

# Planning Committee

Town Hall, Colchester  
25 June 2009 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](http://www.colchester.gov.uk) or from Democratic Services.

### Have Your Say!

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### 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.

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

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## **Material Planning Considerations**

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

- planning policy such as local and structure plans, other local planning policies, 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 **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, restrictive covenants, rights of way, ancient rights to light
- effects on property values
- loss of a private view
- identity of the applicant, their personality, or a developer's motives
- competition
- the possibility of a "better" site or "better" use
- anything covered by other types of 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.

**COLCHESTER BOROUGH COUNCIL  
PLANNING COMMITTEE  
25 June 2009 at 6:00pm**

**Members**

Chairman : Councillor Ray Gamble.  
Deputy Chairman : Councillor Stephen Ford.  
Councillors Mary Blandon, Helen Chuah, Mark Cory,  
John Elliott, Andrew Ellis, Theresa Higgins, Sonia Lewis,  
Jackie Maclean, Jon Manning and Ann Quarrie.

**Substitute Members** : All members of the Council who are not members of this Committee or the Local Development Framework Committee. The following members have undertaken planning training which meets the criteria:-  
Councillors Nick Barlow, Lyn Barton, Kevin Bentley, John Bouckley, Nigel Chapman, Peter Chillingworth, Barrie Cook, Beverly Davies, Wyn Foster, Mike Hardy, Peter Higgins, Martin Hunt, Michael Lilley, Richard Martin, Nigel Offen, Laura Sykes, Jill Tod, Anne Turrell 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 circulated at the meeting and members of the public should ask for a copy to 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 on the day 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 to 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 personal interests they may have in the items on the agenda.

If the personal interest arises because of a Councillor's membership of or position of control or management on:

- any body to which the Councillor has been appointed or nominated by the Council; or
- another public body

then the interest need only be declared if the Councillor intends to speak on that item.

If a Councillor declares a personal interest they must also consider whether they have a prejudicial interest. If they have a prejudicial interest they must leave the room for that item.

If a Councillor wishes to make representations on an item on which they have a prejudicial interest they may do so if members of the public are allowed to make representations. In such circumstances a Councillor must leave the room immediately once they have finished speaking.

An interest is considered to be prejudicial if a member of the public with knowledge of the relevant facts would reasonably regard it as so significant that it is likely to prejudice the Councillor's judgement of the public interest.

Councillors should consult paragraph 7 of the Meetings General

Procedure Rules for further guidance.

**6. Minutes** **1 - 10**

To confirm as a correct record the minutes of the meeting held on 11 June 2009.

**7. Planning Applications**

In considering the planning applications listed below, the Committee may chose 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. 090468 1-5 Culver Walk, 77-85 Culver Street East, Colchester (Castle) **11 - 23**

Demolition of first and second floors of nos. 1 to 5 Culver Walk, and nos. 77, 79, 81, 83 and 85 Culver Street East. Reconstruction of the same floors at these properties at higher floor heights with new elevations.

2. 090217 Land adjacent (south) Grange Road, Tiptree (Tiptree) **24 - 66**

Change of use of agricultural land to sports field, minor regrading and drainage of playing area, with associated vehicle parking area and vehicular access from Grange Road, Community useage of one pitch proposed.

3. 090460 Borrow Pits North and South Langenhoe Marsh, Fingringhoe (Pyefleet) **67 - 70**

Extraction of clay from 2 new borrow pits for the construction of an access berm adjacent to the seawall on Langenhoe Marsh. Following extraction of clay the borrow pits will be landscaped to create 2 conservation lagoons.

4. 090608 61 Oaklands Avenue, Colchester (Prettygate) **71 - 76**

Proposed two storey side extension with front porch, rear single storey extension, conservatory and internal alterations.

5. 082055 Marks Tey Railway Station, Sstation Road, Marks Tey (Marks Tey) **77 - 95**

Extension to existing car park to provide 154 spaces (gross) together with new access, lighting, CCTV, signage, ticket machines

and associated drainage and infrastructure.

6. 090390 Homagen, Chappel Road, Great Tey (Great Tey) **96 - 99**

Amendment to proposal approved under application No. 081527 to retain one window at the rear of the barn and insertion of one window to the side of the barn.

7. 090499 Highwoods Square, Colchester (Highwoods) **100 - 104**

Resiting of a combined heat and power (chp) unit to provide a sustainable method of powering the store. Resubmission of 081576.

8. 090533 Visitor Centre, Turner Road, Colchester (Mile End) **105 - 109**

Extension to visitor centre to provide new classroom office/kitchen area and toilet facilities including a DDA accessible w.c.

- 8. Section 106 Requirements // Garrison Area P1, Ypres Road, Colchester** **110 - 112**

See report by the Head of Environmental and Protective Services.

## **9. 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).





**PLANNING COMMITTEE**  
**11 JUNE 2009**

*Present :-* Councillor Ray Gamble\* (Chairman)  
Councillors Mary Blandon\*, Helen Chuah\*,  
Mark Cory, John Elliott\*, Stephen Ford,  
Theresa Higgins\*, Sonia Lewis\* and Jon Manning\*

*Substitute Members :-* Councillor Peter Chillingworth  
for Councillor Andrew Ellis\*  
Councillor Christopher Arnold  
for Councillor Jackie Maclean\*  
Councillor Richard Martin  
for Councillor Ann Quarrie\*

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

## **17. Minutes**

Subject to the name 'Sarah Stello' being corrected to read 'Sarah Costello' in the last line of the fourth paragraph of minute no. 16 of the meeting held on 21 May 2009, the minutes of the meetings held on 30 April, 20 May and 21 May 2009 were confirmed as a correct record of those meetings.

## **18. F/COL/06/1132 26 Hythe Quay, Colchester**

The Committee considered an application for the refurbishment and redevelopment of the existing Victorian warehouses and the construction of a new residential block to form twenty-four apartments including landscaping and riverside improvements. The Committee had before it a report in which all information was set out.

Bradly Heffer, Principal Planning Officer, and David Whybrow, Development Manager, attended to assist the Committee in its deliberations. The issue relating to this application is the ongoing maintenance of the river wall. The red line extended to include the river wall on the Jewson site, but the red line does not extend to include the river wall on this application.

Jonathan Frank addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in support of the application. Comparisons have been made between this site and two other riverside sites, but the circumstances are different. The other sites are both new build sites and have full unobstructed access to the river wall. This application is a restoration needing specialised equipment brought in by barge. The draft

Section 106 agreement has taken 16 months to complete after the Committee approved the application. It contained financial obligations that they had not agreed to nor were they prepared to maintain some of the walls they did not own. The Council's own consultant agreed that this site produced a sub-standard level of profit at the height of the housing boom. We are now in a recession and if the redevelopment was marginal at the height of the boom how can he be expected to give an open ended contribution. If any of the officers were still in the employ of the Council, the fact that the files did not make mention of the continuing maintenance of the river wall would be enough not to ask for this contribution. These buildings are some of the final and most visible buildings in the regeneration area which will be preserved for future generations by a reliable company.

It was explained that officers were relying on what was presented to the previous Committee meeting. The identity of the owner of the river wall was unknown. There is a desire to see the buildings re-used and to get the walls repaired but there is also a desire for consistency on all redeveloped sites along the riverside in terms of securing the ongoing maintenance of the river walls, but officers were in agreement that this was a different case because it was a conversion not a new build site. It had been suggested if the applicant was willing to enter into a legal agreement that included the on-going maintenance of the wall, a clause could be included so that in the event that the actual owner came forward and took steps to prevent the applicant from carrying out any maintenance work, the applicant's responsibility for the maintenance of the river wall would be extinguished. However the applicant was not willing to enter into such an agreement even with the proviso.

Members of the Committee were very disappointed that the application was being recommended for refusal. They were aware that the river walls were not within the red line. It was confirmed that the applicant was willing to repair the section of the wall beyond the extent of the buildings and considered it unusual to ask an applicant to do something which was not in his ownership, but they were also aware that the applicant was not willing to agree to take on the maintenance of the river walls in perpetuity. The Committee were reminded that if they approved the application without the on-going maintenance secured, it might be the Council's responsibility which could be very expensive in the future. It was suggested that the Council could look at the possibility of a heritage organisation taking responsibility for the wall which could be investigated by other teams in the Council.

*RESOLVED* (MAJORITY voted FOR) that –

(a) Consideration of the application be deferred for completion of a Section 106 Agreement, to include matters set out in the original report for planning application F/COL/06/1132, but to exclude any clauses relating to

ongoing maintenance of the river wall.

(b) Upon receipt of a completed Section 106 Agreement, the Head of Environmental and Protective Services be authorised to grant consent with conditions and informatives covering matters set out for planning application F/COL/06/1132, or any other conditions considered appropriate.

#### **19. 090371 Graylands, Peldon Road, Abberton**

The Committee considered an application for the replacement of an existing detached bungalow with a detached one and a half storey four bedroom house, previously approved under F/COL/06/0379. The Committee had before it a report in which all information was set out.

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

#### **20. 090385 140 Mile End Road, Colchester**

The Committee considered an application for the conversion of an existing three bedroom house into two one-bedroom flats with parking and an amenity area. The Committee had before it a report in which all information was set out.

*RESOLVED* that –

(a) Consideration of the application be deferred for completion of a Unilateral Undertaking to provide for a contribution towards Open Space, Sport and Recreational Facilities in accordance with the Council's Supplementary Planning Document.

(b) Upon receipt of a satisfactory Unilateral Undertaking, the Head of Environmental and Protective Services be authorised to grant consent with conditions and informatives as set out in the report.

**Councillor Sonia Lewis (in respect of her acquaintance with Mr Parker from their schooldays) declared a personal interest in the following item pursuant to the provisions of Meetings General Procedure Rule 7(3)**

**Councillor Richard Martin (in respect of his acquaintance with Mr Parker from their schooldays) declared a personal interest in the following item**

**pursuant to the provisions of Meetings General Procedure Rule 7(3)**

**Councillor Ray Gamble (in respect of his acquaintance with Mr Parker through their work for Colchester United Football Club) declared a personal interest in the following item pursuant to the provisions of Meetings General Procedure Rule 7(3)**

**21. 090452 Calver House, 44, 46, 48 and 38 Artillery Street, Colchester**

The Committee considered an application for the construction of three, three person, two bedroom bungalows for physically disabled people with associated parking. The Committee had before it a report in which all information was set out, see also Amendment Sheet.

David Whybrow, Development Manager, attended to assist the Committee in its deliberations. He referred to the amended drawings submitted since the previous meeting which showed three wider parking spaces, outside storage facilities enclosed by fencing together with further fencing to separate and give enclosure to the private amenity space. In addition there had been a dialogue between Colne Housing and one resident regarding the proposals and other residents had seen copies of the amended plan.

Gordon Parker addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in support of the application. He confirmed that the wider parking spaces would be provided and that one of the tenants has had direct dialogue with Colne Housing and he had spoken with two of the residents about the proposals. Amendments have been made to the scheme to address the concerns of residents who no longer wished to object to the scheme. He believed the Unilateral Undertaking had been signed and the monitoring fee submitted and he asked that the Committee grant consent.

Members of the Committee were content now that the residents' concerns had been addressed and they no longer objected to the revised proposal and Mr Parker was thanked for liaising with the tenants and for the resulting amendments.

*RESOLVED* that –

(a) Consideration of the application be deferred for completion of a Unilateral Undertaking to provide for a contribution towards Open Space, Sport and Recreational Facilities in accordance with the Council's Supplementary Planning Document.

(b) Upon receipt of a satisfactory Unilateral Undertaking, the Head of

Environmental and Protective Services be authorised to grant consent with conditions and informatives as set out in the report together with an additional condition linking the permission to the amended drawings submitted.

## **22. 090545 76 Lexden Road, Colchester**

The Committee considered an application for part demolition and extension of an existing residential care home. The Committee had before it a report in which all information was set out, see also Amendment Sheet.

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.

*RESOLVED* that the application be approved with conditions and informatives as set out in the report, see additional conditions on the Amendment Sheet.

## **23. 090552 Bures Water Tower, Chappel Road, Wakes Colne**

The Committee considered an application for the addition of one 600mm transmission dish at 21.6metres attached to an existing pole-mount fixed to the inner face of the parapet wall on the top of the water tower, together with the retention of three existing 600mm dishes with one 600mm dish re-sited adjacent the new dish and two 600mm dishes at 21.6metre centres on the existing pole to the right of the top of the tower, together with associated feeder cabling. The existing pole-mount on the front of tower to be removed on completion of the re-siting works. The Committee had before it a report in which all information was set out, see also Amendment Sheet.

*RESOLVED* that Prior Approval is required, and the application is approved.

## **24. 090241 Hythe Station Road, Colchester**

The Committee considered an application for a change of use from highway to allow open pedestrian access. The Committee had before it a report in which all information was set out.

*RESOLVED* that the application be approved with conditions and informatives as set out in the report.

## **25. 090260 Hythe Station Road, Colchester**

The Committee considered an application for alterations and improvement works including resurfacing works, erection of shelters and benches. The Committee had before it a report in which all information was set out.

*RESOLVED* that the application be approved with conditions and informatives as set out in the report.

## **26. 090366 17 Heather Close, Laver de la Haye**

The Committee considered an application for a single storey rear extension to a ground floor flat. The Committee had before it a report in which all information was set out.

*RESOLVED* that the application be approved with conditions and informatives as set out in the report.

## **27. 090375 4 Bargate Lane Cottages, Bargate Lane, Dedham**

The Committee considered an application for a first floor side extension over an existing single storey side extension. 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.

David Whybrow, Development Manager, attended to assist the Committee in its deliberations. He confirmed that the private area immediately to the rear of no. 5 Bargate Lane Cottages would be protected from overlooking, but the rear portion of the garden will be overlooked by no. 4 from the new rear bedroom window. He commented that there was no articulation between the new gable and the house, but neither was there articulation between the existing gable and the house.

Mr Sharp addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in opposition to the application. He requested that the new rear window be moved to the side of the new extension and that a bedroom be used as a bathroom. If the proposal goes ahead as submitted the new window at the back will overlook his garden and he will have no privacy.

Mr Clarke, the applicant, addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in support of the application. He stated that both houses have gardens looking towards the other's patio and

garden. The neighbour was objecting on the grounds that a bedroom window will create overlooking rather than it reducing privacy. He suggested that there will be a greater level of privacy than at present. The rear bedroom will be a bathroom with opaque glass. The view from bedroom window will be partially obscured because of the extension and bedroom two will have a partial view going down towards the end of the garden but it will be impossible to see round to the patio area of no. 5. The proposal will not worsen the situation and the design issues are not contrary to any planning policy. He accepted the conditions and suggested the following mitigating amendments:- both neighbours to allow their hedges to gain height, the applicant will remove the existing fir tree and plant a taller tree and he offered to reduce the size of the bedroom window by 20%.

It was explained that these were matters which might mitigate the impact on the neighbour. However, in this case the proposals did not add significantly to overlooking the neighbour's garden for the reasons explained. A high hedge may not be a good idea because of the risk of contravening high hedge regulations. The bedroom window will only be able to see towards the rear of the garden.

Members of the Committee agreed that the objector did not have a good case in planning terms and believed that when the extension was built he would not find the situation worse. It was not considered that the reduction in size of the bedroom window would help, but there was a recognition that the applicant was trying to be a good neighbour. It was also recognised that there was going to be some overlooking into the back garden, but not so much that it can be refused and both parties can decide how tall to allow their hedges to grow.

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

## **28. 090399 Primrose Cottage, The Street, Chappel**

The Committee considered an application for a renewal of planning permission F/COL/03/2172 for a proposed new dwelling and garage. The Committee had before it a report in which all information was set out, see also Amendment Sheet.

John Davies, Principal Planning Officer, attended to assist the Committee in its deliberations. He referred to the consultation in respect of the Conservation Area not having been done and also that he anticipated that the Environment Agency would not raise any objections to the proposal.

Mr Smith addressed the Committee pursuant to the provisions of Planning

Committee Procedure Rule 8 in support of the application. The design of the new dwelling was drawn up in 1989. He had attempted to agree the height of the dwelling with officers and the Environment Agency but it appeared not to be an issue. The internal layout had been altered so that it was now a two bedroom property instead of having a box room. If required the property could be set further back into the site.

Members of the Committee commented that the parish council was grateful that their comments were on the Amendment Sheet. Whilst this is a 20 year old consent and the parish council were aware that the development was likely to go ahead, during the intervening 20 years the desire to protect the Conservation Area has hardened. It was considered that the dormer windows and the triangular finial to the garage structure do not fit in with The Street which is a very well preserved Victorian village street. A plainer brick facade was preferred without so much decoration but with some Victorian detailing similar to Primrose Cottage so it fitted into the street better than at present and to this end it was requested that officers discuss with the applicant an improvement to the detailing. If there was no agreement on an improved design the Committee wanted the application to come back for a decision.

It was explained that the principle of development was well established and that the scheme would not have any material impact on the school route by causing any additional street parking. Negotiations in respect of the design would include comments from the Design Team to make the building more contextual with the surrounding buildings together with the requirement for a plainer design and high quality materials suitable for the Conservation Area was noted.

*RESOLVED* that –

- (a) Consideration of the application be deferred for negotiation with the applicants to achieve an improved design in the light of the Committee's comments; for consultation in respect of the Conservation Area; and for a response from the Environment Agency.
- (b) Subject to an improved design being agreed, and to there being no new issues raised following the statutory notification of the application in respect of its impact on the Conservation Area and no objections being raised by the Environment Agency, the Head of Environmental and Protective Services be authorised to grant consent with conditions and informatives as she considers appropriate.
- (c) In the event that there is no agreement on the improved design or there are any new issues raised from the consultation or objections from the Environment Agency, the application to be re-submitted to the Committee for a



decision.

## **29. 090420 7 Stour Walk, Colchester**

The Committee considered an application for a conservatory and had before it a report in which all information was set out.

John Davies, Principal Planning Officer, attended to assist the Committee in its deliberations.

Mr Tuthill addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in opposition to the application. The application site was directly below his flat, and whilst he did not wish to spoil the owners' enjoyment of their property, he was concerned that if permission was given for the conservatory he would encounter real difficulties in maintaining the first floor window, the gutter and soffit above the conservatory. The conservatory would be 6' by 10' and it would be necessary to protect it. There is a covenant that says no habitable structures can be built. He asked the Planning Committee to refuse the application on the basis of the real difficulty and cost that this construction would cause him.

Mr Campling addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in support of the application. They lose sunlight early in the afternoon from their lounge which goes cold quickly and they hoped that this conservatory would rectify this situation. He believed that he was complying with the lease which states that there should be no building without the prior approval of the appropriate authority. The issue regarding access to the upper floor was covered by health and safety regulations and would require scaffolding.

Whilst members of the Committee did have some sympathy with the objector, the issues he raised were not planning issues. The Committee considered that the applicant had a duty to help his neighbour when the property needed maintenance work and whilst it was not possible to enforce this by condition it was hoped that the applicant would act as a good neighbour and be prepared to overcome the problem by assisting financially.

*RESOLVED* that the application be approved with conditions and informatives as set out in the report.

## **30. Enforcement Action // Land to the rear of Oaktree Farm, Straight Road, Boxted**

The Head of Environmental and Protective Services submitted a report seeking authorisation to take enforcement action against the owners of the above property to secure the cessation of the use of the land and buildings for B2 industrial and storage uses and any other unauthorised use. The Committee had before it a report in which all information was set out.

The land and the buildings to the rear of Oaktree Farm had an agricultural use. However, the site is currently being used for the formation of large wooden structures, which are used in civil engineering; this employs the use of loud machinery and, being a place where building materials are being manufactured, is considered to be a B2 use. It is the officers' opinion that the current unauthorised use is harmful to the open countryside and is contrary to the Borough Plan Policies.

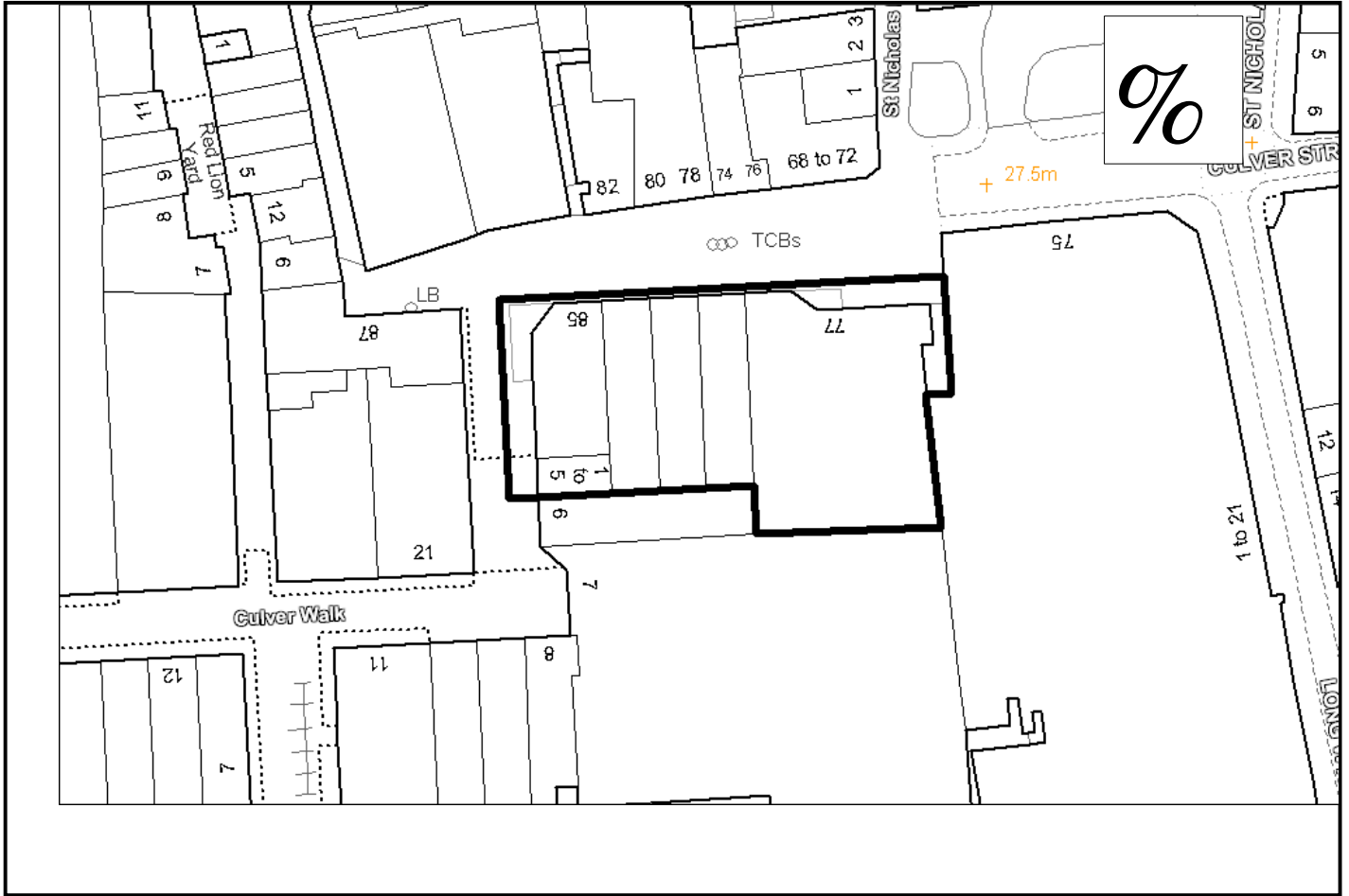
David Whybrow, Development Manager, attended to assist the Committee in its deliberations. The unauthorised use was noisy and involved formwork and shuttering which it was considered was inappropriate in the countryside.

Mr Oliver addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in support of the request for enforcement action. He explained that his property was immediately adjacent to the site and he had reported the unauthorised use which had continued for the last nine months.

Members of the Committee were in agreement that the use was inappropriate. There were many residential properties in the area and the reported activity was a nuisance. The Boxted Employment Site was not far away which would be an alternative location for the activity.

It was explained that the use of the site has to be appropriate in terms of scale and nature and this is a particularly unsuitable use in the context of the additional policy relating to the Straight Road/Boxted area.

**RESOLVED (UNANIMOUSLY)** that enforcement action be authorised for the cessation of the B2 use on land and buildings to the rear of Oaktree Farm, Straight Road, Boxted with a compliance period of three months.



**Application No:** 090468

**Location:** 1-5 Culver Walk, 77-85 Culver Street East, Colchester

**Scale (approx):** 1:1250

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# Committee Report

Agenda item **7**

To the meeting of **Planning Committee**  
on: **25 June 2009**  
Report of: **Head of Environmental and Protective Services**  
Title: **Planning Applications**

Relevant planning policy documents and all representations at the time this report was printed are recorded as BACKGROUND PAPERS within each item. An index to the codes is provided at the end of the Schedule.

**7.1 Case Officer: Mark Russell**      **EXPIRY DATE: 06/07/2009**      **MAJOR**

**Site:**      **1-5 Culver Walk, 77-85 Culver Street East, Colchester**

**Application No:** **090468**

**Date Received:** 6 April 2009

**Agent:**      Mr Graeme Roe

**Applicant:**      Lasalle Uk Ventures Co Property

**Development:**      Demolition of first and second floors of no.s 1 to 5 Culver Walk and no.s 77, 79, 81, 83 and 85 Culver Street East. Reconstruction of the same floors at these properties at higher floor heights with new elevations.

**Ward:**      Castle

**Summary of Recommendation:** Conditional Approval

## 1.0 Site Description

- 1.1 The site comprises the BHS frontage on to Culver Street East, as well as the return aspect down Culver Walk as far as (but not including) Dolland and Aitchison.
- 1.2 Currently this is a two and a half-storey development in red brick and glazing much in keeping with the rest of the Culver Walk development. The section next to the Cooperative building is single storey. This part of the precinct is different, however, as it is punctuated by four "Lucams" which, traditionally, are projecting structures often seen in the roofs of mills.

## **2.0 Description of Proposal**

- 2.1 The applicant's proposals for the precinct are covered by three separate planning applications, of which this is phase three. Planning permission has already been granted under F/COL/04/0219 to remove the first floor bridge link over Culver Walk – the applicant is describing this as phase one (permission also exists under F/COL/04/1576 to change the frontage of the BHS and Dolland & Aitchison buildings but the applicant does not intend to pursue this). Committee also granted permission for Phase two in May of this year, this was for “Public realm works including landscaping and street furniture:Extension to BHS entrance to Culver Walk:Repointing of brickwork:Application of rendering/blind glazing onto existing brickwork on 7.8.9.10,19 Culver Walk:Replacement of timber soffit with white opaque glazing in Lion Walk Shopping Centre(except Library) Provision of new glazed canopy at 6.8.9.10 Culver Walk:Lighting proposals.”
- 2.2 The proposal before Members is for a remodelling of the main, Culver Street East- facing façade of BHS and neighbouring units (currently occupied by Paperbox, an empty unit, Bay Trading – which is shortly to vacate the unit - and O2). This will entail the substantial demolition of part of the buildings, and their replacement with a building up to three metres higher. The 4 “Lucams” which are characteristic of the BHS building, would be replaced by 3 similar structures approximately one metre higher than the existing. These would be clad in green patina copper cladding.
- 2.3 The element closest to the Co-operative building would be raised to the same level as the rest of the proposed BHS frontage, whilst it is considerably lower at the moment.
- 2.4 Frontage treatment is proposed to be similar to much of that which was approved by Members under 090099 – namely using existing, remortared, brickwork in places, combined with white/off-white render and glass and grey metal stall risers.
- 2.5 This treatment is also proposed for the return elevation on to Culver Walk as far as Dolland & Aitchison, where it would link in with the development allowed under 090099.
- 2.6 The applicant has not broached the subject of hard landscaping for this application. This has mainly been due to difficulties of multi-ownership of part of Culver Street East (which commences about three-quarters of the way across). The applicant has advised that there may be future projects on the pedestrianised area of Culver Street East. However, as this is still uncertain, it is proposed that a hard landscaping condition be placed on this application should permission be granted.

## **3.0 Land Use Allocation**

- 3.1 Inner Core in Colchester Conservation Area 1.

## **4.0 Relevant Planning History**

- 4.1 20668 - Redevelopment of 3 acres in the Lion Walk area as a Pedestrian Precinct comprising shops, offices, a Public House, Day Centre, Church, Church Hall, Public Lavatories, and Library on the maximum of 3 floors with basement servicing capable of being linked in due course with the proposed Culver Street Precinct. Approved 11th September 1972;

- 4.2 F/COL/02/1607 - Single storey partial front extension, enlarged shop-front openings, eaves projection with external illumination and adjustment to external street levels (Boots building). Approved 13<sup>th</sup> November 2002;
- 4.3 F/COL/04/0219 - Partial demolition of first floor and link-bridge, introduction of new elevations. Approved 8th June 2004;
- 4.4 F/COL/04/0220 - Demolition of first and second floor, reconstruction of these floors, introduction of new elevations, change of use from office to retail. Withdrawn 10th May 2004;
- 4.5 F/COL/04/1576 - Renewal of existing elevations and creation of an additional floor to the staircase (BHS, and Dolland & Aitchison). Approved 1st October 2004;
- 4.6 082065 - Proposed construction of a steel column in front of No.7 Culver Walk (BHS). Approved, 6th February 2009.
- 4.7 090099 - Public realm works including landscaping and street furniture: Extension to BHS entrance to Culver Walk: Repointing of brickwork: Application of rendering/blind glazing onto existing brickwork on 7.8.9.10, 19 Culver Walk: Replacement of timber soffit with white opaque glazing in Lion Walk Shopping Centre(except Library) Provision of new glazed canopy at 6.8.9.10 Culver Walk: Lighting proposals. Approved by Committee in May, and awaiting the issuing of a decision notice.

## **5.0 Principal Policies**

- 5.1 Adopted Review Colchester Local Plan:  
DC1 - Development Control considerations;  
TCS4 – Inner Core  
UEA1 – Conservation Areas  
UEA2 – Buildings in Conservation Areas
- 5.2 Core Strategy:  
CE2a – Town Centre  
UR2 – Built Design and Character  
PR2 – People Friendly Streets

## 6.0 Consultations

### 6.1 English Heritage

“The objective of retaining the essential character of the key elevations of the Gibberd designed Lion Walk development as viewed from adjacent parts of the conservation area has been uppermost in the comments that we have made in previous letters.

The latest drawings are a result of negotiations to which English Heritage was invited to contribute and which are referred to in the design and access statement. These proposals still involve major changes, but they are not as radical as the previously approved scheme.

The recreation of the lucam features and copper cladding is welcomed.

We understand that you are discussing certain elements such as the BHS store entrance and we recommend that details such as this as well as signing and colour finishes be considered carefully in view of the prominent location.

We would otherwise raise no further objections to these proposals.”

