNICATIONS CABLES, PIPELINES ETC. INDICATING LINES, MANHOLES, SUPPORTS ETC.);
- RETAINED HISTORIC LANDSCAPE FEATURES;
- PROPOSALS FOR RESTORATION;
- PLANTING PLANS;
- WRITTEN SPECIFICATIONS (INCLUDING CULTIVATION AND OTHER OPERATIONS ASSOCIATED WITH PLANT AND GRASS ESTABLISHMENT);
- SCHEDULES OF PLANTS, NOTING SPECIES, PLANT SIZES AND PROPOSED NUMBERS/DENSITIES WHERE APPROPRIATE; AND
- IMPLEMENTATION TIMETABLES AND MONITORING PROGRAMS.

Reason: To ensure that there is a suitable landscape proposal to be implemented at the site for the enjoyment of future users and also to satisfactorily integrate the development within its surrounding context in the interest of visual amenity.

10 - Landscape Management Plan

Prior to the first occupation of the development, a landscape management plan including long term design objectives, management responsibilities and maintenance schedules for all landscape areas other than small, privately owned, domestic gardens shall be submitted to and agreed, in writing, by the Local Planning Authority. The landscape management plan shall thereafter be carried out as approved at all times.

Reason: To ensure the proper management and maintenance of the approved landscaping in the interests of amenity and the character and appearance of the area.

11 – Earthworks

Prior to the Commencement of development, details of all earthworks shall have been submitted to and agreed, in writing, by the Local Planning Authority. These details shall include the proposed grading and mounding of land areas including the levels and contours to be formed, showing the relationship of proposed mounding to existing vegetation and surrounding landform. The development shall thereafter be carried out in accordance with the approved details.

Reason: To ensure that any earthworks are acceptable in relation to their surroundings.

12 - Tree and Natural Feature Protection: Protected Areas

Prior to the commencement of development, all trees, shrubs and other natural features not scheduled for removal on the approved plans shall have been safeguarded behind protective fencing to a standard that will have previously been submitted to and agreed, in writing, by the Local Planning Authority (see BS 5837). All agreed protective fencing shall thereafter be maintained during the course of all works on site and no access, works or placement of materials or soil shall take place within the protected area(s) without prior written consent from the Local Planning Authority.

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

13 - Tree and Natural Feature Protection: Entire Site

No burning or storage of materials shall take place where damage could be caused to any tree, shrub or other natural feature to be retained on the site or on adjoining land (see BS 5837).

Reason: To protect the health of trees, shrubs and other natural features to be retained in the interest of amenity.

14 - Tree and Hedgerow Protection: General

All existing trees and hedgerows shall be retained, unless shown to be removed on the approved drawing. All trees and hedgerows on and immediately adjoining the site shall be protected from damage as a result of works on site, to the satisfaction of the Local Planning Authority in accordance with its guidance notes and the relevant British Standard. All existing trees shall be monitored and recorded for at least five years following contractual practical completion of the approved development. In the event that any trees and/or hedgerows (or their replacements) die, are removed, destroyed, fail to thrive or are otherwise defective during such a period, they shall be replaced during the first planting season thereafter to specifications agreed, in writing, by the Local Planning Authority. Any tree works agreed to shall be carried out in accordance with BS 3998.

Reason: To safeguard the continuity of amenity afforded by existing trees and hedgerows.

15 - Tree and Hedgerow Protection: General

No works or development shall be carried out until an Arboricultural Implications Assessment, Arboricultural Method Statement and Tree Protection Plan in accordance with BS 5837, have been submitted to and approved, in writing, by the Local Planning Authority (LPA). Unless otherwise agreed, the details shall include the retention of an Arboricultural Consultant to monitor and periodically report to the LPA, the status of all tree works, tree protection measures, and any other arboricultural issues arising during the course of development. The development shall then be carried out strictly in accordance with the approved method statement.

Reason: To adequately safeguard the continuity of amenity afforded by existing trees.

16 – Non Standard Condition

No works or development shall take place until a scheme of supervision for the arboricultural protection measures required by condition 15 has been approved in writing by the Local Planning Authority. This scheme will be appropriate to the scale and duration of the works and will include details of:

- a. Induction and personnel awareness of arboricultural matters
- b. Identification of individual responsibilities and key personnel
- c. Statement of delegated powers
- d. Timing and methods of site visiting and record keeping, including updates
- e. Procedures for dealing with variations and incidents.
- f. The scheme of supervision shall be carried out as agreed.
- g. The scheme of supervision will be administered by a qualified arboriculturist instructed by the applicant and approved by the Local Planning Authority.

Reason: To safeguard the continuity of amenity afforded by existing trees and hedgerows.

17 – Non Standard Condition

All residential units shall be designed so as not to exceed the noise criteria based on current figures by the World Health Authority Community Noise Guideline Values/BS8233 “good” conditions given below:

- Dwellings indoors in daytime: 35 dB LAeq,16 hours
- Outdoor living area in day time: 55 dB LAeq,16 hours
- Inside bedrooms at night-time: 30 dB LAeq,8 hours (45 dB LAmax)
- Outside bedrooms at night-time: 45 dB LAeq,8 hours (60 dB LAmax)

Such detail and appropriate consequential noise mitigation measures as shall have been agreed, in writing, by the Local Planning Authority shall be implemented prior to occupation of the residential buildings on the site and shall be maintained as agreed 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.

18 – Non Standard Condition

Prior to the first OCCUPATION of the development hereby permitted, a validation report undertaken by competent persons that demonstrates that all lighting of the development (including resultant sky glow, light trespass, source intensity and building luminance) fully complies with the figures and advice specified in the CBC External Artificial Lighting Planning Guidance Note for zone **EZ2 RURAL, SMALL VILLAGE OR DARK URBAN AREAS** shall be submitted to, and agreed in writing by, the Local Planning Authority. Any installation shall thereafter be retained and maintained as agreed therein.

Reason: In order to allow a more detailed technical consideration of the lighting at the site, as there is insufficient information submitted within the application to ensure adequate safeguarding of the amenity of nearby properties and prevent the undesirable, disruptive and disturbing effects of light pollution.

19 – Non Standard Condition

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.

20 – Non Standard Condition

Prior to the first occupation of the development, the refuse and recycling storage facilities as shown on the approved plans shall have been provided and made available to serve the development. Such facilities shall thereafter be retained to the satisfaction of the Local Planning Authority at all times.

Reason: To ensure that adequate facilities are provided for refuse and recycling storage and collection.

21 – Non Standard Condition

Prior to the first occupation of the development hereby permitted, 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.

22 – Non Standard Condition

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 0dBA above the background levels determined at all 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.

23 – Non Standard Condition

Prior to their first use, any car parking and service areas shall be screened to minimise any noise impact on nearby residential premises and in such a manner so as to prevent nearby residential premises being affected by vehicle exhaust fumes in accordance with a scheme that shall previously have been submitted to, and agreed in writing by, the Local Planning Authority.

Reason: To ensure that there is adequate screening in place to limit any unnecessary fumes, noise and disturbance to the surrounding areas and/or residents from vehicles using these areas.

24 – Non Standard Condition

There shall be no discharge of foul or contaminated drainage from the site into either the groundwater or any surface waters, whether direct or via soakaways.

Reason: To ensure satisfactory arrangements are made for the disposal of foul and surface water drainage in order to prevent pollution of the water environment and to protect the groundwater quality in the area in the interests of Health and Safety.

25 – Non Standard Condition

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 0dBA above the background levels determined at all boundaries which will be 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.

26 – Non Standard Condition

The surface water drainage scheme shall be carried out in complete accordance with the approved Flood Risk Assessment (FRA), Ref COLC-DOC-GLB-ACC-FRA-001, dated 16 July 2012, undertaken by WSP UK, and e-mail of 19 September 2012 from WSP UK, submitted with this application unless otherwise agreed in writing with the Council as Local Planning Authority.

Reason: To ensure that surface water drainage is properly mitigated in order to secure a satisfactory form of development.

27 – Non Standard Condition

Development shall not begin until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

The scheme shall include:

- Infiltration testing across the site in accordance with BRE365, and the infiltration test results.
- The scheme will fully investigate the feasibility of infiltration SuDS. Details of the location and sizing of the proposed infiltration drainage systems to dispose of the surface water
- The discharge rate to AW sewer from catchment 1 will be the rate agreed by Anglian Water of 25l/s.
- The discharge rate to the watercourses/ditches from catchments 2, 3 and 4 will be no greater than the existing pre-development runoff rate for the equivalent storm event.
- Attenuation storage shall be provided to cater for the 1 in 100 year critical storm plus allowance for climate change.
- Details of the proposed pipe network and calculations of its performance in the 1 in 30 year or 1 in 100 year rainfall events, including climate change.
- Details of conveyance routes from any surcharged sewers.
- A drainage plan for the site including the proposed location/size of any infiltration/attenuation device.
- Details of the future adoption and maintenance of the proposed surface water scheme for the lifetime of the proposed development.
- Confirm that the receiving watercourses are in a condition to accept and pass on the flows from the discharge proposed.

The scheme shall be fully implemented and subsequently maintained, in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the Local Planning Authority.

Reason: To prevent the increased risk of flooding by ensuring the satisfactory storage of/disposal of surface water from the site, and ensure future maintenance of the surface water drainage system.

28 - Parking Space/Hardstanding Sizes (Open)

Any vehicular hardstanding shall have minimum dimensions of 2.9 metres x 5.5 metres for each individual parking space, retained in perpetuity.

Reason: To ensure adequate space for parking off the highway is provided in the interest of highway safety.

29 - Parking Space/Hardstanding Sizes (Contained)

Any vehicular hardstanding which is bounded by walls or other construction shall have minimum dimensions of 3.9 metres x 5.5 metres for each individual parking space, retained in perpetuity.

Reason: To encourage the use of off-street parking and to ensure adequate space for parking off the highway is provided in the interest of highway safety.

30 – Non Standard Condition

Prior to commencement of the development details of a wheel cleaning facility within the site and adjacent to the egress onto the highway shall be submitted to and approved in writing by the Local Planning Authority. The wheel cleaning facility shall be provided prior to commencement and during construction of the development

Reason: 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 Highway conditions.

31 – Non Standard Condition

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

- Improvements to the existing site access as shown in principle on the planning application drawings. Improvements to include but shall not be limited to a 90 x 4.5 x 90 metre visibility splay maintained clear to ground at all times
- A minimum 3 metre wide footway/cycleway along the east side of Ipswich Road between the proposed site access and the toucan crossing mentioned below.
- A minimum 2 metre wide footway (with additional minimum 1 metre wide strip retained immediately behind footway for future possible widening) along the east side of Ipswich Road between the proposal site northern boundary and the proposal site access
- A toucan crossing in Ipswich Road south of the proposal site
- Upgrading of the existing footway to a footway/cycleway along the west side of Ipswich Road and north side of Severalls Lane between the toucan crossing mentioned above and the Princess Drive footpath/cyclepath south of Severalls Lane
- Dropped kerbs/tactile paving in Autoway at its junction with Severalls Lane
- The central refuge in Severalls Lane between Autoway and Wyncolls Road widened to a minimum 2 metres
- Two new bus stops to current ECC specification in Ipswich Road (subject to agreement with the local bus service providers) OR upgrade to current ECC specification the two nearest existing bus stops
- For the residential element of the proposal, Residential Travel Information Packs.
- For the non-residential element of the proposal, membership of Colchester Travel Plan Club.

Reason: To protect highway efficiency of movement and safety and to ensure the proposal site is accessible by more sustainable modes of transport such as public transport, cycling and walking, in accordance with policy DM1, DM9 and DM10 of the Highway Authority's Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

Informatives

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

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

(3) Building control notification

PLEASE NOTE that it is a requirement of the Building Act 1984 that ****you must serve a demolition notice upon the Council prior to carrying out any demolition of buildings****. Further advice may be obtained from the Building Control Team on 01206 282436.

(4) Section 10 Agreements

PLEASE NOTE: This application is the subject of a Section 106 legal agreement and this decision should only be read in conjunction with this agreement.

(5) Construction Traffic Routes

PLEASE NOTE that prior to the commencement of any work on the site, a joint inspection of the route to be used by construction vehicles should be carried out by the Applicant and the Highway Authority, including photographic evidence. The route should then be inspected again, after completion of the development and any damage to the highway resulting from traffic movements generated by the application site should be repaired to an acceptable standard and at no cost to the Highway Authority. The Area Highway Manager may also wish to secure a commuted sum for special maintenance to cover the damage caused to the existing roads used as access for vehicles accessing the application site.

The construction vehicle route to the site should be clearly signed and a strict regime of wheel washing and street cleaning should be in place.

Given the location of the site, a haul route for the delivery of large-scale plant and materials may also be required. Should this prove to be necessary, any route or routes should be agreed in advance with the LPA in consultation with the Highway Authority.

