

Planning Committee Meeting

**Council Chamber, Town Hall, High Street,
Colchester, CO1 1PJ**

Thursday, 13 December 2018 at 18:00

The Planning Committee deals with planning applications, planning enforcement, public rights of way and certain highway matters.

If you wish to come to the meeting please arrive in good time. Usually, only one person for and one person against each application is permitted.

Attendance between 5.30pm and 5.45pm will greatly assist in enabling 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 (the list of items to be discussed at a meeting), which is usually published five working days before the meeting, and minutes once they are published. Dates of the meetings are available here:

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

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

Have Your Say!

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

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

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Access

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COLCHESTER BOROUGH COUNCIL
Planning Committee
Thursday, 13 December 2018 at 18:00

The Planning Committee Members are:

Councillor Pauline Hazell	Chairman
Councillor Brian Jarvis	Deputy Chairman
Councillor Lyn Barton	
Councillor Vic Flores	
Councillor Theresa Higgins	
Councillor Cyril Liddy	
Councillor Derek Loveland	
Councillor Jackie Maclean	
Councillor Philip Oxford	
Councillor Chris Pearson	

The Planning Committee Substitute Members are:

All members of the Council who are not members of this committee and who have undertaken the required planning skills workshop training:-

Councillors:

Christopher Arnold	Kevin Bentley	Tina Bourne	Roger Buston
Nigel Chapman	Peter Chillingworth	Helen Chuah	Nick Cope
Simon Crow	Robert Davidson	Paul Dundas	John Elliott
Andrew Ellis	Adam Fox	Dave Harris	Darius Laws
Mike Lilley	Sue Lissimore	Patricia Moore	Beverley Oxford
Gerard Oxford	Lee Scordis	Lesley Scott-Boutell	Martyn Warnes
Lorcan Whitehead	Dennis Willetts	Julie Young	Tim Young

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

Please note that Agenda items 1 to 6 are normally dealt with briefly.

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

1 Welcome and Announcements

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

2 Have Your Say! (Planning)

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

These speaking provisions do not apply to applications which have been subject to the Deferral and Recommendation Overturn Procedure (DROP).

3 Substitutions

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

4 Urgent Items

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

5 Declarations of Interest

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

6 Planning Committee Minutes 8 November 2018

7 - 12

The Councillors will be invited to confirm that the minutes are a correct record of the meeting held on 8 November 2018.

7 Planning Applications

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

7.1 181309 Land to north of Elmstead Road/East of Swan Close, Wivenhoe, Colchester

13 - 42

Development consisting of 135 bed space Student Accommodation within five terraces of Town Houses and a Studio Block, complete with Car and cycle parking and Bin Store.

7.2 182217 Essex and Suffolk Gliding Club, Wormingford Airfield, Fordham Road, Wormingford, Colchester

43 - 78

Application for the use of Touring Motor Gliders (TMG). All other existing uses to remain the same. This application is for permanent consent following temporary consent given on Application Ref 150972.

7.3 181907 Avon Way House, Avon Way, Colchester

79 - 104

Erection of five new accommodation blocks to provide for an additional 152 student bedrooms, a shared student communal lounge with staff offices and associated facilities, demolition of

bungalow, with associated parking, landscaping, and boundary treatment.

Planning Committee Information Pages v2

105 -
116

8 Exclusion of the Public (not Scrutiny or Executive)

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

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

PLANNING COMMITTEE
8 November 2018

Present:- Councillors Barton, Flores, Hazell, Higgins, Jarvis, Liddy, Loveland and P. Oxford.

Substitutes:- Councillor Dundas for Councillor Maclean and Councillor Harris for Councillor Pearson

634. Site Visit

Councillors Barton, Dundas, Hazell, Higgins, Jarvis, Liddy and Loveland attended the site visit.

635. Minutes of 1 October 2018

RESOLVED that the minutes of the meeting held on 1 October 2018 be confirmed as a correct record.

636. Minutes of 18 October 2018

RESOLVED that the minutes of the meeting held on 18 October 2018 be confirmed as a correct record.

637. 171396 Knights Farm, Swan Street, Chappel

The Committee considered a retrospective planning application for the retention of existing commercial buildings and structures on the site (comprising factories (Factory 1 (part), Factory 2 and Factory 3); ancillary offices; biomass/store; warehouse; porta-cabins; containers; tray area; smoking shelter; fencing and entrance gates for use by existing meat wholesalers (Use Class B2) with associated retrospective change of use of agricultural land and retention of existing vehicular parking, landscaping and infrastructure works including existing Klargestor unit; existing water purifier; two proposed attenuation ponds and proposed canopy at Knights Farm, Swan Street, Chappel. The application had been referred to the Committee because it had been called in by Councillor JChillingworth. The Committee had before it a report and an amendment sheet in which all information was set out. The Committee made a site visit in order to assess the impact of the proposals upon the locality and the suitability of the proposals for the site.

Chris Harden, Senior Planning Officer, presented the report and, together with David Martin, Environmental Protection Officer and Simon Cairns, Development Manager, assisted the Committee in its deliberations. The Senior Planning Officer explained that two additional letters of objection had been received since the amendment sheet had

been published, the contents of which he summarised and he explained that the references to CE2 in the report should be read as CE1. He also summarised the planning considerations relating to the case and confirmed that in terms of the claims of enforcement deception, this remained disputed and no reliance had been placed on the possible lawfulness of any part of the scheme. He also referred to alleged intentional unauthorised development, an issue raised by an objector in the light of a relevant Ministerial Statement and confirmed that this had been considered as a material planning consideration but did not outweigh the recommendation for approval.

In the light of the representations made in relation to the application over a period of time the Chairman had exercised her discretion and had agreed prior to vary the Committee's speaking arrangements to allow two speakers in opposition to the application and two speakers in support of the application.

Jim Beard addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in opposition to the application. He referred to a planning appeal in 2005 when the site was declared as being for agricultural purposes as well as a statutory declaration from the owner of the site and evidence he claimed showed that business rates had not been paid on the property. He also referred to the contents of public accounts, including bank loans and questioned the owner's lawful use of the site. He queried the conclusion in the planning officer's report that the owner had been unable to find a suitable alternative site or be able to afford to move and he referred to the business' operating profit for the previous two years.

James Wood, representing residents of Swan Street, Chappel, addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in opposition to the application. He was representing a group of residents of Swan Street, Wakes Colne. He referred to the unauthorised development on the site since 2001 and that in the late 1990s the site had been open countryside with an agricultural dwelling, with flower shop and tea room. This changed to a small meat production venture and he explained the subsequent planning history of the site, including information from 2001 relating to vehicle movements and numbers of staff. He considered misleading information had been submitted by the applicant. He referred to enforcement visits in 2005 when development was deemed to have been part of an agricultural business. He referred to claims in relation to inability to afford to move to an alternative site and was of the view that, if approval was given to the application, the applicant would be rewarded for deceiving the Council. He was of the view that the unauthorised development on the site should be ignored and the application site treated as open countryside. He also referred to the temporary permission granted by a planning inspector in 2001.

Martin Blackwell addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in support of the application. He explained that he had worked closely with the planning officers and he was pleased that the application was recommended for approval. Extensive information had been submitted which demonstrated that the application would have acceptable impact on the local area. He considered that the Direct Meats was a successful and well-run business, trading over a 23 year period from the current site. He confirmed he was in support of the recommended conditions and would willingly comply with them and he confirmed his desire to continue to operate his business from the current site. He acknowledged

concerns about the movement of large articulated lorries and accordingly he confirmed that from January these deliveries would be moved to a central cold store and pallets would be consolidated onto one daily vehicle. He confirmed he did not wish the business to hinder neighbouring residents. It was his view that the community needed successful sources of employment and he wished to invest in his business for the benefit of his staff. He considered that Direct Meats brought investment to the local economy such as purchasing from farms directly related to Colchester, the employment of 115 staff members, payment of tax revenue and support to local charities, including an environmental wild bumblebee project. He also confirmed that Direct Meats was on the short list for the Queens Award for Innovation and Export and that the company worked with autistic teenagers by putting four to five teenagers through an apprenticeship programme each year. In addition the company had to comply with complicated EU regulations and he listed the high profile clients to which the business supplied meat. He requested the support of the Committee members so that the business could continue its work and its contribution to the local community. He also disputed the comments made by the first speaker in relation to income and profit and confirmed this information was all publicly available.

Steve Gilbert addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in support of the application. He explained that he had worked at Direct Meats for 18 years from the age of 15. There were very few employment opportunities locally and he had benefitted for training courses and had worked his way up to a shift manager role. He was qualified in Executive Management and was intending to progress to NVQ level, all of which he attributed to working at Direct Meats. He was aware of others who had also progressed to a management role within the company and also staff who were undertaking Leadership courses at Colchester Institute. He referred to the social responsibility taken by the company towards local people. He also referred to the in-house butchery scheme at the company which enabled staff to learn a lifelong skill. He was aware that local people were enthusiastic about the company but there were also concerns about the future of the company and about jobs being jeopardised. He considered the business should be celebrated for the contribution it provided to the local community.

Councillor Chillingworth attended and, with the consent of the Chairman, addressed the Committee. He explained that he had first called-in the application 2½ years previously and the delay was because more and more unauthorised development had been identified by the enforcement team or had been brought to the attention of the Council. He explained that the Parish Council and residents had been frustrated by the perceived unregulated incremental effects generated by the business. He referred to the planning history associated with the site from a small retail unit to a substantial business. He acknowledged that the business was successful and a significant local employer but also referred to a nearby substantial business centre at Wakes Hall. He acknowledged the need to balance domestic and commercial developments against environmental impact and also that the application needed to be determined on the basis of current policies. He acknowledged the conclusion of the officer's report that, on balance, the benefits of the application outweighed the departure from policy and he was of the view therefore that there may be grounds to refuse the application. He referred to the new National Planning Policy Framework (NPPF) and its presumption in favour of sustainable development. He considered that, if the scale of this application had been submitted as a proposed new development in this location, it

would not have been considered sustainable on the grounds of both its location and scale. He was of the view the business needed to have direct access onto a classified road and he couldn't understand why the Highway Authority had not objected to the application. He asked the Committee to refuse the application on the grounds of failure to comply with policy and the unsustainable location and he proposed the applicant was given a year to find an alternative location.

Councillor Arnold attended and, with the consent of the Chairman, addressed the Committee. He explained that he had started to be lobbied by residents about the business in 2016 and had taken a considerable interest since that time. He referred to the wording of policy DP9, including references to 'essential to the operation of the existing business'. He was of the view that the application should be treated as a new business and, as such, would be required to be situated in a fully sustainable area. He referred to the lack of objection to the application by the Highway Authority but he felt that was a wider view which needed to be taken in terms of the impact of traffic on the locality, as had been cited by Natural England during the course of the Horkesley Park appeal process. He was of the view that the Direct Meats business created a massive traffic impact on the rural location which was informed by the size of the car park alone. He also referred to the new NPPF. He welcomed the business and its success but if the application had been submitted as if it were a new business he was of the view it would be refused on grounds of sustainability and impact on the countryside. He considered this application went far beyond an expansion of an existing business. He also supported the suggestion for the applicant to be given the opportunity to find an alternative location.

The Environmental Protection Officer confirmed that very few objections had been received in relation to the business and, subject to the imposition of the proposed conditions, he had no objection to the application.

The Senior Planning Officer confirmed his considered view that the application would not have a significant impact on the rural area. There was no restriction on the use of the road by large articulated vehicles and there had been no objection from the Highway Authority. The site was also relatively close to the A12 and other classified roads and, as such, was in a relatively sustainable location. There were also other businesses located on the road. He referred to policy DP9 and confirmed his view that a refusal of the application would be more of a departure from that policy than an approval. He also referred to the benefits and importance of allowing established rural businesses to expand. He further referred to the need to give the new NPPF substantial weight given the current status of the emerging Local Plan. He considered all comments had been considered very closely and had been addressed by the proposed conditions.

The Development Manager referred to paragraphs 83 and 84 of the most recent iteration of the NPPF and that this wording was more permissive to rural business than policy DP9, such that it did not refer to scale but did refer to areas not well served by public transport. He referred to the relatively low contribution of large articulated vehicle movements to and from the site and the proposal to introduce a travel plan. He considered it inevitable that this type of business involved the use of the local road network. He referred to the comparison made to the Horkesley Park application, explaining that there was a considerable difference with that application due to the

anticipated huge numbers of private car movements anticipated. He also referred to the landscape impact and recognition of the intrinsic character of the countryside, he was of the view that the visual impact was limited.

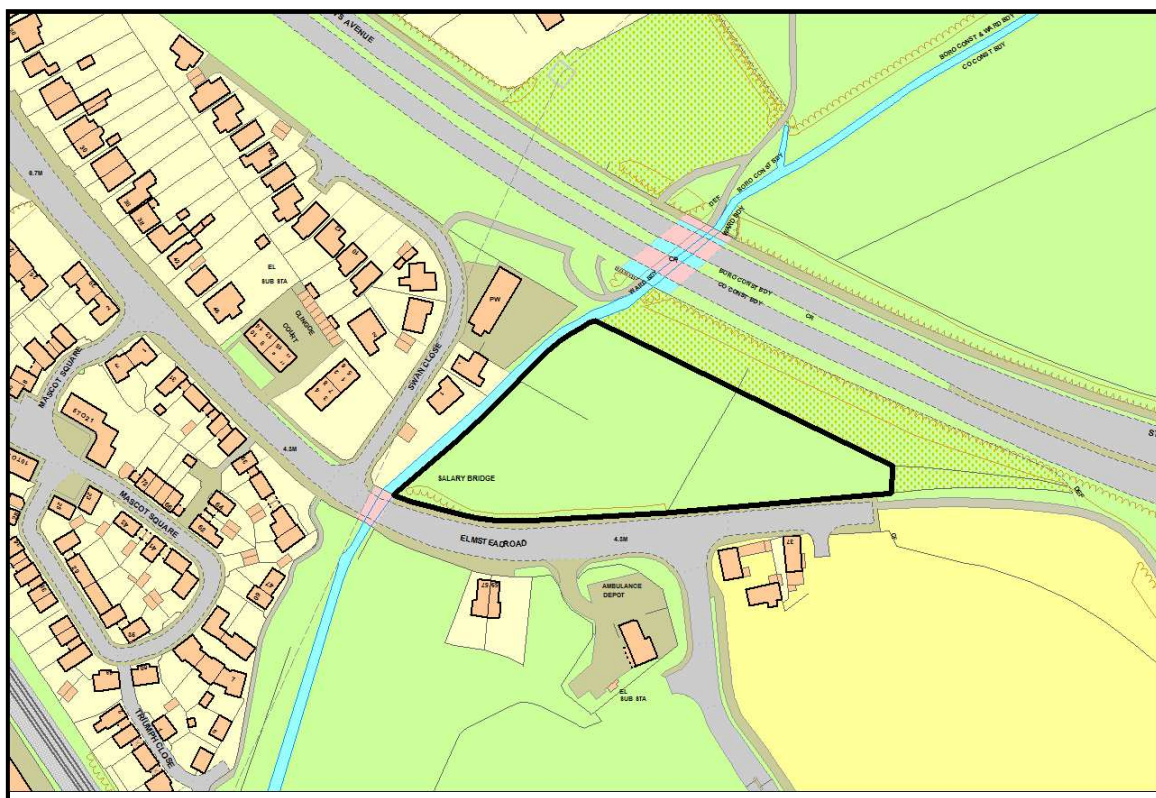
Members of the Committee commented on the lack of noise and smell from the site, the extensive existing screening and the proposals to extend this to the rear of the site. Whilst acknowledging residents' concerns regarding the use of the road network by the large delivery vehicles, this had been continuing since 2015/2016 and was therefore not a new issue. Comment was also made about the retrospective nature of the application which were generally not welcomed but this had, however, given the Committee members an insight into the operation of the development in that locality. Acknowledgement was made of the difficulties associated with a relocation of the business due to the specialist nature of the buildings and potential costs of conversion. Reference was also made to the change in planning laws which currently provided greater encouragement of businesses in rural areas. Clarification was sought regarding the need for the Travel Plan to include restriction on deliveries by large vehicles outside of school drop off or pick up times as well as the need for periodical monitoring of the water quality.

Other members of the Committee commented on the alleged misleading information and the history of unauthorised development and speculated whether this had been deliberate on the part of the applicant. Concern was also expressed by some members in relation to the applicant's willingness to comply with the proposed conditions should the application be approved. Clarification was also sought regarding the consideration of the application as a new development or the expansion of an existing business, whether the 24/7 operation of the business was reasonable and over what period of time the vehicle movements had been monitored.

In response, the Senior Planning Officer confirmed that the application was considered to be an expansion of an existing business due to an existing consent for a wholesale meat business. He confirmed that no concerns had been received by the Council's enforcement team about the business prior to 2016, the number of large vehicle movements would be reduced by condition and additional tree planting would be undertaken where possible. He agreed with the suggestion to include a water quality monitoring regime and suggested this could be addressed by the addition of a further condition. He also highlighted the fact that the Council's enforcement team were now aware of concerns about the business. He was of the view that the 24/7 operation of the business was not unreasonable given the delivery requirements of restaurant clients and he explained that a minority of vehicle movements took place late at night. He confirmed that the requirements of the proposed conditions were reasonable in terms of timescales and were achievable by the applicant and that vehicle movement monitoring had taken place over one day with the addition of inspection of the site log book.

The Environmental Protection Officer confirmed that it would be reasonable to add a further condition to provide for access to plant and water quality logs and for any non-compliance issues identified following inspection by the Council's enforcement team to be referred to the Environment Agency for attention.

RESOLVED (FIVE voted FOR, FOUR voted AGAINST and ONE ABSTAINED) that, the application be approved subject to the conditions set out in the report and amendment sheet as well as an additional condition to provide for a log to be maintained of plant water quality to the adjacent stream, with sampling undertaken and reports submitted to Environment Agency and Environmental Protection Team.



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Item No: 7.1

Application: 181309

Applicant: Mr Swindall

Agent: Mr Robert Pomery

Proposal: Development consisting of 135 bed space Student Accommodation within five terraces of Town Houses and a Studio Block, complete with Car and Cycle Parking and Bin Store.

Location: Land to North of, Elmstead Road/East of Swan Close, Colchester

Ward: Wivenhoe

Officer: Lucy Mondon

Recommendation: Approval subject to conditions and S106 agreement

1.0 Reason for Referral to the Planning Committee

- 1.1 This application is referred to the Planning Committee because it requires a S106 agreement and because it constitutes major development where objections have been received.

2.0 Synopsis

- 2.1 The key issues for consideration are
- The Principle of Development
 - Landscape Impact and Landscaping
 - Heritage Matters
 - Design and Layout
 - Highway Matters
 - Amenity
 - Contamination
 - Ecology
 - Flood Risk and Drainage
- 2.2 The report describes the site and its setting, the proposal itself, and the consultation responses received. Material planning matters are then considered together with issues raised in representations.
- 2.3 The planning merits of the case are assessed leading to the conclusion that the proposal is acceptable and that a conditional approval, including a S106, is recommended.

3.0 Site Description and Context

- 3.1 The application site is roughly triangular in shape, with an area of 0.75 hectares. It is located within the Settlement Boundary of Colchester, between St Andrews Avenue (A133) to the north, Elmstead Road to the south and Swan Close to the west, and is within an area identified as being predominantly residential in the Council's Local Plan.
- 3.2 The site is currently a vacant field; there is a field gate securing the site and a hedge with ditch along the southern boundary with Elmstead Road; this presents a semi-rural character, although there is a much more urban feel immediately west of the site with the existing residential development on Elmstead Road and Swan Close. To the south of the site is an ambulance depot and a Grade II listed building (Salarybrook Farm); the farmhouse lies within the part of the Knowledge Gateway of the University of Essex that is yet to be developed. Pedestrian access to both the University and the Knowledge Gateway is immediately south and east of the site. There are bus stops along Elmstead Road with routes to and from the town centre and there is pedestrian/cycle access along the Salary Brook Trail to the north of the site via Swan Close.

3.3 Part of Salary Brook runs along the western boundary of the site and Environment Agency Long Term Flood Risk Information records at least half of the site (the western side) as being at high risk of flooding from rivers of the sea as a flood zone 2 and 3. The same area of the site is also recorded as being between low and high risk of flooding from surface water, as well as the entire site being at risk of flooding from reservoirs.

3.4 There is a gas main that runs through the site north-south.

4.0 Description of the Proposal

4.1 The proposal seeks planning permission for a 135 bed student accommodation, comprising:

9 x 9-bed units

6 x 7-bed units

11 studios

1 x 1-bed flat

4.2 Associated common room, reception, office, laundry room, and post room.

4.3 Each of the units includes an accessible room (with ensuite).

4.4 The proposal includes a communal bike store, outdoor amenity space, bin store, and a small element of car parking. Approximately 1/10th of the site on the western side would remain undeveloped as flood attenuation/mitigation and parts of the developable area would have ground levels raised in order to bring them out of floodzone 2.

4.5 The application is supported by the following documents:

- Location Plan, Block Plan, Floor Plans, and Elevations;
- Arboricultural Assessment
- Archaeological Evaluation and Written Scheme of Investigation
- Design and Access Statement
- Draft Travel Plan
- Ecological Appraisal
- Flood Warning and Evacuation Plan
- Flood Risk Assessment (and subsequent information relating to SUDs)
- Land Quality Statement
- Noise Assessment
- Planning and Heritage Statement
- Surface Water Management Plan

5.0 Land Use Allocation

5.1 No site allocation; identified as predominantly residential.

6.0 Relevant Planning History

6.1 Outline Planning Permission was granted in 2014 for 18 No. residential units and changes to ground levels (ref: 143740). A Reserved Matters application has now been submitted (ref: 172943) and is currently under consideration.

6.2 The current proposal has been subject to pre-application discussions.

7.0 Principal Policies

7.1 Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. The National Planning Policy Framework (NPPF) must be taken into account in planning decisions and is a material consideration, setting out national planning policy. Colchester's Development Plan is in accordance with these national policies and is made up of several documents as follows below.

