



The Ordnance Survey map data included within this publication is provided by Colchester Borough Council of Rowan House, 33 Sheepen Road, Colchester CO3

3WG under licence from the Ordnance Survey in order to fulfil its public function to act as a planning authority. Persons viewing this mapping should contact Ordnance Survey copyright for advice where they wish to licence Ordnance Survey map data for their own use. This map is reproduced from Ordnance Survey Material with the permission of Ordnance Survey on behalf of the Controller Of Her Majesty's Stationery Office © Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. Crown Copyright 100023706 2017

Item No: 7.2
Application: 180438
Applicant: Colchester Amphora Trading Ltd – on behalf of Colchester Borough Council
Agent: Mr Thomas Smith, AECOM
Proposal: Full planning application for the Colchester Northern Gateway Sports Hub (Use Class D2) comprising a 2,425sqm sports centre, a 1,641sqm club house, 12 no. sports pitches (comprising two 3G pitches, seven turf pitches and three mini pitches), a 1.6km cycle track, archery range; recreational areas; 10 no. ancillary storage buildings (totalling 298sqm), and associated earthworks, landscaping, utilities, pumping stations, car parking, access and junction alterations.
Location: Colchester Northern Gateway, Cuckoo Farm Way, Colchester, Essex, CO4 5JA
Ward: Mile End
Officer: Bradly Heffer
Recommendation: Approval

1.0 Reason for Referral to the Planning Committee

- 1.1 This application is referred to the Planning Committee because it is a major development proposal submitted on behalf of the Borough Council, that is also a departure from the adopted Local Plan and which has generated objections from local residents.

2.0 Synopsis

- 2.1 The key issues for consideration are the acceptability of the principle of the development in this location, the impacts on amenity that are likely to arise and the ability of the existing infrastructure to accept the additional movements generated by the development together with proposed highway works.
- 2.2 The application is subsequently recommended for approval, subject to the imposition of the conditions attached to the end of this report. **Members should note that in the event that the recommendation is agreed by Committee, it would be necessary to refer the application to the Secretary of State (as the proposal represents a departure from the adopted Local Plan) in order to determine whether the application is to be called-in for consideration.**

3.0 Site Description and Context

- 3.1 The site for this proposed development is an irregularly-shaped, extensive area of land currently utilised for agricultural purposes, located to the north of junction 28 of the A.12 trunk road. It has an overall area of 34.5 hectares. The site, which is relatively level, contains a number of trees and established hedgerows, that define some boundaries with adjoining land. Part of Salary Brook runs through the approximate centre of the site.
- 3.2 It is bounded to the south by the A.12 trunk road, including junction 28 which enables access to north Colchester, including the emerging Colchester Northern Gateway, of which this proposed development would form part. To the west of the site is the Park and Ride development, also accessed from junction 28, a petrol filling station and a fast food restaurant with drive-through facility. To the northern end of the western boundary the site abuts land associated with established residential development fronting Boxted Road. To the north the site abuts open land, between it and the curtilages of dwellings that front the southern side of Langham Road. To the east the majority of the site boundary abuts the curtilage of Whitehouse Farm. A smaller length of the eastern boundary, at its northern end, faces Severalls Lane.

4.0 Description of the Proposal

4.1 This proposed development relates to a significant sports and leisure development on the identified land which provides for the relocation of the Colchester Rugby Club from its current site in Mill Road. The individual elements of the development may be summarised as follows:

- A Sports Centre of 2,425 square metres Gross Internal Area (that would include a 5-court sports hall, changing facilities etc. and a café with viewing area).
- A Club House (to be used by Colchester Rugby Club) having a Gross Internal Area of 1,930 square metres (that would include a meeting room, function room, bar, changing rooms and club shop)
- Two all weather (3G) pitches – one located adjacent to the Sports Centre and one adjacent to the Rugby Club building.
- Seven grass rugby pitches (three located north of Salary Brook).
- A 1.6 km regional closed circuit cycle track having a width of 6 metres (including a judge's hut).
- A 25m x 35 m cyclists warm-up and 'learn-to-ride' area with an associated pump track
- An archery range having dimensions of 140 metres x 90 metres wide (with ancillary club house shed and storage facilities).
- Recreational areas to enable informal leisure activities.
- Provision of a car park to serve the development together with pedestrian/cyclist/equestrian routes.
- Landscaping and enhanced planting, including substantial tree planting proposals (that would be designed to promote habitat creation and enhancement).
- Provision of 'park furniture' including seating, litter bins, cycle racks, bollards, lighting, fencing, gates and traffic control devices.

4.2 Vehicular access to the site would be via a new access from the service road serving the Park and Ride/PFS/Restaurant uses currently in-situ. The topography of the site is such that the service road is at a significantly higher level than the application site itself. This has resulted in a proposed looped access road to overcome the difference in land levels. The scheme also proposes the provision of a cycle/pedestrian links to Boxted Road, together with the provision of a new cycleway and footway on Severalls Lane, providing connectivity from the eastern side of the site to the existing provision found near the bridge across the trunk road to the south of the site.

4.3 Members are advised that the application submission includes an Environmental Statement, Design and Access Statement, Planning Statement etc. which may be viewed on the Council's website. The following extract is taken from the Planning Statement for Members' information:

'The proposed sports hub would provide a wide range of sports and recreational facilities to serve the growing population of Colchester and the wider area. The iterative design process for the masterplan and buildings has been informed by a wide range of stakeholders, resulting in a carefully

considered scheme which responds appropriately both to its context and the needs of the wide range of user groups.

It is acknowledged that the proposals would not be consistent with the spatial policies of the adopted development plan. However, there are material considerations which weigh heavily in favour of the proposed development, namely:

- a). meeting other adopted strategic development plan policies through the provision of community infrastructure;
- b). the advanced stage of preparation of the local plan and the proposed allocation of the site for sport and recreational use in emerging policy NC1;
- c). accordance with the adopted Colchester Northern Gateway Masterplan;
- d). the demonstrable need for the proposed sports and recreational facilities; and
- e). the contribution that the scheme would make towards meeting the wider national and local objectives and strategies to increase sports participation to promote active and healthy lifestyles...'

4.4 Members are advised that the planning application is accompanied by the following documents:

- Environmental Statement
- Planning Statement (including Leisure Impact Statement)
- Design and Access Statement
- Health Impact Assessment
- Statement of Community Involvement
- Sustainability Energy Design Statement
- Transport Assessment
- Travel Plan

These documents may be viewed on the Council's website.

5.0 Land Use Allocation

- 5.1** Within the adopted Local Plan the majority of the site has no specific allocation i.e. white land. However, an area of the western part of the site is included in a larger area that is allocated for Park and Ride purposes.

6.0 Relevant Planning History

- 6.1** Prior to the submission of this proposal there have been no previous planning applications on the site that are relevant to the consideration of this current application.

- 6.2 The following list sets out the planning context with nearby significant developments:

O/COL/01/1625 – Outline application for replacement roadside services to include petrol filling station comprising associated Class A1 retail shop, refuelling facilities, car wash and Class A3 roadside restaurant and lorry park – approved 21st March 2006

091644 – Roadside service area to include petrol forecourt and canopy, shop, HGV refuelling and canopy, HGV parking, car wash, jet wash, customer parking, underground fuel tanks, plant room and associated services – approved 3rd June 2010

110616 – Construction of park and ride facility with associated terminus building, landscaping, access road, lighting and associated infrastructure – approval granted by the County Council on 26th August 2011

120440 – Freestanding two storey restaurant with associated drive-thru, landscaping and car parking. Resubmission of 112404 – approved 13th July 2012.