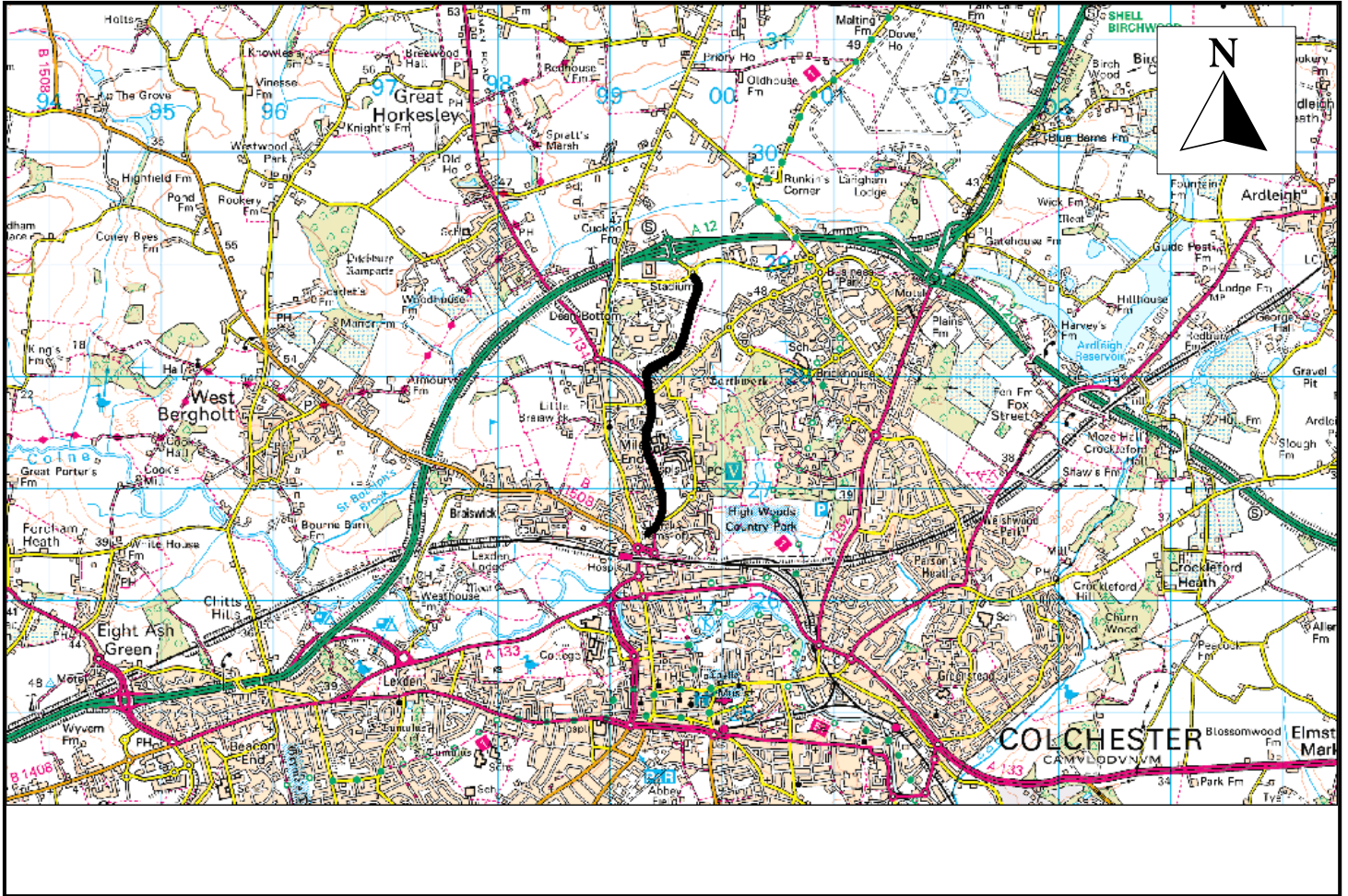
(6) The highway conditions above are required to ensure the proposal complies with the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011

- All residential developments in Essex which would result in the creation of a new street (more than five dwelling units communally served by a single all purpose access) will be subject to the Advance Payments Code, Highways Act 1980. The developer will be served with an appropriate notice within 6 weeks of building regulations approval being granted and prior to commencement of development must provide guaranteed deposits, which will ensure the new street is constructed in accordance with a specification sufficient to ensure future maintenance as highway by the Highway Authority.
- The above requirements should be imposed by way of negative planning conditions or planning obligation agreements as appropriate.
- Prior to any works taking place in the highway the developer should enter into an agreement with the Highway Authority under the Highways Act 1980 to regulate the construction of the highway works.
- All highway related details should be agreed with the Highway Authority.

- The proposal should accord with the Parking Standards Design and Good Practice Supplementary Planning Document dated September 2009
- Under Section 23 of the Land Drainage Act 1991, prior written consent from the Lead Local Flood Authority (Essex County Council) is required to construct any culvert (pipe) or structure (such as a dam or weir) to control or alter the flow of water within an ordinary watercourse. Ordinary watercourses include ditches, drains and any other networks of water which are not classed as Main River
If the applicant believes they need to apply for consent, further information and the required application forms can be found at www.essex.gov.uk/flooding. Alternatively they can email any queries to Essex County Council via watercourse.regulation@essex.gov.uk.
Planning permission does not negate the requirement for consent and full details of the proposed works will be required at least two months before the intended start date.
- The spine road would require additional calming features to meet the requirements of a 20 mph zone.
- Any proposed trees should not obstruct visibility for drivers of vehicles emerging from any secondary access road, private driveway and parking space.
- 1.5 x 1.5 metre pedestrian visibility splays should be provided where any private driveway meets the back of a footway.

18.0 Positivity Statement

- 18.1 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.



Application No: F/COL/01/1626

Location: A12/Northern Approaches Road, Mile End, Colchester, Colchester

Scale (approx): NOT TO SCALE

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7.2 Case Officer: Lucy Mondon

OTHER

Site: A12t/Northern Approaches Road, Mile End, Colchester, Colchester

Application No: F/COL/01/1626

Date Received: 25 September 2012

Agent: Jacobs

Applicant: Essex County Council Highway Authority

Development: Submission of details of proposed bus-way and associated works pursuant to condition 6 of planning permission F/COL/01/1626.

Ward: Mile End

Summary of Recommendation: Approve details for conditions 4, 6, 7, 14, 17 & 18

1.0 Reason for Referral to the Planning Committee

- 1.1 The determination of details required by a condition of planning permission is normally the subject of a delegated decision by virtue of The Colchester Borough Council Constitution (Scheme of Delegation of Officers December 2012). However, due to the scale of what is being proposed under condition, it has been determined prudent, in this case, for the application to be determined at Planning Committee.
- 1.2 The application is also referred to the Planning Committee at the request of Councillor Goss on the grounds of: impact on residential amenity; highway safety; environmental impact and air quality; and impact on veteran oak tree.

2.0 Synopsis

- 2.1 The bus-way already benefits from planning permission. Planning permission was granted in 2006 for the Northern Approach Road 3 (NAR3) and segregated bus-way (ref: F/COL/01/1626). The permission is extant as development has commenced. Condition 6 of this permission requires details of the bus lane to be submitted and agreed by the Local Planning Authority. Details have also been submitted with regards to drainage, lighting, landscaping, trees, protected species, and noise. These details relate to conditions 4, 7, 9, 14, 17, 18, and 20 of the same planning permission. The Decision Notice is included as an appendix to this report for reference.
- 2.2 Details were submitted on 25th September 2012. Following extensive consultation with local residents, internal consultees and external professional bodies, revised details were submitted on 20th December 2012 in order to address issues relating to residential amenity, highway safety, environmental implications, landscaping, and the impact upon a veteran oak tree.

- 2.3 Further details were submitted on 20th February 2013 that sought to address concerns regarding noise levels for local residents.
- 2.4 The key issues explored below are: residential amenity; air quality; highway safety; trees and landscaping; biodiversity; and flood risk and drainage.

3.0 Site Description and Context

- 3.1 The site lies to the west of the Northern Approach Road (NAR2), running from Bruff Close to Mill Road, between the NAR2 and a modern residential development. There is currently a landscaped bund along the edge of the NAR2 that obscures views of the site from the NAR2. This screen will remain.
- 3.2 There is a modern residential development adjacent to the bus-way site, with some of the properties fronting onto the bus-way: No's 7-17 (odds) and 8-12 (evens) Hakewill Way; No. 151 Hakewill Way; and No's 14-24 Bardsley Close.
- 3.3 There is an area of TPO trees to the south of the site, adjacent to Bruff Close. The bus-way site crosses two footpaths: footpath 54 at the south of the site, and footpath 61 located between Wallace Road and Dickenson Road.

4.0 Description of the Proposal

- 4.1 The details of the bus-way have been submitted as required under Condition 6 of planning permission F/COL/01/1626. Details have also been submitted with regards to drainage, lighting, landscaping, trees, protected species, and noise. These details relate to conditions 4, 7, 9, 14, 17, 18, and 20 of the same planning permission.

For clarity, the relevant conditions are:

Condition 4: Drainage works
Condition 6: Details of bus-way
Condition 7: Lighting
Condition 9: Landscaping
Condition 14: Trees
Condition 17: Invertebrates survey
Condition 18: Bat mitigation
Condition 20: Acoustic report, sound attenuation fencing, and landscaping

The full wordings for the conditions are included in the Decision Notice, attached as an Appendix to this report.

- 4.2 The General Arrangement drawings submitted show the bus-way running from Bruff Close to Mill Road, where the bus-way would meet, and merge with, the Northern Approach Road Phase 3 (NAR3) (yet to be constructed). The bus-way would be open to buses and bicycles only. Taxis and motorcycles would not be permitted to use the bus-way. CCTV cameras would be put in place to prevent unauthorised use of the bus-way and to deter anti-social behaviour.
- 4.3 In terms of hours of operation, the bus-way would be open 24 hours a day. However, the bus-way is unlikely to be used on a 24 hour basis. For example, the future Park and Ride service is proposed to operate from 7am to 7pm.

- 4.4 Landscaping and noise attenuation barrier concept has been submitted. The landscape details show planting schemes along both sides of the bus-way. The noise attenuation barriers will be timber noise fencing, ranging between 1.8 metres and 2.5 metres high, except where light levels to facing windows are likely to be affected. In these instances a perspex barrier is likely to be used, although the details of this will be established at a later date (under condition 20) following further consultation between Essex County Council and local residents in order to establish which properties are affected and whether any individual preferences can be taken into account.
- 4.5 Some trees would need to be removed to make way for the bus-way. One of the trees to be removed is a Veteran Oak Tree, located to the south of the site, which is protected under a Tree Preservation Order (TPO). Initial proposals sought to retain the Oak Tree. However, following consultation with the Council's Arboricultural Officer, there were concerns as to the health and limited life expectancy of the tree, due to its close proximity to the highway, and the potential risk to the public and highway users from the tree collapsing. A second opinion was sought from the Essex County Council Arboricultural Consultant Simon Smith. The subsequent Tree Report concluded that, due to the condition of the tree and its proximity to the proposed bus-way, it would need to be felled or pollarded to a height of 3-5 metres in order to prevent risk of its collapse onto the highway. Essex County Council determined that, as the tree would need to be pollarded to such a low level, there would be little benefit in retaining the tree. The details for the bus-way were then revised to show the removal of the veteran Oak Tree.
- 4.6 Traffic signals and crossings have been provided at the Wallace Road and Dickenson Road junctions. A crossing would be provided across the NAR at Wallace Road. Two bus stops would be provided on the busway (one in either direction): between Wallace Road and Dickenson Road.
- 4.7 Drainage layout drawings have been submitted. The drainage provides for surface water drainage, filter drains gullies and chambers, working alongside the existing Anglian Water pipe that runs along the length of the site.
- 4.8 Bat and reptile mitigation proposals have been put forward. The bat survey undertaken did not record any bats emerging from or entering the trees (scheduled for removal). However, as a precautionary mitigation measure it is proposed to soft fell these trees. Bat boxes are proposed in order to enhance bat roost potential. The reptile survey undertaken recorded very low levels of reptiles within the site. A watching brief and trapping and translocation programme is recommended in order to safeguard reptiles during construction and then relocate to a suitable habitat in the surrounding area.

5.0 Land Use Allocation

- 5.1 The site is identified as a Transit Corridor and forms an essential component of the Council's objectives to tackle road congestion and improve public transport. The site is within a predominantly residential area.

6.0 Relevant Planning History

- 6.1 Outline Planning Permission was granted for residential development and the NAR2 in 1998 (ref: 97/0221) with Reserved Matters being granted in 2002 (ref: RM/COL/01/1235). These permissions set out the location and extent of the bus-way.
- 6.2 Planning Permission was granted for the Northern Approach Road 3 (NAR3) and segregated bus-way in 2006 (ref: F/COL/01/1626). This permission is extant due to development having commenced. Condition 6 of this permission required details of the bus-way to be submitted.
- 6.3 The adjacent housing development was granted planning permission in a number of phases between 1998 and 2004 (ref: O/COL/97/0221; RM/COL/01/1211; RM/COL/01/1213; RM/COL/01/1235; O/COL/00/1281; RM/COL/03/1848; AND RM/COL/04/2100).
- 6.4 Planning Permission was granted by Essex County Council for a Park and Ride facility at Cuckoo Farm, Mile End in 2011 (ref:CC/COL/17/11). The Park and Ride would be to the north of Junction 28 of the A12 (completed in 2010).

7.0 Principal Policies

- 7.1 The National Planning Policy Framework (2012) sets out the national planning principles that guide the decision taking process and how these are expected to be applied in practice. The NPPF makes it clear that planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. The NPPF also sets out the Governments primary objective that there be “a presumption in favour of sustainable development”. There are three dimensions to sustainable development, which are an economic role, a social role and environmental role. The NPPF clarifies that these roles should not be undertaken in isolation, because they are mutually dependent.
- 7.2 Section 4 of the NPPF looks at ‘Promoting Sustainable Transport’, which states that transport policies have an important role to play in facilitating sustainable development but also in contributing to wider sustainability and health objectives. Encouragement should be given to solutions which support reductions in greenhouse gas emissions and reduce congestion.
- 7.3 Continuing the themes of the NPPF, the adopted Colchester Borough Core Strategy (December 2008) adds detail through local strategic policies. Particular to this application, the following policies are most relevant:

SD1 - Sustainable Development Locations

SD2 - Delivering Facilities and Infrastructure

UR2 - Built Design and Character

TA1 - Accessibility and Changing Travel Behaviour

TA3 - Public Transport

TA4 - Roads and Traffic

7.4 In addition, the following are relevant adopted Colchester Borough Development Policies (October 2010):

DP1 Design and Amenity
DP18 Transport Infrastructure Proposals
DP20 Flood Risk and Management of Surface Water Drainage
DP21 Nature Conservation and Protected Lanes

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

SA NGA4 Transport measures in North Growth Area
SA NGA5 Transport Infrastructure related to the NGAUE

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

Air Quality Management Guidance Note (2012)
Artificial Lighting Planning Guidance Note
Myland Parish Plan (2012)

8.0 Consultations

8.1 Spatial Policy: The adopted local development framework is very supportive of improvements to public transport and delivering the Transit Corridors. The NAR Busway forms an important part of this network and will support development in north Colchester and help address congestion by providing an alternative to the car. The revised proposal accords with the policies set out in adopted LDF documents.

8.2 Environmental Protection:

- (i) No objections with regards to noise as noise levels will be below the 3dB considered to be a noticeable change in noise level.
- (ii) There is concern that the noise barriers may result in some properties being affected by loss of natural light. The applicant should identify such properties and provide an assessment of the effect of the acoustic fence on light levels affecting windows.
- (iii) The Highways Authority has considerable expertise with assessing designs for road lighting schemes and Environmental Protection do not usually assess such schemes. Request that the Highways Authority confirms that all lighting of the Rapid Transit Route (including resultant sky glow, light trespass, source intensity and building luminance) fully complies with the figures and advice specified in the CBC External Artificial Lighting Planning Guidance Note for EZ3 small town centres or urban locations.
- (iv) No objections with regards to Air Quality. Colchester Borough Council intends to introduce a Low Emission Strategy that is likely to include a minimum standard of Euro 4 (or alternative low emission fuel) vehicles to routes that come into the AQMA.

8.3 Arboricultural Officer: In agreement with the report submitted by Simon Smith and in support of the proposals to remove the veteran Oak Tree given lifespan and safety matters.

- 8.4 Landscape Officer: The concept proposals are, for the most part, acceptable. Maintenance detail for meadow and amenity grass proposals are not required until the overall concept has been agreed and will not therefore be assessed by the Landscape Planning Officer until such concept is agreed, when the detail will need to be cross-checked against the Council's 'Submitting Landscape Proposals' and 'Guidance Notes A (LIS/A)'. Amenity grass verge will be required either side of the RTR for maintenance reasons. For the sake of the assessment of landscape concept therefore the grassed areas have been read as a whole. Amendments will be required in order to take into account the compatibility with proposed lighting, CCTV, signs and tree positions.
- 8.5 Environment Agency: No objections.
- 8.6 Anglian Water: No comments received.