7.2 The adopted Colchester Borough Core Strategy (adopted 2008, reviewed 2014) contains local strategic policies. Particular to this application, the following policies are most relevant:

- SD1 - Sustainable Development Locations
- SD2 - Delivering Facilities and Infrastructure
- SD3 - Community Facilities
- H1 - Housing Delivery
- H2 - Housing Density
- H3 - Housing Diversity
- H4 - Affordable Housing
- UR2 - Built Design and Character
- PR1 - Open Space
- PR2 - People-friendly Streets
- TA1 - Accessibility and Changing Travel Behaviour
- TA2 - Walking and Cycling
- TA3 - Public Transport
- TA4 - Roads and Traffic
- TA5 - Parking
- ENV1 - Environment
- ER1 - Energy, Resources, Waste, Water and Recycling

7.3 The adopted Colchester Borough Development Policies (adopted 2010, reviewed 2014) sets out policies that apply to new development. Specific to this application are policies:

- DP1 Design and Amenity
- DP2 Health Assessments
- DP3 Planning Obligations and the Community Infrastructure Levy
- DP12 Dwelling Standards
- DP14 Historic Environment Assets
- DP16 Private Amenity Space and Open Space Provision for New Residential Development

- DP17 Accessibility and Access
- DP19 Parking Standards
- DP20 Flood Risk and Management of Surface Water Drainage
- DP21 Nature Conservation and Protected Lanes

7.4 Some “allocated sites” also have specific policies applicable to them. The adopted Site Allocations (adopted 2010) policies set out below should also be taken into account in the decision making process:

SA EC1 Residential development in East Colchester

7.5 Regard should also be given to the following adopted Supplementary Planning Documents (SPD):

- Backland and Infill
- Provision of Community Facilities
- Vehicle Parking Standards
- Sustainable Design and Construction
- Provision of Open Space, Sport and Recreation
- The Essex Design Guide
- External Materials in New Developments
- Affordable Housing
- Cycling Delivery Strategy
- Street Services Delivery Strategy
- Sustainable Drainage Systems Design Guide

7.6 Submission Colchester Borough Local Plan 2017-2033:

The Council is developing a new Local Plan that has been submitted to the Planning Inspectorate (October 2017). An Inspector has been appointed and the formal examination commenced in January 2018. The examination is ongoing.

Paragraph 48 of the Framework states that decision makers may give weight to relevant policies in emerging plans according to:

1. The stage of preparation of the emerging plan;
2. The extent to which there are unresolved objections to relevant policies in the emerging plan; and
3. The degree of consistency of relevant policies to the policies in the Framework.

The Emerging Local Plan is at an advanced stage and is, therefore, considered to carry some weight in the consideration of the application, but as it is yet to undergo examination, it is not considered to outweigh the material considerations assessed above in accordance with up-to-date planning policies and the NPPF.

8.0 Consultations

8.1 The stakeholders who have been consulted and who have given consultation responses are as set out below. More information may be set out on our website.

8.2 Anglian Water

- There are no assets owned by Anglian Water or those subject to an adoption agreement within the development site boundary;
- The foul drainage from this development is in the catchment of Colchester Water Recycling Centre that will have available capacity for these flows;
- The sewerage system at present has available capacity for these flows;
- Anglian Water require confirmation of the intended manhole connection point and discharge rate proposed before a connection to the public surface water sewer is permitted;
- The proposal includes an employment/commercial use and discharge trade effluent from trade premises to a public sewer requires Anglian Water consent.

Recommended condition for a surface water management strategy to be submitted for approval.

8.3 Arboricultural Officer

In agreement with the TPS Arboricultural Impact Assessment submitted. Recommended condition for a scheme of supervision for arboricultural protection measures to be submitted for approval.

8.4 Archaeological Adviser

An acceptable programme of archaeological investigation has been completed, in accordance with the approved written scheme submitted to the Council. Consequently, I have no objection to the full discharge of the archaeological condition.

8.5 Building Control

No comments received.

8.6 Cadent Gas

No objection. There is a high pressure gas pipeline local to the proposal; landscaping within the easement is restricted and formal written approval must be obtained from Cadent Gas prior to any works commencing.

8.7 Contaminated Land Officer

Based on the information provided, the site could be made suitable for the proposed use, with the remaining matters dealt with by way of planning conditions. Recommended planning conditions relating to the procedure should any unexpected contamination be encountered; details of the land raise methodology for all material being re-used on site or from off site; and all imported materials to be used in soft landscaping areas to be verified as suitable for use in accordance with the Essex Contaminated Land Consortium's Technical Guidance Document.

8.8 Environment Agency

No objections. Standing advice regarding flood risk provided.

8.9 Environmental Protection

No objection subject to conditions requiring the submission of a construction method statement for approval, as well as securing the provision of windows with enhanced passive ventilation and sound reduction, communal bin stores to be fitted with lockable doors and impervious flooring, and lighting to comply with the CBC External Artificial Lighting Planning Guidance Note for zone EZ2 Rural, Small Village, or Dark Urban Areas.

8.10 Essex Wildlife Trust

No comments received.

8.11 Flood Resilience (CBC)

The site is directly in Flood Zone 3 and the site is on low ground. It seems there is a greater Fluvial Flood Risk than a Tidal flood risk due to the flood defences in place along the Colne River.

The flood resilience measures suggested should be put in place by the owner/developer to ensure that the building can dry quicker and residents can return home quicker in the event of a flood.

The Council will support the emergency services with evacuation of residents in the event of flooding, as well as provide shelter for them, but the business running these premises will need to have their own contingency plan in place in the event of flooding. This should contain an evacuation plan, as well as details of accommodation where residents can be moved to temporarily in case of flooding. A Flood Warning and Evacuation Plan has been submitted and all the advised flood precautions contained within this should be undertaken. A Business Flood Plan is required in order to ensure that a mass evacuation can be accommodated if necessary.

8.12 Health and Safety Executive (HSE)

The HSE does not object to the granting of planning permission on safety grounds.

8.13 Heritage Advice

The proposal has undergone amendment during the application process. The following is a summary of heritage advice received during this process, focussing on the conclusions reached:

Salary Brook Farmhouse was originally set in a rural environment. With the expansion of Colchester and the development of the university, the character of the landscape surrounding Salary Brook Farmhouse has fundamentally changed. The application site is identified for development in the local plan and a planning application has recently been approved for residential development on this site; the approved scheme proposed standard two storey suburban housing. The principle of this site being developed has therefore been established.

The boundary of hedge to Elmstead Road is an important feature both in the local street scene and in terms of the setting of the Salary Brook Farmhouse and associated outbuildings. In order to maintain the character of the street, the retention and strengthening of the hedge is considered essential; the structure of the hedgerow should not be fragmented by new openings.

It was previously noted that additional windows had been inserted in the south elevation and that these provide added interest and natural surveillance to the street but that the amended scheme did not resolve the issue of the stilted appearance of the façade. It was suggested that this could be mitigated by the introduction of an extended dormer window which breaks through the eaves. This feature has now been introduced and, as such, I wish to make no further comments in respect of the building design.

The removal of the hedge to allow for access to the site is considered minimal. It is not currently known whether the substation is required. The design of the substation / the landscaping of this area will need to be the subject of appropriately worded conditions.

There is no objection to this application on heritage grounds. In reaching this decision, regard has been given to the statutory duty imposed by section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving listed buildings or their setting and to section 38(6) of the Planning and Compulsory Purchase Act 2004 which requires application to be determined in accordance with the development plan unless material considerations indicate otherwise. The relevant local plan policies are CS ENV 1 and DPD DP14. It is considered that the application meets the requirements of the NPPF.

Should you be minded to recommend the grant of planning permission, conditions should be attached to cover materials, architectural detailing, the design of the substation (if required) and landscaping (including the retention of the hedge).

8.14 Highway Authority

The proposal is acceptable to the Highway Authority from a highway and transportation perspective subject to conditions for a construction traffic management plan and the provision of visibility splays and Residential Travel Information Packs.

8.15 Landscape Officer

The landscape proposals are considered to be satisfactory subject to conditions for a landscape management plan and full details of all landscape works to be submitted for agreement.

8.16 NHS

No comments received.

8.17 Street Services

No comments received.

8.18 SUDs

Currently a holding objection in the absence of further information. A further submission has been made and SUDs comments are forthcoming.

8.19 Urban Design

Although the Urban Designer supports the architectural approach, they object to the following:

- Lack of strategic desire-line foot and cycle link though the site (along the Salary Brook) and contribution to an improved cycle link to Elmstead Road;
- The green space to the west of the site is underutilised and lacks public open space in conflict with policy DP16 (this would be resolved with a public path through the space as recommended above); and
- The scheme would have a detrimental impact on the neighbouring listed building, failing to adequately reduce the sense of form and massing of the nearest building.

If approval were recommended, key building and boundary treatment materials and details should be conditioned to provide clarity and ensure quality.

9.0 Parish Council Response

9.1 No comments received.

10.0 Representations from Notified Parties

10.1 The application resulted in a number of notifications to interested third parties including neighbouring properties. The full text of all of the representations received is available to view on the Council's website. However, a summary of the material considerations is given below.

10.2 Wivenhoe Society

Given the proximity to the University Campus using the site for student accommodation seems a sensible idea.

The amount of parking provided (5 spaces for 135 bed spaces) does however seem low. The development of privately provided student accommodation on land between Haven Road and Kind Edward Quay (application number 120380) shows 153 student parking spaces (plus some shared spaces) for 765 bed spaces according to the application form. The ratio of dedicated parking spaces to bed spaces for the Haven Road development is therefore 0.2 compared to the 0.037 for this current proposal. There is a danger that it will lead to on street parking in nearby residential roads.

The application form shows the site as lying in the Greenstead Ward. Was this area not incorporated into Wivenhoe Ward at the last boundary change?

10.3 Objections (2)

- Need to consider existing private properties. Mascot Square is a narrow road and, during term time is often packed with cars belonging to students (parking and then walking to the university). Concern that this situation will get worse.
- Elmstead Road and Mascot Square are at saturation point with rented student accommodation. The area will suffer as a result of a development of this size and position. It is of no benefit to local householders.

10.4 General Comment (3)

- The site is within a flood zone. Something will need to be done about the flood potential as displacing the water would mean it would need to go elsewhere.
- Concerns regarding:
 - Impact on flood risk in the area
 - Potential for additional noise pollution
 - Increased footfall in the residential area and, therefore, need for a separate access path to the site
 - The potential for abusing parking regulations in the local area
 - Lack of adequate screening of the site and its boundary with Swan Close

- University concerns: The proximity is the cause of concern. The proposed development near Elmstead Road / East of Swan Close, located on the boundary to the University campus, poses the following potential risks:
 - It affects the ability for the University to further grow student accommodation on campus. There is a considerable benefit to our students of living on campus in University owned or administered accommodation, in an environment that we control. The University is best placed to serve the accommodation needs of our students.
 - Our students do much of their socialising on campus. This is in a controlled environment with 24 hour security and pastoral care. The proposed scheme provides a potential risk for the lively social environment of the campus to extend out to this adjoined location. The teams employed to ensure a safe social environment for students on campus would have no jurisdiction to venture into this location to provide the same controlled environment of the University campus.

11.0 Parking Provision

- 11.1 The Vehicle Parking Standards SPD does not specify parking requirements for purpose built student accommodation. It is important to note that if the parking requirements were taken to fall under a residential institution (Class C2) the car parking requirements of the SPD would be on a maximum basis.
- 11.2 The proposal does not include any car parking other than 5 No car parking spaces (3 of which are accessible spaces) that would be used for staff and students with accessibility needs.
- 11.3 Secure, covered cycle parking is proposed for 68 No. bikes. Additional visitor spaces, in the form of Sheffield stands, are also proposed within the courtyard area in the centre of the site.

12.0 Open Space Provisions

- 12.1 The proposed scheme includes a central 'green' of approximately 480sqm. This area includes a lawn and outdoor seating area for use by the residents.
- 12.2 No public open space is proposed.

13.0 Air Quality

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

14.0 Planning Obligations

- 14.1 As a "Major" application, there was a requirement for this proposal to be considered by the Development Team. It was considered that Planning Obligations should be sought. The Obligations that would be agreed as part of any planning permission would be:
- Membership of the Colchester Travel Plan Club for 10 years;

- The development to be for student residences only; and
- For there to be a tenancy agreement to control cars being brought to the site and the surrounding area.

In addition to the above, the site is within a zone of influence of a European designated site and in order to comply with the Habitats and Species Regulations 2017 (as amended), mitigation of any recreational impact will be required in accordance with the forthcoming Essex Coast Recreational disturbance Avoidance Mitigation Strategy (RAMS). This will equate to a financial contribution that can be secured via S106 agreement.

14.2 Contributions towards education, public open space, and community facilities were not considered necessary given the nature of the proposal for students.

15.0 Report

15.1 The main issues in this case are:

- The Principle of Development
- Landscape Impact and Landscaping
- Heritage Matters
- Design and Layout
- Highway Matters
- Amenity
- Contamination
- Ecology
- Flood Risk and Drainage

Principle of the Development

15.2 Core Strategy Policy SD1 seeks for development to be located at the most accessible and sustainable locations in accordance with the Settlement Hierarchy; Colchester Town and Stanway being at the top of this hierarchy. Following the theme of sustainability, Core Strategy Policy TA1 seeks to improve accessibility and change travel behaviour as part of a comprehensive transport strategy for Colchester. A key aspect of this is the improvement of accessibility by enhancing sustainable transport links and encouraging development that reduces the need to travel. Developments that are car-dependent or promote unsustainable travel behaviour will not be supported.

15.3 The site is located within the settlement boundary of Colchester, in an area identified as having potential for residential development. The proposal includes only a limited amount of car parking on site and there are bus stops within 300m of the site so the proposed development is not car-dependent. Given that the proposal is for student accommodation, provided the residents are enrolled at the University of Essex, the University campus and its wealth of facilities are within a short distance from the site, many of which are also open to members of the public. The proposal is therefore considered to be in accordance with sustainable principles of the Local Plan.

- 15.4 Further, it is important to note that Outline Planning Permission has previously been granted for residential development at the site, thereby accepting the principle of residential development in this location. The principle of the specific scheme will be dependent upon other material considerations as assessed in the remainder of this report.

Landscape Impact and Landscaping

- 15.5 Development Plan Policy DP1 states that development proposals must demonstrate that they, and any ancillary activities associated with them, will respect or enhance the character of the site and landscape setting.
- 15.6 The landscape impact of the proposal has been discussed and negotiated at length during pre-application stage and during assessment of the planning application stage, the primary concern being the retention of the southern boundary hedge so that the verdant character of the area is maintained as much as possible. The proposed scheme retains the hedge and the parts of the hedge that have deteriorated can be gapped up which is seen as a positive feature of the proposal. The Council's Landscape Officer has confirmed that they consider this aspect of the proposal, as well as the hard and soft landscaping concept for the remainder of the site to be acceptable subject to conditions requiring detailed design.
- 15.7 In terms of trees, the Arboricultural Impact Assessment identifies the trees on site as either Category B or Category C. With the exception of some coppiced stumps, all trees on site are proposed for retention, as well as protection during development of the site. A section of the southern hedge is proposed for removal to improve the access to the site. The Council's Arboricultural Officer has confirmed that they are in agreement with the submitted report and, consequently has no objection to the proposal subject to a condition for tree protection measures.
- 15.8 The retention of principal landscape features (i.e. the hedge and established trees), as well as the opportunity to strengthen the southern boundary hedge and introduce additional planting leads to the conclusion that the proposal does respect, and to a certain extent enhance, the landscape character of the site in accordance with policy DP1.

Heritage Matters

- 15.9 S.66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires special regard to be had to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the development plan unless material considerations indicate otherwise. The relevant adopted Local Plan policies in respect of heritage are Core Strategy Policy ENV1 and Development Plan Policy DP14. Both Core Strategy Policy ENV1 and Development Plan Policy DP14 seek to conserve and enhance Colchester's historic Environment. Development Plan Policy DP14 makes

it clear that development will not be permitted that will adversely affect a listed building, conservation area, historic park or garden, or important archaeological remains.

- 15.10 Paragraph 194 of the NPPF (2018) states that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Paragraph 195 and 196 deal with substantial harm and less than substantial harm respectively. Where less than substantial harm is caused to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.
- 15.11 The application site lies in close proximity to a grade II listed building (Salarybrook Farm). As identified in the heritage advice, Salary Brook Farmhouse was originally set in a rural environment. The expansion of Colchester and the development of the University has, however, fundamentally changed the character of the landscape surrounding the farmhouse. Future development of the Knowledge Gateway surrounding the farmhouse to the south will change the character even further. Development of the site would not, given the current context, have a significant impact on the setting of the listed building. This conclusion is compounded by the fact that residential development has previously been granted approval (Outline permission) on this site.
- 15.12 A primary feature in terms of the street scene and setting of Salarybrook Farm is the boundary hedge along Elmstead Road. Heritage advice is that, in order to maintain the character of the street, the retention and strengthening of the hedge is considered to be essential. The Council's Landscape Officer has also made similar comment. The proposal includes the retention of the hedge, as well as some additional planting to strengthen it, so the character of the street is maintained. A condition will secure the retention of the hedge and the additional planting.
- 15.13 In terms of the built form, the proposal would result in there being buildings closer to the listed building than currently. This in itself does not constitute harm to the setting of the listed building, especially as the expansion of Colchester has already resulted in built form encroaching closer to the listed building. The key to whether the setting is adversely affected lies in whether the siting and overall scale and proportions of the buildings are respectful to the heritage context. In this case, the proposed studio building lies closest to the listed building, being near opposite. The building is two-and-a-half storey, with the ridge line running east-west, thereby the slope of the roof rising away from the boundary and the listed building. The Urban Designer objects to the proposal due to the scale and form of this building in relation to the listed building. The building is of distinctly modern design, but its form is not dissimilar to the listed building itself, namely a linear form with gable ends and a pitched roof. In addition, the roof rises away from the listed building so its impact is less than if the gable ends were facing the listed building. The form is not, therefore considered to be at odds with the listed building. In terms of scale, the eaves of the building are elevated, but following heritage advice, a projecting window has been introduced that

breaks the eaves line and helps to visually drag down the height of the eaves. The Urban Designer's comments are noted, but given the conclusion that the form of the building is appropriate and the lack of any heritage objection, it is concluded that the proposal is acceptable in the setting of the listed building. Conditions will ensure that acceptable materials and architectural detailing are achieved.

- 15.14 In terms of archaeology, an Archaeological Evaluation of the site has been undertaken to the satisfaction of the Council's Archaeological Adviser. The archaeological investigation revealed that historic activity on the site dates to the medieval period, with ditches, pits and finds suggesting domestic occupation/settlement. A small quantity of prehistoric and Roman material was also recorded. As a full archaeological investigation has been carried out, there is no requirement to condition any further work and the proposed development is considered to be acceptable in terms of below ground heritage assets.

Design and Layout

- 15.15 In considering the design and layout of the proposal, Core Strategy policy UR2 and Development Plan policy DP1 are relevant. These policies seek to secure high quality and inclusive design in all developments, respecting and enhancing the characteristics of the site, its context and surroundings. In terms provision of outdoor space, Development Plan Policy DP16 sets out standards for private amenity space and public open space as part of new housing developments. In terms of private amenity space, a minimum of 100sqm is required for houses with 4+ bedrooms, with the requirement for flats being a minimum of 25sqm per flat provided communally. In terms of open space, the policy requires at least 10% of the gross site area to be provided as useable public open space. This would require 100sqm of private garden space for each of the 7-bed and 9-bed houses and 300sqm communal open space for the studio block. At least 750sqm public open space would be required.
- 15.16 The character of the surrounding area is mixed, with older buildings such as the grade II listed Salarybrook Farm and 1980s bungalows at Swan Close, as well as more recent development at Mascot Square and Capstan Place. The proposal is of a reasonable density (36 dwellings per hectare) and is not too dissimilar to the indicative layout of the approved Outline scheme with built form around a central area of open space and the western part of the site left undeveloped for flood attenuation/mitigation. The proposed buildings are of traditional form, with gable ends and pitched roofs, but they are distinctly modern in character, having a recessed gable element intermittent through the terraced blocks, incorporating vertical cladding and recessed/projecting windows and brick detailing. The Council's Urban Designer is supportive of the architectural approach and there are no objections to the design of the buildings in terms of the character of the area or the setting of the nearby listed building.

- 15.17 Given the variance of character along Elmstead Road, the proposal is not considered to incongruous in its context. The scale of the units are not too dissimilar to those found at Mascot Square/Capstan Place and the proposal would retain the hedge along Elmstead Road which respects the character of the site and the street scene.
- 15.18 The proposal does not include any private garden space, but does include an area of communal open space central to the site totalling approximately 480sqm. This area includes a lawn and outdoor seating area. Whilst the amount of amenity space provided would provide more than adequate communal space for the studio block in accordance with DP16, there would still be an absence of private garden space for the houses, as well as an absence of public open space required by the policy.
- 15.19 Given the nature of the proposal as student accommodation, where the residents will live communally, the absence of private amenity space is not considered to be detrimental to living standards. The communal open space is not vast in terms of its area, but it provides space for sitting out and socialising so is useable. Public open space is absent, but in terms of mitigating the proposal it should be noted that the close proximity of the University affords a number of facilities for sport and leisure that the students residing at this site are extremely likely to take advantage of; facilities on site are not therefore considered to be essential.
- 15.20 The proposal does not, therefore meet the requirements of DP16 in terms of amenity space and public open space, but is considered to be acceptable on the grounds of the nature of the use as student accommodation where communal space will be more greatly valued and sport and leisure facilities are currently provided off-site in close proximity to the site.

Highway Matters

- 15.21 Core Strategy policy TA4 seeks to make the best use of the existing highway network and manage demand for road traffic. The policy makes it clear that new development will need to contribute towards transport infrastructure improvements to support the development itself and to enhance the broader network to mitigate impacts on existing communities. Development Plan policy DP17 requires all development to maintain the right and safe passage of all highways users. Development Plan policy DP19 relates to parking standards in association with the Vehicle Parking Standards SPD.
- 15.22 The Highway Authority have confirmed that they find the proposal to be acceptable in terms of highway and transportation impact subject to conditions requiring approval of a construction traffic management plan, provision of necessary visibility splays at the access prior to occupation, and the submission of residential travel information packs. All of these matters can be conditioned.

