

Planning Committee Meeting

**Moot Hall, Town Hall, High Street,
Colchester, CO1 1PJ
Thursday, 27 May 2021 at 18:00**

The Planning Committee deals with planning applications, planning enforcement, public rights of way and certain highway matters. If you wish to come to the meeting please arrive in good time. Usually, only one person for and one person against each application is permitted. Attendance between 5.30pm and 5.45pm will greatly assist in enabling the meeting to start promptly.

Information for Members of the Public

Access to information and meetings

You have the right to observe all meetings of the Council, its Committees and Cabinet including those which may be conducted online such as by live audio or video broadcast / webcast. You also have the right to see the agenda (the list of items to be discussed at a meeting), which is published on the Council's website at least five working days before the meeting, and minutes once they are published. Dates of the meetings are available here:

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

Occasionally certain issues, for instance, commercially sensitive information or details concerning an individual have to be considered in private. When this is the case an announcement will be made, the live broadcast will end and the meeting will be moved to consider in private.

Have Your Say!

The Council welcomes contributions and representations from members of the public at most public meetings. This can be made either in person at the meeting or by joining the meeting remotely and addressing the Council via Zoom. Planning Committee meetings, other than in exceptional circumstances, are subject to one representation in opposition and one representation in support of each application. Representations can be a statement or questions of no longer than three minutes when spoken (maximum 500 words) submitted by noon on the working day before the meeting date.

Please register by emailing democratic.services@colchester.gov.uk

In addition a written copy of the representation will need to be supplied for use in the event of unforeseen technical difficulties preventing participation at the meeting itself.

If you would like to speak at a meeting and need to find out more, please refer to the Have Your Say! arrangements here:

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

e-mail: democratic.services@colchester.gov.uk
www.colchester.gov.uk

Covid 19

Please could attendees note the following:-

- Hand sanitiser, wipes and masks will be available.
- Do not attend if you feel unwell with a temperature or cough, or you have come in to contact with someone who is unwell with a temperature or cough.
- Masks should be worn whilst arriving and moving round the meeting room, unless you have a medical exemption.
- All seating will be socially distanced with 2 metres between each seat. Please do not move the chairs. Masks can be removed when seated.
- Please follow any floor signs and any queue markers.
- Try to arrive at the meeting slightly early to avoid a last minute rush.
- A risk assessment, including Covid 19 risks, has been undertaken for this meeting.

COLCHESTER BOROUGH COUNCIL
Planning Committee
Thursday, 27 May 2021 at 18:00

The Planning Committee Members are:

Members to be appointed at Annual Meeting
on 26 May 2021

The Planning Committee Substitute Members are:

All members of the Council who are not members of this committee and who have undertaken the required planning skills workshop training
Please note that details below correct at time of publication but may alter following training on 19 May:-

Councillors:

| | | | |
|----------------------|---------------------|-----------------|----------------|
| Kevin Bentley | Tina Bourne | Roger Buston | |
| Nigel Chapman | Peter Chillingworth | Nick Cope | Simon Crow |
| Robert Davidson | Paul Dundas | Andrew Ellis | Adam Fox |
| Dave Harris | Theresa Higgins | Mike Hogg | Mike Lilley |
| Sue Lissimore | A. Luxford Vaughan | Sam McCarthy | Patricia Moore |
| Beverley Oxford | Gerard Oxford | Chris Pearson | Lee Scordis |
| Lesley Scott-Boutell | Lorcan Whitehead | Dennis Willetts | Julie Young |
| Tim Young | | | |

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

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

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

Live Broadcast

Please follow this link to watch the meeting live on YouTube:

[\(107\) ColchesterCBC - YouTube](#)

1 Welcome and Announcements

The Chairman will welcome members of the public and Councillors to the meeting and remind those participating to mute their microphones when not talking. The Chairman will invite all Councillors and Officers participating in the meeting to introduce themselves.

2 Substitutions

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

3 Urgent Items

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

4 Declarations of Interest

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

5 Have Your Say(Hybrid Planning Meetings)

At meetings of the Planning Committee, members of the public may make representations to the Committee members. This can be made either in person at the meeting or by joining the meeting remotely and addressing the Council via Zoom. These Have Your Say! arrangements will allow for one person to make representations in opposition and one person to make representations in support of each planning application. Each representation may be no longer than three minutes(500 words). Members of the public wishing to address the Committee either in person or remotely need to register their wish to address the meeting by e-mailing democratic.services@colchester.gov.uk by 12.00 noon on the working day before the meeting date. In addition for those who wish to address the committee online we advise that a written copy of the representation be supplied for use in the event of unforeseen technical difficulties preventing participation at the meeting itself.

These speaking arrangements do not apply to councillors who are not members of the Committee who may make representations either via Zoom or at the meeting, these should be no longer than five minutes each.

6 Minutes of the Previous Meeting

9 - 12

The Councillors will be asked to confirm that the minutes of the meeting held on 1 April 2021 are a correct record.

7 Planning Applications

When the members of the Committee consider the planning applications listed below, they may decide to agree, all at the same

time, the recommendations in the reports for any applications which no member of the Committee or member of the public wishes to address the Committee.

- | | | | |
|-----|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------|-----------|
| 7.1 | 201140 | Land east of Plummers Road, Fordham | 13 - 54 |
| | Outline application for the erection of 17 no dwellings. | | |
| 7.2 | 210966 | Junction of Tollgate Road & Church Lane, Stanway | 55 - 62 |
| | Application for prior notification of proposed development by telecommunications code systems operators. Cabinet & 18 metre mast | | |
| 7.3 | 210573 | P G Rix (Farms) Ltd, Lodge Farm, Boxted Road, Great Horkesley | 63 - 80 |
| | Proposed agricultural steel portal framed grading building and relocation of existing gas tanks | | |
| 7.4 | 210935 | Land opposite Magpie Chase, Stanway | 81 - 106 |
| | Proposed construction of a new 2-storey community centre with associated parking and landscaping. Resubmission of 201365. | | |
| 7.5 | 200328 | 23 Creffield Road, Colchester | 107 - 126 |
| | Demolition of chalet bungalow and construction of two new dwellings | | |
| 7.6 | 210245 | 2 Gladstone Road, Colchester | 127 - 136 |
| | Erection of Timber Shed to provide a separate collection / Rapid Testing Centre for our COVID-19 Rapid Response Team designated to solely provide Care to COVID-19 positive individuals in communities from Tendering, Colchester to Chelmsford. | | |
| 7.7 | 210492 | Shrub End Depot (refuse), Shrub End Road, Colchester | 137 - 144 |
| | Installation of 4 no. coniston 35 canopies | | |
| 7.8 | 211010 | 9 Mayberry Walk, Colchester | 145 - 152 |
| | Lawful Development Certificate for existing use: residential dwelling converted to include 4 beds, 1 communal breakfast room, bathroom, WC, kitchen, and living room/dining room to be shared with 4 x residents | | |
| 7.9 | 210595 | Town Hall, High Street Colchester | 153 - 162 |
| | Removal of existing wooden library shelving within the former court's law library room within the Town Hall. Existing boxing out above the shelving will be retained so as not to affect or alter the moulded plaster covering around the ceiling, meaning the existing sign will | | |

also be retained in-situ. Removal of the shelving will enable installation of new fixtures and fittings to the walls within the room to be carried out

8 **Applications determined in accordance with Officer Scheme of Delegation** 163 - 166

To note the applications listed in the attached Appendix which have been determined under the revised scheme of delegation.

Exclusion of the Public (not Scrutiny or Executive)

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

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

Planning Committee

Thursday, 01 April 2021

Attendees: Councillor Lyn Barton, Councillor Helen Chuah, Councillor Robert Davidson, Councillor Pauline Hazell, Councillor Cyril Liddy, Councillor Derek Loveland, Councillor Jackie Maclean
Apologies: Councillor Philip Oxford, Councillor Martyn Warnes
Substitutes: Councillor Gerard Oxford (for Councillor Philip Oxford)

831 Minutes of Previous Meetings

The minutes of the meetings held on 4 March 2021 and 18 March 2021 were approved as a correct record.

832 202835 133 Straight Road, Colchester

The Committee considered an application for a proposed single storey dwelling to the rear of the existing dwelling, with access off President Road between No. 37 and 41 together with access drive and turning facility, and parking for 2 cars.

The Committee had previously approved an application for a single storey dwelling (200854). A revised plan had been received, omitting the car port to provide for adequate vehicular manoeuvring.

A report setting out information about the application was before the committee.

The Committee members had been provided with photographs of the site taken by the Senior Planning Officer to assist in their assessment of the impact and suitability of the proposals.

Tracy McCloskey addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in opposition to the application expressing residents' concerns.

The first issue raised concerned an increase of vehicles to an enclosed area which would bring pollution, noise, vibration, nuisance and risks to safety for existing residents. Access via President Road involved a sharp turn where the access narrows to 3.7 metres, the blind bend and narrow drive raised safety concerns for all neighbouring properties and contravened para 13.4, diagram 13.1 of Building Regulations 2010. The width of the driveway was narrower than current guidelines suggest and it would not be possible to alter the current configuration. The current condition of the road was poor, any further vehicular access would impact this and cause expense to current residents.

There would be restricted access for fire tenders as the distance from the adopted

highway to the boundary of the development is approx. 38m, Building Regulations require sufficient access to within 45m of all points within a dwelling.

Bin collection points should be within 25m of adopted highway, there were no bin collection points on the drive and the drive could not be altered to provide any.

Neighbouring properties had ground floor windows to habitable rooms facing the development site; subsequent building and fencing would create overshadowing and loss of light.

Residents had been concerned that the Public Notice of Planning Application was twice attached at the proposed site entrance, where there was no public thoroughfare or access and had also stated that details showing the revision omitting the carport had not been made publicly available to review.

The proposed property exceeded the maximum number of dwellings off a type H shared private drive as per Essex Design Guide.

3 applications had been put forward for this piece of land within the last 14 months and decisions made had been inconsistent. Reasons for refusal within 192571 were also relevant to subsequent applications and 18 objections were received for 200854. There were concerns that additions had been made in stealth which if contained in one initial application may not have been successful if reviewed as one.

The development would have a detrimental impact to the character of the surrounding area producing a high density of properties within a small area.

Councillor Buston attended and with the consent of the Chair addressed the Committee.

Councillor Buston explained that he had called in the application on behalf of a number of residents and referred members to the detail which was contained in paragraph 8.2 on Pages 22 and 23 of the report where the reasons for the call in were set out.. Ms McCloskey had covered many of the residents' key points, but he reminded the Committee that the site had been subject to a number of applications one of which had been refused on appeal.

With the current application a key issue was access and the narrowness of the road, although Cllr Buston acknowledged that Right of Way to the site was not a planning consideration and could be pursued separately. The other issue of concern was that residents' properties were alongside and facing the private road, any additional traffic would cause a disturbance.

Chris Harden, Senior Planning Officer, presented the report and assisted the Committee in its deliberations.

The Senior Planning Officer shared a presentation with members including plans, aerial views and photographs of the site, as well as drawings to allow comparison of

the current submission with the previous application.

The proposal was for a single storey dwelling at the rear of 133 Straight Road with access via President Road. The aerial photographs shown illustrated the depth of the site, the plans showed layouts, access with a parking area at the front of the dwelling with a manoeuvring area, and garden space to the rear. It was pointed out that smaller vegetation would be removed and the larger elements retained. The street scene elevations showed the roof sloped from neighbouring boundaries, it was a more traditional pitch proposal compared to the previous application. The design took a contemporary form and was considered appropriate in this location.

A previous application had shown access via a long drive from Straight Road but it had been considered that this access and manoeuvring adjacent to rear gardens disturbed amenity.

The Committee were reminded that the extant approval had been recent and could still be implemented. The principle of a dwelling on the site had been established including the size of the plot and vehicular movements in front of properties.

The proposed 4 bedroomed dwelling was similar in scale to the previous one, some way from neighbouring boundaries and with a roof height of 5 metres that slopes away so it would not affect light (previous roof height had been 4.9 metres). There was a slight increase in footprint but the development would not have an overbearing impact on neighbours.

In terms of access, a construction management plan condition was proposed to counter temporary disturbance. The regular number of vehicular manoeuvres associated with the dwelling would be low and Essex Highways were satisfied; a check had been made and it was stressed that the Essex Design Guide(EDG) was a guide and in some cases access for up to 8 properties on a private drive had been allowed so it was not considered that this gave grounds for refusal.

Details had been submitted showing the applicant's right to access the property through the private drive and right of way would be a private legal matter. Both the access for fire tenders and refuse collection limits to distance covered were Building Regulation issues that would be addressed through those regulations and not through any planning permission.

He clarified that the Parking Standards require 2 parking spaces and that as well these 2 spaces, there was also a visitor space.

There was ample garden space and an arboricultural and tree condition had been proposed.

The Senior Planning Officer stated that the application complied with all Local Plan Policies and would be subject to a contribution to the Essex Coast Recreational Disturbance Avoidance Mitigation Strategy (RAMS), a Unilateral Undertaking and conditions.

The Lead Officer for Planning, Housing and Economic Growth confirmed to the

Committee that there had been no flaw in the notification process; individual notification letters had been sent out and Ward Councillors had been informed.

The Committee acknowledged that the site already had planning permission for a 4 bedroomed bungalow. It was pointed out that consideration was of the altered design and layout; removal of the carport was supported. There was concern over “backland development” and the location and size of the site. Access and parking for the residents of neighbouring properties who had been using on road parking adjacent to the site was raised.

The Senior Planning Officer clarified that as this was a private drive, there could be no insistence on retaining parking for neighbouring properties, and members were reminded that the access was a right of way.

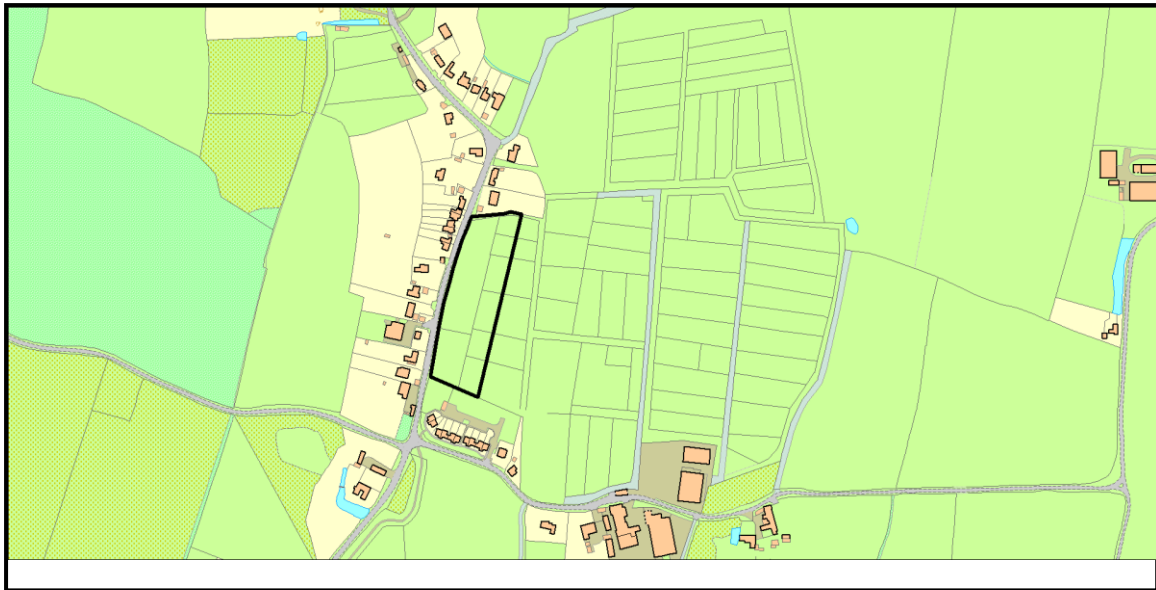
The Committee considered the issue of on street parking for large and smaller construction vehicles, access to the site was tight, it would be difficult in such a congested small area and may impact residents. It was suggested that Inspectors monitor the construction, and enforcement officers visit when necessary.

Members also proposed that Permitted Development Rights were removed for the site and it was highlighted that this had been included in Condition 9 but would not exclude an application being made for future consideration.

The Committee recognised that a clear principle for the development had been established and suggested an amendment to conditions to ameliorate residents’ concerns in respect of times and access for delivery vehicles.

RESOLVED (SEVEN voted FOR, ONE voted AGAINST)

that planning permission be approved subject to the conditions in the officer’s report and with the addition of an amendment to condition 7 to include delivery vehicles.



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: 7.1

Application: 201140

Applicant: W Bradshaw & Son

Agent: Charlotte Powell, Arbora Design

Proposal: Outline application for the erection of 17no. dwellings.

Location: Land east of, Plummers Road, Fordham, Colchester

Ward: Rural North

Officer: Annabel Cooper

Recommendation: Approval subject to s.106 agreement

1.0 Reason for Referral to the Planning Committee

- 1.1 This application is referred to the Planning Committee because the application site lies outside the settlement boundary for Fordham and therefore constitutes a departure from the Adopted Local Plan. It is also major development and objections have been received from residents and the parish council.

2.0 Synopsis

- 2.1 The application is an outline application for 17 dwellings on a site that is an allocation in the Emerging Local Plan (ELP). The key issues for consideration are the principle of development as the site is an emerging local plan allocation. Other key considerations include the impact on the highway network, landscape, and archaeology. Other material planning matters and representations have also been considered and are set out in the report. The application is subsequently recommended for approval subject to conditions and a Section 106 legal agreement to secure planning obligations.
- 2.2 The relevant policy context includes the Adopted Local Plan and the Emerging Local Plan.
- 2.3 Adopted Local Plan Policies SD1, H1 and ENV1 are up-to-date, in so far as they are relevant to this planning decision based on the protection afforded to land outside Settlement Boundaries the proposal is not considered to be compliant with these policies and is a departure from the adopted local plan.
- 2.4 However, the NPPF advocates consideration of other factors including Emerging Local Plans (ELP) which can be afforded weight (para.48). The adoption of Section 1 of the Emerging Local Plan confirms that progress will now be made with the imminent examination of Section 2 strengthening the assertion that the ELP is advanced in its stage of preparation so can be given some weight.
- 2.5 The Emerging Local Plan seeks to allocate additional land to meet the housing targets up to 2033 of 920 homes per year on sites which are in accordance with the revised Spatial Strategy (SG1). The key policies SG1 and SS6 in the ELP relevant to this scheme are considered to be highly consistent with the NPPF and should therefore be afforded considerable weight.
- 2.6 Fordham is identified as a Sustainable Settlement in the ELP spatial Strategy (SG1). The outline proposal for 17 dwellings would provide 30% affordable housing, with proposed accesses from Plummers Road and the provision of a public footpath is in accordance with criteria of policy SS6 (Fordham).
- 2.7 The level of objection to the Local Plan allocation at Fordham is not significant and it cannot be said that the objections are substantial. It is considered that the planning application and the assessment of the proposal by the LPA

satisfactorily addresses the concerns raised to the allocation in the Emerging Plan or can be satisfactorily addressed at reserved matters stage.

- 2.8 The development proposed would include two new vehicular access points into the site from Plummers Road. The development and the proposed accesses are acceptable with regards to impact on the local traffic network and highways safety. The proposed development would also result in the improvement of infrastructure as there will be the introduction of a footpath along Plummers Road. As well as a pedestrian link from the proposed development site to the Hastoe development to the south.
- 2.9 As the development had the potential to impact a possible archaeological site, a trial trenching investigation was undertaken in November 2020. Following the assessment of the trenching exercise it is considered that the archaeology has been adequately assessed, and that no further archaeological mitigation would be required.
- 2.10 In terms of the planning merits of the case, the site is large enough to be able to accommodate 17 dwellings without appearing cramped or overdeveloped with appropriate landscaped areas. The submitted drawings are for illustrative purposes only and an improved layout would be expected for consideration at the Reserved Matters stage. Appropriate landscaping will allow a scheme to relate satisfactorily to the its surroundings in terms of landscape impact and impact on listed buildings (Plummers Farmhouse to the west).
- 2.11 It is considered that a scheme that will preserve a satisfactory level of neighbouring residential amenity and accord with Policy DP1 can be achieved subject to details to be agreed at reserved matters stage.
- 2.12 There are no concerns with regards to flood risk and a sustainable drainage strategy will be possible. Whilst it is acknowledged that the site will result in the loss of existing hedging this is to be replaced and suitable enhancements of the site including biodiversity gains, can be negotiated at reserved matters stage.
- 2.13 An on-site 30% provision of affordable housing would be secured by a legal agreement as would contributions and RAMS wildlife mitigation payment, see section 14.74 (Planning Obligations and Contributions).
- 2.14 The proposed would undoubtedly affect the site's existing undeveloped character as the site would change from being greenfield agricultural land to a housing development. However, such changes are inherent to all development on greenfield sites and the positive economic and social benefits, as well as the sustainability of the proposal are judged to outweigh the shortcomings identified. Particularly given the weight afforded to the supply of new homes in the NPPF as a significant public benefit.
- 2.15 It is considered that the benefits of the scheme outweigh any adverse impacts identified and the proposal is considered to be acceptable on this basis being in conformity with the emerging local plan allocation.

3.0 Site Description and Context

- 3.1 The application site is a large agricultural field that forms the currently undeveloped eastern side of Plummers Road. The site is bounded by Plummer's Road to the West, to the North are existing dwellings, to the East is open countryside and to the South is a further agricultural field that separates the site from the Hastoe development which is an affordable housing scheme situated along Rams Farm Road.
- 3.2 The properties on the opposite side of Plummers Road comprise a variety of dwellings in both scale, design, and age. One of these, Plummers Farmhouse, is Grade II listed and is described as 'Circa 1500 or earlier timber framed house.
- 3.3 Fordham is classified as a sustainable settlement in the emerging local plan which is served by key community facilities including a primary school, village hall and playing field.

4.0 Description of the Proposal

- 4.1 The application seeks outline planning permission for 17 dwellings and two new access points from Plummers Road, all matters are reserved apart from the principle of development and access.
- 4.2 Matters of appearance, landscaping, layout, and scale would be determined under Reserved Matters application(s) to follow. Proposals submitted under Reserved Matters will still need to comply with current planning policy, and emerging local plan policies (where relevant).
- 4.3 The application is supported by the following documents:
- Location Plan
 - Access points plan
 - Illustrative layout plan
 - Revised Planning Statement
 - Heritage Assessment
 - Highways Access Review and Opinion
 - Flood Risk Assessment & Surface Water Drainage Strategy
 - Desk Based Archaeological Assessment
 - Archaeological Investigation Assessment

5.0 Land Use Allocation

- 5.1 Not allocated in current adopted Local Plan however the site is allocated for residential development in the Emerging Local Plan.

6.0 Relevant Planning History

- 6.1 None

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
H1 - Housing Delivery
H2 - Housing Density
H3 - Housing Diversity
H4 - Affordable Housing
UR2 - Built Design and Character
PR1 - Open Space
TA1 - Accessibility and Changing Travel Behaviour
TA2 - Walking and Cycling
TA3 - Public Transport
TA4 - Roads and Traffic
ENV1 - Environment
ENV2 - Rural Communities

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

DP1 Design and Amenity
DP3 Planning Obligations and the Community Infrastructure Levy
DP4 Community Facilities
DP12 Dwelling Standards
DP14 Historic Environment Assets
DP15 Retention of Open Space and Indoor Sports Facilities
DP16 Private Amenity Space and Open Space Provision for New Residential Development

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

7.4 There are no relevant neighborhood plans.

7.5 Submission Colchester Borough Local Plan 2017-2033:

The Council is developing a new Local Plan that has been submitted to the Planning Inspectorate (October 2017). An Inspector has been appointed and the formal examination commenced in January 2018. The examination is ongoing for Part 2 of the plan. Part one of the plan has been found sound by the Inspector and has now been adopted. The principle effect is that an annual housing supply figure of 920 units per year has now been agreed. The examination of Part 2 of the ELP is to commence imminently.

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

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

The Emerging Local Plan is at an advanced stage and is, therefore, considered to carry some weight in the consideration of the application, but as it is yet to undergo a full and final examination of Part Two, it is not considered to outweigh the material considerations assessed above in accordance with up-to-date planning policies and the NPPF. The degree of weight to be afforded needs to be assessed in the light of para.48 of the Framework and, in particular, the extent of unresolved issues and the materiality of these issues.

7.6 Emerging Local Plan policies specific to this application are:

SG1 Spatial Strategy
SS6 Fordham Allocation

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

The Essex Design Guide
Backland and Infill
Affordable Housing
Community Facilities
Open Space, Sport and Recreation
Sustainable Construction
Sustainable Drainage Systems Design Guide
Managing Archaeology in Development

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 Affordable Housing Officer:

The applicant has proposed 30% affordable housing in accordance with the emerging policy.

Following negotiations the applicant has agreed to the proportionate mix of units requested by the Council comprising:

3 x 2-bed dwellings

1 x 3-bed dwelling

1x 4-bed dwelling

8.3 Anglian Water:

No assets affected.

Wastewater treatment plant has capacity.

The sewerage system at present has available capacity for these flows.

5 informatives requested.

8.4 Arboricultural Officer:

Following negotiation, a condition will be required to assess impacts and to inform the assessment of future reserved matters applications.

8.5 Archaeological Officer:

I monitored the evaluation trenches when they were opened late last year (2020) and have reviewed the submitted archaeological evaluation report. On that basis, I am happy that the archaeological potential of the site has been assessed adequately, and that no further archaeological mitigation works will be required in this case.

Request for contributions see section 14.74 (Planning Obligations and Contributions).

8.6 CBC Communities:

Request for contributions to go towards Fordham Village Hall and All Saints Church, see section 14.74 (Planning Obligations and Contributions).

8.7 Contaminated Land:

This proposed residential development would be vulnerable to contamination (if present). However, there does not appear to be any assessment of the potential risks on the planning file and will be required in support of any such application and prior to planning decision, sufficient to show that the site could be made suitable for the proposed use (when, where relevant, any subsequent contamination matters could be dealt with by way of planning condition, should you be minded to approve this application). Note that some contamination requiring remediation was identified when the nearby land to the south/east of this site was previously redeveloped for a residential use.

8.8 Conservation and Built Heritage Officer:

The Planning Statement (d.01 Dec 2020) was revised to include a Heritage Assessment section (Par.5.5) that satisfies the requirements of the NPPF's Par.189. With regard to the site of Thrifts Cottage (List UID 1239832, date first listed 27 Jan.1982), the seventeenth century timber framed cottage that is described in the list entry was destroyed by fire shortly after it was listed and replaced by the present building ; the first application for the erection of a replacement detached dwelling dates from 1982 but permission for the replacement dwelling was eventually granted in 1987.

As discussed by the comment d. 17.07.2020, there are no objections to the proposed development in principle, subject to appropriate landscape strategy that would mitigate the scheme's visual impact, as shown in the Illustrative Masterplan. Since the relevant details would be determined under relevant Reserved Matters application, there are no further comments on the present application on heritage grounds. *Officer comment: Thrift Cottage was destroyed by fire approximately thirty years ago and replaced by a modern unlisted property.*

8.9 Environmental Protection:

Recommended the following conditions:

Site Boundary Noise Levels

Construction Method Statement

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

Weekdays: 08.00 – 18.00

Saturdays: 08.00 – 13.00

Sundays and Bank Holidays: none

8.10 Essex Police:

Essex Police would like to see this developer seek to achieve a Secured by Design award in respect of this development. From experience pre-planning consultation is always preferable in order crime prevention through environmental design (CPTED) is incorporated into the proposed design to ensure that the security and lighting considerations are met for the benefit of the intended residents and those neighbouring the development, prior to a full planning application.

The developers have made note creating safe, well planned and inclusive environments as recommended in the NPPF and the Colchester Policy DP1 Design & Amenity ' (iii) Protect existing public and residential amenity, particularly with regard to privacy, overlooking, security, noise and disturbance, pollution (including light and odour pollution), daylight and sunlight; (iv) Create a safe and secure environment' however the documents submitted do not supply sufficient specific detail to allow an informed decision as to whether this site meets this aim.

Essex Police, provide a no cost, impartial advice service to any applicant who request this service; we are able to support the applicant to achieve the requirements to gain the nationally acknowledged Secured by Design accreditation and would invite the them to contact Essex Police via designingoutcrime@essex.police.uk

8.11 Highways Authority:

All housing developments in Essex which would result in the creation of a new street (more than five dwelling units communally served by a single all purpose access) will be subject to the Advance Payments Code, Highways Act, 1980. The Developer will be served with an appropriate notice within 6 weeks of building regulations approval being granted and prior to the commencement of any development must provide guaranteed deposits which will ensure that the new street is constructed in accordance with acceptable specification sufficient to ensure future maintenance as a public highway by the ECC.

From a highway and transportation perspective the impact of the proposal is acceptable to Highway Authority subject to mitigation and conditions.

16 conditions were recommended by the Highways Authority of which all are within the recommended conditions appendix 1.

8.12 HSE

The site does not currently lie in consultation distance of a major hazard site or major accident hazard pipeline.

8.13 Landscape Officer:

Development of the site would be considered acceptable in principal given that the site is allocated, however, regarding the Illustrative Masterplan, the following points should be considered:

The following point(s) should be taken into consideration. This to avoid potential harm to the existing and future character/amenity of the site and its environs that might occur through agreement of the currently proposed scheme, as it is considered it would not adequately conserve/enhance/restore the landscape of the site for the betterment of its wider setting:

- A native hedge and hedgerow trees should be proposed/agreed to the eastern boundary of the site to help it complement its rural edge setting. Where units back or side onto that boundary the rural landscape should be proposed/agreed as being privacy screened with a dark stained hit & miss fence set 1m behind the hedge, this in order to protect amenity value for users of the PRow network.