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

9.0 Parish Council Response

- 9.1 There have been two meetings with Myland Community Council since September 2012 to discuss the proposals.
- 9.2 Myland Community Council have stated that they currently have a holding objection to the proposal due to lack of information.

10.0 Representations

- 10.1 A public consultation exercise was undertaken by Essex County Council and Jacobs on 24th July 2012, the details of which are reported in the Local Consultation Report: 24 July 2012 submitted.
- 10.2 Two consultations were carried out: the first being after details were submitted on 25th September 2012; the second being following receipt of revised details that were submitted on 20th December 2012.

Initial Consultation:

- 10.3 Sixteen letters of objection were received, the contents of which are summarised as follows:
- The loss of shrubland will result in the loss of wildlife including bats, foxes, deer, badgers, hedgehogs, and birdlife;
 - The loss of shrubland will result in the loss of a natural noise barrier;
 - Air pollution;
 - Noise issues;
 - There will be increased traffic from the proposed 1300 residential estate, making noise and traffic congestion worse;
 - Lack of strategic traffic planning: the bus lane will not improve traffic flow as traffic will still enter a bottleneck by the Turner Retail Village and railway station;
 - Buses will still use Bruff Close and block the roundabout at North Station;

- The height of fences will not ensure privacy to rear gardens;
- No crash barriers are proposed;
- Concern that the Anglian Water pipes under the bus lane will be damaged and cause damage to neighbouring properties;
- The bus lane will also be used by taxis and motorcycles at all times of the day and night which will increase noise disturbance;
- The junctions at Wallace Road and Dickenson Road are already dangerous and will be made worse by having to negotiate a bus lane and then the traffic on the Northern Approach Road;
- The bus lane will affect property values;
- If double decker buses are used, privacy will be lost;
- The bus lane will not be dug down due to the Anglian Water pipes and will be higher than garden levels;
- No crossings have been provided across the bus lane or at Wallace Road and Dickenson Road;
- Do not need a bus lane: traffic flows freely;
- The proximity of Bardsley Close to the bus lane is dangerous and a significant natural barrier is required;
- Six foot fences in close proximity to Bardsley Close would make houses very dark;
- No security measures have been provided to prevent unauthorised access to bus lane;
- The proposed junction with Mill Road is unsafe as drivers will need to look left and right simultaneously in order to turn into Mill Road;
- Residents will not benefit from the bus lane as only two stops are provided (one each way). In comparison, Mile End Road has ten bus stops.

10.4 Five letters of comment were received, the content of which is summarised below:

- Seeking confirmation that the bus lane will be situated on the northern side of the noise barriers along Mill Road;
- How will the road works affect Mill Road?;
- Traffic controls are necessary at Wallace Road and Dickenson Road;
- It is reasonable to expect improvements to the crossing of the Northern Approach Road for children and families attending Queen Boudica School;
- Tall trees should be provided to separate the estate from the bus lane and to provide some greenery to the estate;
- Concern regarding the industrialisation of the surrounding area and the reduction in countryside: there would be some reassurance in the full consideration of the retention of existing greenery and the provision of new planting to protect neighbouring properties from noise, pollution and the unsightliness of the new bus lane.

Second Consultation

10.5 A further consultation was undertaken following the submission of revised details, on 20th December 2013. This generated one letter of comment and one letter of support, withdrawing a previous objection. The comments received are summarised as follows:

- Support for the bus lane joining Bruff Close;
- The traffic signal approach at the junctions of Wallace Road and Dickenson Road is not unreasonable;
- A grade separated junction should be considered at Mill Road. The current situation requires traffic to queue within the junction. The junction capacity will be reduced, making the situation less secure for turning vehicles;
- Support for the proposed pedestrian crossing at the junction of Wallace Road and the Northern Approach Road that has now been incorporated into the plans making it safer to cross (especially for school children).

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

11.0 Parking Provision

11.1 N/A

12.0 Open Space Provisions

12.1 N/A

13.0 Air Quality

13.1 All local authorities (LAs) are obliged to review and assess air quality in their boroughs or districts under the Environment Act 1995. A requirement of the Act was that the UK Government was to prepare an Air Quality Strategy for England, Wales, Scotland and Northern Ireland. The Air Quality Strategy was published in January 2000 with a revised version published in 2007. Within the Air Quality Strategy, national air quality objectives are set out, and LAs are required to review and assess air quality against these objectives. Like most other Districts in the region which do not have large industrial processes, the main source of local air pollution in Colchester is from motor vehicles. Particular problems arise locally where traffic is slow moving through old, narrow streets near the historic centre of the town.

13.2 The site is outside of any Air Quality Management Area (AQMA), but would have some impact on these areas by introducing a dedicated bus-way into the town. A dedicated bus-way and improved bus service would encourage greater use of public transport which would reduce the number of cars entering the town, thereby reducing the levels of car fumes in this area. Further, Colchester Borough Council intends, as part of an Air Quality Action Plan, to introduce a Low Emission Strategy that is likely to include a minimum standard of Euro 4 (or alternative low emission fuel) vehicles to routes that come into the AQMA which will improve air quality.

14.0 Development Team and Planning Obligations

- 14.1 This application is to submit details pursuant to a condition of planning permission. The application is not classed as a “Major” application and therefore there was no requirement for it to be considered by the Development Team and it is considered that no Planning Obligations should be sought via Section 106 (S106) of the Town and Country Planning Act 1990.

15.0 Report

- 15.1 The bus-way already benefits from planning permission. Details have been submitted as part of a condition of an extant planning permission. Therefore, the assessment of the submitted details is not whether permission should be given to the bus-way, but whether the detailed layout and design of the bus-way is acceptable. The main planning considerations are: impact on local amenity; highway safety; impact on trees and biodiversity; landscaping; and drainage and flood risk.
- 15.2 In terms of the impact upon local amenity, the main consideration is how the bus-way will impact upon noise levels and whether this can be adequately mitigated. Noise mitigation was taken into account in the design of the adjacent residential development as the NAR2 and location of the bus-way already had planning permission. However, it has been concluded that some additional noise mitigation is required so that the bus-way has as little impact, in terms of noise and disturbance, on neighbouring properties as possible. Following initial discussions with Essex County Council, it was determined that noise attenuation barriers should be provided and that taxis and motorcycles should not use the bus-way in order to reduce noise impacts.
- 15.3 A revised noise report has been submitted as part of the application, taking into account the requirement for additional noise attenuation measures. The report works on the basis that an increase in noise levels of 3dB represents the point at which noise change is noticeable or significant. The report demonstrated that the bus-way, with no acoustic barrier, would result in noise levels above 3dB. However, with acoustic fencing in place, the noise levels would be below 3dB for all properties along the bus-way route. The highest levels of noise increase would be at the first-floor of Nos. 73-81 Hakewill Way (2.1dB). In some instances, the noise levels will be improved, such as at No. 4 Cambie Crescent (-1.8dB). It is therefore concluded that the bus-way can be provided in the layout proposed without significant impact on local amenity in terms of noise.
- 15.4 Some properties front onto the site, or have windows facing the site, and could, therefore, be affected in terms of loss of light from the acoustic barrier (required in order to mitigate noise levels from the bus-way). In most instances, the position of the acoustic barrier in relation to facing windows would allow for sufficient light to enter the window, allowing for an unobstructed 25 degree vertical angle from a point 2 metres above the floor at the façade as recommended by the Essex Design Guide. Where this cannot be achieved (e.g. at No. 1 Dickenson Road which has a bay window adjacent to the acoustic barrier), a perspex barrier can be installed to allow for light to enter the window. A perspex barrier would have the same noise attenuation as a standard timber acoustic fence. Precise details of the fencing will be submitted at a later stage, under condition 20, once the affected properties have been identified and the exact type of barrier has been determined.

- 15.5 There is not considered to be a loss of privacy to adjacent properties from single-decker buses. The Park and Ride would utilise single-decker buses. Should double-decker buses be utilised, or other bus operators with double-decker buses use the bus-way in the future, the top deck of double-decker buses would be above the height of boundary walls and fences. However, it is not considered that there would be a significant level of overlooking from bus passengers to adjacent properties as the bus-way would be between 4-8 metres from rear garden boundaries and the buses would be moving, not at a stand still.
- 15.6 Construction working hours are controlled under condition 22 of the original permission. The hours within which the movement of heavy goods vehicles can take place and plant, machinery, or power tools can operate is controlled under condition 23. The wording for these conditions can be found in the Decision Notice attached to this report as an appendix.
- 15.7 Essex County Council have confirmed that the lighting proposed along the bus-way complies with the figures and advice specified in the Colchester Borough Council External Artificial Lighting Planning Guidance Note for EZ3 (small town centres or urban locations). There are, therefore, no objections to the lighting element of the proposals.
- 15.8 In terms of highway safety, the initial consultation highlighted a number of concerns regarding crossings, difficulties in entering and exiting Wallace Road and Dickenson Road, and the absence of crash barriers. Since the initial consultation, amendments have been made to the proposals. The amendments include a crossing across the NAR at Wallace Road and the installation of traffic signals at Wallace Road and Dickenson Road. The additional traffic signals will improve ingress and egress to and from Wallace Road and Dickenson Road, as well as be of benefit to pedestrians wishing to cross these roads.
- 15.9 No crash barriers are proposed as part of the bus-way details. The bus-way would have a speed limit of 30mph and would not be used by motorcycles and taxis, thereby reducing risk of traffic collisions. The bus-way has been designed in accordance with the Design Manual for Roads and Bridges and a risk assessment has been undertaken by Essex County Council which demonstrates that the current design of the bus-way is suitable. A kerb will be provided along both sides of the bus-way.
- 15.10 The provision of the bus-way would involve the removal of some trees in the vicinity of Bruff Close: one Poplar would be removed, as would a veteran Oak Tree, both of which are protected under a Tree Preservation Order (TPO 27/98). All other trees would be retained. There is no objection to the removal of the Poplar or Oak Tree. The Poplar is of low quality and its loss would not be detrimental to the group value of the remaining trees. The Oak Tree is a veteran tree and it is rare to find a tree of this size and age in the urban landscape. Ideally, the tree would be in a more open landscape where it would eventually collapse and decay naturally. However, the tree is already in close proximity to existing development and having considered the lifespan of the Oak Tree, which is largely hollow due to natural decay, and the risk of its collapse in close proximity to the proposed bus-way, the proposal to remove the tree is considered to be acceptable.

- 15.11 The landscape proposals are at concept stage, with detailed plans to be submitted at a later date as part of condition 9 of the planning permission. The concept drawings do show that there will be landscaping to both sides of the bus-way and the concept has been agreed as acceptable by the Council's Landscape Officer.
- 15.12 Since planning permission was granted, the bus-way site has become overgrown (in parts) and, as a result, is a suitable habitat for protected species. In accordance with conditions 17 and 18 of the planning permission, an invertebrates survey and bat survey has been carried out. Both surveys recorded very low levels of activity within the site and made recommendations for mitigation and enhancement opportunities. The provision of the bus-way would not, therefore, have a significant impact on protected species, subject to mitigation measures as recommended in the survey reports.
- 15.13 Drainage details have been submitted as part of the proposals that show surface water drainage, including drains, gullies, and chambers. The Environment Agency has no objection to the proposals. Anglian Water has not responded to consultation. However, in terms of the local resident concerns regarding potential damage to the Anglian Water pipe that runs along the bus-way site, Essex County Council are in receipt of details from Anglian Water as to the siting and type of pipe and will take precautions so as not to cause any damage.
- 15.14 Concerns have been raised with regard to increased traffic and congestion, particularly at the North Station roundabout. Concerns have also been raised as to the impact on traffic level from the North Growth Area Urban Expansion (NGAUE). The provision of a dedicated bus-way will provide an improved public transport system, with the aim to reduce independent car travel into the town, thereby reducing the number of cars on the road and resultant congestion. Proposals are also being formalised in terms of bus priority in the area of the North Station roundabout and the adjacent bridge, with the intention of improving traffic flows. In terms of the NGAUE, this site does not benefit from planning permission. The traffic implications of this development will need to be assessed as part of the development proposals for the site and not as part of this proposal as the development does not exist and does not benefit from planning permission. A planning application has been submitted for the site (ref: 121272) and is currently being assessed.
- 15.15 Local residents have raised concerns as to how the bus-way will affect house prices. However, this is not a material planning consideration and cannot be taken into account as part of the assessment of this application. The location of the bus way was approved as early as 1998 and was taken into account as part of the design of the adjacent residential estate.

16.0 Conclusion

- 16.1 The details submitted are considered to be acceptable and conditions 4, 6, 7, 14, 17 and 18 in so far that they relate to the segregated bus-way element of planning permission F/COL/01/1626. It is considered that noise mitigation measures and acceptable levels of landscaping can be achieved along the bus-way, the details of which can be agreed at a later date as part of conditions 9 and 20 of the planning permission.

16.2 The bus-way would help to combat congestion in the town and would deliver benefits to the wider community by providing improved public transport. The bus-way was originally granted planning permission in 1998 and its future provision was incorporated into the design of the adjacent residential estate.

17.0 Recommendation

APPROVE details for conditions 4, 6, 7, 14, 17, and 18 as follows:

Condition 4: Drainage details for the segregated bus-way. As per drawings B3553000/0500.01a/0000 P1, B3553000/0500.01a/0001 P1, B3553000/0500.01a/0002 P1, B3553000/0500.01a/0003 P1, B3553000/0500.01a/0004 P1, and B3553000/0500.01a/0005 P1, received by the Local Planning Authority on 20th December 2012.

Condition 6: Details of the segregated bus-way. As per General Arrangement drawings B3553000/0000.01a/0000 P4, B3553000/0000.01a/0001 P5, B3553000/0000.01a/0002 P5, B3553000/0000.01a/0003 P5, B3553000/0000.01a/0004 P5, and B3553000/0000.01a/0005 P5; Traffic Signs and Road Markings drawings B3553000/1200.01a/0000 P3, B3553000/1200.01a/0001 P3, B3553000/1200.01a/0002 P3, B3553000/1200.01a/0003 P3, B3553000/1200.01a/0004 P3, and B3553000/1200.01a/0005 P3; and Conceptual Signalisation drawings B3553000/0000.01a/0010 P1, B3553000/0000.01a/0011 P1, and B3553000/0000.01a/0012 P0, received by the Local Planning Authority on 20th December 2012.

Condition 7: Lighting details. As per Lighting drawings B3553000/1300.01a/0000 P2, B3553000/1300.01a/0001 P3, B3553000/1300.01a/0002 P3, B3553000/1300.01a/0003 P3, B3553000/1300.01a/0004 P3, and B3553000/1300.01a/0005 P3, received by the Local Planning Authority on 20th December 2012.