- 15.23 The proposal is not considered to have a material impact on traffic generation given that limited parking is provided on site. Representations have been received from local residents who are concerned that the lack of car parking spaces on site will not deter car ownership and would result in increased on-street parking in the surrounding area, leading to obstructions. The limited car parking on-site is not considered to result in parking on road network immediately surrounding the site where there are double yellow lines. It is appreciated that there are roads and streets slightly further afield that do not have any parking restrictions where additional parking could cause obstructions. The Applicant has advised that a number of their existing sites elsewhere in the country are subject to a tenancy agreement that restricts tenants bringing a car onto site or into the surrounding area; an example tenancy agreement has been submitted as part of the application and a similar arrangement can be secured as part of this application via the S106 agreement.
- 15.24 The Council's Urban Designer has objected to the proposal due to a 'lack of strategic desire-line foot and cycle link though the site (along the Salary Brook) and contribution to an improved cycle link to Elmstead Road'. The comments are noted, but there is no policy requirement to provide a strategic foot and cycle link through this site. In terms of accessibility and sustainability, there is an existing link north to Salary Brook Trail accessed from Swan Close, a short walk from the application site. Section 6.3 of the Planning and Heritage Statement addresses the Urban Designer comment, stating that a route through the application site 'would only have a modest benefit over the current footway/cycleway', being just 188m shorter in distance that equates to 1.6 minutes walking time when taken at an average walking pace of 4.2mph. Changing levels within the site and between the site and the road, including a ditch and hedge boundary, would also make the provision of a link somewhat difficult and would result in breaking through the hedge when the retention of the hedge boundary is considered to be important in terms of street scene character. Given the lack of policy basis for requiring a link when one is already provided elsewhere, the potential difficulty in delivery, the undesirability of removing sections of the boundary hedge, and the very limited benefit in terms of travel time it is not considered justifiable to refuse the application on the basis of the Urban Designer's objection.

Amenity

- 15.25 Amenity is considered in terms of how the proposed development would impact upon the living standards of neighbouring residential development, as well as whether the proposal provides acceptable living standards for its future residents. The relevant planning policies are DP1 and DP12. Development Plan policy DP1 requires all development to be designed to a high standard that protects existing public and residential amenity, particularly with regard to privacy, overlooking, security, noise and disturbance, and daylight and sunlight. Development Plan Policy DP12 requires high standards for design, construction and layout in new residential development, including the avoidance of adverse overshadowing between buildings or over neighbouring

land uses, acceptable levels of daylight to all habitable rooms and no single aspect north-facing homes, acceptable levels of privacy for rear-facing habitable rooms and sitting-out areas. Other requirements include a management and maintenance plan to be prepared for multi-occupancy buildings and flexibility in the internal layout of dwellings to allow adaptability to different lifestyles, as well as an accessible bin and recycling storage area, and external drying areas.

- 15.26 The proposal is not considered to have an adverse impact on the amenity of neighbouring properties (i.e. those on Swan Close to the east). Given that the western side of the site remains undeveloped in the interests of flood attenuation/mitigation, the development is at least 30 metres from the boundary of Swan Close at its closest point, and at least 35 metres from the rear wall of No. 3 Swan Close which is the closest dwelling to the development. There would be first-floor windows facing Swan Close that would be beneficial in providing some natural surveillance to the western side of the site, but these windows are not considered to give rise to overlooking of the neighbouring properties due to the distance between the properties and intervening features such as boundary fencing and planting. The distances between the proposed development and neighbouring properties, as well as their orientation, also leads to the conclusion that the proposal would not result in overshadowing or loss of light that would be detrimental to amenity.
- 15.27 Issues of noise disturbance have been raised by some local residents. Given the separation between the proposed development and neighbouring properties, noise generation from residential activity/recreation is not considered to be significant.
- 15.28 Living standards of the proposed development is considered to be satisfactory in respect of policy DP12. There is not considered to be any adverse overshadowing between buildings given the distances between them (approximately 12 metres at the closest point) and general arrangement in terms of the buildings being angled away from one another. For this reason, there is also not considered to be any adverse impact in terms of overlooking or privacy. There would be approximately three instances where living areas would be solely north facing, but the north-facing window would be large in order to gain as much light as possible into the room so that it is not considered a justifiable reason for refusal in this case.
- 15.29 In accordance with DP12, the internal layout provides for different lifestyles in so far as accessible rooms are provided. Bin and recycling facilities are also provided on site.
- 15.30 The proposal is therefore considered to be acceptable in terms of its impact on amenity.

Contamination

- 15.31 Development Plan policy DP1 requires new development to undertake appropriate remediation of contaminated land.

15.32 A Land Quality Assessment and Contamination Report (Phase 1 Desk Study and Phase 2 Site Investigation Report), as well as a Ground Investigation Factual Report, have been submitted with the application. The Council's Contaminated Land Officer has concluded that the site could be made suitable for the proposed use based upon the information submitted, although further information is required in order to ensure that any soil brought onto or taken off the site (in connection with the land raise) does not carry a risk of contamination. Subject to a condition to this effect, as well as a condition setting out the procedure should any unexpected contamination be encountered, the proposal is considered to be acceptable in terms of contamination risks.

Ecology

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

15.34 A Preliminary Ecological Appraisal has been submitted as part of the application. The appraisal confirms that the site has little vegetation, other than some scrub and the hedgerow along the southern boundary, due to rabbit activity. There are off-site trees along the northern boundary of the site. The lack of habitat leads to the conclusions that the site does not present the variety of habitat for refuges/foraging and therefore there is limited potential for protected species. There are, however, a number of recommendations in the appraisal regarding best practice for site clearance, as well as the following:

- The appraisal highlights that there are records that indicate the presence of otters and water voles within Salary Brook, but given that the western part of the site alongside Salary Brook would remain undeveloped the proposal would not directly affect the brook. A 5 metre buffer strip is recommended in any case.
- The southern hedgerow could be used by commuting/foraging bats. The retention and enhancement of the hedge, as well as the undeveloped western side of the site would allow this activity (should it occur) to continue as a result of the development. Recommendations are made in respect of minimizing the impacts of new lighting.

- 15.35 The proposal has the potential to include ecological enhancements, especially within the undeveloped western part of the site. The recommendations for enhancement in the appraisal include a requirement for a biodiversity management plan (BMP), the provision of bird and bat boxes on trees, additional planting to the hedge, and the requirement that the site remains relatively open in using permeable boundaries. In securing these elements, the proposal is considered to have some beneficial impacts in accordance with policy DP21.
- 15.36 Subject to conditions that ensure that a satisfactory buffer would be provided alongside the brook, as well as conditions relating to bat sensitive lighting, the proposal is not considered to have an adverse impact on ecology. The ecological enhancements recommended in the appraisal can be secured by condition and advisory notes can be added that set out best practices for site clearance and construction in respect of nesting birds, and reptiles in particular.

Flood Risk and Drainage

- 15.37 Core Strategy Policy SD1 and Development Plan Policy DP20 require proposals to promote sustainability by minimising and/or mitigating pressure on (inter alia) areas at risk of flooding. Policy DP20 also requires all development proposals to incorporate measures for the conservation and sustainable use of water, including the appropriate use of SUDs for managing surface water runoff.
- 15.38 In considering the flood risk aspects of the proposal the submitted Flood Risk Assessment, taking into account a review of the data provided by the Agency, topographical survey and information from the SFRA, concludes and proposes the following:
- The site is located within the NPPF Flood Zone 3a, 2 and 1 from a tidal surge event within the River Colne. The actual risk to the site from overtopping is low during all modelled present day events and future climate change events.
 - When considering a breach of the defences during the climate change 1 in 200 year event and climate change 1 in 1000 year event, the flood level across the site will be 4.25m AOD and 4.50m AOD respectively.
 - After approved ground raising to 3.27m AOD to reduce the risk during fluvial events, the residual tidal flood depths across this area during the climate change 1 in 200 year event and climate change 1 in 1000 year event would be 0.98m and 1.23m respectively. The higher area of the site to the east of the land raising area would remain unaffected by floodwater.
 - A *Water Entry Strategy* should be adopted across the ground floor area of the affected buildings to reduce the differential depth to safe limits during the tidal breach event and to protect property. Safe refuge for people would be available across the upper floors at all times.
 - The site is currently located within the fluvial Flood Zone 3b, 3a, 2 and 1 from Salary Brook. In accordance with a previous planning permission and FRA undertaken by Evans Rivers and Coastal Ltd, the developable part of the site will be raised to 3.27m AOD which is above the fluvial climate

change 1 in 1000 year flood level. This will provide safe refuge across the site at all times.

- A warning and evacuation strategy has been developed within this assessment. It is proposed that the site management register with the Agency's *Flood Warnings Direct* and prepare a *Business Flood Plan*.
- Safe access/egress can be achieved during the peak of all fluvial events and tidal overtopping events. During tidal breach events some parts of the site will be affected by floodwater, however, safe access/egress can be achieved via Elmstead Road at the site entrance.
- It is considered that there will be a low risk of groundwater flooding across raised developable parts of the site and a very low risk of surface water flooding and from artificial sources.

15.39 The Environment Agency were consulted on the proposal and confirm that the site lies within fluvial and tidal flood zone 3a, meaning that there is a high probability of flooding. The proposal for student accommodation is classified as 'more vulnerable' development as defined in National Planning Practice Guidance. The Environment Agency do not object to the proposal, but advise that the Local Planning Authority needs to take into account flood risk considerations. In order to help with this assessment, the Environment Agency advise the following:

Actual Risk

- The site lies within the flood extent for a 1% annual probability event (1 in 100 chance each year), including an allowance for climate change.
- Finished ground floor levels have been proposed at 3.42m AOD. This is above the fluvial 1% annual probability flood level including a 35% allowance for climate change of 2.50m AOD and therefore dry of flooding in this event.
- Finished first floor levels have been proposed at 4.50m AOD and therefore there is refuge above the fluvial 0.1% (1 in 1000) annual probability flood level including a 35% allowance for climate change of 2.75m AOD.
- Therefore this proposal does have a safe means of access in the event of flooding from all new buildings to an area wholly outside the floodplain (up to a 1% (1 in 100) annual probability including climate change flood event).
- The raising of the land (as agreed under the previous planning application reference: 143740/ Flood Risk assessment ref: 1109/RE/07-12/01 Rev A) ensures the proposed properties will be situated above the 1 in 1000 year fluvial flood level (Fluvial Flood Zone 1). The compensatory storage will ensure flood risk is not increased elsewhere.

Residual Risk

- Remaining risk of flooding is residual (tidal) in the event of a breach of the Colne Barrier. As residual tidal flood depths across this area 1 in 200 cc year event and 1 in 1000 cc year event would be 0.98m and 1.23m respectively.
- Therefore assuming a velocity of 0.5m/s the flood hazard is danger for most including the general public in the 0.5% (1 in 200) annual probability flood event including climate change.
- Flood resilience/resistance measures have been proposed.
- A Flood Evacuation Plan has been proposed.
- The site is at low risk from Ardleigh Reservoir

- 15.40 The advice from the Environment Agency provides confidence that the raising of the land will mean that the development itself would not be susceptible to flooding and that the compensatory storage will ensure that flood risk is not increased elsewhere. The Council's Flood Resilience Officer has assessed the Flood Risk Assessment as well as the Flood Warning and Evacuation Plan submitted and is satisfied with the flood resilience measures proposed. A further evacuation plan is required by condition so that measures in the event of a mass evacuation can be accommodated if necessary.
- 15.41 Taking into account the above, the proposal is considered to be satisfactory in terms of flood risk.
- 15.42 In terms of drainage, Anglian Water have confirmed that there is capacity for drainage flows from the proposed development. In terms of surface water flooding and drainage, Anglian Water have recommended a condition for a surface water management strategy. Currently, Essex County Council (as Lead Local Flood Authority) have a holding objection to the proposal pending further information; further submissions have been made and Essex County Council have been consulted. A final assessment of the proposal in terms of surface water flood risk and drainage will be informed by the Essex County Council response.

Other Matters

- 15.43 There is a gas pipe running through the site. Both Cadent Gas and the Health Safety Executive have confirmed that they have no objections to the proposal in terms of its proximity to the pipe.
- 15.44 The University have submitted comments that express concern regarding how the proposed development will function in terms of their management of the University site and their future plans for student accommodation on campus. It is not the function of the planning system to protect individual businesses and thus additional student accommodation, whilst not run and managed by the University, must be considered on its own merits. Matters as to whether student accommodation outside the University campus would lead to social activities taking place away from the University manages security and pastoral care, this could be said of any residential accommodation within the vicinity of the University so it is not considered a justifiable reason for refusal of the application.

16.0 Conclusion

16.1 Having had regard to planning policy and material planning considerations, including the specific characteristics of the proposal which have resulted in policy requirements for private amenity and open space to be relaxed, the proposal is considered to be acceptable subject to necessary conditions and S106 agreement.

17.0 Recommendation to the Committee

17.1 The Officer recommendation to the Committee is for:

APPROVAL of planning permission subject to:

- Any amendments, further information, and/or conditions required by Essex County Council in respect of Surface Water Drainage;
- Agreement with the Agent/Applicant to the pre-commencement conditions under the Town and Country Planning (Pre-commencement Conditions) Regulations 2018 and delegated authority to make changes to the wording of these conditions as necessary;
- The signing of a legal agreement under Section 106 of the Town and Country Planning Act 1990, within 6 months from the date of the Committee meeting. In the event that the legal agreement is not signed within 6 months, to delegate authority to the Head of Service to refuse the application, or otherwise to be authorised to complete the agreement; and
- The Permission being subject to the following conditions:

1. ZAA - Time Limit for Full Permissions

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

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

2. ZAM - Approved Plans/Drawings

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

2751_GAD)_100000_A	Site Location Plan
1470_GA_100 Rev B	General Arrangement Plan
2751_GAD_100010_H	Site Layout as Proposed Level 00
2751_GAD_100011_D	Site Layout as Proposed Level 01
2751_GAD_100012_D	Site Layout as Proposed Level 02
2751_GAD_100013_C	Site Layout as Proposed Roof
2751_GAD_120000_E	7 Bed Town House (Typical)
2751_GAD_120001_E	9 Bed Town House (Typical)
2751_GAD_120002_G	Studio Block
2751_GAD_140000_D	South Elevations as Proposed

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

3. Trees

The development hereby approved shall be carried out in accordance with the TPS Arboricultural Impact Assessment (ref: TPSarb3990513) and no works or development shall take place until a scheme of supervision for the arboricultural protection measures identified in the assessment has been approved in writing by the local planning authority. This scheme will be appropriate to the scale and duration of the works and will include details of:

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

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

4. Construction Method Statement

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

- the parking of vehicles of site operatives and visitors;
- hours of deliveries and hours of work;
- traffic management;
- loading and unloading of plant and materials;
- storage of plant and materials used in constructing the development;
- details of lighting in accordance with the Institute of Lighting Professionals (ILP) Guidance Note 8 Bats and Artificial Lighting (2018);
- the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- wheel washing facilities;
- measures to control the emission of dust and dirt during construction; and
- a scheme for recycling/disposing of waste resulting from demolition and construction works.

Reason: In order to ensure that the construction takes place in a suitable manner to protect residential amenity, ecology, and highway efficiency of movement and safety.

5. Substation Details

No works shall take place above ground floor slab level until details of the substation shown on General Arrangement Plan 1470_GA_100 Rev B have been submitted to and approved in writing by the Local Planning Authority. The details shall include floor plan and elevation drawings, details of any ancillary fencing, and details of the external materials and finishes. The substation shall then be constructed as approved. Should the substation not be required for the development the area marked as 'Sub-station' on the aforementioned General Arrangement Plan shall be landscaped in accordance with a detailed landscape scheme that shall first have been submitted to and approved in writing by the Local Planning Authority.

Reason: There is insufficient details with which to ensure that the substation would respect the setting of the Grade II listed building (Salarybrook Farm) that sits opposite the site and to ensure that suitable landscaping is introduced should the substation not be required in the interests of visual amenity.

6. Detailed Landscape Works

No works shall take place above ground floor slab level until full details of all landscape works have been submitted to and agreed, in writing, by the Local Planning Authority and the works shall be carried out prior to the occupation of any part of the development unless an alternative implementation programme is subsequently agreed, in writing, by the Local Planning Authority. The submitted landscape details shall be in accordance with the General Arrangement Plan 1470_GA_100 Rev B and shall include:

- Proposed finished levels or contours.
- Means of enclosure.
- Vehicle and pedestrian access and circulation areas;
- Hard surfacing materials.
- Minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, lighting etc.).
- Proposed and existing functional services above and below ground (e.g. drainage power, communications cables, pipelines etc. Indicating lines, manholes, supports etc.).
- Planting plans.
- Written specifications (including cultivation and other operations associated with plant and grass establishment).
- Schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate.
- Implementation timetables and monitoring programs.

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

7. Ecological Enhancements

No works shall take place until the following have been submitted to and approved in writing by the Local Planning Authority:

- A Biodiversity Management Plan (BMP) to include details of ecological enhancements and their future management; and
- Details of the provision of bird and bat boxes on site.

The details shall then be implemented as approved and maintained thereafter.

Reason: In the interests of ecological mitigation and enhancement.

8. Land Raise Methodology

No works in connection with the land raise of the site shall take place until details of the Land Raise Methodology for all material being re-used on site or from off site, as part of a Materials Management Plan (MMP) or Environmental Permit, has been submitted to and agreed in writing by the Local Planning Authority. The development shall then be carried out in accordance with the agreed methodology.

Reason: The permitted development includes an element of land raise and Colchester Borough Council wish to ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

9. Architectural Detailing

Notwithstanding the details submitted, no works shall commence (above ground floor slab level) until additional drawings (at scales between 1:20 and 1:1) that show details of the architectural detailing of the development hereby approved have been submitted to and approved in writing by the Local Planning Authority. Details shall include window detailing (including details of the depth of reveal and dormer features); rooflights to be used; recessed brickwork and timber cladding; and any eaves, verge, ridge, and guttering details. The development shall then be implemented in accordance with the approved drawings.

Reason: Insufficient detail has been submitted to ensure that the proposed works are of high quality design to safeguard the special architectural or historic interest of the setting of a grade II listed building (Salarybrook Farm).

10. Materials To Be Agreed

No external facing or roofing materials shall be used in the construction of the development hereby permitted until precise details, or samples as required, that stipulate the manufacturer, types and colours of these have been submitted to and approved, in writing, by the Local Planning Authority. Such materials as may be approved shall be those used in the development.

Reason: In order to ensure that suitable materials are used on the development as there are insufficient details within the submitted planning application.

11. Flood Risk Mitigation and Evacuation

The flood risk mitigation and evacuation measures set out in Section 7 of the Evans Flood Risk Assessment (ref: 1920/RE/09-17/01 Revision A) and Section 3 of the Evans Flood Warning and Evacuation Plan shall be implemented and/or put in place prior to the occupation of the development hereby approved. No occupation of the development shall take place until a Business Flood Plan has been submitted to and approved in writing by the Local Planning Authority. The approved plan shall then be implemented in addition to the Flood Risk Assessment and Flood Warning and Evacuation Plan.

Reason: In the interests of residents safety in the event of flooding.

12. Highway Requirements

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

- a) A priority junction off Elmstead Road to provide access to the proposal site. Junction shall be at 90 degrees to the highway and have but not be limited to a 43 x 2.4 x 43 metre visibility splay; and
- b) Residential Travel Information Packs in accordance with Essex County Council guidance.

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

13. Landscape Management Plan

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

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

14. Noise

Further to the noise assessment by Sharps Redmore dated 14 May 2018 the internal noise levels exceed those stated in the current version of BS8233 with windows open, enhanced passive ventilation with a sound reduction value R_w of 30dB shall be provided to ensure compliance with the current version of BS8233 with windows closed and that maximum internal noise levels at night do not exceed 45dBA on more than 10 occasions a night. The windows shall have a sound reduction value $R_w + C_{TR}$ of 30dB.

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

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

15. Light Pollution for Minor Development

Any lighting of the development (including resultant sky glow, light trespass, source intensity and building luminance) shall fully comply with the Institute of Lighting Professionals (ILP) Guidance Note 8 Bats and Artificial Lighting (2018) and should not exceed the figures and advice specified in the CBC External Artificial Lighting Planning Guidance Note for zone EZ2 RURAL, SMALL VILLAGE OR DARK URBAN AREAS.

Reason: In order to minimise risk of disturbance of potential features that may provide bat commuting and foraging habitat and to safeguard the amenity of the surrounding area by preventing the undesirable, disruptive and disturbing effects of light pollution.

16. Bin Stores

Communal bin stores shall be fitted with lockable doors and the floors coated with an impervious layer and thereafter maintained.

Reason: To ensure that adequate cleansing is practicable to prevent odours so as to avoid unnecessary detrimental impacts on the surrounding area and/or neighbouring properties, as there is insufficient detail within the submitted application.

17. Unexpected Contamination

In the event that contamination that has not previously been identified in the 'Campbell Reith Land Quality Assessment, Elmstead Road, Colchester, Rev F1, Final, Ref 12897, dated 17/8/18' is found at any time when carrying out the approved development, it must be reported in writing immediately to the Local Planning Authority. An investigation and assessment of the nature and extent of the contamination must be carried out in accordance with a scheme which must first be submitted to and approved in writing by the Local Planning Authority. The results of the subsequent site investigation shall then be submitted to and approved by the Local Planning Authority. If any unacceptable contamination is found during the site investigation, a report specifying the measures to be taken to remediate the site to render it suitable for the development hereby permitted shall be submitted to and approved in writing by the Local Planning Authority and the site shall be remediated in accordance with the approved measures before the development is occupied/brought into use. If, during the course of development, any unacceptable contamination is found which has not been identified in the site investigation, additional measures for the remediation of this source of contamination shall be submitted to and approved in writing by the Local Planning Authority. The remediation of the site shall incorporate the approved additional measures. A verification report shall be submitted to and approved in writing by the Local Planning Authority before the development is occupied/brought into use.

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

18.0 Informatives

18.1 The following informatives are also recommended:

Advisory Note on Construction & Demolition

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

2. In the interests of ecology and the protection of mammals, it is recommended that any trenches be covered over with wooden sheeting and any construction zones fenced off at night.

3. Informative on site clearance

The developer is advised to undertake a precautionary approach during site clearance works in respect of reptiles and nesting birds:

- Any longer grass/scrub areas of the site should be strimmed carefully under ecological supervision, following the erection of reptile fencing around construction zone;
- Site clearance should be undertaken in the season when reptiles are active (Broadly March to early October), with appropriate due diligence given the cross over with the nesting bird season.
- In the unlikely eventuality that reptiles are found during clearance, contractors should halt works, capture the reptile using gloves and stored in a provided container. The appointed ecologist should then be immediately contacted to ensure that any reptiles are relocated to a safe, suitable area outside of the area of clearance/disturbance, such as the grass embankment/tree dominated area to the north of the site alongside the A133.
- The bird breeding season is from March to September. If works to vegetation are proposed during the season, a check should be made for nests prior to works commencing. If nests are present, they should be left intact and undisturbed until the young have fledged.