### 6.2 Design & Heritage Unit (comprising Conservation & Design and Urban Design)

“Lion Walk phase three is largely satisfactory with the following exceptions. The element from the Coop to BHS glazed entrance lacks the conventions of the main body and looks dis-coordinated from the main elevation.

To remedy this the BHS entrance should be moved towards the Coop allowing the render ‘snake’ to enclose the curtain wall as in the other entrance to BHS. Between the glass element of the entrance and the Coop store the high level render should also be contained by render elements on each side as all the render panels on the scheme.

The glass entrance element should be arranged with the composition in a better way. It could better relate to the view down St Nicolas Lane.

The return on the glass window boxes may appear awkward in glass and I would like to see if alternative materials would be more suitable.

Finally I wonder if the canopy on this northern elevation is a positive contribution when the theme of the refurbishment has been to lighten the whole arcade. I believe the canopy to be unnecessary. “

*OFFICER'S NOTE – These items have now been resolved with a new treatment to the entrance area being agreed. The canopy is to match that on the rest of the development (090099) and is therefore felt to be acceptable.*

### 6.3 Regeneration

“The Regeneration team are extremely pleased to see this second application to continue improvement to the Lion walk shopping Centre. We are also pleased to note that a dialogue has continued apace with Officers from the council. We feel that these proposed improvements will add to the, already, high quality retail offer we enjoy in Colchester. We recommend this application.”

### 6.4 Highway Authority

The Highway Authority asked for a condition relating to heights of overhangs and advised that any overhang of the Highway would incur a charge.

DC0901MW 01/02

## 6.5 Environmental Control

Environmental Control recommended the inclusion of a standard Demolition and Construction advisory note.

## 6.6 Development Team

Development Team looked at the application, and advised that if any part of the reconstructed building overhung the highway a section 177 licence would be required, as the Highways Agency is responsible for the protection of highway rights even where it does not own the land.

6.7 The Saint Botolphs Quarter Project Team is in discussion with Highways over the provision of a Travel Information Pod as part of Phase 2, at a cost of around £20 to £25,000 for the pod and a 5 year maintenance contract.

## 7.0 Representations

7.1 Colchester Civic Society has responded as follows:

“Colchester Civic Society did not object to earlier applications in respect of this part of the Lion Walk renovation because we have no objection to the removal of the “bridge” over Culver Walk and we support extension of retail use in this area.

Our objections are to the proposed introduction of white opaque glass modules or render and to opaque glass soffits, which we consider will destroy the distinctiveness of the centre.

The proposed new entrance to the BHS store gives a dull horizontal profile, which we do not find attractive.”

## 8.0 Report

8.1 As previously reported (Culver Walk/Lion walk Phase 2 – application 090099) the Culver Walk and Lion Walk shopping centre has been widely praised for its careful use of forms and materials at a time when many other town centres were opting for concrete. Any change, therefore, must be of at least equal quality, especially given the Conservation Area location. The principal aspect – namely that at the main entrance to BHS facing on to Culver Street East - is a high profile location with significant visual reach from St. Nicholas Passage, St. Nicholas Street and the older section of Culver Street East.

8.2 The fundamental aspects of change to the shopping centre have already been agreed by Members (May 2009), and the application before you now can be seen as the final piece of the jigsaw in the redevelopment of the centre. Retention of some of the brickwork, re-pointing with a grey cementitious (not lime) mortar, and use of white/off-white materials – opaque glass and rendered modules – at higher floors. Also, pop out display windows and aluminium stall-risers. External lighting is also proposed. All treatment will be conditioned to match that of 090099 in the interests of a comprehensiveness and consistency of approach.



- 8.3 In common with earlier applications (such as 090099, as well as F/COL/04/0219 – which was for the removal of the first floor bridge on Culver Walk), the applicant is seeking to introduce more light in to the precinct, and to this end it is proposed to remove the overhang section, which is supported by steel columns, at the corner of 85 Culver Street East as this is seen as oppressive.
- 8.4 Beyond this, however, there are some fundamental differences between this application and 090099, and these amount to nothing less than the complete overhaul of this part of Culver Street East.
- 8.5 It is proposed to demolish the first and second floors of the properties in question, and to rebuild them at a greater height as detailed in the section above (i.e. between one and three metres higher). This would produce a scale and massing which would no longer be subservient to the Co-operative building, but would be slightly higher than that building's main roofline (albeit set back).
- 8.6 A major new entrance is proposed in the same position as the existing, and another is proposed for the corner of Culver Street East and Culver Walk. This would serve a new large unit, which would replace four existing smaller ones.
- 8.7 Most of the new frontage would have an opaque glass canopy. The existing four lucams would be replaced by three larger ones, and these would have copper roofs in lieu of the current hanging slate.
- 8.8 The lucams would be asymmetrical in the sense that the display windows would hang 900mm lower than the rest of the projection. This has not been identified as a problem by your Officers or English Heritage, but it could leave an exposed glazed section to the left-hand-side, through which a partial view of display models would be apparent. To avoid this the applicant has agreed to obscure the left hand pane.
- 8.9 Unquestionably the increased height of this frontage would have visual reach, and with this in mind your Officers have sought to establish what effect this would have on the wider Colchester skyline.
- 8.10 Other than from immediately in front of the buildings, there is no point from which the frontage would be seen "full on" due to the existing height of buildings on the other side of Culver Street East, and their equivalents which face on to High Street.
- 8.11 There would, feasibly, be a very brief glimpse of a small part of the roof across the High Street and down and across St. Nicholas Street, but this view would appear to be infinitesimal.
- 8.12 From all other aspects it appears that the new roof would be largely unseen, other than from the site itself. The exceptions would be as mentioned above – namely from St. Nicholas Passage (where a view of the entrance to BHS only, as now, would be possible), St. Nicholas Street and the older section of Culver Street East (oblique views in the case of these last two).

8.13 The original proposed treatment at the entrance, and also to the left of it (next to the Co-operative store) was deemed to be unacceptable, so a new solution has been sought. Your Officers have negotiated a scheme in which the pattern of the rest of the development is followed, namely the “snake” of darker render material capping the entrance, moving down the side of it, and continuing along the brief horizontal aspect before striking upwards and completing the effect in a comprehensive, consistent manner. This area of treatment is, arguably, slightly cramped, but this is a small price to pay for preserving the main entrance view down St. Nicholas Passage.

## **9.0 Conclusion**

9.1 In conclusion, notwithstanding objections from Colchester Civic Society, and in the continued interests of the vitality of Colchester town centre as well as being a critical proposal which ties in with the rest of the Culver Walk/Lion Walk development, this scheme is deemed to be acceptable and is recommended for approval.

## **10.0 Background Papers**

10.1 ADRBLP; Core Strategy; NLR, CD, Development Team, HH, EH; Regen; HA; CC

## **Recommendation - Conditional Approval**

### **Conditions**

1 - A1.5 Full Perms (time limit for commencement of Development)

The development hereby permitted shall be begun before the expiration of three 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 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004

2 – Non-Standard Condition

Notwithstanding the details of the drawings hereby approved, the applicant shall, prior to the commencement of development, submit drawings resolving the treatment of the area next to the BHS entrance onto Culver Street East showing the dark render to extend upwards next to the boundary wall with the Co-operative building. The development shall be carried out in accordance with the approved details.

Reason: In the interests of a comprehensive and consistent development, and in the interests of visual amenity in this Conservation Area location.

3 – Non-Standard Condition

Samples of render type/colour and glass type/colour shall be submitted prior to the commencement of development. Details of these, including rustication, and a maintenance regime for the render shall be submitted, and agreed in writing, by the Local Planning Authority and shall be implemented as such and retained at all times.

Reason: In the interests of a comprehensive and consistent development, and in the interests of visual amenity in this Conservation Area location.

#### 4 – Non-Standard Condition

Samples of render type/colour and glass type/colour shall be submitted prior to the commencement of development. Details of these, including rustication, and a maintenance regime for the render shall be submitted, and agreed in writing, by the Local Planning Authority and shall be implemented as such and retained at all times.

Reason: In the interests of visual amenity in this prominent location within Colchester Conservation Area 1.

#### 5 – Non-Standard Condition

Detailed drawings showing the proposed casing, including colour, around the render and glass sections shall be submitted prior to the commencement of development. These shall be agreed in writing by the Local Planning Authority and shall be implemented and retained as such at all times.

Reason: In the interests of visual amenity in this prominent location within Colchester Conservation Area 1.

#### 6 – Non-Standard Condition

Details of any proposed artwork shall be submitted prior to the commencement of the development and shall be agreed in writing by the Local Planning Authority. These shall integrate with those details agreed under permission 090099, and shall be implemented and retained as such at all times.

Reason: In the interests of integration with the other phases of this development, and in the interests of visual amenity in this prominent location within Colchester Conservation Area 1.

#### 7 – Non-Standard Condition

Detailed drawings showing any proposed street furniture shall be submitted prior to the commencement of the development. These shall be agreed in writing by the Local Planning Authority and shall be implemented and retained as such at all times.

Reason: In the interests of visual amenity in this prominent location within Colchester Conservation Area 1.

#### 8 – Non-Standard Condition

Details of the mortar type and colour shall be agreed prior to the commencement of development and shall match those details agreed under permission 090099. This shall be implemented in a phased manner to be agreed with the Local Planning Authority, this agreement shall also be reached prior to the commencement of development.

Reason: In the interests of visual amenity in this prominent location within Colchester Conservation Area 1, and to ensure a comprehensiveness of development.

#### 9 – Non-Standard Condition

Detailed drawings showing the proposed type/specification pattern and gauge of the stone paving and the bonding shall be submitted prior to the commencement of the development. These shall be agreed in writing by the Local Planning Authority and shall be implemented and retained as such at all times, unless otherwise agreed in writing by the Local Planning Authority.

Reason: The applicant owns and controls the majority, but not all, of the hard surfacing on Culver Street East, and a new scheme of hard surfacing should be implemented in such a way as to integrate in a visually satisfactory manner with the rest of this street in the interests of visual amenity in this prominent location within Colchester Conservation Area 1. In addition the Council wishes to use the surface material in a way that subtly highlights the existence of significant remains beneath the surface.

#### 10 - Non-Standard Condition

Prior to the commencement of the development, the applicant shall submit drawings showing the exact layout of glass and render, these details shall be agreed in writing with the Local Planning Authority and shall be implemented as such.

Reason: For the avoidance of doubt as to the scope of this permission, and to ensure that the change of materials is achieved in a visually satisfactory way.

#### 11 - Non-Standard Condition

Notwithstanding the details granted under planning permissions F/COL/04/0219 and F/COL/04/1576, these permissions (apart from the removal of the bridge, and the re-facing of the walls where this has been removed) are hereby excluded.

Reason: The proposal hereby approved does not match with the development permitted under these applications.

#### 12 - Non-Standard Condition

Detailed drawings showing any under-lighting to the soffits shall be submitted prior to the commencement of development. These shall be agreed in writing by the Local Planning Authority and shall be implemented and retained as such at all times.

Reason: In the interests of visual amenity in this prominent location within Colchester Conservation Area 1.

### 13 - Non-Standard Condition

Any lighting of the development shall fully comply with the figures specified in the current 'Institution of Lighting Engineers Guidance Notes for the Reduction of Obtrusive Light.' This shall include sky glow, light trespass into windows of any property, source intensity and building luminance. Upon completion of the development and prior to [the building hereby permitted coming into beneficial use/the use hereby permitted commencing] a validation report undertaken by competent persons that demonstrates compliance with the above shall be submitted to the planning authority for approval. Having been approved any installation shall thereafter be retained and maintained to the standard agreed.

Reason: In order to reduce sky glow and safeguard the amenity of neighbouring [residential] properties by controlling the undesirable, disruptive and disturbing effects of light pollution.

### 14 - Non-Standard Condition

Detailed drawings showing the proposed "welcome mats" shall be submitted prior to the commencement of development. These shall correspond with those agreed under 090099, and be agreed in writing by the Local Planning Authority and shall be implemented and retained as such at all times.

Reason: In the interests of visual amenity in this prominent location within Colchester Conservation Area 1.

### 15 - Non-Standard Condition

Detailed drawings showing any proposed soft-landscaping and green shall be prior to the commencement of any development. These shall be agreed in writing by the Local Planning Authority and shall be implemented and retained as such at all times and where new lighting columns are to be introduced these should be capable of accommodating hanging baskets of an appropriate style or other arrangements made to allow the development to contribute positively to the Colchester in Bloom initiative.

Reason: In the interests of visual amenity in this prominent location within Colchester Conservation Area.

### 16 - Non-Standard Condition

A method statement shall be submitted prior to the commencement of any development to ensure that existing brickwork is not damaged by mechanical disk cutters and other machinery. This statement shall be agreed in writing by the Local Planning Authority and shall be implemented as such.

Reason: For avoidance of doubt as to the scope of this permission, and in the interests of visual amenity in this prominent location within Colchester Conservation Area 1.

### 17 - Non-Standard Condition

Where any of the proposed reconstruction of fascia works overhang the Highway, those elements of the building so doing shall afford minimum headroom above the Highway of 2.6 metres.

Reason: To ensure the unimpeded passage of pedestrians and cyclists in the interests of Highway safety.

#### 18 - Non-Standard Condition

Prior to the commencement of development, the applicants shall notify nearby residents, from a list provided by Colchester Borough Council with this decision notice, of the date of commencement of works on phase 2, and with an indicative timetable of the programme of works for the entire phase 2.

Reason: In the interests of residential amenity.

#### 19 - Non-Standard Condition

Prior to the commencement of development, the applicants shall provide Colchester Borough Council with details of the working methodology and programme of resident notification following the initial notification detailed in condition 21. These details shall be agreed in writing by the Local Planning Authority and shall be implemented as such.

Reason: In the continued interests of residential amenity.

#### 20 - Non-Standard Condition

No demolition or construction work relating to this permission shall be carried out on any Sunday or Public Holidays nor before 0730 hours or after 1800 hours on any weekday or before 0800 hours or after 1300 on Saturdays, unless otherwise agreed with the Local Planning Authority.

Reason: In the continued interests of residential amenity.

#### 21 - Non-Standard Condition

Prior to the commencement of development, the applicant shall provide details of public information plaques relating to the historic artefacts which have previously been found within the development site. These details shall be agreed in writing by the Local Planning Authority, and shall be implemented as such in a phased manner to be agreed in writing by the Local Planning Authority prior to the substantial completion of the development.

Reason: In the interests of recognising the importance of historic artefacts discovered within this shopping precinct.

#### 22 - Non-Standard Condition

Prior to the occupation of the unit, annotated on the plans hereby approved as "New Unit" the applicant shall provide a sum of £25,000 to the Highway Authority to supply an Information pod at a location to be agreed within the Lion Walk/Culver Walk development, and to contribute towards its upkeep for the first five years of maintenance.

Reason: To give information to bus users, pedestrians and car users, and to facilitate movement of these users during their visit to Colchester town centre.

#### 23 - Non-Standard Condition

Canopies shall match with those permitted under application 090099, and shall be retained as such.

Reason: In the interests a consistent and comprehensive development, and in the interests of visual amenity in this Conservation Area setting.

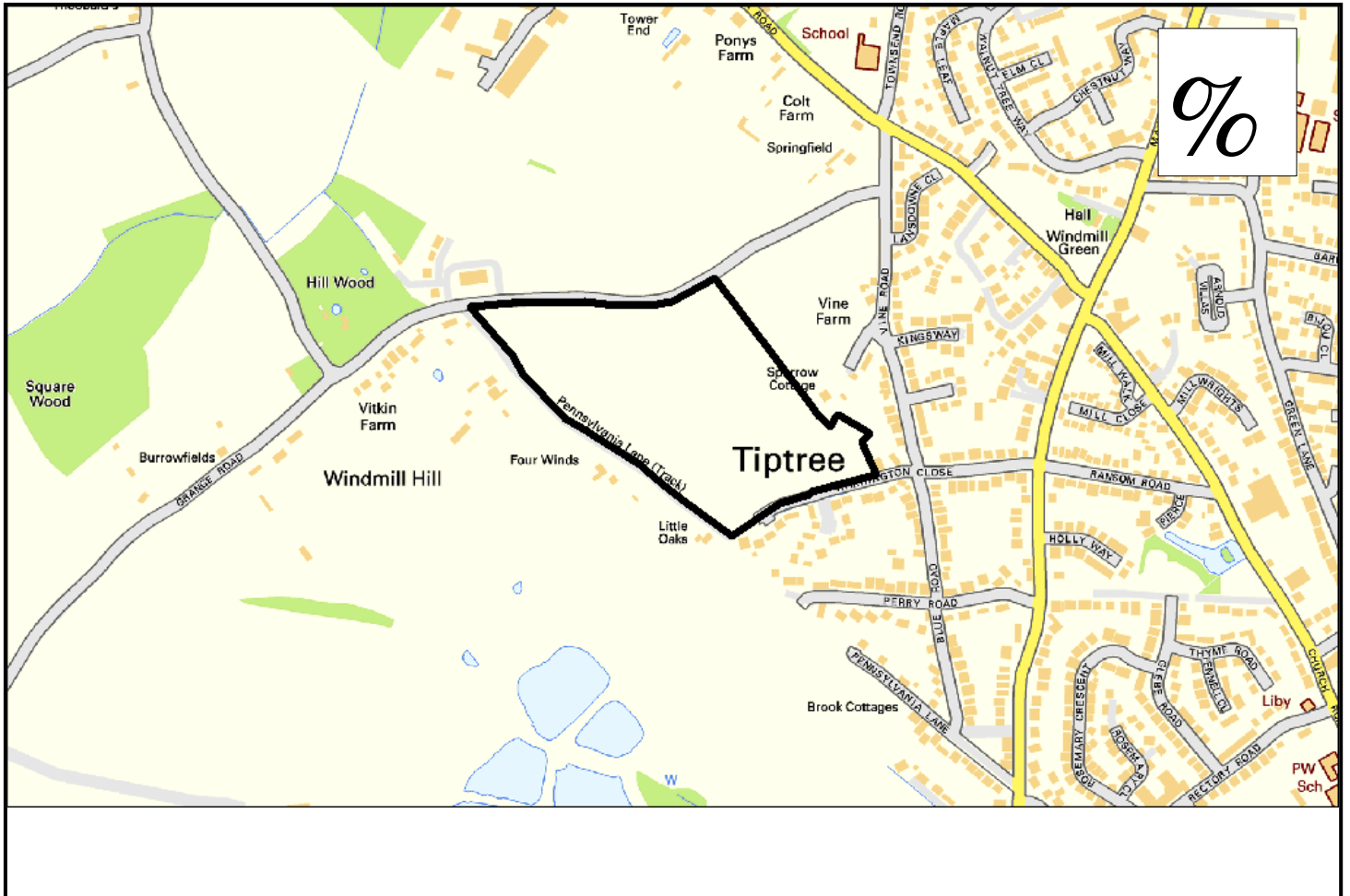
## **Informatives**

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.

Any overhang of the highway maintainable at public expense requires a licence under section 177 or 178 of the Highways Act 1980 which will incur a charge of £725.00. The Highway Authority reserves the right under Section 152 of the Highways Act 1980 to remove or alter any overhang over the Highway which is considered to be an obstruction to the safe and convenient passage of the public in the highway. This is to ensure that the proposal complies with the County Council's Highways and Transportation Development Control Policies as originally contained in Appendix G to the Local Transport Plan 2006/2011 and refreshed by Cabinet Member decision dated 19th October 2007.

Prior to any works commencing, the exact nature of the Highway boundaries in the vicinity of the development site shall be agreed in site by the Highway Authority.

All works affecting the Highway shall 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 initially by telephone on (01206) 838696 or by email on [www.highways.eastarea@essex.gov.uk](mailto:www.highways.eastarea@essex.gov.uk).



**Application No:** 090217

**Location:** Land Adjacent (South), Grange Road, Tiptree, Colchester

**Scale (approx):** 1:1250

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**7.2 Case Officer: Bradly Heffer**

**MAJOR**

**Site:** Land Adjacent (South), Grange Road, Tiptree, Colchester

**Application No:** 090217

**Date Received:** 17 February 2009

**Agent:** Mr John Lawson

**Applicant:** Colchester United Football Club Ltd

**Development:** Change of use of agricultural land to sports field, minor regrading and drainage of playing area, with associated vehicle parking area and vehicular access from Grange Road. Community useage of one pitch proposed.

**Ward:** Tiptree

**Summary of Recommendation:** Call in to Government Office

**1.0 Planning Report Introduction**

1.1 This report concerns a proposal, submitted on behalf of Colchester United Football Club, to create new football pitches on land at Grange Road Tiptree.

**2.0 Site Description**

2.1 The site for this proposal is an area of land (of approximately 9 hectares in size) located on the western side of Tiptree. Specifically, it is bounded by Grange Road, Pennsylvania Lane and Harrington Close. It was last utilised for agricultural purposes with the northern and western boundaries defined by established hedging and trees. The southern boundary with Harrington Close is currently open as is the eastern boundary except where it abuts the curtilage of Sparrow Cottage. In topographical terms the site is relatively level and, apart from the existing boundary hedging on the periphery there are no features of prominence within the site – the land having been used for arable farming.

2.2 The land use surrounding this site is for the most part predominantly rural in character, punctuated by sporadic development including the Waterworks site to the northwest and a row of dwellings that front on to the south side of Grange Road. To the south of Harrington Close, on the opposite side of Harrington Close, is residential development, the frontage of which faces across the application site.

### 3.0 Description of Proposal

3.1 The proposal put forward for consideration by Members is for the provision of 5 football pitches on the land. Four pitches would be utilised by Colchester United as a training facility while the fifth pitch would be for community use. The submitted plans also show the following:

- Creation of a new vehicular access of Grange Road, leading to a parking and turning area for vehicles as well as covered cycle parking spaces.
- Provision of a new footpath/cyclepath link from the new access, leading north eastwards on the southern side of Grange Road, terminating at the junction of Grange Road with Vine Road.
- Provision of a new 3 metre wide path (consisting of a 2 metre wide cycle path and 1 metre wide footpath) along the line of Footpath 14 Tiptree that would link Grange Road and Harrington Close.
- The construction of a 2 metre high perimeter fence around the boundaries of the site, punctuated at identified points by gates providing maintenance access.
- The creation of a 1.2 metre high bund on the south eastern boundary of the site.
- New hedging and tree planting on the site including the eastern boundary of the site and along the access visibility splays at Grange Road. A small copse is also shown at the north-western corner of the site.

3.2 It should be noted that although the proposal is for football pitches the scheme does not involve the provision of floodlighting.

3.3 By way of explanation, the Design and Access statement submitted with the application explains the background to the proposals. Extracts of the report are reproduced below for Members' information, while the full document is available for examination on the Council's website.

3.4 In relation to the need for the Training Ground the following comments are made:

'For many years the Club has used facilities at the University of Essex for training purposes and has had to compromise over its training needs by sharing facilities with the University's students. Other facilities have been used at the Garrison, Shrub End Community and Sports Centre and the Five Lakes leisure centre at Tolleshunt Knights. The University and Garrison sports pitches become unusable at certain times of the year and dispersing the training facilities across different sites has become increasingly unsatisfactory and inadequate for a professional club the size of CUFC. Shared use of school facilities has also been explored, as potential option (sic) for training purposes. However, limited access and availability to the facilities during weekdays precludes this as an adequate option. The size and quality of school pitches also poses a constraint to the Club from a professional standards point of view in the unlikely event that they would be available for use during the weekdays.

In addition, with the progress the Club has made in recent years, the time has now come to create a purpose designed facility, tailored to CUFC's own particular needs. Consequently, CUFC has identified a need for a new facility with permanent access to enable the Club to train on a daily basis and develop its sporting excellence.

Land at Grange Road, Tiptree which is in the Club's ownership would allow for such a sporting facility to be developed over a period of time as described below. The site is

relatively flat and suitable for laying out for sports pitch use. It covers an area of approximately 9 hectares and comprises former agricultural land (Grade 3). The site is well located in relation to the edge of Tiptree’.

Members should note that the site actually consists of Grade 2 and 3 agricultural land.

- 3.5 As alluded to above the current application represents the first in a series of proposals for this site. The first stage (identified as 1a) would consist of the provision of the pitches themselves which would require the installation of ground drainage, re-grading of the land and grassed pitch areas and a vehicle parking area. The pitches themselves would consist of four full sized football pitches for Colchester United, plus a further full sized pitch for community use. The accompanying statement identifies that it is likely that two of the four training pitches would be used at any time, with the community pitch used at weekends.
- 3.6 Leading on from this first stage (the subject of this application) it is stated that proposals to provide ‘...built facilities...’ i.e. changing facilities on the land (located at the northern end of the site near the proposed Grange Road access) will be submitted, constituting stage 1b.
- 3.7 The submitted statement also identifies a further stage (stage 2) explained as follows:  
‘This phase is associated with proposed residential development on the remainder of the farmland owned by the Club located on either side of Grange Road. This longer term programme is being promoted by the Club through CBC’s Local Development Framework (LDF) process and includes proposals for additional sports and community facilities as well as new housing.  
In addition to providing housing, the intention is to meet certain needs for the Tiptree community as identified in the adopted Core Strategy i.e. additional community sports facilities, which may consist of an all-weather 5-a-side pitch, a Community Sports Hall and allowance for 0.5 hectares of allotment land.’
- 3.8 By way of further clarification the following comment is included in the Design and Access statement  
‘...it should be noted that the initial sports and community use development described under Phases 1a (i.e. the subject of this planning application) and the changing facilities under 1b as set out above are not directly linked to the proposed LDF housing proposals and represent a stand alone scheme in this respect’.
- 3.9 The submitted information estimates that the maximum number of Colchester United players and staff using the site at any time would be approximately 58. The submission proposes that the Colchester United training pitches are used between 10:30am and 13:00pm Monday to Friday (with occasional use at weekends at the same time if the Club has a weekday evening match). The community pitch would be used for weekend matches between either 10:00am and 1:00pm or 2:00pm and 5:00pm. It is proposed that the community pitch would also be used for a two hour period between 10:00am and 5:00pm on Bank Holidays.
- 3.10 The documents submitted in support of this planning application (including the Design and Access statement, Transport Statement, Flood Risk Assessment and Noise Assessment Report) are available to view on the Council’s website.

#### **4.0 Land Use Allocation**

4.1 The site for this proposal falls within an area of white land i.e. no notation as designated in the adopted Review Colchester Borough Local Plan – March 2004.

#### **5.0 Relevant Planning History**

5.1 None

#### **6.0 Principal Policies**

6.1 Adopted Review Colchester Borough Local Plan – March 2004

DC1 – General Development Control criteria

CO4 – Landscape Features

CO8 – Agricultural Land

P1 – Pollution

L14 – Public Rights of Way

L15- Footpaths, cycleways and bridleways

L16 – Sports causing noise or disturbance.

6.2 Local Development Strategy Core Strategy – December 2008

ENV1 – Environment

ENV2 – Rural Communities

PR1 – Open space and recreation facilities.

#### **7.0 Consultations**

7.1 The Highway Authority did object to the originally-submitted scheme, but following discussions between that Authority and the applicant's agent a revised proposal is not objected to, subject to the imposition of conditions on a grant of planning permission.

7.2 The views of Planning Policy are as follows:

'The application relates solely to provision of sports pitches with associated vehicular access and parking. I am satisfied that this application can be considered in isolation and is separate from the representations submitted in respect of the Site Allocations DPD which is currently being prepared. The provision of sports pitches is not considered to undermine the Core Strategy and the strategic objectives contained therein.

Relevant planning policies and guidance can be found in the following documents:

National Planning Policy Guidance

PPG17- Planning for Open Space, Sport and Recreation

Open Spaces, sport and recreation all underpin people's quality of life and are therefore fundamental to delivering broader Government objectives. These include:

- Supporting a rural renewal – the countryside can provide opportunities for recreation and visitors can play an important role in the economies of rural areas. Open spaces within rural settlements and accessibility to local sports and

recreational facilities contribute to the quality of life and wellbeing of people who live in rural areas.

- Promotion of social inclusion and community cohesion – well planned and maintained open spaces and good quality sports and recreational facilities can play a major part in improving people’s sense of well being in the place they live. As a focal point for community activities, they can bring together members of derived communities and provide opportunities for people for social interaction.
- Health and wellbeing – open spaces, sports and recreational facilities have a vital role to play in promoting healthy living and preventing illness, and in the social development of children of all ages through play, sporting activities and interaction with others.
- Promoting more sustainable development – by ensuring that open space, sports and recreational facilities are easily accessible by walking and cycling and that more heavily used or intensive sports and recreational facilities are planned for locations well served by public transport.

The countryside around towns provides a valuable resource for the provision of sport and recreation, particularly in situations where there is an absence of land in urban areas to meet provision... local authorities should encourage the creation of sports and recreational facilities in such areas.

PPS 7 – Sustainable development in rural areas – includes reference to facilitating the provision of appropriate sport and recreational facilities in the countryside around urban areas. In judging proposals for development of high quality agricultural land consideration must also be given to amenity value, access to infrastructure and maintaining viable communities.

### Regional Policy

Policy Env 1 – requires areas and networks of green infrastructure to be identified and created to ensure an improved and healthy environment for communities. Tiptree experienced significant growth with the Grove Road development and this has not been matched by green infrastructure, including green spaces for recreational use.

Policy SS8 - complements Policy Env1 in recognising the importance of the urban fringe. It acknowledges that some parts of the urban fringe will be used to accommodate urban extensions and where this happens it will be important to manage the adjoining countryside to ensure amongst other things the needs of residents for access and recreation are provided for.

### Local Policy

Local Policy is contained within the adopted Local Plan (saved policies) and the adopted Core Strategy. The site is within White Land in the Local Plan (land with no notation). The relevant policies are detailed below:

- Core Strategy Policy PR1 and Table PR1 – the Council aims to provide a network of open spaces, sports facilities and recreational opportunities that meet local community needs and facilitate active lifestyles. The table identifies the need for sports pitches in Tiptree.

- Core Strategy ENV1 – unallocated land outside of settlement boundaries will be protected and development strictly controlled. However, there is recognition that some development needs or is compatible with a rural location and in such cases various criteria should be met.
- Core strategy ENV2 – outside village boundaries the Council will favourably consider small scale leisure and tourism schemes.
- Local Plan Policy L16 – sets out what factors to consider when assessing a proposal for sporting activity causing ‘noise or disturbance’. This is intended to cover sports such as war gaming or combat games. Football (predominantly training) is not considered a noisy sport.

### Other Issues

A significant area of land is required for this facility which it would be extremely difficult to accommodate within an urban area or on previously developed land. The applicants were asked to consider a number of other sites all closer to Colchester but all were greenfield sites, suggesting in accordance with Policy ENV1 this is a use that needs to take place in a rural location. Ownership issues, high land values and hope value prevented any other sites being suitable.