Condition 14: Details of trees to be removed. As per Essex Highways Northern Approach Road, Colchester Rapid Transfer Route Tree Report, dated 29th November 2012, received by the Local Planning Authority on 20th December 2012.

Condition 17: Reptile Survey Report, dated November 2012, received by the Local Planning Authority on 20th December 2012.

Condition 18: Dusk Emergence and Dawn Re-entry Bat Survey Report, dated November 2012, received by the Local Planning Authority on 20th December 2012.

18.0 Recommended Reasons for the Decision

18.1 N/A

19.0 Conditions

19.1 N/A

20.0 Informatives

(1) The Applicant/Agent/Developer is advised that, whilst the concept for noise attenuation barriers and landscaping is agreed, details are expected to be submitted as part of conditions 9 and 20 before the conditions can be fully agreed.

21.0 Positivity Statement

21.1 N/A



Colchester Borough Council

Planning and Protection

PO Box 889
Town Hall
Colchester
Essex
CO1 1FL

Notice of Planning Decision

DECISION NOTICE
TOWN AND COUNTRY PLANNING ACT 1990
THE TOWN AND COUNTRY PLANNING (GENERAL DEVELOPMENT PROCEDURE) ORDER
1995

In pursuance of the powers exercised by it as District Planning Authority this Council, having considered your application to carry out the development detailed below in accordance with the plan(s) accompanying the said application, does hereby give notice of its decision to GRANT PERMISSION for the said development subject to any additional condition(s) set out below.

APPLICATION NO: F/COL/01/1626 **APPLICATION DATE:** 12th October 2001

PROPOSAL: Detailed application for the construction of the Northern Approaches Road Phase 3 (NAR3) including a new grade separated junction with the A12 and east/west link road to Severalls Lane plus all ancillary highway works (including segregated bus corridor).

LOCATION: A12T/Northern Approaches Road, Mile End, Colchester

APPLICANT: Colchester Borough Council & Secretary of State for Health PO Box 884 Town Hall High Street Colchester Essex C01 1FR

subject to compliance with the following condition(s) :-

1. The development hereby permitted shall be begun before the expiration of five years from the date of this permission.

Reason: In order to comply with Section 91 (1) and (2) of the Town and Country Planning Act 1990.

DC100MW 02/02

IMPORTANT – ATTENTION IS DRAWN TO THE NOTES ATTACHED

PD437



Notice of Planning Decision

2. The development hereby permitted shall be implemented in all respects strictly in accordance with drawing nos.

2000-731/TC/01 Rev B
2000-731/TC/02 Rev A
2000-731/TC/03 Rev B
2000-731/P3/01 Rev C
2000-731/P3/02 Rev C
2000-731/P3/03 Rev C
2000-731/P3/04 Rev C
2000-731/P3/05 Rev E
2000-731/P3/06 Rev B
2000-731/P3/07 Rev C
2000-731/P3/08 Rev B
2000-731/P3/09 Rev B

unless the Local Planning Authority first gives written approval to any variation.

Reason: To ensure the development is carried out as approved and to ensure any changes are agreed in advance with the Local Planning Authority in the interest of securing satisfactory highway capacity and safety design.

3. No development shall take place within each phase or part thereof until details of foul and surface water drainage as part of the complete strategy for the Severalls Hospital/Cuckoo Farm Development for both works on and off site have been submitted to and approved in writing by the Local Planning Authority. The drainage works shall be completed in accordance with the approved details which shall include a timescale for completion.

Reason: To ensure satisfactory drainage of the site.

4. No development shall take place within each phase or part thereof until drainage works, both on and off site, have been carried out in accordance with details to be submitted to and approved in writing by the Local Planning Authority unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure satisfactory drainage of the site.



Notice of Planning Decision

5. No works within each phase or part thereof which will result in the discharge of surface/foul water from the site shall be commenced until the approved off-site drainage works have been completed.

Reason: To ensure satisfactory drainage of the site.

6. Details of all highway works (including the proposed Segregated Bus Way) not previously agreed under the approved drawing nos. listed at Condition 2 above, shall be agreed in writing by the Local Planning Authority prior to any works commencing on site. These details shall include all details of lighting, lining, signing and drainage for the purposes of engineering and safety audit approval and both cross section and longitudinal details in locations which shall have previously been approved in writing with the Local Planning Authority. The highway details shall be implemented as approved unless the Local Planning Authority first gives written approval to any variation.

Reason: To ensure the details are satisfactory in terms of highway capacity, safety and design, quality of materials and finished work.

7. No external lighting fixtures or moveable lighting for any purpose (including areas of public open space) shall be constructed or used or installed whether for temporary or permanent use in each phase of development or part thereof until details of all external lighting proposal within that phase of development or part thereof have been submitted to and approved by the Local Planning Authority, and no lighting shall be constructed or installed other than in accordance with those approved details unless the Local Planning Authority first gives written approval to any variation.

Reason: To reduce the undesirable effect of light pollution on the amenities of the occupants of nearby property and to mitigate against adverse impacts to wildlife.

8. Services/utilities shall not be laid under any landscaped area up to the date of adoption or completion of the landscaping scheme; whichever is appropriate, without the prior written approval of the Local Planning Authority.

Reason: In order to ensure that the landscaped areas are maintained to a satisfactory standard and to ensure that the development proceeds in a co-ordinated and comprehensive manner having regard to, amongst other things, the status of the Severalls site as an Historic Park and Garden (Grade II) and the protection of existing trees by virtue of Tree Preservation Orders 1/91 and 24/01.



Notice of Planning Decision

9. No development shall take place within each phase or part thereof until full details of landscaping works within that phase or part thereof (to include proposed tree, shrub and hedge planting and replacement planting, together with a date for completion) have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. These details shall include proposed finished levels or contours; minor artefacts and structures (e.g. street furniture, signage, lighting etc.); proposed and existing functional services above and below ground (e.g. drainage; communication cables; pipelines etc).

Reason: To safeguard the provision of amenity afforded by appropriate landscape design and to ensure that the development proceeds in a co-ordinated and comprehensive manner having regard to, amongst other things, the status of the Severalls site as an Historic Park and Garden (Grade II) and, the protection of existing trees by virtue of Tree Preservation Orders 1/91 and 24/01.

10. All landscape works shall be carried out in accordance with the approved details unless the Local Planning Authority first gives written approval to any variation.

Reason: To ensure the provision and implementation of a reasonable standard of landscape in accordance with the approved design and to ensure that the development proceeds in a co-ordinated and comprehensive manner having regard to, amongst other things, the status of the Severalls site as an Historic Park and Garden (Grade II) and, the protection of existing trees by virtue of Tree Preservation Orders 1/91 and 24/01.

11. If within a period of five years of the date of the planting of any tree, shrub or hedge (or any replacement for them) is removed, uprooted or destroyed or dies, another tree shrub or hedge of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.

Reason: To ensure the provision and implementation of a reasonable standard of landscape in accordance with the approved design and to ensure that the development proceeds in a co-ordinated and comprehensive manner having regard to, amongst other things, the status of the Severalls site as an Historic Park and Garden (Grade II) and, the protection of existing trees by virtue of Tree Preservation Orders 1/91 and 24/01.



Notice of Planning Decision

12. No development shall take place until a long term landscape/tree management plan, including management responsibilities and maintenance schedules for all planted and landscaped areas shall be submitted to and approved in writing by the Local Planning Authority. The landscape/tree management plan shall be implemented as approved.

Reason: To ensure that due regard is paid to the continuing enhancement and maintenance of amenity afforded by the landscape and to ensure that the development proceeds in a co-ordinated and comprehensive manner having regard to, amongst other things, the status of the Severalls site as an Historic Park and Garden (Grade II) and, the protection of existing trees by virtue of Tree Preservation Orders 1/91 and 24/01.

13. No development shall take place within each phase or part thereof until the following details have been submitted to and approved in writing by the Local Planning Authority:

- (a) A plan showing the location of, and allocating a reference number to, each existing tree, on or near the site which has a stem diameter, measured over the bark at point 1.5 metres above ground level, exceeding 75mm, showing which trees are to be retained and the crown spread of each tree and those to be removed.
- (b) details of the species, diameter (measured in accordance with paragraph (a) above), and the approximate height, and an assessment of the general state of health and stability of each retained tree which is on land adjacent to the site and to which paragraphs (c) and (d) apply.
- (c) Details of any proposed topping or lopping of any tree to be retained or of any tree on land adjacent to the site
- (d) Details of any proposed alterations in existing ground levels, and the position of any proposed excavation, within the crown spread of any retained tree or of any tree on land adjacent to the site, or deeper than 2.0 metres on sandy soils within 1.5 metres times the height of the trees identified in paragraph (a) above
- (e) Details of the specification and position of fencing and any other measures to be taken for the protection of any retained tree from damage before or during the course of development.

The plans and particulars referred to in this condition shall specify which of the trees protected by Tree Preservation Order are to be retained and which are to be felled.

Reason: To enable proper attention to be given to the impact of the proposed development on existing trees and to ensure that the development proceeds in a co-ordinated and comprehensive manner having regard to, amongst other things, the status of the Severalls site as an Historic Park and Garden (Grade II) and the protection of existing trees by virtue of Tree Preservation Orders 1/91 and 24/01.



Notice of Planning Decision

- 14.
1. No retained tree, shrub or hedge shall be cut down, uprooted or destroyed, nor shall any retained tree shrub or hedge be topped or lopped other than in accordance with the approved plans and particulars, without the prior written approval of the Local Planning Authority. Any topping or lopping approved shall be carried out in accordance with BS 3998 (Tree Work).
 2. If any retained tree, shrub or hedge shall be removed, uprooted or destroyed or dies, another tree, shrub or hedge shall be planted at the same place and that tree, shrub or hedge shall be of such a size and species, and shall be planted at such time, as may be specified in writing by the Local planning Authority. All works shall be carried out in accordance with BS 4428 : 1989 'Code of Practice for General Landscape Operations'.
 3. The erection of fencing for the protection of any retained tree, shrub or hedge shall be undertaken in accordance with details which shall have first been submitted to and approved in writing by the Local Planning Authority before any equipment, machinery or materials are brought onto site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the prior written consent of the Local Planning Authority.

Note: In this condition, 'retained tree, shrub or hedge refers to an existing tree, shrub or hedge which is to be retained in accordance with the approved plans and particulars contained with Environmental Statement Addendum 4 Tree Assessment, May 2003, and paragraphs 1 and 2 above shall have an effect until the expiration of five years from the completion of the development.

Reason: To safeguard existing trees within the site in the interest of amenity and to ensure that the development proceeds in a co-ordinated and comprehensive manner having regard to, amongst other things, the status of the Severalls site as an Historic Park and Garden (Grade II) and the protection of existing trees by virtue of Tree Preservation Orders 1/91 and 24/01.



Notice of Planning Decision

15. No burning or storage of materials shall take place where damage could be caused to any tree, shrub or other natural feature to be retained on the site or on adjoining land (see guidance notes).

Reason: To protect the health of trees, shrubs and other natural features to be retained in the interest of amenity and to ensure that the development proceeds in a co-ordinated and comprehensive manner having regard to, amongst other things, the status of the Severalls site as an Historic Park and Gardens (Grade II) and, the protection of existing trees by virtue of Tree Preservation Orders 1/91 and 24/01.

16. No development shall take place in each phase or part thereof until a method statement relating to the means of construction and implementation of the approved development has been submitted to and approved in writing by the Local Planning Authority. Such method statement shall include:

- details of vehicular parking areas/service areas, construction site compounds and material and top soil storage
- nature of and methodology for all necessary works (including proposed 'no-dig construction' techniques) within protected areas including tools/plant to be used and protective measures taken (to accord with BS 5837:1991)
- details of on-site supervision whilst construction work is taking place, together with the method of communication with the Local Planning Authority.

Reason: To ensure that the development proceeds in a co-ordinated and comprehensive manner having regard to, amongst other things, the status of the site as an Historic Park and Garden (Grade II); the presence of a listed building; and, the protection of existing trees by virtue of Tree Preservation Orders 1/91 and 24/01.

Notice of Planning Decision

17. No site clearance, demolition or construction works shall take place within the application site until an investigative survey has been undertaken to establish the presence of invertebrates on site. The survey shall be undertaken in accordance with details that shall have first been approved in writing by the Local Planning Authority and shall include details of the timing of the survey work. The survey shall identify details of any necessary mitigation measures (including methodology, timescale for completion, and long term maintenance and monitoring plan). The mitigation measures shall be implemented in accordance with the approved details unless the Local Planning Authority first gives written approval to any variation.

Reason: To ensure that the impacts of the development on protected species are investigated at the appropriate time of year and to properly mitigate against the predicted impacts.

18. No site clearance, demolition or construction works shall take place until details of mitigation measures to deal with the predicted impacts to bats (as identified by Addendum 5 'Bat Assessment' of the AERC Environmental Statement dated September 2003) have been submitted to and approved in writing by the Local Planning Authority. The details shall include methodology, timescales for completion, long term maintenance and monitoring plan. The mitigation measures shall be implemented in accordance with the approved details unless the Local Planning Authority first gives written approval to any variation.

Reason: To ensure that the impacts of the development on protected species are properly mitigated.

19. No site clearance, demolition or construction works shall take place until an ecological management plan has been submitted to and approved in writing by the Local Planning Authority. The plan shall include details of the monitoring of protected species and shall be implemented in accordance with the approved details.

Reason: To ensure that the impacts of the development on protected species are properly mitigated.



Notice of Planning Decision

20. Further details, which shall include an acoustic report, of sound attenuation fencing and associated landscaping bunding shall be submitted to and approved in writing by the Local Planning Authority as part of the submission of the landscaping scheme referred to at Condition 9. Such details as shall have been agreed, including landscaping, shall be implemented in their entirety and as approved prior to the opening of that phase of the Northern Approach Road to which it relates unless the Local Planning Authority first gives written consent to any variation.

Reason: In order to protect local amenity.

21. No development shall take place within each phase of development or part thereof until a scheme to control construction noise has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented as approved unless the Local Planning Authority first gives written approval to any variation.

Reason: In order to protect local amenity.

22. No work associated with the implementation of this permission shall be carried out outside the hours of 0730-1830 hours Mondays to Fridays; 0730 -1300 hours (Saturdays); and at no time on Sundays or Public Holidays, except with the prior written consent of the Local Planning Authority.

Reason: In order to protect local amenity.

23. No movement of heavy goods vehicles or plant shall occur to, from or within the site associated with the site clearance, demolition or construction of the development (including the operation of plant, machinery or power tools) before 07:30 hours weekdays and Saturdays, nor after 18:30 hours weekdays and 13:00 hours Saturdays, and at no time on Sundays and/or Public Holidays.