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
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
ENV2 - Rural Communities
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
DP4 Community Facilities
DP10 Tourism, Leisure and Culture
DP17 Accessibility and Access
DP18 Transport Infrastructure Proposals
DP19 Parking Standards
DP20 Flood Risk and Management of Surface Water Drainage
DP21 Nature Conservation and Protected Lanes
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 NGA1 Appropriate Uses within the North Growth Area
SA NGA4 Transport measures in North Growth Area

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

- 7.6 In addition to the above, consideration also needs to be given to the emerging local plan. The following policies are relevant in the Submission Colchester Borough Local Plan 2017-2033:

SP1 Presumption in Favour of Sustainable Development
SP6 Place Shaping Principles
SG1 Colchester’s Spatial Strategy
SG7 Infrastructure Delivery and Impact Mitigation
SG8 Neighbourhood Plans
ENV1 Environment
ENV3 Green Infrastructure
CC1 Climate Change
PP1 Generic Infrastructure and Mitigation Requirements
NC1 North Colchester and Severalls Strategic Economic Area
NC4 Transport in North Colchester
DM1 Health and Wellbeing
DM2 Community Facilities
DM4 Sports Provision
DM15 Design and Amenity
DM20 Promoting Sustainable Transport and Changing Travel Behaviour
DM21 Sustainable Access to Development
DM22 Parking
DM23 Flood Risk and Water Management
DM24 Sustainable Urban Drainage Systems
DM25 Renewable Energy, Water, Waste and Recycling

7.7 Paragraph 216 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.

7.8 The Emerging Local Plan is at examination stage and may therefore be taken into consideration in the determination of this application. In the context of this application proposal there are no fundamental unresolved site specific objections to the aforementioned policies in the emerging plan and it is considered, at this stage, that the relevant policies in the emerging Local Plan do not appear to contain obvious inconsistencies with the Framework. The Emerging Local Plan is, therefore, considered to carry some weight in the consideration of the application, but as it is yet to undergo complete examination, it is not considered to outweigh the material considerations assessed in accordance with up-to-date adopted planning policies and the NPPF.

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

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
Street Services Delivery Strategy
Planning for Broadband 2016
Managing Archaeology in Development.
Developing a Landscape for the Future
ECC's Development & Public Rights of Way
Planning Out Crime
North Colchester Growth Area
Air Quality Management Guidance Note, Areas & Order
Boxted Parish Plan incorporating Village Design Statement
Langham Village Design Statement
Myland Parish Plan AND Myland Design Statement

7.10 Members should also note that the Colchester Northern Gateway Master Plan Vision Review was adopted by the Council as guidance for development and future planning applications at the Local Plan Committee meeting held on 18th December 2017. Some key principles contained in this document in relation to the application site (identified as Zone 3) are as follows:

- Development to be of a more informal rural feel

- High quality, striking architecture appropriate to the rural setting
- Provision of improved non-car modes of access as part of an overall modal shift aim for the whole Colchester Northern gateway as a major leisure destination
- Provision of electric charging points for vehicles

The Vision Review requires that planning applications for development plots within Colchester Northern Gateway have regard to the aims of the document.

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 The following extensive comment has been received from the Planning Policy team:

'The scheme forms parts of the wider Colchester Northern Gateway (CNG), an area of land controlled by Colchester Borough Council providing a range of residential, employment, commercial and leisure uses. The application proposes sport and leisure uses on a 34.5 ha site on agricultural land immediately north east of junction 28 of the A12.

A key component of the development is the relocation of sports pitches and Colchester Rugby Football Club (CRFC) from Mill Road to this application site north of the A12. This is intended to be followed by redevelopment of the CNG area south of the A12 for residential and commercial uses which will be subject to future separate planning applications.

Adopted Local Plan

The statutory adopted Development Plan for Colchester includes the Core Strategy (2008), Site Allocations (2010) and Development Policies (2010) as well as the Neighbourhood Plans covered separately below. Core Strategy Policy SD1 (Sustainable Development Locations) of the development plan requires growth to be located at the most accessible and sustainable locations in accordance with the settlement hierarchy. To sustain the character of the countryside a high standard of design, sustainability and compatibility with local character is required. Core Strategy Policy ENV1 (Environment) requires the countryside to be conserved and enhanced. The policy includes criteria which strictly controls development in the countryside including in particular that the development be appropriate in terms of its scale, siting and design; and that it should protect, conserve or enhance the landscape and townscape character, including maintaining settlement separation.

It is noted that the Planning Statement submitted with the application flagged as relevant SA policies NGA1, NGA2 and NGA4 requiring community facilities, sports pitches, open space and walking/cycling networks, but it should be noted that the application site lies adjacent but outside of the Northern Growth Area Urban Extension/Northern Growth Area covered by the policies, so provision proposed by the application would not directly address the requirements of those policies.

Amongst the Development Policies relevant to the application, Development Policies DP4 (Community Facilities) and DP10 (Tourism Leisure and Culture) provide generic support in principle for new community facilities and tourism, leisure and culture facilities.

Adopted Neighbourhood Plans

The adopted Neighbourhood Plans for Boxted and Myland and Braiswick form part of the Development Plan for Colchester. The following policies within them are relevant to consideration of the application:

Boxted Neighbourhood Plan - LC1 –Coalescence with Colchester Urban Area seeks to prevent the coalescence of Boxted with Colchester by protecting the green gap between the settlements.

Myland and Braiswick Neighbourhood Plan - EN1 –development will maximise opportunities for the creation, restoration, enhancement, expansion and connectivity of Green Infrastructure.

SPL1 –support the provision of sport and leisure facilities, as far as possible on the Northern Gateway development.

SPL3 –requires stakeholder engagement to determine sport provision in north Colchester in accordance with the latest evidence.

Emerging Local Plan

The Colchester Local Plan to 2033 was submitted for examination in October 2017 and accordingly can be given some weight in the consideration of planning applications. In particular, Policy NC1 (North Colchester and Severalls Strategic Economic Area) requires a masterplan to be prepared for the area and states that proposals which are in accordance with that masterplan will be approved. It requires that Zone 3 (including the area covered by the planning application) be safeguarded primarily for a range of sport and recreation uses within Use Class D, subject to up to date evidence supporting a need for such use. While some objections at Publication stage were received to proposals for housing on the land currently used by the rugby

Club at Mill Road, the only objection relevant to the application site was one from the Bridleways Association requesting equestrian access.

The Local Plan policy has been informed by masterplan work considered by the Local Plan Committee covering both the application site and Northern Gateway land to the south of the A12. The first version of a Masterplan was first produced in 2012.

It has been updated and reviewed by the Local Plan Committee twice, first in August 2016 and most recently in December 2017. The Committee approved the masterplan as material consideration guiding the determination of planning applications, on the basis that it complied with Policy NC1.

National Planning Policy Framework

In addition to the presumption in favour of sustainable development, the core planning principles set out in the NPPF state that planning should take account of and support local strategies to improve health, social and cultural wellbeing for all, and deliver sufficient community and cultural facilities and services to meet local needs and work with public health leads and organisations to understand the needs of the local population. Section 8 of the NPPF relates to the promotion of healthy communities paragraph 69 highlights the role that planning can play in the facilitation of healthy communities. Paragraph 70 of the

NPPF outlines the Government's commitment to delivering the social, recreational and cultural facilities and services the community needs through a positive planning approach and paragraph 73 acknowledges the contribution that access to high quality open spaces and opportunities for sport and recreation makes to the health and well-being of communities.

Planning Policy Issues

The proposal is contrary to the adopted development plan as it lies outside the settlement boundary and accordingly conflicts with Policy ENV1. The adopted plan is now however in the process of being replaced by a new Local Plan which can be given some weight as it has been submitted for examination. The emerging Local Plan includes the proposal on the basis of documented need for a range of sport and recreation uses.