8.14 Natural England

It has been identified that this development falls within the 'Zone of Influence' (Zoi) for one or more of the European designated sites scoped into the emerging Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS).

Council to undertake a Habitats Regulations Assessment (HRA) to secure any necessary mitigation and record this decision within the planning documentation; you should not grant permission until such time as the HRA has been undertaken and the conclusions confirmed.

8.15 NHS/Public Health England:

It appears the number of dwellings falls below the threshold of 50 and therefore on this occasion we will not respond seeking a healthcare contribution.

8.16 Parks and Recreation:

Request for contributions to go towards offsite projects: lighting on the Village Green, renovation of two finger posts, upgrades to existing playground and BMX track improvements, see section 14.74 (Planning Obligations and Contributions).

8.17 Planning Policy:

- The proposed site is located outside of the settlement boundary of the Adopted Local Plan. The site is allocated for development of up to 20 dwellings in the Emerging Local Plan Policy SS6.
- The planning policy approach to the proposal reflects the Council's current position in the plan-making process where both an adopted and an emerging Local Plan are relevant.

- The Council considers that it has a 5-year housing land supply and therefore there is no need to apply the tilted balance principle.
- It is considered that the fundamental principles of both the Adopted and Emerging Local Plans are compliant with the new NPPF.
- The NPPF continues to support the policy approach in the Adopted Local Plan in principle, in respect of the key policies on settlement hierarchy relevant to this proposal, SD1 and ENV1. The proposal is not allocated as a site for development in the Site Allocations nor is it within the defined settlement boundary for Fordham, so is therefore in conflict with both SD1 and H1.
- Policy ENV1 sets out the policy context for proposals on unallocated greenfield land the criteria approach which seeks to assess the impacts of proposals on the intrinsic character of the countryside remains up to date. It is this element of the policy that the proposed development is in conflict with.
- The Emerging Local Plan is considered to be at an advanced stage.
- The ELP seeks to allocate additional land to meet the housing targets up to 2033 of 920 homes per year on sites which are in accordance with the revised Spatial Strategy (SG1). Fordham is identified as a Sustainable Settlement in the ELP spatial Strategy (SG1) and allocates land for 20 dwellings in policy SS6, the site the subject of this application. The policy of most relevance to the principle of development is Policy SS6. This is set out below:
- Policy SS6 Fordham
 - In addition to the infrastructure and mitigation requirements identified in policy PP1, development will be supported on land within the areas identified on the policies map which provides:
 - Up to 20 dwellings, the mix and type to be informed by evidence including the Fordham Housing Needs Survey and archaeological evaluation;
 - Access from Plummers Road with appropriate junction improvements; and
 - A new footway along the frontage/behind the existing hedgerow to provide safe pedestrian access from the site linking with existing footways and the rest of the village.
 - The Spatial Strategy (Policy SG1) and Fordham allocation (Policy SS6) are aligned with the NPPF which reinforces the plan led system. The policies will contribute to the delivery of sustainable development.
 - Paragraph 59 reiterates the Government objective of increasing the supply of homes.

- Accordingly, further consideration of the issues raised in representations to Policy SS6 is necessary to guide the judgement of the weight which should be given to the emerging policies in this case. These are summarised below:

- Question why playing field to east of the village is not protected as open space (Sports England).
 - *(In response to the representation from Sports England, the Council have proposed a minor modification to include the school playing fields as open space on Policies Map SS6 to correct this mapping error.)*
- Development on the scale proposed is unlikely, on its own, to have a severe impact on the strategic road network (Highways England).
- Reference previously made in policy to adjacent listed building (Plummers Farmhouse) and potential archaeological significance. (Historic England).
- Increase in traffic through main road in Fordham, safety risk for people living in Moat field area, speed prevention and controls need to be installed.
- Plummers Road is a busy dangerous and over used road not suitable for any planned access.
- Community involvement was flawed, with Councillors not being well informed to advise residents.
- Site is greenfield and would result in loss of agricultural land.
- Ribbon development along Plummers Road
- Proposed development is directly opposite a Grade II listed building
- Fordham is not a sustainable settlement
- Primary school at capacity until 2019, residents have to attend schools in other nearby villages. Further growth in Fordham would exacerbate this problem and necessitate unsustainable transport choices to attend primary and secondary school
- Village shop to close in approximately two years, unlikely to be profitable enough to be sold
- Location of site distance from key services which will result in unsustainable expansion and discourages use of sustainable transport choices.

- Rams Farm Road (171336) refused planning permission as site not suitable for development as “removed from shops, services and facilities with poor pedestrian links where it is entirely unrealistic to expect living without reliance on cars. This is contrary to environmental sustainability, with no social or economic benefits, contrary to the NPPF”. This was only 200m from the proposed site.
- Landowner had planning permission for a new dwelling on the land refused. This should be seen as a precedent.
- Site is rated red in ‘site suitability’ and overall amber rating in SLAA Assessment. Site should also be ranked red for the following reasons:
 - Utilities and Drainage– is there evidence that it would be possible to deliver? Can suitable drainage be provided? Will development of the site increase flood risk elsewhere? AW identified major constraint to manage surface water flooding in Fordham, poor capacity to manage surface water and foul water (Settlement Boundary Review).
 - Archaeological and heritage assets – Fordham is a historical Roman Village in Landscape Character Assessment. Potential archaeological significance of the site should be given great weight.
 - Public Transport – 450m from existing bus stop with no consideration of the minimal bus service provided to Colchester (3 a day). Marks Tey station 5.2km away.
 - Distance to Schools – 1.2km to primary and 5.3km to secondary.
 - Distance to health services – 3.6km GP surgery in West Bergholt.
 - Distance to centre – 4.5km to Stanway.
 - Distance to Strategic Employment Zone – 4.3km.
- As statutory consultees to this planning application, the Highways Authority have not raised an objection. Therefore, it is considered that concerns regarding access, traffic and road safety have been resolved.
- Anglian Water and Essex County Council as the Lead Local Flood Authority (LLFA) have provided responses to this proposal in relation to water infrastructure and Sustainable Urban Drainage (SuDS) respectively.
- The planning application referred to at Rams Farm Road (171336) was refused by the Council on 14 July 2017. Following an appeal, planning permission was granted in July 2018 for one dwelling for an equestrian worker. This is a specific proposal for a rural worker dwelling, which is not relevant to this proposal for 17 dwellings.

- It is noted that Fordham Parish Council have issued an objection to this proposal, among other concerns it is outlined since the Emerging Local Plan was submitted to PINs in October 2017, the village shop/post office has closed (January 2019) and the public house has recently also closed. However, Fordham remains to be served by a primary school, village hall and public open spaces. A small scale development in Fordham as per policy SS6, is considered to provide support to the existing facilities and any future facilities in the village.
- A change of use application was approved in May 2019 (190741) to enable the village shop/post office to change to a residential dwelling. Although this particular facility has been lost, it is not considered this would negate another facility from being provided elsewhere in Fordham.
- This proposal for 17 dwellings is in accordance with criteria of Policy SS6 which outlines up to 20 dwellings for the allocation. The proposal is providing 30% affordable housing.
- Overall, it is considered that majority of the representations have been resolved through this proposal (with the current exception of archaeology and SuDS), therefore policy SS6 can be afforded moderate weight. The proposal accords with Policy SS6. However, should the additional assessments be provided as requested by the consultees to this planning application and resolve these outstanding issues, significant weight should be afforded to policy SS6.

Planning Officer Comment: Additional assessments have since been provided and the outstanding issues have been resolved.

8.18 SUDS -Lead Local Flood Authority:

Having reviewed the Flood Risk Assessment and the associated documents which accompanied the planning application, we do not object to the granting of planning permission based on the following:

- Approval of a detailed surface water drainage scheme for the site to be implemented prior to occupation.
- Approval of scheme to minimise the risk of offsite flooding caused by surface water run-off and groundwater during construction works and prevent pollution.
- Approval of a maintenance plan detailing the maintenance arrangements
- Maintain yearly logs of maintenance.

8.19 Urban Designer:

The proposals are in general conformity with the emerging Local Plan and demonstrate that 17 dwellings can be comfortably accommodated therefore no objections in principal. However, I would suggest that a more visually enlivening layout might mirror development on the west side of Plummers Road, with units stepped forward at the north end of the site and set back at the south end of the site. This would create spatial 'sequence' along Plummer Street with more a more enclosed area defined by dwellings to the north changing to a more open area to the south and avoiding the deadening effect of a corridor of development. Such an arrangement might also facilitate an increase in dwelling numbers to accord more closely with eLP allocation of 20 units.

9.0 Parish Council Response

9.1 The Parish Council have stated the following:

A decision that was historically approved is not relevant in the current climate and the information submitted in the application is not accurate. With the closure of the Village Shop and Post Office in January 2019 and the recent closure of the local pub, Fordham lacks close proximity to any facilities other than a Church, School and village hall.

The nearest Doctors Surgery 4 miles distance, Hospital 8 miles distance, shop 3 miles distance and supermarket 4 miles distance. Furthermore, Fordham does not have a regular transport system as noted. The bus service is limited, and no public transport runs to the nearest train station which is 5.6 miles by car.

There is no mention in the report of the significantly increased traffic flow in the village especially high usage of HGV, Farm vehicles and skip lorries supporting activities for CSH and Fairfield's Farm. In addition, Plummers Road is used as access for vehicles going North and South of the A12. The Parish Council is currently working with highways to agree traffic calming measures.

The site plan does not indicate where the entrance and exit of the site will be. A desktop archaeological study has been conducted which is out of date. The Parish Council strongly recommend a physical survey be performed. Recent investigations confirm a Roman Road running through the site and new Roman sites identified in the Village. Further satellite images suggest potential of a Roman Courtyard Villa on the edge of the site.

Fordham Parish Council requests that a public consultation to be held with further information provided including access points, footpaths, landscaping maintaining a rural setting.

Planning Officer comments:

The Parish Council was re-consulted following submission of revised supporting documents following concerns regarding inaccuracies as well as the submission of a Heritage Assessment and an Assessment of archaeological trial trenching undertaken. The Parish Council did not wish to amend their previous comments.

10.0 Representations from Notified Parties

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

10.2 Fifteen letters of objection have been received which made the following comments:

- Lack of public consultation by applicants and Local Planning Authority.
- Poorly researched Planning Statement and inaccurate supporting documents.
- Adverse impact on existing residential amenity with regards to noise, light pollution, daylight/sunlight, privacy/overlooking.
- Outside of settlement boundary.
- Stated that Fordham does not have sufficient services or facilities to accommodate to development.
- Stated that Fordham does not have adequate public transport.
- The development would not be sustainable and be car dependent.
- Plummer's Road is a busy and dangerous road unsuitable for new access and increased traffic.
- Adverse impact on setting of listed buildings.
- References to previously refused application on near by site.
- Adverse impact on ecology.
- Loss of footpath.
- New development not in line with the Council's declaration of a Climate Emergency.
- Query with regards to flood risk and sustainable drainage.
- Adverse impact on Landscape and character of the area.
- Loss of agricultural land.

10.3 One letter was received supporting the principle of the development but raised concerns with regards to impact on wildlife.

10.4 Three further comments were made requesting information, more time to comment and a holding comment.

Planning Officer comments:

A number of comments were made that there had not been sufficient public consultation. The community had been consulted and had the opportunity to comment when the site was allocated in the Emerging Local Plan. As part of the current application, a site notice was erected, a press advert issued, and neighbour consultation letters sent in accordance with the proper procedure.

The planning agent for the development changed during the application process. The new agent took onboard the comments with regard to inaccuracies in the supporting documents and revised documents were submitted.

A number of the objections received referred to matters that are not planning matters such as the loss of the view from existing properties to the west of the site. There also seemed to be some confusion with the difference between an outline application and a full application and the level of detail required for an outline application and the matters reserved for subsequent consideration.

11.0 Accessibility

11.1 The Equality Act 2010 legally protects people from discrimination in the workplace and in wider society. The proposal does not give rise to any concerns regarding discrimination or accessibility at outline stage. Detailed proposals will be established at reserved matters stage and will need to be considered under the Equality Act.

12.0 Air Quality

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

13.0 Planning Obligations

13.1 As a “Major” application, there was a requirement for this proposal to be considered by the Development Team. It was considered that Planning Obligations should be sought see section 14.74 (Planning Obligations and Contributions).

14.0 Report

14.1 The main issues in this case are:

- The Principle of Development
- Access and Highways Safety
- Archaeology
- Layout and Landscape
- Impact on setting of listed buildings
- Amenity
- Amenity Space Provisions
- Arboriculture
- Contaminated Land and Environmental Protection
- Flood Risk and Sustainable drainage
- Ecology
- Public Open Space Provision
- Affordable Housing
- Planning Obligations and Contributions
- Planning Balance

Principle of Development

- 14.2 This outline proposal for 17 new dwellings to the east of Plummer Road is on land which is outside of the settlement boundary in the Adopted Local Plan. The land is a site allocation for residential development in the Emerging Local Plan, Policy SS6. Both the Adopted and Emerging Local Plans are therefore relevant and the relationship of the proposal to each of these plans, as well as the compliance with the National Planning Policy Framework (NPPF) are key factors that need to be considered.
- 14.3 It is necessary to assess whether there are any relevant elements of Colchester Borough Council policies that do not comply with the Framework that justify a reduction in the weight to be given to the policy. For the Emerging Local Plan (ELP), it is necessary to consider the Framework criteria on the weight to be given to policies para.48 NPPF), which depends on the stage of preparation of the plan; the extent to which there are unresolved objections to relevant policies; and the degree of consistency of the relevant policies to the NPPF. It is considered that the fundamental principles of both the Adopted and Emerging Local Plans are compliant with the new NPPF.
- 14.4 The NPPF continues to support the policy approach in the Adopted Local Plan in principle, in respect of the key policies on settlement hierarchy relevant to this proposal, SD1, H1 and ENV1.
- 14.5 The council can demonstrate in excess of a 5 year housing land supply and the key Local Plan Policies SD1, H1 and ENV1 are up-to-date, in so far as they are relevant to this planning decision for proposed development on this site, paragraph 11 'the tilted balance' of the NPPF is not triggered.
- 14.6 The proposed site is not allocated as a site for development in the Site adopted local plan (alp) Site Allocations DPD nor is it within the defined settlement boundary for Fordham, so is therefore in conflict with both SD1 and H1 of the adopted local plan.
- 14.7 CS Policy ENV1 of the ALP sets out the policy context for proposals on unallocated greenfield land outside of defined settlement boundaries. Policy ENV1 takes a more stringent approach, in part, than is envisaged by the NPPF. However, the principle of the approach to unallocated land outside settlement boundaries and the criteria approach which seeks to assess the impacts of proposals on the intrinsic character of the countryside remains up to date. It is this element of the policy that the proposed development conflicts with.
- 14.8 However, the NPPF advocates consideration of other factors including Emerging Local Plans which can be afforded weight when they reach an advanced stage of preparation. In this respect Paragraph 48 states that authorities may give weight to emerging plans according to the stage of preparation, the extent to which there are unresolved objections to relevant policies and the degree of consistency of the relevant policies to the NPPF.

- 14.9 Section 1 Emerging Local Plan (ELP) was adopted by the Council on 1st February 2021. This does not have any direct bearing on the consideration of this application, since the relevant policies in the emerging Local Plan are in the Section 2 part of the Plan. The adoption of Section 1 does confirm that progress will now be made with Section 2 with the Examination hearings confirmed for April 2021. This does of course strengthen the point that the ELP is advanced in its stage of preparation so can be given some weight.
- 14.10 Fordham is identified as a Sustainable Settlement in the ELP spatial Strategy (SG1). The policy of most relevance to the principle of development is Policy SS6 which allocated the application site for up to 20 dwellings with access from Plummers Road and a new footway along the to provide link to existing footways and the rest of the village.
- 14.11 The Spatial Strategy (Policy SG1) and Fordham allocation (Policy SS6) are aligned with the NPPF which reinforces the plan led system (para. 15) and sets out at para. 16 how plans should be prepared. The policies will contribute to the delivery of sustainable development.
- 14.12 The key policies in the ELP relevant to this scheme are considered to be highly consistent with the NPPF and should therefore be afforded considerable weight.
- 14.13 The final issue to be taken into account when considering the weight to be afforded to the site specific policy in the ELP is the level of unresolved objection.
- 14.14 The level of objection to the Local Plan allocation at Fordham is not significant, with a total of 8 representations, 2 of them in support and 1 comment, with the remaining 5 as objections. Although valid representations it cannot be said that the objections are substantial. It is considered that the planning application and the assessment of the proposed by the LPA satisfactorily addresses the concerns raised to the allocation of the site in the Emerging Plan or these matters can be satisfactorily addressed at reserved matters stage.
- 14.15 It is noted that Fordham Parish Council have issued an objection to this proposal, among other concerns it is outlined that since the Emerging Local Plan was submitted to PINs in October 2017, the village shop/post office has closed (January 2019) and the public house has recently also closed. However, Fordham remains to be served by a primary school, village hall and public open spaces. A small-scale development in Fordham as per policy SS6, is considered to provide support to the existing facilities and any future facilities in the village.
- 14.16 The recent Three Horse Shoes Public House closure immediately following the Coronavirus pandemic (lock down period) (June 2020), does not necessarily mean that the facility will remain closed in the longer-term. If the premises are no longer viable, there is potential for this to be sold and under new ownership may be a viable business or this could be changed to a different community facility as per policies in the Adopted and Emerging Local Plans.

- 14.17 This proposal for 17 dwellings would provide 30% affordable housing in accordance with the requirements of the Emerging Local Plan. The proposed accesses will be from Plummers Road and the applicants have agreed to the provision of a public footpath to be secured S106 agreement. Therefore, the proposed is in accordance with criteria of Policy SS6 which is afforded significant weight.

Access and Highways Safety

- 14.18 Core Strategy policy TA4 seeks to make the best use of the existing highway network and manage demand for road traffic. The policy makes it clear that new development will need to contribute towards transport infrastructure improvements to support the development itself and to enhance the broader network to mitigate impacts on existing communities. Development Plan policy DP17 requires all development to maintain the right and safe passage of all highways users.
- 14.19 Several of the objections received cite traffic generation and highways safety as primary concerns.
- 14.20 A Transport Statement (TS) was submitted in support of the application which stated that “the additional traffic generated by the development would be small and in terms of the performance of Plummer’s Road, and the routes emanating away from the site the changes to traffic flow would be almost imperceptible in terms of its impacts on the performance of the local highway network.” The Highways Authority have not raised any concerns with regard to the increase in traffic generated by the proposed development.
- 14.21 The development proposed would include two vehicular access points into the site off Plummers Road. These locations were preferred to avoid direct conflict with the private accesses to the houses on the opposite side of Plummers Road. The Highway Authority has confirmed that the proposed access points are acceptable, and a number of conditions have been recommended to ensure the access points are acceptable from a highway safety perspective. Therefore, it is considered that the concerns raised by representations have been satisfactorily assessed and addressed.
- 14.22 The proposed scheme would also result in highways improvements as the applicant has agreed to the provision of a footpath along the frontage of the development along Plummers Road, and continuing south as far as the landownership allows, this will be secured by a S106 agreement. The public footpath will not only benefit the prospective occupants of the development but also the existing residents along Plummers Road, as there is currently no public footpath. The public footpath will encourage the future and current residents to utilise sustainable access with regards to walking and using public transport. The footpath will help to connect the residents to the Fordham’s services and facilities.

- 14.23 Also, the applicant seeks approval for the principle of a footpath between the application site across to the Hastoe development. Further providing connectivity between the existing and proposed residential development. The pedestrian link is within Hastoe land, the heads of terms for a legal agreement have been agreed.
- 14.24 The development has sufficient the space to meet adopted parking standards, the specific details will be addressed at reserved matters stage.
- 14.25 The proposal is acceptable with regards to its impact on the local traffic network and highways safety whilst the proposed development would also result in the improvement of infrastructure that would encourage the use of more sustainable modes of transport to access village facilities.

Archaeology

- 14.26 The site of the proposed residential development is located on the edge of an undesignated heritage asset, the remains of a medieval green, recorded in the Colchester Historic Environment Record (Colchester HER Monument no. MCC9135, Plummers Green).
- 14.27 Evidence within the HER and the submitted archaeological desk based assessment suggested that the site had a moderate-high potential for features and finds relating to the medieval and post-medieval periods, in particular activity relating to Plummers Green. The potential for features and finds relating to the prehistoric and Roman periods was considered to be low-moderate.
- 14.28 The National Planning Policy Framework identifies protection and enhancement of the historic environment as an important element of sustainable development paragraph 189 requires the applicant to describe the significance of any heritage asset affected (both designated and non-designated) and that the level of detail should be sufficient to understand the potential impact of the proposal on their significance. Paragraph 190 requires that, 'local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. Paragraph 192 states that account should be taken of the 'desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation' and, 'the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality'.

- 14.29 Adopted Development Policy DP14 Historic Environment Assets (2010, Revised 2014) of the Adopted Local Plan 2001-2021, states that ‘development will not be permitted that will adversely impact important archaeological remains.’
- 14.30 As the development had the potential to impact a possible archaeological site, a trial trenching investigation was undertaken in November 2020. The work was undertaken in accordance with a design brief issued by the archaeological advisor for Colchester Borough Council. Ten trenches measuring 30.00m x 1.80m were excavated.
- 14.31 The evaluation revealed two phases of archaeological activity at the site. The first phase relates to prehistoric activity based in the late Bronze Age to early Iron Age relating to the presence of a single discrete pit in trench 10. No other archaeological features of this date were encountered at the site however its presence does suggest that known prehistoric settlement in the area expanded further towards the evaluation site.
- 14.32 The second phase of activity relates to the post medieval period where most of the small finds were dated to as well as the material recovered from ditch 1003 in trench 8. The ditch likely represents former internal field divisions. The presence of finds and domestic material within the topsoil is suggestive of the site being utilised for night soiling.
- 14.33 Following the trial trenching and the submission of the archaeological evaluation document the Council’s Archaeological consultant who also monitored the evaluation trenches when they were opened late last year considers that the archaeological potential of the site has been assessed adequately, and that no further archaeological mitigation works will be required going forward.

Layout and Landscape

- 14.34 Policy DP1 of the Local Plan requires all development to respect and enhance the character of the site, its context and surroundings. Core Strategy Policy ENV1 seeks to conserve and enhance Colchester’s natural and historic environment, countryside and coastline. Whilst the submitted layout plan is purely for illustrative purposes only, it shows that 17 dwellings on the site could be accommodated without appearing cramped or overdeveloped. It also shows that a proposed development would be a linear development which is in keeping with the existing residential development along Plummers Road.
- 14.35 Development of the site would undoubtedly affect its existing character as the site will change from being greenfield to built development, but this should not preclude development in principle. Such changes are inherent to all undeveloped sites and unavoidable.
- 14.36 The loss of the hedgerow across the frontage will affect the immediate character of the area, although the opportunity will be available to replant the hedgerow. As the application is for outline permission, with landscape being a reserved matter, it is considered that these details can be submitted at

reserved matters stage. The replanting of a new hedgerow could quickly compensate for the loss of the existing hedgerow.

- 14.37 It is however, considered that the detail of the existing illustrative layout is not acceptable and that an improved layout would be required to be submitted at Reserved Matters stage. To ensure that a scheme of the highest quality possible is achieved. Whilst at present the layout shows a linear, hard surface dominated, uniformly spaced units which would need improving by locating parking and hard surfaces, in less prominent locations. There would also need to be more variety in terms of house positioning and plot widths to reflect the character of existing development on the western side of Plummers Road.
- 14.38 Overall, there is the potential for a development of 17 dwellings on this site to respect the character of the site and surroundings (Policy DP1) and to secure a high-quality design that is in keeping with its context (Policy UR2) and conserve the landscape and townscape (Policy ENV1).

Impact on setting of listed buildings

- 14.39 A number of listed buildings are situated in the vicinity of the application site. Plummers Farmhouse (Grade II, List UID 1239831) is situated on the opposite side of Plummers Road; a group of listed buildings is located to the north, including Marks Gate, the Congegational Chapel, Penny Cottage, Plummers Cottage, Maltings Farmhouse and the Threshers which is the closest one to the north boundary of the site though separated by Summer House.
- 14.40 The proposed development has the greatest potential to affect the setting of Plummers Farmhouse. Whist it is acknowledged that the scheme will have an impact to the character of the wider area that includes the listed buildings to the north of the site.
- 14.41 The application is reviewed form a heritage perspective according to Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act (1990) which requires that planning decisions shall have *special regard* to the desirability of preserving listed building and their setting. At the same time, NPPF's Section 16, Par.194 determines that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification, while Par. 196 clarifies that where a development proposal will lead to less than substantial harm to the asset's significance, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.
- 14.42 The application is supported by a Heritage Impact Assessment. The Councils Built Heritage Officer agrees with the conclusion of the Heritage Assessment that the current setting of the existing heritage assets is different to that at the time of construction. The settlement development of Fordham has expanded with residential development along Plummers Road and Rams Farm Road. The proposed development would infill the eastern side of Plummers road, reflecting the western side. The proposed development would not affect the

ability to appreciate the heritage values of the listed buildings nor have any impact upon significance.

- 14.43 Mitigation in the form of the scheme's layout and density has been incorporated in the illustrative proposed development and would be fully resolved at reserved matters stage. Taking into account the baseline conditions there would be no long-term adverse effects upon the assets, and therefore the development accords with the NPPF and local policies DP14 and DM16.

Amenity

- 14.44 Development Plan policy DP1 requires all development to be designed to a high standard that protects existing public and residential amenity, particularly with regard to privacy, overlooking, security, noise and disturbance, and daylight and sunlight.
- 14.45 The application site lies adjacent to or opposite properties situated on Plummers Road. Residents have expressed concerns with regards to noise, light pollution, daylight/sunlight, privacy and overlooking. At this stage, only illustrative/indicative layouts have been submitted. These details show that development can be accommodated without adverse impacts on existing development in terms of privacy, outlook and loss of light.
- 14.46 The Environmental Protection team have recommended conditions to reduce the impact of the construction period, through this is a short-lived impact. There is scope to position access drives and parking areas in locations that would not lead to significant noise and disturbance to neighbouring residents. The impact of this relatively small number of new dwellings should not have a detrimental impact with regard to light pollution and the Environmental Protection team have not recommended any control measures or conditions.
- 14.47 The existing dwelling closest to the development is Summer House. Any proposed new dwelling/s to the north of the site would need to respect the amenity of Summer House adhering to policy DP1 in terms of impact, as well as the principles of the Essex Design Guide which provides design guidance to preserve a satisfactory level of amenity. These matters would need to be assessed on the submission of reserved matters which will provide the detailed layout for the scheme once approved subsequently.
- 14.48 It is therefore considered there is potential to achieve a scheme that would preserve a satisfactory level of neighbouring residential amenity and accord with Policy DP1.

Amenity Space Provisions

- 14.49 Policy DP16 provides the standards for private amenity space. For houses, these standards are as follows:
- One or two bed – a minimum of 50 sqm.
 - 3 bed – a minimum of 60 sqm.

- 4 bed – a minimum of 100 sqm.

14.50 There is ample space within the development site to meet these amenity space standards.

Arboriculture

14.51 Further consideration needs to be given to the impact on trees. There are trees at the boundaries of the site and where the proposed linking footpath is to be located. As the layout of the development is not established, further information would be required at reserved matters stage to assess and mitigate any impacts.

14.52 The impact of the proposed development on trees is not considered to be significant provided the reserved matters scheme is designed appropriately. It is therefore recommended that there be conditions to ensure that the reserved matters are submitted in accordance with the Arboricultural Constraints Assessment and that a full impact assessment (AIA), Arboricultural method statement, and tree protection plan is submitted and agreed.

Contaminated Land and Environmental Protection

14.53 This proposed residential development would be vulnerable to contamination (if present). The Council note that some contamination requiring remediation was identified when the nearby land to the south/east of this site was previously redeveloped for a residential use. Contamination matters are to be dealt with by way of planning condition.

14.54 The Environmental Protection team have also recommended a number of conditions to mitigate the impacts of construction.

Flood Risk and Sustainable drainage

14.55 As the application exceeds 0.5 hectares it required a Flood Risk Assessment and Sustainable Drainage Strategy, this has been provided. The Flood Risk Assessment confirms the site is not at risk from flooding and that surface water can be collected, attenuated and discharged on site with no increased off-site flood risk.

14.56 Essex County Council as the Local Lead Flood Authority have reviewed the Flood Risk Assessment and associated documents and do not object to the granting of planning permission. Essex have recommended a number of conditions which include the requirement to provide a detailed surface water drainage, a scheme to minimise the risk of offsite flooding during construction and detail with regards to long term maintenance and management.

14.57 Anglian Water have confirmed that there is sufficient wastewater treatment capacity and the sewerage system has available capacity.