Reason: In order to protect local amenity.

24. Details of all construction accesses, lorry/construction routes and any haul road provision relevant to each phase of development or part thereof that are required in connection with site clearance, demolition or construction shall be submitted to and approved in writing by the Local Planning Authority, prior to the commencement of any works within that phase or part thereof. The development shall be implemented in accordance with the approved details unless the Local Planning Authority first gives written approval to any variation.

Reason: In the interests of highway safety and to protect local amenity.



Notice of Planning Decision

25. In respect of each phase of development or part thereof no site clearance, demolition or construction shall commence until arrangements for the control of dust and mud have been made to prevent, as far as is reasonably practicable, the deposit of dust on nearby property; and the accumulation of mud on the highway. Such arrangements shall be agreed in writing with the Local Planning Authority prior to commencement of each phase of the development or part thereof and shall be implemented in accordance with the approved details unless the Local Planning Authority first gives written approval to any variation.

Reason: In order to protect local amenity.

26. No development shall take place until details (including a date for commencement and completion of construction) of a 9ft/2.75m high brick wall to the rear/side (west) boundaries of 15 and 22 Romulus Close, 11 -16 (inclusive) Remus Close and 158 -166 (inclusive) Mill Road have been submitted to and approved in writing by the Local Planning Authority. The wall shall be constructed in accordance with the approved details unless the Local Planning Authority first gives written approval to any variation.

Reason: In order to protect the residential amenity of the occupants of those properties in Romulus and Remus Close.

INFORMATIVES

1. Section 106

The developer is advised that this application is the subject of a Section 106 Legal Agreement.

The developer is advised that the Section 106 Legal Agreement requires that reasonable endeavours are used to construct the new grade separated junction with the A12 (T) road within 4 years of the implementation of the Severalls permission (Local Planning Authority ref 0/COL/01/1624). The Local Planning Authority is keen to ensure that the construction of the A12 junction is completed at the earliest opportunity.



Notice of Planning Decision

2. TPO Trees and Landscaping

The developer is advised that the site is covered by Tree Protection Orders 1/91 and 24/01. Any works to trees not expressly authorised by the grant of this planning permission will require the separate consent of the Local Planning Authority. Failure to secure the necessary consent prior to gaining the approval of the Local Planning Authority may result in prosecution.

The applicant/developer is advised, in connection with Condition 9 and 13 above, details of replacement planting shall include a minimum of two replacements in lieu of any one tree lost and should take account of the mitigation measures included within Addendum 4 'Tree Assessment' dated 4 May 2003 of the AERC Environmental Statement October 2001.

The developer is advised that the details submitted in relation to Conditions 9-16 should have regard to AERC Environmental Statement October 2001 Drawings BCAL/16.1, 16.2 and 17 and pages 15-20, 21, 22 and 23.

3. Highways and Construction Details

The developer is advised that a Section 278 Agreement will be required to be entered into with the Highways Agency to facilitate the construction of the grade separated junction on the A12(T). Before construction work could commence Highway Act orders would need to be published. The developers attention is drawn to the Section 106 legal agreement that accompanies this planning permission which places obligations upon the developer to secure a Section 278 Agreement in a timely and orderly manner.

All highways related details shall be agreed in conjunction either with Essex County Council Highway Authority or the Highway Agency as appropriate.

The developer is advised that the noise mitigation measures, including sound attenuation fencing and bunding, must be designed to ensure that all existing properties are predicted to receive noise levels below 60dB(A), taken as free field levels expressed as a LA10 (18 hour) (for the year 2013 and assuming high growth factors). The required acoustic report shall demonstrate how these noise levels will be satisfied.

The developer is advised that noise mitigation measures, including sound attenuation fencing bunding and landscaping should generally accord with the mitigation measures contained within the AERC Environmental Statement October 2001 illustrated by Drawing No. BCAL/02 and summarised at page 11-21 paragraph 11.4.38.



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Planning and Protection

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The developer is advised that details of the measures to control construction noise should take account of the mitigation measures identified on page 11-6 of the AERC Environmental Statement October 2001.

The developer is advised that the details submitted in relation to Condition 25 should have regard to the dust control measures contained within the AERC Environmental Statement October 2001 on page 14-10.

4. Drainage

The Local Planning Authority is advised by Anglian Water that the surface water drainage from this site can be accommodated at an attenuation discharge rate to be agreed with Anglian Water in the existing surface water public sewer to the west of the Colchester General Hospital.

The Local Planning Authority is advised by Anglian Water that the adoption of sustainable urban drainage systems under Section 104 of the Water Industry Act 1991 will not be considered unless special circumstances or conditions prevail.

The overall design strategy for foul and surface water sewers should be achieved by a gravity system wherever possible.

The Local Planning Authority is advised by Anglian Water that wet balancing ponds will not be adopted.

The developer's attention is drawn to the advisory notes contained within the Environment Agency's letter dated 30 November 2001.

5. Wildlife

The developer is advised that site clearance, demolition and construction work times that involve the removal of trees/hedgerows should take account of nesting seasons to cause least disruption to birdlife within the locality.

DC100MW 02/02

IMPORTANT – ATTENTION IS DRAWN TO THE NOTES ATTACHED

PD437



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Notice of Planning Decision

The developer is advised that the mitigation measures to protect and enhance wildlife habitats should take account of those items identified by the AERC Environmental Statement October 2001 pages 12-14 and 12-15 and Addendum 5 'Bat Assessment' dated September 2003.

Date: 21 March 2006

Signed: 
Nicola George, Head of Planning and Protection

In determining this application the Council has taken into account, amongst other things, the following policies:

Colchester Borough Local Plan-2nd Deposit Draft (Sept 2000)(including pre-enquiry changes 2001).

DC1-Overall Development Control Policy

CO1 –Countryside

CO3-Landscape Features

CO4-Area of Strategic Land

CO8-Agriculture

UEA12-Design

P1-Pollution

P2-Light Pollution

TCS1-Town Centre and Retailing Distribution

ME1-Mile End Area

Please note that the full technical report on this proposal that was presented to the Council's Planning Committee on Thursday 31st July 2003 sets out a comprehensive list of relevant policies and guidance at National, County and Local Plan level including references to the then Adopted Review Colchester Borough Local Plan (Jan1995). Full copies can be obtained from Planning Services

DC100MW 02/02

IMPORTANT – ATTENTION IS DRAWN TO THE NOTES ATTACHED

PD437



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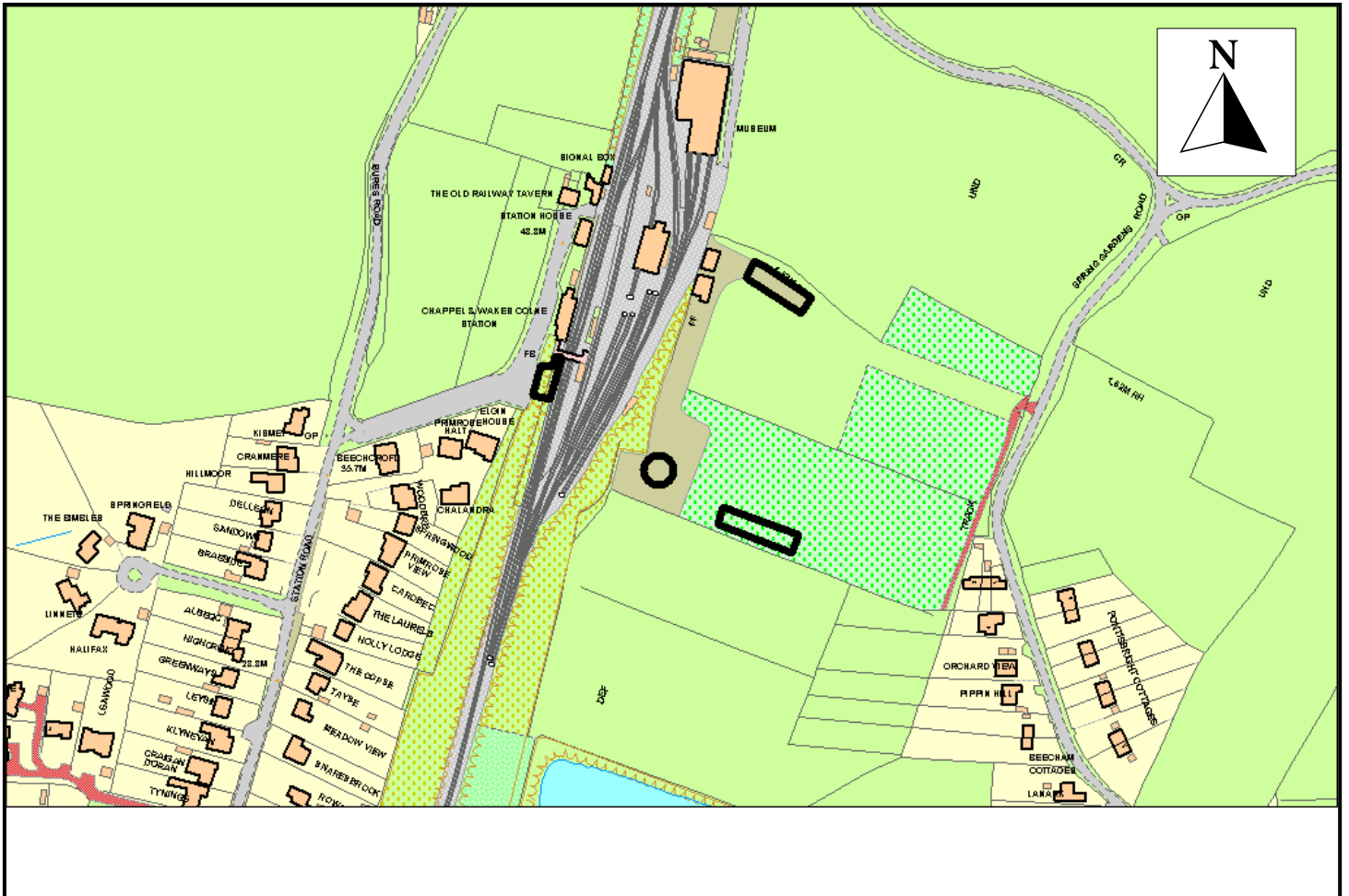
Reasons for granting permission

- 1) The proposal accords with the relevant policies in the Colchester Borough Local Plan-2nd Deposit Draft (Sept 2000)(including pre-enquiry changes 2001) and now the Adopted Review Colchester Borough Local Plan-March 2004
- 2) Having had regard to all material planning considerations the Council is of the opinion that the proposal will have an impact on an individuals human rights, but having considered the level of impact and in the general interest of the public and in accordance with planning law, the proposal is considered to be both proportionate and reasonable and will not cause demonstrable harm to interests of acknowledged importance.

DC100MW 02/02

IMPORTANT – ATTENTION IS DRAWN TO THE NOTES ATTACHED

PD437



Application No: 121780

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

Scale (approx): 1:1500

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7.3 Case Officer: Mr David Whybrow

MINOR

Site: Chappel and Wakes Colne Station, Station Road, Wakes Colne, Colchester, CO6 2DS

Application No: 121780

Date Received: 4 October 2012

Agent: The Owen Partnership

Applicant: East Anglian Railway Museum

Development: New restoration and storage sheds and associated works. New pedestrian ramped access to station museum. Conversion of existing restoration shed to heritage centre. Removal of temporary buildings and extension to platform 5/6. Resubmission of 111819.

Ward: Great Tey

Summary of Recommendation: Conditional Approval

1.0 Reason for Referral to the Planning Committee

1.1 This application is referred to the Planning Committee as a result of a “call in” by Councillor Chillingworth. The reason for this call in is:-

“The application is causing concern because of its perceived effect on the conservation area and neighbouring listed buildings.”

2.0 Synopsis

2.1 The report will provide a description of the site and of the proposed development. It will consider all consultation responses and supplementary observations, particularly those of the Highway Authority, and representations. An analysis of the issues raised by the case will be provided in the Report section followed by the conclusion that the proposals are satisfactory and recommended for approval.

3.0 Site Description and Context

3.1 The East Anglian Railway Museum (herein referred to as EARM) is an established tourist attraction sited alongside Chappel and Wakes Colne Station with the museum entrance from Station Road. The museum comprises entrance building and shop; restoration shed and workshops; heritage centre; exhibition/functions space and open storage areas.

3.2 The blue lined area includes on-street parking off Station Road and permanent and overflow parking facilities on the meadow opposite the museum entrance. Limited staff and disabled parking provision is accessed from Spring Garden Road to the north with a condition imposed on a previous permission that this access only be used by such visitors and not by general users.

3.3 The site falls within an essentially rural area with the land falling from north to south. In the main, site boundaries are marked by established trees and hedges and a further East-West tree belt bisects the site. The Marks Tey to Sudbury line runs through the site and the museum operates alongside the day to day running of the rail network.

4.0 Description of the Proposal

4.1 The application is described as a 10 year masterplan for the site's development. It is an outline application with details of access, layout and scale submitted for approval.

4.2 The main items are:-

- New restoration shed with turntable access in the southern part of the site. Materials would be coloured, profiled metal sheeting.
- New ramped access to station providing a more direct approach to Platform 1 for rail passengers. It is likely to be under the control of the rail operator, Abbellio.
- Conversion of existing restoration shed to the north-east of the station to the heritage centre; and
- Removal of temporary buildings, including existing heritage centre and extension of Platform 5/6 within this area.

4.3 The agent indicates that permanent parking space is available for 45 cars (including 2 disabled spaces) with 48 overflow spaces available for event days and a further 200 overflow spaces available on not more than 28 days per year under permitted development rights.

4.4 Additional information submitted with the application indicates:-

1. EARM has operated for 40 years, now as a charitable trust. It is open all days except Christmas and holds events throughout the year to help finance their programme of renovation and maintenance of the site.
2. The museum is mainly served by voluntary enthusiasts and employs 3 full time and 2 casual staff plus a catering operation.
3. In the current year 2012-13 it is expected that about 40,000 visitors will attend the site.
4. To maintain accredited museum status the Trust needs to establish a permanent visitor centre, provide teaching/study areas and conserve documents and exhibits.

5.0 Land Use Allocation

5.1 Rural Area – without notation

6.0 Relevant Planning History

- 6.1 F/COL/05/0942 – Retrospective application to retain demountable buildings for use a heritage interpretation centre – Temporary Approval 09/03/2006
- 6.2 111568 – Extension of planning permission Ref: F/COL/05/0942 from 31 March 2013 – Conditional Approval 30/09/2011
- 6.3 111819 – New restoration and storage sheds and associated works. New pedestrian ramped access. Conversion of restoration shed to heritage centre, removal of temporary buildings and extension to platform 5/6 – Withdrawn 11/02/2012
- 6.4 Erection of storage shed and installation of solar PV panels on southern roof slope – Conditional Approval 09/01/2012

7.0 Principal Policies

- 7.1 The National Planning Policy Framework (2012) sets out the national planning principles that guide the decision taking process and how these are expected to be applied in practice. The NPPF makes it clear that planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. The NPPF also sets out the Governments primary objective that there be “a presumption in favour of sustainable development”. There are three dimensions to sustainable development, which are an economic role, a social role and environmental role. The NPPF clarifies that these roles should not be undertaken in isolation, because they are mutually dependent. The NPPF also gives support for small scale rural tourism and indicates that a positive approach should be taken to developments that rely on modest expansion of existing facilities or conversion of rural buildings where harms will be limited in comparison with creation of new development.