It was also pointed out that players do not necessarily reside in Colchester so would be travelling by car to training whether it be in Colchester or Tiptree. The need to travel by car will not change. The use of the community pitch by local teams would reduce the need for them to travel. (There has been a shortage of sports facilities locally which has necessitated teams having to travel to Langham to play their games.)

The community pitch and facilities should be available to the community as a whole (see CBC Playing Pitch Strategy). It is disappointing to see the proposed use is for 2 specified local teams. Appropriate management would be required to ensure wider use or the Council could consider taking over the pitch to be run in conjunction with Tiptree Sports Centre and subject to a commuted sum for maintenance agreed as part of the application. Although the intention to improve junior football facilities at Warriors Rest is acknowledged the proposals do not form part of this application and cannot therefore be secured.

The scheme should include cycle and pedestrian access and cycle parking to better link the site with the village and improve the accessibility for local people.

### Conclusions

There is no objection to the provision of sports pitches subject to:

1. full community use of the ‘community pitch’ to address the shortfall identified in the Core Strategy
2. highways issues being resolved
3. adequate parking and access for cyclists and pedestrians

7.3 The Council's Countryside Sites Manager comments as follows:

'There is a localised shortage of football pitches in Tiptree and it is known that local clubs are playing outside the area in order to find 'home' venues. The proposal shows provision for a community pitch which is to be welcomed. If it is to be allocated for designated local teams it is probable that here will be a league requirement to provide changing room facilities in the proximity of the pitch. This is not provided for in the submitted application.

Further detail is requested on the community use of the pitches and how this pitch will be made available for hire and use. There is also concern over the limited parking facilities. With the number of pitches being provided there will be insufficient car parking capacity for more than one pitch to be used at a time unless teams are brought in by coach'.

7.4 The Parks and Recreation Manager comments as follows:

'The arrangement for community use at weekends appears reasonable and helps to meet the demand for adult pitches, particularly on Sunday mornings. The indication of the local teams who would be using the pitches is helpful but that must not be exhaustive. To help address the demand for pitches alternative clubs should have the opportunity for booking these pitches so that they are truly a community benefit. I would consider it reasonable that a maximum of 3 games per week are permitted on the community pitches.'

7.5 The Environmental Control officer has no objection to the proposal subject to the imposition of conditions. Similarly, the Contamination Officer has no objection subject to various conditions being imposed.

7.6 The Council's Trees and Landscape Officer and Arboriculture Officer do not object to the scheme subject to the imposition of conditions.

7.7 Sport England has expressed its support for the scheme and makes the following comment as part of its response letter:

'If securing the community use of the football pitch that is proposed for community use is material to the determination of the application, I would recommend that a planning condition is imposed on any planning permission requiring a community use scheme to be submitted and approved prior to the completion of the development.'

7.8 The Environment Agency has no objection to the proposal subject to the imposition of conditions.

7.9 Essex and Suffolk Water has no objection but includes informatives for the applicant in its response.

7.10 Natural England does not object to the proposed development subject to the imposition of a condition.

7.11 Essex Wildlife Trust has a holding objection to the proposal for the following reason:

‘Although a phase 1 survey has been completed there are no further protected species surveys produced to support the findings of the phase 1.

Due to this EWT is unable to assess if there are any likely significant effects on protected species. Before any decision can be made EWT recommends that the applicant produce further surveys focusing on the impacts on Bats and Reptiles.’

## **8.0 Parish Council's Views**

8.1 Tiptree Parish Council’s comments on the initial proposals were as follows:

‘Parish Council objects on following grounds:

Highways – Grange Road narrow and no footway. Dangerous junction Grange Road/Vine Road.

Noise – Doubtful regarding noise level calculations method. True levels could fall short of PPG24 requirements.

Health and Safety – Bridleway runs alongside field and is often used by horses. Noise from whistles could have dangerous effect on horses and hence riders.

Environment – Concern on effect on bats in present tree hedgerows.’

8.2 Following submission of amended plans the following comment was received:

Tiptree Parish Council object to this application on the following grounds –

Highway concerns – safety on surrounding roads

Lack of footway

Inappropriate development in the countryside

Loss of visual impact and amenity

Flood risk

Inadequate transport links.

## **9.0 Representations**

9.1 At the time this report was drafted, the Council had received in excess of 460 letters objecting to the scheme. This figure includes responses to the initial consultation and as a result of reconsultation following submission of the amended plans. Copy letters received from the majority of respondents are included as an appendix to this report in order that Members may read the contents in full.

9.2 Furthermore two letters have been received from agents retained on behalf of Tiptree West Side Action Group. Again, these are reproduced in full as an appendix to this report.

9.3 Other objections relate to the following areas:

- The proposal will have a detrimental impact on the road network and roads in the vicinity of the site will not be able to cope with the additional traffic. The roads are in a poor state and are used by heavy traffic generated by the aggregate site located further along Grange Road to the west.



- This proposal represents the first in a series of proposals to develop in this area, including residential development. The character and appearance of the area, and amenity of residents, would be seriously damaged if this application went ahead. Car parking facilities, fencing and floodlighting would further damage the character of the environment.
- The proposal will effectively destroy existing wildlife habitat and its amenity value to local residents.
- The scheme would only be of benefit to outsiders and not the village itself. Colchester United's stadium is 20 miles away and training facilities should not be provided in Tiptree. Alternative facilities could be provided that are more convenient to the club and its facilities. Layer Road is still available for development.
- The proposal will place an extra burden on village facilities and local policing.
- The development would give rise to flooding and noise problems. It is also bound to give rise to litter, vandalism and hooliganism problems.
- The scheme involves land outside of the village envelope.

9.4 The local consultation has also prompted 13 responses that express support for the scheme.

9.5 Feering Parish Council objects to the proposal on the grounds that the current road infrastructure is inadequate to cope with the potential increase in traffic that would be generated by the proposal. It is also stated that if Colchester Borough Council are minded to approve this application it should be a requirement of a S106 agreement that Tiptree is provided with a separate access to and from the A12. Furthermore Kelvedon Parish Council has written to confirm that it supports the comments made by Feering Parish Council.

9.6 Campaign to Protect Rural Essex has sent a letter commenting on the proposals. The following comments are made:

CPRE Colchester Group has considered the above application. We do not wish to object to the principal of playing fields on the application site (or in this general location). We do, however, have considerable reservations in relation to the above application.

We note that the proposal is for use as a training facility for Colchester United with some limited use by the wider community in the shape of two local football teams. The facility is therefore primarily to serve a Colchester based organisation rather than to benefit local residents and the village of Tiptree itself. We do wonder why Colchester United have not opted for a facility closer to their stadium, with the facilities that offers for the club. Perhaps they should be asked to demonstrate that no land is available around Colchester itself.

No changing facilities are proposed in the application although it appears that it is the applicant's intention to provide such facilities at a future date. Nor are floodlights proposed, at this stage at least. It seems to us that that is proposed is a facility of very limited usefulness and that inevitably further applications will come forward for an intensification of activity on this site. Such potential intensification of activity and, hence, built development does cause us concern because of its likely impact on the wider countryside and local residents amenity as well as the traffic implications. We would also be very concerned were floodlights to be proposed because of their impact on the night sky.

There is also the issue of the applicant's intention to seek permission for housing on land adjoining. Clearly, this is not part of the present application but it does reinforce our concerns that the current application is a Trojan horse for major urbanisation on the edge of Tiptree.

We would urge the Council to consider very carefully whether the current proposal is sensibly located for the applicant's needs, whether it provides any real wider community benefits and whether the facility as applied for is viable (or will inevitably be followed by other applications for intensification). If the answer is no to any of these questions then we suggest the proposal should be refused.

If the Council is minded to approve the application, we would ask that conditions are imposed and/or a legal agreement is entered into to prevent any further development without the submission of a further planning application."

- 9.7 The following comment was received from the Ramblers Association when it was consulted on the first scheme:

'We note that the marking of the public footpath is different on the various drawings; on the OS placement it appears to pass through the field but the individual drawings show it alongside. It is hard to tell whether it will be to the east or west of the new hedging. If the plan is to enclose footpath 14 between a fence and a hedge at any point, it should retain sufficient width for mechanical hedge-trimming vehicles to pass. If the fence is to be solid, it would make the path into an urban-type alley, completely unsuitable in this situation.

We are very concerned at the entrance, which will be more or less opposite footpath 4. Walkers using these footpaths (4 and 14) will be progressing along this narrow road just where drivers will be concentrating on turning in and out of the sports field. Perhaps a continuation of footpath 14 inside the hedge (also fenced) to exit with the drive might be an option but this should obviously be guided by normal highway exit constraints.

Our main concern is in the matter of public health. We assume the sports pitches will regularly be used by gatherings of thirty or more people. In our experience of gatherings (of walkers) of this number, the most essential provision is for public conveniences. We object to the plan.'

- 9.8 At the time this report was written the further comments of the Ramblers Association had not been received. Therefore any further response will be made available at the Committee meeting.

## **10.0 Report**

- 10.1 At this point the land that is the subject of this application is not allocated for development. In the adopted Local Plan the site falls within white land i.e. land having no notation. In the Local Development Framework Site Allocations Consultation document the site does fall within an area identified as possibly suitable for mixed use development, including residential use. Nevertheless, it is important to emphasise that this particular proposal should be viewed as a stand-alone proposal, to be determined on its own merits, notwithstanding the changes in land use allocation that may arise in the future.

- 10.2 Planning Policy response to this application is an important consideration, given the land use allocation of the site in the current Local Plan and also the possibility of development taking place in the area in the future as part of the LDF procedure. The Policy response has identified various national, regional and local level policies that are relevant to the proposal and these are described in some detail. A fundamental issue is the fact that the land would be used for an alternative purpose in advance of any conclusion to the LDF specific site allocation process. Indeed the development proposal is a departure from the current plan and has been advertised as such. Nevertheless, it is noted that policy PR1 of the adopted Core Strategy does identify the provision of sports pitches as a requirement for Tiptree. This follows on from the Council's Playing Pitch Strategy document that has informed the relevant Core Strategy policy. The submitted scheme does propose a football pitch on the site, which would be reserved for community use.
- 10.3 Furthermore the advice is that the proposal does not conflict with policies ENV1 – Environment and ENV2 – Rural Communities of the adopted Core Strategy. These policies relate to the environment and rural communities and, again Planning Policy is satisfied that the principle of the development taking place on this land would not conflict with the aims of these policies. The advice concludes that the proposal would be acceptable in planning policy terms with the provisos that the community pitch offers full use to the community, highway issues are resolved and adequate parking and access for cyclists and pedestrians is provided. The 'community' element of the proposal is clearly of fundamental importance – not least to address the aim of policy PR1. Supporting information initially submitted on behalf of the applicant indicated that the community pitch would be available for use by two named Tiptree football teams that currently use the Warrior's Rest site. Notwithstanding this, it was considered that the use of the pitch should not be restricted solely to the two identified teams but should be available for wider local use. In addition to the concluding comments of Planning Policy, this point is also made in the consultation response of the Council's Parks and Recreation Manager as is the matter of frequency of use. Sport England has also commented on this issue. Members are advised that to this end, it is proposed that appropriately-worded conditions would deal with this particular issue.
- 10.4 Members are advised that when this application was originally submitted the proposals attracted a recommendation of refusal from the Highway Authority. Following this, the applicant's agent liaised with that Authority in order to address the areas of concern. This resulted in a revised Transport Statement and new plan being submitted that incorporated the following alterations:
- Improvement of the Grange Road/Vine Road junction.
  - Provision of additional footpaths and cycle paths, specifically along the length of Grange Road towards Vine Road and adjacent to most of the length of footpath 14 that runs adjacent to the eastern boundary of the application site.
  - Enlargement of the vehicle parking area that would be created adjacent to the new access to the site off Grange Road.
  - An increase in the vehicular visibility splays at the proposed site access with Grange Road.

10.5 The range of additional works listed above is proposed in order to address the Highway Authority's concerns regarding access to the site and the issue of highway safety. For example, the car park serving the development has been enlarged in order that the number of spaces acknowledges the emerging Essex Planning Officers Association parking standards for this type of development. The following information is included in the Transport Statement Addendum document:

'It is relevant to note that the new EPOA Consultation Draft Parking Standards identify that, for team sports, a maximum of 20 spaces per pitch plus 1 space per 10 spectator seats should be provided. On this basis, it is proposed to provide the maximum provision of 40 spaces for the two sports pitches plus an additional spectator allocation of 5 additional spaces. In accordance with the new EPOA guidance, 3 car parking spaces will be suitable for people with disabilities.'

10.6 The enlargement has also resulted from the Highway Authority's requirement that a coach should be able to turn within the site. The plan also shows parking provision for 2 minibuses. The path proposed on the eastern end of the field, adjacent to footpath 14, would link from the entrance to the site to Harrington Close and a further new path would travel eastwards along Grange Road, ending at the Grange Road/Vine Road junction. These paths would be useable by pedestrians and cyclists and are provided as a response to concerns over accessibility to the site by non-car modes. Another concern was the overall accessibility of the proposal, given that the football club, based on the northern side of Colchester, and the Grange Road site in Tiptree are geographically remote from each other. Information submitted with the application does indicate that the football club's current training facilities do not meet its requirements and the search for a site of the necessary size in an urban location has not proved successful. This process is acknowledged in the response of the Planning Policy officer. On this basis the identified site, which is owned by the applicant, has been put forward as a suitable location to create a permanent training ground for the club.

10.7 A particular concern raised by many objectors is the suitability of the existing road network to cater for the additional traffic generated by the development. This concern is based on the generally narrow roads in the area and the fact that lorry traffic is generated by the aggregate works to the west along Grange Road. The submitted Transport Assessment comments on traffic generation as follows:

'As a worst case, CUFC has identified that a maximum of 20 cars could be expected per training session. This is made up of: 10 cars for players, 5 cars for playing and office staff and a possible 5 cars for visitors...The training ground would be used up to five times a week throughout the year with the exception of 4 – 6 weeks in the summer for close season. On this basis and taking the 'worst case' identified above the training ground could give rise to 210 two-way vehicle movements per week.'

- 10.8 The Assessment goes on to identify that ‘...a community football match would give rise to 18 car arrival and departure trips on the robust basis that all players/staff arrive/depart by car.’ The Assessment identifies that when the site is used for five training sessions and two community football matches this could attract a total of 300 two-way vehicle movements, utilising the ‘worst case’ scenario described above. Members are advised that a traffic survey was also undertaken on Grange Road during September 2008 and the Assessment concludes that the traffic generated by the proposed use would not use the road during the periods of heaviest use i.e. 8:00am to 9:00am and 5:00pm to 6:00pm. The Assessment concludes that, using the ‘worst case’ scenario for traffic generation ‘...this would result in a weekly traffic impact of just 3% on Grange Road, north of the proposed access. This increase in traffic flow is considered to be immaterial and within normal variations of traffic flow at Grange Road. Indeed ECC define a ‘material impact’ on links and nodes where development traffic constitutes 5%...’
- 10.9 Following further liaison between the applicant and the Highway Authority, and as part of the package of amendments, the scheme now proposes a travel plan that would include transporting players on minibuses from the football stadium to the Grange Road site. The Transport Assessment, as amended, describes the arrangements as follows:
- ‘...CUFC intend for the majority of players to meet at the Community Stadium Colchester and travel to the site would be by either minibus or car share. The applicant is proposing to provide a dedicated minibus shuttle service to ferry players to and from the training ground and Community Stadium at Colchester. Players would rendezvous at the Community Stadium and transfer to the training ground by 17 seater and/or 7 seater mini bus(es). At the end of each training session players would be transferred back to the Community Stadium, using the same minibus transport, which would be made available for use at each training session. This arrangement would also continue to operate following the provision of on-site training facilities when provided.’
- 10.10 In terms of more local trips to the site it is noted that the named Tiptree teams that would use the site would have to travel to the site from their current location at Warrior’s Rest (at least until on-site changing facilities were provided). Additionally the current scheme proposes the provision of new cycle and pedestrian facilities that would link the site to the wider highway network, and secure cycle parking facilities.
- 10.11 On the basis of the proposed arrangements the Highway Authority has withdrawn its objection to the proposal on the grounds of sustainability issues. Again a condition of a planning approval on this site would be to secure the proposed travel plan as well as the other highway works proposed under the amended proposal.

- 10.12 Given that the site is rural (albeit on the periphery of the village) the issue of impact on ecology is an important consideration. Members are advised that as a consequence of the proposal hedgerow removal is required along the Grange Road frontage of the site (to enable a vehicular access to be provided), and also further eastwards towards the Grange Road/Vine Road junction where new footpath/cycleway works are proposed. The remaining hedgerows on the site (in particular the established feature along the length of Pennsylvania Lane) would remain and additional hedgerow planting would be carried out along the eastern and southern boundaries. A new small copse of trees is also shown at the north-eastern corner of the site. Other site works shown would include the provision of a 2 metre high green plastic-coated metal fence (punctuated by access gates for maintenance) around the site, set 2 metres in from existing and proposed hedgerows. Similar fencing has been used on the Warrior's Rest site in Tiptree. The Design and Access statement identifies this particular aspect of the works as permitted development.
- 10.13 The application is accompanied by an ecological report that has been considered by Natural England and Essex Wildlife Trust. Initially, Natural England did originally recommend refusal of the scheme on the basis that the information made available was inadequate to properly judge the impact of the proposals on ecology. However, subsequently confirmation has been received that Natural England does not object to the proposals, subject to the imposition of a condition relating to the proposed works to the hedgerow along Grange Road. At the time of writing this report Essex Wildlife Trust's comment is a holding objection on the basis that further survey work is required. While the request of Essex Wildlife Trust is noted it is the case that Natural England does not object to the development, and does not require further survey work to be carried out prior to determination of the application. Any further comment received by Essex Wildlife Trust will be reported at the meeting.
- 10.14 The impact of the proposed development on the environment is obviously a key consideration in this case. At the present time the land is undeveloped and is rural in character. As a result of the development this character will alter. The land itself would be re-graded in order to create level playing surfaces, a new vehicular access and tarmac parking area would be created, new boundary fencing would be erected, and a 1.2 metre high bund located on the southern end of the site etc. Notwithstanding these changes it is felt that cumulatively the overall impact of the development on visual amenity would not be so harmful as to merit a rejection of the scheme on these grounds. The surface of the land would remain grassed, (with the obvious exception of the parking area) and although the land would be fenced this fencing would allow views across the land as it would not be of solid construction. Where individual pitches are created there would be the provision of goal posts, corner flags etc but again these elements in themselves are not considered to be particularly visually intrusive or detrimental to amenity. As mentioned earlier in this report the scheme does also include the provision of new hedge planting which would assist in softening the overall impact of the development. A further amenity consideration is the impact of the use in terms of noise nuisance. The use of the land for football training and matches will obviously give rise to noise from players, spectators etc. as will the vehicular movements associated with the use. To this end it is noted that the Council's Environmental Control officer does not object to the proposal, again subject to the imposition of conditions on any grant of planning permission. Importantly the officer has identified that a minimum distance should be maintained between the edge of pitches and the nearest residential curtilages (this being 40 metres). This is an

important consideration as Members should bear in mind that the position of the pitches themselves is not fixed. Due to ongoing wear and the need to allow the playing surface to recover the position of pitches will vary over time. Plans submitted with the application do show a possible pitch layout but this would not be 'set in stone' for the reason set out above. Nevertheless, the relocation of pitches would have to be carried out with regard to the minimum distance identified by Environmental Control. Another important consideration with regard to noise nuisance is the proposed hours when the facility would be used. (see paragraph 3.9 of this report). These hours of use do not give rise to objection from Environmental Control and would appear to be reasonable, given that the site is adjacent to residential development, particularly to the south, and the amenity of these dwellings is an important consideration.

10.15 Members will note the very extensive number of objections that have been received following local consultation on the scheme. The level of concern clearly demonstrates that there is strong local objection to the proposals. It is also noted that Tiptree Parish Council has also objected to the scheme. These concerns are of course fully acknowledged and appreciated. However, the principle of locating such a use on the land is identified as being acceptable in planning policy terms as stated in your Policy Officer's response, and the various impacts of the development in terms of highways, visual and residential amenity, ecology etc can be satisfactorily mitigated subject to the imposition of conditions. It is also felt important to re-emphasise that this scheme must be considered as a stand alone proposal, notwithstanding the ongoing LDF site allocation process.

10.16 As mentioned previously, given the current allocation of the site i.e. white land having no notation the proposal has been advertised as a departure and therefore the matter would have to be referred to Go-East were Members minded to accept the officer recommendation of approval subject to suitable conditions being imposed.

## **11.0 Background Papers**

11.1 HA; HH; PTC; NLR; FPC; NR; EWT; PP; Kelvedon Parish Council; CPREssex Ramblers Association

### **Recommendation**

The recommendation to Committee is that the Government Office for the Eastern Region be advised that Colchester Borough Council is minded to approve the submitted planning application, as amended, subject to the conditions as set out below. If the application is not called in for determination then Committee authorises the Head of Environmental and Protective Services to issue the planning permission.

### **Conditions**

1 - A1.5 Full Perms (time limit for commencement of Development)

The development hereby permitted shall be begun before the expiration of three 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 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004

## 2 - Non-Standard Condition

The permission hereby granted relates to the amended plans hereby returned approved.

Reason: For the avoidance of doubt as to the scope of the permission hereby granted.

## 3 - C10.15 Tree & Natural Feature Protection: Protected

No work shall commence on site until all trees, shrubs and other natural features not scheduled for removal on the approved plans, are safeguarded behind protective fencing to a standard to be agreed by the Local Planning Authority (see BS 5837). All agreed protective fencing shall be maintained during the course of all works on site. 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 - C10.16 Tree & 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 - C10.18 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 with 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 - C11.11 Landscape Design Proposals

No works or development shall take place until full details of both hard and soft landscape proposals have been submitted to and approved in writing by the Local Planning Authority (see BS 1192: part 4). These details shall include, as appropriate:

Existing and proposed finished contours and levels.

Means of enclosure.

Car parking layout.

Other vehicle and pedestrian access and circulation areas.

Hard surfacing materials.

Minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signage, lighting).

Proposed and existing functional services above and below ground (e.g. drainage, power, communication cables, pipelines, etc. indicating lines, manholes, supports etc.).



Retained historic landscape features and proposals for restoration.

Soft landscape details shall include:

Planting plans.

Written specifications (including cultivation and other operations associated with plant and grass establishment).

Schedules of plants, noting species, plant size and proposed numbers/densities.

Planting area protection or decompaction proposals.

Implementation timetables.

Reason: To safeguard the provision of amenity afforded by appropriate landscape design.

#### 7 -C11.12 Landscape Works Implementation

All approved hard and soft landscape works shall be carried out in accordance with the implementation and monitoring programme agreed with the Local Planning Authority and in accordance with the relevant recommendations of the appropriate British Standards. All trees and plants shall be monitored and recorded for at least five years following contractual practical completion of the approved development. In the event that trees and/or plants die, are removed, destroyed, or in the opinion of the Local Planning Authority 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 with the Local Planning Authority.

Reason: To ensure the provision and implementation of a reasonable standard of landscape in accordance with the approved design.

#### 8 - C11.17 Landscape Management Plan

A landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, other than privately owned domestic gardens, shall be submitted to and approved by the Local Planning Authority prior to any occupation of the development for its permitted use.

Reason: To ensure that due regard is paid to the continuing enhancement and maintenance of amenity afforded by the landscape.

#### 9 - Non-Standard Condition

Prior to the removal of the area of hedgerow to the Grange Road frontage as indicated on the approved drawings, a destructive reptile search shall be carried out under the supervision of a qualified ecologist and any protected species shall be carefully translocated to a safe area within the site. The destructive search and hedgerow removal shall be undertaken outside of the bird nesting season.

Reason: There is evidence that the site is/is likely to be of importance for nature conservation and it should be further investigated as advised by Natural England.

#### 10 - Non-Standard Condition

None of the hereby permitted sports pitches shall be brought into use until one sports pitch has been laid out and made available for community use. Thereafter one sports pitch (which shall be of an adult pitch specification with minimum dimensions of 100 metres in length and 65 metres in width) shall be made permanently available on the site for such community use during all permitted playing times.

Reason: To ensure that the approved scheme incorporates an appropriate level of community use.

#### 11 - Non-Standard Condition

Prior to the commencement of the use a Community Use Scheme shall be submitted to and approved in writing by the Local Planning Authority. The Scheme shall include details of access, pricing policy, hours of use, management responsibilities and include a mechanism for review. The approved Scheme shall be implemented upon commencement of use of the development.

Reason: To secure well managed safe community access to the sports facility.

#### 12 - Non-Standard Condition

Prior to the commencement of development, a scheme for the provision and implementation of surface water drainage, incorporating sustainable drainage principles, shall be submitted and agreed, in writing with the Local Planning Authority. The scheme shall incorporate the surface water drainage strategy outlined in the Flood Risk and Drainage Assessment Report Reference E530-01 REV.A. April 2009. The scheme shall be constructed and completed before occupancy of any part of the proposed development.

Reason: To ensure a satisfactory method of surface water drainage.

#### 13 - Non-Standard Condition

Prior to the proposed access being brought into use, vehicular visibility splays of 160m x 4.5m by 160m as measured along, from and along the nearside edge of the carriageway, shall be provided on both sides of the centre line of the access and shall be maintained in perpetuity free from obstruction exceeding a height of 600mm. The existing frontage hedge may be retained subject to it being reduced to and maintained at or below the prescribed height.

Reason: To ensure adequate intervisibility between drivers of vehicles using the proposed access and those in the adjoining highway, in the interests of highway safety.

#### 14 – Non Standard Condition

Prior to commencement of the proposed development, a size 2 vehicular turning facility, of a design which shall be approved in writing by the Local Planning Authority, shall be provided within the site and shall be maintained free of obstruction at all times for that sole purpose.

Reason: To ensure that vehicles using the site access may enter and leave the highway in a forward gear, in the interests of highway safety.

#### 15 – Non Standard Condition

No unbound materials shall be used in the surface treatment of the proposed vehicular access within 10m of the highway boundary.

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

#### 16 – Non Standard Condition

Any gates erected at the vehicular access shall be inward opening only and shall be recessed a minimum of 18m from the nearside edge of the carriageway of the existing road.

Reason: To ensure that the largest vehicles using the access may stand clear of the carriageway whilst those gates are being opened/closed, in the interests of highway safety.

#### 17 – Non Standard Condition

The public's rights and ease of passage over Public Footpath No. 14 (Tiptree) shall be maintained free and unobstructed at all times.

Reason: To ensure the continued safe passage of pedestrians on the definitive right of way in accordance with Policy 3.5 in Appendix G to the Local Transport Plan 2006/2011 as refreshed by Cabinet Member Decision dated 19 October 2007.

#### 18 – Non Standard Condition

The development shall not be occupied until such time as the car parking area, indicated on the approved plans, including any spaces for the mobility impaired has been hard surfaced, sealed and marked out in parking bays. The car parking area shall be retained in this form at all times and shall not be used for any purpose other than the parking of vehicles related to the use of the development.

Reason: To ensure that on-street parking of vehicles in the adjoining streets does not occur, in the interests of highway safety.

#### 19 – Non Standard Condition

Prior to commencement of the proposed development the provision for parking of powered two wheelers and bicycles, as indicated on the approved plan, shall be provided within the site and shall be maintained free from obstruction at all times for that sole purpose.

Reason: To promote the use of sustainable means of transport in accordance with EPOA Vehicle Parking Standards and Policy 4 in Appendix G to the Local Transport Plan 2006/2011 as refreshed by Cabinet Member Decision dated 19 October 2007.

#### 20 – Non Standard Condition

No works in connection with the proposed development shall commence until such time as the permissive cycle routes as indicated on the approved plan have been provided entirely at the Applicant/Developer's expense.

Reason: To make adequate provision for the additional cycling traffic regenerated as result of the proposed development and to promote the use of sustainable means of transport in accordance with EPOA Vehicle Parking Standards and Policy 4 in Appendix G to the Local Transport Plan 2006/2011 as refreshed by Cabinet Member Decision dated 19 October 2007.

#### 21 – Non Standard Condition

No works in connection with the proposed development shall commence until such time as the improvements to the junction of Grange Road and Vine Road as indicated on the approved drawing have been provided entirely at the Applicant/Developer's expense.

Note: This condition requires a Legal Agreement between the Applicant/Developer and the Highway Authority using the powers in section 278 of the Highways Act 1980.

Reason: To make adequate provision for the additional vehicular traffic generated within the highway as a result of the proposed development in the interests of highway safety.

#### 22 – Non Standard Condition

Any proposed new boundary hedge required following provision of the vehicle visibility splays shall be planted a minimum of 600mm back from the highway boundary.

Reason: To ensure that the future outward growth of the hedge does not encroach upon the highway or interfere with the passage of users of the highway, to preserve the integrity of the highway and in the interests of highway safety.

#### 23 – Non Standard Condition

A competent person shall ensure that the rating level of noise emitted from the site plant, equipment, machinery shall not exceed 5dBA above the background prior to the use hereby permitted commencing. The assessment shall be made in accordance with the current version of British Standard 4142. The noise levels shall be determined at all boundaries near to noise-sensitive premises. Confirmation of the findings of the assessment shall be provided in writing to the Local Planning Authority prior to the use hereby permitted commencing. Condition 24 shall comply with this standard.

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

#### 24 – Non Standard Condition

Any plant, equipment or machinery on the premises shall be constructed, installed and maintained so as to comply with the initial noise condition. The noise generated by such equipment shall not have any one 1/3 octave band which exceeds the two adjacent bands by more than 5dB as measured at all boundaries near to noise-sensitive premises.

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

#### 25 – Non Standard Condition

Any lighting of the development shall fully comply with the figures specified in the current 'Institution of Lighting Engineers Guidance Notes for the Reduction of Obtrusive Light' for zone E2. This shall include sky glow, light trespass into windows of any property, source intensity and building luminance. Upon completion of the development and prior to the use hereby permitted commencing a validation report undertaken by competent persons that demonstrates compliance with the above shall be submitted to the Local Planning Authority for approval. Having been approved any installation shall thereafter be retained and maintained to the standard agreed.

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

#### 26 – Non Standard Condition

The user of the Colchester United Training Pitches hereby permitted shall not operate outside of the following times:-

10.30 a.m. to 1.00 p.m. Monday to Saturday.

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

#### 27 – Non Standard Condition

At no time shall the boundary of any sports pitch be laid out or located closer than 40 metres to a residential curtilage.

Reason: In the interests of protecting local residential properties from noise nuisance.

#### 28 – Non Standard Condition

Prior to the commencement of use of the development a Travel Plan, which shall include monitoring shall be submitted to and approved in writing by the Local Planning Authority. The provisions of the Travel Plan shall be adhered to at all times unless otherwise approved in writing by the Local Planning Authority.

Reason: In the interests of sustainable development.

## **Informatives from Highway Authority**

It should be borne in mind that, unless otherwise stated, the base for these conditions is Policy 1.1 in Appendix G to the Local Transport Plan 2006/2011 as refused by Cabinet Members decision dated 19 October 2007.