Ecology

- 14.58 It is necessary to assess the application in accordance with the Habitats and Species Regulations 2017 (as amended). The whole of Colchester Borough is within the zone of influence of a European designated site and it is anticipated that the development is likely to have a significant effect upon the interest features of relevant habitat sites through increased recreational pressure, when considered either alone or in-combination with other plans and projects. An appropriate assessment was therefore required to assess recreational disturbance impacts as part of the draft Essex Coast Recreational disturbance Avoidance Mitigation Strategy (RAMS). As required by the draft RAMS, a financial contribution is required in order to mitigate impacts from the development. Provided that this contribution is secured, the proposed development is not considered to have a detrimental impact on designated sites. The applicants have agreed to provide the financial contribution see section 14.74 (Planning Obligations and Contributions).
- 14.59 The proposed development will require the removal of the hedgerow that currently runs the length of the site frontage. This has the potential to impact nesting birds. An informative will be included to remind the applicants of the protected status of breeding birds and to remove the hedging outside of the breeding bird season or with the supervisor of a qualified ecologist. The footpath link will run through an existing small section of woodland specific details and potential impacts and mitigated will be assessed at reserved matters. There is potential to enhance the site for the benefit of wildlife and its ecological value by the replanting of the hedging, implementing soft landscaping and wildlife-friendly planting.

Public Open Space Provision

- 14.60 The indicative layout shows that there is potential to provide public open space on the site although details of the layout and landscaping of the scheme would be required as part of a reserved matters application rather than at this stage. Also, the applicant has agreed to the contributions requested by the Council's parks and recreation team.

Affordable Housing

- 14.61 The proposal includes 30% affordable housing provision in line with Emerging Local Plan policy DM8. Twelve of the dwellings would be for market housing with the remaining five as Affordable Housing. It is proposed these would be 3 x 2-bed dwellings 1 x 3-bed dwelling, 1x 4-bed dwelling. The applicants have agreed that the affordable dwelling would meet the Part M4 Cat 2 requirements for accessibility.

Planning Obligations and Contributions

- 16.62 The following contributions have been requested and agreed by Development Team as policy compliant:

- Affordable housing – 30% affordable housing.

- RAMS - £2,134.86 to be paid prior to the commencement of development and to be used for off-site habitat mitigation.

- Archaeology – £17,553

For a museum quality display case, design and display material, an interpretation panel, enhancement of the Colchester HER.

- Communities - £30,600

For improvements to Fordham Village Hall to expanding and resurface the car park, and to provide larger spaces for blue badge holders and family users. To remove asbestos roof and covert existing storeroom into a baby change facility. As well as support a Church Café at All Saints Church Fordham.

- Parks and Recreation - £54,228.03

For lighting on the Village Green, the renovation of two finger posts, upgrades to existing playground and BMX Track Improvements.

- Highways

Prior to the occupation of any of the proposed dwellings the applicant shall provide a new footway from the northern outer tangent of the northern junction southerly across the sites frontage to Plummers Road to the full extent of the highway or 2.0m whichever is the greater which shall extend southerly to the inner tangent of Rams Farm Road junction and connect to the existing footway.

This is to be provided entirely at the Applicant/Developer's expense including new kerbing, surfacing, drainage, any adjustments in levels and any accommodation works to the footway and carriageway channel to the specifications of the Highway Authority.

It is acknowledged that due to landownership that a section of the footpath will not be possible, the developer should therefore provide the greatest amount of footpath that the landownership constraint will allow.

Planning Balance

- 14.63 National policy and statute requires planning to be genuinely plan-led. The proposal is considered to accord with the emerging Local Plan but is contrary to the adopted Local Plan as the site is outside the adopted settlement boundary of Fordham. The Emerging Local Plan is compliant with the NPPF and at an advanced stage, therefore weight can be afforded to the site allocation in the ELP (Policy SS6). The substance of the objections raised to the policy are addressed or capable of being addressed through the reserved matters stage.
- 14.64 Despite the closure of the village shop/post office in January 2019 and the closure of the Three Horse Shoes Public House in June 2020 following the lock down period, in response to the coronavirus pandemic, Fordham remains to be served by other facilities including a primary school, village hall and public open spaces. Therefore, Fordham is considered a sustainable settlement furthermore the proposed scheme is in conformity with Policy SS6.
- 14.65 The National Planning Policy Framework (the Framework) makes it plain that the purpose of the planning system is to contribute to the achievement of sustainable development and identifies three dimensions to sustainable development: economic, social and environmental.
- 14.66 In respect of the first of these, the current proposal would provide economic benefits, for example in respect of employment during the construction phase, as well as support for existing and future businesses, services, and facilities by introducing additional residents that would make use of them and provide future spend in the local economy.
- 14.67 The social role of sustainable development is described as supporting strong, vibrant and healthy communities by providing the supply of housing required to meet the needs of present and future generations and by creating a high-quality built environment with accessible local services that reflect the community's needs and support its health, social and cultural well-being. It is considered that the proposed would have a significant social benefits including the provision of policy compliant affordable homes to sustain balanced communities.
- 14.68 There is also sufficient evidence to be confident that the development would not cause significant harm to the amenity of nearby residents or have an adverse impact upon the highway network. While the development would provide an upgrade to the highways infrastructure with the introduction of a footpath and better connectivity between with the existing rural exception site (Hastoe) with the introduction of a footpath link.
- 14.69 A thorough pre-determination investigation of the site's archaeology has been undertaken, the conclusion of the trial trenching and subsequent analysis confirms that the proposal will not adversely affect archaeological assets. With regard to the setting of nearby listed buildings, the Council is confident that with a suitable landscaping scheme to be resolved at reserved matters that

there would be no harm to the significance of heritage assets. Any change in the wider setting resulting in a low degree of harm through consolidation of the built form would be capable of effective mitigation and any residual harm would be convincingly outweighed by the public benefits associated with the development. Therefore, the proposed is acceptable in terms of impact to the historical environment in accordance with para.193,194 and 196 of the Framework.

14.70 Furthermore, there are no concerns with regards to flooding and a sustainable drainage strategy will be possible. Whilst it is acknowledged that the site will result in the loss of existing hedging this is to be replaced and suitable enhancements of the site can be negotiated at reserved matters stage.

14.71 The proposed would undoubtedly affect the sites existing character as the site will change from being greenfield agricultural land to a housing development. There will also be the replacement of an established hedgerow impacting the character of the site and removing an existing habitat for local wildlife. However, the positive economic and social effects, as well as the sustainability of the proposal are judged to outweigh the shortcomings identified. In particular, given the weight afforded to the supply of new homes in the Framework and the possible design mitigation that could be secured as part of any future reserved matters application, it is considered that any harm is convincingly outweighed by the public benefits.

15.0 Conclusion

15.1 To summarise, it is considered that the benefits of the scheme outweigh any adverse impacts identified and the proposal is considered to be acceptable on this basis.

16.0 Recommendation to the Committee

16.1 The Officer recommendation to the Committee is for:

APPROVAL of planning permission subject to the signing of a legal agreement under Section 106 of the Town and Country Planning Act 1990, within 6 months from the date of the Committee meeting. In the event that the legal agreement is not signed within 6 months, to delegate authority to the Head of Service to refuse the application, or otherwise to be authorised to complete the agreement. The Permission will also be subject to the following conditions:

1. Time limit for outline permission (1/3)

No development shall be commenced until plans and particulars of "the reserved matters" referred to in the below conditions relating to the APPEARANCE, LANDSCAPING, LAYOUT AND SCALE have been submitted to and agreed, in writing, by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: The application as submitted does not provide sufficient particulars for consideration of these details.

2. Time limit for outline permission (2/3)

Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

Reason: To comply with the requirements of Section 92 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

3. Time limit for outline permission (3/3)

The development hereby permitted shall be begun before the expiration of two years from the date of approval of the last of the reserved matters to be approved.

Reason: To comply with the requirements of Section 92 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

4. Approved plans

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

'Site Location Plan' APD/059/PP001A dated 02.03.2021 &
'Site Plan' APD/059/PP002A dated 02.03.2021.

Reason: For the avoidance of doubt and to ensure that the proposed development is carried out as approved.

5. Tree and hedge protection

No works or development shall be carried out until an Arboricultural Implications Assessment, Arboricultural Method Statement and Tree Protection Plan in accordance with BS 5837, have been submitted to and approved, in writing, by the Local Planning Authority (LPA). The survey should be able to be read against any proposed layout and for all trees affected by the development.

The development shall then be carried out strictly in accordance with the approved method statement, unless previously agreed in writing by the Local Planning Authority.

Reason: To allow the proper consideration of the impact of arboreal constraints and fully analyse the proposed development on the trees/hedges on the existing site and adjacent land. To adequately safeguard the continuity of amenity afforded by existing trees.

6. Contaminated Land (1/4)

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 all relevant, current, best practice guidance, including 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.

7. Contaminated Land (2/4)

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.

8. Contaminated Land (3/4)

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.

9. Contaminated Land (4/4)

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 6, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 7, 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 8.

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.

10. Limited hours of work

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

Weekdays: 08.00 – 18.00

Saturdays: 08.00 – 13.00

Sundays and Bank Holidays: none

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

11.Highways (1/15)

Prior to the first occupation of the development, the proposed estate road, at the bellmouth junctions with Plummers Road (maximum of 2no connections to Plummers Road) shall each be provided with 10m radius kerbs returned to an access road carriageway width of 6.0m. and flanking footways 2m in width returned around the radius kerbs. The new road junction shall be constructed at least to binder course prior to the commencement of any other development including the delivery of materials.

Reason: To ensure that all vehicular traffic using the junction may do so in a controlled manner and to provide adequate segregated pedestrian access, in the interests of highway safety.

12.Highways (2/15)

Prior to the first use of the proposed access, details of the construction and future maintenance of the necessary bridging or piping of the drainage ditch/watercourse shall be submitted to and approved in writing by the Lead Local Flood Authority (Essex County Council).

Reason: To prevent or reduce the risk of flooding of the adjoining highway, in the interests of highway safety.

13.Highways (3/15)

Prior to the commencement of development, details of the estate roads and footways (including layout, levels, gradients, surfacing and means of surface water drainage) shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that roads and footways are constructed to an acceptable standard, in the interests of highway safety.

14.Highways (4/15)

All carriageways should be provided at 5.5m between kerbed footways or 6.0m where vehicular access is taken but without kerbing.

Reason: To ensure that roads and footways are constructed to an acceptable standard, in the interests of highway safety.

15.Highways (5/15)

All footways should be provided at no less than 2.0m in width.

Reason: To ensure that roads and footways are constructed to an acceptable standard, in the interests of highway safety.

16.Highways (6/15)

All off street car parking shall be provided in precise accordance with the details contained within the current adopted Parking Standards. The parking spaces shall be provided within the site and shall be maintained free from obstruction and retained thereafter.

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

17.Highways (7/15)

Any garage provided with its vehicular door facing the highway or proposed highway, shall be sited a minimum of 6m from the highway boundary.

Reason: To ensure that the vehicle to be garaged may be left standing clear of the highway whilst the garage door is opened and closed, in the interests of highway safety.

18.Highways (8/15)

Prior to the occupation of the proposed development, details of the provision for the storage of bicycles sufficient for all occupants of that development, of a design that shall be approved in writing with the Local Planning Authority. The approved facility shall be secure, convenient, covered and provided prior to the first occupation of the proposed development hereby permitted within the site which shall be maintained free from obstruction and retained thereafter.

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

19.Highways (9/15)

Prior to the first occupation of each dwelling on the proposed development, the individual proposed vehicular access for that dwelling shall be constructed at right angles to the highway boundary and to a width of 3.7m and each shared vehicular access shall be constructed at right angles to the highway boundary and to a width of 5.5m and shall be provided with an appropriate dropped kerb vehicular crossing of the footway/highway verge to the specifications of the Highway Authority.

Reason: To ensure that vehicles using the site access do so in a controlled manner, in the interests of highway safety.

20.Highways (10/15)

No unbound materials shall be used in the surface treatment of the proposed vehicular accesses within 6m of the highway boundary.

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

21.Highways (11/15)

Prior to the proposed access being brought into use, vehicular visibility splays of 90m by 2.4m by 90m as measured along, from and along the nearside edge of the carriageway, shall be provided on both sides of the centre line of the access and shall be retained and maintained free from obstruction clear to ground thereafter.

Alternatively, prior to the proposed access being brought into use the applicant shall provide a 3.0m wide parallel band visibility splay across the entire sites frontage to Plummers Road which shall be retained and maintained free from obstruction clear to ground thereafter.

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

22. Highways (12/15)

Any new or proposed boundary hedge shall be planted a minimum of 1m back from the highway boundary and 1m behind any visibility splays which shall be maintained clear of the limits of the highway or visibility splays thereafter.

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

23. Highways (13/15)

Prior to occupation of the proposed development, vehicular turning facilities for service and delivery vehicles of at least size 3 dimensions and of a design which shall be approved in writing by the Local Planning Authority, shall be provided within the site which shall be retained and maintained free from obstruction thereafter.

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

24. Highways (14/15)

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

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

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

25. Highways (15/15)

Prior to the occupation of any of the proposed dwellings the applicant shall provide a new footway the entire length of the development sites frontage to Plummers Road and continue southernly as far as landownership will allow, the footpath shall be the full extent of the highway or 2.0m, and shall be provided entirely at the Applicant/Developer's expense including new kerbing, surfacing, drainage, any adjustments in levels and any accommodation works to the footway and

carriageway channel to the specifications of the Highway Authority.

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

26. SUDS (1/4)

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 certified as technically acceptable in writing by the SUDs approval body or other suitably qualified person(s). The certificate shall thereafter be submitted by the developer to the Local Planning Authority as part of the developer's application to discharge the condition.

No development shall commence until the detailed scheme has been approved in writing by the Local Planning Authority. The approved scheme shall subsequently be implemented prior to occupation and should include but not be limited to:

- Limiting discharge rates to 1l/s for all storm events up to and including the 1 in 100 year rate plus 40% allowance for climate change subject to agreement with the relevant third party. All relevant permissions to discharge from the site into any outfall should be demonstrated.
- Demonstrate that features are able to accommodate a 1 in 10 year storm events within 24 hours of a 1 in 30 year event plus climate change.
- Final modelling and calculations for all areas of the drainage system.
- The appropriate level of treatment for all runoff leaving the site, in line with the Simple Index Approach in chapter 26 of the CIRIA SuDS Manual C753. An offline detention basin cannot be considered as a treatment stage. An additional treatment stage will need to be proposed.
- 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. It should be noted that all outline applications are subject to the most up to date design criteria held by the LLFA.

Reason: In order to mitigate prevent flooding from surface water. 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.

27. SUDS (2/4)

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 certified as technically acceptable in writing by the SUDs approval body or other suitably qualified person(s). The certificate shall thereafter be submitted by the developer to the Local Planning Authority as part of the developer's application to discharge the condition. The scheme shall subsequently be implemented as approved.

Reason: The National Planning Policy Framework paragraph 163 and paragraph 170

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.

28. SUDS (3/4)

Prior to occupation 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 prior to occupation may result in the installation of a system that is not properly maintained and may increase flood risk or pollution hazard from the site.

29. SUDS (4/4)

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.

30. Sustainable Procurement

Prior to commencement of the development, a Sustainable Procurement Plan shall be submitted to, and agreed in writing by the Local Planning Authority.

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

INFORMATIVES

Potential Contaminated Land Informative

PLEASE NOTE that an adjacent site was known to be contaminated. Please be aware that the responsibility for the safe development and secure occupancy of the site rests with the developer.

The Planning Authority has determined the application on the basis of the information made available to it. Please be aware that should a risk of harm from contamination remain post-development and that the applicant had prior knowledge of the contamination, the applicant is likely to be liable for this under Part IIA of the Environmental Protection Act 1990 and as such become an Appropriate Person. In this event the applicant will be lawfully responsible to remove the risk posed by the contamination.

Equally if during any site works a pathway for any contaminant on site is created and humans, waters, property or ecological systems are exposed to this the applicant or those acting on his behalf will be liable under Part IIA of the Environmental Protection Act 1990 if the risks are not adequately addressed during the site redevelopment.

Highways Informative 1

All work within or affecting the highway is to be laid out and constructed by prior arrangement with and to the requirements and specifications of the Highway Authority; all details shall be agreed before the commencement of works.

The applicants should be advised to contact the Development Management Team by email at development.management@essexhighways.org or by post to:

SMO1 – Essex Highways
Colchester Highways Depot,
653 The Crescent,
Colchester
CO4 9YQ

Highways Informative 2

The Highway Authority cannot accept any liability for costs associated with a developer's improvement. This includes design check safety audits, site supervision, commuted sums for maintenance and any potential claims under Part 1 and Part 2 of the Land Compensation Act 1973. To protect the Highway Authority against such compensation claims a cash deposit or bond may be required.

SUDS Informative

- Essex County Council has a duty to maintain a register and record of assets which have a significant impact on the risk of flooding. In order to capture proposed SuDS which may form part of the future register, a copy of the SuDS assets in a GIS layer should be sent to suds@essex.gov.uk.
- Any drainage features proposed for adoption by Essex County Council should be consulted on with the relevant Highways Development Management Office.
- Changes to existing water courses may require separate consent under the Land Drainage Act before works take place. More information about consenting can be found in the attached standing advice note.
- It is the applicant's responsibility to check that they are complying with common law if the drainage scheme proposes to discharge into an off-site ditch/pipe. The applicant should seek consent where appropriate from other downstream riparian landowners.

Anglian Water Informative 1

Notification of intention to connect to the public sewer under S106 of the Water Industry Act Approval and consent will required by Anglian Water, under the Water Industry Act 1991. Contact Development Services Team 0345 606 6087.

Anglian Water Informative 2

Protection of existing assets-A public sewer is shown on record plan within the land identified for the proposed development. It appears that development proposal will affect existing public sewers. It is recommended that the applicant contacts Anglian Water Development Service Team for further advice on this matter. Building over existing public sewers will not be permitted (without agreement) from Anglian Water.

Anglian Water Informative 3

Building near to a public sewer- No building will be permitted within the statutory easement width of 3 meters from the pipeline without agreement from Anglian Water. Please contact Development Services Team 0345 606 6087.

Anglian Water Informative 4

The developer should note that the site drainage details submitted have not been approved for the purposes of adoption. If the developer wishes to have the sewers included in the sewer adoption agreement with Anglian Water (under Section 104 of the Water Industry Act 1991), they should contact our Development Service

Team at the earliest opportunity. Sewers intended for adoption should be designed and constructed in accordance with Sewers Adoptions guide for developers, as supplemented by Anglian Water's requirements.

Ecology Informative

The active nests of all wild birds are protected under the Wildlife & Countryside Act 1981 (As amended). An active nest is one being built, containing eggs or chicks, or on which fledged chicks are still dependent.

All clearance work in association with the approved scheme shall be carried out outside of the bird nesting season which runs from March to September inclusive. If it is necessary for work to commence in the nesting season then a precommencement inspection of the vegetation and buildings for active bird nests should be carried out by a qualified Ecologist. Only if there are no active nests present should work be allowed to commence.

S106 Informative

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

Advisory Note on Construction & Demolition

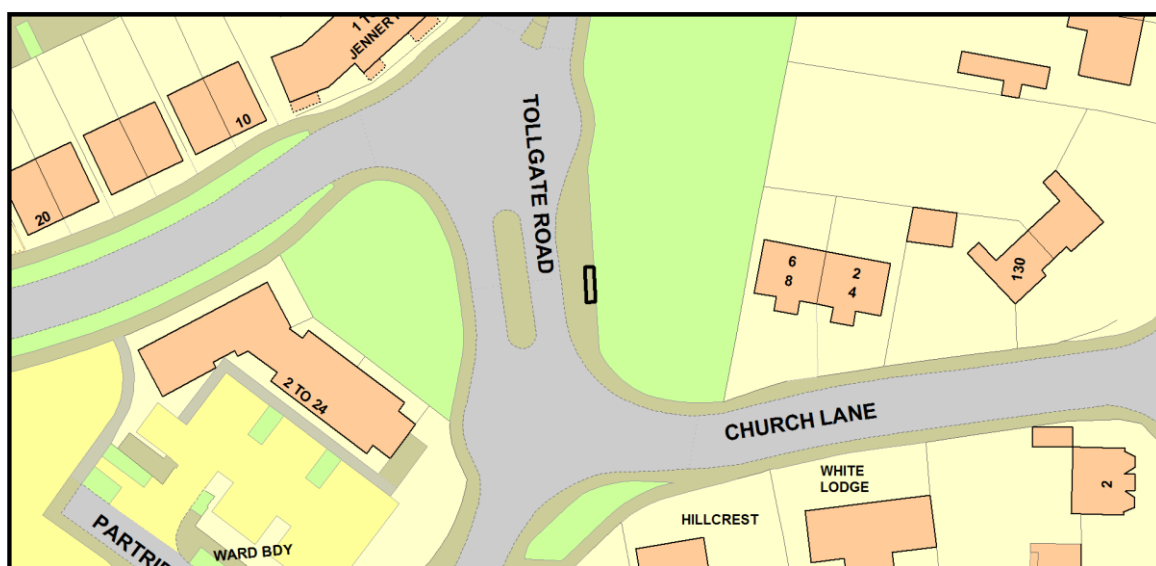
The developer is referred to the attached advisory note *Advisory Notes for the Control of Pollution during Construction & Demolition Works* for the avoidance of pollution during the demolition and construction works. Should the applicant require any further guidance they should contact Environmental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

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.

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.



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: 210966

Applicant: Hutchison Uk Ltd

Agent: Grace O'Donnell, WHP Telecoms Ltd

Proposal: Application for prior notification of proposed development by telecommunications code systems operators. Cabinet & 18 metre mast

Location: Junction of Tollgate Road &, Church Lane, Stanway, Colchester

Ward: Stanway

Officer: James Ryan

Recommendation: Approve prior notification

1.0 Reason for Referral to the Planning Committee

- 1.1 This application is referred to the Planning Committee because it has been called in by two Ward Members for the following reasons:
- 1.2 Cllr Dundas: There has been significant local comment and objections/support and residents would like the opportunity to state their case to a Committee. The mast although welcomed by many for improved 5G coverage is of a large design and in a prominent area.
- 1.3 Cllr Scott-Boutell: I understand the principle of permitted development, however I wish to call this application in on the grounds of siting and design.

2.0 Synopsis

- 2.1 The key issues for consideration are the siting and appearance of the proposed mast and cabinet. In this instance the proposal is held to be acceptable in its context.
- 2.2 The application is subsequently recommended for approval of prior notification.

3.0 Site Description and Context

- 3.1 The site is located within the footway on Tollgate Road close to the junction with Church Lane.
- 3.2 The context is generally residential. Other street furniture is present in the immediate vicinity, for example a broadband cabinet and street lighting.

4.0 Description of the Proposal

- 4.1 An 18m tall Phase 8 Monopole is proposed with a wrap-around Cabinet at its base and associated ancillary works.

5.0 Land Use Allocation

- 5.1 The land is adopted highway.

6.0 Relevant Planning History

- 6.1 There is no planning history relevant to this scheme.

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
UR2 - Built Design and Character
PR2 - People-friendly Streets
TA1 - Accessibility and Changing Travel Behaviour
TA2 - Walking and Cycling
TA4 - Roads and Traffic
ENV1 - Environment

- 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
DP17 Accessibility and Access

- 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 STA1 Appropriate Uses within the Stanway Growth Area
SA STA2 Phasing of Greenfield sites in Stanway Growth Area
SA STA3 Employment and Retail Uses in Stanway Growth Area
SA STA4 Transportation in Stanway Growth Area
SA STA5 Open Space in Stanway Growth Area

- 7.5 The area does not have a neighbourhood plan but Stanway has a Parish Plan and Design Statement.

- 7.6 Submission Colchester Borough Local Plan 2017-2033:
The Council is developing a new Local Plan that has been submitted to the Planning Inspectorate (October 2017). An Inspector has been appointed and the formal examination commenced in January 2018. The examination is ongoing.

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

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

The Emerging Local Plan is at an advanced stage and is, therefore, considered to carry some weight in the consideration of the application, but it is not

considered to outweigh the material considerations assessed above in accordance with up-to-date planning policies and the NPPF.

The Section 1 Local Plan was adopted on 1 February 2021 and is afforded full weight. The Section 2 Emerging Local Plan has now been examined, with hearing sessions having taken place between 20 and 30 April 2021. Section 2 policies must be assessed on a case by case basis in accordance with NPPF paragraph 48 to determine the weight which can be attributed to each policy.

Core Strategy Policy SD1 is fully superseded by policies SP5 and SP6 of the Section 1 Local Plan. Policies SD1, H1 and CE1 are partially superseded by policies SP3, SP4 and SP5 in relation to the overall housing and employment requirement figures. The remaining elements of policies SD1, H1 and CE1 are relevant for decision making purposes.

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

The Essex Design Guide
Stanway Parish Plan and Design Statement

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 Contaminated Land:

No comment.

- 8.3 ECC Highways:

The Highway Authority does not object to the proposals as submitted, however, the precise locations of the proposed development should be determined by Essex Highways Streetworks Team.

- 8.4 Environmental Protection:

No comment.

9.0 Parish Council Response

- 9.1 The Parish Council have stated that: I refer to the above application and can confirm that Stanway Parish Council OBJECTS to this proposal due to the due to strong opposition from residents, the pole would be at the same level as the flats and town houses opposite and the houses on the embankment behind. The Committee feels it would better placed further down Tollgate Road on commercial land and away from the residential area.

10.0 Representations from Notified Parties

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

20 in objection:

The scheme is in a prominent position.
The proposal is an eyesore.
We will directly overlook this mast.
I don't want to see this mast.
It will impact my children.
The mast is not needed.
The mast should be put near to the retail park.
It will be a hazard in the footway.
The existing broadband boxes need maintenance.
A poorly thought through application.
Could it not be camouflaged?

11 in support and 4 general comments:

The mast is vital to ensure greater connectivity in Colchester.
The current connectivity is not good enough.
Three Mobile reception is terrible in Lakelands so this is welcomed.
The prospects of the area should not be hampered by dismissing this.
The mast is more attractive than some types you see around.
The mast is acceptable.

- 10.2 It is noted that the consultation period is still running at the time of writing. Any further representations will be reported to Members verbally at the committee meeting.

11.0 Parking Provision

- 11.1 Not applicable.

12.0 Accessibility

- 12.1 As the scheme has been sited on the widest part of the footway it is not held to materially obstruct the passage of wheelchair users or pedestrians.

13.0 Open Space Provisions

- 13.1 Not applicable.

14.0 Air Quality

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

15.0 Planning Obligations

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

16.0 Report

16.1 The main issues in this case are:

- The Principle of Development
- Siting and Appearance

16.2 This is an application to assess whether the Council requires prior notification for the siting and appearance of the proposed 5G phone mast.

16.3 The proposal is permitted development granted by Part 16 of the General Permitted Development Order 2015 (as amended). This means the principle of development cannot be assessed by the Council. The need for the mast cannot be taken into consideration. The only matters that can be assessed are the siting and appearance, i.e. where the mast is located and what it looks like.

16.4 The NPPF recognises the vital importance of high-quality telecommunications and dedicates a whole chapter to this. Chapter 10 of the NPPF outlines the Governments support for high quality communications.

16.5 Paragraph 112 states:

“Advanced, high quality and reliable communications infrastructure is essential for economic growth and social well-being. Planning policies and decisions should support the expansion of electronic communications networks, including next generation mobile technology (such as 5G) and full fibre broadband connections. Policies should set out how high-quality digital infrastructure, providing access to services from a range of providers, is expected to be delivered and upgraded over time; and should prioritise full fibre connections to existing and new developments (as these connections will, in almost all cases, provide the optimum solution).”

16.6 It continues in Paragraph 113:

“The number of radio and electronic communications masts, and the sites for such installations, should be kept to a minimum consistent with the needs of consumers, the efficient operation of the network and providing reasonable capacity for future expansion. Use of existing masts, buildings and other structures for new electronic communications capability (including wireless) should be encouraged. Where new sites are required (such as for new 5G networks, or for connected transport and smart city applications), equipment should be sympathetically designed and camouflaged where appropriate.”

16.7 The support for telecoms and the need not to constrain Operators is laid out in Paragraph 116:

“Local planning authorities must determine applications on planning grounds only. They should not seek to prevent competition between different operators, question the need for an electronic communications system, or set health safeguards different from the International Commission guidelines for public exposure.”

- 16.8 In terms of appearance the mast is an 18m high pole with the 5G transmitters located at the top. The mast has a cabinet at the bottom. It is a rather utilitarian structure but is at least slim in profile. The planning statement sets out how this is the only option of this size and Council officers would not want to see anything larger. Nor would officers support an open headframe as masts of that type are even more visible and prominent. The applicants state that a height of 18m is the absolute minimum height needed for operational reasons.
- 16.9 In terms of siting, the cabinet and mast are proposed on the edge of the footway along Tollgate Road, close to the junction with Church Lane. It is a relatively prominent site, but avoids being directly adjacent to residential dwellings which are located over the other side of Tollgate Road and on Church Lane by separated by a vacant piece of land.
- 16.10 The applicants have looked at a number of alternative locations and have set out why they have discounted them in their planning statement. The justifications given are reasonable. The suggestion to move the mast north toward the Tollgate commercial area was considered by the applicants. The planning statement sets out a site on Martin Hunt Drive which is further north, but the site was discounted as this was even nearer to dwellings. They state that ‘The only viable option has been put forward’ and the Council do not have evidence to suggest that is not the case.
- 16.11 As the site sits in the footway on adopted highway land, it is important to consider the impact on pedestrian movement. The Highway Authority have stated that not object to the proposal as it does not impede pedestrians passing the equipment – there is at least 3.5m clearance from the kerb to the equipment which is wide enough for pedestrians to pass side by side or beside a pram, wheelchair or mobility scooter. It does not obstruct visibility on the approach to the junction or present safety or additional hazards to highway users. The HA have noted that as a Statutory Undertaker, the applicants are permitted to install their equipment within the highway subject to not adversely affecting the highway user. As the site does raise any of the above issues, the HA state they have no reasons to object to the proposal.
- 16.12 This is clearly a balanced call. Whilst it will have a minor negative impact on the streetscene, masts such as this will provide a service to residents that is becoming increasingly relied upon. In many respects 5G will become a facility that is expected in a well-connected Borough such as Colchester. Masts need to be located close to the people who will use them to ensure reliable 5G signal strength. This site will fill a gap in the operators network and that is a significant public benefit of this scheme.