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

- SD1 - Sustainable Development Locations
- UR2 - Built Design and Character
- TA1 - Accessibility and Changing Travel Behaviour
- TA4 - Roads and Traffic
- ENV1 - Environment
- ENV2 - Rural Communities

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

- DP1 Design and Amenity
- DP9 Employment Uses in the Countryside
- DP10 Tourism, Leisure and Culture
- DP17 Accessibility and Access
- DP21 Nature Conservation and Protected Lanes

8.0 Consultations

- 8.1 Natural England confirm that the proposal does not appear to affect any statutorily protected sites or landscapes or have significant impacts on the conservation of soils, nor is it an EIA development. In respect of protected species, they draw attention to their standing advice and note that a water body (potentially habitat for great crested newts) is within 500m of the application site and not referred to in the application.
- 8.2 The Environment Agency has assessed the application as having a low environmental risk and have no objection to the proposal.
- 8.3 The Highway Authority understand that the eastern access from Spring Gardens Road is for use by local residents and reservoir workers, the northern access onto Spring Gardens Road is for staff and trade vehicles and the main entrance is for general use. In this regard no objections are raised to the proposal. For Members' information subsequent consideration has been given to matters raised in representations, especially in relation to traffic assessments and to parking. This will be discussed in greater detail in the "Report" section below.
- 8.4 Abellio Greater Anglia Ltd indicate:-

Greater Anglia is now the long term leaseholder of Chappel and Wakes Colne Station and the operator of local rail services on the line between Marks Tey and Sudbury. The proposal to create a new DDA-compliant access to the main station platform will involve construction on our land and will need to conform to appropriate railway standards. We have indicated support for the proposal in principle, but detailed design and construction will need to be subject to railway approvals and consents processes, as well as a detailed planning application.

Support does not imply any form of consent to construction from the railway industry. Nor does it confer any rights or consents to segregated access to the platform used by our services.

Further discussions on both these aspects will be required, should outline consent for this proposal be granted."

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

9.0 Parish Council Response

- 9.1 Chappel Parish Council comment that they are:-

"Supportive of the development of rural businesses, and the East Anglian Railway Museum is no exception. However, they asked for clarity on the following items:-

1. Increase in traffic on Spring Garden Road. If approved this application would create a lot of extra traffic along a very narrow rural country lane, how will this be addressed?
2. Visual impact of the storage sheds on the local area especially Railway Cottages.

It was noted that the ten year plan looks to more than double the storage capacity and restoration capacity through the introduction of the new shed and track. While the Parish Council is in favour of something that brings income and tourism to the Village

we have concerns over the sustainability of it without adequate and suitable parking provision and highway constraints.

To conclude Chappel Parish Council are broadly supportive of a long term strategy for the site but would seek detailed clarification of the two points raised before it could fully support the current application.”

9.2 More recently they have encouraged the Highway Authority to secure traffic safety measures (pavement, traffic calming) in The Street, Station Road, Spring Gardens Road and the A1124 together with a reduction of maximum traffic speeds on these roads to 20 mph.

9.3 Wakes Colne Parish Council have written at considerable length and Members are recommended to view these, and the representations of Chappel Parish Council on-line before the Meeting.

9.4 Essentially it is stated:-

“Wakes Colne Parish Council, whilst supporting local ventures, must be mindful of its duty towards parishioners, the environment and the impact on the surrounding area.

This application should be assessed on traffic movement and the effect on the local community and not on the availability of car parking spaces.

The large scale of this application needs to be considered with the following in mind:-

1. (a) Potential impact on traffic on Station Road.
(b) Potential impact on traffic on Station Road/A1124 junction.
2. (a) Available parking for EARM visitors. Absence of Transport Assessment by EARM.
(b) ECC Highways Recommendation in relation to the junction of Station Road and Station Approach.
3. Proposed ramp
4. Environment, Habitat Preservation, Ecology
 - (a) Absence of updated survey on protected species ENV2
 - (b) Impact on Green Fields ENV1
5. Further Comments ENV2

9.5 These issues are expanded at length in their comments and leads to a conclusion that:-

“This application, as a 10 year Master Plan, does not provide enough detailed information for it to be adequately assessed. Transport Assessments and Protected Species surveys must be undertaken.

In particular we are concerned about the likely impact of any further development at the EARM on the local roads. We have indicated in this response that safety, especially along Station Road is a matter of community priority.

In our opinion this application has to be considered in relation to balancing the sustainability of EARM’s interests, the needs of the local community, environment and infrastructure.

10.0 Representations

10.1 Representations have been received from 6 local residents and a summary of their concerns is set out below:-

1. Traffic generation is a key issue; a traffic assessment (TA) should have been submitted based on the County Council's thresholds for traffic volumes.
2. The proposals have not been adequately assessed in respect of vehicle movements on local roads – Station Road, Spring Gardens Road, Station Road/A1124 junction – and parking requirements.
3. The proposal does not comply with TA1 which aims to resist car-dependent schemes or unsustainable travel behaviour.
4. Conflict with ENV2 (rural communities); can this be regarded as “small scale” rural development? It is open-ended and EARM will be able to encourage more visitors and hold more events.
5. Increasing visitor numbers will increase traffic in Station Road and prejudice highway safety where pedestrian facilities are limited and traffic volumes and speed are increasing.
6. Is the car parking land in applicants' control? It was formerly owned by Greene King. The use of the eastern field for parking does not harmonise with the local character and again fails ENV2.
7. Potential for additional security lighting and light pollution.
8. Increased damage to local roads as a result of HGV and low loader movements.
9. Inadequate detail of pedestrian ramp and its function. Its position, materials, colours and any lighting could impact on adjacent housing and account should be taken of the needs of the disabled.
10. The noise generated by special events will increase as a result of these proposals.
11. The running of steam and diesel engines has a negative environmental impact and additional noise and traffic fumes will affect local residents and wildlife.
12. The nearby reservoir is potential habitat for great crested newts and an updated survey is required. Common lizards are found in nearby gardens.
13. The applicants are concerned with what can be offered to visitors and not whether it is sustainable in the long term or in the best interests of local residents and villagers.

10.2 A further letter has been received written on behalf of the occupants of Old Station House, to the north-west of the application site. They note that the proposed ramp at the south end of the platform may result in the remaining section of the platform being redundant for public use. This runs immediately beside their dwelling and they seek to ensure they retain ready access for maintenance and security purposes as secured by an existing covenant.

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

11.0 Parking Provision

11.1 This issue is dealt with in detail in the following report.

12.0 Open Space Provisions

12.1 N/A

13.0 Air Quality

13.1 The site is outside of any Air Quality Management Area and will not generate significant impacts upon the zones.

14.0 Development Team and Planning Obligations

14.1 This application is not classed as a “Major” application and therefore there was no requirement for it to be considered by the Development Team and it is considered that no Planning Obligations should be sought via Section 106 (S106) of the Town and Country Planning Act 1990.

15.0 Report

15.1 This report will proceed to consider the proposals under the headings of
Land use
Design and Amenity
Nature Conservation
Highways/parking issues and other matters.

Land Use Considerations

15.2 The site lies outside the village settlement boundaries for Chappel and Wakes Colne and is subject to rural protection policies. Most significantly, ENV2 states “outside village boundaries, the Council will favourably consider small scale business, leisure and tourism schemes that are appropriate to local employment needs, minimise negative environmental impacts and harmonise with the local character and surrounding natural environment”. In our officer’s opinion this proposal complies with these criteria insofar as the individual built components of the scheme, other than the restoration shed, are in themselves relatively small scale and largely replace existing temporary facilities of a nondescript nature. The use is an established use and therefore this application does not create a new tourist destination, it enhances an existing one. The principles have already been established for several decades and the museum has evolved over the years.

15.3 The proposals allow for the natural growth of an established tourist facility but do not represent a step-change in the level of activity or visitor numbers at the site. As concluded below, the proposals are not considered to have material negative impacts on the local character or natural environment. Rather, they rationalise the use of existing buildings and will lead to the removal of more utilitarian temporary structures. The design and external treatment of the new buildings and alterations to existing structures will be the subject of a reserved matters submission. The types of buildings proposed do not create new types of users, nor significant amounts of new users, but add to the existing visitor offer on display.

Design and Amenity

- 15.4 Historically, it has been accepted that the museum is properly located where it is, alongside Chappel and Wakes Colne Station. The NPPF and the Council's leisure, recreation and tourism policies, including DP10, give encouragement to the promotion of such facilities in appropriate locations, albeit where accessibility is poor, proposals should be small scale and utilise existing buildings so far as is possible. It can not be said that this site is entirely unsustainable given that it resides at a working train station.
- 15.5 It is previously been noted that the existing heritage centre and proposed platform extensions are sited on land which is below the level of the field to the north with an established hedgerow along the northern boundary and also along Spring Gardens Road to the east. Further hedgerows and trees cross the site and lie along the southern boundary adjacent to the proposed restoration shed and these, along with the former orchard to the south-east, ensure that there are no significant views of the existing or proposed structures from public viewpoints. Additionally, any later reserved matters submission will consider matters such as external treatments etc and items such as the lighting and colour scheme of the proposed ramp. This aspect of the proposals has the most direct impact on adjoining residential development.

Nature Conservation

- 15.6 Policy ENV1 seeks, inter alia, to protect habitats and species and conserve the biodiversity of the Borough. Previous approvals have recognised the potential for great crested newts to be present at the site and conditions were imposed requiring investigative surveys. A survey of 2007 found no ponds located within 500m of the proposed development. Using survey techniques recommended by Natural England it was concluded there is no evidence to indicate any disturbance to newts and their terrestrial habitats. The agents suggest this report related mainly to the north field and proposals for the heritage centre temporary building.
- 15.7 Natural England have subsequently noted that there is in fact a water body (reservoir) within the 500m zone and required further investigation to establish if this was a suitable feature for great crested newts. The response of the original ecologist is:-

“Providing the development work is kept limited to the areas that have been kept clear of vegetation since the survey and that close mown there is no possibility of disturbing any newt population that may, note the word may, have become based on the open water to the south. Clearly if you propose clearing any areas for development that have natural habitats undisturbed for some years you would need to undertake a new survey. However, from the photographs and plan you provided the cleared and mown areas could be developed without risk to any potential newt population.”

15.8 Your officer is satisfied on the basis of further evidence, including photographs, that the museum's operational land has been kept clear of vegetation with surfaced areas in road plantings, and associated grass areas regularly mown, such that it does not provide suitable habitat for protected newts even if they were to be present at the reservoir, and this is not certain. However, as this application is in outline it is again considered appropriate to impose a condition requiring an updated survey to be submitted as part of any reserved matters submission. This is because even were the terrain suitable to present a limited risk of harm to protected species, it is almost certain that suitable mitigation could be provided with ease. However, it seems clear that there is no risk of harm to any protected species given the existing conditions of the site where any development occurs.

Highways and Parking

15.9 These are the main objections of the majority of those making representations. There is clear concern over continuing expansion of the museum and subsequent traffic impacts. The Highway Authority have been asked for their future comments on the objections made and specifically in relation to the need for a TA. This was not requested as part of the application's validation process as although there are high levels of car dependency at the site these are not necessarily related to the proposed development but rather from the existing development and particularly special days. A TA would normally only be required for proposed developments generated 30 or more peak hour vehicular movements. As this application proposes limited levels of new public visitor attraction space the Highway Authority's opinion is that it would not in itself be a traffic generating application, that the traffic is instead existing traffic generation that it would not be appropriate to retrospectively tackle under this application. Your officers would agree that the traffic issues being raised relate to the natural evolution of this site since the museum was first established and not to the application before Members now.

15.10 The Highway Authority's response is as follows:-

"The Highway Authority has received further information from the applicant concerning the level of vehicle attendance during the event days and is still satisfied with their assessment of the case and that the recommendation can stand.

Whilst it has been suggested that an all-encompassing planning permission would be useful, the EARM cannot be forced into submitting such an application. The site has permission for all current uses. It has been acknowledged that a lot of these are permitted development. The current application is purely to extend the time for keeping the temporary buildings, undertake some construction works, and introduce a new section of platform and a disabled access ramp.

Irrespective of whether the proposals are called a 'series of building projects' or 'a ten year master plan' it does not alter the fact from a highway user point of view:

1. The traffic is a matter of fact and already associated with the site.
2. (a) The car park is in existence and the EARM can now show control of the land thereby providing more than adequate parking in perpetuity; and
(b) Conditions can be attached to the permission whereby the surface can be made more user friendly for those rare occasions where the weather is inclement on event days.

3. The majority of the events are covered by GDPO (General Permitted Development Order) and, indeed, could be intensified without recourse to the planning process.
4. The only new items on the table are the relocated restoration shed, platform and access ramp which do not warrant the provision of a TA.

Taking all the above into account, the Highway Authority is not prepared to alter its recommendation and does not feel that a continued correspondence is beneficial. In this regard no further comments will be made on this matter. I trust this confirms the Highway Authority's position."

- 15.11 Your officers accept the rationale behind this advice which of course indicates their initial stance in not requiring a TA based on the understanding that traffic levels will not be appreciably increased as a result of the current proposals. High traffic levels are chiefly a consequence of special event days already taking place. This is confirmed by the fact that the museum only require limited parking usually, with an overflow area of field to the west being used as permitted development, on not more than 28 days per calendar year. Indeed, there appear to be around 16-20 days of use per year calculated from events advertised on their website.
- 15.12 Importantly, since the previous application that was withdrawn (111819) the land has been purchased by the applicants (prior to this the land belonged to Greene King) and this proposal includes within its blue line car parking areas within the control of the applicant for extensive temporary (28 day) parking facilities which was previously only available under licence. This application therefore improves matters insofar as this land is now guaranteed as being available for such purposes due to control by ownership and can be covered by appropriate conditions.
- 15.13 Previously, EARM have been known to have relied upon off-site parking at Cammacks, with shuttle buses bringing people to and from the site on busy events days. That happened anyway, and can continue happening regardless of this application or any decision on it. Therefore in many ways it is irrelevant to the consideration of the amount of development before you. However, the securing of the additional fields to the west of the museum by EARM now means that they are self-sufficient on parking areas on their event days and would not need to use the Cammacks site or to employ shuttle buses back and forth. This will reduce traffic in itself, as presently people arrive at the site in the first instance, only to be redirected to park off-site and return by bus. EARM having adequate land available for parking, even on their ongoing event days, also means that they are capable of managing the traffic and operating a traffic management system throughout their site on such days.
- 15.14 Should the use of the land ever intensify because the number of events held at EARM increased beyond 28 days use in any year then planning permission would be required for a change in use of the land.