The above is required to ensure the proposal complies with the County Council's Highways and Transportation Development Control Policies as originally contained in Appendix G to the Local Transport Plan 2006/2011 and refreshed by Cabinet Member decision dated 19 October 2007.

All works affecting the highway shall 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 initially by telephoning 01206 838696.

The applicant is reminded of their duties and responsibilities with regard to the line of Public Footpath 14 to the north east of the site. Should any works affect the line of the right of way these must be carried out in agreement with the Highway Authority and application for the necessary works should be made initially by telephoning 01206 838600.

The applicant is advised that the Highway Authority will not allow the line of Public Footpath 14 to the north east of the site to be used by vehicles to access the development site in accordance with the Department for the Environment Food and Rural Affairs Guidance for Local Authorities Rights of Way Circular 1/09.

In the interests of promoting sustainable modes of transport, and limiting the development's effect on the highway, in accordance with policies numbers 4 and 6 in Appendix G of the Local Transport Plan 2006/11 as refreshed by Cabinet Member Decision 10 October 2007 the developer has agreed to implement a Travel Plan. The Travel Plan, which must incorporate a scheme of monitoring by the Essex County Council, is supported by a non-returnable £3,000 fee payable by the Developer.

## **Informatives required by Environmental Control**

A competent person is defined as someone who holds a recognised qualification in acoustics and/or can demonstrate relevant experience.

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

All car parking and service areas shall be sited/screened to minimise any noise impact on nearby residential premises and be of a non-gravel construction.

## **Informatives required by Essex and Suffolk Water**

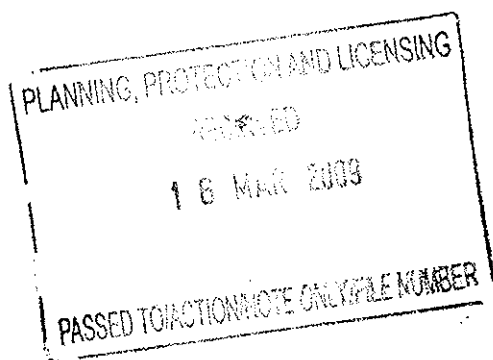
Before works are commenced on site, please contact Mr Keith Lambird (Mobile Tel: 07714064822) and arrange for the route of our 36<sup>th</sup> Steel Strategic Water Main to be traced and marked out.

The car park may be constructed over our easement, but no structures e.g. lighting columns may be erected in the easement.

The cover to our Washout access pit (approximately 90 metres from the Grange Road boundary) must be kept clear at all times.

SCANNED

7 MAR 2009



Name: [REDACTED]

Address: [REDACTED]

Signed: [REDACTED]

M.V.M

Tiptree Parish Council,  
Mynott Court,  
Tiptree.

Dear councillors,

**Planning Application COL/090217 – Land Adjacent (south) Grange Road, Tiptree**

Further to your letter of 24<sup>th</sup> February 2009, I write formally to **object** to the above proposed development.

**Reasons given for the development**

The development is for a professional football club, Colchester United Limited (CUFC), a profit making organization operating in the sporting industry, not the leisure industry, which has no association with Tiptree; their community links are with Colchester, the town they take their name from.

The reasons given for the development are put simply as "inconvenience with the current facilities available nearer to their base/head office in Colchester", where they have an unused football ground.

This in itself is insufficient reason to target a rural district such as Tiptree for their company development and expansion plans. There has to be a proven need for the development which relates to the needs of the locality/district, not the needs of the applicant. They have not indicated any other sites nearer their home ground that may be suitable for this development.

**The Community pitch**

Great emphasis is placed on the offer of a community pitch in response to the study initiated by CBC *Open Space, Sport and Recreation Study – Colchester Borough Council 2007*

References are also made to PPG17 regarding provision of open space and sports fields.

The use of the community pitch will be restricted to one local team and possibly another ("it is envisaged that Tiptree Heath will use the pitch as their home base, and possibly Sportsman for Sunday League.....") at very prescriptive times, and, where these times conflict with CUFC use, the local team will effectively be evicted for the duration of CUFC use.

CBC Playing Pitch Strategy (March 2008) defines a community pitch as follows: "In line with 'Towards a Level Playing Field; A manual for the Production of a Playing Pitch Strategy' (Sport England and CCPR 2003), our definition of 'community pitches' is those pitches with 'secured community use', recognizing that this has a considerable bearing upon the value of facilities both individually and collectively to the **community at large.**"

It seems that the restrictive use of the "community pitch", which will be in a security enclosure, restricted to one local team and possibly another ("it is envisaged that Tiptree Heath will use the pitch as their home base, and possibly Sportsman for Sunday League.....") will provide facilities for only 30 individuals at maximum out of population of 10,000 which means that the pitch is not a **community pitch** according to the CBC definition above.

The local team(s) will be evicted from the community pitch whenever CUFC need to use the facilities.

17 MAR 2009

**Location**

The recommendation of *Open Space, Sport and Recreation Study – Colchester Borough Council 2007* in respect of Tiptree was that any new sporting facilities should be sited at Tiptree Sports Centre to enhance the facilities there in line with the hub sports centre principle of CBC. The report recommended the following:

- OSF1:** promote the availability of sports facilities across the borough and ensure that facilities are accessible to all sectors of the local community. This should include increasing signage to sites and maximizing public transport links.
- OSF2:** actively pursue community use at school sites to maximize the number of residents that have access to local facilities.
- OSF5:** maintain/improve Tiptree Sports Centre as it provides a core sports facility to the town.

**Green Links**

The plan to surround the development site with security fencing is in effect severing a green link by installing the security fencing across the entire depth of the site effectively sealing off significant portions of the hedgerows from wildlife and the open aspect of the land.

**The application does NOT conform to the following policies:****PPS1: Delivering Sustainable Development (2005)**

This states the importance of providing *access for all* to leisure and community facilities.

**PPS6: Planning for Town Centres (March 2005)**

This states quite clearly (2.28) that the development has to be proven as necessary and then if so, should be located on a **sequential** site. The development is not proven and the location is not sequential.

**PPS7: Sustainable Development in Rural Areas**

The objectives of PPS7 are to promote sustainable (local) economic growth and diversification, the continued protection of the open countryside for the benefit of all, discouraging the development of 'greenfield' land, siting of intrusive development, where such land must be used, ensuring it is not used wastefully. Reference should be made to the Landscape Character Assessment for guidance on land management issues. The application offers no local employment provision (for a 22 acre site) and contradicts the Landscape Character Assessment references to Tiptree (F2 – Tiptree Wooded Farmland) where it states in the land management recommendation (Tiptree – F2) to preserve and enhance the environment.

**PPS9: Biodiversity and Geological Conservation (August 2005)**

The study submitted with the application makes no mention of the known presence of bats (in the summer months - species unknown) on the southern border of the site or the presence in spring/summer months of skylarks (a Red listed species). I believe an Environmental Impact Assessment should be provided.

**PPG13: Transport (March 2001)**

Reference is made to the need to reduce travel by car, but the proposal is in fact promoting it due to the distance of Tiptree from CUFC's base in Colchester, a daily round trip of approximately 20 miles, and will add to the traffic through Kelvedon and Feering. Reference is also made to the footpath in Harrington Close for access to the compound by local teams but access is at the opposite side of the site to Harrington Close and can only serve to encourage easier travel by car to the main site entrance in Grange Road. The amount of parking space is insufficient for the prospective development.

**PPG17: Planning for Open Space, Sport and Recreation (May 2006).**

Taking the applicants points in turn in relation to PPG17:

The claim that the site (behind a security fence) may be of public value and could "perform multiple functions such as strategic functions, religious festivals, travelling fairs" on manicured football pitches is far fetched.

Paragraph 20:

"In identifying where to locate new areas of open space, sports and recreational facilities, local authorities should:

- promote accessibility by walking, cycling and public transport, and ensure that facilities are accessible for people with disabilities;
- locate more intensive recreational uses in sites where they can contribute to town centre vitality and viability;
- avoid any significant loss of amenity to residents, neighbouring uses or biodiversity;
- improve the quality of the public realm through good design;
- look to provide areas of open space in commercial and industrial areas;
- add to and enhance the range of existing facilities;
- carefully consider the security and personal safety, especially for children;
- meet the regeneration needs of areas, using brownfield in preference to greenfield sites;
- consider the scope for using any surplus land for open space, sport or recreational use, weighing this against alternative uses;
- assess the impact of new facilities on social inclusion:"



17 MAR 2009

The applicant has made it clear that built facilities will follow this application and are required to be considered in determining this application. It is claimed the facilities to be delivered by future phases are "essential facilities for outdoor sport" and as such should be allowed on Green Belt but shies away from revealing the detail to avoid prejudicing the application.

However PPG17 paragraph 30 says clearly that non-essential facilities such as *indoor leisure facilities* (also planned in future phases) will be considered inappropriate unless there very special circumstances. The applicant is claiming the development (in a non-sequential location) is adjacent to the village and will meet the needs of the community (e.g. a single pitch with restrictive access). The applicant further claims that a more central urban location is not available. ***Clearly greenfield development is discouraged and it is highly likely that other sites more local to Colchester that consist of 9 hectares or more could be found. There are no special circumstances that warrant this private development on a greenfield site; no essential facilities have been specified. The relative cost to the applicant of obtaining a more central urban site nearer to Colchester is not a planning issue.***

#### **PPG24: Planning and Noise (September 1994)**

The noise assessment did not make a valid comparison with the environment that is planned for the development in that it did not replicate/simulate the impact noise of footballs on the security fencing (nearest to the existing housing) as 48 players train together. The noise element nuisance will be at its greatest on week-ends when village teams will play on both days and residents will be seeking to enjoy leisure time.

#### **Regional Planning Guidance**

##### **C1: Cultural Development**

The applicant claims that the development will strengthen the "local sporting facilities for CUFC" and the local community within Tiptree.

***It has already been shown that this is not a community pitch by CBC's definition and there is no reason why Tiptree should have any involvement with CUFC sporting needs.***

#### **Local Policies – Adopted Core Strategy - December 2008**

##### **ENV1- Environment**

The relevant sections of this policy are as follows:

- *Unallocated greenfield land outside settlement boundaries will be protected and where possible enhanced in accordance with the Landscape Character Assessment report.*
- *Within such areas development will be strictly controlled to conserve the environmental assets and open character of the Borough*

***The application does not meet ENV1 requirements and the Landscape Character Assessment recommendations.***

##### **ENV2 Rural Communities**

The relevant sections of this policy are as follows:

- *The Council will support appropriate development of infill sites and previously developed land **within settlement boundaries.***
- *The Council will support appropriate small-scale development outside settlement boundaries as **appropriate to local employment needs.***
- *Development outside but contiguous to village settlement boundaries may be supported where it constitutes a rural exception site.*

***The application does not meet ENV2 requirements and does not provide any local employment opportunity. The applicant further claims that the provision of a single community pitch should override all other considerations.***

##### **CF1: Community Infrastructure**

There is no community infrastructure offered by this development; such facilities must be accessible by the local community. All assets will remain in the private ownership of CUFC. There is an offer of restricted access to a privately owned pitch.

***The application does not meet CF1 requirements.***

##### **PR1: Open Space and Recreation Facilities**

The policy is designed to secure community driven and community tailored open space accessible by the whole community.

The applicant claims "pitches" will be available, but in fact only one will be available on a restricted basis to 2 teams (30 people at most).

The application is for CUFC, not the community and addresses CUFC needs, not the overall needs of the community.

***The application does not meet PR1 requirements.***

17 MAR 2009

**Colchester Borough Local Adopted Local Plan (March 2004)****Countryside Policies**

Countryside Policy Objectives in terms of the countryside are:

- to safeguard and enhance natural rural resources and to safeguard the historic character of the countryside.
- to resist non-essential development in the countryside in order to protect its open and undeveloped character.
- One very important aspect generated by the Borough's rural resources is the public's perception of the countryside – a "peaceful area" in which small villages and hamlets lie undisturbed by major developments, heavily trafficked roads, pylons, intrusive lighting and excessive road signs.

**CO3: Countryside Conservation Areas**

The applicant claims that because the application would not be allowed in a conservation area it must by *default* be automatically allowed outside a conservation area.

The reference to this policy is somewhat irrelevant and serves no purpose.

**CO8: Agricultural Land (loss of)**

There is no overriding need for this development which will lead to the loss of agricultural land. The applicant claims the land is Grade 3 but cannot be precise on 3a (better) or 3b (worse). Farm land 100 metres to the south west is in fact grade 2 and it is likely therefore that this site is at least grade 3a which would normally prohibit development

**P1: Pollution (General)**

See reference to PPG24

The Noise Assessment Study, whilst deemed inadequate, does show noise levels will exceed the permitted/advised levels. The duration of the excess and the adverse impact on residents should not be dismissed as insignificant.

***The current application will therefore give rise to noise and later, light pollution.***

**Summary**

- The application is not "essential facilities for outdoor sport". It is for a commercially oriented private limited company operating for a profit and is unsuitable and inappropriate for this location.
- The single pitch alluded to as a community pitch and its restricted access cannot outweigh the harm to the green belt.
- The further phase developments are not "essential" either and will produce light pollution and require intrusive development contradicting the Landscape Character Assessment.
- The establishment of a 6 ft wire security fence creating in effect a security compound will be detrimental to the view in general, result in loss of visual amenity for residents and contradicts the Landscape Character Assessment.
- Recommendations have been made to site new sports facilities at Tiptree Sports Centre and to improve at Tiptree Sports Centre.

**There are sufficient grounds to refuse this application.**

SCANNED

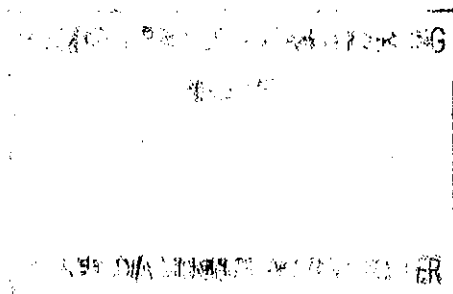
15 JUN 2009

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Signed: \_\_\_\_\_

Date: \_\_\_\_\_



Bradly Heffer  
Principal Planning Officer  
Colchester Borough Council  
PO Box 889  
Town Hall  
Colchester  
CO1 1FL

**Planning Application COL/090217 – Land Adjacent (south) Grange Road, Tiptree  
Amendments to the above Planning Application – Transport Statement addendum and  
other amendments**

Further to your letter of 22nd May 2009, I write formally to **object** to the above application amendments. The following **objections supplement** those I have already submitted against this application in **March 2009**.

**The proposal contravenes PPG2 on the following points**

**Car parking (45 cars) mini-bus parking, hard-standing and coach turning**

These contravene PPG2 in that they are not essential developments for sport (as defined in PPG 3.5) and are therefore inappropriate development in the countryside. There are no **very special circumstances** that apply to this application as required under PPG2 (3.2) for development to be permitted.

**Visual amenity**

I take the view that the proposals, including the proposed 6 ft fencing, would be obtrusive and harm the visual amenity and openness of the site and contradict the Landscape Character Assessment for Tiptree.

**Highway Safety Issues**

**Junction re-alignment**

This is not sufficient to reduce danger to pedestrians, who are encouraged to use this junction in the Transport Statement addendum.

The suggestion (in 2001) to improve safety at this junction was to include a footpath through to the Kelvedon Road; this has not been provided. The realignment has served only to accentuate the bend to the left in Grange Road such that it is now sharper than before and offers no substantial improvement.

SCANNED  
15 JUL 2009

### **Proposed walking/cycle track on the northern boundary of the site**

The Transport Statement (section 2.20) and the addendum promote the use of the Kelvedon Road bus stop; the Transport Statement highlights this as the nearest (and most convenient) bus stop to the site. The Transport Statement addendum (section 7.11) states: "...*In addition, a further 3m wide footway/cycleway is proposed, linking the training ground entrance along the northern edge of the existing field to the Grange Road / Vine Road junction. This provision will facilitate and encourage walking and cycling trips to the site from Tiptree and the local bus stops*".

The applicant has stated that local users will initially change at the Jobserve Sports and Social Club and walk to the site, claiming that walking and cycling will be the main method of transport to the site by the majority of local users.

However, passengers using the Kelvedon Road bus stop and Kelvedon Road junction (the nearest to the site and highlighted in the Transport Statement) or locals using the Kelvedon Road junction (the shortest route from the Jobserve Sports and Social Club) would be obliged to walk along the Grange Road carriageway after the short section of the Kelvedon Road footpath ends. They would then have to negotiate the dangerous Vine Road / Grange Road junction.

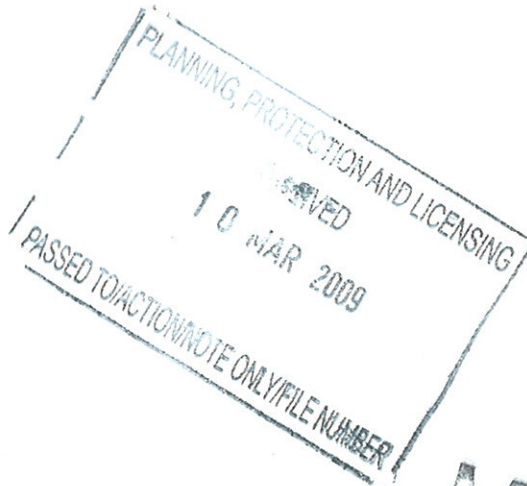
The exit point from the extended footway/cycleway would be directly onto the carriageway at the top of Vine Road where there is no footpath for some distance on either side.

### **Proposed Drainage System**

The proposed drainage system and the required excavation of material to implement it (9,090 cubic metres) will generate a high number of HGV trips (est. 1,380 trips minimum) on unsuitable roads. In 2005, Colchester Borough Council rejected a planning application (F/COL/05/1100) stating that the Grange Road area was a "*substandard road network unsuitable for large vehicles due to narrow carriageway widths and poor forward vision, with poor connections to the main road network*".

The transport Statement addendum (section 4.36) refers to "*development traffic*" being routed south along Grange Road **or Vine Road**. This seems an attempt to defuse concerns about the Kelvedon Road / Grange Road junction which prompted Highways to initially object to traffic volumes via that junction. Vine Road is a built-up area that is devoid of footpaths where it forms junctions with other roads (Grange Road at the northern end and Maldon Road at the southern end). Both ends of Vine Road (north and south junctions) are used as a route by pupils to both Baynards and Thurstable schools at times that site traffic would typically be operating (07:30 – 17:00) on these routes.

B Heffer Esq  
Principal Planning Officer  
PO BOX 889  
Town Hall  
Colchester  
Essex  
CO1 1FL



M.V.M

Our Ref: 17904/A3/SS/CMG  
9 March 2009

Dear Mr Heffer

**APPLICATION 090217: CHANGE OF USE OF AGRICULTURAL LAND TO FIVE SPORTS PITCHES, WITH ASSOCIATED VEHICLE ACCESS AND PARKING, GRANGE ROAD, TIPTREE**

Barton Willmore has been instructed by the Tiptree West Side Action Group (WSAG) and other Tiptree residents to **object** to the above application. This application constitutes a commercial enterprise by a private limited company in the countryside, which we consider to be entirely inappropriate.

We have assessed the relevant planning policy and the application documents supporting this application. We consider that the proposals do not comply with planning policy and should not, therefore, be supported by the LPA.

The development plan for the land between Grange Road and Harrington Close comprises the Regional Spatial Strategy for the East of England (RSS) published in May 2008, the Local Development Framework (LDF) and the 2004 Local Plan. As such, we have had regard to these documents and national planning policy in assessing the application. We consider the main issues are as follows:

**1. The proposals are unsustainable**

Sustainable development is the lynchpin of current planning policy. National planning policy in Planning Policy Statement 1: Delivering Sustainable Development, Planning Policy Statement 6: Planning for Town Centres, and Planning Policy Guidance 13: Transport all seek to reduce the need to travel by car, which is a key component of sustainable development.

We do not consider that the location proposed for a new training ground for Colchester United (whose stadium is to the north of Colchester) will reduce the need to travel by car, but rather will **increase** it.

Indeed, having reviewed the Transport Statement, we consider that issues of sustainability are not adequately addressed, and the trip generation estimates are likely to be considerably higher in reality.



10 MAR 2009

### *Trip Generation Estimates*

The transport assessment is based on the following assumptions:

- CUFC will have a maximum of 58 people at the site at any one time, and these are expected to arrive in a maximum of 20 cars. This assumes a car share ratio of almost 3 people to each vehicle, and does not allow for the attendance of spectators.
- Community Uses will have a maximum of 36 players/officials and some spectators (who are not accounted for in the figures). These will arrive in a maximum of 18 cars. This assumes a car share ratio of 2 people per car.
- No vehicle movements will be during peak hours.

We consider that the proposed level of use of the site is underestimated, and this undermines the accuracy of the technical studies submitted with the application. The Transport Statement and the other documents submitted with the application all state that the use of the site will be limited to activity of a maximum of two pitches at any one time. It is also assumed that community uses will only ever use one pitch. There are no proposals to 'condition' the proposed use to these levels of usage, and in any case, we would consider such a condition to be too difficult to enforce. As such, we consider that this is not a sound basis for the starting point of technical assessments which are measuring 'impact'.

Since **five** pitches are being applied for, the technical assessments (including the transport statement) should have been based on the assumption that **all** five pitches could (and might) be used simultaneously (during tournaments, for example). In time it is very likely that the proposed use will intensify and diversify in this way. As such, the potential and possibility of much greater activity at the site should be considered at the outset.

We consider that the Transport Statement's assumptions represent an under estimation of likely (and potential) traffic generation, for the following reasons:

- Car sharing ratios are not justified with evidence, and appear unrealistic.
- Spectators arriving and leaving the site (for both training sessions of CUFC and the community uses) are not included in the traffic generation data.
- Grounds men, security staff and maintenance staff arriving and leaving the site have not been included in the traffic generation data.
- Higher trip generation rates, based on all five pitches being used more intensively, should have been included. Over time, we consider it would be reasonable to assume that the use will intensify, so that more than two pitches are used at any one time. The impact of possible 'tournaments' with all pitches being used should have been assessed.

As such, we consider that the traffic impact will be far greater than the Transport Assessment suggests.

### *Travel by Car*

However, even if the stated number of journeys per training session is accepted, no justification is provided for the added person miles that the relocation of the team's training will lead to.

CUFC currently train at the University of Essex sports ground, to the east of Colchester. This is less than five miles from the CUFC stadium. We assume that for current training sessions all players and staff get changed at the training grounds at Essex University. However, even if all players and staff currently use the changing facilities at CUFC's stadium both before and after training, travelling between the stadium and the training ground would only result in a 9.2mile round-trip per person, per training session. For 58 people attending training this equates to approximately 533.6 person miles per training session.

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Were the application successful and CUFC would commenced training in Tiptree, continuing to use the changing facilities at their stadium both before and after training, the person-miles per training session would be dramatically increased. The application proposals would result in a 26 mile round-trip, per person: Approximately 1,508 person miles per training session.

Whilst we note that in the long term, CUFC propose further development to provide on-site changing facilities, this application ought to be judged in isolation, since there is no guarantee that the further application would be successful.

As such, we consider that the existing proposals are entirely unsustainable, and will lead to an **increase** in travel by private car, contrary to planning policy. This issue is not one which has been considered in the Transport Statement and no justification has been provided as to why this is necessary or why such a departure from planning policy should be allowed.

In view of the unsustainability of the proposed scheme (in terms of person-miles it would generate per training session), the likely under-estimation of the likely trip generation figures set out in the Transport Statement, and the lack of any substantial justification as to why this is necessary contrary to planning policy, we consider that the should not be allowed in accordance with Planning Policy Statement 1: Delivering Sustainable Development, Planning Policy Statement 6: Planning for Town Centres, and Planning Policy Guidance 13: Transport.

To reduce car travel and to ensure sustainable development, planning policy indicates that the most sustainable location for a training ground would be in Colchester where alternative uses of transport are more available than at Tiptree, and where the journey times between the stadium and the training ground would be much lower.

## 2. The proposals would have a significant impact in terms of 'noise' generation

PPG 24 sets out planning guidance for dealing with applications for noise sensitive development in noisy environments, and applications (such as this) for potentially noisy development proposed adjacent to existing residential uses.

Paragraph 8 states:

**"This guidance introduces the concept of Noise Exposure Categories (NECs), ranging from A-D, to help local planning authorities in their consideration of applications for residential development near transport-related noise sources. Category A represents the circumstances in which noise is unlikely to be a determining factor, while Category D relates to the situation in which development should normally be refused. Categories B and C deal with situations where noise mitigation measures may make development acceptable."**

Although these relate to sources of noise from transport, we consider them to be transferable to other sources of noise. Category A relates to circumstances where noise levels are acceptable. It suggests that anything below 55  $L_{Aeq,T}$  dB is acceptable in terms of noise generation. Above this level applications should be either refused, or include noise attenuation measures. Importantly, however, PPG 24 allows some flexibility in the application of these noise levels. Paragraph 9 states:

**"The table in Annex 1 contains a recommended range of noise levels for each NEC covering day and night-time periods. However, in some cases it may be appropriate for local planning authorities to determine the range of noise levels which they wish to attribute to any or each of the NECs. For example, where there is a clear need for new residential**

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**development in an already noisy area some or all NECs might be increased by up to 3-dB (A) above the recommended levels. In other cases, a reduction of up to 3 dB (A) may be justified."**

Given that in this instance, the residential dwellings are already in existence (and are occupied by residents who are used to enjoying a relatively quiet environment), we consider that the LPA could justify the application of a reduction of up to 3 db(A) to the acceptable levels. This would lead to changes in the Noise Exposure Categories, as follows (reduced levels in brackets):

Noise Levels Corresponding to the Noise Exposure				
Hours	Categories For New Dwellings $L_{Aeq,T}$ dB			
	A	B	C	D
07.00-23.00	<55 (<52)	55-63 (52-60)	63-72 (60-69)	>72 (>69)
23.00-07.00	<45 (<42)	45-57 (<42-54)	57-66 (<54-63)	>66 (<63)

If lower levels were applied, in line with PPG24's allowances for 'flexibility', we consider that Sharps Redmore's noise assessment should be reconsidered. With a reduction of 3 dB, the calculations (if accepted as accurate) would place the proposed use as generating noise within 'category B' (54dB) where permission should be refused unless mitigation measures could make the proposal acceptable.

In any case, we do not consider that the methodology of measuring the likely noise generated by the proposals was rigorous enough. Our concerns about the methodology are as follows:

- The noise measurements used to assess this proposal were based on noise levels measured from a typical training session of Colchester United Football Club, at their existing facility. However, the application proposals include a 'community pitch' which may well generate much higher levels of noise, as local community teams tend to attract supporters. We do not consider that this has been factored into the predicted noise levels. Had these additional uses been included, we suspect that the predicted noise generation levels would have been **higher** than those that SRP estimated.
- Additionally, the assessment is based on only 1 or 2 pitches being used at one time (see para. 2.5 of LPP's report). We consider that since the application is for **five** separate pitches, the noise assessment should have been based on **all** five pitches being in use. Although CUFC currently consider that they will only use a couple of pitches at a time, this will be difficult to regulate, and in time the usage could intensify. We consider it unlikely that a facility which has five football pitches available will not be used for tournaments and more intensive uses from time to time. Tournaments in particular can be very high generators of noise, including supporters and a number of teams. In essence, we consider that the methodology applied was not very rigorous and has led to the use of lower 'typical' noise levels than will actually be the case.

In view of this, we consider that the noise assessment does not fully consider the most **likely** noise environment created by the development, and the impact on neighbours has not fully been assessed. We consider that if the LPA apply a 3dB reduction to the NECs set out in PPS24, and/or if the assumptions applied in the noise assessment are found to be unjustifiably generous, the actual noise generated by the proposed development would be much more likely to be in category B or C, and could potentially be in category D. This would need further assessment, but at the very least, we consider that these proposals are unacceptable in this location without the application of effective noise attenuation measures.

On the basis of the current proposals, we consider that the scheme should be refused, as being contrary to PPG24.



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### 3. The proposals are not appropriate for Tiptree as a settlement

The Spatial Strategy of the RSS seeks to achieve sustainable development and to concentrate development into 'Key Centres for Development and Change' (Policy SS3), which includes locations such as Colchester. The Borough Council's LDF Core Strategy (December 2008) supports this approach, focusing new development on Colchester.

Meanwhile, Tiptree is defined as a 'District Settlement' by the Core Strategy and the Core Strategy Inspector considered that the towns of Tiptree, Wivenhoe and West Mersea would effectively serve as 'key service centres' as described in the RSS policy SS4, which only encourages LPAs to '*accommodate development which is sympathetic to local character and of an appropriate scale and nature in relation to local housing and employment needs*'.

In line with the strategic hierarchy of settlements, and in view of the fact that CUFC's stadium is in Colchester, we do not consider that the lower order settlement of Tiptree is a suitable location for such a major facility. As Colchester is to be the focus for development in the Borough and the Colchester United Football Club ground is to the north of Colchester, logic would dictate that the most suitable location for the training facility would be in Colchester where the RSS and Core Strategy state that development should be concentrated.

In Tiptree development should be appropriate in scale and nature to local housing and employment needs: The playing pitches which are to be developed into a facility of Borough wide importance, given their role for Colchester United, do not relate in scale to the local needs of the town but to the provision of training facilities to support a team based approximately 13 miles away on the other side of Colchester.

We note that Tiptree Heath FC will use the ground and possibly Sportsman FC, however, these local teams could be accommodated elsewhere and will not, at first, have any changing facilities on the site. As such, we consider that the scale and nature of this proposal is not sympathetic to the **local character and needs of the settlement**, in accordance with RSS policy SS4.

### 4. The proposals are premature in relation to the LDF & are 'piecemeal'

Planning Policy Guidance 17: Planning for Open Space Sport and Recreation states that land on the 'urban fringe' can be a resource for the provision of sport and recreation. However to accord with the local planning policy for the Borough, such uses should be taken forward through the development plan process. As such, the proposals for the application site should be considered through the LDF process so a proper analysis of alternative sites can be considered.

The application documents are clear that the proposals represent only one part of a wider scheme for the whole area. This 'wider' scheme (which includes housing and other sports provision) is being promoted through the LDF. The LDF Site Allocations Regulation 25 Consultation, in which the wider scheme was promoted, closed in February 2009. The application proposals and some surrounding land were put forward for a mixed use development, including residential, employment, sports and open space uses. The consultation document stated that the open space could include a village green. The Council states that they are generally supportive of the proposals to provide new open space, sport and recreational facilities, as this part of the Borough is lacking in such facilities. The Council state that proposals for the site include 6ha of housing which the Council consider is too much housing for Tiptree.