17.0 Conclusion and Planning Balance

- 17.1 To summarise, whilst it is accepted that the 18m high mast and cabinet is located in a prominent position and is of a utilitarian design, the benefits it will bring outweigh the harm it causes in visual amenity terms. The planning balanced tips in favour of an approval of prior notification.

18.0 Recommendation to the Committee

- 18.1 The Officer recommendation to the Committee is to approve prior notification:

Prior notification is **required** and is hereby **approved**.

19.0 Informatives

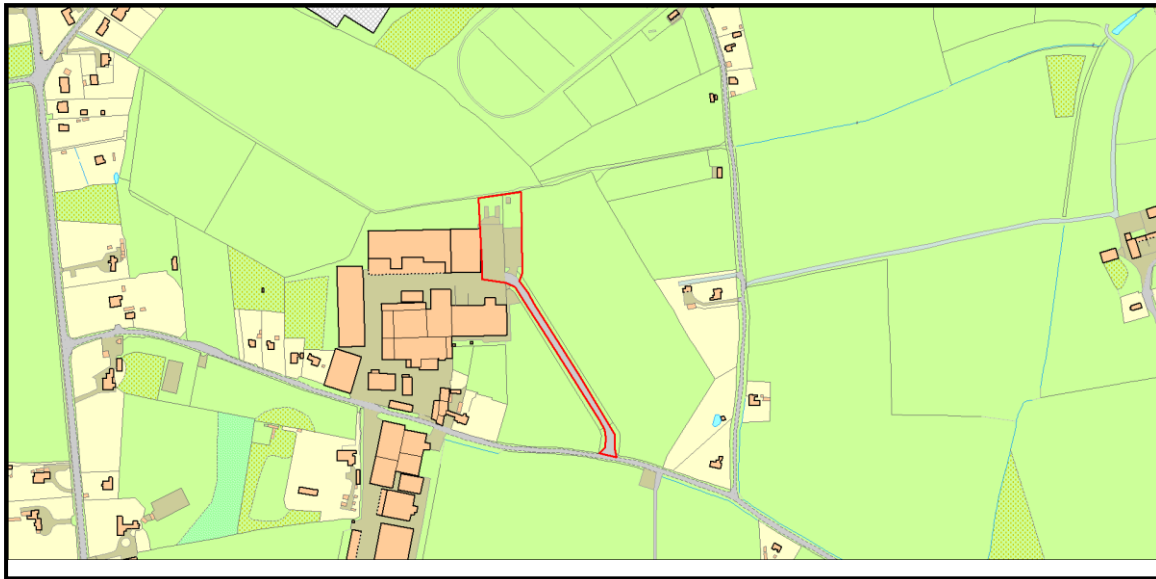
- 19.1 The following informatives are also recommended:

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.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.



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Item No: 7.3

Application: 210573

Applicant: Mr John Rix

Agent: James Williams, Thurlow Nunn Standen Ltd

Proposal: Proposed agricultural steel portal framed grading building and relocation of existing gas tanks

Location: P G Rix (Farms) Ltd, Lodge Farm, Boxted Road, Great Horkesley, Colchester, CO6 4AP

Ward: Rural North

Officer: Lucy Mondon

Recommendation: Approval subject to conditions

1.0 Reason for Referral to the Planning Committee

- 1.1 This application is referred to the Planning Committee because it constitutes major development where an objection has been received.

2.0 Synopsis

- 2.1 The application seeks planning permission for an agricultural building and the relocation of existing gas tanks. The application site is within an existing farm and is publicly visible from an adjacent public right of way (PROW). The key issues for consideration are:

- Principle of development
- Flood Risk and Drainage
- Highway safety and efficiency
- Impact on landscape and trees
- Impact on the character of the area
- Design and appearance

- 2.3 The above matters are considered in the report, alongside other material planning considerations and consultation responses. The application is subsequently recommended for approval subject to conditions.

3.0 Site Description and Context

- 3.1 The application site forms part of P G Rix Farms, a 2,460ha farm on the Essex/Suffolk border. The farm grows, packs, and supplies onions and currently employs approximately 260 people.
- 3.2 The site lies in between two existing buildings within the farmyard. At the time of the site visit, there were a number of crates stored in the site area. The wider site comprises of a large collection of agricultural/industrial buildings that sit either side of the road.
- 3.3 A PROW runs east west along the northern boundary and a tree/hedge boundary filters views of the site, although the farm buildings can still be seen. Some recent tree planting has been undertaken along the northern boundary adjacent the footpath (as part of a planting scheme associated with the 2018 planning permission for a grading building, now built).
- 3.4 The site is served by the existing HGV access. An area for car parking is located to the south of the site adjacent Boxted Road, although there are additional parking areas in the vicinity of existing buildings throughout the site.
- 3.5 The site is recorded as being grade 2 agricultural land, although it should be noted that the application site comprises of hardstanding for the most part so would not be useable for growing.

4.0 Description of the Proposal

- 4.1 The application seeks planning permission for an agricultural building and the relocation of existing gas tanks. The proposed building would be steel framed and would measure 6m in height to the eaves, and 8.47m high to the ridge. The proposed building would be sited on land partially used to store gas tanks, which would be moved to the east of the application site. The gas tanks would stand at 1.45m high.
- 4.2 The operational hours for the building would be the same as for the remainder of the site:
0730 to 1830 Monday to Saturday
0730 to 1830 Sundays (limited out-loading and harvest work)
- 4.3 The application is supported by the following documents:
- Design and Access Statement
 - Drainage Layout
 - Existing and Proposed Site Plans
 - Flood Risk Assessment and Flood Risk Assessment Addendums
 - Floor Plans and Elevations
 - Relocated Gas Tank Detail
 - Site Block Plan
 - Tree Protection Plan

5.0 Relevant Planning History

- 5.1 Lodge Farm has an extensive planning history for various farm buildings and facilities dating from the 1960s. The most recent planning history is as follows (all approvals):

| | |
|--------|----------------------------------------------------------------------------------------------------------------------------------------------------------|
| 110310 | Steel portal framed side extension building clad with insulated sheeting. |
| 112249 | Application for prior notification of agricultural or forestry development - proposed building. |
| 112471 | Installation of photovoltaic modules on the roof of the sprayer store |
| 120589 | Erect a two storey extension with new quality control room on ground floor and conference room on first floor. Erect a new single storey entrance porch. |
| 132245 | Proposed agricultural steel portal framed end extension to provide additional boxed onion storage. |
| 132246 | Proposed agricultural steel portal framed end extension to provide additional storage and packing facilities including welfare. |

| | |
|--------|--------------------------------------------------------------------------|
| 162139 | Extension to form additional welfare and office space |
| 180632 | Proposed agricultural steel portal framed grading and compost buildings. |

6.0 Principal Policies

6.1 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.

6.2 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
CE3 - Employment Zones
UR2 - Built Design and Character
TA1 - Accessibility and Changing Travel Behaviour
TA2 - Walking and Cycling
TA4 – Roads and Traffic
ENV1 - Environment
ENV2 - Rural Communities

Please note: SD1 has been partially superseded. Please see section 6.4 below.

6.3 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
DP5 Appropriate Employment Uses and Protection of Employment Land and Existing Businesses
DP8 Agricultural Development and Diversification
DP9 Employment Uses in the Countryside
DP17 Accessibility and Access
DP19 Parking Standards
DP20 Flood Risk and Management of Surface Water Drainage
DP21 Nature Conservation and Protected Lanes

6.4 Adopted Local Plan and Emerging Local Plan Status – March 2021

Overview

The Section 1 Local Plan was adopted on 1 February 2021 and is afforded full weight. The Section 2 Emerging Local Plan has now been examined with the Inspectors report awaited, hearing sessions having taken place between 20 and 30 April 2021. Section 2 policies must be assessed on a case by case basis in accordance with NPPF paragraph 48 to determine the weight which can be attributed to each policy.

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

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

In so far as it relates to this planning application, and as a result of Section 1 of the Local Plan being adopted, Core Strategy Policy SD1 is partially superseded by policies SP3. The remaining elements of policies SD1 is relevant for decision making purposes.

Section 2 will be afforded some weight due to its advanced stage. However, as it is yet to undergo examination, the exact level of weight to be afforded will be considered on a site-by-site basis reflecting the considerations set out in paragraph 48 of the NPPF. Proposals will also be considered in relation to the adopted Local Plan and the NPPF as a whole.

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

The Essex Design Guide
External Materials in New Developments
EPOA Vehicle Parking Standards
Sustainable Construction
Sustainable Drainage Systems Design Guide
ECC's Development & Public Rights of Way
Planning Out Crime

7.0 Consultations

- 7.1 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.
- 7.2 Air Quality: No comments received.
- 7.3 Arboricultural Officer: Tree Constraints and Tree Protection Plan required in order to assess impact.

- 7.4 Archaeological Adviser: No requirement for archaeological investigation as the site has already been developed and the proposed groundworks are minimal.
- 7.5 Building Control: No comments received.
- 7.6 Environmental Protection: No objection subject to conditions relating to hours of construction/demolition and site boundary noise levels following development.
- 7.7 Essex Bridleways Association: No comments received.
- 7.8 Essex County Fire and Rescue Service: Advisory comments regarding access; Building Regulations; water supplies; and sprinkler systems.
- 7.9 Health and Safety Executive: The proposed development site does not currently lie within the consultation distance of a major hazard site or major accident hazard pipeline.
- 7.10 Highway Authority: No objection. Recommended informative in respect of works within or affecting the highway requiring prior arrangement with the Highway Authority.

Case Officer Update: Further comments were sought from the Highway Authority in respect of local residents concerns regarding the condition of the road and its capacity for additional farm traffic. The comments are summarised as follows:

- There is no indication that the size of vehicles delivering to the farm would be in excess of what may be using the route already;*
- The highway is open for all users (and the condition, maintenance, and inspection of the highway is not a planning matter);*
- The farm is in a rural location and it is reasonable to expect agricultural vehicles to use the rural network. In addition, traffic associated with the farm is seasonal;*
- It would not be reasonable for the Highway Authority to recommend refusal in this case when the impact of the proposed development is not demonstrated to be severe.*

- 7.11 Landscape Officer: No objection subject to a native shrub and tree planting belt on the northern boundary of the site in order to filter views of the proposed development in the interests of the character of the site and the public amenity of users of the adjacent public right of way (PROW).
- 7.12 Minerals and Waste Planning: No comments as the site area is below the Minerals Local Plan 2014 Policy S8 threshold of 5ha.
- 7.13 Natural England: No comments.
- 7.14 SUDs: Holding objection awaiting confirmation that the area for the relocated gas tanks is included in the drainage scheme.

8.0 Parish Council Response

- 8.1 Great Horkesley Parish Council have not submitted an objection, but have confirmed that they have received concerns from residents regarding additional traffic (including heavy goods vehicles) using the busy Boxted Road.
- 8.2 Boxted Parish Council have not submitted an objection, but have commented that the surrounding roads are used by large HGV lorries in connection with the farm and that, with the exception of Straight Road, all of the roads are unclassified and suffer from deterioration. The representation includes a suggestion that the HGV lorries be directed west towards the A134 when they exit the farm as the A134 is considered to be a safer road for the HGV lorries to use and would restrict the wear and tear on the road to a smaller length of road.

9.0 Representations from Notified Parties

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

Three objections received from local residents, summarised as follows:

- Overdevelopment of the site due to traffic and effect on local community;
- Impact on the rural environment;
- The roads are not suitable for the size and volume of agricultural equipment and vehicles and drivers are not courteous to other road users;
- The roads are in a poor state and are damaged by farm vehicles;
- The number of vehicle movements have altered the rural character of the road;
- Additional noise, pollution, and disturbance to local residents (due to vehicle movements and working hours);
- Intensification of use to factory in an unsuitable village location.

Two of the objections recommend conditions to limit the number of vehicle movements, operating hours (to exclude weekends and evenings); and the ensure that floodlights only operate during operating hours and are designed so as to reduce light spill.

One General Comment received from local residents, summarised as follows:

- Light pollution as floodlights are on outside working hours;
- The roads are unsuitable for large lorries;
- Vehicles arrive late into the night;
- The farm tractors are increasing in size every year and the drivers are inconsiderate of other road users. Some vehicles are wider than the road and damage the side verges.

10.0 Parking Provision

10.1 Parking provision remains unchanged onsite. There is a car park to the south of the application site, adjacent Boxted Road, as well as parking in the vicinity of individual buildings.

| Type of vehicle | Existing number of spaces | Total proposed (including spaces retained) | Difference in spaces |
|------------------------------------------------|---------------------------|--------------------------------------------|----------------------|
| Cars | 40 | 40 | 0 |
| Light goods vehicles / public carrier vehicles | 5 | 5 | 0 |
| Motorcycles | 5 | 5 | 0 |
| Disability spaces | 5 | 5 | 0 |
| Cycle spaces | 10 | 10 | 0 |
| Other HGV/Tractor | 15 | 15 | 0 |

11.0 Accessibility

11.1 The Equality Act 2010 legally protects people from discrimination in the workplace and in wider society. The proposed development does not raise any issues of discrimination; the site is accessible by a number of modes of transport (car, bus, cycle, foot) and accessible car parking can be provided. There would be level access into the building.

12.0 Air Quality

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

13.0 Planning Obligations

13.1 As a “Major” application, there was a requirement for this proposal to be considered by the Development Team in order to establish whether any planning obligations are required to mitigate the impact of the proposed development. It was considered that no planning obligations are necessary in this case.

14.0 Report

14.1 The main issues in this case are:

- Principle of development
- Highway safety and efficiency
- Impact on landscape and trees
- Impact on the character of the area
- Design and appearance

Principle of Development

- 14.2 Section 1 Policy SP3, which partially supersedes Core Strategy Policy SD1, establishes that existing settlements will be the principal focus for additional growth. The policy goes on to state that beyond the main settlement areas, diversification of the rural economy will be supported. Support for the rural economy is also included in the National Planning Policy Framework (NPPF) which requires planning policies and planning decisions to enable the sustainable growth and expansion of all types of businesses in rural areas, including the development and diversification of agricultural and other land-based businesses, both through the conversion of existing buildings and well-designed new buildings.
- 14.3 Development Policy DP8 also provides general support for existing agricultural uses and gives particular encouragement to sustainable forms of agriculture which include environmentally sensitive, organic, and locally distinctive food production, together with its processing, packing, marketing and retailing. New agricultural buildings requiring planning permission will be guided to farm locations which are sensitive to their environment.
- 14.4 The planning application is supported by a justification which explains that the farm business is required to react quickly to the 'changing demands of the end consumer and stay ahead of the competition' and that the proposed building would allow for additional relief capacity as well as spread existing packing lines over a larger footprint, thereby reducing the risk should any incidents occur (e.g. fire, virus outbreak). The justification goes on to state that the additional space would go towards Health and Safety goals for the site, allowing for a slower paced operation and better segregation of people, machinery and vehicle movements. In addition, spreading production with additional capacity allows for staffing the facility within normal working hours rather than pushing towards 24-hour production and a reliance on agency staff with zero-hour contracts. The introduction of new technology as part of the development would also enable recyclable packaging to be used in the packing process.
- 14.5 The proposed development is considered to be acceptable in principle given the support for rural businesses in both National and Local planning policy. The proposed building would be located within an existing farm which would allow for linked trips and staffing, as well as the modernisation of working practices, which contributes to the sustainability of the scheme in accordance with planning policy. Consideration will need to be given to other material planning considerations as set out in the remainder of this report.

Flood Risk and Drainage

- 14.6 Core Strategy Policy SD1 and Development Plan Policy DP20 require proposals to promote sustainability by minimising and/or mitigating pressure on (inter alia) areas at risk of flooding. Policy DP20 also requires all development proposals to incorporate measures for the conservation and sustainable use of water, including the appropriate use of SUDs for managing surface water runoff.
- 14.7 The site is located within Flood Zone 1 which means that there is low probability of flooding (less than 0.1%). The development itself is, therefore, unlikely to be susceptible to flooding. It is still important, however, to assess whether/how the development could affect flood risk elsewhere in terms of surface water flooding. Essex County Council SUDs Team (as Lead Local Flood Authority) have been consulted on the application and initially requested further information with regards to the submitted drainage strategy. Upon receipt of revised information, the SUDs team has issued a holding objection, but only in the absence of confirmation as to whether the relocation of the gas tanks is included in the drainage strategy calculations. A further addendum to the Flood Risk Assessment has subsequently been submitted which provides calculations to take into account the gas tank area. This information is currently being considered by the SUDs team. Provided that the further information is acceptable to Essex County Council SUDs, the proposal would be acceptable in respect of policies SD1 and DP20.

Highway Safety and Efficiency

- 14.8 Core Strategy Policy TA4 seeks to make the best use of the existing highway network and manage demand for road traffic. The policy makes it clear that new development will need to contribute towards transport infrastructure improvements to support the development itself and to enhance the broader network to mitigate impacts on existing communities. Development Plan policy DP17 requires all development to maintain the right and safe passage of all highways users. Development Plan policy DP19 relates to parking standards in association with the Vehicle Parking Standards SPD.
- 14.9 The proposed development would utilise an existing HGV access from Boxted Road. The Design and Access Statement confirms that the proposed development would result in one additional lorry movement per day.
- 14.10 The Highway Authority have been consulted on the application and do not have any objections. Local representations are concerned with traffic movements, the condition of surrounding roads, and damage caused to the roads as a result of use by large vehicles, although these concerns relate to the existing use of the site rather than directly related to the proposal in hand. The concerns of local residents are sympathised with, but on the basis that the proposed development would only result in one additional lorry movement per day, the additional impact is minimal. Paragraph 109 of the

NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. Given that the impact of the proposed development would be minimal, there is not considered to be grounds for refusal in respect of highway impact.

- 14.11 In terms of parking, the Essex Vehicle Parking Standards do not include any requirements in respect of agricultural development. In any case, car parking for business uses is a maximum standard, so even if the proposed building were to be considered on the basis of a B8 storage and distribution use, the lack of associated car parking would not be a reason for refusal. Cycle parking and disabled parking are minimum standards, but as agricultural uses are not included in the parking standards, it would be unreasonable to insist upon additional provision on site.

Impact on the Character of the Area (including Landscape and Trees)

- 14.12 Core Strategy Policy ENV1 seeks to conserve and enhance Colchester's natural and historic environment, countryside and coastline, with Development Plan Policy DP1 requiring development proposals to demonstrate that they, and any ancillary activities associated with them, will respect and enhance the character of the site, context and surroundings in terms of (inter alia) its landscape setting.
- 14.13 The northern boundary of the application site is adjacent to a public right of way (PROW) and, whilst the site is not overly visible at ground floor level from public vantage points, any buildings would be visible above the hedgerow and tree boundaries as demonstrated by views of the existing buildings on site. The proposed building would be positioned between two existing farm buildings so it would not appear overly incongruous or dominant within the surroundings and wider landscape. Nonetheless, there would be a visual impact that would be readily visible from immediate views on the PROW and the Council's Landscape Officer has recommended that additional planting be provided along the northern boundary of the wider site so as to filter views in the interests of preserving the character of the surrounding landscape. The Agent has confirmed that they are content with this condition.
- 14.14 There are existing trees adjacent to the application site, although some of these are segregated from the farm by a large ditch that runs along the length of the PROW. These trees are not protected by Preservation Orders, but they do have a positive contribution on the rural setting. It is therefore considered appropriate to condition that these trees are retained and that tree protection is provided during construction; the condition will also ensure that should any of the retained trees die or fail to thrive within 5 years of the development they will be replaced.
- 14.15 The relocated gas tanks are low in height at 1.45m so would not be readily visible in the landscape. As such, the relocated gas tanks are considered to

have a minimal impact on the landscape setting and do not require additional mitigation, although the additional landscaping required in respect of the proposed building will be beneficial in reducing the visual impact to a negligible amount.

- 14.16 Local residents have expressed concern that the current farm had has a marked impact on the rural character of the area. The farm is noticeably large in scale, with a number of farm buildings on site, and there would be associated vehicle movements in connection with the use. The land use as agricultural is, however, typical of rural areas and the proposed development would not have a significant impact on the character of the area given the existing land use and farm buildings.
- 14.17 Subject to the mitigation measures that would be secured by condition, the proposed development is considered to comply with planning policy.

Design and Appearance

- 14.18 In considering the design and layout of the proposal, Core Strategy policy UR2 and Development Plan policy DP1 are relevant. These policies seek to secure high quality and inclusive design in all developments, respecting and enhancing the characteristics of the site, its context and surroundings.
- 14.19 The proposed farm building would be sited between existing farm buildings and would have a similar appearance to these buildings in terms of overall appearance. The height and scale of the proposed building would be lower than its neighbours, but that would not result in an uncomfortable or inappropriate relationship given the functional nature of the buildings and the range of building forms within the wider farmyard. The proposed materials would also be similar to those of the existing buildings, with the colour finishes of Goosewing Grey and Merlin Grey being suitable in terms of reducing the visual impact as they would blend in with grey skies from longer views.
- 14.20 The proposal is therefore considered to be appropriate in design terms given the context of the existing built environment.

Other Matters

- 14.21 The application site is predominantly hardstanding and in use as part of the active farmyard (the site was being used to store crates at the time of the site visit). The site is not, therefore, considered to have a high value in terms of habitats. There are no records of protected species at the application site so there are no mitigation requirements, although the additional landscaping required to mitigate the visual impact will have the added benefit of enhancing the biodiversity of the wider site.
- 14.22 In terms of amenity, the application site is not within close proximity to residential properties so the impact on residential amenity would be low. In the interests of amenity, the Council's Environmental Protection Team have

recommended a condition to control hours of work during demolition/construction, as well as a condition to ensure that any noise does not exceed current noise levels at the boundaries of the site.

- 14.23 Local residents have objected to the proposal on noise grounds, although these objections are directed at the current use of the site. The proposed building is not considered to increase noise levels due to the low level of use (one additional lorry movement per day) and being subject to the noise condition recommended by Environmental Protection. Some of the objections held that the hours of operation are detrimental, but the hours of operation are 0730 to 1830 per day and these hours are not considered to be excessive as they do not extend into night time hours. It is noted that the site would operate seven days a week, although the Sunday working hours are more seasonal (e.g. during harvest) according to the supporting Design and Access Statement.
- 14.24 In terms of matters of heritage, the application site would not have an impact on the setting of any listed buildings. The Council's Archaeological Adviser has considered the application and, although the site is within an area of archaeological interest, no further archaeological investigation is required as the site has already been developed and the proposed development would require minimal ground works.
- 14.25 It is noted that the Essex Fire and Rescue Service have commented on the application and have made a number of advisory comments; these comments can be included in an informative as part of the decision notice.

15.0 Conclusion

- 15.1 The proposed development, relating to further development of an existing agricultural business, is supported in principle as part of both national and local planning policy. Subject to further specialist comment in respect of SUDs, the impacts of the development can be satisfactorily mitigated so that the proposal satisfies planning policy requirements. The planning benefits of the proposed development, such as increased employment and improvements in sustainable processes in terms of recyclable packaging, also weight in favour of the application.
- 15.2 Provided that the Essex County Council SUDs team (as Lead Local Flood Authority) have no objection to the proposed development, the proposal is considered to be acceptable and can be supported on policy grounds.

16.0 Recommendation to the Committee

16.1 The Officer recommendation to the Committee is to resolve to

- Approve the application subject to the recommended conditions, following confirmation from the Essex County Council SUDs team that they have no objection to the application and including any conditions recommended by them;
- In the event that the Essex County Council SUDs team object to the application, allow delegated authority to the Planning, Housing and Economic Growth Lead to seek amendments to address the objection and negotiate any related planning conditions as necessary;
- In the event that the Essex County Council SUDs team objection to the application and their objection cannot be resolved, to refuse the application as per the Essex County Council recommendation.

1. Time Limit for Full Permissions

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

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

2. Development to Accord With Approved Plans

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

Site Block Plan (2171:01:02 Revision A)

General Arrangement and Elevations (2171:04:01)

Relocated Gas Tank Detail (2171:04:02)

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

3. Limits to Hours of Work

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

Weekdays: 08:00-18:00

Saturdays: 08:00-13:00

Sundays and Bank Holidays: No working

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.

4. Tree and Hedgerow Protection: General

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

period, they shall be replaced during the first planting season thereafter to specifications agreed, in writing, with the Local Planning Authority. Any tree works agreed to shall be carried out in accordance with BS 3998.

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

5. Landscape Works

No part of the development shall be occupied or brought into use until a scheme of hard and soft landscape works has been submitted to and agreed, in writing, by the Local Planning Authority. The scheme shall include any significant changes in ground levels and also accurately identify positions and spread of all existing trees, shrubs and hedgerows on and immediately adjacent the site, proposed planting (including a 5-10m wide locally compatible native shrub and tree screen planting belt within the blue line site area to the northern boundary of the site), the implementation of which shall comply with the recommendations set out in the relevant British Standards current at the time of submission. The approved landscape scheme shall be carried out in full prior to the end of the first planting and seeding season following the first occupation of the development or in such other phased arrangement as shall have previously been agreed, in writing, by the Local Planning Authority. Any soft landscape works which, within a period of 5 years of being implemented fail, are removed or seriously damaged or seriously diseased shall be replaced, like for like, in the next planting season with others of similar specification/size/species, unless the Local Planning Authority agrees, in writing, to a variation of the previously approved details.

Reason: In order to ensure that there is a sufficient landscaping scheme for the relatively small scale of this development where there are areas to be laid out but there is insufficient detail within the submitted application.

6. Site Boundary Noise Levels

No part of the development shall be occupied or brought into use until a competent person has ensured that the rating level of noise emitted from the site's plant, equipment and machinery shall not exceed 0dB(A) above the background levels determined at all facades of (or boundaries near to) noise-sensitive premises. The assessment shall have been made in accordance with the current version of British Standard 4142 and confirmation of the findings of the assessment shall have been submitted to, and agreed in writing by, the Local Planning Authority and shall be adhered to thereafter.

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

17.0 Informatives

17.1 The following informatives are also recommended:

1. 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. 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. Highway Authority Informative

All work within or affecting the highway is to be laid out and constructed by prior arrangement with and to the requirements and specifications of the Highway Authority; all details shall be agreed before the commencement of works.

The applicants should be advised to contact the Development Management Team by email at development.management@essexhighways.org or by post to:

SMO1 – Development Management
Essex Highways Ardleigh Depot,
Harwich Road,
Ardleigh,
Colchester,
Essex
CO7 7LT

4. Essex Fire & Rescue Informative

Water Supplies: The applicant and/or developer is reminded that additional water supplies for firefighting may be necessary for this development. Please contact the Water Technical Officer at Service Headquarters, telephone 01376-576344 for further advice.

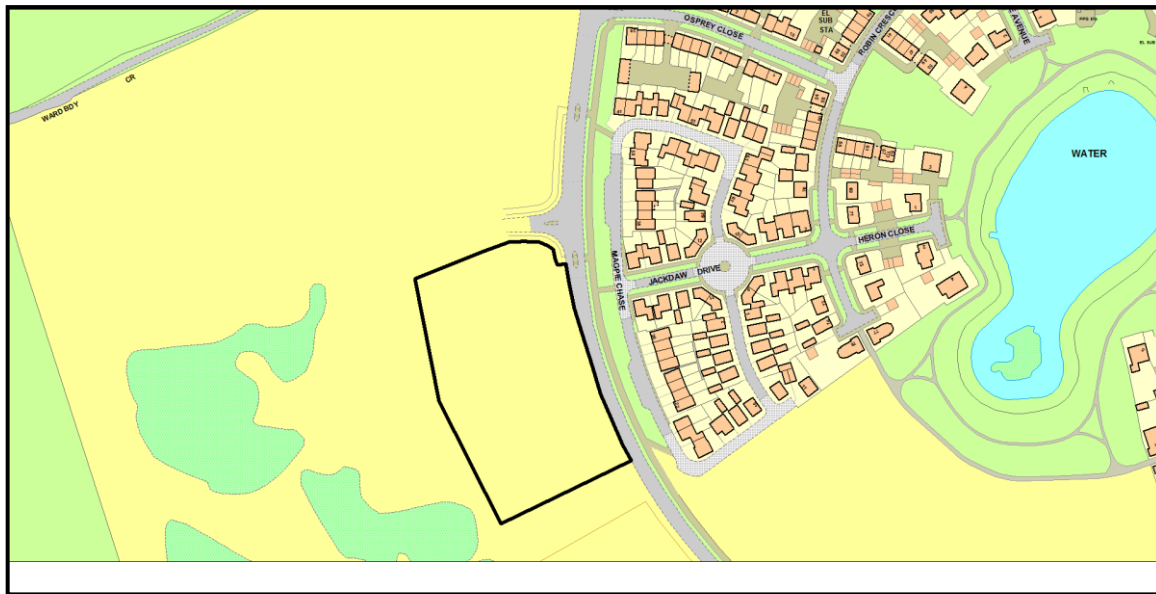
Sprinkler Systems: There is clear evidence that the installation of Automatic Water Suppression Systems (AWSS) can be effective in the rapid suppression of fires. Essex County Fire & Rescue Service (ECFRS) therefore uses every occasion to urge building owners and developers to consider the installation of AWSS. ECFRS are ideally placed to promote a better understanding of how fire protection measures can

reduce the risk to life, business continuity and limit the impact of fire on the environment and to the local economy.