Other Matters

- 15.15 Access to Old Station House – the new ramp is in outline only and there are no plans for the separation of the platform or new fencing at this stage. In any event EARM would include provision for Mr & Mrs Martin to gain continued 24 hour access for maintenance and emergency purposes.

- 15.16 Lighting – will be addressed at detailed stage. Any lighting of the ramp would be under the control of Abellio and be during train service times which are currently 05.20 – 23.40 hours.
- 15.17 Other uses – Some of the documentation associated with the application refers to additional use of the new heritage centre for weddings and other functions. This would appear to be outside the scope of the permitted uses of the site and a legal view has been sought on this issue. A condition is recommended to make the planning position clear to the applicants that this application is for the development stated and does not represent any permission for a change of use. If these events do not relate to the principle railway museum use then it is possible that they may represent a material change in the use of the land and a planning application may then be necessary. At that time, it is possible that an event such as a wedding would generate more than 30 transport movements in a peak hour and the Highway Authority may request a Transport Assessment. However, that is not part of this application and the condition will make this clear so that if such an occurrence were to take place then it would be considered very carefully on its own merits at that time.
- 15.18 Ownership of parking land – At the time of submission the applicant advised that the museum has a heads of agreement with Greene King for the sale of the land with the purchase being dealt with by the respective Solicitor. Notice was properly served on Greene King. Since that time it is understood that the deal has been concluded.

16.0 Conclusion

- 16.1 Based upon the above and taking account of the conclusion that these proposals represent the natural growth of an established use rather than an intensification of the use of a rural site, it is considered that the proposal complies with adopted policies and a recommendation of approval is therefore placed before Members.
- 16.2 It may be appropriate however to comment further on the fact that the application is presented as a “Master Plan” for the future development of the site. This perhaps implies a greater growth in the use than is actually intended but was in fact a term offered by EARM because they propose to implement these works over a 10 year period and seek approval for the principle of development only at this stage. It may have been desirable to secure an overall consideration of the whole site but what is presented within a red line is small scale and excludes a large part of the site.
- 16.3 That said, it is possible to apply conditions to the blue land, to define the parameters of use of the parking areas, for instance, and such conditions are recommended below.

17.0 Recommendation

Approve subject to the following conditions in Section 19.

18.0 Recommended Reasons for the Decision

- 18.1 The proposal accords with the relevant policies in the Statutory Development Plan (as set out below). Having also had regard to all material planning considerations, the Council is of the opinion that the proposal will not cause any significant harm to interests of acknowledged planning importance.

19.0 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 and LANDSCAPING 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 2 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 - Non-Standard Condition/Reason

Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 2005 or any Order revoking and re-enacting that Order with or without modification, the development as permitted shall only be used for the purposes of storage, display and teaching/study facilities ancillary to the principal D2 Use of the East Anglian Railway Museum and not for any other uses such as weddings, corporate training events or other functional hire.

Reason: The site is an established D2 Museum Use tourist destination that has evolved since it was first granted permission, however it lies within the open countryside and may not be considered appropriate for other uses that are not incidental to this primary use of the site and may generate a change in the character of the use and therefore also add additional traffic isolated from that currently observed for the museum use. This would need to be carefully considered against policy should such a mixed-use purpose be intended at any later date.

5 - *Development to Accord With Approved Plans

The development hereby permitted shall be carried out in accordance with the details shown on the submitted Drawing Numbers 2011-10/01D (layout and location plan; 02 (phase 1 layout); 03A (Phase 2 layout); 04A (Phase 3 layout); 05A (Phase 4 layout) and 06 (cross section) unless otherwise subsequently agreed, in writing, by the Local Planning Authority.

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

6 - External Light Fixtures TBA

No external lighting fixtures shall be constructed, installed or illuminated until details of all external lighting proposals have been submitted to and approved, in writing, by the Local Planning Authority. Thereafter, no lighting shall be constructed or installed other than in accordance with those approved details.

Reason: To reduce the risks of any undesirable effects of light pollution

7 -Ecological Survey

Prior to the commencement of development, an ecological survey of the site shall be undertaken with a detailed assessment of the impact of the proposed development thereon and the survey which shall have special regard to crested newts and other amphibian species and reptiles (together with any intended remedial measures and timetable for implementation) shall have been submitted to and agreed, in writing, by the Local Planning Authority. The development shall thereafter be carried out in accordance with such agreed details.

Reason: To allow proper consideration of the impact of the development on the contribution of nature conservation interests to the amenity of the area.

8 - Non-Standard Condition/Reason

The northern access route from Spring Gardens Road marked "A" on the attached plan shall be restricted to use by disabled visitors, trade vehicles and staff only.

Reason: For the avoidance of doubt as to the scope of the permission and in the interests of highway safety.

9 – Non Standard Condition

The eastern access from Spring Gardens Road marked "B" on the attached plan shall not be used for any access to the East Anglian Railway Museum whatsoever and shall be accessed solely by persons not associated with the East Anglian Railway Museum who enjoy an existing right of access to either local residents of the adjacent dwellinghouses, or for access to the reservoir for reservoir workers only.

Reason: For the avoidance of doubt as to the scope of the permission and in the interests of highway safety.

10 - Non-Standard Condition/Reason

The blue edged area shown as "permanent" parking on Drawing No. 2011-10/01D shall be maintained for such purposes at all times that the museum is open to visitors and the remaining blue line area to the west of the railway line shall be used for car parking purposes on not more than 28 days per year.

Reason: For the avoidance of doubt as to the scope of the permission, in the interests of highway safety and to clarify the extent of use of the various car parking areas.

20.0 Informatives

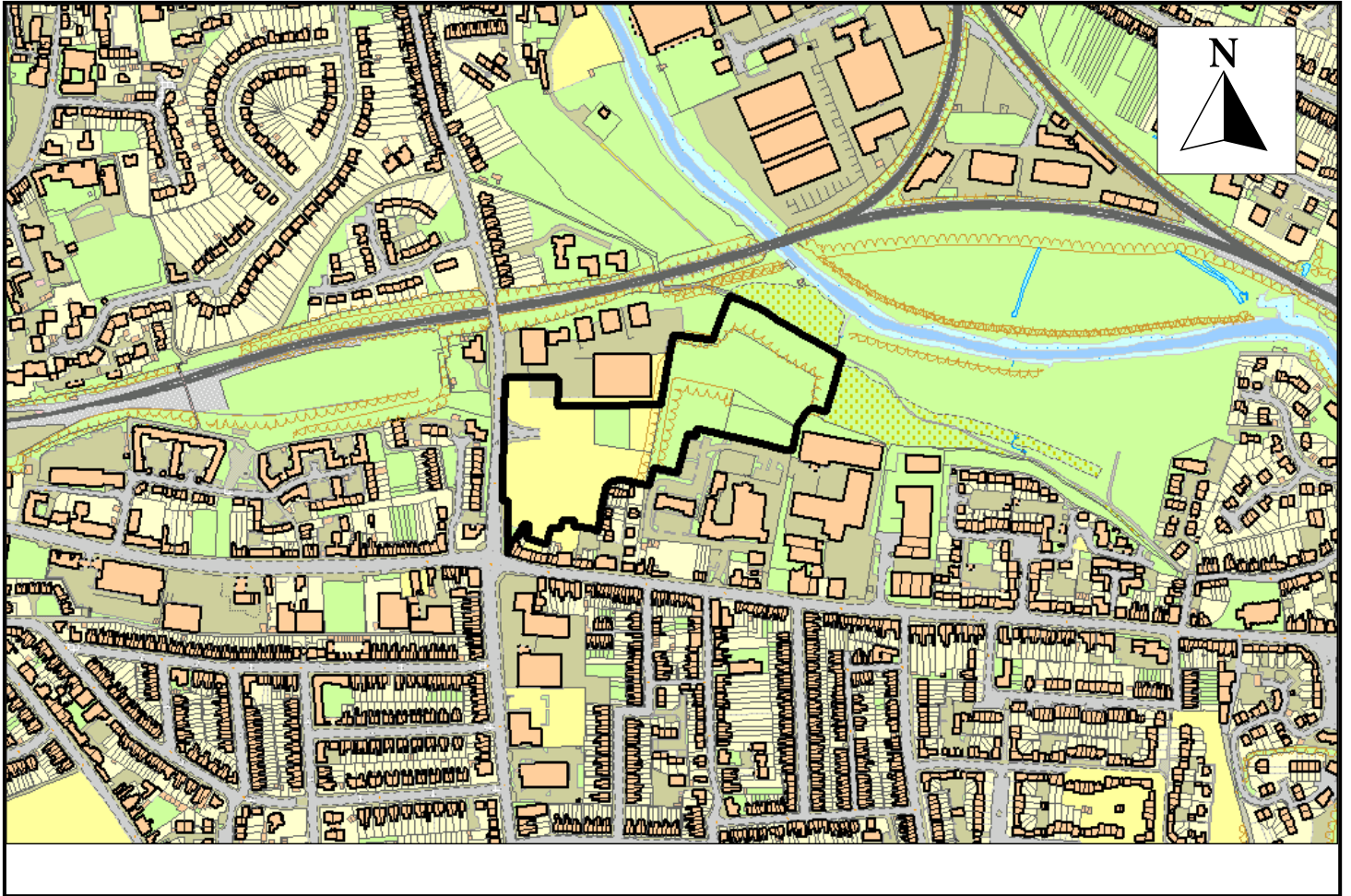
(1) **ZT0 – Advisory Note on Construction & Demolition** The developer is referred to the attached advisory note Advisory Notes for the Control of Pollution during Construction & Demolition Works for the avoidance of pollution during the demolition and construction works. Should the applicant require any further guidance they should contact Environmental Control prior to the commencement of the works.

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

(3) Your attention is drawn to Condition 4 above and to reference to "exhibitions/functions" and "restaurant" facilities in the submitted application documents. You are advised that such facilities must be connected to, and ancillary to, the use of the museum for storage, display and teaching/study purposes only. If not, this type of use would be likely to involve a material change of use of the relevant part of the site. This consideration applies equally to those parts of the site that are not covered by the particular application as this site, in its entirety, is an established D2 museum use relating to rail exhibitions, displays, experiences and the like. Uses unrelated to that use (for example, wedding venue hire) may require permission in their own right and represent a change in the use of the land.

21.0 Positivity Statement

21.1 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.



Location: Land to rear of Brook Street, Colchester

Scale (approx): NOT TO SCALE

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Planning Committee

Item

14 March 2013

Report of	Head of Strategic Policy and Regeneration	Author	Karen Syrett
			01206 506477
Title	Endorsement of proposed amendments to the S106 Legal Agreement for development at Brook Street and for a new Legal Agreement to secure additional affordable housing at Brook Street in lieu of other sites.		
Wards affected	New Town		

Planning Committee are asked to agree proposed amendments to the S106 Legal Agreement for development at Brook Street and a new Legal Agreement to secure additional affordable housing on the site in lieu of other developments.

1.0 Decision Required

- 1.1 Members are asked to endorse the proposal to provide significant additional affordable housing on a site in Brook Street. This will necessitate changes to the existing S106 Agreement and the signing of a new agreement which brings forward an equivalent amount of affordable housing obligation from a future site.

2.0 Reasons for Decision(s)

- 2.1 Members endorsement is required for Deed of Variations to legal agreements that would result in a change in the provisions of the obligations secured under the original agreement.

3.0 Alternative Option

- 3.1 Members can decide not to endorse the additional affordable housing offer. This would mean that funding secured from the HCA would be lost and leave the developers to build out the scheme as permitted, incorporating 4 affordable housing units.

4.0 Supporting Information

- 4.1 Planning permission (ref: F/COL/04/1747) was granted for residential development of 110 units on a site in Brook Street in 2006, subject to a S106 agreement. The permission was renewed in 2010 (ref: 101983.) The legal agreement provides for the provision of 4 (one and two bedroom) affordable housing units, recreational land, a playground, highway works, a shoppers car park and a mechanism to review remediation costs.

- 4.2 The site is in a sustainable location with access to transport links, shops and a doctor's surgery all close to hand. Work is due to start on site in April 2013 and the final units would be completed in November 2015. The developers (Mersea Homes and Hills Residential) have agreed in principle to sell 72 of the homes that are to be built to Colne Housing Society at a substantial discount for use as affordable rented tenure housing. If agreed, this proposal would mean that 65% of all homes built on the scheme would be owned and managed by Colne Housing Society as affordable rented tenure with the benefit to the Council of 100% nomination rights in perpetuity.
- 4.3 These numbers are made possible due to an innovative proposal negotiated between the key stakeholders; Icen Homes, Colne Housing Society, Mersea Homes, Hills Residential and the Council, which combines s106 obligations from Brook Street, HCA grant monies, a future allowance against development and grant support from the Council. The Council's Officers have influenced the proposal to ensure that in total, 39 of these 72 affordable homes (54%) would be larger family units which are a Council housing priority need. The mix of affordable housing secured would be as follows – 33 x 2 beds, 29 x 3 beds & 10 x 4 beds
- 4.4 At a time when the residential development market has been subject to substantial adjustment (decline) and the Government has introduced new policies in relation to affordable housing and viability of development, it is unusual to consider a proposal to increase the affordable housing provision on a site. The uplift is only possible if the Council agrees to 'credit' the developers with an equivalent amount of floorspace on a development in the future. The arrangement effectively allows an additional 68 affordable housing units to be made available earlier than waiting for the other schemes to come forward. The agreement would be covered by Section 1 of the Localism Act.
- 4.5 The four proposed tranches of affordable housing that all need to be combined on this scheme are as follows:

Existing Brook Street requirement

2 x 3 bedroom houses are proposed to replace the 3 x 1 bedroom & 1 x 2 bedroom flats previously agreed in the existing s106 for this site. This therefore secures additional bedroom capacity

HCA Grant Monies

33 homes of mixed size would be substituted for a scheme in Old London Road, Marks Tey recently withdrawn from Colne Housing Society programme. This already has a Homes & Communities Agency funding allocation of £1,070,220. The HCA will need to formally confirm their agreement to the switch of allocation but because the Council supports the switch a positive response is expected. Additionally, the switching proposal has been discussed with the HCA in principle and has received positive comment.

Allowance Scheme (eg Rowhedge Port and/or another site to be developed by the developers)

19 x 3 & 4 bed homes would be provided as a pro-forma, off-site contribution originating from an anticipated s106 affordable housing contribution requirement from Mersea Homes on their part of the Rowhedge Port scheme which has been under planning discussion for several years now.