4. Informative on Conditions Stating Prior to Commencement/Occupation

PLEASE NOTE that this permission contains a condition precedent that requires details to be agreed and/or activity to be undertaken either **before you commence the development or before you occupy the development**. This is of critical importance. If you do not comply with the condition precedent you may invalidate this permission and be investigated by our enforcement team. Please pay particular attention to these requirements. To discharge the conditions and lawfully comply with your conditions you should make an application online via www.colchester.gov.uk/planning or by using the application form entitled 'Application for approval of details reserved by a condition following full permission or listed building consent' (currently form 12 on the planning application forms section of our website). A fee is also payable, with the relevant fees set out on our website.

5. Informative on Any Application With a Site Notice

PLEASE NOTE that a site notice was erected in a publicly visible location at the site. Colchester Borough Council would appreciate your co-operation in taking the site notice down and disposing of it properly, in the interests of the environment.

6. Anglian Water Informative

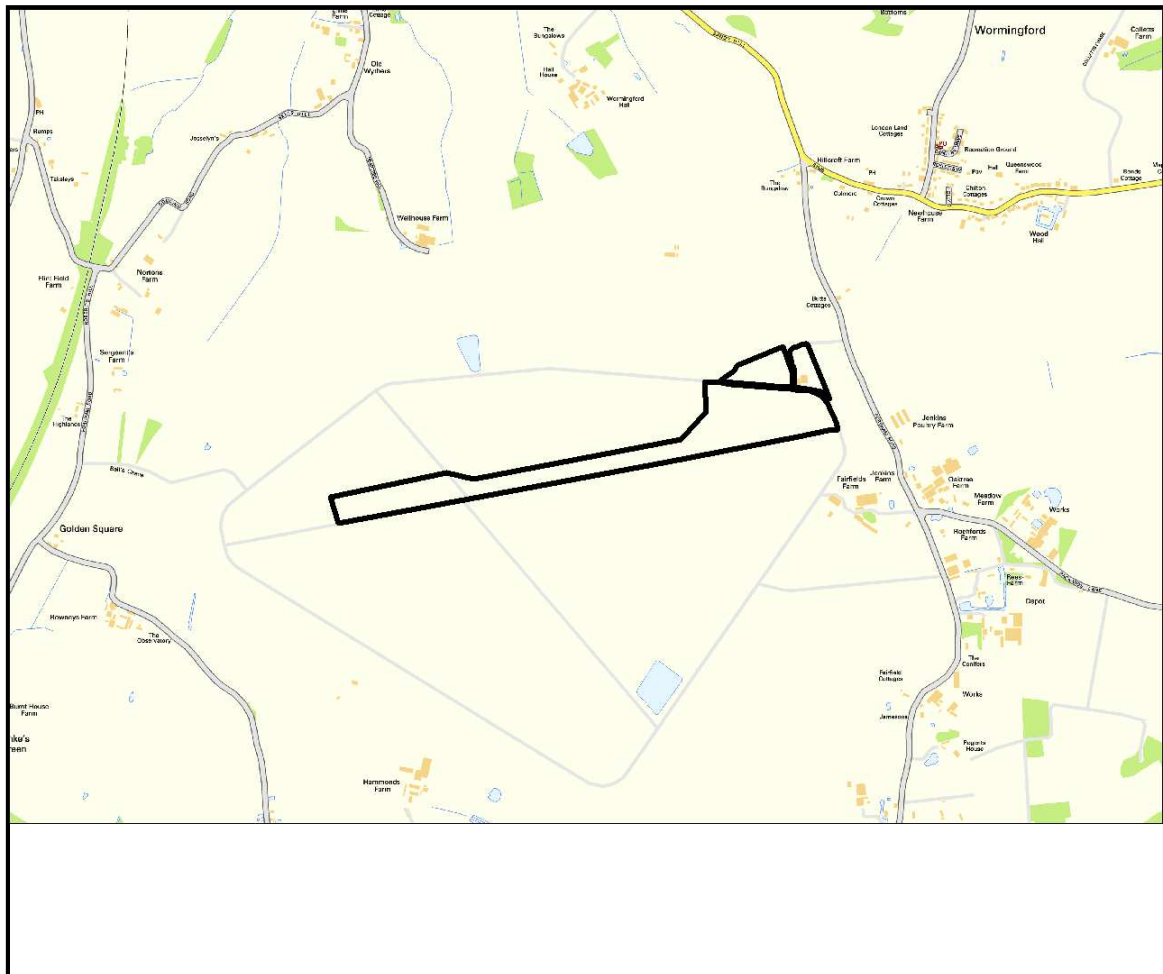
Desktop analysis has suggested that the proposed development will lead to an unacceptable risk of flooding downstream. It is therefore highly recommend that you engage with Anglian Water at your earliest convenience to develop in consultation with us a feasible drainage strategy. A Pre-planning enquiry with the Anglian Water Pre-Development team can be completed online at: <http://www.anglianwater.co.uk/developers/pre-development.aspx>

7. Landscape Informative

'Detailed landscape proposals, if/when submitted in order to discharge landscape conditions should first be cross-checked against the Council's Landscape Guidance Note LIS/C (this available on this CBC landscape [webpage](#) under Landscape Consultancy by clicking the 'read our guidance' link).'

8. Land Contamination Informative

All imported materials for use in soft landscaping areas must be verified as suitable for use, in accordance with the guidance detailed in the [Essex Contaminated Land Consortium's technical guidance document](#).



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Item No: 7.2

Application: 182217

Applicant: Mr Steve Jones

Agent:

Proposal: Application for the use of Touring Motor Gliders (TMG). All other existing uses to remain the same. This application is for permanent consent following temporary consent given on Application Ref 150972.

Location: Essex & Suffolk Gliding Club, Wormingford Airfield, Fordham Road, Wormingford, Colchester

Ward: Rural North

Officer: Lucy Mondon

Recommendation: Approval subject to conditions

1.0 Reason for Referral to the Planning Committee

- 1.1 This application is referred to the Planning Committee because it constitutes a major application where objections have been received.

2.0 Synopsis

- 2.1 The use of the site for Touring Motor Gliders (TMG), in addition to the existing use of the site for non-motorised gliders, was granted a temporary permission in 2015. The current application seeks to make this arrangement permanent. The main considerations in this case are whether the trial period has resulted in any harmful impacts and whether there have been any changes in circumstances that influence the acceptability of the proposed use.
- 2.2 Having considered the impacts of the use during the temporary period, as well as other material planning considerations, the proposal is considered to be acceptable on a permanent basis subject to conditions.

3.0 Site Description and Context

- 3.1 The application site is on Wormingford Airfield. It is a predominantly grassed area with a range of buildings, including a hanger and club house facilities and parking for cars, glider storage and associated caravans. The site is screened from the road by hedging. There are views from public footpaths around the perimeter of the airfield (those in closest vicinity being PROW 14, 24, 30, 46, 48). The site is surrounded by agricultural land. Approximately half a mile to the north is the Dedham Vale AONB and the Wormingford Settlement Boundary. There is sporadic housing around the edges of the airfield.

4.0 Description of the Proposal

- 4.1 The application seeks planning permission for the use of the site for Touring Motor Gliders (TMG) in addition to the current use of the site for non-motorised gliders. The use has previously been granted temporary permission for three years which is due to expire on 31st December 2018. All conditions from the temporary permission (other than the temporary period) would remain in force. Further details of the conditions are set out in section 6.0 (Relevant Planning History) of this report.
- 4.2 The application is supported by an Explanatory Statement and Noise Assessment. The Applicant has also issued a response to the objection comments received.

5.0 Land Use Allocation

- 5.1 Unallocated.

6.0 Relevant Planning History

6.1 A summary of relevant planning history is as follows:

- COL/91/0338 Use of the land for gliding club and ancillary purposes allowed on appeal;
- COL/96/1085 Removal of conditions restricting hours and days of use allowed on appeal;
- 150972 Temporary permission granted for the use of Touring Motor Glider (TMG) in addition to permitted uses

Further details are as follows:

6.2 The current planning application follows on from the temporary permission granted in January 2016 (ref: 150972). The application was recommended for approval, with the Planning Committee resolution being to approve planning permission for a temporary period of three years. The conditions attached to the Decision Notice include:

1. The permission will expire on 31st December 2018.
2. Confirmation that the conditions of planning permission COL/91/0338 remain in force, other than condition 2 which is varied to allow for Touring Motor Glider (TMG) use.
3. There is to be a space of at least sixty minutes between take offs (with the exception of one day per annum).
4. The Council is to be notified two months in advance of the Essex and Suffolk's Gliding Club's Open Day.
5. The club must not operate or fly the TMG outside the hours 0800-2100.
6. The club must not make any more than eight take-offs in the TMG per day.

6.3 For completeness, the 1991 permission referred to above for the use of the land for gliding club and ancillary purposes (ref: COL/91/0338) was allowed on appeal and included the following conditions:

1. The permission relates solely to the use of the site for the purposes of a gliding club and ancillary purposes, excluding the use for general aviation and other aero sports including parachuting and microlight aircraft or model aircraft flying.
2. No powered aircraft of any kind (including tug aircraft and motorised gliders) shall land or take-off from the site except on four specified days per year [Case Officer note: this condition was varied to include TMG use as per the temporary permission 150972.]
3. Hours of use removed under application COL/96/1085 allowed on appeal.
4. Days of use removed under application COL/96/1085 allowed on appeal.
5. There shall be no launches of any kind from the north-south runway or from within 50 metres of a public footpath.

7.0 Principal Policies

7.1 Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. The National Planning Policy Framework (NPPF) must be taken into account in planning decisions and is a material consideration, setting out national planning policy. Colchester's Development Plan is in accordance with these national policies and is made up of several documents as follows below.

7.2 The adopted Colchester Borough Core Strategy (adopted 2008, reviewed 2014) contains local strategic policies. Particular to this application, the following policies are most relevant:

SD1 - Sustainable Development Locations
ENV1 - Environment
ENV2 - Rural Communities

7.3 The adopted Colchester Borough Development Policies (adopted 2010, reviewed 2014) sets out policies that apply to new development. Specific to this application are policies:

DP1 Design and Amenity
DP10 Tourism, Leisure and Culture
DP22 Dedham Vale Area of Outstanding Natural Beauty

7.4 Regard should also be given to the following adopted Supplementary Planning Documents (SPD):

Eight Ash Green Village Design Statement

7.5 Submission Colchester Borough Local Plan 2017-2033

The Council is developing a new Local Plan that has been submitted to the Planning Inspectorate (October 2017). An Inspector has been appointed and the formal examination commenced in January 2018. The examination is ongoing.

Paragraph 48 of the Framework states that decision makers may give weight to relevant policies in emerging plans according to:

1. The stage of preparation of the emerging plan;
2. The extent to which there are unresolved objections to relevant policies in the emerging plan; and
3. The degree of consistency of relevant policies to the policies in the Framework.

The Emerging Local Plan is at an advanced stage and is, therefore, considered to carry some weight in the consideration of the application, but as it is yet to undergo examination, it is not considered to outweigh the material considerations assessed above in accordance with up-to-date planning policies and the NPPF.

8.0 Consultations

8.1 The stakeholders who have been consulted and who have given consultation responses are as set out below. More information may be set out on our website.

8.2 Archaeological Adviser

No material harm will be caused to the significance of below-ground archaeological remains by the proposed development. There will be no requirement for any archaeological investigation.

8.3 Cadent Gas

Identifies a high or intermediate pressure (above 2 bar) Gas Pipeline and associated equipment in the vicinity of the site. A member of the Cadent Pipelines Team will provide comments.

8.4 Dedham Vale AONB and Stour Valley Project

The AONB team submitted 2 responses to the previous application 150972. In its first response, the team raised the need to consider potential impacts on the natural beauty and special qualities of the AONB, particularly impact on tranquillity from noise associated with the use of the Touring Motor Glider (TMG) at Wormingford airfield. In its 2nd response to this application, following receipt of additional information from a noise monitoring survey and information about limits to the number of take-offs per day, the AONB team were of the opinion, that from the evidence submitted, no significant harm would be caused to the natural beauty and special qualities of the AONB.

Approval of this application would permit the use of a TMG at Wormingford Airfield permanently. Noise generated by the TMG during take-off and landing has been shown to be within acceptable levels so as not to constitute a nuisance and there are likely to be quite a few days when the TMG will not be useable.

As the only change being sought through application 182217 is for permanent permission to use a TMG at the airfield, the AONB team considers that the current proposal will not harm to the natural beauty or special qualities of the Dedham Vale AONB or its setting. As such it is considered to comply with Colchester's Borough Council's adopted Development Management Policies DP1 criteria iii (Design and Amenity) and DM22 (Dedham Vale AONB) and with the objectives of the AONB Management Plan with regards tranquillity.

If the Council is mindful to approve the application we would request that conditions 1 and 5 attached to planning approval for application 150972 are also attached to the current application to continue to protect residential amenity of communities living close to the airfield and to continue to conserve the natural beauty and special qualities of the AONB.

8.5 Environmental Protection

We have had only one complaint and that was a visitor demonstrating a jet sustain motor. I went out and spoke to them and was satisfied it was a one off and nothing to do with the T.M.G.

The complainers about the motor glider were advised to call us to witness but never did and the extensive work carried out by us showed the T.M.G not to be a nuisance and with the conditions attached to the use of the T.M.G would prevent it from ever becoming one.

We would therefore have no objection to the temporary permission becoming permanent.

8.6 Essex Bridleways Association

No comments received.

8.7 Essex County Council Highways

No comments received.

8.8 Essex County Council (PROW)

No comments received.

8.9 Essex Wildlife Trust

No comments received.

8.10 Health Safety Executive (HSE)

No objections

8.11 Landscape Officer

As with 150972: The principal concern relating to this proposed development in landscape terms relate to impacts on tranquillity, particularly in relation to the area and setting of the Dedham Vale Area of Outstanding Natural Beauty, to which the Touring Motor Gliders activity could have a potentially detrimental impact. However this concern has been addressed by the Environmental Protection Officer, who, following assessment of the 150972 proposal, concluded in his email of 22.07.15 that:

My role is to be impartial I have looked at this and I do not believe relaxing the condition to allow the use of one TMG from this site could constitute a Statutory Nuisance under law. Yes the residents may hear it, they may even hear it several times a day but that does not constitute a nuisance.

Provided there is no change in the opinion of the Environment Protection Officer, there is no objection to the application in landscape terms.

8.12 Natural England

No comments; the application is not likely to result in significant impacts on statutory designated nature conservation sites or landscapes. Standing advice provided regarding protected species and ancient woodland.

8.13 Planning Policy

No comments received.

8.14 The Ramblers Association

No comments received.

9.0 Parish Council Response

9.1 Alphabetical order for ease of reference only.

9.2 Chappel Parish Council

No comment to make on the application.

9.3 Eight Ash Green Parish Council

No objection

9.4 Fordham Parish Council

Support the proposal provided the terms of the previous permission remain unchanged.

9.5 Wakes Colne Parish Council

Objections from parishioners are noted. Request that all other conditions from 150972 permission remain unchanged.

9.6 Wormingford Parish Council

Support the proposal provided the conditions from 150972 remain in force.

10.0 Representations from Notified Parties

10.1 The application resulted in a number of notifications to interested third parties including neighbouring properties. The full text of all of the representations received is available to view on the Council's website. However, a summary of the material considerations is given below.

10.2 Objections (46)

- This summer has seen more gliders in the Stour Valley and the noise level is higher than expected;
- Noise pollution (take-off and landing, as well as flight time);
- Pollution from motorized engines;
- There is a gas pipeline on the airfield and gas supply will be severely jeopardized with danger of accidents and gas leaks;
- Peace and tranquility of the area will be destroyed;
- Loss of wildlife;
- The current use does not comply with the permitted use: more than one powered glider took off at once during an open day, as well as other plane flying throughout the day;
- Strongly object to an extension of the current flying times due to excessive noise harming the quality of life for local people;
- The application does not detail the intended or likely number of daily TMG powered flights;
- There is little economic or social contribution from the club to the community as a result of the proposal;
- The club is a gliding club and not an airfield for powered craft; there is a distinct change in the potential impact of the Club's activities;
- Winched gliding activity at the site is audible but not generally a noise issue. The use of TMG is significantly more audible and intrusive. Any increase in the use of powered flights will add to noise to the detriment of environmental tranquility;
- The noise survey does not address the impact of overhead TMG engine noise upon properties below likely flight paths;
- The area between the Stour and Colne is an area of significant natural beauty, history, and tranquility and Mount Bures Road is designated as a Protected Lane; its tranquility and biodiversity should be respected and protected;
- There is a Wildlife site at Sergeant's Orchard to the west of the airfield and a woodland at the eastern side of the airfield and any increase in airfield activity, particularly in respect of noise, is undesirable;
- Already subject to daily noise from Stansted commercial flights and flights from Earls Colne airfield. Powered flights will increase disturbance and pollution;
- Issues of noise since the club started in 1990;
- Breaches of permission 150972 with use of a jet powered glider;
- If permanent permission is granted the club will breach any restrictions;
- Launch numbers should be controlled;
- Granting permanent permission will increase the use of motor gliders and related noise levels;
- There are existing facilities at Essex Gliding Club and Earls Colne Airfield that can be used instead
- The application should be refused unless the club can prove their intention of trying to cause minimal inconvenience to local residents;
- Permission would not limit the number flights;
- There is no fire station offering emergency support near to Wormingford;

- If approved the permission should include a limitation that the TMG engines will not be engaged within two nautical miles from the landing strip (as applied at Stratford on Avon Gliding Club);
- Issues relating to planes towing gliders for take-off;
- The site currently works well with non-motorised gliders that fly frequently most days but create minimal noise pollution. The area is currently quiet and peaceful. Motorised gliders will cause noise pollution;
- Issues of privacy with passengers taking photographs of property from the gliders;
- Safety to general public:
 - There is a public footpath that crosses the runway;
 - Risk to humans and domestic pets in the absence of fence separation, blast screens, or pedestrian traffic lights;
 - Risk of bird or animal strike;
 - Given the proximity of the Anaerobic Digestion Plant to the site, which produces methane gas, consideration should be given to the maximum size, weight, and power of the aircraft, as well as the minimum pilot qualifications and experience for powered flight. Concern regarding the impact of a glider hitting the plant.
- Comments on the proximity of club members on site, members of the public, workers at the nearby crisp factory given risks of fires and incidents;
- Queries regarding insurance.

10.3 General Observation (3)

- The presence of the gliding club prevents general power aircraft flying over the surrounding area up to a height of 3000 feet. If the gliding club did not exist, residents would be subject to powered aircraft of any size flying over rural properties at the minimum legal height of 500 feet.
- Unaware of any complaints procedure so the views of residents submitted as part of this application should be taken into account.

10.4 Support (2)

- The gliders are a pleasant addition to the area and do not have any detrimental effect.
- Issues of noise are unsupported given that military helicopters fly over the area at low level at all hours of the day or night which make more noise than gliders or a Touring Motor Glider.

10.5 A comment was also received requesting that applications that affect a wider area, such as this application, be advertised more publically via an advert in all the local papers.

11.0 Parking Provision

11.1 In accordance with the Vehicle Parking Standards SPD, car parking requirements for sports facilities are judged on individual merit. When looking at the parking requirements for specific leisure uses set out in the SPD (e.g. outdoor sports pitches, golf clubs etc) car parking is a maximum standard. The site currently has car parking facilities on site and, given the focus on

maintaining maximum car parking at destinations in order to promote more sustainable forms of transport, no further car parking is proposed. There is adequate space on site for cycle parking, motorbike parking, and accessible parking.

12.0 Open Space Provisions

12.1 Not applicable in this case. No policy requirement.

13.0 Air Quality

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

14.0 Planning Obligations

14.1 As a “Major” application, there was a requirement for this proposal to be considered by the Development Team. It was considered that no Planning Obligations should be sought.

15.0 Report

15.1 The use of the site for Touring Motor Gliders (TMG), in addition to the existing use of the site for non-motorised gliders, was granted a temporary permission in 2015. The current application seeks to make this arrangement permanent. All restrictive conditions currently in place as part of previous permissions would remain in force. The National Planning Practice Guide states, in the chapter Use of Planning Conditions, that ‘temporary permissions may be appropriate where a trial run is needed in order to assess the effect of the development on the area or where it is expected that the planning circumstances will change in a particular way at the end of that period’. The Guidance goes on to state that it is rarely justifiable to grant a second temporary permission and that further permissions should normally be granted permanently or refused if there is clear justification for doing so.

15.2 The main considerations in this case are, therefore, whether the trial period has resulted in any materially harmful impacts and whether there have been any changes in circumstances that influence the acceptability of the proposed use.

15.3 Having visited the site and considered all consultation responses received there are not considered to be any changes in circumstances that affect the proposal. The assessment made in 2015 is still, therefore considered to be relevant (a copy of the 2015 committee report is attached as an appendix to this report).

15.4 In assessing whether the trial period has resulted in any harmful impacts that may justify a refusal of permanent planning permission, it is noted that there has only been one complaint to Environmental Protection regarding the site since temporary permission was granted and that this complaint was not connected to the use of TMG. Similarly, whilst there have been two enforcement complaints (about the same matter) made since temporary permission was granted, these were not in connection with the use of TMG. There is no evidence to suggest

that the use of the site for TMG over the last three years has had any harmful impacts in terms of the character of the area or residential amenity. One comment has been received that states that they were unaware of any complaints procedure, but there are several ways in which local residents can contact the Council; the front page of the Council's website provides links to contacting Environmental Services to report noise or other nuisances and there are also links to the Planning Service where contact can be made with Planning Enforcement. Residents contacted during the 2015 application would also have had the contact details for Planning Services with which to make contact.