The Site Allocations Document has recently completed its Regulation 25 Consultation, and now all the consultation responses will be considered, then the document will be amended and further consultation undertaken in September 2009 before an examination before a planning inspector in June 2010, with the document being adopted at the end of that year. As well as this site, other sites are being considered for allocation in the LDF, and as such, there is no guarantee that the application site and the surrounding area will even receive an allocation for development.

Our clients have made their objections to the allocation of this site in general, but in any case, we consider that the current planning application is premature, as the site may not be allocated at all. Since the Site Allocations document is still being prepared, to approve the sports pitches now could prejudice the outcome of the Site Allocations document itself and may undermine other, more acceptable, opportunities being considered elsewhere through the LDF process. Approving the sports pitches at this stage of the LDF preparation process would effectively be allowing the applicant to engineer an unnatural 'in fill' opportunity, with respect of the remainder of his proposals: The application proposals are poorly related to the settlement of Tiptree and are the most isolated element of the wider proposals. If permitted, the applicant will proceed to argue that the housing proposals being progressed through the LDF are not an urban extension, but an 'in fill', and we consider this will prejudice the outcome of the LDF.

As such, we consider that the scheme, as proposed, should be refused as 'piecemeal' development which is 'premature' of the development plan. Either a 'master planned' scheme for **all** of the applicant's proposals should be submitted (to enable the whole impact to be assessed, rather than pursuing piecemeal development), or the phasing should extend out from the settlement, rather than in from the countryside (as is being proposed). Ideally, the proposals should also await the outcome of the LDF, as the site may not be allocated at all.

As proposed, the location of the application proposals, being separated considerably from the development boundary of Tiptree, means that the proposals are not a 'fringe' development, therefore have no support through PPG17 in any case. The application site is 'isolated' and 'dislocated' from the settlement. As such, we consider that this application should be refused until the opportunity for master-planned proposals can be considered by the Council, following the LDF's completion.

## 5. Visual Impact

Although the proposals are only for a change of use at present, we consider that the laying out of car parking, the erection of fencing and the development of sports pitches on the land will have a considerable visual impact. In time, the following phases of development will have an even greater impact on the landscape and the countryside.

The Colchester Borough Local Plan 2004 and the Core Strategy (adopted in December 2008) both allocate the site as Countryside. Development in the Countryside is greatly restricted by national planning policy as well as by local policy. Policy **ENV1** Environment of the Core Strategy echoes national planning policy and states that:

**"unallocated greenfield land outside of settlement boundaries (to be defined/reviewed in the Site Allocations DPD) will be protected and where possible enhanced, in accordance with the Landscape Character Assessment. Within such areas development will be strictly controlled to conserve the environmental assets and open character of the Borough."**

We consider that for development to be acceptable in this location, the proposals (in their entirety) would have to demonstrate that they accord with the Landscape Character Assessment. We do not consider that these proposals accord with the Landscape Character Assessment.

The fencing, whilst the applicant claims has 'permitted development rights' does form a part of this application. In cases such as this, the degree to which fencing can benefit from 'permitted development rights' is debatable. Certainly the elements of the fence which are 'adjacent' to the public highway may well require planning permission, if they are higher than 1m fence. As such, we assume that the proposals for fencing **do** form a part of this application. The proposed fence will effectively enclose open countryside and form a private compound. No details have been provided of the appearance of the fence, and no assessment of its impact (or indeed the impact of the wider proposals) have been provided. Likewise, there is no assessment of the impact of the provision of sports equipment on the land, the laying out of pitches and the car parking areas.

It is our view that these proposals will not work towards the Council's aims of conserving the environmental assets and the open character of the Borough and as such, are contrary to Local Plan **ENV1**.

## 6. Contrary to PPS 7

The applicant has argued that the development proposed is compatible with a rural location and that this is supported by national policy in Planning Policy Guidance 7: Sustainable Development in Rural Areas (PPS7). PPS7 seeks to discourage the development of greenfield land, and the application site is clearly greenfield. While PPS7 promotes leisure uses in the countryside, the aim of PPS7 is to allow leisure uses so that people can enjoy the countryside. The sports use proposed in this application does not allow people to enjoy the countryside; the sports pitches do not need a countryside location in the same way as a rural nature reserve would require a countryside location and as such we do not consider that the application is supported by policy ENV1 or national policy in PPS7. Policy ENV1 clearly states that unallocated greenfield land will be protected, and that the settlement boundaries will be reviewed in the Site Allocations DPD. Therefore the application proposes development on an unallocated greenfield site and should be refused.

## 7. 'Community Provision' is minimal

Policy **ENV2** of the Core Strategy states that development should contribute to the local community through provision of relevant community needs such as open space and community facilities. The policy also states that outside village boundaries the Council will favourably consider small-scale rural business, tourism and leisure schemes that are appropriate to local employment needs.

We do not consider that the development accords with this policy, as the local community use of the pitches will be minimal and only two teams will be permitted to use it on a strictly limited basis. Indeed, as a result of this application the local teams offered use of the pitches will have fewer facilities than on their existing grounds. No changing facilities are proposed and the local teams will only be allowed access during the weekend at strictly controlled times. The teams will not be permitted to train at the pitches mid-week. This calls into question the likelihood of Tiptree Heath FC and Sportman FC actually moving to the facility. The principle use of the sports pitches will be by the Colchester based Colchester United so the local community gain for Tiptree will be minimal.

We see no evidence from the developer that the sports pitches will be an unrestricted community use, rather they will remain in private ownership and control and not in the control of the community which would be necessary to provide a genuine community facility. For the community to benefit fully from the proposals, security would be needed that if, for example, Colchester United were promoted from League 1 to the Championship, they would not require the training pitches to be used on a more intensive basis to the detriment of the community uses. The applicant's Planning and Design and Access Statement does not provide clarity on this issue and confirms that the facility will be private but does not make clear how the community use will be safeguarded.

As such, the proposals do not accord with the provisions of policy **ENV2** of the Core Strategy.

## 8. Loss of high quality agricultural land

Local Plan policy **C08** states that development that will lead to the loss of agricultural land as defined as grades 1, 2 and 3a will not be permitted unless there is an overriding need for the development, there is no land of lower grade available, and that the proposal will not harm a farm holding.

Our investigations with the Department of Food and Rural Affairs have indicated that part of the application site is grade 2, and not completely 'grade 3' as the applicant claims.

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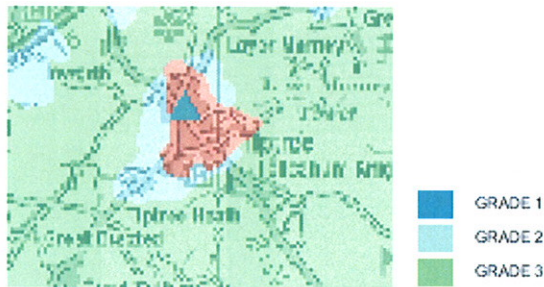


Figure 1: Tiptree Agricultural Land Classifications (DEFRA)

The applicant states that the development will not lead to the irreversible loss of agricultural land, however, if the change of use and the development of football pitches, landscaping and fencing is permitted it will be difficult and costly to return the land to agriculture. If the development proposed in the future is permitted then it will be still harder to return the land to agriculture.

As such, we consider the proposals to be contrary to Local Plan policy C08.

9. Footpath Improvements

In respect of the applicants comments on Local Plan policy L15, that the developer proposes to improve the local footpath network, this is not part of this proposal and so must be disregarded.

Summary

We have set out an assessment of the proposals against planning policy, and found that they do not comply. We consider that the proposals are contrary to planning policy in respect of:

- Sustainability and traffic generation
- 'Noise' generation & impact on residential amenity
- Development that is acceptable for a local service centre such as Tiptree
- Visual Impact
- PPS 7 and development in the countryside
- The nature and level of 'Community Provision'
- The loss of high quality agricultural land

Moreover, we consider that the proposals are premature in relation to the LDF and they comprise 'piecemeal' development proposals. No evidence is provided in relation to the claims regarding footpath improvements, and as such, these claims should be discounted.

In view of these points, we consider that there is no planning support for these proposals, and the LPA should refuse this application, in line with the development plan and national planning guidance.

Please keep us informed of the progress of this application, as we may wish to speak at the Planning Committee, should the opportunity arise.

Yours sincerely

*Susanna Sanlon*

SUSANNA SANLON  
Senior Planner

cc: Tiptree Parish Council

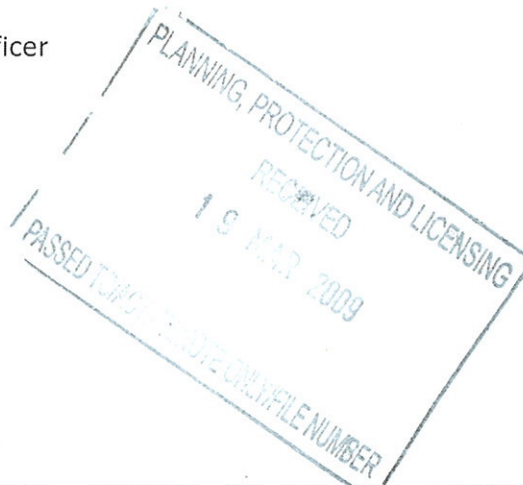
SCANNED  
19 MAR 2009

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Our Ref: 17904/A3/SS/CMG  
18 March 2009

Dear Sirs

**APPLICATION 090217: CHANGE OF USE OF AGRICULTURAL LAND TO FIVE SPORTS PITCHES, WITH ASSOCIATED VEHICLE ACCESS AND PARKING, GRANGE ROAD, TIPTREE**

Further to our earlier letter Barton Willmore has been instructed by the Tiptree West Side Action Group (WSAG) and other Tiptree residents to submit additional information in support of their **objection** to the above application. This application constitutes a commercial enterprise by a private limited company in the countryside, which we consider to be entirely inappropriate. As part of this, we have been instructed to respond specifically to the applicants letter of 9<sup>th</sup> March to Tiptree Parish Council, we sets out a defence of their position, in response to the residents objection letters submitted to the Council in respect of this scheme.

In response we have a number of comments to the applicant's letter, which we feel ought to be taken on board by the Council in weighing the comments made.

**Community Provision**

We note that CUFC claim to have a direct interest in promoting sport in the community and that in other areas the club has made significant investments in the local community. However, these philanthropic gestures are not a material consideration to this application. The application must be assessed on the claims of this application alone, and the degree to which it will benefit the community.

Whilst it is not disputed that CUFC have supported other local sporting enterprises, the issue pertinent to this application is the degree to which the proposed 'community pitch' at Grange Road will, in fact, be delivered in line with the Council's own standards. Colchester Borough Council's Playing Pitch Strategy provides a definition of 'community pitches' at para. 4.5 and 4.6 as:

**"our definition of 'community pitches' is those pitches with 'secured community use', recognizing that this has a considerable bearing upon the value of facilities both individually and collectively to the community at large.**



The Barton Willmore Planning Partnership

**In practice this definition embraces:**

- **pitches which are in local authority management or other public ownership or management.**
- **any facilities owned, used or maintained by clubs/private individuals which as a matter of policy or practice are available for use by large sections of the public through membership of a club or admission fee. In either case the 'cost of use' must be reasonable and affordable for the majority of the community.**
- **pitches at education sites which are available for use by the public through formal community arrangements.**
- **any other institutional facilities which are available to the public as a result of formal dual/community arrangements."**

It is not clear to us how the proposals at Tiptree to provide a 'community' pitch can fall into this definition. Clearly point 1 and 3 do not apply. If CUFC are claiming that this is a 'community pitch' under point 3, we consider that since only three teams will be permitted to use the pitch at strictly controlled times, the proposals cannot be counted as a 'community pitch' under this provision because 'large sections' of the community will not benefit. If CUFC are claiming that their proposals fall within point 4, since no formal arrangements are proposed for scrutiny through this application, we feel that the proposals fall short.

Likewise, using Sport England's definition of 'community pitches' (para. 4.65 and 4.66 of 'Towards a Level Playing Field') it is clear that the degree of 'secured use' for the community is a critical point on which to assess the genuine nature of a so-called 'community pitch':

**"The ownership and accessibility of pitches will also influence their actual availability for community use.**

**The term 'secured community use' has been adopted to define this. This is likely to embrace:**

- **all local authority facilities**
- **school facilities where they are subject to formal community use agreements**
- **other institutional facilities that are available to the public as a result of formal community use agreements**
- **any facilities that are owned, used or maintained by clubs/private individuals and which, as a matter of policy and practice, are available to large sections of the public through membership of a club or through an admission fee."**

In essence, we object to the application because these proposals do not provide a 'community pitch' in line with the Council's own definition and Sport England's definition, which require 'secured access' as a critical indicator in defining a 'community pitch'. Indeed, it appears to the residents that the applicant's claims to be providing a genuine 'community pitch' are a redherring in the application, designed to detract from the fact that this is a commercial enterprise by a private limited company in the countryside, with strictly limited and peripheral 'community' benefits for a strictly limited number of people in the local community. In reviewing the Council's own definition of what a community pitch should be, it is clear why local residents feel this way and we feel that the proposals should not be supported.

## Traffic Generation

The applicant's letter claims that the proposals are not 'an intensive travel generating use'. We have contested this point in our previous letter to Colchester Council, dated 9<sup>th</sup> March. We consider that the assumptions of the Transport Assessment were unsound. The assumptions on which it was based were not justified, and were not related to the proposals, but an assumed level of use by the football club. The Transport Statement assumed:

- CUFC will have a maximum of 58 people at the site at any one time, and these are expected to arrive in a maximum of 20 cars. This assumes a car share ratio of almost 3 people to each vehicle, and does not allow for the attendance of spectators.
- Community Uses will have a maximum of 36 players/officials and some spectators (who are not accounted for in the figures). These will arrive in a maximum of 18 cars. This assumes a car share ratio of 2 people per car.
- No vehicle movements will be during peak hours.

We feel that the proposed level of use of the site is underestimated, and this undermines the accuracy of the technical studies submitted with the application. The Transport Statement and the other documents submitted with the application all state that the use of the site *'is likely to be limited to the use of only two pitches at any one time'*. It is also assumed that community uses will only ever use one pitch. Since the application documents do not contain any proposals to 'condition' the proposed use to these levels of usage (and in any case, since we considered such a condition to be too difficult to enforce) it was our view that this was not a sound basis for the starting point of technical assessments which are measuring 'impact'.

On the basis that **five** pitches are being applied for, we consider that the technical assessments (including the transport statement) should have been based on the assumption that **all** five pitches could (and might) be used simultaneously (during tournaments, for example). In time it is very likely that the proposed use will intensify and diversify in this way. As such, the potential and possibility of much greater activity at the site should be considered at the outset.

As such, we consider that the Transport Statement's assumptions represent an under estimation of likely (and potential) traffic generation, for the following reasons:

- Car sharing ratios are not justified with evidence, and appear unrealistic.
- Spectators arriving and leaving the site (for both training sessions of CUFC and the community uses) are not included in the traffic generation data.
- Grounds men, security staff and maintenance staff arriving and leaving the site have not been included in the traffic generation data.
- Higher trip generation rates, based on all five pitches being used more intensively, should have been included. Over time, we consider it would be reasonable to assume that the use will intensify, so that more than two pitches are used at any one time. The impact of possible 'tournaments' with all pitches being used should have been assessed.

On this basis, it is our view that the **traffic impact will be far greater** than the Transport Assessment suggests.

However, even if the stated number of journeys per training session is accepted, no justification is provided for the added **person miles** that the relocation of the team's training ground will lead to.

CUFC currently train at the University of Essex sports ground, to the east of Colchester. This is less than five miles from the CUFC stadium. We assume that for current training sessions all players and staff get changed at the training grounds at Essex University. However, even if all players and staff currently use the changing facilities at CUFC's stadium both before and after training, travelling between the stadium and the training ground would only result in a 9.2 mile round-trip per person, per training session. For 58 people attending training this equates to approximately 533.6 person miles per training session.

Were the application successful and CUFC would commenced training in Tiptree, continuing to use the changing facilities at their stadium both before and after training, the person-miles per training session would be dramatically increased. The application proposals would result in a 26 mile round-trip, per person: Approximately **1,508 person miles per training session**. Whilst we note that in the long term, CUFC propose further development to provide on-site changing facilities, this application ought to be judged in isolation, since there is no guarantee that the further application would be successful.

As such, we consider that the existing proposals are entirely unsustainable, and will lead to an **increase in travel by private car**, contrary to planning policy and that the proposals are likely to be a high traffic generator. This issue is not one which was considered in the Transport Statement and no justification has been provided as to why this is necessary or why such a departure from planning policy should be allowed.

A more sustainable solution would be to seek land for a training facility on the edge of Colchester. For example, 20 acres of land in Bromley Road, Ardleigh, is available and is currently being marketed by the owner. The provision of pitches in this location would be much more sustainable, as it would only lead to an 8 mile round trip between the site and CUFC's stadium. No evidence has been provided as to why the Club have not considered more sustainable alternatives, such as this.

In view of the unsustainability of the proposed scheme (in terms of person-miles it would generate per training session), the likely under-estimation of the likely trip generation figures set out in the Transport Statement, and the lack of any substantial justification as to why this is necessary contrary to planning policy, we consider that the proposals **are** contrary to Planning Policy Statement 1: Delivering Sustainable Development, Planning Policy Statement 6: Planning for Town Centres, and Planning Policy Guidance 13: Transport. As such, they should not be supported.

### **Short Fall of Outdoor Sports Facilities**

We note that the Council's Open Space Sport and Recreation Study, submitted with the evidence base for the Core Strategy to the LDF identifies that there is a short fall of sports pitches in Tiptree totalling 3.14ha, and that this is likely to rise to 5.29ha by 2021. However, the degree to which this proposal will meet this shortfall is questionable. The Open Space Sport and Recreation Study does include 'privately owned' facilities within the definition of Outdoor Sports Facilities, however the aim of those privately owned facilities is to increase the level activity of the general population in those sports (para. 9.2) and 'maximising the use of facilities' is critical. As set out above, we do not consider that these privately owned, commercial facilities (which are to be strictly controlled) will do this. As such, although 'technically' these proposals might meet an identified deficit of outdoor sports pitches, in reality, the pitches will not be effectively available to the community and, in practice, the short fall will not be met.

With regard to Tiptree, the Open Space Sport and Recreation Study recommends two possible approaches to meet the shortfall. One option includes the provision of new facilities in the south west of Tiptree and the other relates to provision at Tiptree Sports Centre. The aim is 'accessibility for all residents'. As such, we do not consider that these proposals meet with the aims of this recommendation, as access by members of the public for **all residents** is not prioritised:

**"We recommend either the provision of a new outdoor sports facility in the south west of Tiptree, or ensure that transport linkages, such as buses or cycle routes are of sufficient scope to improve accessibility for all residents to the Tiptree Sports Centre."** Open Space Sport and Recreation Study.

The application proposals might meet the locational criteria of one of these recommendations, but the nature of the proposal results in a highly limited facility which will not benefit **all residents**.



Moreover, the companion guide to PPS 17 requires at paragraph 2.1 that the 'value' of open space provision be assessed as follows:

**"The value of open spaces or sport and recreation facilities, irrespective of who owns them, depends primarily on two things: the extent to which they meet clearly identified local needs and the wider benefits they generate for people, wildlife, biodiversity and the wider environment."**

As such, we do not consider that these proposals will lead to a 'high value' sporting facility for the community, if the owner to effectively keep the pitches under 'lock and key' with strictly controlled usage by only a few members of the public. Whilst the proposals subject to this application might meet the shortfall by physically providing privately owned and controlled sports pitches, in practice, the value of this is limited and the shortfall will be maintained in practice, if the pitches are not genuinely available to all.

In consideration of the above, we are of the view that the shortfall would be most effectively met in association with the successful Tiptree Sports Centre, which is genuinely available to members of the public. Private provision, as proposed in this application in this location, will effectively lead to an on-going shortfall and will therefore be of little value to the public.

### **Loss of high quality agricultural land**

As set out in our previous letter, Local Plan policy **C08** states that development that will lead to the loss of high quality agricultural land (defined as grades 1, 2 and 3a) will not be permitted unless there is an overriding need for the development, there is no land of lower grade available, and that the proposal will not harm a farm holding. Our investigations with the Department of Food and Rural Affairs have indicated that part of the application site is grade 2, and it is not completely 'grade 3' as the applicant claims.

Although the applicant states that the development will not lead to the irreversible loss of agricultural land, it has been held at appeal that the change of use of land from agriculture to sport pitches **does** constitute a loss of agricultural land which should not be permitted unless there is a genuine need for the facilities.

For example, in an appeal against Gravesham Borough Council's refusal of planning permission for two rugby pitches in Meopham, the Inspector considered that in both national and local planning policy had an assumed presumption towards protecting good quality agricultural land unless there was a 'need' which 'outweighed the harm caused' by the loss of that agricultural land (ref: T/APP/K2230/A/98/291885/P7) and did not allow the appeal. Likewise the decision of South Oxfordshire District Council to refuse permission for a new cricket and recreation ground was upheld because it would involve the loss of high quality agricultural land (ref: T/APP/Q3115/A/97/282673).

We have demonstrated that these proposals, by virtue of the fact that they do not compromise genuine 'community pitches', that there is no identified 'need' for these proposals in this location. Therefore, we do not consider that national or local planning policy support this change of use.

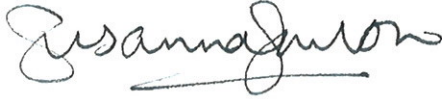
### **Summary**

We do not consider that the applicant's proposal will effectively make available sports facilities for the community, but rather, it is a private commercial enterprise, only available to an elite few, exploiting greenfield land, which has high value as architectural land. As such, it is inconsistent with planning policy and will not meet the needs identified by the Council.

Moreover, we consider that the proposals will generate high levels of traffic and result in unsustainable trip-generation. The proposals are therefore unsustainable.

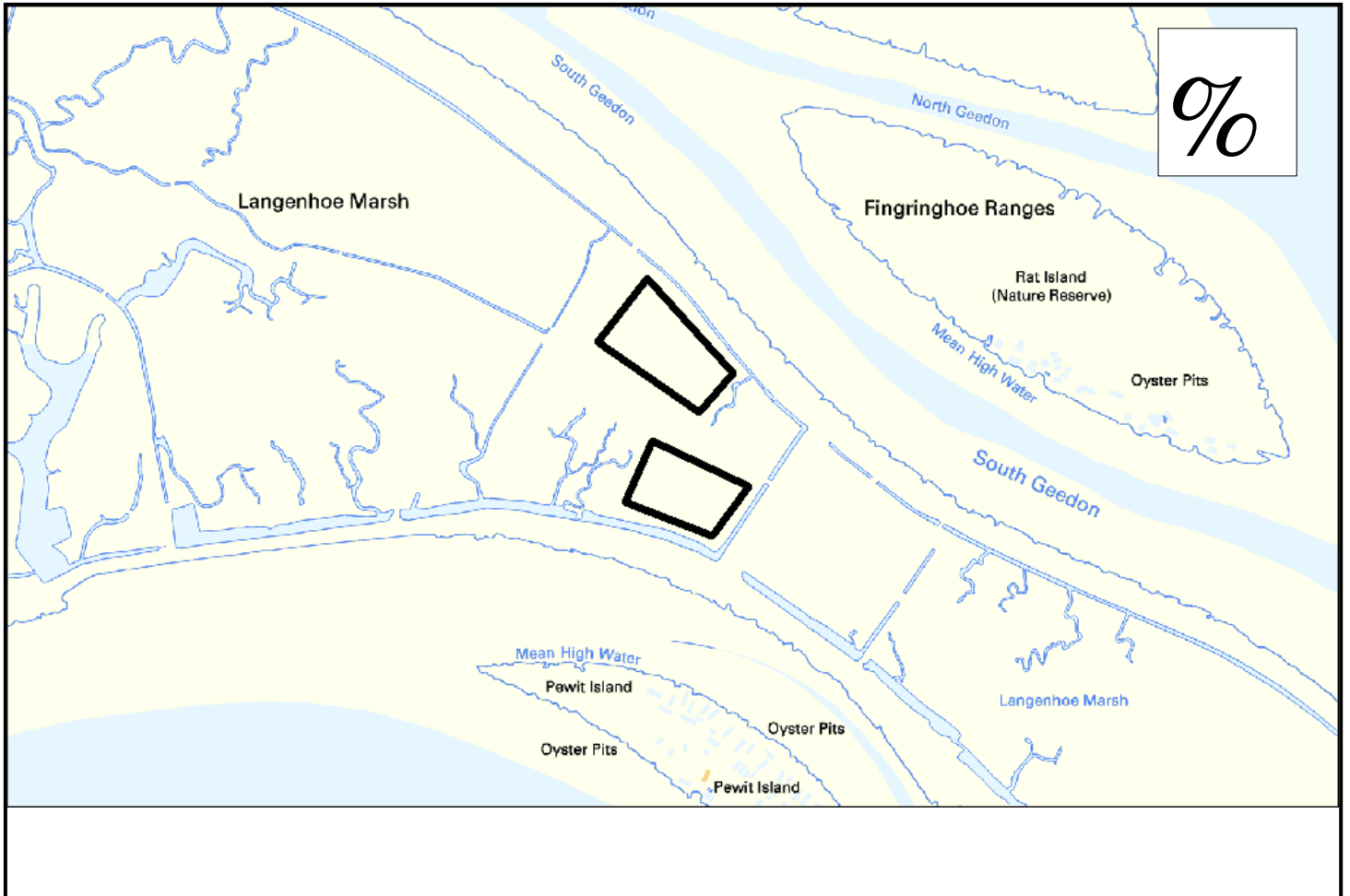
Accordingly, we trust that this application will not be supported by the Council.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Susanna Sanlon', with a horizontal line underneath the name.

**SUSANNA SANLON**  
Senior Planner

cc: Ms Carolyn McSweeney



**Application No:** 090460

**Location:** Borrow Pits North & South, Langenhoe Marsh, Fingringhoe

**Scale (approx):** 1:1250

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**7.3 Case Officer: Sue Jackson**

**EXPIRY DATE: 03/07/2009**

**OTHER**

**Site:** Borrow Pits North & South, Langenhoe Marsh, Fingringhoe

**Application No:** 090460

**Date Received:** 3 April 2009

**Agent:** Mr Paul Evans

**Applicant:** Ministry Of Defence

**Development:** Extraction of clay from 2 new borrow pits for the construction of an access berm adjacent to the seawall on Langenhoe Marsh. Following extraction of clay the borrow pits will be landscaped to create 2 conservation lagoons.

**Ward:** Pyefleet

**Summary of Recommendation:** Delegated approval subject to no objections being received after 26 June 2009

## **1.0 Site Description**

- 1.1 This application relates to Langenhoe Marsh, Fingringhoe involving land owned by MOD forming part of the Fingringhoe Rifle Range and Training Area. The site is not accessible by the public.
- 1.2 The specific location is the south east extremity of the ranges abutting Pyefleet Channel and South Geedon Creek.

## **2.0 Description of Proposal**

- 2.1 The borrow pits proposed and the clay extracted will be used to construct an access berm. The total amount of material required for the berms is 18,000 cubic metres and useable clay is established at about 1 metre in depth in site one and 1.5m on Site Two. Site One extends to approximately 1.2 hectares and Site Two to approximately 1.5 hectares.
- 2.2 The sea wall which bounds the marsh is the responsibility of the MOD to maintain. The majority is in good repair. However, it is not possible to access the wall on the Pyefleet Channel side point from the seaward site. This is due to the extensive saltings and as there is no internal access any breach of the wall would be extremely difficult to repair.
- 2.3 The construction of the berm is required to enable vehicles to undertake maintenance and remedial works.
- 2.4 Two applications for repairs to the sea wall close this area were submitted in 2000 and 2006.

2.5 Once the berm is in place repairs to the damaged sea wall will take place.

### **3.0 Land Use Allocation**

3.1 Special Ramsar Site

### **4.0 Relevant Planning History**

4.1 G/COL/03/1670 - Repairs to sea wall defences - Approved

4.2 G/COL/06/0140 - Repairs to sea wall defences - Approved

### **5.0 Principal Policies**

5.1 Adopted Review Borough Local Plan  
C05 - Habitats

5.2 Core Strategy  
ENV1 – Environmental and Rural Communities  
ENV2 – Environmental and Rural Communities

### **6.0 Consultations**

6.1 Environment Agency has no objection to the development proposal.

6.2 Natural England comment as follows:-

"This letter is Natural England's formal consultation under Regulation 48(3) of the Habitats Regulations 1994 and Section 28 of the Wildlife and Countryside Act 1981 (as amended). The proposal is to reinstate a berm at Langenhoe Point, to allow access for the purpose of maintenance of the sea wall. The berm will be situated within the Colne Estuary SSSI, SPA and Ramsar Site. Based on the information provided, Natural England is satisfied with the conclusion of no significant effect on the Natura 2000 sites and consequently HAS NO OBJECTION TO THE PROPOSED DEVELOPMENT. It is our view that, either alone or in combination with other plans or projects, it would not be likely to have a significant effect on the interest features of the Colne Estuary, or any of the associated features of special scientific interest.

We are pleased to see that works will be timed to avoid the bird breeding season and that where vegetation predominantly couch grass, is being stripped from the existing berm this will be reinstated on the raised berm. The grazing marsh where the pits are proposed represents a small proportion of total grazing marsh within the site and is overgrown and unlikely to support rare plant species. We are pleased to see that the borrow pits will be landscaped to maximise their conservation value, creating brackish water bodies which will benefit a range of Ramsar invertebrate species. We would suggest that the MoD maximise opportunities in the design of the vegetated open water feature to provide habitat for water voles and ensure that some of the edges are steep-sided rather than gently shelved to allow free-board for burrowing. Scalloped edges and the creation of "backwaters" would also benefit water voles."

6.3 Environmental Control have no comment to make.

6.4 The Natural History Curator supports the works as necessary for the long term survival of this important habitat from tidal incursions.

## **7.0 Parish Council's Views**

7.1 No comments received

## **8.0 Representations**

8.1 None received

## **9.0 Report**

9.1 The application proposals will allow important sea defence work to take place and also provide an opportunity to increase the conservation diversity in this important area.

9.2 The application includes details of appropriate landscaping and conservation proposals and has the support of Natural England.

9.3 Permission is recommended.

## **10.0 Background Papers**

10.1 ARC; Core Strategy; NR; NE; HH; AT

### **Recommendation**

The application has been advertised and the period for comments expires after Committee (26 June 2009). The recommendation therefore is to defer until the 26 June and if no objections are received the Head of Environmental and Protective Services be authorised to issue a delegated decision.