CBC Funded Additional Homes

18 additional homes not included in any s106 package are being offered to CBC for nominations in perpetuity (in return for financial support by the Council by way of Local Authority Social Housing Grant (LASHG)) of £565,873.

4.6 The proposal presents a great opportunity to secure a substantial affordable housing contribution in these times of diminishing provisions on s106 sites. Additionally, as work on the site in question is about to start there is certainty surrounding the delivery of the housing with no likelihood of future disputed levels of contribution due to financial viability arising. The demand for affordable housing in this sustainable location is high and there would be significant opportunity for positive publicity for the council.

4.7 In order to secure the additional affordable housing some changes have been made to the scheme. The main alterations are as follows;

- The recreation land (c.1.65 acres) would now be adopted for public use (previously retained in private ownership) and a commuted sum would be paid for maintenance.
- No play equipment will be provided within the public open space. There are however equipped play areas to the south (East Street) and to the north (Old Heath Recreation Ground)
- There will be no opportunity to revisit remediation costs at the end of the development to ascertain if there is an under spend which could go towards additional affordable housing. In view of the uplift this is not considered necessary. It was included when only 4 affordable units were being proposed.
- Various definitions and clauses will be deleted because they are no longer required
- New clauses shall control the new affordable housing mix; transfer to the registered provider; number of completions before the public squares and links, the recreation land and the shoppers car park have all been laid out and the recreation land transferred.

5.0 Proposals

5.1 It is considered that the proposed revisions offer an opportunity to secure additional affordable housing, of a type and tenure that best addresses housing needs, the Council would retain 100% nomination rights in perpetuity and the new homes would be delivered earlier than waiting for other schemes to come forward. It is therefore recommended that Members accept the changes proposed.

6.0 Consultations

6.1 Officers from Spatial Policy, Strategic Housing, Parks and Recreation and Development Management have all been involved in negotiating amendments to the existing planning permission, revising the S106 agreement and drafting the new legal agreement concerning the affordable housing credit.

6.2 Cllr Tina Bourne (as Housing Portfolio Holder) and Ward Members have been consulted on this proposal and have all accepted the revisions given the opportunity to secure additional affordable housing units.

7.0 Strategic Plan References

7.1 The redevelopment of the Brook Street will enable the delivery of affordable housing which is an important corporate objective

8.0 Financial Implications

- 8.1 Icen Homes are seeking £565,873 of Local Authority Social Housing Grant (LASHG) for the 18 CBC units which is equivalent to £31,437 per unit. Recently the council held in the region of £971,221 in commuted sums for affordable housing and by agreeing to this LASHG request there would be a balance of £405,348 remaining.
- 8.2 Of the 72 affordable units proposed, 21 would not require any grant allocation and will be completed free from any grant support of any kind. 33 units already have grant support of £1,070,220 allocated by the Homes & Communities Agency.

9.0 Standard References

- 9.1 The proposal set out in this report does not directly raise any implications in respect of publicity considerations or Equality, Diversity and Human Rights, Community Safety, Health and Safety or Risk Management Implications.



Application No: 121902

Location: Williams & Griffin Ltd, 152 High Street, Colchester, CO1 1PN

Scale (approx): 1:1250

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Planning Committee

Item

14th March 2013

Report of	Head of Environmental & Protective Services	Author	Andrew Tyrrell ☎ 01206 282390
Title	Request to Agree Amended Drawings Numbers for W&G Redevelopment Proposed within Planning Application 121902		
Wards affected	Castle Location of Site), Highwoods and Myland (Long Distance Views) and All (Wider Benefits of Scheme)		

This report sets out proposed changes to the location of plant and equipment on the roof of W&G from the locations previously agreed as part of the redevelopment proposals approved under 121902. That decision has not yet been formally issued because of the need to finalise a s106 Agreement, however agreeing the minor repositioning of the rooftop plant now will allow the decision and related s106 to be issued with revised drawing numbers and avoid the need for a later minor amendment application and changes to the legal agreement.

1.0 Decision Required

- 1.1 Members are asked to agree that the previously approved drawings for 121902 be superseded and added to with new drawing numbers that show the repositioning of plant equipment on the roof of W&G. There are no other changes.
- 1.2 There are 3 new drawings:
- Drawing 20758-01-AR-07-103 will be superseded by Drawing 20758-01-AR-07-103 Revision A.
 - Drawing 20758-01-AR-07-104 will be superseded by Drawing 20758-01-AR-07-104 Revision A.
 - Drawing 20758-01-AR-07-415 shows the north and west rooftop elevations including the plant equipment and has no direct previous comparison drawing to supersede.

2. Reasons for Decisions

- 2.1 Members are being asked to agree this decision so that the revised arrangements can be incorporated into the existing application and the proposed s106 Agreement prior to the formal issue of the planning approval. This will negate the need for Fenwick Ltd to immediately submit a new application and alter the s106 agreement to reflect that a second application was submitted. Essentially, this is to avoid the onerous technical red tape that would apply to achieve the same result post-decision.

3. Report on the Proposed Changes

- 3.1 The proposed changes relate solely to moving the plant equipment previously shown on the approved drawings to an alternative position on the rooftop. The visual impact of this move would be negligible, so there seems to be no significance to the public impact of the building. However, moving the plant would make the demolition and construction phases more efficient. This would make things easier for the developer and also slightly reduce the duration that the High Street would have a building site ongoing within it.
- 3.2 Aside from there being no significant issues to the relocated rooftop plant and equipment, it should be noted that the equipment is not visible from the immediate ground floor levels because it is located on the roof top and set back from the buildings edges. The previous drawings were subject to a visual impact analysis from the north of Colchester, particularly from strategic views of Colchester's High Street from Highwoods Country Park. However, most of the W&G building is obscured by the BT tower. The plant will also be visible from the platforms of the northern train station, however given the combination of distance and the context of the train station from where such observers would be standing this is not considered to be significant.

4. Alternative Options

- 4.1 An alternative option is to decline the proposed changes and issue the permission as previously approved by the vote of the Committee on 13 December 2012. In that event the applicant would have to wait until the decision was formally issued by the Council and then submit a revised application with the same changes as being proposed herein. If they did so as a straight resubmission there would be a full application with no charge as it would be a first resubmission within 12 months. This would then require a full public consultation at expense to the Council. Alternatively the applicant may choose to submit a "Non Material Amendment" application as the changes are so minimal, which could be approved under delegated powers by the Officers, but would still have consequential costs in terms of time and resources.

5. Financial implications

- 5.1 There are no "significant" financial implications.

6. Equality, Diversity and Human Rights Implications

- 6.1 There are no significant equality, diversity or human rights implications

7. Publicity Considerations

- 7.1 Because the changes are so minor there is no need to undergo any public consultation.

8. Risk Consideration

- 8.1 There is no risk.

9. Strategic Plan References

- 9.1 The Planning Service contributes to all of the Council's key objectives.

10. Community Safety Implications

10.1 The proposed changes do not significantly affect community safety.

11. Background Papers

11.1 Members will need to compare the previously submitted drawings for this application (121902) to the new drawings proposed to supersede them. These will be shown at the Committee Meeting on 14 March.

AMENDMENT SHEET

Planning Committee
14 March 2013

AMENDMENTS OF CONDITIONS AND REPRESENTATIONS RECEIVED

7.1 121444 – Betts Uk Ltd., 505 Ipswich Road, Colchester

Members are advised that the following revisions to the wording of the conditions as set out in the report are proposed:

Full permission

Condition 2 should also include the following drawing refs: COLC/DWG/GLB/APP/GA/004 REV005, ATR – 007 REV B and GA – 003 REV B

Condition 10 – the phrase ‘...excluding security...’ inserted into the text in order to allow security officers to access the site as necessary outside the stated hours

Outline permission

Condition 9 - omit reference to ‘...retained historic features and proposals for restoration...’ as there are no historic features on site

Condition 21 – omit this condition as it may be imposed as part of reserved matters approvals if communal storage areas are proposed at that stage

Condition 25 – omit this condition as is a repeat of condition 22

Condition 23 – add ‘...as part of any subsequent reserved matters planning application submission...’ to the end of the main body of the text.

Condition 26 – the correct reference number should read as 002

Condition 31 – the last bullet point of this condition be omitted as there is no non-residential element of the development as explained in the report. The second from last bullet point to be amended to read ‘...the provision of Residential Travel Information Packs...’

7.2 F/COL/01/1626 – A12t/Northern Approaches Road, Mile E

Myland Community Council have commented as follows:-

“OBJECT

Myland Community Council recommends this application no.121610 from Essex County Council Highways Department is refused.

Our grounds for refusal are:

- 1. The Application site boundary is inadequate at the Northern end and should be at least 20m north of the critical proposed A134 junction within the NAR3.**

The application must have included in detail how traffic from NAR3 & A134 will flow and be prioritised through highly complex set of junctions, equivalent to 3 major cross roads in one location

- 2. The application site boundary at the southern end inadequately represents traffic management at the end of the bus route**

The NCTS proposes using the station roundabout as a passenger transfer location to increase the occupancy and reduce the number of buses needing to pass under the station bridge. In MCC's view this is essential, no information as to how an increased number of buses through Bruff Close will be accommodated, prioritised or how all traffic may be affected around the station gyratory.

- 3. In MCC's view the RTR will have to accommodate ALL buses on both the Park & Ride and the NAR2 route**

This is the only way to prioritise public transport and at the same time retain viable, non-stopping private and commercial traffic flows down the NAR 2.

It is illogical that ECC are proposing in this application that all buses will use both the NAR2 and the Rapid Bus Corridor. The ECC proposals will increase the conflict of priorities of all buses and other traffic generally around the Station Gyratory.

It is our view the only logical approach is to make small amendments and re-submit the application making it clear that the Rapid Transit Route will accommodate all such buses, from the beginning, and no buses will enter the station gyratory through the NAR2 route. (Turner Road buses can cross directly into Bruff Close).

4. Junction Capacities have not been re-evaluated,

Junction capacity calculations and core data, which were requested of ECC Highways for this application, were not provided. ECC representatives have stated that none of the currently available data from the NCTS, Vectos Transport Assessment or the Royal Haskoning&MCC reports (issued in November 2012) for the junction capacities of the NAR2/3/A134 have been applied to this assessment or design for this RTR application.

The ECC representatives confirmed that new traffic, anticipated from all new developments expected to use the NAR network in the future, e.g. the NGAUE, the Northern villages and Northern Gateway, have NOT been accounted for in these proposals.

5. Pedestrian Safety

Members will remember the demand from this community for an underpass under the NAR2, a decade ago for our children and visitors to the hospital.

The application confirms our original concerns in that there are NO CONTROLS to be established for pedestrians, especially the children attending both Primary Schools and the Nursery, nor for patients to both the main Myland doctors surgery and the Hospital, ALL of whom have to cross the NAR2/3 and the bus route which is to have NO pedestrian controls.

The reason given for this, from ECC officers, was there would only be a bus every 10 minutes and the children could manage to avoid them, plus it is too expensive/ disruptive to bus flows to allow for child/patient safety provision.

The lack of pedestrian controls is totally unacceptable and we suggest would render any CBC approval of this application at this time, unsafe.

6. Hospital Ambulance Access

MCC are very pleased to see an inclusion of a dedicated medical access from the NAR2 into the hospital. However, regrettably, we feel we must criticise the design being a right angled turn. We had specifically requested a slip lane type of turn for this location for 2 reasons.

1. Was to make vehicles decelerate more and turn more slowly, for the safety and comfort of injured people.

2. To move the ambulances out of main traffic flows sooner and thus reduce consequential heavy braking by normal traffic behind, which could also have implications on Mill Road junction.

7. Piecemeal Development threatening Integrity of Strategic Network

The NAR network is supposed to be a strategic network, however the changes made in the past plus the ad hoc decisions to change key features of the original design have already placed the integrity of the total system in jeopardy by:-

1. ECC officers have admitted to now taking a piecemeal approach to design solutions.
2. There is no valid or approved North Colchester Transport Strategy in place.
3. There appears to be no design brief or adequate funding to provide the essential modifications to the Station Gyratory, the NAR2/3 and the A134 junctions at either end of the application site.
4. There is no evidence that funding is secured to undertake all improvements required in future.

8. Footpath 54

Footpath 54 (Bradford Drive onto the NAR) is in the process of being diverted, however MCC expresses concern that Plan B355300/LE/05 shows no provision for this footpath as per the Definitive Map.

9. Conclusions

Whilst MCC agrees the bus lane is a very high priority for CBC and us, the approval of this application, without addressing all the above issues at this time, will lead to an unsafe, uncompleted and inadequate strategic corridor in the future. The implications of not undertaking the RTR properly at this time will lead to the NGAUE, North Villages and Northern Gateway proposed developments becoming compromised on highway design, capacity and safety terms.”

Correction:

Paragraph 3.2 should read 'There is a modern residential development adjacent to the bus-way site, with some of the properties fronting onto the bus-way: No's 7-17 (odds) and 8-12 (evens) Bardsley Close; No. 151 Hakewill Way; and No's 14-24 Bardsley Close.'

Amendment to recommendation:

In response to point 5 of the Myland Community Council comments, received 12th March 2013, the Applicant has resolved to include signals at the pedestrian crossings. These signals will signal green for the majority of time, turning red when a bus approaches (essentially a reversal of the normal timings for a pedestrian crossing). Due to this late amendment, amended plans have not been received. Therefore, it is recommended that, following receipt of amended plans that show the signalled pedestrian crossings, the Head of Environmental and Protective Services be authorised under delegated powers to approve the submitted details for condition 6. The details for conditions 4, 7, 14, 17, and 18 would remain unaltered, as set out in the committee report recommendation.

7.3 121780 – Chappel & Wakes Colne Station, Station Road, Wakes Colne

Correction to Councillor Chillingworth's call in reason. Should read:-

"I am calling-in on behalf of Wakes Colne and Chappel Parish Councils who have various concerns. The main planning reason is on Highway safety rounds that the proposal will put undue pressure on Station Road and other local road because of the anticipated increase in visitor numbers. Station Road, already has problems with speeding traffic because of the hill and no pedestrian footpath along the lower stretch."

At paragraph 6.4 (relevant planning history) the application No. is 111928.

Agenda Item 8 – Endorsement of proposed amendment to the S106 Legal agreement for development at Brook Street

Members are asked to agree that sites where the affordable housing credit may be used include Rowhedge Port, Stanway Growth Area and/or any other site the Council agrees is appropriate.



Colchester Borough Council Development Control

Advisory Note on Parking Standards

The following information is intended as guidance for applicants/developers.

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.

A garage should have an internal space of 7 metres by 3 metres. Smaller garages do not count towards the parking allocation.

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. One visitor space must be provided for every four units.

Residential parking standards can be relaxed in areas suitable for higher density development.



Colchester Borough Council Environmental Control

Advisory Notes for the Control of Pollution during Construction & 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.