- 15.5 A number of objections from local residents have been received as part of the current application. The objections focus on issues of noise, disturbance, and erosion of privacy, as well as impact on the tranquillity of the area and AONB, wildlife, and safety concerns. The reasons for objections on these grounds are varied, with some objectors being under the misapprehension that the proposal is to increase the number of flights from the site; this is not the case. Other objections are concerned with the fact that the proposal will disrupt the current tranquillity of the area; this in itself suggests that the use of the site for TMG flights has had very minimal impact if it has gone seemingly unnoticed over the last three years. A number of objections are concerned with the principle of TMG and the general implications of noise, disturbance, and erosion of privacy. These matters were considered as part of the previous application, with particular attention being paid to issues of noise. Professional opinion has been sought from the Council's Environmental Protection Officer who maintains that, given the noise survey evidence and lack of any complaints, there are no objections to the proposal.
- 15.6 The Applicant has submitted comments in response to objections; pertinent points include:
- The proposal is not for additional use, only a continuation of the existing use.
 - There would not be any extensions to flying times.
 - Flight numbers from 2015-2017 have been roughly the same (within 10%). Flights in 2018 will be slightly less.
 - The gliding club 'welcomes more than 1,000 visitors each year, many of whom come from the local area. These visitors come to savour the wonderful experience of flying in a glider. Our Open Weekend, which has free entry, attracts around 500 visitors, again many from the local area and this year 140 of these were able to experience a flight in a glider. We provide facilities for clubs and associations to experience flying in a glider. Many of these are youth organisations such as cubs, scouts and air cadets. Again many of these are local. Our own youth section has about 30 members (20% of the club membership) and most of these are local. We have very recently provided facilities to the Colchester Film Society to pursue their hobby of film making. We are participating with the Wormingford village in their commemoration of the 2nd WWI armistice on November 11th. We will be holding a series of lectures on flying related topics during the winter and we have invited local residents to these.'
 - The airfield is managed as a nature reserve. If the airfield were not in place the land would revert to agricultural use and the habitat that has been created would be lost.

- The Open Day referred to did have power planes taking off in accordance with current planning consent. There was only one TMG at the Open Day.
- There has only been one TMG in use this year and there have not been more than eight flights in a day.
- Typical flying height for TMG is approximately 1,000 to 2,000 ft. It would be an exceptional occurrence to achieve 3,000 ft on a winch launch.
- 'The normal launch pattern, if the TMG is taking off in a westerly direction, is for the pilot to make a 90 degree left or right turn roughly at the airfield boundary, then another 90 degree left or right turn to fly parallel to the runway. This is done for two reasons. Firstly to minimise the noise impact on properties to the west of the airfield and, secondly, for safety reasons so that if there is an emergency, for example an engine failure at low level, the pilot can turn into the runway and land safely.' At normal flying speed (55kts, equating to approximately 1 mile per minute) the glider would fly over a property and be more than 1 mile away within a minute and 2 miles away within 2 minutes where it would be barely visible and inaudible.
- Pilots are not allowed to fly lower than 500 ft in the vicinity of the airfield unless they are on take-off or on approach for landing.
- The noise assessment does measure the noise from the TMG in flight; the noise from the TMG was indistinguishable from background noise.
- The incident where a glider with a jet sustainer engine has been dealt with and the glider (which is not a TMG) has been removed from the airfield and will not be allowed back.
- The application does not include tug planes. These will only be used when permitted on the power days.
- Many members of the club are local residents.
- TMG are not microlights.
- Cameras are not allowed in the gliders for safety reasons.
- Pilots are subject to the Civil Aviation Authority (CAA) regulations.

15.7 Consultations have been undertaken with landscape (the Council's Landscape Officer, the Dedham Vale AONB and Stour Valley Project), nature (Natural England, Essex Wildlife Trust), and highway professionals (Essex County Council Highway Authority and Public Rights of Way), with no objections being received and consultations with The Ramblers Association and Essex Bridleways Association has not generated any comment. It is held, therefore, that the use of the site for TMG has not given rise to any issues that may make these bodies object to a permanent use. It is therefore concluded that the impact of the proposal upon the AONB, ecology, highways, and the safety of users of the nearby public rights of way is acceptable.

15.8 There is a gas pipeline that runs through part of the runway. Consequently, Cadent Gas and the Health and Safety Executive have been consulted. The Health and Safety Executive do not object to the proposal. Comments are awaiting from the Cadent Pipelines Team.

15.9 Procedural matters:

Some comments have been received that suggest that the application has not been consulted widely enough. The application was advertised in accordance with the Town and Country Planning (Development Management Procedure) Order 2015. An advertisement was placed in the local paper (Evening Gazette), a site notice was put up at the entrance to the site and public right of way, and consultation letters were sent to all residents that were originally consulted as part of the 2015 application, as well as those who submitted comments as part of that application.

16.0 Conclusion

16.1 The use of the site for Touring Motor Gliders (TMG) has operated for at least three years without issue/complaint in respect of noise, safety, ecology, and general amenity. Using the temporary permission as a 'trial run' as advised in Government guidance has, therefore, been successful in determining that the impacts of the proposal are minimal and that there are no justifiable reasons for refusal. Subject to the retention of conditions that limit the types of aircraft that can be used at the site, the hours of operation, and number of take-offs per day (including how frequently) will provide adequate mitigation of any impacts/implications of the use.

17.0 Recommendation to the Committee

17.1 The Officer recommendation to the Committee is for:

APPROVAL of planning permission subject to any comments/amendments/conditions recommended by Cadent Gas and the following conditions:

1. Time Limit for Full Permissions

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

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

2. Scope of Permission

This permission relates solely to the use of the site for Touring Motor Gliders (TMG) only as part of a gliding club (no other motorised aircraft including the aerotowe tug plane can land or take off).

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

3. Time between Take-Offs

With the exception of one day per annum (the Essex and Suffolk's Gilding Club's Open Day) there must be a space of at least sixty minutes between take offs in any one direction. That is to say any take off less than 60 minutes from the last will be in the opposite direction.

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

4. Notification of Open Day

The Essex and Suffolk's Gilding Club's Open Day shall not take place unless the Council is notified of its date at least two months in advance.

Reason: So that the Council and other interested parties are aware of the date that the normal restrictions on the spacing between take offs are suspended.

5. Hours of Use

The club must not operate or fly the TMG outside of the hours 08.00hrs to 21.00hrs.

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

6. Number of Take-Offs

The club must not make any more than eight take-offs in the TMG per day.

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

18.0 Informatives

18.1 The following informatives are also recommended:

1. Informative on Permitted Use

This permission varies allows the use of a Touring Motor Glider only (i.e. no other motorised aircraft including the aerotowe tug plane can land or take off). This permission does not in any way vary or remove conditions 1 or 5 of COL/91/0338 detailed in The Planning Inspectorate decision letter dated 17/8/1992. These conditions remain in force and shall continue to apply.

2. Informative on Any Application With a Site Notice

PLEASE NOTE that a site notice was erected in a publicly visible location at the site. Colchester Borough Council would appreciate your co-operation in taking the site notice down and disposing of it properly, in the interests of the environment.

APPENDIX
COMMITTEE REPORT FOR APPLICATION 150972

Case Officer: Jane Seeley **Due Date:** 10/07/2015

Site: Wormingford Airfield, Fordham Road, Wormingford, Colchester

Application No: 150972

Date Received: 15 May 2015

Agent: Mr Raymond Stemp Associates

Applicant: Essex And Suffolk Gliding Club

Development: Application For the additional use of one Touring Motor Glider (TMG). All other existing uses to remain the same.

Ward: Fordham & Stour

1.0 Reason for Referral to the Planning Committee

- 1.1 This application is referred to the Planning Committee because it was called in by Cllr Chapman. The reason for the call in is because the current use of the site for gliding is the result of Planning Inspectorate Appeal decisions and any change to this should be discussed in public. There are considerable concerns regarding the impact on the tranquility of the area if the application is approved.

2.0 Synopsis

- 2.1 This report gives consideration to the use of a Touring Motor Glider (TMG) in addition to the existing approved Gliding Club use at the application site. The proposal is assessed in light of policy, consultation responses and representations. It is concluded that, subject to a number of conditions, the use is acceptable.

3.0 Site Description and Context

- 3.1 The application site is on Wormingford Airfield. It is a predominantly grassed area with a range of buildings, including a hanger and club house facilities and parking for cars, glider storage and associated caravans. The site is screened from the road by hedging. There are views from public footpaths around the perimeter of the airfield. The site is surrounded by agricultural land. Approximately half a mile to the north is the Dedham Vale AONB and the Wormingford Built Up Area Boundary. There is sporadic housing around the edges of the airfield

4.0 Description of the Proposal

- 4.1 This application proposes the use of a motorised glider, known as a TMG, from the site 365 days per year. Currently, due to planning conditions motorised aircraft of any kind can only take off and land on four days a year (see 6.1 below).

5.0 Land Use Allocation

- 5.1 Unallocated

6.0 Relevant Planning History

- 6.1 There is considerable history (including enforcement action) relating to this site both before and since the Essex Gliding Club's use of the airfield. The history which is pertinent to the use of the site and the current proposal is:

COL/191/338 Use of land for gliding club and ancillary purposes. This application was refused and Enforcement Notices were issued. The use was allowed on Appeal subject to conditions including the following which relate to the use of the site:

1. This permission relates solely to the use of the site for the purposes of a gliding club and ancillary purposes, and excludes use for general aviation and other aero sports including parachuting and microlight aircraft or model aircraft flying.
2. Save in an emergency no powered aircraft of any kind (including tug aircraft and motorised gliders) shall land or take-off from the site except on four specified days per year, the dates of which shall have been notified to the Council at least two months in advance.
3. Except on the four days referred to in Condition 2 no glider shall take off from the site except between the hours of 9.00 am and 6.30 pm.
4. Except on the four days referred to in Condition 2 above, no glider shall be launched from the site except on Saturdays, Sundays and one specified day of the week which shall have been previously agreed with the local authority in writing, and all such launches shall be by means of a winch.
5. There shall be no launches of any kind from the north-south runway or from within 50 metres of a public footpath.

- 6.2 COL/96/1085 Application to remove Conditions 3 and 4 of COL/91/0338, refused. Allowed at Appeal.

7.0 Principal Policies

- 7.1 Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. The National planning Policy Framework (NPPF) must also be taken into account in planning decisions and sets out the Government's planning policies are to be applied. The NPPF makes clear that the purpose of the planning system is to contribute to the achievement of sustainable development. There are three dimensions to sustainable development: economic, social and environmental.

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

SD1 - Sustainable Development Locations

ENV1 - Environment

ENV2 - Rural Communities

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

DP1 Design and Amenity

DP10 Tourism, Leisure and Culture

DP22 Dedham Vale Area of Outstanding Natural Beauty

8.0 Consultations

8.1 Planning Policy

"The two key issues arising from the above proposal are potential impacts on the Dedham Vale AONB & Stour Valley landscape which includes tranquillity and potential residential impacts on communities living in the vicinity of the airfield. Tranquillity is an important element of the landscape character of the Dedham Vale AONB and Stour Valley as recognised in section 1.12.3.4 of the current Dedham Vale AONB and Stour Valley Management Plan 2010-2015. The document highlights the potential threats that new development can have on the tranquillity of the AONB. This includes noise impacts from small aircraft using airstrips in and around the Dedham Vale AONB and Stour Valley.

According to The Campaign for the Protection of Rural England's tranquillity maps, the Stour Valley, is a relatively tranquil area and the management plan seeks to continue to protect this tranquillity. The protection of tranquillity

is also an objective in the new emerging Dedham Vale AONB and Stour Valley Management Plan 2015- 2020.

New development must make a positive contribution to the special landscape character and qualities of the AONB, must not adversely affect the character of the AONB, threaten public enjoyment of the area and support the wider environmental or social objectives of the AONB to satisfy development policy DP22.

Policy DP1 generally requires all developments to avoid unacceptable impacts on amenity. Criteria iii in particular, requires developments to demonstrate that they will protect existing public and residential amenity including from noise.

The proposal would introduce 1 new motorised glider on the edge of the Dedham Vale AONB and villages surrounding the airstrip. The airfield where the aircraft would take off from is located approximately 850m from the south westerly boundary of the AONB. Originally no information had been submitted with the application about the number of days/year that the plane planned to fly or the number of anticipated flights and hours of operation. This made it difficult to properly consider compliance with Local Plan policies with respect to impacts on the tranquillity of the AONB and/or on the amenity of residents living close to the site. The agent has since submitted additional information clarifying that 'TMG's flights will typically be of an hour or more, ranging over varying routes and, on returning, cutting the motor before descent towards the airfield and completing a circuit and landing in glider mode. The agent's letter also implied that number of times that the TMG would be in use on any one day is likely to be less than double figures and that the TMG would be unlikely to be flown everyday given weather related constraints.

While approval of this application would introduce a new TMG at Wormingford Airfield, the fact that Environmental Health are satisfied that the noise generated by the TMG during take-off and landing is within acceptable levels and that there are likely to be quite a few days when the TMG will not be useable, the proposal is not considered to generate a policy conflict with either policy DP22 regarding impacts on tranquillity within the AONB or policy DP1 iii regarding noise impact on neighbouring communities"

8.2 Highway Authority

No Objection

8.3 Dedham Vale AONB and Stour Vale Project (received June 2015)

- The area potentially affected by the proposal is within the setting of the nationally designated Dedham Vale AONB. As such, development

- We would expect that consideration is given to the potential landscape impact of the proposal, i.e. visual, noise and other possible impacts on the special qualities of the AONB, including tranquillity.
- The Supporting Statement does not contain any detail relating to the proposed number of take offs/landings in a given period of time and therefore it is difficult for us to ascertain the level of impact that the proposal could have on the area, and in particular the nationally designated AONB.
- Without the detail of proposed activity from the site, including proposed flight paths that may impact upon the AONB, we are unable to give an informed view of the impact of the development on the character and special qualities of the AONB and Stour Valley.
- We note that the application includes a noise survey that states that “the TMG is significantly quieter than the winch during both ground running and take-off”. If the Local Planning Authority is satisfied that these results are robust, the Project would make no further comment on potential impacts of noise in relation to this development application.

8.4 Landscape Officer

The principal concern relating to this proposed development in landscape terms relate to impacts on tranquillity, particularly in relation to the area and setting of the Dedham Vale Area of Outstanding Natural Beauty, to which the Touring Motor Gliders activity could have a potentially detrimental impact. This concern has been addressed by the Environmental Protection Officer. Consideration might therefore be given to exploring if the use of the Touring Motor Glider’s motor might be limited to the west and south of the Wormingford Airfield in order to help further protect the Dedham Vale AONB.

8.5 Environmental Projection

Extracts from consultation response/noise monitoring report amended 14/10/2015

“When Environmental Protection were initially consulted in May 2015 a noise assessment report carried out on behalf of the gliding club by PaceConsult carried out on the 1st May 2015 concluded that noise from the use of the Touring Motor Glider (TMG) created less noise than the motor winch currently used to launch gliders from the airfield.

On the 10/06/2015 Environmental Protection made a subjective evaluation of noise from the TMG. Environmental Protection witnessed a full power take-off and landing plus low level powered over flights both into and out of the wind. Based on this and the noise report from PaceConsult and information supplied by the club on how the TMG will be used. The TMG will be used for the training of pilots to comply with new regulations about to come into force and that the TMG will normally take off and fly away and will not repeatedly take-off and land as we have asked for on this occasion. Environmental Protection did not object to the use of one TMG from this site.

Due to concerns from objectors that Environmental Protection had not witnessed the noise from the TMG at their properties it was agreed that Environmental protection would take sound level readings from two properties located at either end of the airfield. This report covers the findings from those two properties”

Conclusion and recommended condition:

Environmental Protection when assessing noise from premises in regard to a planning application must take into consideration not only the volume but the character, whines, clicks etc. the duration of the noise and the time. A noise at 15.00 may not be a problem, but the same noise at 03.00 may well be. The noise must have a significant adverse impact on the peaceful enjoyment of property. From the assessment carried out at these two properties, Environmental Protection does not believe that the use of one touring motor glider would have a significant adverse impact on residents flying at 1000ft or above. However, Environmental Protection recognises that the area is predominantly quiet and that repeated take-off and landings could combine to cause a significant adverse impact to local residents. Therefore Environmental Protection recommends that there should be a space of 90 minutes between each take-off.”

The suggested conditions were given further consideration by Environmental Protection:

“There should be a space of a least sixty minutes between take offs in any one direction. That is to say any take off less than 60 minutes from the last will be in the opposite direction.

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

The above condition may be suspended on one day per calendar year, that day being the Club’s open day to allow for trial flights.

The operation of the TMG to be restricted to the hours 08.00hrs to 21.00hrs.
Reason: To ensure that the development hereby permitted is not detrimental to the amenity of the area and/or nearby residents by reason of undue noise

Colchester Borough Council Environmental Protection should be given access to the flight log in order to investigate any complaints arising from the use of the TMG.”

8.6 Natural England

Statutory Nature Conservation Sites – no objection

AONB – do not wish to comment other than to advise that the view of the AONB authority should be sought

Protected Species – no assessment undertaken; draw attention to standing advice.

Local Sites and SSSI – standard comment

8.7 Civil Aviation Authority

Comment that they are not a Statutory Consultee.

8.8 Nayland with Wissington Conservation Society

Contrary to policy DP22, DP10 and Environmental and Rural Communities Policies of the Core Strategy and NPPF

The Site is near (approximately 800 yards) to the Dedham Vale AONB; it will not make any positive contribution to the AONB or support the AONB Management Plan objectives; rather the noise will adversely affect the peaceful character of the area.

The number of TMG's is irrelevant to this application; the Applicant is in effect applying for permission to fly a TMG 24 hours a day, 365 days a year.

The suggestion by the Applicant that the TMG will not habitually be flown around the locality as it will take off and land at the airfield on each sortie.

If the number of flights is to be as small as suggested by the Applicant why have they not accepted a limitation on the number of flights or flying days?

8.9 Colne Stour Countryside Association

The existing AONB and the area proposed for extension are renowned for their tranquil unpolluted rural settings.

The application does not meet national or local planning policy. This application is not essential to the future of the Club.

The concerns of the large number of local objectors cannot be ignored.

It is likely, if the proposals were allowed, that there would eventually be a substantial increase in powered aircraft using the site throughout the year.

Concerned about submitted noise report.

There is no precise definition on what comprises a TMG.

It cannot be assumed that the engine will only be engaged on take-off as the noise test supposes. TMGs would then be able to fly over the existing and extended.

In social terms, the noise and disturbance that will be experienced by local residents will far outweigh the benefits to a small number of private

members; the local community should not suffer at the expense of this proposal. The proposal detrimentally affects the many for the advantage of the few and does nothing to advance the environment of the sites rural location

8.10 Campaign for the Protection of Rural England

The present restrictions on motorised aircraft at Wormingford were imposed so as to safeguard the tranquil countryside of the Dedham Vale AONB and the countryside surrounding it; these restrictions are still fully justified.

National policy and local policies are clear that the tranquility and beauty of the Countryside in general and AONBs in particular are to be protected.

The club's proposal for unrestricted use of motorised gliders will damage the area's tranquility to the detriment of residents and visitors alike.

The noise survey in our opinion is seriously flawed.

The amenities of residents still protection from the adverse effects of motorised gliders.

The noise from these aircraft, in damaging the tranquility of the area, will also potentially harm rural tourism contrary to the applicant's assertion that their proposal will benefit tourism.

8.11 Dedham Vale Society

Noise is not an issue that is confined within a single parish but spreads over a large surrounding area. In the case of Wormingford Airfield is within a few hundred yards of the Dedham Vale Area of Outstanding Natural Beauty and the area of the proposed AONB extension towards Bures and any increased noise levels would impact on the peace and tranquillity of the whole area. NPPF Section 115 and DP22 are material considerations.

A key element in protecting AONBs is to preserve the peace and tranquillity of the countryside for those living there as well as those visiting for recreation.

No attempt to fully quantify the level of activity of the TMG or to quantify noise level when TMGs leave the airfield and are operating over open countryside and particularly the Dedham Vale AONB.

The noise from a TMG is intrusive and adds to the excessive noise from various forms of aircraft crossing the area.

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

9.0 Parish Council Responses

9.1 Wormingford Parish Council (comment received in June 2015)

After lengthy discussions with residents and the Gliding Club, Wormingford Parish Council resolved at their June meeting to OBJECT to this application in its current form.

Cllrs appreciate the new regulations that are coming into effect in 2018, and understand that the gliding club needs to amend its current operations to conform, however they feel that the current application is still lacking any appropriate information in relation to the proposed number and frequency of flights by TMG aircraft. We would encourage the Planning Department to take the Parish Councils and residents concern into account when making a decision on this application and to reject this application as it presently stands. If a further application were to be submitted it should contain proposals regarding reasonable restrictions of the amount of use of the TMG in order to allow more detailed considerations by interested parties.

9.2 Eight Ash Green Parish Council (comment received following reconsultation in November 2015)

No objections - based on the additional information provided which alleviated previous concerns, subject to the planning authority applying the appropriate conditions to restrict the use of the airfield to that stated in this application.

9.3 Mount Bures Parish Council (comment received in June 2015)

Object:

Concern about general lack of information including number and frequency of flights

Concerns about impact of TMG both now and in the future on the rural environment with many equine businesses.

9.4 West Bergholt Parish Council (comment received July 2015)

Unable to adequately respond to this application due to the lack of information on the timings and the number of flights and how the aircraft's noise would be monitored.

9.5 Nayland with Wissington Parish Council (comment received in June 2015)

Object - due to its unrestricted nature.

9.6 Chappel Parish Council (comment received in June 2015)

Residents are concerned about the airborne noises and would like to see a noise survey to include the airborne noise of the motorised glider.

Concerned about the lack of information on the number of flights that the TMG is likely to make and there should be restriction of number of movements and number of TMG's allowed to be used at any one time.

- 9.7 Little Horkesley Parish Council (comment received following reconsultation in November 2015)
One TMG being launched at 90 minute intervals would be acceptable – the Parish Council concurs with this assessment.

Given the chronic lack of trust between the Essex & Suffolk Gliding Club and the local community over many years, it is essential that the operation of the TMG is monitored on a daily basis and at the end of the first, and subsequent years, made available to interested local parties. Should the limits be exceeded planning permission should be withdrawn.

- 9.8 Wakes Colne Parish Council (comment received following reconsultation in November 2015)
Objection -wish to support parishioners' serious concerns about airborne noise from motorised gliders over a large area and the increased number of days that motorised gliders can be used by opposing this proposal.

10.0 Representations

- 10.1 142 Objectors (including SWAT “Stop Wormingford Air Traffic”) to the scheme as originally submitted.

General comments on the submitted application

The supporting statement is deliberately vague; there is little evidence of involvement with local community groups/schools.