The proposal has developed on the basis of extensive masterplanning and consultation work. It meets an acknowledged need for sports and leisure provision, both in terms of local requirements and by meeting the wider national objectives to increase sports participation to promote healthy and active lifestyles.

While the proposal is outside the Colchester settlement boundary, it adjoins the urban area and would benefit from non-vehicular access improvements providing links to north Colchester and adjacent villages.'

- 8.3 As the development of the site would impact on the trunk road network it is necessary to consult **Highways England** on the proposals. That Authority has not raised an objection to the proposals, and recommend conditions be attached to a grant of planning permission.
- 8.4 **Essex County Council as Highway Authority** has advised that it has no objection to the proposal subject to the imposition of conditions on a grant of planning permission. The proposed conditions were not available at the time this report was produced and, therefore, will be included on the amendment sheet.
- 8.5 **Essex County Council as Lead Local Flood Authority** raises no objection to the proposal, subject to the imposition of conditions on a grant of planning permission.
- 8.6 **Anglian Water** advises that there are no AW assets within the development site boundary and there is available capacity for wastewater/sewerage treatment.
- 8.7 The **Environment Agency** has no comment.
- 8.8 **Natural England** has advised that the development is unlikely to affect any statutorily protected sites or landscapes. Reference is also made to its standing advice in relation to protected species. The proposed development is in an area that NE considers could benefit from green infrastructure provision.
- 8.9 Members are advised that the applicant has liaised closely with **Sport England** regarding the proposals. However, its final comments were unavailable at the time this report was written and will be reported at the Committee meeting.

- 8.10 **Essex Bridleway Association** express support but would want to see more detail of the link to the Park and Ride site and exits on to Boxted Road and Severalls Lane.
- 8.11 The **Gardens Trust** and **Health and Safety Executive** have no comments to make.
- 8.12 The Interim **Recycling, Waste and Fleet Operations Manager** states:
'Please could I ask that consideration is given to the waste that will be stored in the designated bin stores. From our point of view, it will cause difficulty for our crews if they are expected to sort through sacks filled with different materials, i.e. refuse and recycling, in these small areas. Please could consideration be given to where and how different materials will be stored, including all recycled materials.'
- 8.13 The **Contaminated Land Officer** would require the imposition of conditions on a grant of planning permission.
- 8.14 The **Environmental Health Officer** advises that '...The provided noise and lighting reports submitted are acceptable to Environmental Protection...' It is also recommended that conditions and an informative in relation to Demolition and Construction is imposed on a grant of planning permission.
- 8.15 The **Landscape Planning Officer** comments that the loss of trees (required to provide the access to the site) should be replaced with complementary hedgerow and tree cover. Furthermore, that tree planting should seek to reintroduce the historic hedgerow framework. He advises that the impact of the proposed lighting columns in the landscape should be included as part of the Landscape and Visual Amenity assessment, although it is noted that Environmental Control have not objected to the proposal. It is also recommended that the field hedge along Severalls Lane should be augmented as part of works to provide the footway and cycleway. Conditions are also recommended to be attached to a grant of planning permission.
- 8.16 The Council's **Arboricultural Officer** has no comment on the development subject to the imposition of conditions.
- 8.17 The **Urban Design Officer** commented as follows:

'I am happy to support proposals subject to conditions. The applicant has worked hard to refine proposals informed by dialogue with the LPA, with both parties working within site, site context and policy constraints. Proposals strive to minimise impact on the rural setting whilst providing a complex which has strong design qualities and acts as a strategic destination. Building forms and earthy materials/colours (including timber and gault clay bricks) are well used to provide architectural interest and attractively blend with the landscape setting. The size of the car park is dictated by adopted parking standards, though its visual impact and that of other hard surfaces has been minimised by the use of natural materials where possible, e.g. hoggins. The site is in part designed to appeal as sports facilities within accessible parkland, which no doubt will evolve (further refine) to meet user and wider community needs in the

coming years. An outstanding issue is the bin store for the sports centre, though I understand this can be conditioned to ensure it is discretely/attractively integrated, i.e. ideally within the rectangular footprint of the sports centre or very slightly enlarged footprint. Other standard conditions should cover lighting, key materials, details and spaces (e.g. central plaza).'

8.18 **The Archaeological Adviser** has recommended the imposition of a condition on a grant of planning permission.

8.19 The **Planning Transportation Officer** has commented that the proposed pedestrian/cycle route across the A.12 will provide a sustainable access to the site. Links to the site from Boxted Road and Severalls Lane are also important. Cycle parking in accordance with adopted standards should be provided and electric vehicle charging points also provided. It is also noted that a Framework Travel Plan has been submitted.

9.0 Parish Council Response

9.1 The following comment has been received from Myland Community Council:

'The area around the proposed entrance to the venue is currently very busy, with restricted movement due to parked cars and lorries. MCC would suggest that provision of parking restrictions and enforcement of these 24 hours a day on the access road must be a consideration.

MCC would fully expect and support the provision of safer access across the junction roundabouts for both pedestrians and cyclists. It is also MCC's view that this application cannot be considered in isolation and must be viewed in tandem with the other Northern Gateway projects i.e. the western and southern applications, both of which will substantially affect the travel movement over this junction.

MCC would support the proposed pedestrian access on the east side of the complex from Severalls/Langham Road as being necessary in the interests of road safety and for environmental reasons.

MCC notes that care has been taken to provide access for all within buildings and across the site as a whole. We also note the provision of open spaces, and sensitive merging of buildings within the landscape. We also note the protection of sensitive areas such as Salary Brook through the comprehensive ecology studies. We support the access for all approach, and welcome the attention given to sensitive landscaping.'

10.0 Representations from Notified Parties

10.1 The application resulted in 3 letters of representation being received. 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:

- The provision of cycle paths will make properties in Straight Road vulnerable to theft, vandalism and trespass. Security is an important issue.
- The boundary red line of the application site is shown incorrectly in relation to neighbouring property.
Officer comment: a revised red line plan has been received from the applicant's agent.
- The equestrian route and access to Severalls Lane could cause access difficulties for the occupier of White House farm.
- Despite information in the application there have been vehicular accidents in Severalls Lane.
- Fencing of the site would not guarantee security of adjoining properties.
- The location of the proposed cycle track would detrimentally impact on the amenity of the occupiers of White House Farm and grazing horses. It is requested that it be moved further away from the shared boundary.
- Lights should only be illuminated when the site is being used and the closing time is too late.
- A limit should be in place with regard to PA systems etc. to avoid unacceptable noise nuisance.
- The use of the clubhouse should be restricted to sociable hours.
- Cycling across the A.12 junction would not be safe.
- There appears to be insufficient parking for cars and coaches.
- The access road appears very tight.
- The design of the Rugby Club building is inappropriate, stylised and unnecessarily complex.

11.0 Parking Provision

11.1 The drawings submitted to Members for determination propose that 358 car parking spaces are provided on the site. This number includes the provision of 26 space for disabled persons (located adjacent to the proposed Sports Centre and Club House). It is also proposed that 48 cycle stands are provided; again, these being adjacent to the Sports Centre and the Club House.

11.2 Members are also advised that the applicant has reached agreement with ECC, as the Park and Ride operator, that 200 car parking spaces will be available as overspill parking on rugby match days.

12.0 Open Space Provisions

12.1 The submitted scheme, by its nature, consists predominantly of open space, both in the provision of public and private playing surfaces, tracks etc. together with large areas of open grassed amenity and play spaces.

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. The application was due to be presented to the Team meeting scheduled for 28th June i.e. after the completion date for this report. Members are advised that the requirements of the Development Team with regard to mitigation will be reported to Committee at the meeting.