Even where not required under Building Regulations guidance, ECFRS would strongly recommend a risk based approach to the inclusion of AWSS, which can substantially reduce the risk to life and of property loss. Developers are encouraged to use them to allow design freedoms, where it can be demonstrated that there is an equivalent level of safety and that the functional requirements of the Regulations are met.

5. Informative on Any Application With a Site Notice

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



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Item No: 7.4

Application: 210935

Applicant: Ms Alison Fogg

Agent: Mr Kevin Whyte, Barefoot and Gilles

Proposal: Proposed construction of a new 2-storey community centre with associated parking and landscaping. Resubmission of 201365.

Location: Land opposite, Magpie Chase, Stanway, Colchester, CO3 8WB

Ward: Stanway

Officer: Lucy Mondon

Recommendation: Approval subject to conditions and no objections from Highway Authority or Highways England

1.0 Reason for Referral to the Planning Committee

- 1.1 This application is referred to the Planning Committee because the Applicant (Colchester Amphora Trading Ltd) is part of the commercial arm of Colchester Borough Council and the application is on behalf of the Borough Council.

2.0 Synopsis

- 2.1 The proposed development is for a community centre building with associated parking and landscaping. The development is being brought forward in connection with Site Allocation Policy SA STA5 (Open Space in Stanway Growth Area). The key issues for consideration are principle of development, contamination, highway matters, flood risk and drainage, ecology, impact on the character of the area, and impact on amenity.
- 2.2 The application is a resubmission of an approved scheme (ref: 201365). The current proposal is similar to the approved scheme, with the exception of some external changes and additional mezzanine floorspace.
- 2.3 The report describes the site and its setting, the proposal itself, and the consultation responses received. Material planning matters are then considered together with issues raised in representations.
- 2.4 The planning merits of the case are assessed leading to the conclusion that the proposal is acceptable and that a conditional approval is recommended.

3.0 Site Description and Context

- 3.1 The application site ('the site') is an area of land measuring 0.81ha located on the western side of the Stanway Western Bypass and to the west of the Lakelands housing development. The site lies within an existing parkland, although it is segregated by post and wire fencing and is not used recreationally as part of the parkland. The site is relatively flat, although slightly lower to the south-eastern corner. The site is brownfield land forming part of a former quarry.
- 3.2 The site is part of a large area identified as Public Open Space in the adopted Site Allocations Development Plan Document (DPD) and is located within the Stanway Growth Area. The Site Allocations DPD references the use of s106 contributions from other developments 'towards the building of a sports hall, community centre or similar facility with associated car parking facilities on 0.8 hectares of land for the benefit of residents in Stanway and Colchester.'
- 3.3 A Colchester Local Wildlife Site lies to the north-west of the site and there are footpaths through the parkland; Public Right of Way (PROW) 149_11 runs through the parkland between Church Land and Warren Lane on the periphery of the site's northern and western boundaries.

- 3.4 There is an existing crossing with traffic island on the Stanway Western Bypass to the northern end of the application site, allowing pedestrian access from the residential Lakelands development to the parkland.
- 3.5 Photographs showing the site and its surroundings are included below:



Source: Google Imagery © 2020 (Application Site indicated in red)



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Source: Design and Access Statement: aerial view of site with Lakelands development to the east



Source: Design and Access Statement: footpath access from Church Lane



Source: Design and Access Statement: view along Jackdaw Drive towards application site (in background)

4.0 Relevant Planning History

- 4.1 The site and its surrounding parkland forms part of a former sand and gravel quarry which has been remodeled and reprofiled as part of the wider Lakelands Development.
- 4.2 Planning Permission was recently granted (October 2020) for a two-storey community centre with associated parking and landscaping (ref: 201365).

5.0 Description of the Proposal

- 5.1 The application seeks planning permission for a two-storey Community Centre with associated parking and landscaping. The Community Centre building would comprise of a main multi-use hall, bar and kitchen, administration offices, toilet and changing facilities, storerooms, and ground-floor and first-floor function rooms. The proposed materials for the building would include standing seam zinc roof and Siberian larch timber cladding.

- 5.2 The proposal follows a recently approved scheme for a similar proposal. The current proposal incorporates some external alterations, additional mezzanine space for an interview room and 2 no. offices, and alterations to the layout of the site (pedestrian pathways, parking arrangements etc).
- 5.3 Measured from ground level, the ridge height of the central roof is 8.7m. The main eaves are at 4.2m above ground level, and the wing eaves are at 2.9m above ground level. The full length of the building is 29.4m, and its width at the widest point is 17.1m.
- 5.4 The proposed development includes provision of 19 No. car parking spaces (including 3 No. disabled parking spaces and 4 No. electric car parking spaces), 16 No. cycle parking spaces (to include electric charging points), and 2 No. motorcycle parking spaces. An area for overspill car parking is also proposed (5 No. spaces).
- 5.5 The proposed layout includes an outdoor area which is indicated to be for 'potential future outdoor sports/activities facilities' and a 'potential future outdoor multi-use games area'. No further information has been submitted in respect of these potential future uses.
- 5.6 Various ecological mitigation measures (e.g. bat and bird boxes, bee boxes, loggery etc) are also included in the proposals.
- 5.7 The application is supported by the following documents:
- Application Form
 - Architects Site Analysis
 - Design and Access Statement
 - Drawings:
 - Site and Location Plans as Existing
 - Proposed Site Plan
 - Proposed Floor and Roof Plans
 - Proposed Elevations
 - Pedestrian Crossing Study
 - Phase 1 and Phase 2 Geoenvironmental Assessments (contamination)
 - Preliminary Ecological Appraisal Report
 - Public Consultation Report
 - Surface Water Drainage Strategy
 - Topographical Survey
 - Utilities Plan

The submitted documents in support of the application are all available to view on the Council website. The submitted reports are all as per the recently approved planning application (ref: 201365); these reports remain valid and there are no material changes on site that would require additional or revised information to be submitted.

6.0 Principal Policies

6.1 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.

6.2 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
UR2 - Built Design and Character
TA1 - Accessibility and Changing Travel Behaviour
ENV1 - Environment
ENV2 - Rural Communities
ER1 - Energy, Resources, Waste, Water and Recycling

Please note: Policy SD1 has been superseded. See section 6.5 below.

6.3 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
DP4 Community Facilities
DP17 Accessibility and Access
DP19 Parking Standards
DP20 Flood Risk and Management of Surface Water Drainage
DP21 Nature Conservation and Protected Lanes

6.4 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 STA5 Open Space in Stanway Growth Area
Land between Church Lane and Maldon Road, including Stanway Hall Farm and Bellhouse Pit, is allocated as Open Space for informal and formal outdoor leisure uses, as shown on the Proposals Map. Any formal indoor and outdoor leisure provision will be limited in extent, and closely related to allocated employment and housing areas at Church Lane.

6.5 Adopted Local Plan and Emerging Local Plan Status – March 2021
The Section 1 Local Plan was adopted on 1 February 2021 and is afforded full weight. The Section 2 Emerging Local Plan has now been examined, with hearing sessions having taken place between 20 and 30 April 2021. Section

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2 policies must be assessed on a case by case basis in accordance with NPPF paragraph 48 to determine the weight which can be attributed to each policy.

Core Strategy Policy SD1 is fully superseded by policies SP5 and SP6 of the Section 1 Local Plan. Policies SD1, H1 and CE1 are partially superseded by policies SP3, SP4 and SP5 in relation to the overall housing and employment requirement figures. The remaining elements of policies SD1, H1 and CE1 are relevant for decision making purposes.

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

The Essex Design Guide
External Materials in New Developments
EPOA Vehicle Parking Standards
Community Facilities
Open Space, Sport and Recreation
Sustainable Construction
Cycling Delivery Strategy
Sustainable Drainage Systems Design Guide
Street Services Delivery Strategy
Planning for Broadband 2016
Developing a Landscape for the Future
ECC's Development & Public Rights of Way
Planning Out Crime
Stanway Joint Design Statement and Parish Plan

7.0 Consultations

7.1 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.

7.2 Archaeological Adviser

No requirement for any archaeological investigation.

7.3 Contaminated Land Officer

No objection; the site can be made suitable for the proposed use on the basis of the actions recommended in the submitted assessments and a condition to secure a detailed remediation scheme.

7.4 Environmental Protection

No objections subject to conditions relating to construction method statement; hours of work during construction; external lighting; and noise mitigation.

7.5 Essex Bridleways Association

No comments received.

7.6 Essex Wildlife Trust
No comments received.

7.7 Highway Authority
No comments received.

Case Officer Note: Under application 201365, the Highway Authority commented that the impact of the proposal is acceptable from a highway and transportation perspective subject to conditions to agree and secure a construction traffic management plan; and to secure the implementation of the agreed access and upgrade to the pedestrian traffic island on the Stanway Western Bypass (as shown on the submitted drawings).

7.8 Highways England
Requested consultation 12th May 2021. Awaiting comments.

7.9 Landscape Officer
No objection to the application on landscape grounds subject to condition to secure landscape works and landscape management plan.

7.10 Natural England
No comment.

7.11 The Ramblers Association
No comments received.

7.12 RSPB
No comments received.

8.0 Parish Council Response

8.1 Stanway Parish Council have no objections, but note that the original drawings have been altered and that there are concerns from local residents about lack of parking.

9.0 Representations from Notified Parties

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

Four Objections:

- The proposal is unnecessary: A community centre is not wanted or needed and there is no justification for building on green space.
- Parking provision is inadequate and will result in overflow on the residential streets nearby.
- The parking should be to the rear of the building in order to prevent noise nuisance.
- Increased traffic.

- Noise nuisance.
- Risk of increased crime.
- An area for people to walk dogs would be beneficial.

Two letters of General Observation:

- What will happen when the car park is full?
- Parties will result in noise nuisance.
- Will there be a time that the centre has to close?
- Will there be a locked gate to prevent anti-social behaviour?
- Will there be CCTV?
- Concern that woodland will be damaged.
- What are the plans for the lake?
- Colchester Cycling Campaign have submitted information regarding the need for a toucan crossing as access to the Community Centre.

10.0 Parking Provision

10.1 The Vehicle Parking Standards SPD sets out the parking requirements for assembly and leisure uses, such as that proposed. For a development of this scale, the parking requirements would be: 25 car parking spaces (maximum); 13 cycle spaces (minimum); 3 motorcycle spaces (minimum); and 3 disabled car parking spaces (minimum).

10.2 The proposed development includes the following parking arrangements: 19 car parking spaces (including 3 disabled parking spaces and 4 electric car parking spaces), 16 cycle parking spaces (to include electric charging points), and 2 motorcycle parking spaces.

10.3 An area for overspill car parking is also proposed (5 No. spaces).

11.0 Accessibility

11.1 The Equality Act 2010 legally protects people from discrimination in the workplace and in wider society. The proposal does not present any concerns with respect to discrimination. The nature of the scheme as a community centre is not considered to be discriminatory. Level access can be provided and bespoke parking would be provided to aid accessibility. The proposed building would have both stair and lift access to the upper floor. Disabled parking is included to serve the development in accordance with adopted standards.

12.0 Air Quality

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

13.0 Planning Obligations

- 13.1 This application is not classed as a “Major” application and therefore there was no requirement for it to be considered by the Development Team and it is considered that no Planning Obligations should be sought via Section 106 (s.106) of the Town and Country Planning Act 1990. The development would be funded through existing s.106 contributions.

14.0 Report

- 14.1 The main planning considerations in this case are: principle of development, contamination, highway matters, flood risk and drainage, ecology, impact on the character of the area, and impact on amenity.
- 14.2 Although the current application is a ‘stand-alone’ application, it does follow a recent permission (October 2020) for a similar scheme on the same site. Given that there has been very limited material change to the site and the surroundings, the assessment will follow that of the previous planning application, although there will be additional considerations in respect of the areas that differ between the two proposals, being: external appearance; additional office space; and altered layout of the site.

Principle of Development

- 14.3 In terms of the principle of development, the Adopted Local Plan and newly adopted Section 1 Local Plan seeks to locate growth and development at the most accessible and sustainable locations. With specific reference to community facilities, Core Strategy Policies SD2 and SD3 seek to ensure that facilities and infrastructure are provided to support sustainable communities in Colchester, with new facilities and infrastructure being located and designed so that they are accessible and compatible with the character and needs of the local community in order to maximise community access and build a sense of local community identity. Both Core Strategy Policy SD3 and Development Plan Policy DP4 support new community facilities, with Policy SD3 going on to state that the Council encourages multi-purpose community facilities that can provide a range of services and facilities to the community at one accessible location.
- 14.4 The application site relates to Site Allocation Policy SA STA5 (Open Space in Stanway Growth Area), which allocates land between Church Lane and Maldon Road, including Stanway Hall Farm and Bellhouse Pit, as Open Space for informal and formal outdoor leisure uses. The Policy states that any formal indoor and outdoor leisure provision will be limited in extent, and closely related to allocated employment and housing areas at Church Lane. In the explanatory text around the allocation policy, there is reference to a financial contribution from the Lakelands Development ‘towards the building of a sports hall, community centre or similar facility with associated car parking facilities on 0.8 hectares of land for the benefit of residents in Stanway and Colchester’. There have since been subsequent financial contributions from a number of developments within the surrounding area towards the community centre.

- 14.5 The proposed development is for the development of 0.81ha of land, within allocated public open space, for a community centre in accordance with the provisions of Site Allocation Policy SA STA5. There have been a series of public consultation events undertaken by the applicant in the preparation of the planning application, with the designs being modified to address the points made. The Adopted Local Plan supports the provision of new community facilities in general, subject to them being in accessible locations that are compatible with the surrounding area. It is therefore considered that the proposed community centre is acceptable in principle, subject to considerations as to its accessibility and impact on the surrounding area, as well as other material planning matters.

Highway Matters

- 14.6 Core Strategy Policy TA1 seeks to improve accessibility and change travel behaviour as part of a comprehensive transport strategy for Colchester. A key aspect of this is the improvement of accessibility by enhancing sustainable transport links and encouraging development that reduces the need to travel, a principle which is reflected in the Site Allocation Policy SA STA5. Development Plan policy DP17 requires all development to maintain the right and safe passage of all highways users. Development Plan policy DP19 relates to parking standards in association with the Vehicle Parking Standards SPD (see Section 10 of this report for details of parking requirements).
- 14.7 The proposed development is considered to be suitably sited in terms of accessibility. The site would be accessible by car, but would also be readily accessible by other means such as walking, cycling, and bus. The site is located in close proximity to existing residential areas and there are existing walking routes providing connectivity, including pedestrian crossing points on the Stanway Western Bypass road. There are also existing off-road cycle routes in the area which would encourage cycle access to the site. In addition, there are bus stops within 500m of the site, providing bus travel to and from the site from within Colchester and further afield. Sustainable transport to and from the site is considered to be promoted/encouraged by the proposals to install electric charging points for both cars and bicycles.
- 14.8 The Highway Authority are yet to provide consultation comments. Comments received as part of the previous planning application were that the impact of the proposal is acceptable from a highway and transportation perspective subject to conditions: a construction traffic management plan would be required in order to ensure that the construction of the development would be undertaken without negative impacts on highway efficiency and safety; and a condition to ensure that the agreed vehicular access and upgrades to the pedestrian traffic island on the Stanway Western Bypass (which would enable pedestrian access to the site from the east) would be undertaken prior to occupation of the development. Additional consideration will need to be given to the additional office space proposed at mezzanine level. In addition, as part of the current planning application, suggestions have been made by the Colchester Cycling Campaign that a toucan crossing could be justified to serve the proposed development. The suggestion and evidence provided by the Colchester Cycling Campaign has been forwarded to the Highway Authority and further comment is awaited.

- 14.9 The proposed development is considered to be acceptable in terms of parking standards; the parking scheme provides in excess of the minimum requirements for cycle parking and accords with the requirements for disabled car parking as set out in the Vehicle Parking Standards SPD. The main car parking does not exceed the maximum level of 25 spaces. Local representation has expressed concern about potential car parking in residential streets by users of this development, but this concern is not considered to be a reason for refusal as it cannot be substantiated and the proposal accords with the relevant parking policies. The car parking requirements are set as a maximum so as to reduce car use in the interests of sustainability; given that the proposed development will serve the local community and the site is well served by other modes of transport (walking, cycling, and bus) the level of car use is expected to be reasonably low.
- 14.10 It is noted that Highways England have requested that they comment on the application in the interests of potential impact on the A12. Highways England have been consulted accordingly and comments are awaited.
- 14.11 In conclusion, the proposed development is considered to be in an accessible location in accordance with the Site Allocation Policy, is acceptable in highway efficiency and safety terms (subject to further comment from the Highway Authority and Highways England), and proposes a proportionate level of parking for both car users and more sustainable modes of transport.

Contamination

- 14.12 Development Plan policy DP1 requires new development to undertake appropriate remediation of contaminated land.
- 14.13 Both Phase 1 and Phase 2 Geoenvironmental Assessment reports have been submitted with the planning application, detailing investigations relating to contamination. The Council's Contaminated Land Officer has considered the submitted information and has concluded that the site is capable of being made suitable for the proposed use, subject to the measures recommended in the submitted reports being undertaken. It is therefore considered that the proposed development is acceptable in terms of contamination implications, subject to conditions to secure remediation, as well as an appropriate procedure should any unexpected contamination be encountered.

Flood Risk and Drainage

- 14.14 Core Strategy Policy SD1 and Development Plan Policy DP20 require proposals to promote sustainability by minimising and/or mitigating pressure on (inter alia) areas at risk of flooding. Policy DP20 also requires all development proposals to incorporate measures for the conservation and sustainable use of water, including the appropriate use of SUDs for managing surface water runoff.
- 14.15 The site is located within Flood Zone 1 which means that there is low probability of flooding (less than 0.1%). The development itself is, therefore, unlikely to be susceptible to flooding.
- 14.16 In terms of surface water runoff, the proposal is of a scale that does not trigger necessary consultation with the Lead Local Flood Authority. The application is, however, supported by a drainage strategy and surface water drainage is provided for onsite. The National Planning Practice Guide (NPPG) describes sustainable drainage systems as follows as a means to control surface water run off close to where it falls and mimic natural drainage as closely as possible. They provide opportunities to:
- reduce the causes and impacts of flooding;
 - remove pollutants from urban run-off at source;
 - combine water management with green space with benefits for amenity, recreation and wildlife.
- 14.17 Generally, the aim should be to discharge surface run off as high up the following hierarchy of drainage options as reasonably practicable:
1. into the ground (infiltration);
 2. to a surface water body;
 3. to a surface water sewer, highway drain, or another drainage system;
 4. to a combined sewer.
- 14.18 The NPPG states that, in considering a development that includes a sustainable drainage system, the local planning authority will want to be satisfied that the proposed minimum standards of operation are appropriate and that there are clear arrangements in place for ongoing [maintenance](#). Information sought by the local planning authority should be no more than necessary, having regard to the nature and scale of the development concerned.
- 14.19 In this case, the submitted Drainage Strategy confirms that the ground conditions, being made ground over sand and clay deposits, are only suitable for limited infiltration of run-off at shallow depth. The strategy therefore proposes the following:
- using permeable surfaces for the access road and car park; and
 - Roof run-off and overflow from the permeable car park will drain to a detention basin for final discharge to the local surface water sewer.

- 14.20 The strategy states that ‘the use of sustainable drainage via infiltration, and peak storm storage and flow control will ensure that the proposals provide a sustainable approach to surface water management that comply with NPPF requirements.’ Given the ground conditions on site, the proposed surface water drainage system is considered to be reasonable. The Drainage Strategy includes a SuDS Management and Maintenance Plan which would ensure adequate future maintenance of the SuDS as recommended in the NPPG. It is therefore considered necessary to condition the drainage strategy so that the recommendations and future management/maintenance is undertaken.

Ecology

- 14.21 Section 40 of the Natural Environment and rural Communities Act 2006 places a duty on all public authorities in England and Wales to have regard, in the exercise of their functions, to the purpose of conserving biodiversity and a core principle of the NPPF is that planning should contribute to conserving and enhancing the natural environment. Development Plan policy DP21 seeks to conserve or enhance biodiversity and geodiversity in the Borough. New developments are required to be supported by ecological surveys where appropriate, minimise the fragmentation of habitats, and maximise opportunities for the restoration, enhancement and connection of natural habitats.
- 14.22 The site is somewhat overgrown and is in the vicinity of a Local Wildlife Site so it has been necessary to assess the biodiversity value of the site and the impacts of the proposed development on the nearby local wildlife site. The site is within an SSSI Impact Risk Zone, although given the scale and nature of the proposed use having consulted Magic Map data, there is no need to consult Natural England in respect of any impacts. Natural England have, in any case, confirmed that they have no comments on the application.
- 14.23 A Preliminary Ecological Appraisal Report has been submitted with the application which identifies a low-moderate risk to species and their habitat. The mitigation and enhancement measures recommended in the submitted report are shown to be incorporated into the proposed development; logpiles, bee boxes, bat and bird boxes, and hedgehog boxes are all shown as part of the proposed layout, with bird boxes also shown as part of the building design. Conditions can secure the implementation of these measures, as well as a bat friendly lighting scheme. Further enhancement can also be secured with suitable planting as part of a landscape scheme, which can also be conditioned. On this basis, the impact of the proposed development is considered to be adequately mitigated and there are opportunities for biodiversity net gain which can be secured.

Impact on Character of the Area

- 14.24 In considering the design and layout of the proposal, Core Strategy policy UR2 and Development Plan policy DP1 are relevant. These policies seek to secure high quality and inclusive design in all developments, respecting and enhancing the characteristics of the site, its context and surroundings.
- 14.25 Core Strategy Policy ENV1 seeks to conserve and enhance Colchester's natural and historic environment, countryside and coastline, with Development Plan Policy DP1 requiring development proposals to demonstrate that they, and any ancillary activities associated with them, will respect and enhance the character of the site, context and surroundings in terms of (inter alia) its landscape setting.
- 14.26 The site forms part of relatively recently established parkland, although it is functionally segregated from the park by a post and wire fence. The site is an open area of land, with limited features other than scrub growth. The character of the area is dominated by the Stanway Western Bypass road and the built up residential area of the Lakelands development to the east of the site, as well as the commercial buildings located further to the north. The parkland is of stark contrast to the built up areas to the north and east, with the application site being at a point of juxtaposition between the built environment and the wider open landscape of the parkland.
- 14.27 Any development of the site would be seen in immediate context with the Lakelands residential development to the east. As described in the Design and Access Statement, the building designs are quite typical of recent volume national developer housing, with their form and materials being based on traditional techniques but with broader plans, lower glazing ratios and simplified edge detailing. Materials are a mix of brickwork and cladding, with tiled and slated roofs.
- 14.28 The proposed layout relates to surrounding development and infrastructure; the access to the site correlates to the existing pedestrian crossing on the bypass, as well as an road junction that leads off the bypass road towards the site. The proposed building and parking areas are therefore located in close proximity to these access points, with the outdoor space being located on the southern part of the site as views extend into the parkland beyond. The proposed layout includes a pedestrian link through to the parkland to the west which is positive in terms of wider accessibility and permeability. The position of the building opposite the junction where Jackdaw Drive meets Magpie Chase is such that it acts as a visual stop to views west from Jackdaw Drive, providing some visual interest with the inclusion of a public art feature (the precise design can be established via condition).
- 14.29 The layout of the site differs from the previous approval in terms of a lower level of car parking and some additional walkways for pedestrians. The landscape concept has been considered to be acceptable by the Council's Landscape Officer, subject to detailed proposals being agreed via condition. The landscaping is relatively informal in order to relate to the parkland setting.

- 14.30 The proposed community centre building is of a contemporary design, described in the Design and Access Statement as a 'contemporary take on traditional barn forms'. It is considered that this design approach is successful in bridging the gap between the parkland/countryside of the west with the modern built form of the east and north. The external appearance of the building differs slightly to the recently permitted scheme in terms of changes to external doors and the addition of some rooflights; the changes are not considered to detract from the overall design rational of the building.
- 14.31 The proposal is therefore considered to be acceptable in design terms, subject to conditions to secure high quality finishes and detailing.

Amenity

- 14.32 Development Plan policy DP1 requires all development to be designed to a high standard that protects existing public and residential amenity, particularly with regard to privacy, overlooking, security, noise and disturbance, and daylight and sunlight.
- 14.33 The proposed development is not considered to have an impact on the privacy or daylight/sunlight afforded to existing residential development given the degree of spatial separation from the Lakelands development, as well as the intervening bypass road.
- 14.34 Matters of noise and disturbance have been considered and the Council's Environmental Protection team have recommended conditions to prevent or mitigate any impacts: lighting levels should be kept to a lower level (incidentally, low level bat sensitive lighting would be required in the interests of ecology) and external doors (serving rooms where amplified music is played) should remain closed to prevent noise unless a noise limiter is installed. It is also proposed to include conditions to clarify that floodlighting is not permitted (a separate planning application would be required for consideration should this be proposed at a later date). Environmental Protection have also recommended that it is made clear that no amplified music shall be played outside and that event involving amplified sound should finish at midnight, with the exception of New Year's Eve. The proposal is considered to be acceptable on the grounds of impact on amenity subject to these conditions.

Other Matters

- 14.35 The material planning matters referred to in local representations are considered to have been addressed in the above. Local representations have also commented on the amount of building work that has occurred in Stanway over recent years, as well as stating that a community centre is neither wanted nor needed by residents. It is recognised that Stanway has seen considerable growth, but planning applications must be considered on their own merits and the fact that there has been significant building works in Stanway over several years does not justify refusing subsequent planning applications. It is necessary to consider cumulative impacts when

undertaking an assessment of planning applications, although this application is not considered to be of a scale that would have significant adverse impacts in combination with other developments in the area having had regard to the comments received from specialist consultees as part of the application process.

- 14.36 The comments received in respect of whether a community centre is wanted/needed in Stanway are noted. The provision of a community centre in Stanway has however been long established policy in the Adopted Local Plan (since 2010) and the application is accompanied by details of community engagement that demonstrates a local interest in providing a community facility. The local representations are not considered to introduce any matters that would justify a refusal in this case.
- 14.37 A further local representation queried whether the area could be used for dog walking, as well as querying plans for the lake. The application site is adjacent to a large area of public open space where local residents can partake in dog walking so the development of this site is not considered to have a detrimental impact on this facility. With regards to the comments on the 'lake', the current planning application does not include any proposals in respect of a lake so these comments are not considered to be relevant to the consideration of this planning application.
- 14.38 The recommendation is subject to a number of conditions, some of which need to be addressed before any works commence on site. In accordance with the Town and Country Planning (Pre-commencement Conditions) Regulations 2018, the Agent will be required to agree to the pre-commencement conditions, although it is noted that the Agent agreed to these conditions under the previous planning application.

15.0 Conclusion

- 15.1 The proposed development is considered to comply with adopted local plan policies, including Site Allocation Policy SA STA5 which provides for community facilities. The development would be compatible with the local area and sited in an accessible location convenient for community use. The proposal is not considered to have any detrimental impacts subject to conditions.

16.0 Recommendation to the Committee

- 16.1 The Officer recommendation to the Committee is to resolve to
- Approve the application subject to the recommended conditions, following confirmation from the Highway Authority and Highways England that they have no objection to the application and including any conditions recommended by them;
 - In the event that the Highway Authority and/or Highways England object to the application, allow delegated authority to the Planning, Housing and Economic Growth Lead to seek amendments to address the objection and negotiate any related planning conditions as necessary;

- In the event that the Highway Authority and/or Essex County Council object to the application and the objection(s) cannot be resolved, to refuse the application as per the Highway Authority and/or Highways England recommendation;
- Allow the Planning, Housing and Economic Growth Lead delegated authority to make minor amendments to the recommended conditions as a result of consultation with the applicant in respect of conditions and the requirements of the Town and Country Planning (Pre-commencement Conditions) Regulations 2018.

1. Time Limit for Full Permissions

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

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

2. 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:

2103 DE 10-100 Revision A (Site and Location Plans as Existing)

2103 DE 10-300 Revision B (Proposed Site Plan)

2103 DE 20-300 Revision C (Proposed Floor and Roof Plans)

2103 DE 30-300 Revision C (Proposed Elevations)

Reason: For the avoidance of doubt and to ensure that the proposed development is carried out as approved.

3. Limits to Hours of Work

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

Weekdays: 08:00-18:00

Saturdays: 08:00-13:00

Sundays and Bank Holidays: No working.

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.

4. No Open Storage

There shall be no outdoor storage of any materials, goods, or equipment (including plant machinery) of any description on any part of the site.

Reason: To ensure a satisfactory appearance of the site and to preserve and enhance the character of the area.

5. Self-Closing Doors

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.

6. Noise Mitigation

In the event of functions taking place that involve amplified sound, all of the external doors and windows serving rooms/areas where the amplified sound is taking place shall be kept closed (except for access and egress and in the case of an emergency) for the duration of the function unless the amplified sound is passed through a noise limiting device which shall have been installed and set by a competent person and maintained in working order for the duration of the function. The noise limiter must be set to ensure that noise levels at the residential properties facing the site from the east do not to exceed the noise criteria for daytime as 0700-2300 hours and night-time as 2300-0700 hours based on current figures by the World Health Authority Community Noise Guideline Values/BS8233 “good” conditions given below:

- Outdoor living area in day time: 55 dB $L_{Aeq,16\text{ hours}}$
- Outside bedrooms at night-time: 45 dB $L_{Aeq,8\text{ hours}}$ (60 dB L_{Amax})

Reason: To ensure that the development does not harm the amenities of the area by reason of undue noise emission.