Lacking in details of use of TMG(s).

Removes restrictions on 4 aero-tow days per year, could be seven days a week including early morning and late evening in the summer.

Majority of club members aren't from the local area.

Is in effect retrospective as TMG already flown.

No mention is made of the hours for glider activity.

Noise

There is noise from existing launching method.

Continual or irregular noise pollution creates anxiety states and disturbs village affecting young and elderly alike.

Why should the quality of life of local inhabitants in the surrounding area of the airfield should be so disrupted and disregarded for the sake of a small group of people. No benefit for local area.

Noise disturbance Woodland Trust sites near Fordham and Wormingford Church Yard which has Constable Family graves

The Gliding Club is a club primarily for providing enjoyment for its members. We sympathise with its desire to offer training but to suggest that the local residents should have to endure the inevitable noise pollution that the TMGs will create just so that the club can generate additional income is totally unacceptable.

BS 4142: 1997 for noise control in the environment is exceeded.

British Gliding Association has produced a handbook on TMGs in which it states (Page 7, section 12) that TMGs although quieter than most powered aircraft do have noise issues and can lead to complaints from residents.

The use of these aircraft will have a significant impact on very large area given the range and speed of modern TMGs.

Gliders make a noise when airborne.

The fact the TMG's are quieter than aircraft is irrelevant they are noisier than gliders.

Motorised gliders could be used for practising near-landings in a wide area beyond the airfield, using powered climbs several times on a single flight. The potential for low-altitude noise on each training flight is considerable and repeated.

The airspace above Little Horkesley is already used by Stansted airport for circling and holding as well as the air traffic from Nayland Airfield. Any additional noise from aircraft will undoubtedly become a nuisance and detract from what defines this rural area.

Currently can have 30 plus glides a day over garden – horrendous if these were powered.

Have experience of motorised gliders flown elsewhere which caused a noise annoyance.

There are already motorised gliders flying in the area which cause unacceptable noise.

Application talks of the aircraft spending time away from the airfield environs, but not where this might be, might be over flying residential areas and therefore have more of an impact on residential amenity?

There are existing issues with road noise, helicopter and Skip Hire lorries - we do not need any further noise.

Noise levels can be measured objectively; the effect upon individuals is a subjective matter of which there is no measurement

There is a vast difference between the use of a powered aircraft for 4 days per year, as currently permitted, in comparison to potentially 365 days a year dawn till dusk.

Submitted Noise report

Serious concerns about appropriateness of noise report the survey has been conducted in order to reach that conclusion rather than examine the noise effect in areas other than in the immediate vicinity of the winch.

The noise survey provided in support of this application has been sourced from three monitoring stations located only to the South and East of the

application site. It should be specifically noted that the wind direction was East South East (into the airfield and away from residential areas). There was no monitoring away from the airfield such as Wakes Colne or Mount Bures where the aircraft spend most of their airborne activities. The report would thus appear inconclusive

The Noise Survey/Assessment aims to give a comparison....between the noise from the TMG powered take-offs and noise from the normal winch-launch take-offs. However the assessment only gives a comparison of noise from the airfield, not noise at local communities due to overflying craft. From the information provided it is not unreasonable to deduce that TMG noise would be expected to give rise to nuisance in the local environment

The Assessment applies to one TMG only, taking off and landing in a direction away from residents, which will not always be the case as, the application is for TMGs plural and the wind direction changes will alter the take-off direction. More than one TMG and their flying over people's houses will have a considerably different effect on noise and the annoyance factor to residents.

No study of background noise (or ambient noise) has been shown, only the noise of three locations, on the day and at the time of the flights.

The Assessment compares the single TMG noise with the existing winch. The winch exists due to the previous appeal ruling. What we are being asked to accept here is a new and very different and probably much more variable type and level of noise. The tonal nature of a two bladed propeller is very different to the winch noise and is a moving noise source too.

No noise data has been presented to reflect what will be heard when the wind is in a different direction, requiring these aircraft to take off or to land over people's rooftops and gardens. There is no information of the rate of climb of the aircraft, the horsepower of the engines, what constitutes a powered glider in comparison to any other aircraft that is capable of gliding. The application is vague. A height of 300 metres is mentioned but with no idea at what distance from the take-off point this height is achieved.

Privacy/safety

Issues with pilots performing aerobatics over nearby housing.

Any increase in glider activity, which appears to be inherent in the proposal for more than one TMG, will impact on us through increased traffic low over our properties.

Low flying already impinges privacy.

AONB

Intolerable blight on peace and tranquillity.

Judicial Review in 2005 prevented excessive routing of commercial aircraft over the AONB specifically due to noise intrusion conflicting with the "tranquil" designation environmental assessment.

The AONB is of significant regional interest. It is of a rural character worth preserving and enhancing, not for burdening with noise and disturbance from the proposed operations. The proposed development will disrupt the tranquillity of the AONB and severely impact on the enjoyment, character and special landscape interest in the area.

Countryside/wildlife

Area enjoyed by walkers there are footpaths around and near the airfield; cyclists. Horse riders.

Adverse impact on animals - Livestock will be startled and disturbed, Wildlife in their natural largely peaceful noise free current environment will be disrupted and made anxious by the sudden aircraft noise which could affect breeding and use of current habitats. There are livery stables close by.

Adverse impact on Essex Wildlife Trust site at Sergeant's Orchard.

The current airfield and its traffic is already affecting beauty of this beautiful village. No indication of traffic generation; any increase would be dangerous.

Threat to the rural nature of the local environment.

It is a potential risk to the villagers, birds and wildlife. Increasing the traffic is the worst thing that can happen to our lovely village.

The airborne activities cover a much wider geographical area than the site plan. These aircraft circle at relatively low level and powered flight would potentially be of detriment to these Parishes interfering with the peace and privacy of residents.

General

TMGs do not actually glide very well and given the above specifications I believe they are used as light aircraft that do not require a CAA pilot's licence.

Concerns over policing of existing controls.

Adverse impact on air quality.

Motorised gliders for training purposes can be met at other local gliding clubs, e.g. Rattlesdon.

Reference to Great Oakley is irrelevant.

Numbers should be controlled.

Powered flight activities available from nearby Earls Colne and Nayland airfields.

Supporting Statement talks of a "Business Need", is this not a leisure facility rather than a business.

Would severely impact autistic child who is very sensitive to noise.

Traffic

The proposal seeks to increase the attraction of the airfield to new members, which will travel to the site. The surrounding roads are narrow country lanes; even a protected lane is located on the North West side of the airfield. The additional traffic along these country lanes with persons travelling to and from the site potentially in large vehicles towing gliders would cause additional disturbance. This is considered to be potentially dangerous to other highway users and completely inappropriate in such a rural context

Potential for expansion

Only the start could lead to further expansion of this gliding club's activities to include powered flights of all types.

Attempt to ramp up activity could lead to further expansion – helicopters, microlights etc.

Community/economy

Will not support local services/facilities.

Threat to the local community.

Will adversely impact on the tourism potential of the AONB.

Policy

Contrary to:

NPPF, section 3 supporting a Prosperous Rural Economy; proposal does not respect the character of the countryside; neither does it promote the retention and development of local services/community facilities, it is a privately run, members only flying club.

DP10 Tourism, Leisure

' ... In rural areas, locations suitable for tourism, leisure and culture development should help to support existing local community services and facilities.'; the proposal does not relate to a community service.

ENV2 Rural Communities, which states;

' ... Outside village boundaries, the council will favourably consider small-scale rural business, leisure and tourism schemes that are appropriate to local employment needs, minimise negative environmental impacts and harmonise with the local character and surrounding natural environment.'

The use of motorised glider will cause unacceptable noise and general disturbance and therefore, the proposal does not harmonise with the local character and surrounding natural environment.

Policy DP22

The use of motorised gliders will cause unacceptable noise and general disturbance, impacting on the pleasure of those seeking to enjoy the AONB.

General comments on the submitted application

The supporting statement is deliberately vague; there is little evidence of involvement with local community groups/schools.

Lacking in details of use of TMG(s).

Removes restrictions on 4 aero-tow days per year could be 7 days a week including early morning and late evening in the summer.

Majority of club members aren't from the local area.

Is in effect retrospective as TMG already flown.

No mention is made of the hours for glider activity.

10.2 36 objections following consultation in June 2015 (including reference You Tube clips) making the following ADDITIONAL comments:

Proposal is too open-ended.

Additional information does nothing to allay concerns already expressed.

1 TMG would still have an adverse impact on AONB.

Need confidence that the club are committed to having 1 TMG.

Whilst agent has indicated that TMG will usually land without an engine main concern is take off and climb to cruising level noise.

The number of days the TMG will be used is still unclear and should be controlled

The Applicants should afford residents the opportunity to gauge for themselves the likely impact of a successful application. This could be achieved by staging a live demonstration of powered flight of precisely the nature proposed so that necessary acoustic tests could take place.

No evidence of necessity of flights is provided. The reasons given in support of the application remain vague, and the new reference to obtaining gliding qualifications is simply wrong. The BGA's own website explains that Bronze may be obtained with or without the use of TMGs.

Concerned that more flights would be dangerous creating more opportunities for accidents.

The terminology used to describe the frequency of use is vague and open to interpretation.

Club suggestion that the demand for TMG use is low contradicts previous comments.

There is no control over where the TMG would fly – it could be around the local area.

If approved this would lead to the tug plane being used every day.

Incompatible with existing conditions.

Granting of this application is opening the flood gates for other powered craft and abolishing the confidence imposed by the original appeal decision.

The noise will be audible during take-off and landing even if the TMG is flown away from the site.

Frequency of use is vague.

If planning permission is recommended conditions to control use are required.

Concerns about comments of Council's Environmental Protection and Policy Officers.

10.3 18 objections received following consultation in November 2015 (including reference to You Tube clips and a sound file) making the following ADDITIONAL comments:

Take-off and landing only small part of flight time.

Once in air gliders circle to gain height.

With 1 hour TMG could circle for 55 minutes using engine continuously.

There is an increase in noise on powered days which would be unreasonable every day.

Like having a lawn mower over the house.

Gliders are by their very nature relatively quiet and serene. The addition of a motor does ruin the peaceful enjoyment of the local countryside which includes The Stour Valley AONB.

If the application is approved, would be allowed to fly 365 days a year opens the floodgates for further applications to increase this powered flight use.

8 flights a day could lead to 56 launches a week which is intolerable; a compromise would be of 4 or 6 flying days per annum.

There is video evidence of now the TMG is usually flown at a low altitude and full power; this I not now it was flown when the Noise recording was undertaken.

The gliding club have made it clear that the club have routinely used the TMG for powered soaring flight on days other than the 4 permitted days/year in contempt of their current planning permission. Their excuse for this behaviour is that they got away with it, as residents didn't complain. This ignores the obvious fact that as residents have never been informed when the 4 days of powered flight would take place, we would naturally assume on hearing powered flight it must be within the terms of their planning permission, as we had expected the club to adhere to the permission given them. Clearly they cannot be trusted to police themselves and in future their activities will require much closer monitoring.

The unrestricted use of the TMG at the Club's open day violates the existing conditions and restrictions applied to the Club in 1992 and 1996. This is 'creeping planning variation'.

It is neither necessary nor desirable for a TMG to be launched or landing using its engine. Take offs will be the most noisy part of the flight

8 flights a day could lead to 56 launches a week - intolerable.

Use of the engine should be prohibited within several miles radius of the airfield.

Control over number of TMG's that can be operated.

Control over hours of operation required; suggest hours 8 – 9 are unreasonable as people will be using their gardens in the summer during these hours.

How can the number of take offs be policed; this will be difficult and expensive to investigate.

There is no commitment not to use the TMG as a tug plane. It is almost certain that the club will do so to circumvent existing restrictions on tug plane usage.

There is no commitment that the TMG will NOT be used to train pilots or support them maintaining their Licence or only for the Clubs own purposes. If the Club is to make a meaningful concession to the many residents affected by their proposed TMG activities, they should follow the example of other Clubs and introduce their own regulations on the use of TMG.

If the TMG was a cable launched, followed by powered flight to an area far from the launch site, and then use its engine to gain height, people might take a more supportive view of the application.

Peace has been disturbed by pilot of the TMG starting its engine over garden.

10.4 Four representations supporting the application:

Provides activity for teenagers in the village.

The use of the TMG will not increase traffic in village.

More damage to the environment by farming practices.

Vehicles going through the village are far louder than a TMG particularly when it is 2,000ft above you.

It is a privilege to have the gliding club so close and I thoroughly enjoy watching the gliders and support the additional use of a touring motor glider.

The volume of objections is partly due to the well-organised nature of a minority of individuals who have worked to spread misinformation.

Residents should be aware of the potential aircraft noise from airfields before they decide to purchase a house next to one.

The noise levels are virtually non-existent compared to other local noise generating activities.

General Aviation in the UK is under serious threat from these local NIMBY type objections. Landing aircraft will not be under power during their descent, so for residents of Wormingford the noise level of the 'lowest' aircraft will be no worse than the existing glider traffic.

Encouraging general aviation will encourage business in the area.

The airfield ought to be an excellent local resource for local children and air-cadets, who might choose a career in aviation.

Objections regarding pollution are conjecture and unfounded.

The submitted noise report seems to make it clear that the TMGs are significantly quieter in operation than the winch currently used.

Number of flights/flying days per annum for TMGs needs to be clarified, however the quietness of the TMGs is in their favour.

Lawnmowers are louder and carry on for longer than a passing TMG.

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

11.0 Parking Provision

11.1 Not a relevant consideration.

12.0 Open Space Provisions

12.1 Not a relevant consideration.

13.0 Air Quality

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

14.0 Development Team and Planning Obligations

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

15.0 Report

15.1 Current use of the site by the Essex and Suffolk Gliding Club: The Gliding Club has been operating from the application site since 1990. This use is controlled by planning conditions imposed at Appeal in 1992; two of the conditions were removed in 1996.

15.2 Records indicate that in the early 1990's there were issues relating to noise from the plane used to tow gliders into the air. Consequently one of the conditions imposed by the Inspector in 1992 was that the club could only launch gliders by tow plane on four days per year (These are known as the aero-tow days). The Club has to notify the Council in advance of the days

to be used for this purpose. In recent years the club has also notified a number of interest groups/individuals (including SWAT) of the proposed days.

- 15.3 The proposed use of a TMG will enhance the Club's ability for the training of glider pilots and instructors.
- 15.4 Clarifications: The Gliding Club has clarified a number of points which were unclear from their submission and/or have been raised in the representations:
- 15.5 The TMG cannot tow gliders, it is not powerful enough, it does not have the relevant licensing and does not have the equipment to do so.
- 15.6 Non Club Members are not permitted to fly the TMG.
- 15.7 TMG's from other clubs/individuals will not use the airfield. The application is in respect of the operation of a single TMG owned by the Gliding Club.
- 15.8 The Club has code of conduct including flying orders, governing all its operations, which will as a matter of course, be amended to take into account a number of aspects relating to revised operation of the TMG resulting from the terms of any planning permission.
- 15.9 The TMG in order to have adequate take off power would take off in full throttle, as it reaches a safe height this would be reduced accordingly.
- 15.10 The TMG will always use the maximum length of runway available and therefore commence their flight from the take off point for whichever runway is in use at the time. The height at which it crosses the end of the runway is dependent on wind speed i.e. a higher wind speed enables any aircraft to climb more steeply in relation to its progress over the ground.

Noise:

- 15.11 Noise from the proposed use of the TMG both on the nearby AONB and wider and on residential amenity is pivotal to the consideration of this application.
- 15.12 The application was supported by a Noise Survey and, due to the concerns expressed in the representations, noise monitoring has been carried out by Environmental Protection Officers at two properties close to either end of the runway.
- 15.13 National Planning Policies (including paragraph 115 of NPPF) and our Policy DP22 seek to protect the AONB. Tranquillity is an important element of the landscape character. Consideration in consultation with The Dedham Vale and Sour Valley Project and Council Policy Officers has therefore been given to the impact of the TMG. Given the advice of Environmental Protection the conclusion is that the use of a TMG, as proposed, will not

have an adverse impact on the tranquillity of the AONB and wider countryside. It is also recognised that, as set out in the Policy explanation for DP22, the AONB is a living landscape which needs to adapt to changes such as recreational pressures from local community and visitors.

- 15.14 The Landscape Officer has suggested that consideration could be given to limiting the use of TMG's to the west and south of the Wormingford Airfield in order to help further protect the Dedham Vale AONB. The views of the Gliding Club on this suggestion have been sought and will be reported on the Amendment Sheet. However given the comments of the other Consultees on the impact on the tranquillity a condition to this affect is not considered reasonable.
- 15.15 DP1 requires that any use should protect residential amenity. The noise monitoring undertaken by Environmental Protection indicates that the impact on noise from the TMG both close to the airstrip and the wider area will not be unduly intrusive or have an adverse impact on the peaceful enjoyment of property. As the area is predominantly quiet it is considered that repeated take-offs and landings could combine to have a significant adverse impact on local residents. Accordingly, conditions have been suggested to limit the hours of use from 8am to 9pm and to require a space of a least sixty minutes between take-offs in any one direction. That is to say, any take-off less than 60 minutes from the last will be in the opposite direction. In discussion with Club a maximum of eight take-offs a day has be agreed.
- 15.16 The Gliding Club is in agreement with these proposed conditions and has indicated that the number of flights by the TMG will usually be lower than the conditions would allow. It has requested that the conditions be relaxed one day a year. This is for the Club's open weekend and will permit it to take visitors for short flights in the TMG. This is considered to be a reasonable request but it is suggested that a condition be imposed requiring the Council/other interested people/groups to be given notice of the date in the same way as they are required to give notice of aero-tow days.
- 15.17 Other Matters: There are numerous representations about the flying of the TMG once it has taken off. This is not something over which the Council can control. The Gliding Club is aware of this issue and has indicated that they seek to ensure that pilots fly appropriately. Any concerns about inappropriate flying activity and safety are matters for the CAA.
- 15.18 Privacy has been mentioned; the Gliding Club can fly traditional gliders without any restrictions and it is not considered that the additional use of a TMG will materially impact on the privacy of householders in the locality.
- 15.19 There have been concerns regarding the impact on livestock, horse and other animals. No evidence has been provided to support this suggestion. Given the assessment that the noise levels will not adversely impact on residential amenity it is suggested that the use of the TMG is unlikely to be an issue to animals.

- 15.20 Natural England has not raised any concerns about the application; its Standing Advice of Protected Species does not suggest an ecology report is necessary.
- 15.21 DP10 and ENV2 support Leisure facilities outside of village boundaries. A requirement of ENV2 is that new Leisure uses have a benefit to the environment/local economy. The Gliding Club does not contribute any obvious benefits to the local area. The use of the TMG will not change this situation. However the Club is well-established and any resistance to the use on this ground is likely to be difficult to sustain.
- 15.22 The level of use of the TMG is unlikely to have any significant impact on air quality or traffic levels.
- 15.23 This application must be determined on the information provided. Any future changes, if applied for, will be determined on their merits and in line the policy framework applicable at the time of any such application.

16.0 Conclusion

- 16.1 The proposed use of the TMG is acceptable subject to conditions to protect residential amenity and the tranquillity of the AONB/wider Countryside.

17.0 Recommendation

- 17.1 APPROVE subject to the following conditions

18.0 Conditions

(1) ZAA - Time Limit for Full Permissions

The development hereby permitted shall be begun before the expiration of three years from the date of this permission. Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.

(2) This permission does not in any way vary or remove the conditions 1, 2 or 5 of COL/91/0338 detailed in The Planning Inspectorate decision letter dated 17/8/1992. These conditions remain in force and shall continue to apply. Reason: To avoid any doubt that this application varies the previous planning permission as referenced, in the interests of proper planning and so that the applicant is clear on the requirements they need to comply with.

(3) With the exception of one day per annum (the Essex and Suffolk's Gilding Club's Open Day) there must be a space of at least sixty minutes between take offs in any one direction. That is to say any take off less than 60 minutes from the last will be in the opposite direction. Reason: To ensure that the development hereby permitted is not detrimental to the amenity of the area and/or nearby residents by reason of undue noise.

(4) The Essex and Suffolk's Gilding Club's Open Day shall not take place unless the Council is notified of its date at least two months in advance. Reason: So that the Council and other interested parties are aware of the date that the normal restrictions on the spacing between take offs are suspended.

(5) The club must not operate or fly the TMG outside of the hours 08.00hrs to 21.00hrs. Reason: To ensure that the development hereby permitted is not detrimental to the amenity of the area and/or nearby residents by reason of undue noise.

(6) The club must not make any more than eight take-offs in the TMG per day. Reason: To ensure that the development hereby permitted is not detrimental to the amenity of the area and/or nearby residents by reason of undue noise.

19.0 Informatives

Colchester Borough Council Environmental Protection and/or Development Management Team should be given access to the flight log in order to investigate any complaints arising from the use of the TMG."

1.0 Reason for Referral to the Planning Committee

- 1.1 This application is referred to the Planning Committee because it is a major application where material planning objections have been received and where a legal agreement is proposed.

2.0 Synopsis

- 2.1 The key issues for consideration are the impact the scheme will have on neighbouring amenity, the design of the proposal and the level of parking provision.
- 2.2 The application is subsequently recommended for approval.

3.0 Site Description and Context

- 3.1 The site is a rectangular block that fronts Avon Way and currently comprises eight blocks of student accommodation providing 254 rooms. Blocks 2 and 3 and blocks 4 and 5 are adjoined and therefore read as individual blocks within the context of the site. The site also contains a bungalow, which is now derelict and a gas governor both located towards Pickford Walk.
- 3.2 The buildings are surrounded by areas of mown grass, tarmac and individual trees and fencing. To the east of the site is Pickford Walk that leads down into the Salary Brook nature reserve and Salary Brook Trail, which adjoins the southern boundary of the site. There are further residential buildings beyond along Pickford Walk. To the west, the site is met by more housing along Buffett Way and houses on the opposite side of Avon Way to the north.
- 3.3 Power lines run parallel to the site close to the eastern boundary.
- 3.4 The site slopes down from Avon Way to the Salary Brook Trail.

4.0 Description of the Proposal

- 4.1 The application seeks full planning permission for the erection of 5 new accommodation blocks to provide for an additional 152 student bedrooms, a shared student communal lounge (known as 'The Hub') with staff offices and associated facilities, the demolition of the derelict bungalow, with associated parking, landscaping, and boundary treatment.'