### **Conditions**

1 - A1.5 Full Perms (time limit for commencement of Development)

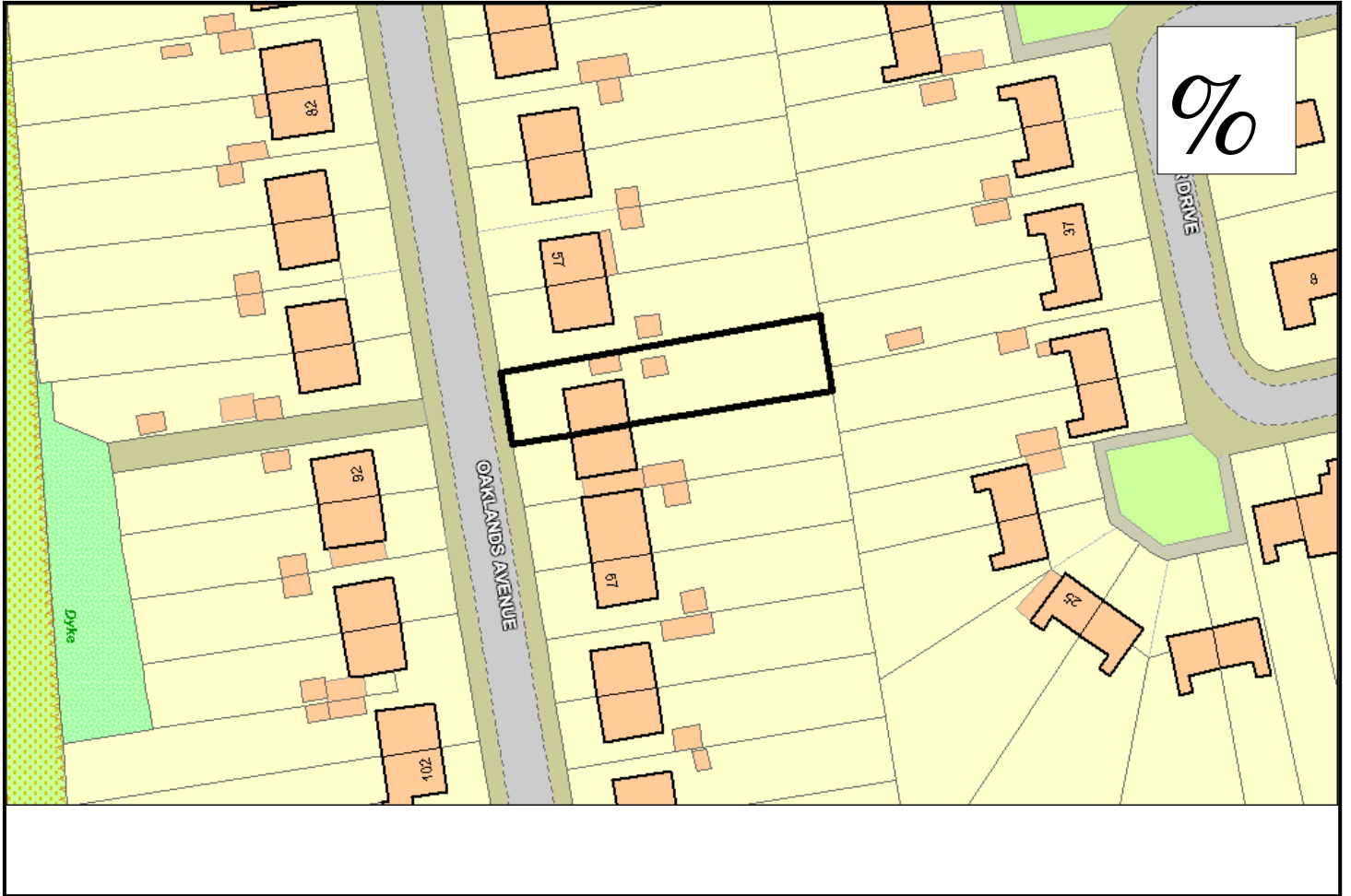
The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: In order to comply with Section 91 (1) and (2) of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004

2 - Non-Standard Condition

The works shall be implemented in accordance with the application details.

Reason: To ensure a satisfactory form of development.



**Application No:** 090608

**Location:** 61 Oaklands Avenue, Colchester, CO3 9ET

**Scale (approx):** 1:1250

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**7.4 Case Officer: Mark Russell**

**EXPIRY DATE: 30/06/2009**

**OTHER**

**Site:** 61 Oaklands Avenue, Colchester, CO3 9ET

**Application No:** 090608

**Date Received:** 5 May 2009

**Applicant:** Mr B Andrews

**Development:** Proposed two storey side extension with front porch, rear single storey extension, conservatory and internal alterations.

**Ward:** Prettygate

**Summary of Recommendation:** Refusal

## **1.0 Planning Report Introduction**

1.1 This application is before Committee because one of the consultees, and objectors, is an employee of Colchester Borough Council's Planning Department.

## **2.0 Site Description**

2.1 The site comprises the left hand property of a pair of 1930s semi-detached houses similar to most of those around it on Oaklands Avenue which is a spine road linking Straight Road with Dugard Avenue.

## **3.0 Description of Proposal**

3.1 The main proposal, as described above, is to build a two-storey extension to the (left hand) side of the property to within a few centimetres of the boundary. Also proposed is a single storey projection which would wrap around the front and form a porch, and a rear extension comprising a shallow element plus a deeper conservatory.

## **4.0 Land Use Allocation**

4.1 Residential

## **5.0 Relevant Planning History**

5.1 None



## **6.0 Principal Policies**

6.1 Adopted Review Colchester Local Plan:  
DC1- Development Control considerations;  
UEA11 - Design  
UEA13 – Extensions

6.2 Core Strategy  
UR2 – Built Design and Character

## **7.0 Consultations**

7.1 None

## **8.0 Representations**

8.1 At the time of writing, one objection had been received. This was from the occupier of the neighbouring property 61 Oaklands Avenue. The objection was on the following lines:

- Failure to leave a minimum gap of one metre at first floor level;
- Integral garage on a two storey element is an incongruous feature.

## **9.0 Report**

9.1 The proposal to place a two-storey extension to the side of this property is squarely in conflict with policy.

9.2 Policy UEA13 (b) explicitly states that development leading to a cramped or terraced effect will be refused. The supporting text states “A minimum separation distance is required at first floor and above where a visual gap already exists between properties.”

9.3 Colchester Borough Council’s own Supplementary Planning Document “Extending Your House” also states, in Section 3 “Cramming”: “Areas of detached and semi-detached housing are generally characterised by the gaps between units. Where side extensions are proposed in such cases, it is important to retain a visual gap, particularly at first floor level. In areas of detached and semi-detached housing, a minimum separation of one metre from the boundary at first floor level is often considered appropriate.”

9.4 There is thus a raft of policy and guidance which presumes against such development.

9.5 Of course, in context, such schemes could be deemed acceptable if the general pattern of development (including permissions granted by this authority in the past) has undermined the initial desire to avoid terracing. In the case of Oaklands Avenue there are such examples which have previously been allowed.

9.6 With this in mind, your Officer surveyed all of Oaklands Avenue to establish whether precedent undermines the aims of our policies and supplementary guidance.

- 9.7 Of the 106 dwellings on Oaklands Avenue, the majority are semi-detached, two storey houses, with a few bungalows (numbers 11 – 31 and “Bethany” next to number 48), and a slightly varied pattern between 33 and 43.
- 9.8 Of the eighty plus semi-detached houses, only six have two-storey side extensions (33, 53, 59, 60, 64, 66). These last three houses were built under a separate permission (11468, granted in 1952) and are part of a block of four houses different to those in the rest of Oaklands Avenue, being of a different colour brick and different form. These are not held to be a very good example of precedent for the rest of Oaklands Avenue. Of the remaining three, two of these are set in about one metre from their boundaries, so arguably only number 53 fails the test.
- 9.9 The pattern of development in Oaklands Avenue, therefore, emphatically demands that the metre separation be preserved.
- 9.10 Regarding the integral garage, this is a poor design and is contrary to advice set out in the Essex Design Guide, which is also an adopted Supplementary Planning Document.
- 9.11 Again, the only examples of this in Oaklands Avenue are in the block 60-66, which as described above, is very different to the rest of the road.
- 9.12 The proposed “wrap-around” form which incorporates a porch is, again, poorly conceived. The Essex Design Guide encourages an “additive” form of development, in which a modular form comprising different elements is encouraged. This rationale has also been carried through to the above-mentioned “Extending Your House” publication.
- 9.13 Finally, the rear conservatory element is proposed at a depth of 4.95 metres within centimetres of the boundary. This fails the above guidance also, which suggests that three metres is a good limit, with extra depth allowed in relation to any separation from the boundary. In practice, this does not need to be complied with dogmatically, but a projection of five metres is considered excessive.

## **10.0 Conclusion**

- 10.1 In conclusion, almost every element of the proposal fails policy and supplementary guidance, and the application is therefore held to be unacceptable.

## **11.0 Background Papers**

- 11.1 ARC; Core Strategy; NLR

## **Recommendation - Refusal**

### **Reasons for Refusal**

#### **1 - Non-Standard Refusal Reason**

Policy DC1 (b) of the Adopted Review Colchester Borough Local Plan (ARCBLP) March 2004 states, inter alia that “development will be well designed, having regard to local building traditions, and should be based on a proper assessment of the surrounding built and natural environment. Where necessary, a clear written statement setting out the design principles followed, and showing how local distinctiveness will be promoted and retained, will be required”;

Policy UEA11 of ARCBLP states, inter alia that: “(b) The buildings or building groups shall be well designed in themselves and have adequate regard to their setting:” and; “(d) Good standards of townscape should be achieved in terms of harmonious groups of buildings and the spaces between them.”

Policy UEA13 (b) of ARCBLP states, inter alia that: An extension to a building will not be permitted where “the proposal leads to the creation of a cramped appearance or terracing effect of detached or semi-detached properties.”

Policy UR2 of the Core Strategy (Adopted December 2008) states, inter alia, that “The design of development should be informed by context appraisals..... developments that are discordant with their context and fail to enhance the character, quality and function of an area will not be supported.”

Colchester Borough Council’s Supplementary Planning Document “Extending Your House” states (inter alia), in Section 3 “Cramming”: “Areas of detached and semi-detached housing are generally characterised by the gaps between units. Where side extensions are proposed in such cases, it is important to retain a visual gap, particularly at first floor level. In areas of detached and semi-detached housing, a minimum separation of one metre from the boundary at first floor level is often considered appropriate.”

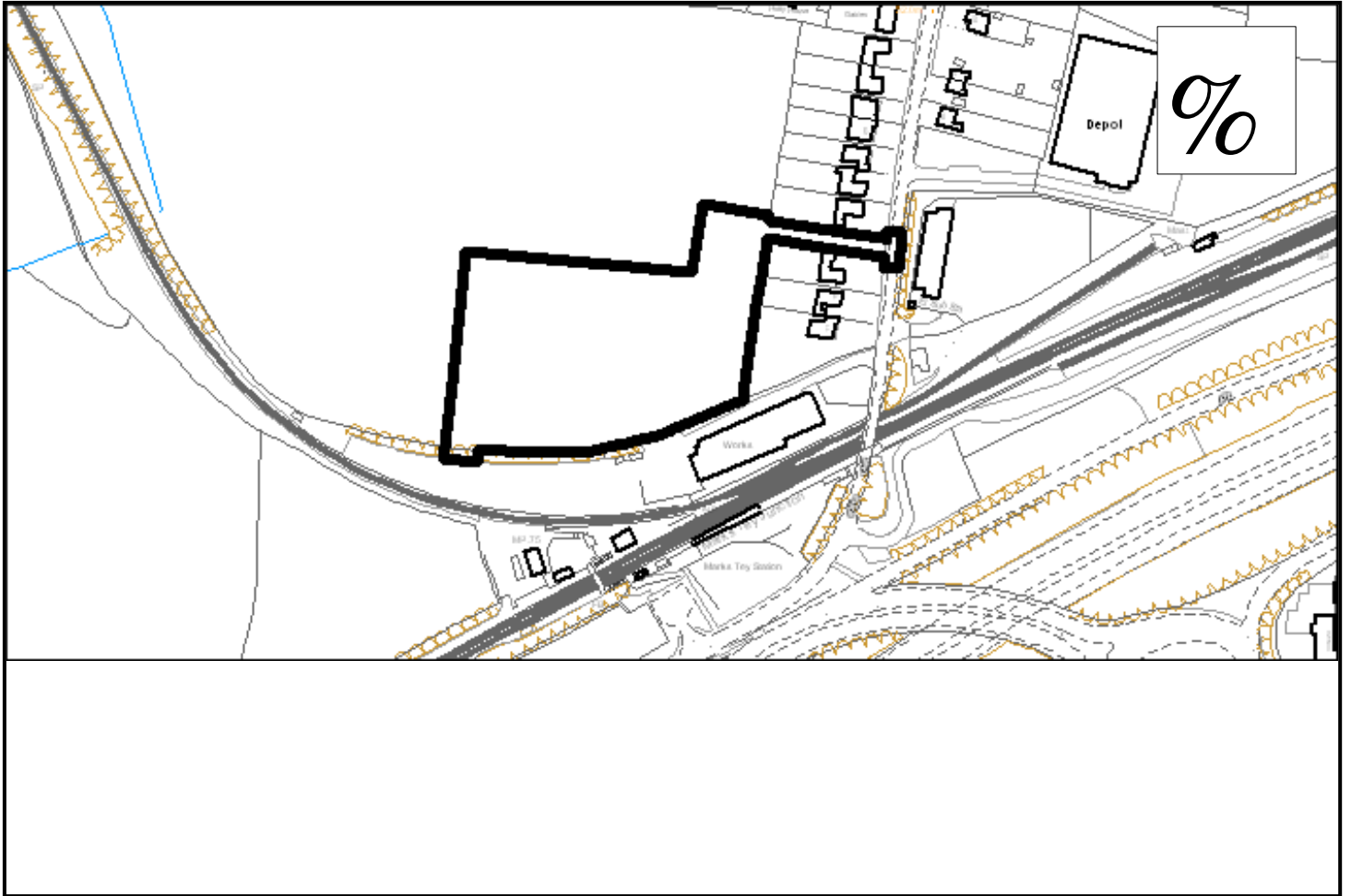
The failure to provide a minimum of a one metre gap at first floor level would lead to a cramped or terraced effect which would be contrary to policy UEA13 (b) of ARCBLP and the “Extending Your House” Supplementary Planning Document.

The proposal is also clearly contrary to policies DC1 (b) and UEA11 (b) and (d) of ARCBLP as well as the Essex Design Guide and the “Extending Your House” guide. It is not informed by a context appraisal, it is discordant with its context and fails to enhance the character and quality of the area and fails to achieve good townscape. Specifically, the lack of a gap is contrary to these policies, as is the wrap-around front extension and the proposed integral garage within the two storey element.

For the above-mentioned reasons the proposal also fails to comply with policy UR2 of the Core Strategy.

Policy UEA13 (c) of ARCBLLP states, inter alia that extensions will not be permitted where:

“The proposal has an overbearing effect on the outlook of neighbouring properties.” This is expanded upon in the Essex Design Guide and “Extending Your House”, which indicate that a maximum of three metres projection from the rear line of the neighbouring property is acceptable. In this case, almost five metres is requested, and this is deemed unacceptable. The proposal is thus contrary to UEA13 (c), the Essex Design Guide and “Extending Your House.”



**Application No:** 082055

**Location:** Land At, Marks Tey Railway Station, Station Road, Marks Tey, Colchester

**Scale (approx):** 1:1250

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**7.5 Case Officer: John Davies****OTHER****Site:** Marks Tey Railway Station, Station Road, Marks Tey, Colchester**Application No:** 082055**Date Received:** 4 December 2008**Agent:** Collins & Coward Limited**Applicant:** National Express East Anglia And Network Rail**Development:** Extension to existing car park to provide 154 spaces (gross) together with new access, lighting, cctv, signage, ticket machines and associated drainage and infrastructure**Ward:** Marks Tey**Summary of Recommendation:** Refusal**1.0 Site Description**

- 1.1 The application site comprises a parcel of agricultural land situated immediately to the north of Marks Tey Station and extending to 1.3 ha. The land adjoins other agricultural land to the west and north and a row of houses (Nos. 11-17 North Lane) along its eastern boundary. The latter forms part of a small settlement of houses on both sides of the road defined as part of a Principal Village (Marks Tey) in the Local Plan, the majority of which lies to the south of the A12/A120 interchange.
- 1.2 Marks Tey Station is on the Great Eastern Mainline between London and Norwich and is also the southern junction to the Sudbury-Marks Tey branch line (also known as the Gainsborough Line). The line is operated by National Express East Anglia (NXEA) under franchise from Network Rail. Marks Tey station has two existing car parking areas operated by NXEA. The north car park, accessed from North Lane, has 130 spaces and the south car park accessed from Station Road has 90 spaces. In addition to these car parks there is a privately run car park to the south of Station Road which has a capacity of around 50 spaces. This car park has been in use with the benefit of a series of temporary permissions first granted in January 1997 and most recently in January 2006, which expired on 31 January 2007. The car park is, however, on un-even, un-made ground with no marked parking spaces and therefore is less than ideal. Permission has not been renewed and the use of the land for car parking is therefore unlawful. In total, the station has around 270 car parking spaces.

## 2.0 Description of Proposal

2.1 The proposal is for the change of use of the site from agriculture to use as a car park extension to the station. The car park would provide 154 spaces and would be linked by a ramp to the existing north car park. It also includes the provision of a new egress onto North Lane in between nos. 17 and 19. The proposed egress could either be used by all cars using the existing car park and its extension or only by those cars using the car park extension. Access into the existing car park and extension would continue to be from the existing access on North Lane. The scheme would provide a net increase of 150 spaces due to the loss of 4 spaces in the existing car park in order to provide the access link. This would increase capacity provided by NXEA by 68% and car parking as a whole by 55% and result in 420 car parking spaces overall. In addition, it is proposed to increase cycle parking by installing cycle racks to accommodate 12 bicycles in the car park. The proposals include lighting and CCTV provision together with hedgerow planting and fencing to screen the car parking area.

2.2 The main justification for the increased car parking is set out in a letter from NXEA and the Planning Statement which are summarised as follows:

- There has been annual railway passenger growth at Marks Tey Station of 7% per annum since 2004. in the national context official statistics indicate that:
  - Passenger journeys have increased across the East of England by 57% from 1995/6 to 2004/5
  - Rail journeys increased nationally by 24% between 1981-2 and 1998-9
  - Greater Anglian Region is expected to grow peak passenger journeys by an average of 19% by 2021 and by 28% if additional capacity is provided.
- Capacity of the station car parks especially during weekdays is unable to cope with demand and are full by 9am on weekdays. Network Rail survey indicated 91% car park capacity in 2006. This leads to use of cars rather than rail by commuter passengers and off peak leisure passengers resulting in increased road congestion. Cars are parked in surrounding roads and pubs. Increased numbers of complaints by users about lack of sufficient parking at the station.
- Other factors influencing demand:
  - Increased planned residential development in Colchester. Means increased demand for use of Marks Tey station and this would be preferable to additional demand on North Colchester Station.
  - Sudbury Branch line- additional parking would provide greater support to users if this line fails
  - Effects are worse in Winter months when more people use their cars.

2.3 Location of car park in countryside and outside Village Envelope can be justified on the grounds that:

- It is located adjacent to an existing car park
- No other locations satisfy operational needs
- Essential to meet increased passenger demand for rail travel
- Landscape mitigation proposals

2.4 The application is accompanied by a Planning Statement, DAS and a Transport Assessment. In addition, during the course of the determination of the application further information has been provided in respect of:

- Consideration of alternative sites for additional car parking
- Impact on trees
- Noise report assessing impact of traffic noise

2.5 This application is part of a regional programme of car parking expansion proposals to increase car parking provision at railway stations. Marks Tey is one of 14 stations where car parks are being expanded mostly with the benefit of permitted development.

### **3.0 Land Use Allocation**

3.1 No notation

### **4.0 Relevant Planning History**

#### Application Site:

4.1 87/2196- Change of use of agricultural land to provide additional station car parking- Refused 23.6.88. Dismissed on appeal on 21.4.1989.

4.2 072690- Extension to existing car park to provide 150 spaces together with new access arrangements, lighting and CCTV- Withdrawn 28.5.08

4.3 This is the third application for car parking on this land. The first was back in 1988 under application 87/2196. This proposal was for use of the whole of the area of the southern part of the field for parking to meet a shortfall of parking of between 50-100 spaces but no details of layout or parking numbers were provided. Access was proposed in between nos 17-19 North Lane. The application was refused by the Council on grounds of unacceptable incursion of urban development into the rural area to the detriment of the visual amenity and rural character of the area and the impact of noise, fumes and disturbance on the amenity of nearby residents caused by increased traffic. At appeal, the Inspector considered that the needs for additional parking did not override what she considered to be 'significant planning objections to the proposal'. These were firstly, that the development, taking into account proposed landscaping and degree of visibility of the site, would 'result in a major incursion into the open, rural area and would be detrimental to the character of that area.' On the second issue, she considered that the residents of the bungalows backing onto the site would suffer a substantial loss of amenity in terms of noise and disturbance and, in particular, the residents of the bungalows either side of the proposed exit would suffer from noise and loss of privacy.

#### Private car park site:

4.4 97/0908- Temporary use of land as car park- approved 6.11.97

4.5 T/COL/00/1118- Non compliance to condition 01 of COL/97/0908 to allow continued use of land for car parking- temporary approval 8.9.2000

4.6 C/COL/05/1918- Change of use of land as car parking- approved 18.1.06



## **5.0 Principal Policies**

### **5.1 Adopted Review Colchester Borough Local Plan Saved Policies-March 2004**

DC1- Development Control considerations

CO4- Landscape Features

T9 – Car parking

P1 – Pollution (General)

P2 – Light Pollution

### **5.2 Adopted Core Strategy-December 2008**

TA1 – Accessibility and Changing Travel behaviour

TA3- Public Transport

ENV1- Environment

### **5.3 East of England Plan-**

Transport Policies

### **5.4 Government Documents-**

Delivering a Sustainable Railway White Paper July 2007

PPG13-Transport

## **6.0 Consultations**

### **6.1 Spatial Policy Team-**

“The documents submitted with the application make a case for the need for additional station parking. The East of England Plan encourages improvements to the railway as part of a package of measures to facilitate significant growth to 2021. The July 2007 Rail White Paper ‘Delivering a Sustainable Railway’ states that car parking provision can be part of an effective environmental response if it encourages people to make the longer part of the journey by train, rather than simply drive. Adequate car parking capacity is a key part of increasing overall capacity and improving access to the network. The Table in Appendix F to the Planning Statement indicates a high level of utilisation for the car park at 91% in 2006.

Policies TA1 and TA3 in the adopted Core Strategy encourage improved accessibility by enhancing sustainable transport links and encourage modal shift towards sustainable modes particularly at the urban gateways (although Marks Tey Station is not identified as one of the urban gateways).

The Adopted 2004 Local Plan until 2007 included Policy T10, which stated that provision will be made for adequate public off-street car parking at local railway stations (with Marks Tey being given priority). The Policy was not saved for use after 27th Sept 2007 as it was considered too specific for the LDF and is covered by T9 and the transport chapter. Policy T9 refers to a gradual reduction in the general demand for car parking facilities based on steady, phased improvements in public transport services. Paragraph 11.54 of the Local Plan states that the Council wishes to ensure adequate provision for public off-street car parking at local shopping centres, railway stations ... to avoid haphazard on-street parking ... and refers to Marks Tey station in this regard.

Policy ENV1 in the Core Strategy states that the Council will conserve and enhance its natural environment and countryside outside of the settlement boundaries. Where development needs or is compatible with a rural location, 7 criteria are listed as appropriate for further consideration – these include the provision of any necessary mitigating or compensatory measures. Other saved Local Plan policies of relevance include DC1, P1 and P2.

The proposal will increase car movements within the immediate vicinity of the station; however, it is anticipated that this will lead to an overall reduction in the number of longer car journeys in the region by encouraging people to take the train for the longer part of their journey. The EEP refers to July 2007 Rail White Paper, which in turn gives encouragement to providing better access to stations/production of station travel plans. Provision of car parking is one part of improving access to stations - car parking provision is part of an effective environmental response if it encourages people to make the longer part of the journey by train, rather than simply to drive. Future growth in Colchester area to at least 2021 and investment in the railways is likely to increase numbers of people looking to access Marks Tey Station. The lack of a wider Travel Station Plan is disappointing, but it may be difficult to refute the need/ sustainability aspect of the proposal.

The submission is however, disappointing in a number of respects:

- The absence of a Station Travel Plan (encouraged by the July 2007 Rail White Paper), and/or consideration of access by more environmentally friendly means of transport to the main line train station (including increased pedestrian and cycle use, improving bus services, and increased passenger use of the branch line).
- It does not clarify why the site occupied until 2010 by the temporary Network Rail Offices would not be suitable for additional long-term parking – although it is noted that the lack of a footway on the other side of North Lane may not facilitate safe pedestrian crossing at this point.
- It does not clarify why an additional exit point to the new car park is considered necessary – it is noted that this will have an additional impact on the countryside resulting from the access between the highway and the car park.

If permission is granted substantial landscape planting for the proposed new parking area and the new access road would be considered appropriate and a necessary mitigating factor referred to by Policy ENV1 in the Core Strategy. “

## 6.2 Transportation Policy Manager:

“We are not opposed to car park expansion but this expansion appears excessive especially in comparison with rail industry forecast growth and the traffic growth calculated for the LDF.

The proposal only follows part of national and regional policy in car park expansion and does not look at other improvements as the policies suggest. Alongside car park expansion we would expect investment in other modes.

They have not evidenced some of the claims for the expansion – reduction in longer car journeys, and some of the claims for expansion are tenuous e.g. branch line failure and winter months.

Guarantees need to be made that this proposal will not undermine the vitality and operation of this Community Rail Partnership line.”

## 6.3 Environmental Control requested an acoustic report to consider the effect of acoustic fencing along the exit road. Unfortunately, the submitted report has not addressed this issue. However, with further consideration we feel that the visual impact of an acoustic fence is likely to be unacceptable to the residents that live next to the exit road.

We specifically did not request an environmental noise assessment of the car park exit road as we believe that the impact on the nearest bungalows could not be adequately assessed using standard guidelines.

The acoustic report predicts road traffic noise during the daytime expressed as a LA10, 18hr with reference to the peak hourly traffic flow of 111 vehicles per hour. The predicted peak hourly traffic flow for the year 2017 is 121 vehicles however this is not likely to affect the calculations significantly.

The predictions are in accordance with the Calculation of Road Traffic Noise (CRTN) methodology. This is aimed at calculating the noise impact of an increased volume of traffic on a road. However, we believe that this will not be useful for assessing the impact of cars travelling at low speed on an exit road and slowing down to join the North Lane junction. In this case the noise will be largely dependent on the gear selected and will not be typical passing road traffic noise.

In this case the bungalows will be subjected to a new source of noise to the side and rear of them and occurring within 3.5 metres of two of the bungalows. During the peak hours we believe that the enjoyment of these properties (especially the garden areas) will be significantly affected although accept that this will not be the case over the whole of the daytime period.

The night-time assessment has been based on maximum noise levels and the report predicts a significant impact on the residential properties if the vehicles were to use the proposed exit.

The report indicates that the noise levels from the car park activities would have a negligible impact on the neighbouring properties. Environmental Control wish to point out do not raise any objections to the car park extension itself but only to the new exit.

- 6.4 Tree Officer- no objection in response to the submitted Tree Survey and Arboricultural Implication Assessment. There is likely to be minimal impact on trees within the rear gardens of houses fronting North Lane.
- 6.5 Landscape Officer- no objection to proposal subject to following amendments:
- In order to help adequately screen the development from the open countryside, the 2m landscape strip currently shown to the perimeter of the car park area also needs to be extended to bound the western verge and exposed northern boundary of the proposed access road.
  - In order to help strengthen local landscape structure both visually and ecologically the strip of land that development would isolate between the access road and the existing development edge should be planted up with a native shrub and tree belt.
  - In order to help prevent any adverse effects on the adjacent rural landscape any proposed lighting should be confirmed as being no greater than Category E2 as set by The Institute of Lighting Engineers.

6.6 Highways Agency- raise no objection. Comment that “Given that the proposal is for an extension to the car park for the railway station, and that the Highways Agency wishes to promote sustainable travel, we are willing to accept a minor increase in flows to achieve a greater modal shift from road to rail, thus having potentially fewer vehicles on the trunk road network as a whole.”

6.7 Highways Authority- do not raise an objection subject to the following recommendation:

1. No occupation of the development shall take place until such time as the following have been provided or completed to the satisfaction of the Highway Authority:

- The provision of a new egress onto North Lane as shown in principle on planning application drawing number MT/NWK/599/003 rev prepared by Morgan Tucker Consulting Engineers. This shall include a 90m x 2m x 75m visibility splay maintained clear to the ground at all times. Details to be agreed with the Highway Authority

2. Other requirements:

- Measures shall be provided to ensure no mud and/or debris is deposited on the public highway by any vehicle associated with construction of the proposal. Details to be agreed with the Local Planning Authority and Highway Authority
- The above is required to ensure the proposal complies with the County Council’s Highways and Transportation Development Control Policies, as originally contained in Appendix G of the Local Transport Plan 2006/2011 and refreshed by Cabinet Member Decision dated 19 October 2007
- The requirement contained in 1 above shall be imposed by way of negative planning conditions or planning obligation agreements as appropriate
- Prior to any works taking place in the public highway the developer shall 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 shall be agreed with the Highway Authority
- Number of parking spaces, including disabled, cycle and motorcycle shall be in accordance with those standards set down within Essex Planning Officers Association, Vehicle Parking Standards, August 2001. Further all cycle and motorcycle parking shall be convenient, covered and secure

6.8 The Highway Authority have since added to their recommendation a further requirement under section 2, whereby all vehicles using the new car park must use the new egress at all times.

## **7.0 Parish Council's Views**

7.1 Marks Tey Parish Council objects to the application on the grounds of its impact on the local area and on local residents in particular. Consider there are serious issues about traffic flow on North Lane and over the narrow bridge, about the management of egress and there are quality of life and environmental concerns.

## 8.0 Representations

8.1 Objections have been received from many residents living on North Lane on the following grounds:

- Increase in traffic on North Lane (to add to that already using Net Rail Depot and Swift Industrial Park)
- Area is already a heavily trafficked location and North Lane has very poor visibility for vehicles crossing the bridge over the railway lines
- There are empty spaces in the car park during the day. One neighbour counted 30 free spaces at 13.45 on 8 December 2008.
- Lighting of car park will cause nuisance at night
- Gap between nos. 17/19 is narrow and expect additional congestion at this proposed exit
- Exit will generate nuisance to adjoining properties
- Other links to Marks Tey station should also be explored in addition to increased car parking capacity
- Benefits will be to people outside Colchester
- Traffic survey within application confirms that the A120 roundabout is operating at capacity.
- A Travel Plan needs to be produced with any expansion plans- consideration of a rail bus service to nearby villages and estates should be considered as means of reducing existing car park demand.
- Development on agricultural land and part of Colne Valley SSSI contravenes Policy ENV1 Environment in Core Strategy
- Increased risk of flooding from hard surface works and unclear where surface run-off will go as proposed not to go into existing drainage system
- There are many small traffic incidents in North Lane and many are not reported.
- Why can't the Network Rail site be used for additional car parking?
- Safety of new exit close to Network Rail site access point.
- The existing access/egress into the car park from North Lane has poor pedestrian facilities with no path, lighting and poor surface
- New car parking will not reduce roadside parking which results from drivers not willing to pay car park charges
- Improvements to flow of traffic on A120 roundabout likely to hinder not help vehicles exiting from Station Road.
- Increased security risk to houses backing onto car park
- Traffic surveys were carried out in August 2007- do not account for holiday period for commuters and schools.