7. External Amplified Sound

No amplified sound shall be played outside the building hereby approved.

Reason: To ensure that the development does not harm the amenities of the area by reason of undue noise emission.

8. Hours of Operation for Functions involving Amplified Sound

Any functions that involve amplified sound shall not take place outside of the following times:

Weekdays: 0800-0000

Saturdays: 0800-0000

Sundays and Public Holidays: 0800-0000

With the exception of New Year's Eve.

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.

9. Light Pollution for Minor Development

Any lighting of the development (including resultant sky glow, light trespass, source intensity and building luminance) shall fully comply with the figures and advice specified in either: the CBC External Artificial Lighting Planning Guidance Note for zone EZ2 RURAL, SMALL VILLAGE OR DARK URBAN AREAS or the Institute of Lighting Professionals (ILP) Guidance Note 8 Bats and Artificial Lighting (2018), whichever is the lower level.

Reason: In order to safeguard the amenity of the surrounding area and to mitigate the impact of the development on ecology and ecological habitats by preventing the undesirable, disruptive and disturbing effects of light pollution.

10. No Floodlighting

No floodlighting shall be constructed, installed or illuminated at any time.

Reason: To ensure that there are no undesirable effects of light pollution in the interests of visual amenity and biodiversity.

11. Construction Method Statement and Traffic Management Plan

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

- the parking of vehicles of site operatives and visitors;
- hours of deliveries and hours of work;
- loading and unloading of plant and materials;
- storage of plant and materials used in constructing the development;
- the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- vehicle/wheel washing facilities;
- measures to control the emission of dust and dirt during construction; and
- a scheme for recycling/disposing of waste resulting from demolition and construction works.

Reason: In order to ensure that the construction takes place in a suitable manner to protect highway efficiency of movement and safety; and to ensure that amenities of existing residents are protected as far as reasonable.

12. Contamination – 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: In accordance with the risk assessments undertaken in GEMCO, Phase I Geoenvironmental Assessment, Land at Stanway Western Bypass, Ref 1421 R01: Issue 2, dated 14/5/19; and GEMCO, Phase II Geoenvironmental Assessment, Land at Stanway Western Bypass, Ref 1421 R02: Issue 2, dated 17/9/19, submitted in support of this application. To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

13. Contamination – 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.

14. Landscape Scheme

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

- Finished levels or contours, where notable changes are proposed.
- Means of enclosure.
- Car parking layouts and 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)
- Planting plans.
- Written specifications.
- Schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate.
- Implementation timetables and monitoring programs.

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

15. Window Details

Notwithstanding the information submitted, no works shall take place above ground floor slab level until detailed large scale drawings (consisting of elevation, and horizontal and vertical sections) for any curtain walling and/or windows on the northern and southern elevation of the building have been submitted to and agreed,

in writing, by the Local Planning Authority and which thereafter shall be implemented as approved.

Reason: In the interests of good design and visual amenity given the publicly prominent location and insufficient information submitted with the application.

16. Storage Buildings

No works shall take place to erect the bin, plant, and other external stores, as shown on drawing 2103 DE 10-300 Revision B (Proposed Site Plan), until elevations and floor plans (including details of materials) have been submitted to and approved, in writing, by the Local Planning Authority. The bin, plant, and external stores shall then be implemented as approved.

Reason: In the interests of visual amenity.

17. Details of Totem/Public Art

No works shall take place to install the totem signage or public art, as shown on drawings 2103 DE 10-300 Revision B (Proposed Site Plan) until precise details of the totem signage or public art have been submitted to and approved, in writing, by the Local Planning Authority. The totem signage or public art shall then be implemented as approved and retained as such.

Reason: In the interests of visual amenity and urban design, as well as to ensure that the works do not have any detrimental impact with regards to highway safety.

18. Contamination - Validation Certificate

The development hereby approved shall not be occupied or brought into use until the developer has submitted 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 Conditions 12 and 13.

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

19. Landscape Management Plan

The development hereby approved shall not be occupied or brought into use until a landscape management plan (including long term design objectives, management responsibilities and maintenance schedules for all landscape areas) has been 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.

20. Surface Water Drainage

The development hereby approved shall not be occupied or brought into use until the Surface Water Drainage Strategy (SUDS) detailed in the Rossi Long Consulting Surface Water Drainage Strategy RLC Ref: 201104 (dated June 2020) has been fully implemented. The surface water drainage shall thereafter be

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maintained and managed as detailed in the Rossi Long Consulting SuDS Management and Maintenance Plan RLC Ref: 201104 (dated June 2020).

Reason: To prevent surface water flooding and to mitigate any environmental harm that may be caused to the local water environment.

21. Biodiversity Mitigation and Enhancement

The development hereby approved shall not be occupied or brought into use until the ecological requirements and enhancements, as set out in the 'Ecological Risk Assessment' section of the Practical Ecology Preliminary Ecological Appraisal Report Version 2 (dated June 2020) and shown on drawing 2103 DE 10-300 Revision B (Proposed Site Plan), have been implemented, installed, and made available for use, being maintained as such thereafter.

Reason: In the interests of ecological mitigation and enhancement.

22. Vehicle and Cycle Electric Charging

The development hereby approved shall not be occupied or brought into use until the electric charging facilities for both motor vehicles and bicycles, as shown on drawing 2103 DE 10-300 Revision B (Proposed Site Plan) have been installed and made available for use.

Reason: To ensure that electric charging facilities are available to users of the site in the interests of sustainability.

23. Highway Requirements

The development hereby approved shall not be occupied or brought into use until the following have been provided or completed:

- a) The site access arrangements as shown in principle on planning application drawing number 2103 DE 10-300 Rev. B; and
- b) Upgrade of the traffic island located in the site access road to a pedestrian island and associated footway extensions with dropped kerbs/tactile paving as shown in principle on planning application drawing number 2103 DE 10-300 Rev. B.

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

24. Reporting of Unexpected Contamination

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

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

17.0 Informatives

17.1 The following informatives are also recommended:

1. Informative on Scope of Permission

Please be advised that this permission does not make an assessment of the expansion proposals (referred to as 'potential future outdoor multi-use games area' and 'potential future outdoor sports/activities facilities' on drawing 2103 DE 10-300 Revision B (Proposed Site Plan)) and the acceptability of these will need to be determined on their own merits should a planning application be submitted.

2. 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.

3. 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.

4. 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.

5. Informative on Sewers

Please note that the sewers in the vicinity of the development are not owned by Anglian Water. It is recommended that the developer seeks the permission of the sewer owner prior to the commencement of development.

6. Landscape Informative

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



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Item No: 7.5

Application: 200328

Applicant: Mr Kotomski

Agent: Mark Perkins

Proposal: Demolition of chalet bungalow and construction of two new dwellings .

Location: 23 Creffield Road, Colchester, CO3 3JA

Ward: New Town & Christ Church

Officer: Eleanor Moss

Recommendation: Approval subject to conditions

1.0 Reason for Referral to the Planning Committee

- 1.1 This application is referred to the Planning Committee because Cllr Whitehead called-in the application for the following reason:

As per the objections submitted, I have concerns that the current designs may infringe on the privacy of rear neighbour, and may obstruct light to the next door property. I am also concerned about the loss of the magnolia.

2.0 Synopsis

- 2.1 The key issues explored below are design, traffic and highway implications, flood risk, impact on ecology, impact upon trees and Conservation Area. The impact on neighbouring amenity and the surrounding area are also discussed in the report. The report concludes that subject to appropriate mitigation measures (conditions), the development is acceptable and is consequently recommended approval.

3.0 Site Description and Context

- 3.1 The application site relates to No.23 Creffield Road which is located in the Conservation Area and an Article 4 Direction also applies to this area. The existing building is a modern one and a half storey dwelling. The plot is fairly generous when compared to the locality. The site contains a number of trees and due to the location in the Conservation Area, these cannot be removed without consent from the LPA.

4.0 Description of the Proposal

- 4.1 Demolition of the existing dwelling and erection of two dwellings.

5.0 Land Use Allocation

- 5.1 Residential

6.0 Relevant Planning History

- 6.1 None directly relevant to this application

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
H1 - Housing Delivery
H2 - Housing Density
H3 - Housing Diversity
UR2 - Built Design and Character
TA1 - Accessibility and Changing Travel Behaviour
TA2 - Walking and Cycling
TA3 - Public Transport
TA4 - Roads and Traffic
TA5 - Parking
ENV1 - Environment

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

DP1 Design and Amenity
DP3 Planning Obligations and the Community Infrastructure Levy
DP4 Community Facilities
DP12 Dwelling Standards
DP13 Dwelling Alterations, Extensions and Replacement Dwellings
DP14 Historic Environment Assets
DP16 Private Amenity Space and Open Space Provision for New Residential Development
DP17 Accessibility and Access
DP19 Parking Standards
DP20 Flood Risk and Management of Surface Water Drainage

- 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 H1 Housing Allocations

- 7.5 Submission Colchester Borough Local Plan 2017-2033:
The Council is developing a new Local Plan that has been submitted to the Planning Inspectorate (October 2017). An Inspector has been appointed and the formal examination commenced in January 2018. The examination is ongoing.

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

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

The Emerging Local Plan submitted in October 2017 is at an advanced stage, with Section 1 now adopted and Section 2 progressing to examination hearing sessions in April. Section 1 of the plan is therefore considered to carry full weight.

Section 2 will be afforded some weight due to its advanced stage. However, as it is yet to undergo examination, the exact level of weight to be afforded will be considered on a site-by-site basis reflecting the considerations set out in paragraph 48 of the NPPF. Proposals will also be considered in relation to the adopted Local Plan and the NPPF as a whole.

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

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

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.

8.1 Historic Buildings and Areas Officer:

The application site is situated within the designated Lexden Road, The Avenue Conservation Area. There is a number of locally listed building in the vicinity of the site including Creffield Terrace at 1-15 Creffield Rd, 25 Creffield Road and 6 Oxford Road (North side) and Thane Villa at 14 Creffield Rd, Woodbine at 16 Creffield Rd and 18 Creffield Road (South side).

According to Planning (Listed Buildings and Conservation Areas) Act (1990), Section 72(1), planning decisions shall have special regard to the desirability of preserving or enhancing the character or appearance of Conservation Areas. At the same time, NPPF's Section 16, Par. 193 states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.

The application site was not developed in the late 19th century as the adjacent plots. The present building does not have any historic or architectural merit and its appearance detracts from the character of the Conservation Area. Therefore, there are no objections to its removal and replacement by two new dwellings, subject to a design that is suitable for the location and represents an improvement to this part of the Conservation Area.

The site has the capacity to accommodate two dwellings of this size as per the established pattern of development and the urban grain of the area. The use of traditional design that replicates the 19th century architectural vocabulary causes some concerns in terms of authenticity but limits the prospect of controversy about the proposed design in an area where the integration of new buildings is quite challenging. Still, there are some aspects of the design that can benefit from further consideration:

I appreciate that the building of Plot 1 is proposed to be of red brick in order to respond to 25 Creffield Road, while gault brick is proposed for the second dwelling. Gault brick is the prevalent material in the section of Creffield road between Oxford Street and Maldon Road. 25 Creffield road is the only building that is built of red brick and its Local List entry notes the building's individual design. In my view, no 25 should be allowed to remain as the single example of red-brick building in this part of the Conservation Area and gault brick should be used for both new dwellings.

The design of the dwelling of Plot 1 reflects the design of a scheme that was approved by planning permission 150250 at 19 Oxford Road. Some details and features of the corner building, such as the timber-framed upper storey, apparently refer to the architecture of 21 Oxford Road. Since the built context in the immediate vicinity of the application site is different, there is no justification for repeating the same design for the dwelling of Plot 1.

The design of the dwelling of Plot 2 responds to the style of 21 Creffield Road. However, and because of its shorter width, some features do not translate very successfully due to their altered proportions: the dormers look too narrow and the two-storey bay windows are set rather too close to the corners of the building.

Therefore, there are no objections to the demolition of the present building and its replacement by two dwellings but the proposals cannot be fully supported at their present form. It is recommended that the issues that are discussed in Par. 4.5 -4.7 are addresses before a decision is made in respect of this application.

Officer comment: The proposal has been revised since submission and amendments to the design have been secured. In light of these, the Historic Buildings and Areas Officer does not raise any further comments or objections to the scheme.

8.2 Archaeological Advisor:

The proposed development is located within an area of archaeological interest recorded in the Colchester Historic Environment Record, within the area of a Roman cemetery. There is high potential for locating burials and other archaeological remains at this location. Groundworks relating to the application would cause ground disturbance that has potential to damage any archaeological deposits that exist.

There are no grounds to consider refusal of permission in order to achieve preservation in situ of any important heritage assets. However, in accordance with the National Planning Policy Framework (Paragraph 199), any permission granted should be the subject of a planning condition to record and advance understanding of the significance of any heritage asset before it is damaged or destroyed.

8.3 Environmental Protection:

No objections raised, conditions in relation hours of construction and electric vehicle charging points recommended.

8.4 Arboricultural Officer:

I am in agreement with the tree survey provided but disagree with the conclusions of the impact assessment.

The proposal will require the felling of Lime T3 and a significant incursion into the root protection area of Lime T4.

T3 is a B category tree as per BS5837:2012 and should be retained.

T4 is a B category tree as per BS5837:2012. The installation of the the new access and the reduced dig will result in the loss of root area and will compromise the trees ability to absorb water and will disrupt the trees ability to perform gas exchange.

Officer comment: A revised Arboricultural Impact Assessment has been submitted which retains both T3 and T4. The Arboricultural Officer had no further comments to make.

8.5 Landscaping Officer:

The landscape content/aspect of the strategic proposals lodged on 08/04/20 would appear satisfactory. This provided the Arboricultural Officer is satisfied that the long-term viability of the trees to the frontage, which have considerable amenity value in landscape terms, are secure in the long term.
A landscaping condition is also recommended

8.6 Highway Authority :

From a highway and transportation perspective the impact of the proposal is acceptable to Highway Authority.
Planning conditions are also recommended.

9.0 Representations from Notified Parties

9.1 The application resulted in a number six of notifications being submitted following the consultation exercise, from three interested third parties. 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:

- Restricting light and visibility to neighbouring property
- Overlooking to neighbouring properties impacting upon amenity
- Noise and disturbance to neighbouring properties
- Impact upon wildlife
- Surviving bungalows close to the Town Centre should be retained
- Impact upon magnolia tree
- Loss of on street parking
- Does not accord to "Passivhaus" standards
- Undermines legal right to light
- Out of keeping with street scene

10.0 Parking Provision

10.1 Four off-road car parking spaces are proposed and one a replacement on-road parking bay is proposed. The replacement on-road car parking bay has been agreed with the NEPP, and would be available to all relevant parking permit holders.

11.0 Accessibility

11.1 The Equality Act 2010 legally protects people from discrimination in the workplace and in wider society. In terms of the proposal, the scheme is capable of providing a step free access. Based on the submitted information, the scheme is not considered to cause discrimination in terms of The Equality Act.

12.0 Environmental and Carbon Implications

12.1 The Council has declared a Climate Emergency and has committed to being carbon neutral by 2030. The purpose of the planning system is to contribute to the achievement of sustainable development as defined in the National Planning Policy Framework. Achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways. These are economic, social and environmental objectives. The consideration of this application has taken into account the Climate Emergency and the sustainable development objectives set out in the NPPF. It is considered that on balance the application is considered to represent sustainable development (see paragraph 16.1 of the main report).

13.0 Open Space Provisions

13.1 The proposal falls below the threshold for requiring open space provisions.

14.0 Air Quality

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

15.0 Planning Obligations

- 15.1 This application is not classed as a “Major” application and therefore there was no requirement for it to be considered by the Development Team. The application has been submitted with a Unilateral Undertaking which secures community and leisure contributions. The application has also provided the required RAMS mitigation contribution.

16.0 Report

Principle of Development

- 16.1 In accordance with Core Strategy policies SD1, H1 and ENV1 development within the Borough is directed to sites within existing settlement development boundaries. The application site is identified within the defined settlement boundary of Colchester Town and is identified in the Site Allocation Plan as predominately residential use. Given this, the proposal is considered to be acceptable in principle.

Heritage and Design

- 16.2 Core Strategy policy ENV1 seeks to conserve and enhance Colchester’s natural and historic environment. Core Strategy policy UR2 seeks to promote and secure high quality design. Development Policies DP1 and DP12 set out design criteria that new development must meet. These require new development to be of a high quality and respect the character of the site and its context.
- 16.3 Section 72 of the Planning (Listed Building and Conservation Areas) Act 1990 requires development, as a whole, to preserve or enhance the appearance or character of Conservation Areas.
- 16.4 Core Strategy policy UR2 seeks to enhance Colchester’s unique historic character and protects features which contribute positively to the character of the built environment from demolition or inappropriate development, these features include buildings and Conservation Areas. Development Policy DP14 seeks to protect the Council’s Conservation Areas from inappropriate development. In this instance, the proposal is located within the Conservation Area 2 and No. 25 Creffield Road (directly to the west) is locally listed.
- 16.5 In the exercise of Planning functions, the statutory test in relation to Conservation Areas is that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of the Conservation Area. The objectives of Development Policy DP14 are consistent with this test.
- 16.6 Paragraph 184 of the NPPF identifies that heritage assets are irreplaceable resources. Paragraph 193 advises that, when considering the impact of a proposed development on the significance of a designated heritage asset, such

as a Conservation Area, great weight should be given to the asset's conservation.

- 16.7 Paragraph 189 of the National Planning Policy Framework (NPPF) says that in determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their settings. When considering proposals which affect non-designated heritage assets, paragraph 197 of the NPPF requires a balanced judgment having regard to the scale of any harm or loss and the significance of the heritage asset.
- 16.8 The proposed demolition works relate to a bungalow dwelling which does not have any heritage merit. As such the loss of this building does not raise any concerns. The proposed pair of detached dwellings are located within the existing building line of Creffield Road and provide for two off road car parking spaces at the frontage of the site.
- 16.9 It is accepted that the proposed new development will affect (change) the setting of nearby the host dwelling. Whilst the proposed new housing is taller than the existing dwelling, the proposed height of the detached dwellings are not considered to be so great so as to dominate (and therefore significantly detract) from the setting of the Conservation Area or the locally listed building. The proposed design of the scheme is considered to be of high quality, benefitting of the area and would enhance the character and appearance of the area. The traditional design approach is considered to result in a scheme which is of high quality and in keeping with the area. The harm caused is therefore considered to be less than substantial and, as such, the public benefits need to be weighed against the harm caused which is discussed further below.
- 16.10 Objections have been received which raise concerns with the development of the site and the impact this would have upon the area. The spatial setting of buildings is an important characteristic of the area and regard should be given to this. In this instance, the site has the capacity to accommodate two dwellings of this size which is in keeping with the established pattern of development, building line and the urban grain of the area. The use of traditional design that replicates the 19th century architectural vocabulary is considered to enhance the area, subject to conditions in relation to architectural detailing and materials.
- 16.11 While the proposal would be visible from various public viewpoints within the street scene, including the Conservation Area and locally listed building, this would be principally against the backdrop of other residential properties within an urban grain. As a result, the proposal would not be unduly imposing in public views. The proposal would represent an enhancement in the overall appearance of the site, which is currently somewhat degraded.
- 16.12 It is considered the revised proposal would result in a marginal impact upon the locally listed building and Conservation Area, subject to appropriate conditions the proposal represents an improvement to this part of the Conservation Area. On balance, and the public benefits of additional housing in a sustainable location outweighs any harm.

- 16.13 The design and layout of the proposed development is considered to be consistent with relevant adopted and emerging policies and the guidance set out in the NPPF in so far as they promote high quality design and the conservation of heritage assets. Any harm that will be caused by this development will be less than substantial. In this instance, the public benefits (which include the redevelopment of a somewhat degraded part of the Conservation Area and additional housing in a sustainable area) weigh in favour of the scheme. Given this, the proposed development is considered to be consistent with the aforementioned relevant adopted local plan policies and national planning policy guidance in relation to the historic environment.

Impact upon Neighbouring Amenity

- 16.14 Development Policy DP1 states that all development must be designed to a high standard and avoid unacceptable impacts on amenity. This includes protecting existing public and residential amenity, particularly with regard to privacy, overlooking, security, noise and disturbance, pollution (including light and odour pollution), daylight and sunlight. The adopted Supplementary Planning Document (SPD) the Essex Design Guide also provides guidance on the safeguarding of residential private amenity.
- 16.15 In terms of the proposed detached dwellings, first floor (and above) side facing windows are limited. The proposed side facing windows serve bathrooms and en-suites and are proposed to be obscure glazed as per the revised plans. Suitable conditions can ensure these remain obscure glazed perpetuity. Given this, these are not considered to create a harmful impact upon amenity. There are first floor rear facing windows which look towards the north (towards the boundary of no.13A Hospital Road). The submitted drawings confirm the rear facing windows to the first and second floors are obscure glazed. There is also an intervening vegetation and boundary treatments which helps to screen the new development. It is noted concerns have been raised in relation to overbearing impact to the neighbouring properties along Creffield Road. In this instance, the tests set out by the Essex Design Guide are not considered to be breached. While there may be some impact upon the side facing windows to No. 21 Creffield Road, it is not considered the impact upon loss of light is materially harmful and could not be sustained at appeal. Further to this, the side facing serving windows serving No. 21 are dual-aspect. No. 25 Creffield Road does not contain side facing windows which could be impacted by the development.
- 16.16 Impacts upon neighbouring amenity in relation to noise and disturbance during construction work can be controlled via a planning condition.

- 16.17 For the reasons given above, it is considered that the proposed development would not have a significant adverse effect on the amenity of neighbouring properties. In view of this, the proposed development is not considered to conflict with DPD Policies DP1 and DP12 or the NPPF insofar as they seek to secure a good standard of amenity for all occupants of land and buildings

Trees and Landscape

- 16.18 Core Strategy policy ENV1 states that the Borough Council will conserve and enhance Colchester's natural and historic environment, countryside and coastline, and this is also echoed within the NPPF. Development Policy DP1 provides that all development must demonstrate environmental sustainability and respect its landscape setting and contribute to the surrounding area.
- 16.19 There are a number of mature trees within and adjacent to the application site, which make an important contribution to the character of the area. An Arboricultural Impact Assessment (AIA) has been prepared in support of this application. The Council's Tree Officer originally had concerns in relation to the loss of two lime trees (T3 and T4). These trees do contribute to the street scene and Conservation Area. Through negotiation, T3 and T4 are now retained in the scheme and the Tree Officer raises no further comments on the proposal. It is noted that there are concerns in relation to a magnolia tree on site which is proposed to be removed, however the Tree Officer does not raise concerns with the removal of this tree. In total six trees are proposed to be removed (including the magnolia), however these trees are considered to be small internal trees with limited value. As noted above, the Tree Officer does not raise concerns with the removal of these. Due to the retention of T3 and T4, the scheme is considered to be acceptable in this regard.
- 16.20 In terms of landscaping, the scheme provides an additional tree at the front of the site. This is considered to reinforce the existing character of trees and shrubs emerging from, and softening, walled street boundaries. The Council's Landscape Officer has not however raised an objection to the scheme and it is considered the concerns raised can be adequately controlled through the detailed landscape scheme (condition).
- 16.21 In terms of the tree protection and the landscaping proposals, the planning application is considered to accord with CS Policy ENV1 and policies DPD DP1 and DP21 that require development schemes to respect and enhance the landscape and assimilate it into new development.

Ecology and Biodiversity

- 16.22 Section 40 of the Natural Environment and Rural Communities (NERC) Act 2006 places a duty on all public authorities in England and Wales to have regard, in the exercise of their functions, to the purpose of conserving biodiversity. DPD Policy DP21 seeks to conserve or enhance biodiversity and geodiversity in the Borough. New developments are required to be supported by ecological surveys where appropriate, minimise the fragmentation of habitats, and maximise opportunities for the restoration, enhancement and connection of natural habitats. Policy ENV1 states that the Borough Council will conserve and

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enhance Colchester's natural and historic environment. Conserving and enhancing the natural environment is also a core principle of the NPPF.

- 16.23 In this instance, the proposal has been considered in line with Natural England's Standing Advice. The application site is not considered to be a suitable habitat for protected species given the urban location and the site already being composed of hardstanding and built form, and as such is considered to be acceptable in this regard. The application site does sit within a zone of influence of a European designated site and to comply with the Habitats and Species Regulations 2017 (as amended), mitigation of any recreational impact will be required in accordance with the draft Essex Coast Recreational disturbance Avoidance Mitigation Strategy (RAMS). This mitigation has been secured via the signed Unilateral Undertaking.
- 16.24 The ecological potential of the site has been carefully considered and the potential for European Protected Species to use the habitats on site assessed. The fauna protected by the Wildlife and Countryside Act 1981 and species listed as of principal importance in Section 41 of the Natural Environment and Rural Communities Act 2006 are material considerations for local planning authorities. Subject to RAMS financial payment (already via a legal agreement), it is considered that the proposed development accords with the relevant statutory provisions, the adopted policy ENV1 and the requirements of the NPPF which seek to minimise impacts on biodiversity and, where possible, to provide net gains in biodiversity.

Parking and Highways Safety

- 16.25 Core Strategy policy TA1 seeks to improve accessibility and change travel behaviour and encourages development within highly accessible locations to reduce the need to travel. Core Strategy Policy TA2 promotes walking and cycling as an integral part of sustainable means of transport. Policy TA4 seeks to manage the demand for car use. Development Policy DP17 states that all developments should seek to enhance accessibility for sustainable modes of transport by giving priority to pedestrians, cycling and public transport access.
- 16.26 Given that proposal will provide for the required visibility splays, the proposed scheme is not considered to have a severe impact on the local highway either in terms of highway safety or capacity and accords with planning policies which seek to improve accessibility and changes in travel behaviour. The Highway Authority does not raise any concerns in relation to the proposal, and as such is considered to be acceptable in terms of highways safety.
- 16.27 CS Policy TA5 refers to parking and states that development proposals should manage parking to accord with the accessibility of the location and to ensure people friendly street environments. DPD Policy DP19 states that the Council will refer developers to the Essex Planning Officers Association (EPOA) Vehicle Parking Standards which was adopted by Colchester Borough Council as a Supplementary Planning Document (SPD) in November 2009. Emerging Policy DM22 states that parking should be provided in accordance with the most up to date parking guidance taking into account the following factors:

- i. Levels of local accessibility;
 - ii. Historic and forecast car ownership levels;
 - iii. The size, type, tenure and location of the dwellings; and
 - iv. The appropriate mix of parking types including opportunities for car-sharing (e.g. unallocated, on-street, visitor, car club etc).
- 16.28 The Council's adopted parking standards state that for new dwellings of two or more bedrooms, two car parking spaces should generally be provided. In addition to this, provision for visitor parking at a ratio of 0.25 spaces per unit is required. The guidance does however state that in accessible location, such as town centres, a reduction in car parking can be considered.
- 16.29 In this instance, two off road car parking spaces are provided for each dwelling. This complies with the aforementioned vehicle parking SPD. It is acknowledged that the proposed new access point results in the loss of one on-road car parking space. This has been addressed during the consideration of the application and a replacement on-road car parking space has been proposed. This has been accepted by the NEPP. As such, the scheme would not result in the net loss of on-road car parking provision.
- 16.30 In this instance, the proposal is considered to provide adequate on and off road car parking arrangements. Further to this, the site is also located in a sustainable location.

Flood risk

- 16.31 Core Strategy policy ENV1 seeks to direct development away from areas of flood risk (both fluvial and coastal), towards sites with the lowest risk from flooding. Development Policy DP20 seeks to promote flood mitigation and defence measures as well as the use of appropriate sustainable drainage. The NPPF requires a detailed flood risk assessment (FRA) to be produced for all development located within a flood zone and/or sites that are greater than 1 hectare. The application site is outside an identified flood zone and measures 0.10 hectares and as such a FRA is not required to support the application. Given that the proposal is outside of any flood zone, the proposal is not considered to have a harmful impact upon surface water drainage within the locality.

Archaeology

- 16.32 The proposed development is located within an area of archaeological interest recorded in the Colchester Historic Environment Record, within the area of a Roman cemetery. There is high potential for locating burials and other archaeological remains at this location. Groundworks relating to the application would cause ground disturbance that has potential to damage any archaeological deposits that exist. However, in accordance with the National Planning Policy Framework (Paragraph 199), any permission granted should be the subject of a planning condition to record and advance understanding of the significance of any heritage asset before it is damaged or destroyed. The Agent has confirmed agreement with the proposed condition and therefore the

proposal is considered to be acceptable in this regard and thus in compliance with Policy DP14.

Private Amenity Space

16.33 DPD Policy DP16 sets out standards for private amenity space and public open space as part of new housing developments. With regard to private amenity space, Policy DP16 sets out a range of garden sizes which are as follows for houses:

- One or two bedroom houses – a minimum of 50m²
- 3 bedroom houses – a minimum of 60m²
- 4 bedroom houses – a minimum of 100m²

For flats; a minimum of 25m² per flat provided communally.

16.34 The proposed development provides Plots 1 and 2 with amenity space which is considered to be in compliance with the aforementioned policy. As such, the proposal is considered to be acceptable in this regard.