15.0 Report

- 15.1 The main issues in this case are:
- The Principle of Development
 - Design and Layout
 - Scale, Height and Massing
 - Impact on the Surrounding Area
 - Impacts on Neighbouring Properties
 - Landscape and Trees
 - Highway Safety and Parking Provisions (including Cycling)
 - Other Matters

Principle of Development

- 15.2 As identified elsewhere in this report, within the adopted Local Plan the application site comprises a combination of land uses; the majority having no notation i.e. unallocated ‘white land’ and the remainder being allocated for Park and Ride purposes. Therefore the application proposes land uses that represent a departure from the adopted Local Plan. In this regard the comments received from the Spatial Policy team are noted, particularly in relation to the sustainability and accessibility criteria identified in policy SD1 and the need to protect the borough’s rural areas from inappropriate forms of development stated in policy ENV1.
- 15.3 In relation to the issues of sustainability and accessibility the scheme does propose to enhance the cycling, pedestrian and equestrian access to the site – acknowledging that a significant amount of visits would take place by car. Nevertheless, the fact that these elements would be in place would encourage modal shift and conform with the general theme of promoting health benefits arising from development facilitating sporting activities. The scheme would also incorporate sustainable energy generation and drainage elements. As regards the requirements of ENV1 while it is acknowledged that the character of the site would be altered in character by the development taking place, it would not be harmful to visual amenity given the generally ‘open’ and undeveloped nature of sports pitches. The main built form in the development is clustered nearer to existing buildings which, it is felt, would further assist in limiting the overall visual impact of the development. It is also noted by the Spatial Policy team that

generic support for this form of development is provided via policies DP4 (Community Facilities) and DP10 (Tourism Leisure and Culture).

- 15.4 That said, it is also pertinent to the consideration of the application that the Council's *proposed* aim for this site, as defined in the emerging Local Plan is its utilisation as a sports and recreation destination – as part of the overall Colchester Northern Gateway. Specifically, within policy NC1 (North Colchester and Severalls Strategic Economic Area) the application site is identified as Zone 3, which is to accommodate sport and recreation uses. This proposed use is underpinned by the Council's agreed vision for the Northern Gateway as set out in the adopted Vision Review document that is referred to in paragraph 7.10 of this report.
- 15.5 Linked to this 'direction of travel' in relation to the future use of this land is the Myland and Braiswick Neighbourhood Plan which forms part of the adopted Local Plan and is therefore a material consideration. This Plan does specifically support the provision of sport and leisure facilities at the Northern Gateway.
- 15.6 Both the emerging Plan and the adopted Myland and Braiswick Neighbourhood Plan identify the strategic need for additional sports facilities being established. The Core Strategy of the adopted Local Plan identifies the need for additional provision to satisfy demand created by a growing population, and also promote healthy lifestyles generally. The Council subsequently produced the 'Indoor Sports Facilities Strategy and Action Plan' 2015 – 2037 which provides a framework for provision. This is accompanied by the 'Playing Pitch and Action Plan 2015 – 2025, also produced by the Council. Both identify demand that needs to be met. In both documents the sports provision at the Colchester Northern Gateway is seen as a key element in meeting this demand.

Design and Layout

- 15.7 The submitted scheme seeks to create a development that is focussed on two new key buildings with associated sports pitches. The fact that the application site is undeveloped at the present time means that development that takes place will create its own context and character.
- 15.8 To this end, Members will note that the greater majority of built form and hardened surfacing is located in the southwestern corner of the site, close to the trunk road junction and also nearer to built-form already located in the vicinity – namely the petrol filling station, roadside restaurant and the Park and Ride site. The location of the proposed buildings and car park would, it is felt, be spatially appropriate as it would add to the existing loose 'cluster' on this side of the A.12. In addition, the location of development here would mean that it was located away from the curtilage of the dwelling at White House Farm.
- 15.9 The buildings themselves follow a contemporary, bespoke design that incorporates the use of timber as well as brick and metal roofing. As identified in the Council's Master Plan Vision Review document the provision of striking contemporary architecture is a requirement of development taking place on this site and it is felt that the proposals achieve this aim.

15.10 The remainder of the application site would be given over to sports pitches, a cycle track that extends along the southern and majority of the eastern boundaries of the site, and informal grassed recreation areas – all accessed via footway and cycleways. Minor ancillary buildings such as storage facilities are also proposed, but these would read as minor incidental elements in a landscape-dominated setting. Ball stop fencing would also be required to serve identified pitches but the nature of this type of feature in the landscape means that it would not appear overly visually-dominant.

15.11 Policy DP1 of the adopted Local Plan requires inter alia that ‘...All development must...Respect and enhance the character of the site, its context and surroundings...Respect or enhance the landscape...’ In this regard it is considered that the proposed development accords with the requirements of the identified policy. It is also considered that the requirements of UR2 (Built Design and Character) and ENV1 (Environment) are met satisfactorily.

Scale Height and Massing

15.12 Given the overall extent of the application site it is considered that the scale, or amount of development proposed under this application could be accommodated without it appearing cramped or out of keeping with the surroundings, which have a predominantly rural character. In terms of the proposed height of built form on the site, neither the proposed sports centre nor the Clubhouse building are considered to be excessively high and hence would not, it is felt, appear visually over-dominant nor intrusive.

15.13 It is noted that the several of the sports pitches would be served by floodlighting and the introduction of these features on an undeveloped site needs to be carefully considered in terms of their overall impact on visual amenity. The highest columns would be up to 28 metres high (serving the all-weather pitch nearest the Clubhouse), 20 metres (serving the second all-weather pitch to the east of the Sports Centre) and 10 metre high columns would serve the car park and cycle track. The height of the columns has been discussed with the applicant's agent as it is considered that the provision of 28 metre high columns would potentially be overly prominent and, hence, detrimental to visual amenity. To this end, the provision of lower columns is being considered. In any event, the final details of the lighting columns would be controlled through a condition attached to a planning permission.

Impact on the Surrounding Area

15.14 The fact that the application site is currently undeveloped means that the provision of development of the scale proposed would alter to some degree its character and appearance and how it relates to its surroundings. In this regard, the fact that the development would consist of predominantly pitched-based activities would, it is felt, not be harmful to the overall amenity value of the area. Although built form is proposed, this is relatively modest in terms of site coverage and its location means that it would relate, visually, to existing buildings in the vicinity. The majority of the site, projecting north and west, would remain open and occupied by pitches, a cycle track and informal recreation areas which would limit visual incursion into the surrounding undeveloped land

which retains a strong rural character. This form of development would also mean that a visual coalescence of development north of the A.12 trunk road was avoided. This element of the proposals is considered to be particularly important in relation to the adopted Boxted Neighbourhood Plan which seeks to prevent coalescence between town and village. The overall impact of the development would be further mitigated by the extensive planting proposals inherent in the submission.

Impacts on neighbouring properties

- 15.15 The nearest dwelling to the application site is White House Farm, which is accessed off Severalls Lane. The western boundary of the curtilage of this dwelling is contiguous with much of the eastern boundary of the site. The occupiers of the dwelling will potentially experience impacts from lighting and noise generated as a result of the proposed development taking place.
- 15.16 The element of the proposals that is nearest to White House Farm is the proposed cycle track. This feature would incorporate 10 m high directional lighting columns. Therefore the impact of lighting on the amenity of White House Farm is an important consideration. To this end the application is accompanied by an Environmental Statement that considers the issue of light pollution. The Statement advises that ‘...External lighting has been designed to minimise light spill into residential areas...in addition to minimising glare and light presence. Final mast locations, luminaire selection and their orientations will be carefully selected to minimise sky glow, light intrusion...All external lighting (except for safety and security lighting) will be automatically switched off between 2300 and 0700...’
- 15.17 Members will note that the Environmental Health Officer has not raised an objection to this proposal – having considered the lighting information submitted with the application. On this basis it is considered that the lighting proposals in relation to the cycle track feature would be acceptable in planning terms.
- 15.18 Clearly the provision of floodlighting for pitches and other lit areas (for example the car park) could create a significant degree of illumination on what is essentially currently a dark site. However, it must be acknowledged that the A12 junction and slip road to roadside facilities is well lit already. This change, primarily through glare and sky glow, will be experienced by the occupiers of White House Farm and, to a lesser extent, those of properties located along Boxted Road and Langham Road as well as users of the A.12 trunk road. The submitted Environmental Statement comments on this issue as follows:
- ‘...the external lighting design takes into account the sensitivities of the surrounding receptors and has been developed in accordance with relevant standards and guidance...The lighting design has included an appropriate selection of column heights and luminaires to ensure that the intensity and direction of the lighting is controlled by retaining angles close to the horizontal, to ensure the effects are minimised...’