8.2 Ward Councillor Elizabeth Blundell strongly objects to proposal on the following grounds:

- Loss of Greenfield site leading to loss of amenity to neighbours and increased flooding from additional hard surfacing
- Lighting cause intrusion to neighbours
- Impact of additional cars, noise and fumes in North lane
- Bridge not capable of taking additional traffic
- Additional car parking will not reduce congestion at Colchester station because:

- o Many users drive to Marks Tey because of parking closer to platforms and cheaper fares
- Additional parking should not be justified as back up to Branch line
- Do not accept that existing parking is at capacity
- Likelihood of additional traffic from the development site on the east side of North Lane
- Suggest use of the operational railway site to the south of the bridge as car park

## 9.0 Report

9.1 The main issues are as follows:

- Change of use of agricultural land not zoned for development in the adopted Plan
- Assessment of need for additional parking
- Consideration of alternative sites
- Alternative transport modes and impacts on branch line
- Highway access issues and increased traffic
- Impacts of proposals on neighbours
- Impacts on trees and landscape

### Change of use issue

9.2 The site is agricultural land, which according to the application form has not been farmed since 1989. It is stated as being in the ownership of Mr Melrose of Scotties Farm, Easthorpe. It is not contended that the land is not capable or not viable for continued agricultural use. The site benefits from an existing agricultural access off North Lane in between Nos 17 and 19. The land has no notation although it adjoins the Marks Tey Village Envelope drawn around the properties on both sides of Station Road to the east.

9.3 Policy ENV1 dealing with development in the countryside states that unallocated greenfield land outside of settlement boundaries will be protected and development will be strictly controlled to conserve the environmental assets and open character of the Borough. There are 7 criteria that any development that needs or is compatible with a rural location should demonstrably meet.

- i. be in accord with national, regional and local policies for development within rural areas, including those for European and nationally designated areas;
- ii. be appropriate in terms of its scale, siting, and design;
- iii. protect, conserve or enhance landscape and townscape character, including maintaining settlement separation;
- iv. protect, conserve or enhance the interests of natural and historic assets;
- v. apply a sequential approach to land at risk of fluvial or coastal flooding in line with the guidance of PPS25;
- vi. protect habitats and species and conserve and enhance the biodiversity of the Borough;
- vii. provide for any necessary mitigating or compensatory measures.

- 9.4 With regard to Point (i) the applicant's case is that there is a need for more car parking at the station which cannot be met elsewhere on any other land and it is appropriately located as an extension to one of the existing car parks. The provision of additional car parking at railway stations is in accord with national and regional policy if it means that it facilitates a shift from use of the car to rail for commuter and other journeys. National, regional and local plan policies are considered in greater detail in the next section where the need for additional parking is considered.
- 9.5 Point (ii)- the car park will have a visual impact on the countryside as it will extend the boundary of the station northwards into an existing field and would create a visual impact of hard surfacing, cars , lighting, fencing together with the access road which will extend further north to the proposed exit on North Lane. These impacts can be mitigated to some degree by screening and controls on the nature and use of the lighting.
- 9.6 Point (iii) – the Landscape Officer considers that, subject to some amendments to the proposed screen planting, the proposal would not have an adverse impact on the landscape character of the area.
- 9.7 Point (iv)- there are no particular impacts on natural or historic assets.
- 9.8 Point (v)- there are no flood risk issues.
- 9.9 Point (vi)- there are no ecology implications arising from the development.
- 9.10 Point (vii)- mitigation of the development impact is proposed in respect to landscape screening and enclosure of the car parking, lighting design to limit possible glare and overspill problems,

#### Assessment of need

- 9.11 The applicant's case is briefly set out earlier in the report. They argue that the existing car parking facilities at the station are at operational as opposed to absolute capacity and there is a need to provide additional parking in order to support and encourage more people to use the train for the longest part of their journey rather than the car. There have been challenges by objectors to the applicant's assertion that the existing car parking is at capacity and on two separate visits to the North car park by your Officer around 25 free spaces have been counted . The applicant's clarify operational capacity on the basis that the car park needs to provide sufficient capacity to meet the needs of annual season ticket holders, which means they are guaranteed a space every day. Use of the car parks by occasional or non season ticket holders fluctuates on a daily basis and uses up some of the capacity, which means that on some days there may be free spaces but from an operational point of view the car park is deemed to be full if it can't always accommodate season ticket holders.
- 9.12 Government advice and guidance on car parking at stations is set out in the following paragraphs.

- 9.13 The White Paper 'Delivering a Sustainable Railway' includes improved access to stations as a key aim in encouraging increased use of the railway. With regard to car parking provision at stations it states:

*"Car park provision can be part of an effective environmental response if it encourages people to make the longer part of the journey by train, rather than simply drive. Evidence from Passenger Focus indicates that station car parks are becoming capacity constrained and future growth will inevitably increase such pressures. The Government believes that adequate car park capacity is a key part of increasing overall capacity and improving access to the network. The Government is concerned at the slow progress in delivering increased car parking provision in cases, such as the West Coast Main Line, where there is a clearly established need. Car parks ought to be one of the easiest facets of station access to improve, because they have a rapid commercial pay-back period, both from the parking fees charged and from the additional passenger business generated. Car parking expansion needs to be managed in the context of the wider parking policies of the area in question so as to ensure that passengers have a range of good quality ways of accessing rail services."*

- 9.14 The Regional Transport Strategy (RTS) within the East Of England Plan states:

*"The existing transport network and the scope for service improvement was an important factor in shaping the spatial strategy of the RSS, which seeks to reduce dependence on car travel. The RTS recognises that transport solutions which manage use of the car, while improving the scope for alternatives, may be the best way to meet demand, particularly in urban areas."*

- 9.15 Policy T1 aims to increase passenger and freight movement by more sustainable modes and Policy T2 seeks a reduction in distances travelled and a shift towards greater use of sustainable modes. Policy T5 states that improvements to inter-urban public transport should be focussed on the Regional Transport Nodes, which includes Colchester. This includes improvements to rail services to enhance capacity and passenger comfort. The RTS states:

*"There are a range of rail improvements, which can be delivered by local authorities and the railway industry using a variety of funding sources, including station upgrades, new stations, support for new services and minor works such as additional passing loops or signalling enhancements. Support will be given to proposals to improve rail services to regional transport nodes and to improve comfort and capacity on crowded routes in the light of the priorities in the July 2007 Rail White Paper, 'Delivering a Sustainable Railway', the Regional Planning Assessment for the Railway and the rail industry's Route Utilisation Strategies."*

- 9.16 The overall objectives of PPG13 (Transport) are to:

1. promote more sustainable transport choices for both people and for moving freight;
2. promote accessibility to jobs, shopping, leisure facilities and services by public transport, walking and cycling, and
3. reduce the need to travel, especially by car.



- 9.17 It however acknowledges that 'The car will continue to have an important part to play and for some journeys, particularly in rural areas, it will remain the only real option for travel.'
- 9.18 With particular regard to parking at railway stations it advises that *'The provision of parking at urban and suburban rail stations can increase the potential catchment population for rail services, but can at the same time exacerbate road congestion in the surrounding area. At main line stations it may also discourage travellers from using local bus or train services to connect to longer distance services. Parking may also result in lower density development in the immediate vicinity of the station.'*
- 9.19 Former Policy T10 in the Local Plan promoted the provision of additional car parking at local railway stations and with priority to Marks Tey Station. The supporting statement indicated that there were serious problems at inter alia Marks Tey Railway Station needing attention as a priority. This policy was not 'saved' in September 2007 as it was considered too specific and already covered by Policy T9 on car parking.
- 9.20 It is clear from the above guidance that the provision of additional car parking at stations is supported at all policy levels. It is also evident that parking capacity is being increased at many other stations in the region.

#### Consideration of alternative sites

- 9.21 The applicants have provided an assessment of alternative sites in the vicinity of the station for car parking. This looked at 10 possible sites. All are discounted in the assessment for various reasons. The sites assessed included the sand/gravel depot and Network Rail Depot to the south-east of the station. These were discounted on grounds that these sites were still operational and in any case would involve pedestrians having to cross North Lane to get to the station. A number of woodland landscaped areas close to the A12 were also considered but discounted on grounds of lack of pedestrian/vehicle access. No additional capacity for more parking was identified on the station itself. The existing south car park on Station Road has no further capacity. Consideration of deck parking was discounted on cost grounds.
- 9.22 The applicants have advised that the Network Rail site is not controlled by NXEA and is required for ongoing operational use by Network Rail. The undertaking by Network Rail is that when the re-signalling and route upgrade on the main railway line is complete or by 31 January 2010 (whichever is the earlier) the office buildings will be removed. However, the land remains operational land of Network Rail. This position has previously been confirmed in writing to the Planning Service by the National Town Planning Manager of Network Rail in December 2007 in which it was indicated that the site would be retained for operationally essential functions and as an important access to the railway for the purposes of planned and emergency maintenance works. Therefore, the land is not and will not be available for car parking as an alternative to the application site.

### Alternative transport modes and impacts on branch line

- 9.23 Government guidance promotes measures to reduce car use in favour of greater use of alternative means of access. It encourages measures to increase accessibility to railway stations by varied means- foot, bicycle, bus, etc. as well as the car. Both the White Paper and the RTS encourage the formation of Station Travel Plans as a means of improving accessibility and customer choices. Colchester North Station is one of a number of pilot station travel plan projects currently being implemented. Officers have promoted the creation of a Station Travel Plan at Marks Tey with the applicants as a means of assessing existing travel behaviour and considering measures to increase accessibility to stations and travel choices. In response the applicants have indicated the East of England Planning Assessment does not require a comprehensive improvement in one development. There is an immediate need and opportunity to provide for car parking now. Other improvements for other modes would take place in future. Such comprehensive improvements are part of a long-term project.
- 9.24 With regard to impact on the Branch line NXEA have confirmed that there will be no impact on the branch line. NXEA are under contract to the DfT to operate this rail service until the end of their franchise which is at present is 31 March 2011, with an option to automatically extend this to 31 March 2014 subject to performance criteria. The applicants point out that increasing car parking at Marks Tey serves the whole catchment of the station of which Sudbury is one small part.

### Highway access issues and increased traffic

- 9.25 The withdrawn application 072690 proposed the use of the existing access, however, County Highways would not agree to increased use of the access without improvements to safety. Various improvements have been discussed between the applicants and County including improvements to sightlines, re-alignment of North lane and possible traffic signal controls of traffic using the bridge. However, none of these proposals were acceptable to Highways and consideration turned towards alternative access points.
- 9.26 The applicants traffic survey counted a total of 219 vehicles using the station Road/North Lane/ Car park access/Network Rail facility junction in the AM peak (0715-0815). Of these 58 were going into the station car park. In the evening peak (1715-1815) 227 vehicles passed through the junction of which 47 were exiting the car park. The assessment of the increase in traffic generation has been based on the proportional increase in car parking spaces on existing together with an additional factor to allow for potential for demand from a wider area than is currently the case. This resulted in an estimated increase in AM peak hour trips into the car park from 58 to 78 and PM peak movements out of the car park from 47 to 64. when these figures are extrapolated forward to the year 2017 which the Highway Authority require the assessment to be based , the 'in' and 'out' car trip figures for the peak hour are increased to 145 vehicles entering the car park in the morning peak hour and 121 cars leaving during the evening peak hour. This is assuming the egress serves the existing and proposed car park. If it serves only the extension it is likely that the peak hour movements would still be around 64 car movements assuming vehicle movements are split pro rata in relation to the size of the existing and extended car parks.

- 9.27 The proposals are accepted by both the Highway Authority and the Highways Agency both of whom accept that increased traffic attracted to the station will be justified on the basis of the wider benefits of increased rail use.

#### Impacts of proposals on neighbours

- 9.28 A significant consideration is the impact on neighbours of an increase in parking provision on this site which is likely to be expressed in terms of the effects of increased traffic generally and particularly on the new access road in terms of noise, fumes and general disturbance and impacts from external lighting. Such concerns are reinforced by the objections from neighbours living on North Lane who are concerned about the impact of additional parking provision on their amenity. The main areas of concern are the car parking area itself and the access road leading to the exit on North Lane.
- 9.29 The car parking area does not cover the whole of the southern part of the field and its eastern boundary is approximately 40 metres from the rear garden boundary of 11 North Lane. The car parking area would be enclosed by fencing and new hedgerows to provide visual screening.
- 9.30 The proposed access road would follow a parallel northbound route approximately 9 metres from the rear boundaries of properties in North Lane, which are enclosed by timber fencing of various types. It would then turn right to follow the existing access towards North Lane in between nos.17 and 19. This access is only an agricultural field access and given the fact that the field has not been used agriculturally for many years it appears to be very little used if at all. It is 9 m wide and enclosed on either sides by timber fencing and a flank wall of No.17. The proposals are for this to be a single track exit only with a passing place for occasional ingress by a tractor or other agricultural-related vehicle.
- 9.31 Your officers have major concerns over the impacts of using this access as an egress to the enlarged car park as it would result in the worst case of up to 121 evening peak hour traffic movements within very close proximity of residents' dwellings and rear gardens. These concerns are shared by officers in Environmental Control. In response the applicants commissioned a noise survey and report to assess the impacts. This concluded that during the day time average noise levels would not be increased above measured background levels but that at night time (after 11pm) there would be harm to amenity from car movements when background noise levels were lower. These findings have not been accepted by Environmental Control, who consider that the analysis was not appropriate to this situation where the character of noise impact, particularly in the peak hour, is likely to be of streams of traffic queuing, changing gear, slowing and speeding. Compared to what residents currently experience on North Lane itself the additional traffic movements behind and to the side of Nos 17 and 19 are likely to be highly significant and detrimental to their amenity. Saved Local Plan Policy P1 states that development, including traffic movements, likely to harm the amenities of people living nearby by reason of inter alia noise, smell and fumes will not be permitted.

- 9.32 The previous appeal decision in 1988 is also relevant. As set out earlier in this report the Inspector considered that use of the southern part of the field as car parking and the access road would result in unacceptable loss of amenity to neighbours in terms of noise, disturbance and loss of privacy. Although the area now proposed for parking is smaller than then, this is still a significant consideration in the assessment of the proposals which should only be set aside if the current proposals can provide satisfactory mitigation of these impacts. Environmental Control's main concerns relate to the access road and the impact of car noise on the amenity of neighbours both in the evenings and night time and they conclude that given the proximity of the road to dwellings there would be harm to amenity with no satisfactory mitigation possible. An acoustic fence on either side of the road would raise visual amenity issues for the residents and the street scene.
- 9.33 Other concerns are that neighbours living close to the access road will suffer a loss of privacy and outlook as a result of the access road. This will affect in some cases, such as No.17, their outlook and views over the countryside from gardens, which would need to be enclosed by higher fencing in order to provide screening to the road.
- 9.34 The applicants, mindful of concerns expressed in the Noise Report about noise impacts after 11pm, have suggested that the egress could be closed to traffic at 11pm. This would mean that cars exiting the car park after this time would have to use the existing access. This would involve very few car exit movements and the applicants contend that this would be a negligible difference from the present situation in terms of impact on highway safety.
- 9.35 With regard to external lighting it is proposed that details of lighting would be subject to a condition but that it would be expected to be designed to be down lighters so as to concentrate lighting within the car parking area. Lighting would automatically switch off after the last train service each night. It is considered that such lighting could be designed not to give rise to harm to neighbour amenity. However, such lighting would inevitably have an impact on the character of the countryside.

#### Impacts on trees and landscape

- 9.36 The applicants have commissioned a tree survey and assessment of the impact of the development on trees which are located in the rear gardens of nos 17 and 19 North Lane. The report concludes that the surveyed trees are relatively small and not yet large enough to have developed root systems extending beyond the gardens in which they are growing. They therefore would not constrain development of the access road. It is nevertheless advisable to place any services as far from the trees as possible to prevent any conflicts in future. Any services should be placed along the southern edge of the access road. The Landscape Officer has no objection to the proposals subject to some additional planting either side of the access road. The applicants have indicated agreement to such changes and details of a planting scheme could be agreed as part of compliance with landscape conditions.

## 10.0 Conclusions

10.1 The main questions raised in this application can be summarised as a series of sequential questions as follows:

**1. Is there a need for an increase in parking at the station and is the size of increase appropriate?**

Government policy supports investment in the railways to encourage greater use and this includes provision of additional car parking as is clear in particular from the Railway White Paper. This views car parking provision as a quick and easy way to increase capacity and greater access to the rail network. Evidence of increased use of the railway over the last 25 years and anticipated further increases up to 2021 support the case that there is a need for additional parking capacity. At Marks Tey there is survey evidence of a lack of sufficient car parking in absolute terms and according to the rail operator there is insufficient operational parking. This is consistent with the Council's own view as expressed in former policy T10, which acknowledged the need for additional parking at the station. Parking need is also being addressed at many other stations in the Eastern region, which is evidence that this is an issue not confined only to this station. However growth estimates up to 2021 of 19% and 28% (assuming additional rail capacity) suggest that only more modest increases in car parking are necessary of the order of 42 and 62 spaces respectively over and above existing NXEA provision. NXEA are looking to provide additional car parking to meet long term growth needs and consider that it is not reasonable in investment terms to restrict increased parking to a level that may only be justified in the short term. The future of the private car park (50 spaces) is uncertain in planning terms given the lapse of the temporary permission. However, given that it has been in existence for over ten years it is not considered that its possible loss should be treated as additional car parking demand. It is therefore considered that there has not been provided sufficient justification for the size of the proposed car park over and above what is justified on the grounds of future rail expansion. Consideration has also been given to alleged parking on surrounding streets and public houses as evidence of latent demand. However, if the motivation for such parking is to avoid or pay less for car parking the additional parking capacity may not attract such users. In the light of the foregoing considerations it is considered that whilst there is an acceptance in principle of the need to increase parking to encourage more people to use trains it is considered that the amount of parking proposed is excessive and not adequately justified.

**2. Is it accepted that extra parking can only be provided on this land?**

In order to assess this question your Officers asked the applicants for a list of alternative sites for car parking and an assessment of why they were not appropriate. This was provided and it was concluded that the proposed site was the best solution assessed against criteria of availability and accessibility to the station platforms. The possible use of the Network Rail site is not an option given its intended retention by Network Rail for operational purposes.

### **3. Is it acceptable to provide an egress to the car park onto North Lane?**

The foregoing assessment of the impact of the access road on neighbours' amenity indicates that there would be harm to the living conditions of residents by reason of vehicle generated noise, fumes and general disturbance associated with the egress taking account of the pattern of usage which is likely to be most used during the weekday evening periods.

- 10.2 In conclusion it is considered that there is support at National, Regional and Local level policy for additional parking at Marks Tey Station and this is not disputed. The main concerns are that given the lack of alternative existing brownfield sites within or adjoining the station, the proposed additional car parking is on agricultural green field land. It is considered that insufficient justification has been provided for the amount of parking proposed. Given the constraints on increased use of the existing car park access, it is proposed that a new egress be provided close to existing houses. Such a proposal is considered harmful to residential amenity and a similar proposal was resisted at appeal in 1989. Circumstances have not changed to warrant a different view and it is not considered reasonable in equity that nearby residents should suffer a serious loss of amenity in return for the wider sustainability benefits of increased train travel over use of the car.
- 10.3 For the above reasons this application is recommended for refusal.

### **11.0 Background Papers**

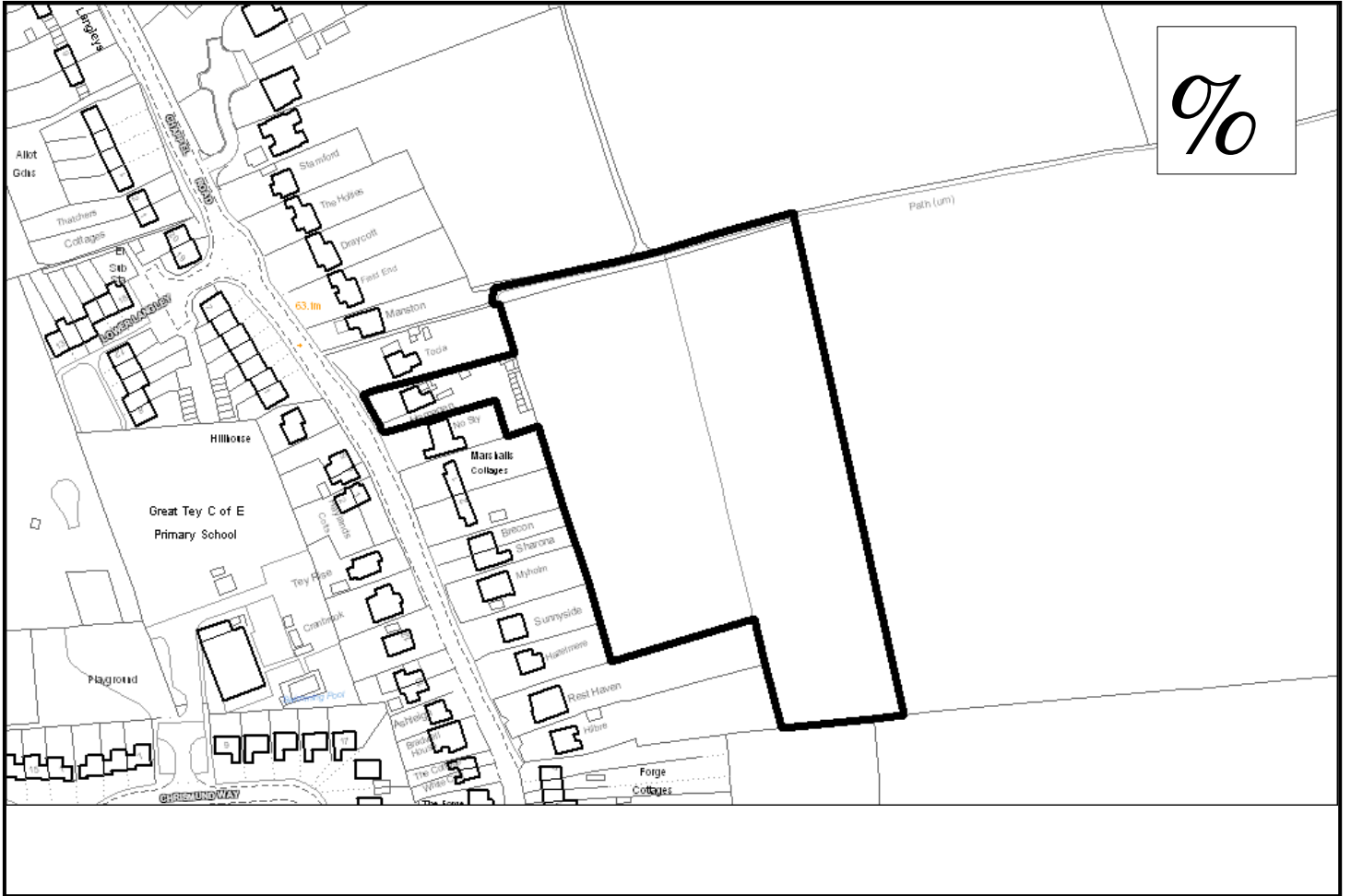
- 11.1 ARC; Core Strategy; Spatial Policy Team; Transportation Policy Manager; HH; TL; AO; HA; Highways Agency; PTC; NLR

### **Recommendation - Refusal**

#### **Reasons for Refusal**

It is considered that insufficient justification has been provided in support of the amount of proposed car parking, which appears to be significantly greater than that justifiable on forecast railway growth for the region up to 2021. In the absence of suitable alternative sites for car parking close to the station there is considered to be insufficient justification for the extent of incursion onto former farmland within the countryside and which has no allocation for development. Such incursion would be detrimental to the character and appearance of the countryside contrary to Policy ENV1 in the adopted Colchester Core Strategy-December 2008 and Policy DC1 (e) of the Adopted Review Colchester Borough Local Plan –March 2004.

The proposed access road would be likely to give rise to harm to the amenities and living conditions of residents on North Lane and, in particular, the occupiers of Nos. 17 and 19 North Lane whose side curtilages adjoining the proposed access to North Lane. The formation and use of the road for car traffic exiting the car park would give rise to unacceptable levels of noise, fumes and general disturbance particularly during the weekday peak evening periods. This would impact on their enjoyment of their dwellings and use of garden areas. The road would also impact to varying degrees on the privacy of those occupiers some of whom enjoy outlook over fields to the rear and who would be likely to have to erect screening on the boundaries to limit the effects of the roadway on their existing outlook. The proposals are therefore considered to be contrary to Policy P1 of the Adopted Review Colchester Borough Local Plan –March 2004 as it is considered that proposed vehicle movements would harm the amenities of people living nearby.



**Application No:** 090390

**Location:** Homagen, Chappel Road, Great Tey, Colchester, CO6 1JW

**Scale (approx):** 1:1250

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**7.6 Case Officer: Mark Russell**

**OTHER**

**Site:** Homagen, Chappel Road, Great Tey, Colchester, CO6 1JW

**Application No:** 090390

**Date Received:** 7 April 2009

**Agent:** Mr Brian Kavanagh

**Applicant:** Mr & Mrs T Palmby

**Development:** Amendment to proposal approved under application no.081527 to retain one window at the rear of the barn and insertion of one window to the side of the barn.

**Ward:** Great Tey

**Summary of Recommendation:** Conditional Approval

### **1.0 Site Description**

1.1 The site comprises a former bungalow which has been relocated to the rear of the site, on the edge of an agricultural field.

### **2.0 Description of Proposal**

2.1 The proposal is to retain a rear window, and insert a side window into the building in question. This follows permission in 2008 for the bungalow building to be located in this position as a "barn" without any windows.

### **3.0 Land Use Allocation**

3.1 No notation

### **4.0 Relevant Planning History**

4.1 072631 - Demolition of existing bungalow and construction of a new 4 bedroom house. Withdrawn 5th December 2007.

4.2 080197 - Demolition of existing bungalow and construction of a new 4 bedroom house. Resubmission of 072631. Approved 28th March 2008.

4.3 081527 - Relocation of existing timber framed bungalow and conversion into barn. Approved 22nd October 2008.

## **5.0 Principal Policies**

- 5.1 Adopted Review Colchester Local Plan:  
DC1- Development Control considerations;  
UEA11 – Design  
UEA12 – New Build  
UEA13 – Extensions

- 5.2 Core Strategy  
UR2 – Built Design and Character

## **6.0 Consultations**

- 6.1 None

## **7.0 Parish Council's Views**

- 7.1 Great Tey Parish Council stated

“We would wish to see two small windows suitable for a barn construction, and in line with the Enforcement Officer’s recommendations to the owner and the Parish Council in the email dated 24th February 2009.”

## **8.0 Representations**

- 8.1 An objection was received from nearby Hill House, this stated that a barn has no need of windows.

## **9.0 Report**

- 9.1 The two issues at stake here relate to residential amenity, and the effect on this rural location.
- 9.2 The building has been given permission to be in this location under 081527. At that time the applicant was advised that the proposed windows (front, side and rear) should be excluded as they gave the barn a domestic appearance. The applicant agreed to this, but has since erected the building with an unauthorised rear window still in place.
- 9.3 The proposal is to retain this, and to insert a window on the left hand elevation (as viewed from the rear). There is also an unauthorised front window which must be removed due to amenity issues and does not form part of this application.
- 9.4 Retention of the rear window would raise no such issues, and this is not visible from any other residential property. The proposed side window would be obliquely visible from the rear sections of the back gardens of No-Sty and Marshalls Cottages as well as other, more distant, houses. This, however, can not be held to raise any amenity issues.

9.5 There is an issue of rural amenity. The building is situated outside of the village envelope of Great Tey, and the windows do begin to add a more domesticated element. The blocking up of the front window, however, will help to offset this as views through the building, which currently exist, will be removed. The rear window also requires alteration to confirm it in the style of a barn, rather than being domestic in appearance. This will be requested by condition. It is accepted that, in part, by unauthorised actions, the proposal seeks to undo the alterations made during application 081527, and the applicant should be aware that enforcement action will ensue if the unauthorised front facing window is not removed and replaced with boarding as permitted under that application.

9.6 That aside, the application is considered on its own merits, and is held to be acceptable subject to conditions.

## **10.0 Conclusion**

10.1 In conclusion, approval is recommended, with an amended design for the rear window.

## **11.0 Background Papers**

11.1 ARC; Core Strategy; NLR

## **Recommendation - Conditional Approval**

### **Conditions**

#### **1 - Non-Standard Condition**

Within 28 days of this permission the applicant shall submit drawings showing an improved style of window for the rear and proposed side windows. These details shall be agreed in writing by the Local Planning Authority and shall be implemented strictly in accordance with the approved details within 2 months of the date of the approval.

Reason: The proposed windows are acceptable in their location, but the design is not deemed to be suitable for this location.

#### **2 - Non-Standard Condition**

No windows, other than those hereby permitted, shall be inserted in this building.

Reason: In the interests of visual and residential amenity.