17.0 Conclusion

17.1 To summarise, the revised application will deliver two residential units in a sustainable and accessible location. The development will contribute positively towards the Borough's supply of housing. There would be economic benefits as a result of construction activity. There is sufficient evidence to be confident that overall, the development would not cause significant harm to the amenity of local residents, ecology, flood risk or would not have a severe impact upon the highway network in terms of capacity. Further to this, the scheme is not considered to be harmful to the Conservation Area or locally listed building and represents an opportunity to enhance the application site.

17.2 The NPPF has at its heart the promotion of sustainable development. The proposal has significant sustainability credentials. A core planning principle of the NPPF is to conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations. The proposal will serve to preserve and enhance the character and appearance of this part of the Conservation Area. It is considered that the scheme would acceptably fulfil the environmental dimension of sustainable development by preserving and enhancing the identified heritage assets and by promoting new development of a high quality design.

17.3 In conclusion, it is considered that the benefits of the scheme significantly outweigh any adverse impacts and, as such, Members are asked to endorse the officer recommendation that planning approval should be granted subject to the suggested conditions provided below.

18.0 Recommendation to the Committee

18.1 The Officer recommendation to the Committee is for:

APPROVAL of planning permission subject to the following condition:

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. ZAX - *Development to Accord With Approved Plans (qualified)*

With the exception of any provisions within the following conditions, the development hereby permitted shall be carried out in accordance with the details shown on the submitted Drawing Numbers 1186/01A dated 1/4/20, 1186/02C dated 27/07/20 and 1186/03C dated 27/07/20.

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

3. Non standard condition – Materials

Prior to any bricks being laid, a sample panel of all new facing brickwork shall be constructed on site showing the proposed brick types, colours and textures, face bond and pointing, mortar mix and finish profile and shall be made available for inspection by the Local Planning Authority and the materials and methods demonstrated in the sample panel shall have been approved, in writing, by the Local Planning Authority. The approved sample panel shall then be retained on site until the work is completed and all brickwork shall be constructed in all respects in accordance with the approved details.

Reason: In order to ensure that the brickwork can be satisfactorily considered on site with regard to preserving the character of the Conservation Area.

4. Non Standard Condition – Materials

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

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

5. Non Standard Condition – Detailing

Prior to the installation of any of the following elements, additional drawings that show large scale details, by section and elevation, at 1:20 or 1:5 as appropriate for any proposed dormers, eaves, verges, parapet and coping/kneelers, sill and lintel details, windows/screens and associated reveals, all external doors, chimneys and

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extract/flue terminals to be used, shall be submitted to and approved, in writing, by the Local Planning Authority. The development shall thereafter be implemented in accordance with the approved additional drawings.

Reason: There is insufficient detail with regard to this to protect the special character and architectural interest and integrity of the Conservation Area.

6. Z00 – Non standard condition – access

Prior to the occupation of either dwelling, the proposed vehicular access, parking and turning and pedestrian visibility splays shall be provided in precise accord with the details shown in Drawing numbered 1186/01A. Reason: To ensure that vehicles using the site access do so in a controlled manner, in the interests of highway safety.

7. Z00 – Non standard condition – unbound materials

No unbound materials shall be used in the surface treatment of the proposed vehicular access throughout.

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

8. Z00 – Non standard condition – access

The existing access shown on the submitted plan shall be suitably and permanently closed to the satisfaction of the Local Planning Authority, incorporating the reinstatement to full height of the highway verge/footway/kerbing to the specifications of the Highway Authority, immediately the proposed new access is brought into use.

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

9. Z00 – Non standard condition – cycle parking

Prior to the occupation of the proposed development, details of the provision for the storage of bicycles sufficient for all occupants of that development, of a design that shall be approved in writing with the Local Planning Authority. The approved facility shall be secure, convenient, covered and provided prior to the first occupation of the proposed development hereby permitted within the site which shall be maintained free from obstruction and retained thereafter.

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

10. Z00 – Non standard condition – CMP

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

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

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

11. Z00 – Non standard condition – landscaping

No works shall take place above ground floor slab level until scheme of hard and soft landscape works for the publicly visible parts of the site has been submitted to and

agreed, in writing, by the Local Planning Authority. This scheme shall include any significant changes in ground levels and also proposed planting, details of any hard surface finishes and external works, implementation of which shall comply with the recommendations set out in the relevant British Standards current at the time of submission. The approved landscape scheme shall be carried out in full prior to the end of the first planting and seeding season following the first occupation of the development or in such other phased arrangement as shall have previously been agreed, in writing, by the Local Planning Authority. Any trees or shrubs which, within a period of 5 years of being planted die, are removed or seriously damaged or seriously diseased shall be replaced in the next planting season with others of similar size and species.

Reason: In order to ensure that there is a sufficient landscaping scheme for the relatively small scale of this development where there are publicly visible areas to be laid out but there is insufficient detail within the submitted application.

12. Z00 – 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 Adopted Development Policy DP14 (2010, Revised 2014) and the Colchester Borough Adopted Guidance titled Managing Archaeology in Development (2015).

13. ZPD - Limits to Hours of Work

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

Weekdays: 08:00-18:00

Saturdays: 08:00-13:00

Sundays and Bank Holidays: No working
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.

14. Z00 – Non standard condition – EV charging point

Prior to the occupation of either dwelling, the proposed vehicular access, one electric vehicle charging point shall be provided for each dwelling. Reason: To in the interests of low carbon emissions and to encourage the use of ultra-low emission vehicles.

15. ZMC - Details of Brickwork, Mortar Mix Bond, Joint Profile etc

Prior to the commencement of the development, full details of all new brickwork, including the bond, mortar mix and joint profile shall be submitted to and agreed, in writing, by the Local Planning Authority. The development shall be constructed in accordance with the agreed details.

Reason: To ensure that the approved works are carried out without detriment to the architectural character and appearance of the building where there is insufficient information within the submitted application.

16. ZMM - Additional Detail on Windows & Doors etc

Prior to the commencement of any works, additional drawings that show details of any proposed new windows, doors, eaves, verges, cills and arches to be used, by section and elevation, at scales between 1:20 and 1:1, as appropriate, shall be submitted to and approved, in writing, by the Local Planning Authority. The development shall thereafter be implemented in accordance with the approved additional drawings.

Reason: There is insufficient detail with regard to this to protect the special character and architectural interest and integrity of the building in accordance with the requirements of Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

17. ZMU - Rooflights

The rooflights hereby approved shall be of the “conservation” type with a single vertical glazing bar and mounted flush with the roof slope and shall be retained in this form.

Reason: In the interests of preserving the character and appearance of the Conservation Area.

18. ZMW - *Rainwater Goods*

All rainwater goods shall be finished in metal and painted black and shall be retained in this form.

Reason: To ensure that the approved works are carried out without detriment to the architectural character and appearance of the building where there is insufficient information within the submitted application.

19. Z00 – Trees

The development hereby approved shall be carried out in accordance with the submitted Arboricultural Impact Assessment And Preliminary Method Statement referenced TPSarb8410418, dated 10th May 2018 rev 07/04/20, and Appendix 1 Tree survey and explanatory notes.

Reason: In the interests of the trees.

20. Z00 – Obscure glazing

Prior to first occupation of the development hereby approved, the windows detailed as obscure glazed on the approved plans and the side facing windows in the first floor and above shall be glazed in obscure glass to a minimum of level four on the Pilkington scale and shall be restricted in opening to no more than 200mm. The window shall not thereafter be altered in any way without the prior written approval of the Local Planning Authority.

Reason: To protect residential amenity.

19.0 Informatives

19.1 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.INS – Highways

All work within or affecting the highway is to be laid out and constructed by prior arrangement with and to the requirements and specifications of the Highway Authority; all details shall be agreed before the commencement of works. The applicants should be advised to contact the Development Management Team by email at development.management@essexhighways.org or by post to:

SMO1 – Essex Highways
Colchester Highways Depot,
653 The Crescent,
Colchester
CO4 9YQ



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Item No: 7.6

Application: 210245

Applicant: Mr Gam Gunasene

Agent: -

Proposal: Erection of Timber Shed to provide a separate collection / Rapid Testing Centre for our COVID-19 Rapid Response Team designated to solely provide Care to COVID-19 positive individuals in communities from Tendering, Colchester to Chelmsford.

Location: 2 Gladstone Road, Colchester, CO1 2EB

Ward: New Town & Christ Church

Officer: Eleanor Moss

Recommendation: Temporary approval to allow the Applicant time to find a suitable alternative for their requirements during the Covid-19 pandemic.

1.0 Reason for Referral to the Planning Committee

- 1.1 This application is referred to the Planning Committee because Cllr Higgins called-in the application for the following reason:

Inappropriate development in a conservation area. Size, material and form. Reduced car parking onsite; this one of the properties in the road that has off street parking, the loss of spaces will mean more on street parking in a residential area.

2.0 Synopsis

- 2.1 key issues explored below are the impact upon the Conservation Area, impact upon locally listed building (2 Gladstone Road), design and traffic and highway implications. The report concludes that only temporary permission for up to one year would be suitable due to the harm caused.
- 2.2 The application is subsequently recommended for temporary permission for up to one year.

3.0 Site Description and Context

- 3.1 The application site is a Victorian detached villa in use as a care home and located within the New Town Conservation Area. The application property occupies a prominent corner plot within the New Town Conservation Area commensurate with it being locally listed, laid out by a J.F.Goodey in 1878, a prominent local architect and builder.

4.0 Description of the Proposal

- 4.1 Erection of timber shed to provide a separate collection / Rapid Testing Centre.

5.0 Land Use Allocation

- 5.1 Residential

6.0 Relevant Planning History

- 6.1 171863 - Side and rear extensions to form new assisted living space. Refuse on 07/09/2017 and dismissed at appeal.

7.0 Principal Policies

- 7.1 Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. The National Planning Policy Framework (NPPF) must 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
UR2 - Built Design and Character
ENV2 - Rural Communities

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

DP1 Design and Amenity
DP14 Historic Environment Assets
DP17 Accessibility and Access
DP19 Parking Standards

- 7.4 Submission Colchester Borough Local Plan 2017-2033:

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

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

The Emerging Local Plan submitted in October 2017 is at an advanced stage, with Section 1 now adopted and Section 2 progressing to examination hearing sessions in April. Section 1 of the plan is therefore considered to carry full weight.

Section 2 will be afforded some weight due to its advanced stage. However, as it is yet to undergo examination, the exact level of weight to be afforded will be considered on a site-by-site basis reflecting the considerations set out in paragraph 48 of the NPPF. Proposals will also be considered in relation to the adopted Local Plan and the NPPF as a whole.

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

The Essex Design Guide
External Materials in New Developments
EPOA Vehicle Parking Standards
Sustainable Construction

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 Heritage Officer – objects:

2 Gladstone is situated within the designated New Town Conservation Area. The building is included in Colchester's adopted Local List, as Gladstone Lodge: *"Large house, c.1880. Red brick, with half-timbered gables jettied over oriel windows.*

Occupies a prominent position on the corner of New Town Road, at the heart of New Town, laid out by J.F. Goodey from 1878. Goodey was a prominent local architect and builder, Nonconformist, and Liberal; hence Gladstone Lodge and Gladstone Road."

The building was adopted in the Local List for its architectural and historical interest, as well as for its association to a notable local personality. The corner house is prominent on the junction of Gladstone Road and New Town Road and contributes positively to the character of the Conservation Area as a good example of eponymous architecture of its era.

The application seeks permission for the erection of a shed to the rear of the property. According to Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act (1990), in the exercise of planning functions, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of Conservation Areas. Par. 193 of the NPPF (2019) requires that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation., while Par. 194 clarifies that any harm to the significance of a designated heritage asset from development within its setting should require clear and convincing justification. Par. 197 of the Framework sets out that the decision of applications should consider their effect on the significance of a non-designated heritage asset and when applications directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset. The requirement to protect Conservation Areas and heritage assets is reflected in adopted Local Plan policies CS ENV1 and DP14.

By virtue of its utilitarian appearance which does not relate well to the host building and the built context of the area, the addition of the shed at close proximity to the house and on a location that is visible from the Gladstone Road would result to a level of harm to the non-designated heritage asset and would reflect poorly on the Conservation , having an adverse impact on its character and quality. The application does not include any accompanying material to provide justification for its erection , although the description suggests that it is related to the COVID response. This limited information does not satisfy the requirements of the NPPF's Par. 194 which requires clear and convincing justification for development that would cause harm to designated heritage assets. Therefore the application cannot be supported on heritage grounds . If further information is provided in support of the proposal, please reconsult.

DC0901MWeV9.3

8.3 Environmental Protection:

The developer is referred to the 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.

8.4 Highway Authority – objects:

The proposal fails to provide sufficient off road parking facilities in addition to maintaining present parking demands of the site. The proposal would lead to additional vehicles being left parked in the adjoining highway adding to the existing parking stress for the area and causing conditions of congestion, danger and obstruction, contrary to the interests of highway safety and Policy DM 1 and 8 of the Highway Authority's Development Management Policies February 2011.

9.0 **Parish Council Response**

9.1 Non Parished

10.0 **Representations from Notified Parties**

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

- Impact upon street scene
- Impact upon Conservation Area
- Impact upon parking and highway safety
- Retrospective application
- Inappropriate for location for a Covid-19 building

11.0 **Parking Provision**

11.1 The proposal reduces parking and turning provision on site. Discussed in the below report.

12.0 **Accessibility**

12.1 The Equality Act 2010 legally protects people from discrimination in the workplace and in wider society. In terms of the proposal, the scheme does not provide a step free access however only temporary permission would be considered in this instance. Based on the submitted information, the scheme is not considered to cause discrimination in terms of The Equality Act.

13.0 **Open Space Provisions**

13.1 Not applicable

14.0 Air Quality

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

15.0 Planning Obligations

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

16.0 Report

Principle of Development

16.1 In accordance with Core Strategy policies SD1, H1 and ENV1 development within the Borough is directed to sites within existing settlement development boundaries. The application site is identified within the defined settlement boundary of Colchester Town and is identified in the Site Allocation Plan as predominately residential use. Given this, the proposal is considered to be acceptable in principle.

Heritage and Design

16.2 Core Strategy policy ENV1 seeks to conserve and enhance Colchester’s natural and historic environment. Core Strategy policy UR2 seeks to promote and secure high quality design. Development Policies DP1 and DP12 set out design criteria that new development must meet. These require new development to be of a high quality and respect the character of the site and its context.

16.3 Section 72 of the Planning (Listed Building and Conservation Areas) Act 1990 requires development, as a whole, to preserve or enhance the appearance or character of Conservation Areas.

16.4 Core Strategy policy UR2 seeks to enhance Colchester’s unique historic character and protects features which contribute positively to the character of the built environment from demolition or inappropriate development, these features include buildings and Conservation Areas. Development Policy DP14 seeks to protect the Council’s Conservation Areas from inappropriate development. In this instance, the proposal is located within the Conservation Area and 2 Gladstone Road is locally listed.

16.5 In the exercise of Planning functions, the statutory test in relation to Conservation Areas is that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of the Conservation Area. The objectives of Development Policy DP14 are consistent with this test.

- 16.6 Paragraph 184 of the NPPF identifies that heritage assets are irreplaceable resources. Paragraph 193 advises that, when considering the impact of a proposed development on the significance of a designated heritage asset, such as a Conservation Area, great weight should be given to the asset's conservation.
- 16.7 Paragraph 189 of the National Planning Policy Framework (NPPF) says that in determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their settings. When considering proposals which affect non-designated heritage assets, paragraph 197 of the NPPF requires a balanced judgment having regard to the scale of any harm or loss and the significance of the heritage asset.
- 16.8 It is noted within the submission documents that the proposal is for a Covid-19 rapid response team to solely provide care to COVID-19 positive individuals in communities from Tendering, Colchester to Chelmsford.
- 16.9 The proposal is not considered to be of good design and would not relate well to the locally listed building or the wider Conservation Area. By virtue of its utilitarian appearance, the proposal is considered to be incongruous and would have an adverse impact on the character and quality of the application site and street scene. For these reasons, the proposal would fail to preserve or enhance the character or appearance of the New Town Conservation Area and the significance of the application property as a non-designated heritage asset. It would therefore conflict with Policy UR2 of Core Strategy and Policy DP14 of the Development Policies. Amongst other things these seek to secure a high quality of design, that development respects and enhances the character of the site, its context and surroundings and that the historic environment is preserved or enhanced, including buildings that have a particular local importance or character which is desirable to keep.
- 16.10 It is noted the current public health guidelines have had a profound impact on care facilities, and, Local Planning Authorities do have a role to play in contributing to the wider response to Covid-19. Given this, it is recommended that a temporary permission is granted for one year only to allow sufficient time to find a more suitable location for the Applicant's requirements and time to remove the shed. It is noted that a year permission may seem excessive given the harm caused however the Local Planning Authority is also mindful that Covid-19 still remains a threat which is causing additional pressures on many businesses and communities. Given the on-going pandemic and the pressure this causes on businesses, such as care homes, a year is considered to be sufficient time for alternative off-site arrangements to be secured by the Applicant.

Parking and Highways Safety

- 16.11 Core Strategy policy TA1 seeks to improve accessibility and change travel behaviour and encourages development within highly accessible locations to reduce the need to travel. Core Strategy Policy TA2 promotes walking and cycling as an integral part of sustainable means of transport. Policy TA4 seeks

to manage the demand for car use. Development Policy DP17 states that all developments should seek to enhance accessibility for sustainable modes of transport by giving priority to pedestrians, cycling and public transport access.

16.12 CS Policy TA5 refers to parking and states that development proposals should manage parking to accord with the accessibility of the location and to ensure people friendly street environments. DPD Policy DP19 states that the Council will refer developers to the Essex Planning Officers Association (EPOA) Vehicle Parking Standards which was adopted by Colchester Borough Council as a Supplementary Planning Document (SPD) in November 2009. Emerging Policy DM22 states that parking should be provided in accordance with the most up to date parking guidance taking into account the following factors:

- i. Levels of local accessibility;
- ii. Historic and forecast car ownership levels;
- iii. The size, type, tenure and location of the dwellings; and
- iv. The appropriate mix of parking types including opportunities for car-sharing (e.g. unallocated, on-street, visitor, car club etc).

16.13 The proposal results in the loss of on-site parking and turning provision which is considered to be harmful. The layout of the parking that is a concern and would not allow for cars to turn and exit the site in a forward gear. The area is narrow and in such proximity to a large brick wall it would be challenging to exit in forward gear.

16.14 It is likely that the proposal would result in a level of additional vehicle manoeuvres, including the likelihood of a number of vehicles reversing onto the highway when inevitably cars have to manoeuvre in and out of a position. Whilst speeds would be low the reduction in parking and manoeuvring space would increase the risks of conflict between users. This would cause inconvenience for pedestrians, cyclists and drivers of other vehicles which would harm highway safety. As such, the proposal would conflict with Policy DP19 of the Development Policies insofar as it requires appropriate parking standards. Insofar as the proposal would have an unacceptable impact on highway safety and the proposal would not minimise the scope for conflicts between pedestrians, cyclists and vehicles it would also conflict with the Framework in this regard.

16.15 As above, it is noted that Covid-19 continues to be a threat and puts additional pressure on communities and businesses, as such a one year temporary permission is considered to be an appropriate time period to allow the Applicant sufficient time to find an off-site alternative and to remove the shed from the application site.

17.0 Conclusion

- 17.1 To summarise, the proposal is contrary to both local and national policy, however due to the circumstances of Covid-19, a temporary permission for one year is recommended in order to allow a suitable off-site scheme to be attained.

18.0 Recommendation to the Committee

- 18.1 The Officer recommendation to the Committee is for:

APPROVAL of planning permission subject to the following condition:

1. ZAG - *Temporary Permission*

The period of this permission shall expire after a period of 12 months from the date of this permission, or upon the first cessation of use, whichever is the earlier. Within 28 days from the date at which this permission expires any building, material, equipment or hard landscaping resulting from, or used in connection with, the development hereby permitted shall be removed from the site in its entirety and in accordance with a scheme that shall have previously been submitted to and agreed, in writing, by the Local Planning Authority.

Reason: For the avoidance of doubt as to the scope of this permission and because the development is fundamentally harmful to the locally listed building, the Conservation Area and highway safety. The temporary permission is granted solely in recognition of the Covid-19 circumstances of this case, to allow the applicant to find suitable arrangements off-site as the development would not have otherwise been acceptable to the Local Planning Authority.

19.0 Informatives

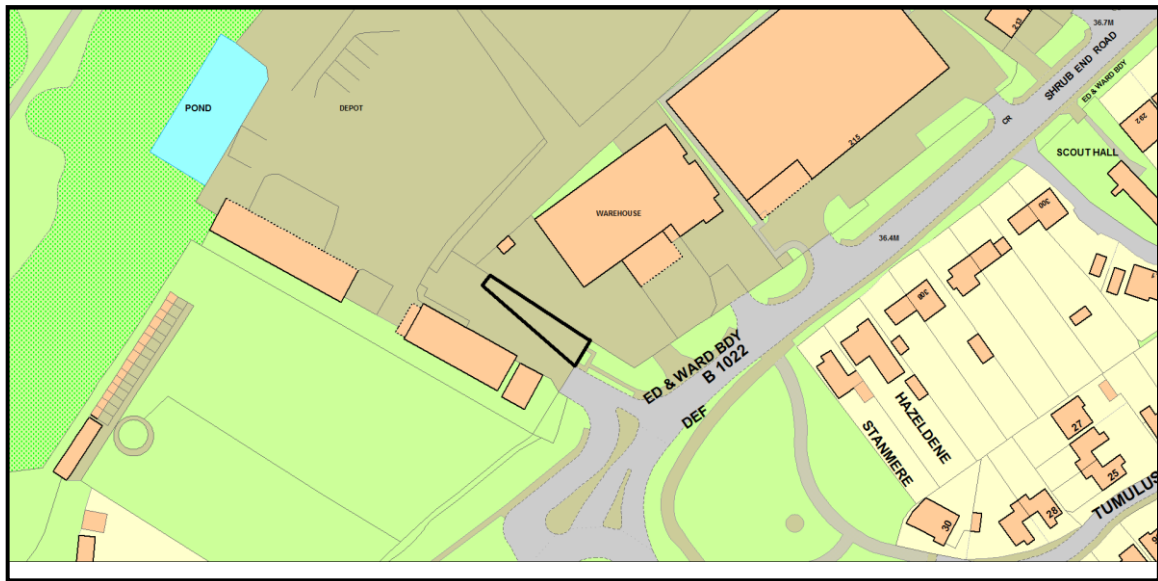
- 19.1 The following informatives are also recommended:

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. 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.



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Item No: 7.7

Application: 210492

Applicant: Mr Martin Leek, Colchester Borough Homes

Proposal: Installation of 4no. coniston 35 canopies

Location: Shrub End Depot (Refuse), Shrub End Road, Colchester, CO3 4SA

Ward: Shrub End

Officer: Eleanor Moss

Recommendation: Approval subject to recommended conditions

1.0 Reason for Referral to the Planning Committee

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

2.0 Synopsis

- 2.1 The application seeks planning permission for the erection of no.4 canopies at Colchester Recycling Centre. These replace temporary canopies. The proposal is not considered to impact upon the character and appearance of the area of highway safety.
- 2.2 The application is subsequently recommended for approval.

3.0 Site Description and Context

- 3.1 The application site relates to a well established recycling centre located in Shrub End.

4.0 Description of the Proposal

- 4.1 The proposal is for the erection of no.4 canopies.

5.0 Land Use Allocation

- 5.1 Employment land

6.0 Relevant Planning History

- 6.1 F/COL/05/1475 - Liquid Petroleum Gas (LPG) storage facility, waste transfer site, recyclable material handling facility, staff car parking area and ancillary works including lighting, small works team workshop, compound and vehicle access. Approved 25/10/2005.

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) and National Planning Policy for Waste 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

CE1 - Centres and Employment Classification and Hierarchy

CE2 - Mixed Use Centres
CE3 - Employment Zones
UR2 - Built Design and Character
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
DP5 Appropriate Employment Uses and Protection of Employment Land and Existing Businesses
DP17 Accessibility and Access
DP19 Parking Standards
DP20 Flood Risk and Management of Surface Water Drainage

- 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 CE1 Mixed Use Sites

- 7.5 Submission Colchester Borough Local Plan 2017-2033:

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

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

The Emerging Local Plan submitted in October 2017 is at an advanced stage, with Section 1 now adopted and Section 2 progressing to examination hearing sessions in April. Section 1 of the plan is therefore considered to carry full weight.

Section 2 will be afforded some weight due to its advanced stage. However, as it is yet to undergo examination, the exact level of weight to be afforded will be considered on a site-by-site basis reflecting the considerations set out in paragraph 48 of the NPPF. Proposals will also be considered in relation to the adopted Local Plan and the NPPF as a whole.

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

External Materials in New Developments
EPOA Vehicle Parking Standards
Sustainable Construction

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 Highway Authority – no objections

8.3 Contaminated Land Officer – Informative on ground gases recommended

8.4 Environmental Protection – no comments

8.5 Archaeological Advisor – no objections

9.0 Parish Council Response

9.1 Non Parished

10.0 Representations from Notified Parties

10.1 None received

11.0 Parking Provision

11.1 The proposal does not change the parking provision on site

12.0 Accessibility

12.1 The Equality Act 2010 legally protects people from discrimination in the workplace and in wider society. In terms of the proposal, the canopies do not include any steps. Based on the submitted information, the scheme is not considered to cause discrimination in terms of The Equality Act.

13.0 Environmental and Carbon Implications

13.1 The Council has declared a Climate Emergency and has committed to being carbon neutral by 2030. The purpose of the planning system is to contribute to the achievement of sustainable development as defined in the National Planning Policy Framework. Achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways. These are economic, social and environmental objectives. The consideration of this application has taken into account the Climate Emergency and the sustainable development objectives set out in the NPPF. It is considered that on balance the application is considered to represent sustainable development.

14.0 Open Space Provisions

14.1 Not applicable

15.0 Air Quality

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

16.0 Planning Obligations

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

17.0 Report

Principle

17.1 The site relates to an existing recycling centre, which is very well established within Colchester. While the proposals would not result in any expansion of the recycling centre or additional activity, it would assist the recycling centre in continuing to meet the needs of local customers by assisting with waste management overall, which is considered to be in accordance with the principles of the NPPF and National Planning Policy for Waste.

Impact on Residential Amenity

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

17.3 Given the recycling centre is already in active use and the proposal is for canopy structures, the impact upon residential amenity is considered to be minimal. The nearest neighbouring property is approximately 60m away. Given the distance and the minor nature of the proposal, the proposal is considered to be acceptable in this regard.

Impact upon Surrounding Area

17.4 Core Strategy policy ENV1 seeks to conserve and enhance Colchester’s natural and historic environment. Core Strategy policy UR2 seeks to promote and secure high quality design. Development Policies DP1 and DP12 set out design criteria that new development must meet. These require new development to be of a high quality and respect the character of the site and its context. Core Strategy policy UR2 seeks to enhance Colchester’s unique historic character and protects features which contribute positively to the character of the built environment from demolition or inappropriate development.

17.5 The scheme is fairly minor at 2.9m (maximum) and is located within the existing site, the proposal is quite well screened from public view although there may be some glimpses. Despite this, the proposal is not considered to create a harmful

impact upon the street scene or the wider area. On balance, the proposal is considered to be of an acceptable design and appearance is in compliance with the aforementioned policies.

Highway Safety and Parking

- 17.6 Core Strategy policy TA1 seeks to improve accessibility and change travel behaviour and encourages development within highly accessible locations to reduce the need to travel. Core Strategy Policy TA2 promotes walking and cycling as an integral part of sustainable means of transport. Policy TA4 seeks to manage the demand for car use. Development Policy DP17 states that all developments should seek to enhance accessibility for sustainable modes of transport by giving priority to pedestrians, cycling and public transport access. Paragraph 109 of the NPPF confirms development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. Policy TA5 of the Core Strategy refers to parking and states that development proposals should manage parking to accord with the accessibility of the location and to ensure people friendly street environments.
- 17.7 In this instance, the proposal is located away from the access road and designated parking. The Highway Authority has been consulted and does not raise an objection to the scheme. As such, it is considered that the proposed development would accord with relevant development plan policies and national planning policy guidance set out in the Framework.

Contamination

- 17.8 Development Policy DP1 requires all development to avoid unacceptable environmental impacts. The application has been supported by a Contamination Survey which confirms the level of risk assessed is unlikely to have an adverse effect on the property and would not be designated "contaminated land" within the meaning of Part IIA of the Environmental Protection Act 1990. Further to this, Environmental Protection and the Contaminated Land Officer has not raised an objection and notes that an informative is suitable in this instance. As such, the proposal is considered to comply with the aforementioned policy.

18.0 Conclusion

- 18.1 To summarise, the proposal is considered to be acceptable and is recommended for approval.

19.0 Recommendation to the Committee

- 19.1 The Officer recommendation to the Committee is for:

APPROVAL of planning permission subject to the following condition:

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 COR 442091 002 P02, COR 442091 011 P02, COR 442091 012 P02 and drawing referenced Shrub End Civic Amenity.

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

3. ZBB - Materials As Stated in Application

The external materials to be used shall be those specified on the submitted application form and drawings, unless otherwise agreed, in writing, by the Local Planning Authority.