15.19 Again, the Environmental Health Officer has not objected to the proposal on grounds of excessive glare, light spill or sky glow being created by the development. In any event, the final details of lighting would be controlled by a condition of a planning permission – as advised elsewhere the overall height of lighting columns would be included in details to be finally agreed by condition.

15.20 The other element of impact on neighbouring properties, particularly in relation to White House Farm, is that of noise that would be generated by the proposed development. The Environmental Statement recognises that the proposal would generate noise through the construction process, operation (including the use of a PA system on match days only) and also road traffic movements associated with the proposed development. The Statement advises that the methodology for assessing noise impacts was agreed with the Environmental Health Officer prior to production of the document.

15.21 With regard to the impacts arising from the construction phase, it is proposed that these would be controlled via a Construction Environmental Management Plan, the principles of which are set out in the Statement. This plan can be secured by condition. Furthermore plant etc. associated with the proposed buildings would have to comply with the relevant British Standards. The assessment of noise generation from the operation of the development has not identified unacceptable harm to the occupiers of the neighbouring dwellings. The use of the PA system would be linked to match days only and these would be up to 30 days per year. The Statement does acknowledge that the final details of the PA system were not available at the time it was prepared. However, Members are advised that a condition attached to a grant of planning permission would require final details of the system to be agreed prior to its installation and use.

15.22 The Statement has assessed other potential noise sources such as the car park, recreational activities and plant to have a negligible impact.

Landscaping and Trees

15.23 As would be expected, a development of the scale and nature proposed would require that significant landscaping works are undertaken – not least to provide a level surface to enable pitch construction. In this regard the site benefits from a relatively level aspect at the current time. The most obvious change in level occurs at the southern boundary where the access road off the A.12 junction and the slip road on to the northbound lane are at an appreciably higher level.

15.24 A notable feature of the application site are the established hedgerows (containing trees) that are located on boundaries, and contiguous with the route of Salary Brook through the centre of the site. The submission would not result in the loss of these features, save for the removal of 5 no. trees in the south western corner, in order to enable the site access to be provided. That said, the curved nature of the access road would mean that the remainder of the historic tree line in this location was retained intact. Members are also advised that the scheme proposes the introduction of over 100 new trees on the site, as part of the overall landscaping proposals. The plans submitted with the application

indicate that an extensive line of new planting is proposed along the shared boundary of the site with White House Farm. Generally new tree planting across the site boundaries is combined with 'Hedgerow Buffer Zone' planting that would include mature native grasses, meadow planting and hedgerow species. Following discussions with the Council's Landscape Officer, the positions of some new trees have been adjusted in order that the lines of historic field boundaries that previously existed in the area (and reflected on land to the south of the A.12) would be reintroduced.

- 15.25 Members are advised that the impacts of the development on Landscape and Visual Amenity have been assessed as part of the Environmental Statement submitted with the application. This has been considered by the Landscape Officer and no objection to the proposals is raised, subject to the conditions that are recommended at the end of this report. Similarly, the Council's Arboriculturalist does not object to the proposals, following clarifications being provided with regard to the impacts of the development on existing trees. This includes agreement to the loss of the identified trees in order to enable the access road to be constructed.

Highway Safety and Parking Provision

- 15.26 This development proposal would clearly impact on both the trunk road network controlled by Highways England, and highways within the control of Essex County Council. The application includes a Transport Assessment and a Travel Plan. The Planning Statement submitted with the application comments on the findings of the Transport Assessment as follows:

'...The Transport Assessment has shown that generally, the impacts on the operation of local junctions arising as a result of traffic associated with the Proposed Development are minor. Growth of the background traffic accounts for a far more significant impact on the operation of local junctions. No offsite highway works are considered necessary in order to accommodate traffic flows associated with the Proposed Development, over and above the proposed site access arrangements. Therefore no significant effects are anticipated in terms of driver delay...'

- 15.27 Members will note that the scheme submitted for determination does include improvements to pedestrian crossing facilities at Junction 28 reflecting likely access movements from the south. In addition, the scheme does include links to the site from Boxted Road and also along Severalls Lane, clearly promoting opportunities for modal shift. The scheme thereby looks to meet relevant policy aspirations (as also endorsed by the Council's Planning Transportation Officer). Members are advised that following initial submission of the application, ongoing liaison has taken place between the applicant's transportation consultants and both highway authorities. This has led to conditional recommendations of approval being made in both cases.

15.28 In relation to parking provision Members are advised that the relevant adopted standards (expressed as a maximum) are as follows:

- For outdoor sports pitches 20 spaces per pitch plus 1 space per 10 spectator seats
- For Sports Halls 1 space per 10 sq. m of public area

Based on the number of pitches and the relevant floorspace of the proposed Sports Hall the scheme would require a *maximum* provision of 357 spaces. This figure excludes the spaces generated by spectator seats. The submitted proposal includes 358 spaces.

15.29 In consideration of the amount of parking provided it is pertinent to note that the scheme does include elements to encourage modal shift, as explained above. Furthermore the standard is expressed as a maximum and therefore in terms of sustainable development it is desirable that alternative forms of transport to access the site are encouraged. To this end it is of clear benefit that the site is located adjacent to the Park and Ride facility and buses could therefore be utilised as part of a linked trip to the town centre or the railway station.

15.30 By way of information the submitted Planning Statement comments on the issue of parking as follows:

‘...During the operational phase it is predicted that on Saturdays, during match fixtures, a typical attendance is 500 people, resulting in approximately 250 cars. The proposed development will have 358 spaces, a sufficient number in relation to predicted car numbers which would not exceed the Council’s maximum car parking standards...The Colchester Rugby Football Club hosts occasional festival events so during this period there will be elevated parking demands, much of which would be accommodated on-site. A Car Park Management Plan will be developed to ensure efficient management of the operation of the car park...’

15.31 Subsequent to the submission of the application it is understood that the applicant has now reached agreement with Essex County Council that 200 spaces at the park and ride facility would now be available as an overspill facility on match days. It is considered that the practical application of this agreement could be included as part of the Car Park Management Plan.

15.32 In terms of cycle parking provision the scheme proposes 48 spaces, provided in the form of ‘Sheffield’ – type stands. In addition, the scheme proposes a cycle storage area within the Sports Centre building that has a dimension of 142 square metres. This space would be utilised for cycle hire in relation to the use of the track facility. The applicable cycling standards would require a provision of at least 92 spaces. As a planning judgement it is considered that the site contains sufficient space to accommodate the additional 44 spaces required, and a suitably worded condition would be imposed in order to secure this.

Other Matters

Lighting

- 15.33 The issue of lighting the development is a key consideration as mentioned elsewhere in this report. The impacts of the various light sources have been quantified as part of the Environmental Statement and the Environmental Health Officer does not dispute the findings. Members are advised that lighting would be turned off by 2200 hours on weekdays and Saturdays, and by 2100hrs on Sundays and Bank Holidays. A suitably worded condition is recommended in order that the final details of lighting are controllable.