5.0 Land Use Allocation

- 5.1 The site located within the development boundary on the Proposal Maps.

6.0 Relevant Planning History

- 6.1 Application 0304998: In April 2009 there was an application for 81 new student bedrooms along the southern boundary of the site in four building blocks. Permission was granted in 2011. This application has been commenced on site and is therefore extant.
- 6.2 Application 091357: October 2009 another application for an additional 38 bedrooms along the eastern boundary of the site – Planning permission was refused in 2010. The decision was appealed but the Inspector supported the Council's decision and refused permission due to the potential impacts of the development on the neighbours living conditions and insufficient parking.

7.0 Principal Policies

- 7.1 Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. The National Planning Policy Framework (NPPF) must be taken into account in planning decisions and is a material consideration, setting out national planning policy. Colchester's Development Plan is in accordance with these national policies and is made up of several documents as follows below.

- 7.2 The adopted Colchester Borough Core Strategy (adopted 2008, reviewed 2014) contains local strategic policies. Particular to this application, the following policies are most relevant:

SD1 - Sustainable Development Locations
UR1 - Regeneration Areas
UR2 - Built Design and Character
PR1 - Open Space
PR2 - People-friendly Streets
TA1 - Accessibility and Changing Travel Behaviour
TA2 - Walking and Cycling
TA3 - Public Transport
TA4 - Roads and Traffic
TA5 - Parking
ENV1 - Environment
ER1 - Energy, Resources, Waste, Water and Recycling

- 7.3 The adopted Colchester Borough Development Policies (adopted 2010, reviewed 2014) sets out policies that apply to new development. Specific to this application are policies:

DP1 Design and Amenity
DP3 Planning Obligations and the Community Infrastructure Levy
DP10 Tourism, Leisure and Culture
DP11 Flat Conversions
DP12 Dwelling Standards
DP14 Historic Environment Assets
DP17 Accessibility and Access

DP19 Parking Standards
DP20 Flood Risk and Management of Surface Water Drainage
DP21 Nature Conservation and Protected Lanes
DP25 Renewable Energy

- 7.4 Some “allocated sites” also have specific policies applicable to them. The adopted Site Allocations (adopted 2010) policies set out below should also be taken into account in the decision making process:

SA EC1 Residential development in East Colchester

- 7.5 There are no Neighbourhood Plans in this area.
- 7.6 Regard should also be given to the following adopted Supplementary Planning Documents (SPD):

The Essex Design Guide
External Materials in New Developments
EPOA Vehicle Parking Standards
Community Facilities
Open Space, Sport and Recreation
Sustainable Construction
Cycling Delivery Strategy
Sustainable Drainage Systems Design Guide
Managing Archaeology in Development.
Developing a Landscape for the Future
ECC's Development & Public Rights of Way
Planning Out Crime
Air Quality Management Guidance Note, Areas & Order

- 7.7 The Submission Draft Colchester Borough Local Plan 2017-2033:

The Council is developing a new Local Plan that has been submitted to the Planning Inspectorate (October 2017). An Inspector has been appointed and the formal examination commenced in January 2018. The examination is ongoing.

Paragraph 48 of the Framework states that decision makers may give weight to relevant policies in emerging plans according to:

1. The stage of preparation of the emerging plan;
2. The extent to which there are unresolved objections to relevant policies in the emerging plan; and
3. The degree of consistency of relevant policies to the policies in the Framework.

The Emerging Local Plan is at an advanced stage and is, therefore, considered to carry some weight in the consideration of the application; but as it is yet to undergo examination, it is not considered to outweigh the material considerations assessed above in accordance with up-to-date planning policies and the NPPF.

8.0 Consultations

- 8.1 The stakeholders who have been consulted and who have given consultation responses are as set out below. More information may be set out on our website.
- 8.2 ECC Highways – No objection subject to conditions; including the upgrade of two bus stops on Avon Way with shelters and protective bollards.
- 8.3 Essex Police – More information needed to ensure development remains secure. (No comment was received following re-consultation).
- 8.4 Anglian Water – Surface Water condition suggested to avoid flooding downstream.
- 8.5 Cadent (Gas Supply) – No objection but note presence of high pressure gas pipeline on site.
- 8.6 UK Power Networks – No objection but note location of power lines and have provided a 'Swing and Sag' assessment that demonstrates the buildings will be clear of the power lines. Recommend engagement with UKPN at time of construction.
- 8.7 Environment Agency – No objection to scheme, however the risk of reservoir flooding is noted.
- 8.8 Essex SuDS – No objection subject to conditions.
- 8.9 Natural England – No objection to the scheme but need a contribution for off-site disturbance mitigation.
- 8.10 Essex County Fire and Rescue – No comment received.
- 8.11 Archaeology - No material harm will be caused to the significance of below-ground archaeological remains by the proposed development. There will be no requirement for any archaeological investigation.
- 8.12 Landscape Advisor – No objection. Conditions suggested.
- 8.13 Arboricultural Planner – No objection. Conditions suggested.
- 8.14 Sustainable Transportation – Parking provision is excessive and should be reduced. More cycle parking should be provided (40 spaces) so both existing and proposed elements accord with the adopted standards. Cycle parking should be better located. A bus stop shelter is needed on Avon Way. Applicants should join the Colchester Travel Plan Club.
- 8.15 Contaminated Land – No objection subject to conditions.

8.16 Urban Design – Scheme has improved over the course of the application, however an objection is maintained primarily due to the design and position of Block E which is held to be unacceptably harmful to the street scene. The other blocks could also be improved in elevation terms.

8.17 Environmental Protection – No objection subject to conditions.

9.0 Parish Council Response

9.1 The area is non-parished.

10.0 Representations from Notified Parties

10.1 The application resulted in a number of notifications to interested third parties including neighbouring properties. The full text of all of the representations received is available to view on the Council's website. However, a summary of the material considerations is given below.

10.2 5 objections from 2 addresses were received. The full text can be read on the system but in summary they objected for the following reasons:

- Insufficient Parking Provision
- Scheme should be refused as per the previous appeal.
- Harm to neighbouring amenity in terms of oppressiveness and overlooking – particularly block A.
- Scheme amounts to overdevelopment.
- Noise from students is harmful and this will make it worse.
- Loss of view towards Salary Brook LNR.
- The buildings are poor in design terms and are ugly.
- Scheme causes harm to trees.
- Scheme will cause harm to ecology.
- Avon Way is very well trafficked and this will make it worse.
- The cars cause pollution.

10.3 45 letters of support were received. In particular these welcomed the additional facilities proposed. It is noted that these came from existing users of the site.

11.0 Parking Provision

11.1 The Vehicle Parking Standards SPD does not specify parking requirements for purpose built student accommodation. It is important to note that if the parking requirements were taken to fall under a residential institution (Class C2) the car parking requirements of the SPD would be on a maximum basis. In the case of The Maltings at King Edward Quay a standard of 1 space per 5 bedspaces was applied. Many of these spaces remain unused. Based on this experience, a lower level of parking provision is justified. The recent approval for student accommodation on the former bus depot site in Magdalen Street was car free with only two spaces for disabled car users.

- 11.2 The overall site will house 406 student with 66 car parking spaces (six of which will be EV charging points) and 90 cycle parking spaces.

12.0 Open Space Provisions

- 12.1 Whilst mainly located on existing hardstanding, some small areas of grass between exiting buildings are proposed to be built upon. The loss of these grassed areas will be compensated by a high quality landscaping scheme for the wider site and a significant improvement in on site student facilities – for example ‘The Hub’.
- 12.2 It is also noted that the site sits directly adjacent to Salary Brook nature reserve and associated open space. This scheme will provide improved links to this open space by providing new access points on the south eastern boundary of the site to the Salary Brook Trail.

13.0 Air Quality

- 13.1 The site is close to but outside of an Air Quality Management Area (AQMA). It is not considered to generate significant impacts upon the AQMA. Environmental Protection have noted that due to the proximity to an AQMA, one electric charging point would be required per 10 spaces.

14.0 Planning Obligations

- 14.1 As a “Major” application, there was a requirement for this proposal to be considered by the Development Team. It was considered that Planning Obligations should be sought. The Obligations that would be agreed as part of any planning permission would be:

- £10,000 Travel Plan contribution.
- £23,000 NHS Contribution

In addition to this the applicants have agreed to the following:

- £3750 Recreational Disturbance mitigation contribution

In addition to this the applicants have agreed to gift the Council a strip of land adjacent to Pickford Walk which to potentially facilitate improvements to this important but currently on stepped access from Avon Way to the Salary Brook Trail. This is still under negotiation with the relevant team in the Council.

Both the recreational disturbance contribution and the strip of land will be secured by the same legal agreement as the travel plan and NHS contributions.

15.0 Report

15.1 The main issues in this case are:

The Principle of Development

15.2 In accordance with Core Strategy policies SD1, H1 and ENV1 development within the Borough is directed to sites within existing settlement development boundaries. The application site is identified within the defined settlement boundary of Colchester, is previously developed land as is in an area that is characterised as predominately residential use. The site is currently wholly used for student accommodation. Given this, intensification of the site in for further student accommodation is considered to be acceptable in principle.

15.3 It is important to note that the 2009 approval for three new blocks on south eastern boundary and a linking block in the same position as the now proposed 'Hub' is extant and could be built out now.

Appeal Decision

15.4 Whilst dating from 2010, the previous appeal decision (09/1357) is an important material consideration. The application was refused as the proposal was held to be demonstrably harmful to neighbouring amenity (in particular to those in Pickford Walk) and to be substandard in parking provision.

15.5 It is noted that the block that was refused was submitted with a much smaller red line than the current scheme. This meant there was little space for parking within the site. The scheme before Members now comprises the whole Avon Way site and involves a comprehensive reworking of the parking layout which will be discussed in detail below.

15.6 The refused block that was held to be harmfully close to neighbours was located in the north western corner of the site which was close to the residents of Pickford Walk. That is because close to the junction with Avon Way, Pickford Walk is a narrow footway only. It widens significantly into a green triangle of open space at the Salary Brook Trail end. This area of the refused block is proposed to be landscaped and will also house some parking in the current scheme.

15.7 There has been a material change in policy since this refusal. The NPPF has been published and has recently been amended. The overarching principles of both the Core Strategy and the NPPF support economic development and the university and associated student body brings an important economic boost to the town. In addition to this the scheme proposes the provision of 'The Hub' which is a facility for the students living on site that does not currently exist. It will house a gym, library, games room, lounge and bar area. In that respect it will provide an uplift in the quality of services provided on site and a social focal point.

Design, Layout and Impact on Surrounding Area

- 15.8 The revised NPPF 2018 requires well designed places. Paragraph 124 states that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Paragraph 127 requires development to be visually attractive as a result of good architecture, layout and effective landscaping. Core Strategy (CS) policy ENV1 seeks to conserve and enhance Colchester's natural and historic environment. Core Strategy policy UR2 seeks to promote and secure high quality design. Development Policies Document (DPD) DP1 and DP12 set out design criteria that new development must meet. These require new development to be of a high quality and respect the character of the site and its context.
- 15.9 In layout terms this scheme has the potential to deliver a significant site wide improvement. The site is a rectangular parcel that is publically visible from all four sides. The long sides of the rectangle are next to Avon Way and the Salary Brook Trail (SBT) and are therefore very visible. The site is currently a tidy yet rather uninspiring place. There is great deal of concrete hard standing, some of which is parked on and some of which is empty for much of the year. The boundary with the well-walked and cycled SBT is an unkempt hedge and chain link fence with no proper openings for students to access the SBT and then onwards to the university.
- 15.10 This scheme will facilitate the re-landscaping of the whole site. The parking area will be reworked, new planting will be planted throughout the site and two new links to the SBT will be created significantly increasing the permeability of the area.
- 15.11 In addition to the site wide improvements, the applicants have offered to gift a small strip of land on the north eastern boundary to the Council. This will allow the potential future widening of Pickford Walk which is currently stepped at the junction with Avon Way. It must be noted that the Council does not have plans to undertake this work currently, nor does it have the funds to do so, but the ownership of the land will facilitate delivery if it does become a possibility in the future. This element of the scheme is still under negotiation with the relevant Council department.
- 15.12 The design of the buildings proposed has evolved through extensive negotiation between the applicants and Council Officers. As the existing blocks are of limited architectural merit it was hoped that the new buildings could raise the overall design quality on-site. The design of the buildings proposed (Blocks A, B, C and D) are generally three storey flat roofed buildings with the flanks punctuated by fenestration that sits within inset areas part of which will be clad in timber effect cladding. These inset areas will help break up the visual mass. The blocks have central projecting features (off centre in the case of block B) that also break up the mass of the long flanks and these features also have randomised glazing panels serving the stairwell that is located in the projecting elements. Blocks A to D are proposed to be clad mainly in buff brick with the central projecting features to be clad in a pallet of soft colours that reflect the edge of

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countryside location. Overall blocks A, B, C and D are held to be of an acceptable design quality.

- 15.13 Block D is T-shaped and follows a similar design typology to the others, but has been left with its southernmost flank blank in order to allow the further redevelopment (and possibly physical connection) with the CBC owned garage site to the south.
- 15.14 Block F 'The Hub' is a broadly T-shaped link that sits between two existing blocks. It is proposed have an interesting twin pitched roof with randomised glazing at first floor level and full height glazing on one side next to the entrance door. It is proposed to be clad in timber effect cladding in a number of soft colours. The design approach used aims to define The Hub as the focal point for the students who live on site. It is the architectural highlight of the scheme.
- 15.15 Block E is the most difficult element of the scheme in officers' opinion. Because it links two existing pitched roofed blocks that do not sit on the same alignment it has been a very difficult building for the applicants to resolve. The design issues are exacerbated as this is the one block that directly faces Avon Way which is a main route through East Colchester.
- 15.16 A number of iterations have been considered and the current scheme is held to be the best of the designs tabled. Block E has been set back during the application period but you Officers are still unconvinced by the design approach and the applicant has been asked to remove this element completely. The applicant is not prepared to do this as it would have a knock on effect on the deliverability of the whole scheme.
- 15.17 The applicants have agreed to apply a 'green wall' solution on both flanks that face Avon Way. It is felt that this solution will provide enough softening to these prominent flanks to ensure this element does not stand out visually to the detriment of the area. Furthermore, the proposed green walling will create a visual break in the otherwise continuous masonry elevation. This is a matter of planning balance. Block E is not held to constitute 'good design' in terms of its form and position but with a quality green wall/screen solution installed it is not considered that the scheme will cause material harm to the streetscene and is therefore acceptable.

Impacts on Neighbouring Properties

- 15.18 Development Policy DP1 states that all development must be designed to a high standard and avoid unacceptable impacts on amenity. This includes protecting existing public and residential amenity, particularly with regard to privacy, overlooking, security, noise and disturbance, pollution (including light and odour pollution), daylight and sunlight. The adopted Supplementary Planning Document (SPD) the Essex Design Guide also provides guidance on the safeguarding of residential private amenity.

- 15.19 The intensification of built form on the site will have an impact on neighboring amenity. This has been carefully considered by officers. In particular block A that faces Pickford Walk will change the existing environment that the residents of Pickford Walk have become used to.
- 15.20 Pickford Walk is a pedestrian only access from Avon Way to the Salary Brook Trail. It veers north slightly as it moves away and down the hill from Avon Way and this leaves a small triangular green between the site and the dwellings at Pickford Walk as can be seen on the site plan. All of the dwellings on Pickford Walk face the application site.
- 15.21 Block A is proposed sited close to the boundary in the north eastern corner of the site. It is a three story building which gives it visual presence from the Salary Brook Trail. There is more space between the front elevations of the dwellings at Nos.30 to 36 Pickford Walk than Nos.38 to 48 which is where the refused scheme was located. This is due to the open space that this located in front of Nos.30 to 36 Pickford Walk.
- 15.22 The scheme is therefore held to be acceptable in terms of the impact this block will have on the amenity of the residents of Pickford Walk. The small green gives a useful breathing space between the proposal and the existing dwellings. The impact upon the neighbours is held to be acceptable in that regard. The comments from the neighbour on Pickford Walk has been carefully considered but in this instance the scheme is not considered to be materially harmful to these residents.
- 15.23 Block B and Block C will have negligible impact on any residents outside of the site as they are relatively remote from external neighbours. They have been carefully positioned to limit the impact they have on the windows of the existing blocks.
- 15.24 Block D will generally face towards the Salary Brook LNR, however there are 6 windows (four above ground floor level) that face south west. These windows will primarily face the flank of Nos.1, 3 and 5 Buffet Way; including their gardens that are split into three with one per flat. The flank is blank and the gardens are not particularly private as they are already significantly overlooked by the Buffet Way block. The nearest gardens do not appear to be well used and were very overgrown at the time of the last visit. In addition to this is the intervening 'garage site' which is owned by the Council and may come up for redevelopment in the future as noted in the design section above. Whilst this has been carefully considered, it is not held that this overlooking to the gardens would be materially harmful to the neighbours.
- 15.25 Block E sits between two existing blocks and has windows that face in the same direction as the existing. It is not therefore held to cause a materially harmful intensification in overlooking to neighbours.
- 15.26 One of the neighbour comments noted the possible loss of a view. This is not a planning consideration.

Landscape and Trees

- 15.27 Core Strategy policy ENV1 states that the Borough Council will conserve and enhance Colchester's natural and historic environment, countryside and coastline, and this is also echoed within the NPPF. Development Policy DP1 provides that all development must demonstrate environmental sustainability and respect its landscape setting and contribute to the surrounding area.
- 15.28 The scheme has been accompanied by tree survey and the Council's in-house Arboricultural Officer agrees with its findings. The scheme is supported by a Landscape Masterplan and the Council's in-house Landscape Advisor is happy with it, subject to a detailed landscaping condition being imposed on any approval.

Highway Safety and Parking Provisions (including Cycling)

- 15.29 Core Strategy policy TA1 seeks to improve accessibility and change travel behaviour and encourages development within highly accessible locations to reduce the need to travel. Core Strategy Policy TA2 promotes walking and cycling as an integral part of sustainable means of transport. Policy TA4 seeks to manage the demand for car use. Development Policy DP17 states that all developments should seek to enhance accessibility for sustainable modes of transport by giving priority to pedestrians, cycling and public transport access. Development Policy DP19 requires development to accord with the adopted parking standards.
- 15.30 Concerns about parking made up part of the previous appeal refusal and are also raised by local residents this time. This scheme proposes a greater level of development.
- 15.31 It is important to note that the appeal decision considered there should be a greater level of parking onsite. That scheme proposed one space per 6.5 students whereas this scheme proposes 31 spaces for the 152 student rooms (so 1 per every 4.9 students).
- 15.32 It is more important to look at the site as a whole. There are currently 254 students on site and this will rise to 406. With regards to vehicles, there are 66 parking spaces to be provided on-site, providing 1 space per every 6.15 students. The applicants have confirmed that as existing, only 1 in 8 student have obtained permits amongst the current student residents. Three of the spaces will be designated as Blue Badge Spaces and there will be provision for up to six vehicle charging spaces. There will be one space provided for parcel deliveries and another space in the south-west quadrant of the site for a maintenance van.

- 15.33 The applicants have confirmed that parking on site is strictly controlled. The site continues to operate a permit parking system and will actively encourage students to use sustainable transport modes, away from the use of the car. Students will spend much of their time on campus. The Salary Brook Trail links the site directly to the University and therefore this is a very sustainable location in that respect.
- 15.34 It is also important to look at the Cycle Parking Provision. The site will provide 90 cycle parking stands; the stands will be secure and covered in accordance with Essex County Council's standards.
- 15.35 The Transport and Sustainability Team's comments are noted and officers concur with them. They would like to see more cycle parking and less car parking and this is a sentiment that is shared by the Council's in-house Urban Designer. The comments have been passed to the applicants who have discussed them with officers. The applicants who have experience running the site consider that the onsite cycle parking provision is adequate. They are also cautious about providing less car parking as it is a concern for neighbours and they are also mindful of the appeal refusal previously noted. The Sustainability and Transportation Team would also like to see the cycle stores moved to more convenient locations. This has been raised with the applicants but they would prefer the cycle stores to be located in the positions as submitted. On balance this is held to be acceptable.
- 15.36 The neighbour representations have noted the lack of parking and have stated that in effect the current provision is ample as there are large car park areas. They suggest that as these areas are being built on, the level of need will be greater but the space on which to park will be smaller.
- 15.37 The issue of car parking has been given very careful consideration and is a delicate matter of planning balance. Some neighbours think more is needed whilst the Sustainable Transportation Team and in-house Urban Designer would like to see less space for car parking. On balance, the car and cycle parking proposed is held to be acceptable, particularly as the applicants have agreed to make a Travel Plan contribution of £10,000 which will provide an up to date Travel Plan including monitoring and support with its implementation from the Council's own in-house team.
- 15.38 It is important to note that the Highway Authority have no objection to the scheme. They have requested some off-site works, namely improvements to the two bus stops close to the site (including the provision of bus shelters) and these will be secured by condition.

Ecology/Recreational Disturbance Mitigation

- 15.39 Core Strategy policy ENV1 and Development Policy DP21 seek to conserve or enhance the biodiversity of the Borough. The NPPF states that the planning system should contribute to and enhance the natural and local environment by minimising impacts on biodiversity.

- 15.40 The application is supported by an Ecological Impact Assessment which comprised a Phase 1 survey and a follow up bat survey. This report concluded that the site was of low ecological value and the bungalow that is to be demolished does not support a bat roost. Subject to the recommendations being conditioned it is considered that the scheme can take place without harm to the interests of on-site ecology.
- 15.41 The initial response by Natural England reflects their current position in response to all applications for residential development regardless of scale following a decision of the EU Court of Justice (concerning the interpretation of Article 6(3) of Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora (OJ 1992 L 206, p. 7; 'the Habitats Directive') The request was made in proceedings brought by People Over Wind, an environmental NGO, and by Peter Sweetman against Coillte Teoranta ('Coillte'), a company owned by the Irish State that operates in the forestry sector, relating to the works necessary to lay the cable connecting a wind farm to the electricity grid.) 'People Over Wind' has removed the ability for the competent authority to screen out the need for appropriate assessment, under the Conservation of Habitats Regulations 2017, on the basis that a significant effect on a Special Protection Area or Special Area of Conservation is unlikely, where that conclusion is reliant on proposed mitigation measures. The result has been far more projects and plans requiring appropriate assessment to ascertain that they will not adversely affect the integrity of the relevant SPA or SAC. Furthermore in the case of Colchester, the effects in combination on the coastal international wildlife designations are such that both on-site and off-site mitigation is now required.
- 15.42 Following the comment from Natural England, the scheme has also come with a shadow Habitats Regulations Assessment (HRA) to assess the impact the new students could have on off-site ecological interests in terms of disturbance. As students are not as likely to visit protected areas for leisure purposes as normal C3 dwelling residents, it is not envisaged that the scheme will cause significant harm to protected areas such as SAC' and SPA's but the applicants have agreed to pay the following, based on additional 152 student bedrooms at 3 bedrooms per house a contribution comparable to 50 new houses. At a suggested £75 contribution per house (flat pod with shared facilities) the applicants have suggested a £3,750 which the Council consider reasonable. Natural England are generally happy with this approach however they point out the contribution must be spent on Special Areas of Conservation and Special Protection Areas not Local Nature Reserves. This means the contribution should not be spent on the Salary Brook Trail LNR. This is a matter for the Council who will receive the contribution and is noted.