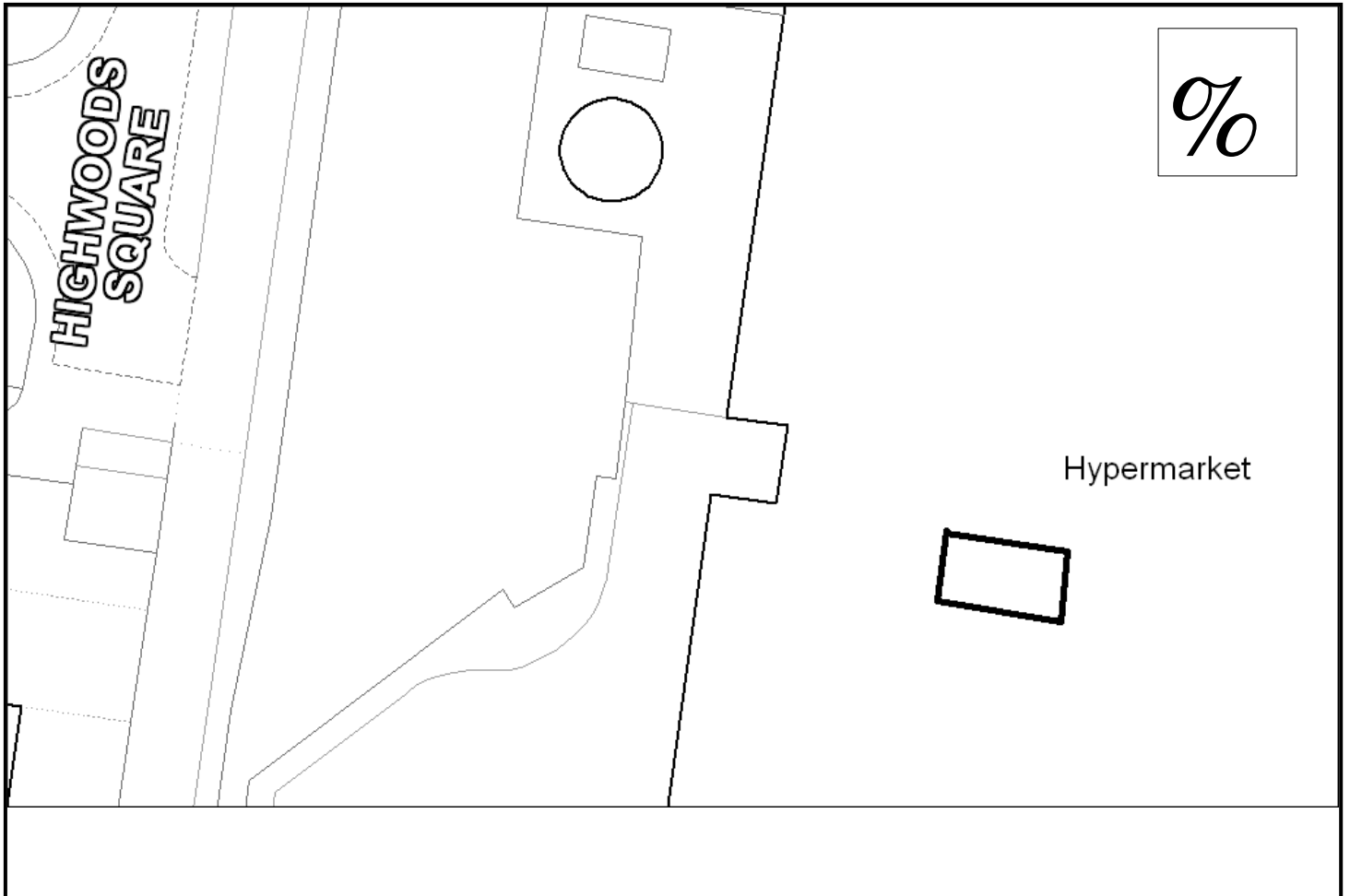
#### **3 - Non-Standard Condition**

All other conditions relating to permission 081527 shall apply.

Reason: For the avoidance of doubt as to the scope of this permission.

### **Informatives**

The applicant is advised that the unauthorised (front facing) window must be removed forthwith and replaced by boarding which matches the rest of the building.



**Application No:** 090499

**Location:** Tesco Stores Ltd, Highwoods Square, Colchester, CO4 9ED

**Scale (approx):** 1:1250

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## 7.7 Case Officer: Nick McKeever

## OTHER

**Site:** Highwoods Square, Colchester, CO4 9ED

**Application No:** 090499

**Date Received:** 14 April 2009

**Agent:** Mr Graham Ling Wills Gee Limited

**Applicant:** Tesco Stores Ltd.

**Development:** Resiting of a combined heat and power (chp) unit to provide a sustainable method of powering the store. Resubmission of 081576.

**Ward:** Highwoods

**Summary of Recommendation:** Refusal

### 1.0 Site Description

- 1.1 This is a retrospective application for the continued siting of a Combined Cooling Heat and Power Unit (CCHP).
- 1.2 The Tesco store forms part of a Local Shopping Centre, comprising this store and a number of smaller commercial units, located immediately to the north of the store. This Centre is otherwise enclosed by existing residential properties at Highwoods.
- 1.3 Immediately to the south are residential properties at Pinecroft Gardens, whose back gardens face onto the Tesco site. To the west are residential properties at Ivor Brown Court. The properties at Ivor Brown Court are separated from the Tesco store by a belt of mature trees and the access road to these dwellings. To the east is the Tesco store main car park, beyond which is another belt of trees and then further to the east is Eastwood Drive and more residential properties fronting onto this Road.
- 1.4 Beyond the other commercial units within the Centre is another belt of mature trees.
- 1.5 The CCHP unit is located within the roof area of the southern part of the store building near the service area and in close proximity to the southern boundary with Pinecroft Gardens.
- 1.6 The unit is located on a platform and is approximately 20 square metres in area. Its purpose is to generate combined heat, power and cooling in order to reduce the store's carbon emissions. The system is powered by a gas fired CCHP from which the heat in the engine's cooling water system is transferred into a heating water system from where the high grade heat is fed into an Absorption Chiller and/or the heating system. The chiller produces low temperature chilled water, which is used for water condensing a selection of refrigeration packs.

1.7 The application is supported by a weekend noise survey carried out by a Emtec Products Ltd at the rear of the store. The survey was conducted during a continuous 62 hour period from 16.35 pm Friday March 20th to 6.55 am on Monday 23rd March. Full details of this survey, together with Design and Access Statement can be viewed on the Council website.

## **2.0 Land Use Allocation**

2.1 Local Shopping Centre

## **3.0 Relevant Planning History**

3.1 The site has a complicated planning history dating back to 1972. Of particular relevance to this current application is the recent permission 081576.

3.2 The permission 081576 was for the Installation of a combined heat and power (CHP) unit to provide a sustainable method of powering the store. The application was approved on 22nd October 2008.

3.3 Further details of this permission will be provided within the main body of this report.

## **4.0 Principal Policies**

4.1 Adopted Review Borough Local Plan  
Development Control Considerations - DC1  
Design - UEA11& UEA13  
Pollution (General) – PO1

## **5.0 Consultations**

5.1 Environmental Control has provided the following response:-

"The proposed units should have high performance acoustic enclosures, attenuated air intake and discharge openings and "residential" rated flue silencers and they should meet the following conditions:-

### Site Boundary Noise Levels

The rating level of noise emitted from the site plant shall not exceed 5dBA above the background. The assessment shall be made in accordance with the current version of British Standard 4142. The noise levels shall be determined at all boundaries near to noise-sensitive premises. All subsequent conditions shall comply with this standard.

### Sound Insulation of External Plant, Equipment and Machinery

Any plant, equipment or machinery on the premises shall be constructed, installed and maintained so as to comply with the initial noise condition. The noise generated by such equipment shall not have any 1/3 octave band which exceeds the two adjacent bands by more than 5dB s measured at all boundaries near to noise-sensitive premises."

## 6.0 Representations

6.1 Councillor Gerard Oxford comments that the Unit has been installed without the required planning permission and that local by residents have contacted him about the CCHU. Councillor Oxford's comments are reproduced as follows:-

"Residents have contacted me about the latest Tesco application, this time Tesco have installed a large grey heat extractor unit on the roof above the delivery area to the rear of the shop directly opposite residents in Pinecroft Gardens. This without a planning permission something I take personal acceptance to I think this is a very naughty of Tesco who by their actions are riding roughshod over the planning process. There were no objections to the previous location of this unit but this one has already caused problems with staff able to look into bedrooms of young children, the fumes and noise are excessive. I have also had complaints from Ivor Brown Court regarding the noise coming from the unit.

I wish to object on the grounds of loss of amenity for the immediate residents, noise, pollution, visually obtrusive on the street scene, Human Rights Article 7 (children to be able to use their bedroom without potential to be viewed) and Environmental concerns. Complaints have been made in store and the unit was switched off last week. I asked Rita Parkin to visit and witness the noise for herself but the unit had been switched off. The residents need protection from the increasing encroachment of Tesco on their neighbourhood.

The unit is located high above the sound attenuating fence installed as part of previous permissions. I strongly urge the Committee to reject the latest affront to the local community."

6.2 2 letters from residents in Pinecroft Gardens have been received. The objections contained in these letters are summarised as follows:-

- Loss of amenity. The door of the unit gives an outlook directly into the rear garden of 27 Pinecroft Gardens.
- Unsightly
- Noise and pollution. A large part of the unit site above the roofline and is significantly higher than the existing sound attenuating fence. One of the large extractor fans points directly into the rear garden of 27 Pinecroft Gardens. This equipment adds to existing high levels of noise from Tesco lorries, air conditioning fans, Dot.com deliveries, cages and horns and shouting.
- Contrary to the Local Plan Policies UEA11 (a), (e) & (f) ( i.e. should be compatible with surrounding dwellings in scale, form, design & materials; amenity of adjacent properties is not unreasonably affected; and UEA13 (a) & (b) (i.e. poor design or out of character with the original building/overbearing effect on the outlook of neighbouring properties)

## **7.0 Report**

- 7.1 Under the planning permission 081576 the CHP Unit was mounted on the ground within the south western corner of the site, which is bounded by a 2m high close boarded fence. It was considered to be acceptable in this location, subject to conditions relating to the approval of the location of vents, flues or other ventilation openings, a noise limit of 5dBA above the background, and that the plant or equipment shall be so constructed, installed and maintained so as to comply with the noise condition. The reasons for these conditions were to ensure that any heat loss did not have an adverse impact on protected trees and to ensure that there is no adverse impact from noise pollution to nearby residents.
- 7.2 The CCHP Unit located within this position would not have any adverse impact upon the visual amenity of this area. In its current position within the roof area of the store the CCHP Unit is visible from certain public viewpoints along Ivor Brown Court. The existing belt of trees does provide screening of the Unit during the Spring and Summer months. However, these trees are predominantly deciduous. This means that during the dormant months these trees will be likely to provide little or no effective screening such that the Unit will be seen from public viewpoints.
- 7.3 Unfortunately the Unit does not sit comfortably in this elevated position nor is it compatible in terms of its size and external appearance. In this respect it is viewed as a rather incongruous and unduly prominent structure and detrimental to visual amenity. On this basis it is contrary to the Adopted Review Local Plan policies UEA11 and UEA13.
- 7.4 The concerns expressed by Councillor Oxford, and within the letters of objection, are both acknowledged and appreciated. However the consultation response submitted by Environmental Control does not support the objections relating to noise pollution.

## **8.0 Background Papers**

- 8.1 ARC; HH; NLR

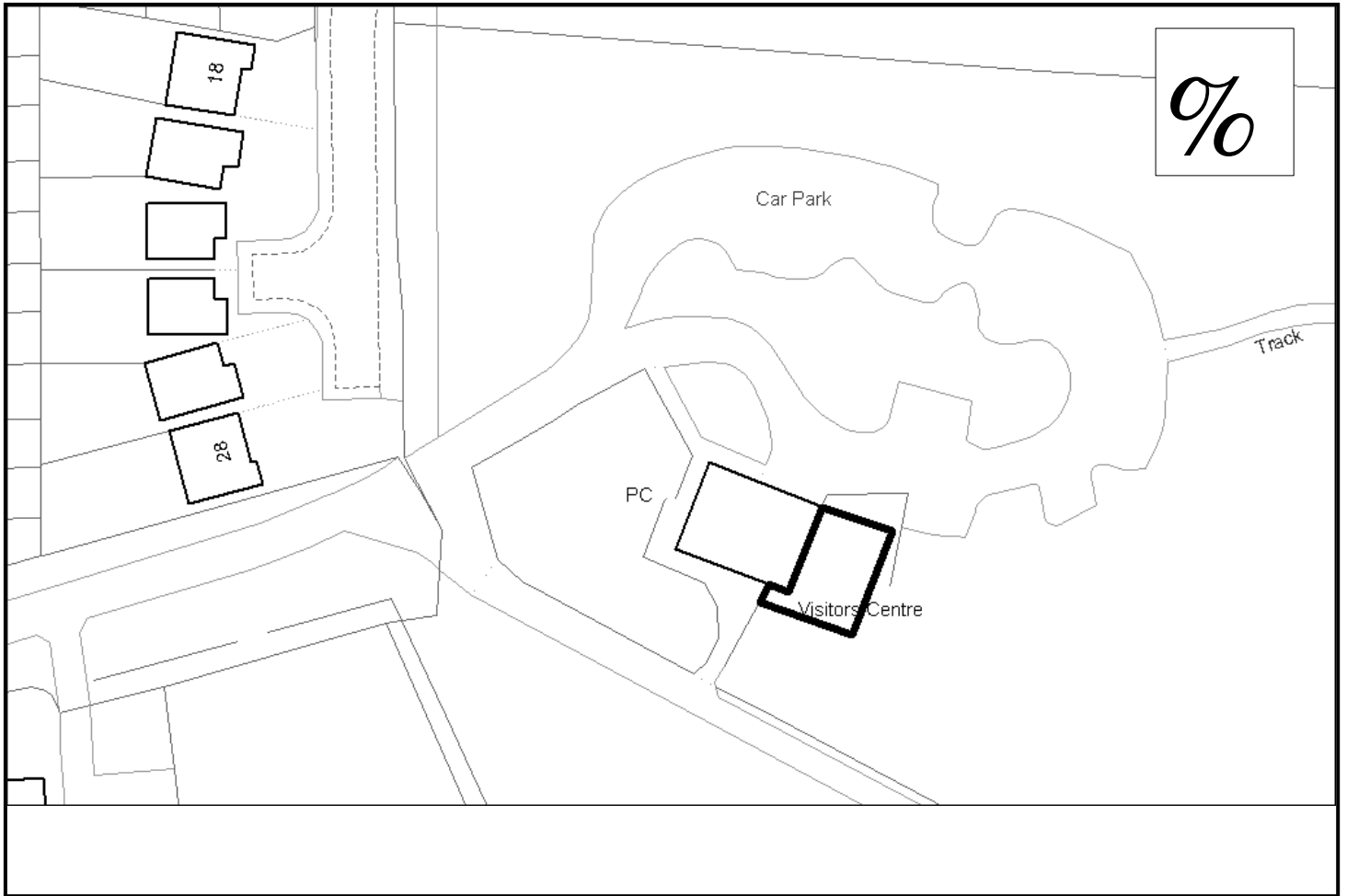
### **Recommendation - Refusal**

#### **Reasons for Refusal**

##### **1 - Non-Standard Refusal Reason**

The siting of the CCHP Unit on an elevated position within the roof area of the Tesco store results in this Unit appearing as an unsympathetic, an incongruous and discordant feature on the host building detrimental to the character and appearance of the this building. As the site lies within close proximity to existing residential properties, and is seen from public views, the Council consider that the location of the Unit within this elevated position is inappropriate and detrimental to the visual amenity of the area in general.





**Application No:** 090533

**Location:** High Woods Country Park, Visitors Centre, Turner Road, Colchester, CO4 5JR

**Scale (approx):** 1:1250

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**7.8 Case Officer: Les Mitchell**

**EXPIRY DATE: 15/06/2009**

**Site: Visitors Centre, Turner Road, Colchester, CO4 5JR**

**Application No: 090533**

**Date Received: 20 April 2009**

**Agent: Purcell Miller Tritton & Partners**

**Applicant: Mr Lee Spalding**

**Development: Extension to visitor centre to provide new classroom office/kitchen area and toilet facilities including a DDA accessible w.c.**

**Ward: Mile End**

**Summary of Recommendation: Conditional Approval**

## **1.0 Planning Report Introduction**

1.1 This application is referred to the Planning Committee for decision as the applicant is the Colchester Borough Council.

## **2.0 Site Description**

2.1 The site comprises an area of bushes, 2 trees, a pond and flag pole next to the Visitors' Centre within the Highwoods Country Park. It has a post and rail fence along the frontage and part of the side. The Visitor Centre is a modern single storey building with a footprint of about 130sq.m and contains a visitors' centre room, reception desk, office and toilets. There is car parking amongst the trees in the area to the front of the building.

## **3.0 Description of Proposal**

3.1 It is proposed to erect an extension with a footprint of 115sq.m to the side and part of the rear of the Visitor Centre to provide a 60sq.m classroom, office and kitchen, toilets, fuel store and biomass boiler house. The form and style of the building and the external materials will match those of the existing building.

3.2 The extension will be used as an extended teaching space which will be available for school and education groups to use with the park staff providing a programme of environmental education.

## **4.0 Land Use Allocation**

4.1 Country Park,  
Countryside Conservation Area,  
Site of Importance for Nature Conservation

## **5.0 Relevant Planning History**

5.1 None

## **6.0 Principal Policies**

6.1 Local Plan  
DC1 - Development Control considerations  
CO3 – Countryside conservation area  
CO4 – Landscape features  
CO5 – Nature conservation

## **7.0 Consultations**

7.1 The Arboricultural Officer is in agreement within the recommendations made within the applicant's Tree Survey and Arboricultural Implication Assessment. The proposal will result in the loss of 2 mature oak trees, but given the vast expanse of trees surrounding the site, the loss will be easily mitigated during the continuing management of the woodland.

## **8.0 Parish Council's Views**

8.1 Myland Parish Council supports the proposal, but has concerns about the possible increase in traffic and the speed at which current users enter and exit the facility. It says that the 5mph speed limit is ignored more often than not.

## **9.0 Representations**

9.1 None received

## **10.0 Report**

10.1 The main issues in this case are considered to be;

1. the design and appearance of the extension in relation to the existing building;
2. its effect of the extended building on the setting of the Visitor Centre in the Country Park ,countryside conservation area and wildlife habitat;
3. and the effect of the increased use on the safety of the access.

10.2 The proposed extension will almost double the floor space of the Centre, but it follows the style, design and form of the existing building and appears as a natural extension to the building. The present visitor centre is of a small scale and merges into the surrounding vegetation. It is considered that the proposed extension will give the building no greater prominence or make it look out of place in its setting.

- 10.3 The development will result in the loss of 2 oak trees, bushes and a pond. These do have a wildlife benefit, but in the context of the whole park, the loss will not be of any great significance. There remains a considerable amount of vegetation and habitat within the immediate area of the building to ameliorate the loss. It is considered that the additional facilities for educational purposes to be provided within the extension will enhance the opportunities to study wildlife and the environment sufficient to justify the loss of the vegetation as proposed.
- 10.4 The majority of cars using the access are for visitors to the Country Park as a whole rather than primarily to the Visitor Centre. The additional facilities provided by the extension are likely to attract school and other groups and the use of the access by coaches and minibuses could increase. The access is adequate for use by such vehicles and their relatively low speed when approaching the Centre would not add to a loss of safety to any significant extent. It is considered that there is adequate parking within the area adjacent to the Visitor Centre for cars, coaches and minibuses and that no additional space is required.
- 10.5 It is considered that the proposed extension will enhance the facilities for environmental education at the Visitor Centre. It will not detract from the appearance of the building or its setting in the Country Park and the increase in traffic resulting from the development will not significantly reduce the safety of users of the access road. The proposal will meet the criteria set out in policies DC1, CO3, CO4 and CO% of the Adopted Local Plan.

## **11.0 Background Papers**

11.1 ARC; TL; PTC

### **Recommendation - Conditional Approval**

#### **Conditions**

1 - A1.5 Full Perms (time limit for commencement of Development)

The development hereby permitted shall be begun before the expiration of three 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 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2 - A2.1 Development to Accord With Approved Plans

The development hereby permitted shall be implemented in all respects strictly in accordance with the approved plans returned stamped approved with this decision.

Reason: To ensure the development will be carried out as approved and because any changes must be agreed in advance in writing by the local planning authority.

### 3 - C10.15 Tree & Natural Feature Protection: Protected

No work shall commence on site until all trees, shrubs and other natural features not scheduled for removal on the approved plans, are safeguarded behind protective fencing to a standard to be agreed by the Local Planning Authority (see BS 5837). All agreed protective fencing shall be maintained during the course of all works on site. 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 - C10.16 Tree & 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 - C10.18 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 with 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

The construction shall take place solely in accordance with the terms of the Methodology Statement received, which forms part of this permission, and no other works shall take place that would affect the trees unless otherwise agreed in writing by the Local Planning Authority.

Reason: In order to protect local amenity and safeguard trees to be retained at the site.

### **Informatives**

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



**Application No:** 090020

**Location:** Garrison Area P1, Ypres Road, Colchester

**Scale (approx):** 1:1250

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## Planning Committee

Item

8

25 June 2009

<b>Report of</b>	<b>Head of Environmental &amp; Protective Services</b>	<b>Author</b>	<b>John More</b> ☎ 01206 282231
<b>Title</b>	<b>Planning Application 090020 Garrison Area P1, Ypres Road, Colchester</b>		
<b>Wards affected</b>	<b>Berechurch</b>		

**This report concerns the proposed planning gain/mitigation package for the above Full planning application. The proposal has been reconsidered by the development team as a stand alone application, not linked to the Garrison Outline S.299A agreement.**

### 1.0 Decision(s) Required

- 1.1 To agree the revised planning gain/mitigation package proposed by the Development Team, as set out below.

### 2.0 Reasons for Decision(s)

- 2.1 The proposed change to the legal agreement requires Committee approval as members approved the previous package and this type of amendment is not delegated to your Officers.

### 3.0 Alternative Options

- 3.1 The alternative is to not approve the proposal and leave the requirement to link the development to the original Garrison outline S.299A agreement. This may result in refusal of the application if the developer refuses to enter into the appropriate agreement.

### 4.0 Supporting Information

- 4.1 This application was originally considered by the Development Team on 12 February 2009, when it was reported that the site formed part of the original outline planning permission for the Garrison Urban Village with the associated S.299A agreement and that all of the existing agreed contributions would be provided under the outline consent.
- 4.2 The application was reported to the Planning Committee who agreed the recommendation to defer the proposal, for officers to approve the application subject to a mechanism being put in place to ensure a deed of variation is signed to link this application to the original Garrison outline S.299A agreement, and suitable controlling conditions.

- 4.3 The developer subsequently asked that the proposal be reconsidered by the Development Team as a stand alone full application and not be linked to the terms and provisions of the original S.299A agreement.
- 4.4 The Development Team reconsidered the proposal as a stand alone scheme and requires the following S106 contributions:
- A sum for maintaining the POS / Green link (£65,720 to cover 25 years maintenance)
  - A contribution to local facilities for the elderly (£80,000) subject to a survey of need
  - Upgrading of existing pedestrian crossing
- 4.5 Following a needs survey, the request for the community contribution (£80,000) has now been retracted as it is not required. The Highway works were previously the subject of a planning condition (and do not need to be altered). Therefore, the sole requirement for the S106 to require is the sum of £65,720 to cover 25 years maintenance of the POS / Green link.

## **5.0 Proposals**

- 5.1 For members to agree the revised planning gain/mitigation package proposed by the Development Team set out above.
- 5.2 Members are advised that the requirements of the S106 Agreement described above are considered to satisfy the tests prescribed in Circular 1/97 in that they are:-
- necessary
  - relevant to planning
  - directly related to the proposed development
  - fairly and reasonably related in scale and kind to the proposed development
  - reasonable in all other respects

## **6.0 Strategic Plan References**

- 6.1 There are no particular references to the Strategic Plan; publicity or consultation considerations; or financial; equality, diversity and human rights; community safety; health and safety or risk management implications.

## **Background Papers**

Planning committee report for 090020 and the relevant committee minute.



## INDEX TO PLANNING APPLICATIONS CODES

<b>A</b>	Advertisements	<b>K</b>	Certificate of Lawfulness
<b>AG</b>	Agricultural Determination	<b>LB</b>	Listed Building
<b>C</b>	Change of Use	<b>M</b>	County Matter
<b>CA</b>	Conservation Area	<b>O</b>	Outline
<b>CBC</b>	Colchester Borough Council	<b>PA</b>	Prior Approval
<b>CC</b>	Essex County Council	<b>RM</b>	Reserved Matters
<b>F</b>	Full	<b>S</b>	Electricity Consultation (Overhead Lines)
<b>G</b>	Government Dept. Consultation	<b>T</b>	Renewal of Temporary Permission
<b>J</b>	Alternative Development	<b>X</b>	Demolition in Conservation Area

## INDEX TO BACKGROUND DOCUMENTS/REPORTS CODES (UPDATED OCTOBER 2000)

**Note: Any Document or Consultee not included in these lists will be specified in full.**

<b>ARC</b>	Adopted Review Colchester Borough Local Plan March 2004
<b>BOT</b>	St Botolphs Development Brief
<b>CHD</b>	Colne Harbour Urban Design Framework SPG - Nov. 2000
<b>CPS</b>	Cycle Parking Standards
<b>ERP</b>	Essex and Southend on Sea Replacement County Structure
<b>GAP</b>	Gosbecks Archaeological Park Draft Management Plan
<b>HCP</b>	High Woods Country Park Management Plan
<b>MSP</b>	Essex County Council - Minerals Subject Plan
<b>VEM</b>	East Mersea Village Appraisal - 19 February 1996
<b>VFC</b>	Village Facilities Survey 1995
<b>VFD</b>	Fordham Village Appraisal - 31 August 1994
<b>VFG</b>	Fingringhoe Village Appraisal - 1 September 1993
<b>VGT</b>	Great Tey Village Appraisal - 19 July 1993
<b>VLG</b>	Langham Village Appraisal - 6 April 1994
<b>VPL</b>	Peldon Village Appraisal - 4 June 1994
<b>VRH</b>	Rowhedge Village Appraisal - 20 November 1995
<b>VWG</b>	West Bergholt Village Appraisal - 30 August 1995
<b>WMW</b>	West Mersea Waterside Study

## INTERNAL CONSULTEES

<b>BC</b>	Building Control Manager
<b>CD</b>	Conservation & Design Manager
<b>CF</b>	Financial Services
<b>CU</b>	Head of Street and Leisure Services
<b>DO</b>	Disability Access Officer
<b>HA</b>	Highway Authority (ECC)
<b>HD</b>	Housing Development Officer
<b>HH</b>	Environmental Protection (Env. Control)
<b>MR</b>	General Manager (Museum Archaeological)
<b>PP</b>	Head of Housing & Environmental Policy
<b>SE</b>	Head of Enterprise and Communities
<b>SL</b>	Legal Services
<b>TL</b>	Trees & Landscapes Officer - Planning Services

## REPRESENTATIONS ETC

<b>CAA</b>	Correspondence with applicant/agent
<b>CBC</b>	Colchester Borough Councillor(s)
<b>LAS</b>	Other Local Amenity Society(ies) (not listed elsewhere)
<b>NLR</b>	Neighbours or Local Resident(s)
<b>OTH</b>	Other correspondence
<b>PTC</b>	Parish & Town Council(s)

## EXTERNAL CONSULTEES (2 character codes)

<b>AB</b>	Soc Protection Ancient Buildings	<b>HG</b>	English Heritage - Historic Gardens
<b>AM</b>	Ancient Monuments Society	<b>HM</b>	English Heritage (Hist. Mon. Section)(England)
<b>AR</b>	Ardleigh Reservoir Committee	<b>HO</b>	The Home Office
<b>AT</b>	Colchester Archaeological Trust	<b>HS</b>	Health & Safety Executive
<b>AV</b>	Civil Aviation Authority	<b>IR</b>	Inland Revenue (Valuation)
<b>AW</b>	Anglian Water Services Limited	<b>LF</b>	Environment Agency (Waste Regs)
<b>BA</b>	Council for British Archaeology	<b>MD</b>	Defence Estates (East)
<b>BD</b>	Braintree District Council	<b>MH</b>	NEE Mental Health Services Trust
<b>BG</b>	Transco (B Gas)	<b>MN</b>	Maldon District Council
<b>BH</b>	Babergh District Council	<b>MS</b>	Marine Safety Agency
<b>BO</b>	Blackwater Oystermans' Association	<b>NC</b>	English Nature
<b>BT</b>	British Telecom	<b>NE</b>	North Essex Health Authority
<b>BW</b>	Essex Bridleways Association	<b>NF</b>	National Farmers Union
<b>CA</b>	Cmsn for Architecture & Built Environment	<b>NI</b>	HM Nuclear Installations Inspectorate
<b>CB</b>	Churches Conservation Trust	<b>NP</b>	New Possibilities Healthcare Trust
<b>CE</b>	County Education Department (ECC)	<b>NR</b>	Environment Agency
<b>CH</b>	Country Highways (Surveyor ECC)	<b>NT</b>	The National Trust
<b>CS</b>	Colchester Civic Society	<b>PD</b>	Ports Division (DETR)
<b>CY</b>	Colchester Cycling Campaign	<b>PT</b>	Petroleum Officer (ECC Trading Standards)
<b>DS</b>	Department of Social Security	<b>RA</b>	Ramblers Association
<b>DT</b>	Route Manager - Highways Agency	<b>RD</b>	The Rural Development Commission
<b>DV</b>	Dedham Vale Society	<b>RE</b>	Council Protection Rural Essex
<b>DW</b>	Dedham Vale & Stour Valley Project	<b>RF</b>	Royal Fine Art Commission
<b>EB</b>	Essex Badger Protection Group	<b>RP</b>	Rowhedge Protection Group
<b>EE</b>	Eastern Electricity – E-On	<b>RR</b>	Roman River Valley Society
<b>EH</b>	English Heritage	<b>RS</b>	RSPB
<b>EI</b>	HM Explosive Inspectorate	<b>RT</b>	Railtrack East Anglia
<b>EN</b>	Essex Wildlife Trust	<b>RY</b>	Royal Yachting Association
<b>EP</b>	Essex Police	<b>SB</b>	Save Britain's Heritage
<b>EQ</b>	Colchester Police	<b>SD</b>	MAFF Fisheries Office/Shellfish Division
<b>ER</b>	Essex Rivers Healthcare Trust	<b>SK</b>	Suffolk County Council
<b>ET</b>	Fair Trading (ECC Trading Standards)	<b>SR</b>	The Sports Council – Eastern Region
<b>EU</b>	University of Essex	<b>ST</b>	Colne Stour Countryside Association
<b>EV</b>	Environmental Health (ECC - Env. Services)	<b>TB</b>	Tollesbury Parish Council
<b>EW</b>	Essex & Suffolk Water Company	<b>TG</b>	Tendring District Council
<b>FA</b>	Essex Police - Fire Arms Officer	<b>TI</b>	Department of Trade and Industry
<b>FB</b>	Essex Fire & Rescue Service	<b>TK</b>	Tolleshunt Knights Parish Council
<b>FC</b>	Forestry Commission	<b>TW</b>	20 <sup>th</sup> Century Society
<b>FE</b>	Feering Parish Council	<b>VI</b>	Vehicle Inspectorate (GVTS)
<b>GA</b>	Colchester Garrison HQ	<b>VS</b>	Victorian Society
<b>GE</b>	Government Office for the East of England	<b>WS</b>	The Wivenhoe Society
<b>GU</b>	HM Coast Guard	<b>WT</b>	Wivenhoe Town Football Club
<b>HB</b>	House Builders Federation	<b>WA</b>	Wormingford Airfield (Gliding Club)
<b>HE</b>	British Horse Society	<b>WW</b>	Society Protection Ancient Buildings (Wind & Watermill Section)



## **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.