Archaeology

- 15.34 The Council's Archaeological Adviser has identified the possibility of finds being made on this site and has therefore recommended that the standard archaeological condition be imposed on a grant of planning permission.

Ecology

- 15.35 Members will note that the scheme has not given rise to objection from Natural England. That said, the opportunity for green infrastructure provision clearly exists – not least as a result of the introduction of a significant amount of new planting and landscaping on the site. The majority of existing habitats are to be retained and enhanced as a result of the proposals. It is also understood that the lighting proposals have been designed in order to minimise impacts on ecology e.g. routes of foraging bats etc. It is recommended that the need to secure the improvement and management of ecology is secured via condition.

SuDS

- 15.36 Linked to the sustainable merits of the submitted scheme is the proposed provision of sustainable drainage systems across the site – utilising the natural feature of Salary Brook as a central focus. It is noted that the site is within Flood Zone 1 and is therefore at low risk from flooding. The application is accompanied by a surface water drainage strategy which includes the use of permeable paving (including within the car park area), bioretention areas, geo-cellular storage, swales and low level bunding. Members will note that the final details of the drainage system would have to be agreed by condition, but it is considered that the scale and nature of the development means that the principles of sustainable drainage can be fully realised on the site.

Sustainable Energy

- 15.37 The designs for the Sports Centre and Clubhouse buildings have been proposed with the aim of achieving a BREEAM rating of Very Good. In order to reduce energy consumption the buildings would be mainly ventilated by natural means. In addition the roofs of each building would incorporate photo-voltaic cells in order to generate power by solar energy. It is considered that the proposals satisfy the requirements of adopted policies ER1 and DP25 of the adopted Local Plan in this regard.

Third Party Concerns

15.38 The comments received from third parties (as summarised in section 10 of this report) are fully acknowledged and appreciated. The following responses are made to the comments:

- The concern regarding security is noted. The proposal includes lighting that would assist in improving security and the proposal also includes CCTV serving the areas around the buildings. A specific condition would require final details of fencing and boundary treatments to be agreed.
- The provision of new footpaths etc. has not raised concerns from the Highway Authority regarding access issues.
- The issue raised regarding accidents in Severalls Lane is noted. The proposed scheme does include the provision of a separate footway and cycleway to enhance pedestrian and cyclist safety.
- The impact of the cycle track on the amenity of White House Farm has been considered as part of the application process and it is considered that this feature would not have an unacceptable impact. Specific issues of light wash and noise impacts have been considered as part of the Environmental Statement.
- It is considered that the proposed hours of use of the facilities would be reasonable, as would the proposed illumination times of lighting. A specific condition would address the issue of the PA system.
- The proposed hours of use of the Clubhouse have been considered as part of the overall proposal by the Environmental Health Officer and no objection is raised to these.
- It is considered that the parking provision would be sufficient to serve the proposal, bearing in mind that the standards are set as a maximum and specific elements would be in place to encourage modal shift. This is notwithstanding the agreement between the applicant and ECC to allow access to spaces at the adjacent park and ride site to be used on rugby match days.
- The Highway Authority has not objected to the form of access.
- The design of the proposed rugby club building is considered to respond positively to the site context and also the requirements of the Master Plan Vision Review adopted by the Council.

16.0 Conclusion

16.1 To summarise, the application site is not currently allocated for the purposes proposed under the application within the adopted Local Plan and the application represents a departure. That said, the need to provide additional sports and recreational facilities is recognised in the adopted Core Strategy, as is development in sustainable, accessible locations. In addition, the adopted Neighbourhood Plan for Myland and Braiswick does include the site as being suitable for the proposed development. Furthermore, the Council's adopted Colchester Northern Gateway Master Plan Vision Review Document does

reinforce the future role of the site as a sport and recreation destination, as part of the overall Northern Gateway development.

16.2 The emerging Local Plan includes policies that, again, establish the provision of a sports and recreation hub on the site, to meet a proven need. The status of the Plan means that it merits some consideration in the decision-making process, although full weight must be afforded to the adopted Local Plan policies. As a balanced judgement, given the circumstances that are outlined above, it is considered that the proposal represents an acceptable departure from the current plan, and may be supported in principle.

16.3 Leading on from this, it is considered that the design and layout of the scheme is a sensitive response to the current context and as such the development would not appear incongruous in its wider setting. The various impacts arising from the development have been properly addressed in the application and the imposition of suitable conditions would enable appropriate controls to be in place to mitigate any impacts arising.

17.0 Recommendation to the Committee

17.1 Members are advised that under the Town and Country Planning (Consultation) (England) Direction 2009 if the recommendation of approval is accepted it will be necessary to refer the application to the Secretary of State in order that a decision can be made with regard to whether the application is to be called in for determination. The following recommendation is made:

APPROVAL of planning permission 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 – **the drawing numbers will be supplied on the amended sheet.**

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

3. ZAV - *Access for Disabled Persons*

No works shall take place until a scheme indicating the provisions to be made for disabled people has been submitted to and approved, in writing, by the Local Planning Authority. The agreed scheme shall be implemented before the development hereby permitted is brought into use.

Reason: To ensure that convenient provisions to facilitate access for all.

4. ZBD - Schedule of Types and Colours to be Submitted

No external materials shall be used until a schedule of all types and colours has been submitted to and approved, in writing, by the Local Planning Authority and the development shall thereafter be carried out in accordance with the approved schedule.

Reason: This is a prominent site where types and colours of external materials to be used should be polite to their surroundings in order to avoid any detrimental visual impact.

5. ZBF - Surfacing Materials to be Agreed

Prior to the laying down of any surface materials for private, non-adoptable access-ways, driveways, footpaths, courtyards, parking areas and forecourts, full details of these materials shall be submitted to and agreed, in writing, by the Local Planning Authority. The development shall thereafter be carried out in accordance with the agreed details.

Reason: There is insufficient information within the submitted application to ensure that these details are satisfactory in relation to their context and such details are considered important to the character of the area.

6. ZCC - Non-Residential BREEAM (Part 1 of 2)

No works shall take place until evidence that the development is registered with a BREEAM certification body and a pre-assessment report (or design stage certificate with interim rating if available) has been submitted indicating that the development can achieve a final BREEAM rating level of at least Very Good.

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

7. ZCD - Non-Residential BREEAM (Part 2 of 2)

Within 6 months of the occupation of the development, a final Certificate shall have been submitted to the Local Planning Authority certifying that BREEAM rating Very Good has been achieved for this development.

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

8. ZCF - Refuse and Recycling As Shown

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

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

9. 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.

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.

10. ZCH - Litter

Prior to the first occupation of the development hereby permitted, equipment, facilities and other appropriate arrangements for the disposal and collection of litter resulting from the development shall be provided in accordance with details that shall have previously been submitted to, and agreed in writing by, the Local Planning Authority. Any such equipment, facilities and arrangements as shall have been agreed shall thereafter be retained and maintained in good order.

Reason: In order to ensure that there is satisfactory provision in place for the storage and collection of litter within the public environment where the application lacks sufficient information.

11. ZCI - Connection to Foul Sewer (non-standard)

All sewage and waste water shall be discharged to the foul sewer.

Reason: To meet the requirements of Circular 3/99 and to ensure that the environmental, amenity and public health problems that can arise from non-mains sewerage systems do not occur.

12. Non-standard condition – surface water drainage scheme

No works shall take place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the Local Planning Authority. The scheme should include but not be limited to:

- Limiting discharge rates to 1 in 1 greenfield for all storm events up to and including the 1 in 100 year rate plus 40% allowance for climate change.
- 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 40% climate change event.
- Final modelling and calculations for all areas of the drainage system.
- The appropriate level of treatment for all runoff leaving the site, including roof areas, 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
- 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.

