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Item No:	7.3
Application:	170488
Applicant:	Elizabeth Flood, Colchester Borough Council
Proposal:	Application for removal of condition 3 and variation of condition 2 following grant of planning permission 160262.
Location:	Lancaster Toyota, Axial Way, Colchester, CO4 5XD
Ward:	Mile End
Officer:	James Ryan
Recommendation:	Approval

1.0 Reason for Referral to the Planning Committee

- 1.1 This application is referred to the Planning Committee because the applicant is Colchester Borough Council.

2.0 Synopsis

- 2.1 The key issues for consideration are the impact of the proposed change in visual terms. It is held that the changes are acceptable.
- 2.2 The application is subsequently recommended for approval.

3.0 Site Description and Context

- 3.1 The site is a small piece of long grass behind the recently constructed Lancaster Toyota on Axial Way.

4.0 Description of the Proposal

- 4.1 The proposal looks to change the boundary treatment that surrounds the previously approved pumping station. A wall was proposed and now a metal fence with a planting belt in front is proposed instead.

5.0 Land Use Allocation

- 5.1 The land is allocated for B1 uses on the Northern Grown Area masterplan. On the local plan maps the site is on land that is allocated as an employment zone, a strategic employment zone, a growth area and is within the defined settlement limits.

6.0 Relevant Planning History

- 6.1 Application 160262 was approved by Members in May last year. This was for a foul drainage pumping station. This included the pumping equipment, a radio antenna, a floodlight for emergency maintenance purposes, a 1.8 metre compound wall, palisade gates to the compound and the access track to the compound from the existing bell-mouth east of the Toyota garage.

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
UR1 - Regeneration Areas
UR2 - Built Design and Character
ER1 - Energy, Resources, Waste, Water and Recycling

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

DP1 Design and Amenity
DP20 Flood Risk and Management of Surface Water Drainage

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

SA NGA1 Appropriate Uses within the North Growth Area
SA NGA2 Greenfield Sites in the North Growth Area
SA NGA3 Employment Uses in the North Growth Area
SA NGA4 Transport measures in North Growth Area
SA NGA5 Transport Infrastructure related to the NGAUE

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

- Northern Growth Area Masterplan.

- 7.6 The Neighbourhood Plan for Myland & Braiswick is also relevant. This forms part of the Development Plan in this area of the Borough.

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 Environmental Protection: No objections.

- 8.3 Landscape Officer: Three amendments requested. The following condition is recommended once the above minor amendments have been agreed. These were:

1. The proposed hedgerow needs to be clearly identified on drawing 45783_C_2001.
2. The proposed flood lighting needs to be plotted on drawing 45783_C_2001 and confirmed as complying with [Colchester Borough Council's External Artificial Lighting Guidance 2012'](#)
3. The proposed hard landscape surfacing needs to be identified by area and proposed material (e.g. concrete pad) on drawing 45783_C_2001.

Standard condition was requested:

ZFA – Implementation of acceptable landscape scheme as shown.

Officer Note: The amendments to the plans requested have been received apart from details of the flood lighting in item 2 above. The flood lighting formed part of the previous approval and is not proposed to be changed. As the flood lighting will have to comply with Anglian Water's adoption criteria it is acceptable to leave the precise specifics to them. The use of the flood lights for emergency purposes only was conditioned on the previous application and this condition will be carried over.

8.4 ECC PRoW (Jason Bothello): As this is no longer the line of Myland Footpath 69 which was diverted last year to the east of this location onto the field edge, no PROW is impacted by your proposal so I have no issue with this.

8.5 Anglian Water: No comments.

9.0 Parish Council Response

9.1 The Parish Council will comment on the 06/04/17 and the response will be reported on the update sheet.

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 No comments received.

11.0 Parking Provision

11.1 This scheme has no parking implications.

12.0 Open Space Provisions

12.1 This scheme raises no open space implications.

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

15.0 Report

- 15.1 The main issues in this case are the design and visual impact of the proposed changes.
- 15.2 It is held that substituting a 1.8 metre high wall with a 1.8 metre green metal fence (of a similar design to the fence Lancaster Toyota has directly next door) is acceptable in visual amenity terms. The planting proposed will further soften the impact of the scheme. The changes are therefore held to be acceptable in design terms.
- 15.3 It is noted that since the previous approval last May, the PRoW has been diverted and now this scheme has no material impact on it or on the definitive line. The scheme is also less visually sensitive now as the PRoW no longer passes right alongside the site.
- 15.4 The site is regularly mown to prevent colonisation by protected species. It is therefore held that this scheme will not be demonstrably harmful to the interests of ecology. The new planting belt will actually create habitat and therefore this scheme is held to be an improvement in ecological terms over the previous approval.

16.0 Conclusion

- 16.1 To summarise the proposed changes are acceptable.

17.0 Recommendation to the Committee

- 17.1 The Officer recommendation to the Committee is for: APPROVAL of planning permission subject to the following conditions:

1 - ZAW - *Removal/Variation of Condition(s) Approval*

With the exception of condition(s) 2 and 3 of Planning Permission 160262 which are hereby varied, the requirements of all other conditions imposed upon planning permission 160262 remain in force and shall continue to apply to this permission, including the details and provisions of any approved matters discharging any condition(s) of that permission.

Reason: To avoid any doubt that this application only applies for the variation of the stated condition(s) of the previous planning permission as referenced and does not seek the review of other conditions, in the interests of proper planning and so that the applicant is clear on the requirements they need to comply with.

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 45783/C/2000, 45783/C/2001 Rev. A (amended 27/03/17) and 45783/C/2005.

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

3 - ZFA - Implementation of Acceptable Landscaping Scheme As Shown

The landscaping details as shown on the approved drawings shall be carried out in full prior to the end of the first planting season following the first occupation of the development or in such other phased arrangement as shall have previously been agreed, in writing, by the Local Planning Authority. Any trees or shrubs which, within a period of 5 years of being planted die, are removed or seriously damaged or seriously diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority agrees, in writing, to a variation of the previously approved details. Reason: In order to ensure that there is a sufficient landscaping scheme for the development where there is insufficient detail within the submitted application.

4 - Z00 - Bespoke control of lighting.

The floodlight shown on plan 45783/C/2005 shall only be illuminated during periods of emergency maintenance and at no other time.

Reason: To ensure the light is not illuminated for prolonged periods to the detriment of the area and ecology.

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.