SUDS and Flood Risk

- 15.43 Core Strategy policy ENV1 seeks to direct development away from areas of flood risk (both fluvial and coastal), towards sites with the lowest risk from flooding. Development Policy DP20 seeks to promote flood mitigation and defense measures as well as the use of appropriate sustainable drainage. The NPPF requires a detailed flood risk assessment (FRA) to be produced for all development located within a flood zone and/or sites that are greater than 1 hectare and one has been submitted with this application. It is noted that whilst Salary Brook LNR is within flood zones 2 and 3, this site sits on higher land and is in Flood Zone 1. This means the site is outside of the high risk flood zones.
- 15.44 The Environment Agency have no specific comments to make with regard to this proposal. They have proposed some useful advice in relation to flooding from reservoirs and it was suggested that this matter was discussed with the Council's Emergency Planner. This has taken place and the Emergency Planner spoke to the Ardleigh Reservoir Committee who confirmed that the dam at Ardleigh Reservoir is in good condition and will not have any impact on building in Avon Way.
- 15.45 The scheme has been amended during the planning application period following advice from Essex County Council SuDS team (who are the Lead Local Flood Authority) and from Anglian Water. Both have now seen the amended drawings and have suggested conditions.

16.0 Conclusion

- 16.1 To summarise, the scheme is a welcome investment in a site that would benefit from improvement. The upgrade to the onsite student facilities proposed in 'The Hub' is a significant benefit as will the additional landscaping across the site and the two new links to Salary Brook Trail. The transfer of a thin strip of land to CBC will enable future improvements to Pickford Walk which is an additional benefit (though this is still under negotiation with the relevant Council department).
- 16.2 The scheme has some design merit but Block E that faces Avon Way is rather awkward as it links two existing buildings that do not lend themselves to being linked. The applicants do not want to remove this element. As the applicants have agreed to use a green wall on the flanks that face Avon Way which will soften the visual impact, on balance this is held to be acceptable.
- 16.3 The scheme has been carefully considered in terms of parking and as set out in the report on balance is held to be acceptable in that regard.
- 16.4 The scheme is consequently considered acceptable and is recommended for approval.

17.0 Recommendation to the Committee

17.1 The Officer recommendation to the Committee is for approval subject to the following:

- Agreement with the Agent/Applicant to the pre-commencement conditions under the Town and Country Planning (Pre-commencement Conditions) Regulations 2018 and delegated authority to make changes to the wording of these conditions as necessary;
- The signing of a legal agreement under Section 106 of the Town and Country Planning Act 1990, within 6 months from the date of the Committee meeting. In the event that the legal agreement is not signed within 6 months, to delegate authority to the Head of Service to refuse the application, or otherwise to be authorised to complete the agreement; and
- The Permission being subject to the following conditions:

1. ZAA - Time Limit for Full Permissions

The development hereby permitted shall be begun before the expiration of three years from the date of this permission. Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.

2. ZAM - *Development to Accord With Approved Plans*

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

8568 – 10 – C

8568 – 11 – C

8568 – 12 – B

8568 – 13 – B

8568 – 20 – B

8568 – 21 – B

8568 – 22 – B

8568 – 23 – B

8568 – 24 – D

8568 – 25 – A

8568 – 30 – A

8568 – 31 – A

8568 – 32

8568 - 40 – A

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

3. Z00 – Non Standard Condition - Student Accommodation Only

The accommodation hereby approved shall be used for student accommodation only and for no other purposes, including any other C3 residential use.

Reason – This is the basis on which the application has been made and therefore this condition is needed to ensure that is the case as standard C3 uses are assessed against a different policy context to that of Student Accommodation.

4. Z00 – Non Standard Condition - Design Details for Block E

The south west and north west facing elevations of Block E shall incorporate a living green screen, the details of which shall be submitted to and approved in writing before commencement of any above ground works on this building. The details shall include form, design, species of landscaping and arrangements for maintenance and management thereof. The block shall be built in complete accordance with the approved details. The living green screen shall be maintained and monitored to ensure it thrives in perpetuity.

Reason: This element of the proposed scheme is very important in street scene terms. The manner in which this block is constructed is important to ensure it does not cause material harm to the street scene. The green screen which has been suggested by the applicants will go some way to softening its impact but it must be a bespoke green screen solution that is maintained to work successfully.

5. Z00 – Non Standard Condition - Bespoke Materials To Be Agreed

No above ground works shall commence until details of external facing and roofing materials to be used in the construction of the development to include details of the manufacturer, types and colours to be used have been submitted to and approved, in writing by the Local Planning Authority. The details shall also include the materials to be used in the window inset panels and the type and manufacturer of the windows. The development shall be implemented in precise accordance with the approved details.

Reason: In order to ensure that suitable materials are used on the development as there are insufficient details within the submitted planning application.

6. Z00 - Non Standard Condition - Surface Water

No drainage works shall commence until a surface water management strategy has been submitted to and approved in writing by the Local Planning Authority. No hard-standing areas to be constructed until the works have been carried out in accordance with the surface water strategy so approved unless otherwise agreed in writing by the Local Planning Authority.

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

7. Z00 – Non Standard Condition - SuDS

No works shall take place until a detailed surface water drainage scheme for the site has been submitted to and approved in writing by the local planning authority based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development. The scheme should demonstrate compliance with the NSTS and ECC's Sustainable Drainage Systems design Guide, and should include but not be limited to:

- Limiting discharge rates from the site to the Qbar greenfield runoff rate from the development of 0.8l/s for the 1 in 1 year and 1 in 100 year rainfall events

- Provide sufficient surface water storage so that the runoff volume is discharged or infiltrating at a rate that does not adversely affect flood risk and that unless designated to flood that no part of the site floods for a 1 in 30 year event, and 1 in 100 year event in any part of a building, utility plant susceptible to water within the development.
- Provide sufficient storage to ensure no off-site flooding as a result of the development during all storm events up to and including the 1 in 100 year plus climate change event. Provide details of pre- and post 100 year, 6 hour runoff volume.
- Final modelling and calculations for all areas of the drainage system.
- The appropriate level of treatment for all runoff leaving the site, in line with the CIRIA SuDS Manual C753.
- Detailed engineering drawings of each component of the drainage scheme.
- A final drainage plan which details exceedance and conveyance routes, FFL and ground levels, and location and sizing of any drainage features.
- A written report summarising the final strategy and highlighting any minor changes to the approved strategy.
- The scheme shall subsequently be implemented prior to occupation.

Reason: To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site. To ensure the effective operation of SuDS features over the lifetime of the development. To provide mitigation of any environmental harm which may be caused to the local water environment

Note: Failure to provide the above required information before commencement of works may result in a system being installed that is not sufficient to deal with surface water occurring during rainfall events and may lead to increased flood risk and pollution hazard from the site.

8. Z00 - Non Standard Condition – SuDS

No works shall take place until details of who is responsible for different elements of the surface water drainage system and the maintenance activities/frequencies, has been submitted to and agreed, in writing, by the Local Planning Authority. Should any part be maintainable by a maintenance company, details of long term funding arrangements should be provided.

Reason: To ensure appropriate maintenance arrangements are put in place to enable the surface water drainage system to function as intended to ensure mitigation against flood risk. Failure to provide the above required information before commencement of works may result in the installation of a system that is not properly maintained and may increase flood risk or pollution hazard from the site.

9. Z00 – Non Standard Condition - Refuse

Prior to first occupation of the proposed development, communal recycling/bin/refuse collection points shall be provided within 20m of the carriageways or adjacent to the highway boundary and additionally clear of all visibility splays at accesses and retained thereafter.

Reason: To minimise the length of time a refuse vehicle is required to wait within and cause obstruction of the highway, in the interests of highway safety.

10. Z00 Non Standard Condition – Turning Areas

The development shall not be occupied until such time as the car parking and turning area, has been provided in accord with the details shown in Drawing Numbered X481-PL-203. 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 thereafter.

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

11. Z00 – Non Standard Condition - Access Closure

Any existing access or any part of an access (dropped kerb) rendered redundant or unnecessary by this development shall be suitably and permanently closed to the satisfaction of the Local Planning Authority, incorporating the re-instatement to full height of the highway verge/footway/kerbing to the specifications of the Highway Authority, immediately the proposed new accesses are brought into use.

Reason: To ensure the removal of and to preclude the creation of un-necessary points of traffic conflict in the highway and to prevent indiscriminate access and parking on the highway, in the interests of highway safety.

12. Z00 – Non Standard Condition - Car Parking

The development shall not be occupied until such time as the car parking areas, 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 thereafter. Reason: To ensure that on-street parking of vehicles in the adjoining streets does not occur, in the interests of highway safety.

13. Z00 – Non Standard Condition - Bike Parking

The bicycle parking / storage facilities as shown on the approved plan are to be provided prior to the first occupation of the development. The approved facility shall be secure, convenient, covered and provided prior to the first occupation of the proposed development hereby permitted within the site which shall be maintained free from obstruction and retained thereafter.

Reason: To promote the use of sustainable means of transportation.

14. Z00 – Non Standard Condition - Construction Method Statement

No development shall take place, including any ground works or works of demolition, until a Construction Method Statement (CMS) has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

- i. the parking of vehicles of site operatives and visitors
- ii. loading and unloading of plant and materials
- iii. storage of plant and materials used in constructing the development
- iv. wheel and under body washing facilities
- v. delivery time and working times

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

15. Z00 – Non Standard Condition - Off site highway works

Prior to the first occupation of any of the proposed development a) the southbound bus stop outside Avon House shall be improved by the provision of a new bus shelter in accordance with current standards including an extension to the passenger waiting area and b) at the northbound bus stop near to the layby and Number 100 Avon Way shall also be improved by the provision of a new bus shelter in accord with current standards together with 2 number bollards erected at the end of the layby to protect the new shelter from vehicle overruns with any adjustments in levels, surfacing and any accommodation works to the footway and carriageway channel being provided entirely at the applicant/Developer's expense, to the specifications of the Highway Authority.

Reason: To make adequate provision for the additional bus passenger traffic generated as a result of the proposed development.

16. Z00 – Non Standard Condition - Bespoke Landscape Management Plan

Prior to the first occupation of the development, a landscape management plan including long term design objectives, management responsibilities and maintenance schedules for all landscape areas including the green wall on Block E, by the Local Planning Authority. The landscape management plan shall thereafter be carried out as approved at all times.

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

17. Z00- Non Standard Condition - Landscape Details

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

- Proposed finished levels or contours, including suitable gradients and geometry to allow workable cycle access and egress onto Salary Brook.
- All means of enclosure.
- Car parking layouts.
- Surface materials for car parking, vehicle and pedestrian access and circulation areas;
- Any permanent minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, lighting etc.).
- Proposed and existing functional services above and below ground (e.g. drainage power, communications cables, pipelines etc. Indicating lines, manholes, supports etc.).
- Earthworks (including the proposed grading and mounding of land areas including the levels and contours to be formed, showing the relationship of proposed mounding to existing vegetation and surrounding landform)
- Planting plans include written specifications (including cultivation and other operations associated with plant and

grass establishment) and schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate.

- Implementation timetables and monitoring programs.

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

18. Z00 – Non Standard Condition - Tree and Natural Feature Protection: Protected Areas

No works shall take place until all trees, shrubs and other natural features not scheduled for removal on the approved plans have been safeguarded behind protective fencing to the standard shown in the Arboricultural Impact Assessment provided by Sharon Hosegood Associates dated 7th May 2018 (Ref: SHA 770). All agreed protective fencing shall thereafter be maintained during the course of all works on site and no access, works or placement of materials or soil shall take place within the protected area(s) without prior written consent from the Local Planning Authority.

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

19. ZFS - Tree and Hedgerow Protection: General

All existing trees and hedgerows shall be retained throughout the development construction phases, unless shown to be removed on the approved drawing and all trees and hedgerows on and immediately adjoining the site shall be protected from damage as a result of works on site in accordance with the Local Planning Authorities guidance notes and the relevant British Standard. All existing trees and hedgerows shall then be monitored and recorded for at least five years following contractual practical completion of the development. In the event that any trees and/or hedgerows 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.

20. Z00 – Non Standard Condition - Tree and Hedgerow Protection bespoke

The development shall be carried out in complete accordance with recommendations contained in the Arboricultural Impact Assessment Report SHA 770 REV A dated 18.10.18 and the trees on site shall be monitored in accordance with Appendix 6 of the Arboricultural Impact Assessment Report.

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

21. ZFU - Tree Canopy Hand Excavation

During all construction work carried out underneath the canopies of any trees on the site, including the provision of services, any excavation shall only be undertaken by hand. All tree roots exceeding 5 cm in diameter shall be retained and any pipes and cables shall be inserted under the roots.

Reason: To protect trees on the site in the interest of visual amenity.

22. Non Standard Condition - Reporting of Unexpected Contamination

In the event that historic land contamination is found at any time when carrying out works in relation to the development, it must be reported in writing immediately to the Local Planning Authority and all development shall cease immediately. Development shall not re-commence until such times as an investigation and risk assessment has been submitted to and approved in writing by the Local Planning Authority, and where remediation is necessary, a remediation scheme has been submitted to and approved in writing by the Local Planning Authority. Development shall only re-commence thereafter following completion of measures identified in the approved remediation scheme, and the submission to and approval in writing of a verification report. This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and the Essex Contaminated Land Consortium's 'Land Affected by Contamination: Technical Guidance for Applicants and Developers'.

Reason:- Based on the risk assessment and recommendations of the applicant's specialist consultants.

23. ZGR - *Light Pollution for Minor Development*

Any lighting of the development (including resultant sky glow, light trespass, source intensity and building luminance) shall fully comply with the figures and advice specified in the CBC External Artificial Lighting Planning Guidance Note for zone EZ2 RURAL, SMALL VILLAGE OR DARK URBAN AREAS.

Reason: In order to safeguard the amenity of the surrounding area by preventing the undesirable, disruptive and disturbing effects of light pollution.

24. ZCG - Communal Storage Areas

Prior to the first occupation of the development hereby permitted, details of the management company responsible for the maintenance of communal storage areas and for their maintenance of such areas, shall be submitted to, and agreed in writing by, the Local Planning Authority. Such detail as shall have been agreed shall thereafter continue unless otherwise subsequently agreed, in writing, by the Local Planning Authority.

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

25. ZCE - Refuse and Recycling Facilities

Prior to the first occupation of the development hereby permitted, refuse and recycling storage facilities shall be provided in accordance with the scheme which has been previously submitted to and agreed, in writing, by the Local Planning Authority. In addition the bin store floor shall be coated with an impervious material to permit easy cleaning and prevent odours. Such facilities shall thereafter be retained to the satisfaction of the Local Planning Authority at all times.

Reason: The application contains insufficient information to ensure that adequate facilities are provided for refuse and recycling storage and collection.

26. Z00 – Non Standard Condition - Boundary Treatments

Prior to the occupation of the new blocks, a plan indicating the positions, design, materials and type of boundary treatment to be erected has been submitted to and agreed, in writing, by the Local Planning Authority. The boundary treatment shall then be completed in full accordance with the agreed details TO A TIMETABLE THAT WILL HAVE ALSO PREVIOUSLY BEEN AGREED, IN WRITING, BY THE LOCAL PLANNING AUTHORITY. The treatments shall be retained in their approved forms at all times thereafter.

Reason: To ensure that the boundary treatments are satisfactory and are situ at the time when they are required in order to achieve a satisfactory development and to avoid any loss of amenity to the neighbouring properties.

27. Z00 – Non Standard Condition - Ecological Enhancements

A Landscape and Ecological Management Plan (LEMP) shall be submitted to, and be approved in writing by, the local planning authority prior to the occupation of the development. The content of the LEMP shall include the following.

- a) Description and evaluation of features to be managed;
- b) Ecological trends and constraints on site that might influence management;
- c) Aims and objectives of management;
- d) Appropriate management options for achieving aims and objectives;
- e) Prescriptions for management actions, together with a plan of management compartments;
- f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period;
- g) Details of the body or organisation responsible for implementation of the plan;
- h) Ongoing monitoring and remedial measures.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details.

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

28. Z00 – Non Standard Condition - Active bird nest investigation

No removal of hedgerows, trees or demolition shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of vegetation for active birds' nests immediately before the vegetation is cleared and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the local planning authority.

Reason: To allow the LPA to discharge its duties under the UK Habitats Regulations 2017, the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species)

18.0 Informatives

18.1 The following informatives are also recommended:

1. ZT0 – Advisory Note on Construction & Demolition

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

2. ZTA - Informative on Conditions Stating Prior to Commencement/Occupation

PLEASE NOTE that this permission contains a condition precedent that requires details to be agreed and/or activity to be undertaken either **before you commence the development or before you occupy the development**. This is of critical importance. If you do not comply with the condition precedent you may invalidate this permission and be investigated by our enforcement team. Please pay particular attention to these requirements. To discharge the conditions and lawfully comply with your conditions you should make an application online via www.colchester.gov.uk/planning or by using the application form entitled 'Application for approval of details reserved by a condition following full permission or listed building consent' (currently form 12 on the planning application forms section of our website). A fee is also payable, with the relevant fees set out on our website.

3. ZTB - Informative on Any Application With a Site Notice

PLEASE NOTE that a site notice was erected in a publicly visible location at the site. Colchester Borough Council would appreciate your co-operation in taking the site notice down and disposing of it properly, in the interests of the environment.

4. Informative on Conditions Stating Prior to Commencement/Occupation

PLEASE NOTE that this permission contains a condition precedent that requires details to be agreed and/or activity to be undertaken either **before you commence the development or before you occupy the development**. This is of critical importance. If you do not comply with the condition precedent you may invalidate this permission and be investigated by our enforcement team. Please pay particular attention to these requirements. To discharge the conditions and lawfully comply with your conditions you should make an application online via

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www.colchester.gov.uk/planning or by using the application form entitled 'Application for approval of details reserved by a condition following full permission or listed building consent' (currently form 12 on the planning application forms section of our website). A fee is also payable, with the relevant fees set out on our website.

5. Informative on Any Application With a Site Notice

PLEASE NOTE that a site notice was erected in a publicly visible location at the site. Colchester Borough Council would appreciate your co-operation in taking the site notice down and disposing of it properly, in the interests of the environment.

6. Anglian Water Informative

Desktop analysis has suggested that the proposed development will lead to an unacceptable risk of flooding downstream. It is therefore highly recommend that you engage with Anglian Water at your earliest convenience to develop in consultation with us a feasible drainage strategy. A Pre-planning enquiry with the Anglian Water Pre-Development team can be completed online at: <http://www.anglianwater.co.uk/developers/pre-development.aspx>

7. Landscape Informative

'Detailed landscape proposals, if/when submitted in order to discharge landscape conditions should first be cross-checked against the Council's Landscape Guidance Note LIS/C (this available on this CBC landscape [webpage](#) under Landscape Consultancy by clicking the 'read our guidance' link).'

8. Land Contamination Informative

All imported materials for use in soft landscaping areas must be verified as suitable for use, in accordance with the guidance detailed in the [Essex Contaminated Land Consortium's technical guidance document](#)

9. ZTG - Informative on Section 106 Agreements

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

Material Planning Considerations

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

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

The following approach should be taken in all planning decisions:

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

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

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

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

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

The above list is not exhaustive

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

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

- matters specifically controlled through other legislation

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

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

Planning Obligations

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

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

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

Human Rights, Community Safety and Equality and Diversity Implications

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

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

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

Using Planning Conditions or Refusing Planning Applications

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

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

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

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

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

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

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

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



Colchester Borough Council Development Management

Highway Safety Issues

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

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

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

Parking Standards

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

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

For residential schemes:

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

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



Colchester Borough Council Environmental Control

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

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

Best Practice for Construction Sites

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

Noise Control

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

Emission Control

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

Best Practice for Demolition Sites

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

Noise Control

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

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

Emission Control

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

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

Class A1. Shops

Use for all or any of the following purposes—

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

Class A2. Financial and professional services

Use for the provision of —

- (a) financial services, or
- (b) professional services (other than health or medical services), or
- (c) any other services (including use as a betting office)

which it is appropriate to provide in a shopping area, where the services are provided principally to visiting members of the public.

Class A3. Restaurants and cafes

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

Class A4. Drinking establishments

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

Class A5. Hot food takeaways

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

Class B1. Business

Use for all or any of the following purposes—

- (a) as an office other than a use within class A2 (financial and professional services),
- (b) for research and development of products or processes, or
- (c) for any industrial process,

being a use which can be carried out in any residential area without detriment to the amenity of that area by reason of noise, vibration, smell, fumes, smoke, soot, ash, dust or grit.

Class B2. General industrial

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

Class B8. Storage or distribution

Use for storage or as a distribution centre.

Class C1. Hotels

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

Class C2. Residential institutions

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

Use as a hospital or nursing home.

Use as a residential school, college or training centre.

Class C2A. Secure residential institutions

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

Class C3. Dwellinghouses

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

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

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

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

Class C4. Houses in multiple occupation

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

Class D1. Non-residential institutions

Any use not including a residential use —

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

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

(c) for the provision of education,

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

(e) as a museum,

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

(g) as a public hall or exhibition hall,

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

Class D2. Assembly and leisure

Use as —

(a) a cinema,

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

(d) a dance hall,

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

Sui Generis Uses

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

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

Interpretation of Class C3

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

Interpretation of Class C4

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

Supreme Court Decision 16 October 2017

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

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

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

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

Deferral and Recommendation Overturn Procedure (DROP) Flowchart

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

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