13. Non-standard condition – scheme to minimise off-site flooding

No works shall take place until a scheme to minimise the risk of offsite flooding caused by surface water run-off and groundwater during construction works and prevent pollution has been submitted to, and approved in writing by, the local planning authority. The scheme shall subsequently be implemented as approved.

Reason: The National Planning Policy Framework paragraph 103 and paragraph 109 state that local planning authorities should ensure development does not increase flood risk elsewhere and does not contribute to water pollution.

Construction may lead to excess water being discharged from the site. If dewatering takes place to allow for construction to take place below groundwater level, this will cause additional water to be discharged. Furthermore the removal of topsoils during construction may limit the ability of the site to intercept rainfall and may lead to increased runoff rates. To mitigate increased flood risk to the surrounding area during construction there needs to be satisfactory storage of/disposal of surface water and groundwater which needs to be agreed before commencement of the development.

Construction may also lead to polluted water being allowed to leave the site. Methods for preventing or mitigating this should be proposed.

14. Non-standard condition – Drainage Maintenance Plan

No works shall take place until a Maintenance Plan detailing the maintenance arrangements including 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.

15. Non-standard condition – Yearly Maintenance Logs

The applicant or any successor in title must maintain yearly logs of maintenance which should be carried out in accordance with any approved Maintenance Plan. These must be available for inspection upon a request by the Local Planning Authority.

Reason: To ensure the SuDS are maintained for the lifetime of the development as outlined in any approved Maintenance Plan so that they continue to function as intended to ensure mitigation against flood risk.

16. Non-Standard Condition/Reason - Removal of Permitted Development Rights

Notwithstanding the provisions of Article 3, Schedule 2 Part 3 of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order with or without modification) the development hereby approved shall be used solely as described in the planning application submission documents and supporting materials and for no other purpose(s) in the Schedule to the Town and Country Planning (Use Classes) Order 1987 (or in any provision equivalent in any Statutory instrument revoking and re-enacting that Order with or without modification).

Reason: This is the basis on which the application was submitted and subsequently considered and the Local Planning Authority would need to give further full consideration to the appropriateness of a different use or uses on this site at such a time as any future change of use were to be proposed.

17. ZFE - 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.

18. Non-standard condition – Landscaping Details

No works shall take place 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 include:

- Proposed finished levels or contours;
- Means of enclosure including all boundary fencing;
- Car parking layouts;
- Other vehicle and pedestrian access and circulation areas;

- Hard surfacing materials;
- Minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, 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)
- Retained historic landscape features;
- Proposals for restoration;
- Planting plans;
- Written specifications (including cultivation and other operations associated with plant and grass establishment);
- Schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate; and
- Implementation timetables and monitoring programs.

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

19.ZFG - Earthworks

No works shall take place until details of all earthworks have been submitted to and agreed, in writing, by the Local Planning Authority. These details shall include the proposed grading and mounding of land areas including the levels and contours to be formed, showing the relationship of proposed mounding to existing vegetation and surrounding landform. The development shall thereafter be carried out in accordance with the approved details.

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

20.ZFQ - 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 a standard that will have previously been submitted to and agreed, in writing, by the Local Planning Authority (see BS 5837). All agreed protective fencing shall thereafter be maintained during the course of all works on site and no access, works or placement of materials or soil shall take place within the protected area(s) without prior written consent from the Local Planning Authority.

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

21.ZFR - Tree and Natural Feature Protection: Entire Site

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

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

22.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.

23.Non-standard condition – Construction Environmental Management Plan

No works shall take place until a Construction Environmental Management Plan as referred to in the documentation supporting the planning application has been submitted to and approved, in writing, by the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period.

Reason: In order to ensure that the construction takes place in a suitable manner and to ensure that amenities of existing residents and the environment are protected as far as reasonable.

24.Non-standard condition – Limits to hours of work and construction vehicles

No demolition or construction work shall take place outside of the following times:

Weekdays: 8am - 6pm

Saturdays: 8am - 1pm

Sundays and Public/Bank Holidays: Not at all

Furthermore, no vehicle connected with the works shall arrive on site before 7:30am or leave after 7:00pm (except on case of emergency).

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

25. Non-standard condition – Hours of Operation

The uses hereby permitted shall be restricted to the following times:

	Weekdays	Saturdays	Sundays/Bank Holidays
Sports Centre	07.00-23.00	07.00-23.00	08.00-23.00
Rugby Clubhouse	Mon, Tue, Thur 08.00-23.00 Weds 08.00- Midnight Fri 08:00-01:00 (Sat morning)	08.00-01.00 (Sunday morning)	08.00-22.00
Tannoy for matches and events	Until 21.00	Until 21.00	Until 21.00 (on up to 30 days per year)
Floodlighting to two artificial pitches	Until 22.00	Until 22.00	Until 21.00
Cycle track lighting - low lux level and low height	Until 22.00	Until 22.00	Until 21.00

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 including from people entering or leaving the site, as there is insufficient information within the submitted application, and for the avoidance of doubt as to the scope of this permission.

Note: Premises requiring a License will need to apply to the Licensing Authority and each application will be assessed on its own merits; there is no guarantee that the above hours would be approved.

26. Non-standard condition - Food Premises (Control of Fumes and Odours)

Prior to the first use of the development hereby permitted, control measures shall be installed in accordance with a scheme for the control of fumes, smells and odours that shall have been previously submitted to, and agreed in writing by, the Local Planning Authority. This scheme shall be in accordance with Colchester Borough Council's Guidance Note for Odour Extraction and Control Systems. Such control measures as shall have been agreed shall thereafter be retained and maintained to the agreed specification and working order.

Reason: To ensure that there is a scheme for the control of fumes and odours in place so as to avoid unnecessary detrimental impacts on the surrounding area and/or neighbouring properties, as there is insufficient detail within the submitted application.

27. Non-standard condition – Grease Traps required

Prior to the first use of the development hereby permitted, any foul water drains serving the kitchen shall be fitted with grease traps that shall at all times thereafter be retained and maintained in good working order in accordance with the manufacturer's instructions.

Reason: To prevent unnecessary pollution of the groundwater environment quality in the area and/or blocking of the drainage system.

28. Non-standard condition – Restriction of Amplified Music

Prior to the first use or occupation of the development hereby permitted, the level of internal amplified sound shall be restricted by the installation and use of a noise-limiting device that complies with details that shall have been submitted to and agreed, in writing, by the Local Planning Authority. Thereafter, such devices shall be retained and operated in accordance with the approved specification and working order at all times.

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 and disturbance from amplified noise, as there is insufficient information within the submitted application.

29. Non-standard condition - Self-Closing Doors

Prior to the first use or occupation of the development hereby permitted, all doors allowing access and egress to the premises shall be self-closing and shall be maintained as such, and kept free from obstruction, at all times thereafter.

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 including from people entering or leaving the site, as there is insufficient information within the submitted application, and for the avoidance of doubt as to the scope of this permission.

30. Non-standard condition - Sound Insulation on Any Building

Prior to the first use or occupation of the development as hereby permitted, the building shall have been constructed or modified to provide sound insulation against internally generated noise in accordance with a scheme devised by a competent person and agreed, in writing, by the Local Planning Authority. The insulation shall be maintained as agreed thereafter.

Reason: To ensure that the development hereby permitted is not detrimental to the amenity of the surrounding area by reason of undue noise emission and/or unacceptable disturbance, as there is insufficient information within the submitted application.

31. Non-standard condition – Details of the Public Address System

Prior to the first use or occupation of the development as hereby permitted, full details of the public address system to be installed on the site shall be submitted to and approved in writing with the Local Planning Authority. The system shall thereafter be used solely in accordance with the approved details.

Reason: Insufficient details are included as part of this application submission and the Council would wish to ensure that the public address system is fit for purpose and does not unacceptable affect the amenity of nearby residents by reason of noise nuisance.

32. Non-standard condition – Details of floodlighting

No works shall take place until full details of any floodlighting have been submitted to and agreed, in writing, by the Local Planning Authority. The development shall thereafter be carried out and maintained in accordance with the approved details.

Reason: To ensure that any floodlighting at the site is of a satisfactory specification and to ensure that it will not cause any undue harm or loss of amenity to the surroundings area.

33. Non-standard condition – External Lighting Fixtures

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

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

34. Non-standard condition – External Lighting

All external lighting serving the buildings hereby approved shall only be illuminated during the authorised hours of opening of those buildings.

Reason: To control periods of illumination in order to reduce the risks of any undesirable effects of light pollution.

35. ZGX - Contaminated Land Part 1 of 4 (Site Characterisation)

No works shall take place until an investigation and risk assessment, in addition to any assessment provided with the planning application, has been completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval, in writing, of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

(i) a survey of the extent, scale and nature of contamination, including contamination by soil gas and asbestos;

(ii) an assessment of the potential risks to:

human health,

property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,

adjoining land,
groundwaters and surface waters,
ecological systems,
archaeological sites and ancient monuments;

(iii) an appraisal of remedial options, and proposal of the preferred option(s). This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and the Essex Contaminated Land Consortium's 'Land Affected by Contamination: Technical Guidance for Applicants and Developers'.

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

36.ZGY - Contaminated Land Part 2 of 4 (Submission of Remediation Scheme)

No works shall take place until a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment has been prepared and then submitted to and agreed, in writing, by the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

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

37.ZGZ - Contaminated Land Part 3 of 4 (Implementation of Approved Remediation Scheme)

No works shall take place other than that required to carry out remediation, the approved remediation scheme must be carried out in accordance with the details approved. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works. Following completion of measures identified in the approved remediation scheme, a verification/validation report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

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

38.ZG0 - Contaminated Land Part 4 of 4 (Reporting of Unexpected Contamination)

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition 35, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 36, which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition 37.

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.

39.ZG3 - *Validation Certificate*

Prior to the first OCCUPATION/USE of the development, the developer shall submit to the Local Planning Authority a signed certificate to confirm that the remediation works have been completed in accordance with the documents and plans detailed in Condition 36.

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.

40.Non-standard condition - Oil Interceptor Required

Prior to being discharged into any watercourse, surface water sewer or soakaway all surface water drainage from parking areas shall be passed through an oil interceptor designed and constructed to have a capacity compatible with the site being drained. Roof water shall not pass through the interceptor.

Reason: To prevent unnecessary pollution of the groundwater environment quality in the area and/or blocking of the drainage system.

41.Non-standard condition - Ecology

Prior to the commencement of development a scheme shall be submitted to and approved in writing by the Local Planning Authority that describes the range of green infrastructure improvements that will be carried out on the site in order to improve its ecological value. The approved scheme shall be carried out to the satisfaction of the Council in accordance with a previously-agreed timescale.

Reason: To protect and enhance nature conservation interests to the overall amenity value of the area.

42. Non-Standard Condition – Electric Charging Points

Prior to the commencement of the development hereby permitted a scheme for the provision of electric charging points for vehicles shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the type of charging point to be provided, their location, a timeframe for their implementation and details of their on-going management and maintenance. The development shall be implemented in accordance with the approved details.

Reason: In the interest of promoting sustainable transport modes and reducing pollution.

43. Non-standard Condition – Archaeology

No works shall take place until the implementation of a programme of archaeological work has been secured, in accordance with a Written Scheme of Investigation that has been submitted to and approved, in writing, by the Local Planning Authority. The Scheme shall include an assessment of significance and research questions;

and:

- a. The programme and methodology of site investigation and recording.
- b. The programme for post investigation assessment.
- c. Provision to be made for analysis of the site investigation and recording.
- d. Provision to be made for publication and dissemination of the analysis and records of the site investigation.
- e. Provision to be made for archive deposition of the analysis and records of the site investigation.
- f. Nomination of a competent person or persons/organisation to undertake the works.

The site investigation shall thereafter be completed prior to development, or in such other phased arrangement, as agreed, in writing, by the Local Planning Authority. The development shall not be occupied or brought into use until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.

Reason: To safeguard archaeological assets within the approved development boundary from impacts relating to any groundworks associated with the development scheme and to ensure the proper and timely investigation, recording, reporting and presentation of archaeological assets affected by this development, in accordance Colchester Borough Council's Core Strategy (2008) and Adopted Guidance 'Managing Archaeology in Development' (adopted 2015).

44. ZIS - Parking Space/Hardstanding Sizes (Open)

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

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

45.ZJA - Cycle Parking TBA

Prior to the development hereby permitted coming in to use, details of the number, location and design of cycle parking facilities shall be submitted to and approved, in writing, by the Local Planning Authority. The approved facility shall be secure, convenient and covered and shall be provided prior to occupation and retained for that purpose at all times thereafter.

Reason: To ensure appropriate cycle parking is provided in the interest of highway safety.

46. Non-standard condition – Highways design details

Before any development commences the developer shall have submitted to and had approved in writing by the local planning authority in consultation with Highways England the following design details relating to the required improvements to the A12 J28 Stadium Junction. The scheme shall generally conform to the arrangements shown in outline on Systra Drawing 105714-100 Revision B dated 15 June 2018 Scheme details shall include drawings and documents showing:

- i. How the improvement interfaces with the existing highway alignment and carriageway markings including lane destinations,
- ii. Full construction details relating to the highway improvement. This should include any modification to existing structures or proposed structures, with supporting analysis,
- iii. Full signing, lighting and drainage details and details of any modifications to vehicle restraint systems, where applicable,
- iv. confirmation of full compliance with Departmental Standards (DMRB) and Policies (or approved relaxations/departures from standards),
- v. Evidence that the scheme is fully deliverable within land in the control of either the Highway Authority or the Applicant;
- vi. An independent Stage 1 Road Safety Audit, carried out in accordance with Departmental Standards (DMRB) and Advice Notes;
- vii. An independent Stage 2 Road Safety Audit (taking account of the Stage 1 Road Safety Audit recommendations) carried out in accordance with Departmental Standards (DMRB) and Advice Notes.

Reason: To ensure that the A12 Junction 28 Colchester Stadium, will continue to fulfil its purpose as part of the Strategic Road Network in accordance with the Highways Act 1980, Circular 02/13 'Planning and the Strategic Road Network' and guidance in National Planning Policy.

47. Non-standard condition – Implementation of approved scheme

The scheme shown in outline on Systra 105714-100 Revision B dated 15 June 2018, as referred to in condition no.46 and as approved by the Local Planning Authority, shall be implemented and completed to the satisfaction of the Local Planning Authority, in consultation with Highways England. No occupation of the site shall take place unless and until the junction improvements have been delivered and are fully operational.

Reason: To ensure that the A12 Junction 28 Colchester Stadium, will continue to fulfil its purpose as part of the Strategic Road Network in accordance with the Highways Act 1980, Circular 02/13 'Planning and the Strategic Road Network' and guidance in National Planning Policy.

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) Non-standard informative

Detailed landscape proposals should first be cross-checked against the Council's Landscape Guidance Note LIS/C (this is available on this CBC landscape [webpage](#) under Landscape Consultancy by clicking the 'read our guidance' link).'

(5) Non-standard informative

The Highways Agency 'Informative' re S278 agreements dated July 2016 in respect of planning application relating to the development known Land North of Cuckoo Farm Way Colchester Northern Gateway Sports Hub is attached for the applicant's information.