Reason: To ensure that materials are of an acceptable quality appropriate to the area

20.0 Informatives

20.1 The following informatives are also recommended:

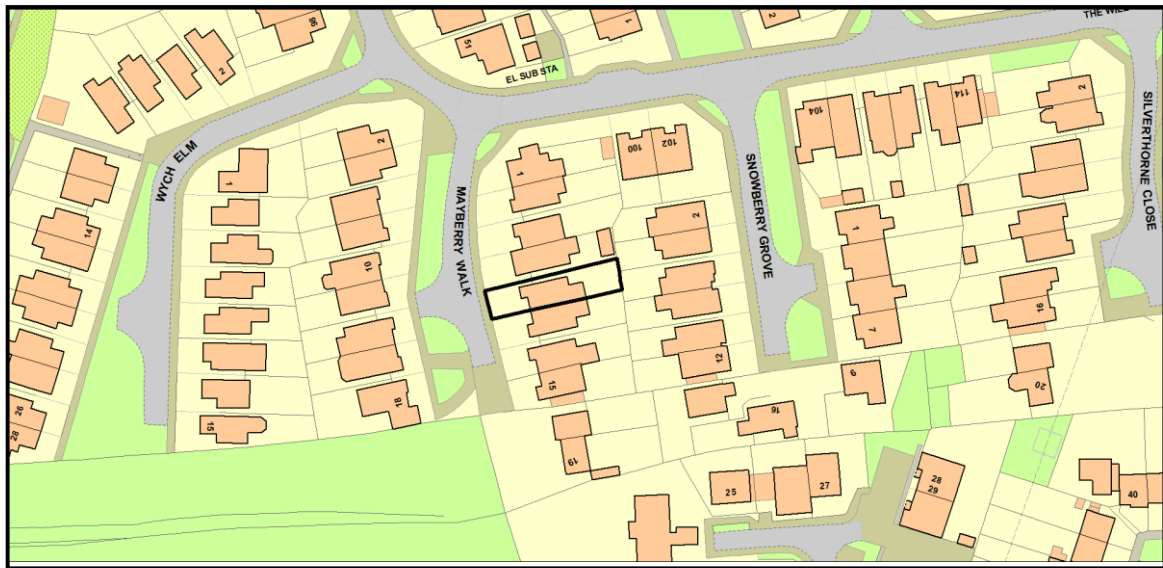
1. INS - Informative – Ground gases

Since this site is located either on or in close proximity to filled land, where there is the potential for ground gas migration and accumulation in poorly ventilated spaces, there must be no infilling or blocking up of ventilated areas (as they appear on Able Canopies Ltd Drawings 1-4, dated 4/3/21) without an appropriate assessment of risks to end users from any ground gas accumulation.

The Local Planning Authority has determined the application on the basis of the information available to it, but this does not mean that the land is free from contamination. The applicant is responsible for the safe development and safe occupancy of the site. Reason - The site lies on or within 250m of filled land and Environmental Protection wish to ensure that development only proceeds if it is safe to do so. This informative should not be read as indicating that there is any known danger from landfill gas in this locality.

2.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.



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Item No: 7.8

Application: 211010

Applicant: Mr Peter Wong

Agent: Ms Gemma Smith, Unique Design Creations Limited

Proposal: Lawful Development Certificate for existing use: residential dwelling converted to include 4 beds, 1 communal breakfast room, bathroom, WC, kitchen, and living room/dining room to be shared with 4 x residents

Location: 9 Mayberry Walk, Colchester, CO2 8PS

Ward: Berechurch

Officer: Eleanor Moss

Recommendation: On the balance of probability based on the information provided and available to the Council, the change of use from C3 to C4 with the occupation of up to four unrelated people living in 9 Mayberry Walk at any one time is considered to be permitted development.

1.0 Reason for Referral to the Planning Committee

- 1.1 This application is referred to the Planning Committee because the Certificate of Lawful Use (existing) was called in by Cllr Harris for the following reason:

Residents in Mayberry Walk are concerned over category of HMO of overcrowding safety with fire in an upstairs kitchen past anti-social behaviour in Mayberry Walk.

2.0 Synopsis

- 2.1 The key issues for consideration are whether the existing use is lawful.
- 2.2 It is recommended that a Certificate of Lawfulness of an Existing Use be granted for 9 Mayberry Walk in respect of the C4 use of the property.

3.0 Site Description and Context

- 3.1 The site relates to a four bedroom semi-detached dwelling in Mayberry Walk. There are two off road car parking spaces to the front of the property and a garden located to the rear.

4.0 Description of the Proposal

- 4.1 A Certificate of Lawful Use is sought to confirm the use of the property as a house in multiple occupation under use class C4, which allows for 3 – 6 non related people occupying the property at any one time.

5.0 Land Use Allocation

- 5.1 Residential

6.0 Relevant Planning History

- 6.1 None relevant

7.0 Principal Policies

- 7.1 A Lawful Development Certificate is a legal document which confirms the lawfulness of past, present or future building use, operations, or other matters. If granted by the local planning authority, the certificate means that enforcement action cannot be taken against the development referred to in the certificate. However, the certificate will not protect from enforcement action by the planning authority if the specified use is then changed 'materially' without a planning application for it.
- 7.2 The certificate is not an application for planning permission and conditions cannot be attached. The planning merits of the use are not relevant. The issue of a certificate depends entirely on factual evidence about the history and

planning status of the building or other land and the interpretation of any relevant planning law or judicial authority.

- 7.3 Anyone can apply to the local planning authority to obtain a decision on whether an existing use or development is lawful for planning purposes or not. If the local planning authority is satisfied, on the balance of probabilities that the appropriate legal tests have been met, it must grant a lawful development certificate. Where an application has been made under section 191, a lawful development certificate only confirms what is lawful as at the date of the certificate application.
- 7.4 The amended section 194 of the 1990 Act states that it is an offence to provide false or misleading information or to withhold material information with intent to deceive. Section 193(7) enables the Council to revoke, at any time, a certificate they may have issued as a result of such false or misleading information.

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 Highway Authority – no objections
- 8.3 Private Sector Housing:

HMOs are only subject to mandatory licensing in Colchester where there are 5 or more occupants, consisting of 2 or more households that share one or more facilities i.e. bathroom, kitchen etc. From the information I have obtained, a licence would not be required under Housing Act 2004 legislation as there are no more than 4 persons occupying. This may be different in other Local Authorities where they may have adopted additional licensing.

Private Sector Housing would only take necessary action once aware of the existence of a HMO and not retrospectively and we have no control to prevent or regulate the conversion of properties to HMOs, only to ensure that they meet necessary standards. However, if the HMO is identified as licensable and has been operating without a licence we may issue a Civil Penalty Notice (CPN) for the offence. Please see the link to PSH enforcement policy below email signature for further information.

I am in the process of carrying out checks to ensure that the HMO meets with safety and management standards

9.0 Parish Council Response

- 9.1 Non Parished

10.0 Representations from Notified Parties

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

- Multiple people living in the property
- Anti-social behaviour
- Already a busy street with vehicles
- HMO out of keeping with family community
- Overcrowding
- Health and safety concerns
- House insurance concerns
- License required
- Overlooking
- Drainage issues
- Congestion
- Mortgage concerns

NB: Views expressed by third parties on the planning merits of the case, or on whether the applicant has any private rights to carry out the operation, use or activity in question, are irrelevant when determining the application.

11.0 Parking Provision

11.1 There are two off-road car parking spaces retained on the front driveway.

12.0 Accessibility

12.1 Not applicable

13.0 Open Space Provisions

13.1 Not applicable

14.0 Air Quality

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

15.0 Planning Obligations

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

16.0 Report

Assessment

16.1 Section 191 of the Act provides a person with the opportunity to apply to the Local Planning Authority (LPA) for a Certificate to confirm that an existing use or building operation is lawful. The application is an evidence based application and not a determination of the planning merits of the proposal. The applicant is required to describe the proposal with sufficient clarity and precision to enable the LPA to understand from a written description and plans exactly what is involved in the claim. The burden of proof for establishing lawfulness rests firmly with the applicant, and the evidential test applied is on the "balance of probabilities". The question can be phrased "is it more likely than not that the existing use is lawful?" The LPA should accept the applicant's evidence, provided that it is sufficiently precise and unambiguous, unless they have evidence to contradict or undermine it. Section 191(4) of the Act provides that if the LPA is satisfied on the evidence provided with the application that the existing use or operations are lawful, they shall issue a certificate; in any other case they shall refuse the application.

16.2 The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) allows a property to change from a C3 use (family dwellinghouse) to a C4 use (house in multiple occupation) with the occupation of 3 to 6 unrelated people living in the property at any one time as permitted development. The relevant section of the General Permitted Development Order is provided below:

Class L – small HMOs to dwellinghouses and vice versa

Permitted development

L. Development consisting of a change of use of a building—

- (a) *from a use falling within Class C4 (houses in multiple occupation) of the Schedule to the Use Classes Order, to a use falling within Class C3 (dwellinghouses) of that Schedule;*
- (b) *from a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order, to a use falling within Class C4 (houses in multiple occupation) of that Schedule.*

Development not permitted

L.1 Development is not permitted by Class L if it would result in the use—

- (a) *as two or more separate dwellinghouses falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order of any building previously used as a single dwellinghouse falling within Class C4 (houses in multiple occupation) of that Schedule;*
or
- (b) *as two or more separate dwellinghouses falling within Class C4 (houses in multiple occupation) of that Schedule of any building previously used as a single dwellinghouse falling within Class C3 (dwellinghouses) of that Schedule.*

16.3 In this instance, the owner of this property is seeking a certificate of lawfulness of an existing use to confirm that the existing C4 use of the property is lawful because the change of use from C3 to C4 allowed under the General Permitted Development Order.

- 16.4 The planning merits of the use, operation or activity in the application are not relevant. The issue of a certificate depends entirely on factual evidence about the history and planning status of the building or other land and the interpretation of any relevant planning law or judicial authority. The responsibility is on the applicant to provide evidence to support the application.
- 16.5 The application site is not subject to an Article 4 Direction and the existing use relates to up to four occupiers. As such, the change of use from C3 to C4 with the occupation of 3 to 6 unrelated people living in the property at any one time is considered to be permitted development.
- 16.6 It is noted a number of concerns are raised in relation to the scheme including overcrowding, a family estate, drainage issues, house insurance etc. have been raised by interested parties. While these comments are sympathised with, as this application is for a certificate of lawful use, these concerns cannot be taken into consideration as the planning merits do not form part of the assessment for these types of applications.
- 16.7 Further to this, comments in relation to a license and fire safety have been raised. The Private Sector Housing Team have confirmed that due to the number of occupiers, a HMO license is not mandatory. The Private Sector Housing team are also ensuring the HMO meets required standards for fire safety, however this should not delay the determination of this certificate as the local planning authority is satisfied, on the balance of probabilities that the appropriate legal tests have been met, it must grant a lawful development certificate.

17.0 Conclusion

- 17.1 To summarise, taking all submitted evidence into account as well as the checks undertaken with internal departments, it is considered that on the balance of probabilities the change of use from C3 to C4 for up to four occupiers is lawful. On this basis it is recommended that a Certificate of Lawfulness of an Existing Use be granted for 11 Mayberry Walk in respect of the C4 use of the property.

18.0 Recommendation to the Committee

Recommendation that the application is APPROVED for the following reason:

On the balance of probability based on the information provided and available to the authority, the change of use from C3 to C4 with the occupation of up to four unrelated people living in 9 Mayberry Walk at any one time is considered to be permitted development.

19.0 Informatives

19.1 The following informatives are also recommended:

1. ZT0 – Advisory Note on Construction & Demolition

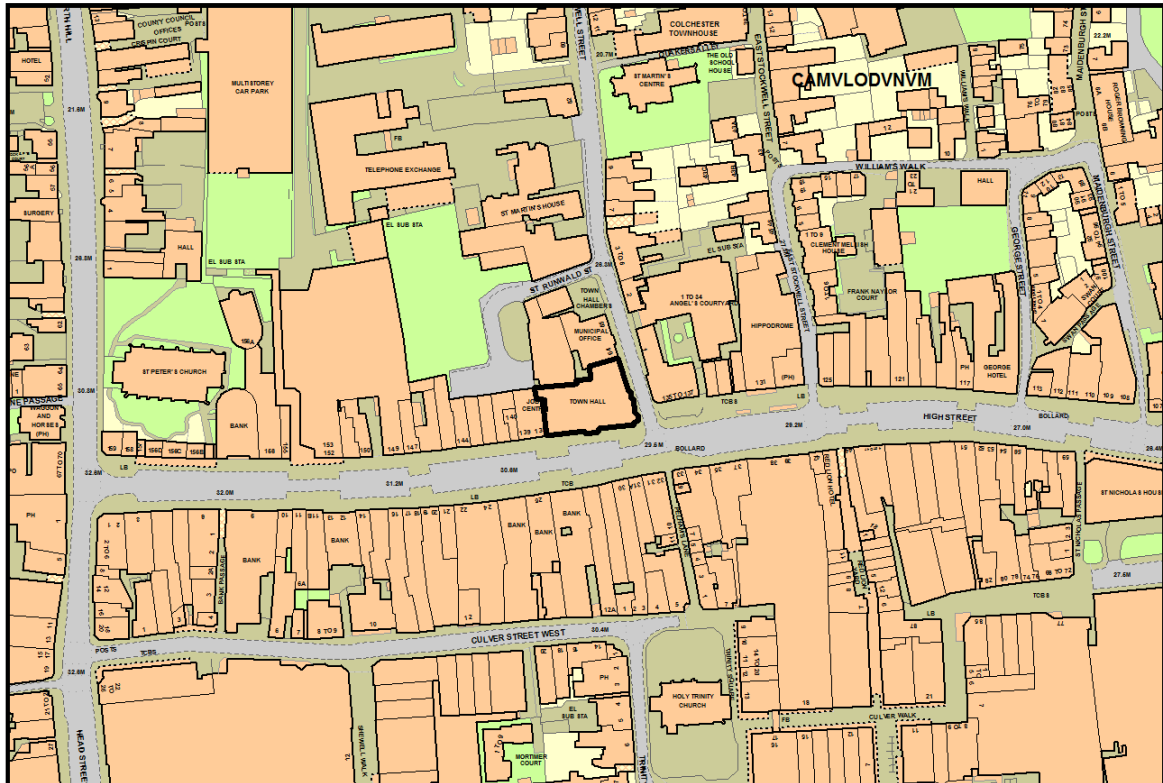
The developer is referred to the attached advisory note *Advisory Notes for the Control of Pollution during Construction & Demolition Works* for the avoidance of pollution during the demolition and construction works. Should the applicant require any further guidance they should contact Environmental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

2. INS - Highways

All work within or affecting the highway is to be laid out and constructed by prior arrangement with and to the requirements and specifications of the Highway Authority; all details shall be agreed before the commencement of works.

The applicants should be advised to contact the Development Management Team by email at development.management@essexhighways.org or by post to:

SMO1 – Development Management
Essex Highways Ardleigh Depot,
Harwich Road,
Ardleigh,
Colchester,
Essex
CO7 7LT



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Item No: 7.9

Application: 210595

Applicant: Colchester Borough Council

Agent: Mr Martin Leek

Proposal: Removal of existing wooden library shelving within the former court's law library room within the Town Hall. Existing boxing out above the shelving will be retained so as not to affect or alter the moulded plaster covering around the ceiling, meaning the existing sign will also be retained in-situ. Removal of the shelving will enable installation of new fixtures and fittings to the walls within the room to be carried out

Location: Town Hall, High Street, Colchester, CO1 1PJ

Ward: Castle

Officer: Eirini Dimerouki

Recommendation: Approve listed building consent subject to conditions

1.0 Reason for Referral to the Planning Committee

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

2.0 Synopsis

- 2.1 The key issue for consideration is the impact of the proposed works on the heritage significance of the Town Hall, a Grade I listed building. The application covers the same set of proposals that was included application 200040 which was deferred by the Planning Committee of 05 March 2020 . Therefore, the report also examines whether the reasons for the deferral have been addressed by the present application.
- 2.2 The application is subsequently recommended for approval subject to conditions.

3.0 Site Description and Context

- 3.1 The application relates to the Town Hall in High Street. The building is listed at Grade I and its list description is as follows:

“1898, by John Belcher. Exceptionally rich design in free classical style: red brick and Portland stone. 3 storeys, lowest one stone-faced with central entrance, carved brackets to porch support balcony above. 3 pairs of engaged Corinthian columns rise through 1st and 2nd storeys to support 2 segmental and one triangular pediment. Large coat of arms above latter, breaking balustrade to roof. Statues in high relief between 2nd storey windows. Victoria tower, on return, rises above pair of bay windows. 162 ft high topped by statue of St Helena. Lower stage of brick, upper part of stone: very elaborate with 4 bronze ravens and 4 stone figures - Fishery, Engineering, Military Defence , Agriculture. One of the bells is from the Old Town Hall. Circa 1400 (RCHM).”

- 3.2 The Town Hall is located in Colchester Conservation Area No. 1 and is one of Colchester’s landmarks. The impressive building is a key focal point in the views along High Street, while the tower dominates the skyline and is a significant element of the townscape.
- 3.3 The proposal concerns the former Court’s Law Library which is located on the Ground Floor of the Town Hall and currently serves as meeting room for the Liberal Democrat Group . The proposed works aim to enable the room’s refurbishment and conversion into Member’s Room which will be used by all Political Groups.
- 3.4 The proposal was the subject of application 200040 that was referred to the Planning Committee and was considered at the meeting of 5 March 2020 (Item 7.3). The details of the discussion , as recorded in the Minutes of the Meeting, are available at [Document.ashx \(cmis.uk.com\)](https://document.ashx?cmis:uk.com).

- 3.5 In conclusion, members of the Committee expressed their concerns that the proposed use of the room that necessitated the removal of the shelving did not constitute sufficient justification for the impact that the works would have on the listed building. The concerns related to the size and location of the room which were not regarded suitable for the intended purpose. It was suggested that other locations, which may not require alterations to the listed building, might be more appropriate (such as the Old Library). Members of the Committee also recommended that the return of the law books to the Former Law Library is considered instead. The Committee resolved unanimously that the application be deferred to allow for alternative options to be explored (including the potential for the law books to be restored to the shelves).
- 3.6 The date of the decision was then consecutively extended in order to allow time for the Applicant to address the issues that were raised by the Planning Committee. However, the project was eventually abandoned due to budget considerations under the circumstances of the COVID pandemic and the application was withdrawn in July 2020.
- 3.7 A new application was submitted this year with the same set of proposals. The report reviews anew the main heritage consideration which is the proposal's impact on the special interest for the Grade I Town Hall and examines whether the reasons for the deferral of application 200040 by the March 2020 Planning Committee have been addressed.

4.0 Description of the Proposal

- 4.1 The Former Court Law Library Room is situated to the west of the Town Hall's Entrance Hall. The room measures approximately 7.5 X 4.5 m. The door is located on the northern wall, while the western wall is configured with three internal windows. The three remaining walls are covered by the bookshelves which are the subject of this application. The bookshelves are arranged in eight rows that reach from floor level up to approximately 30cm beneath ceiling level. The shelving to be removed is primarily of softwood construction with a hardwood lipping to the front of the shelves and the dividers. The top of the bookcase's frame has decorative moulding but other than this feature, the shelving's appearance is unadorned and simple in character. The shelves on the wall opposite the door and to the left must have been installed when the room was originally furnished as there is no skirting along these walls and the furniture is fixed directly to the wall. These sections of the shelving retain the letter tabs on top of the frame that served the alphabetical filing of the books. The section over the door wall appears to be a later addition in the same style as the original, since there is skirting along the length of the wall and the base of the bookcase was modified to fit over that feature. On the southern wall that faces the door, there is a decorative plaque between the top shelf and the ceiling cornice that reads "The Recorder's Law Library".
- 4.2 The application seeks consent to the removal of the bookcase which will enable the installation of new fixtures and fittings to the room. The proposal is to retain the frame in order to preserve in-situ the features of the shelving that have certain interest (the moulded top and the letter tabs), as well as avoid any impact to the plaque with the room's name and the ceiling moulded

cornice. A new moulded timber skirting of size and profile to match existing would be installed to the walls where there is no skirting at present (eastern wall).

5.0 Land Use Allocation

5.1 DP6 Town Centre Uses

6.0 Relevant Planning History

- 6.1 C/COL/03/1846 - Change of use from Civic Hall and Council Offices to Civic Hall and Council Offices and commercial functions/business meeting rooms - Town Hall, High Street, Colchester – Approved 12/12/2003.
- 6.2 090383 - Creation of new gated entrance and flight of steps with landings to form accessible route to building together with new stepped access to churchyard. Installation of stair lift with support guide rail and new external lighting – Town Hall Chambers Churchyard, St Runwalds Street, Colchester – Approved 08/07/2009.
- 6.3 090735 - Creation of new gated entrance and flight of steps with landings to form accessible route to building together with new stepped access to churchyard. Installation of stair lift with support guide rail and new external lighting - Town Hall Chambers Churchyard, St Runwalds Street, Colchester – Approved 27/08/2009
- 6.4 091425 - Internal decorations to the moot hall area, rewire works to moot hall and council chamber, external fabric repairs and decorations and the insulating of the roof void above the moot hall – Town Hall, High Street, Colchester – Approved 21/01/2010.
- 6.5 111289 - Listed building application to install an additional handrail to the main internal staircase – Approved 18/11/2011.
- 6.6 120371- Proposed installation of four micro antennas below the cupola of the Town Hall Tower to provide a wide area Next Generation Access broadband service to residents and businesses of Colchester Borough – Approved 10/05/2012.
- 6.7 120349-Listed building application for new extractor hood installed in Kitchen – Approved 22/08/2012
- 6.8 132801- Alterations to lower ground floor to relocate CBC CCTV monitoring centre. Installation of relocated emergency generator into external courtyard at basement floor. Installation of new exhaust flue from generator and air con air duct – Approved 04/02/2014.

- 6.9 132802- Alterations to lower ground floor to relocate CBC CCTV monitoring centre. Installation of relocated emergency generator into external courtyard at basement floor. Installation of new exhaust flue from generator and air con air duct – Approved 21/02/2014
- 6.10 120301-Upgrade of existing emergency lighting system– Approved 24/05/2012.
- 6.11 160415- Proposed removal of 1x plasterboard stud work, non-load bearing wall to reinstate original room size – Approved 01/04/2016.
- 6.12 160502- Installation of a new bench on raised platform in front of the existing bench in the council chamber, including new access ramp to provide wheelchair access and associated repositioning of adjacent fixed seating and benches. The works are desired to be fully reversible so that the chamber can be returned to its existing configuration – Approved 31/05/2016.
- 6.13 161058- Restoration of clock face, including removal of opal glass, and replacing glass with opal Perspex – Approved 05/07/2016.
- 6.14 190551-Face bed new ashlar in Portland Whit Bed Stone to re-establish inscription to Foundation Stone- Approved 26/04/2019.
- 6.15 201296: Remove existing freestanding chimney replace with a new flue mounted on a freestanding support post - Approved 27/08/2020.
- 6.16 202636: Installation of structural steel members to support the PBX Room floor loadings to accommodate new ICT server cabinets & associated ICT equipment – Approved 25/01/2021.

7.0 Principal Policies

- 7.1 Planning law requires that applications for Listed Building Consent must be determined in accordance with Section 16(2) of the Planning (Listed Buildings & Conservation Areas) Act 1990 which requires that “In considering whether to grant listed building consent for any works the local planning authority or the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.” .
- 7.2 The National planning Policy Framework (NPPF) must be taken into account in planning decisions and is a material consideration, setting out national planning policy. NPPF’s Section 16 “Conserving and enhancing the historic environment” provides the guidelines for the protection and conservation of heritage assets, including listed buildings. Paragraph 193 determines that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation (and the more important the asset, the greater the weight should be).Paragraph 194 states that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing

justification. Paragraphs 195 and 196 identify and deal with two levels of harm respectively: substantial and less than substantial harm linking their justification to the public benefits that can potentially outweigh them.

- 7.3 Moreover, planning applications must be decided in accordance with the development plan, unless material considerations indicate otherwise. Continuing the themes of the NPPF, Colchester Local Plan 2001-2021 includes the adopted Colchester Borough Core Strategy (adopted 2008, amended 2014) which adds detail through local strategic policies. Particular to this application, the following policies are most relevant:
- ENV1 – Environment
- 7.4 In addition, also relevant are the adopted Colchester Borough Development Policies (adopted 2010, amended 2014):
- DP14 Historic Environment Assets
- 7.5 Further to the above, the Historic England Good Practice Advice Notes 1-3 (March 2015) should also be taken into account in the decision-making process for applications affecting listed buildings or the historic environment generally.

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 Historic England

“Thank you for your letter of 5 March 2021 regarding the above application for listed building consent for removal of the existing wooden library shelving within the former Court's Law Library room within the Town Hall. Existing boxing out above the shelving will be retained in order not to affect or alter the moulded plaster coving around the ceiling and the existing signage will also be retained in situ.

On the basis of the information available to date, we do not wish to offer any comments. We suggest that you seek the views of your specialist conservation adviser.”

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

9.0 Parish Council Response

- 9.1 Not Parished.

10.0 Representations from Notified Parties

- 10.1 None received at the time of the report drafting.

11.0 Parking Provision

- 11.1 N/A.

12.0 Accessibility

12.1 N/A.

13.0 Open Space Provisions

13.1 N/A.

14.0 Air Quality

14.1 N/A.

15.0 Planning Obligations

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

16.0 Report

16.1 The main issue raised by this application is the effect that the proposed works would have on the special interest of this Grade I listed building.

16.2 Historic England’s Conservation Principles, Policies and Guidance (2008) identify four main heritage values that are associated to historic assets: evidential value; historical value; aesthetic value; and communal value. The Town Hall’s exceptional interest is the sum of these values can be ascribed to the Grade I listed status of the building.

16.3 The contribution of the shelving at the Former Court Law Library Room to these heritage values is assessed as follows:

- Evidential value (derives from the potential of a place to yield evidence about past human activity): the shelving provides evidence for the past use of the room but the proposal to retain the frame of the bookcase and the wall plaque with the room name will preserve the record of the room’s original function;
- Historical value (derives by the ways in which past people, events and aspects of life can be connected through a place to the present - it tends to be illustrative or associative): the shelving has some historical value as an original fixture of the Town Hall , but it’s intrinsic value is quite low as it is a utilitarian feature which doesn’t have any associations to the public functions of the Town Hall, any important civic events of Colchester’s history on notable personalities.
- Aesthetic value (derives from the ways in which people draw sensory and intellectual stimulation from a place): the shelving has a utilitarian appearance without particular aesthetic qualities. The only feature which aspired to add some decorative effect – the moulded cornice on

tip of the frame- will be preserved in situ, along with the plaque with the room name that contributes to the character of the room.

- Communal value (derives the meanings of a place for the people who relate to it, or for whom it figures in their collective experience or memory- it can be commemorative and symbolic, social and spiritual): no such value can be associated to the shelving that is located to a room of the Town Hall that hasn't been accessible to the public and has never served public functions.

16.4 The proposed removal of the shelving which is a period fixture that dates from the construction of the building would result to some loss of historic fabric, albeit of low significance and not integral to the building. Taking into account the assessment of the shelving's contribution to the special interest of the listed Town Hall as discussed in Par.15.3 , as well as the proposal to retain the features that attribute certain evidential, historical and aesthetic value to the bookcase, the impact of the shelving's loss would result to a low level of less-than- substantial harm to the special interest of the Grade I listed building.

16.5 The removal of the shelving would enable the installation of new fixture and fittings to the room which would improve its functionality , increase its potential to accommodate a variety of activities and make it available to a wider group of users. The NPPF's Par.196 determines that when development proposals will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use. Having in mind the expected benefits from the refurbishment for the room and consequently for the Town Hall, the proposal is considered to secure sufficient public benefit that outweighs the less-than-substantial harm associated with the loss of the shelving.

16.6 However, the room was not regarded appropriate for the proposed use by the members of the Planning Committee that considered the previous application on 5 March 2020. The Committee was of the view that there was insufficient justification for the harm to the listed building which would result from the removal of the shelving and the application was deferred for the reasons that are summarized in Par.3.5 of this report.

16.7 The review of the present application examined whether the issues that were raised at the Committee meeting have been addressed. The Applicant provided evidence by email correspondence to demonstrate that the concerns of the Planning Committee were taken into account before the application was resubmitted. The Applicant explained that other spaces which were considered, such as the Old Library, were allocated to other Councillor functions. The Applicant also clarified that the law books that were once stored in the former Court's Law Library are no longer available to be restored to the shelves. An additional consideration for the plans to convert the room involved the extra added value of a space where Town Hall users can socialise in times of mental health pressures and disconnection under the circumstances of the COVID pandemic. Finally, the Applicant pointed out that the proposal has been circulated again in cross-party groups of Councillors and there have been no

comments or objections to suggest that the conversion of the room is not desirable.

- 16.8 On the basis of the provided information, it is regarded that there is demand for the refurbishment of the room, to constitute sufficient justification of the proposal in accordance with the requirement of the NPPF's Par.194. As discussed in Par.15.5, the conversion of the room into a flexible space that can accommodate a variety of activities would be beneficial to the Town Hall and its users, securing thus sufficient public benefit to outweighs the less-than-substantial harm associated with the loss of the shelving., in compliance with the Framework's Par.196.

17.0 Conclusion

- 17.1 To summarise, the proposal for the removal of the shelving of the Former Court Library would result to some loss of historic fabric. However, by virtue of low the intrinsic interest of the shelving, its limited contribution to the heritage values of the listed Town Hall and the careful consideration has been given to the preservation of the features that contribute to the character of the room and provide evidence of its past use, the harm from its removal is classified within the lower spectrum of less-than substantial harm to the special interest of the listed building. The removal of the shelving would enable the refurbishment of the room that would generate sufficient benefits for the use of the Town Hall to outweigh the expected harm. The issues that were raised with regard to the proposal by the Planning Committee at the 5 March 2020 meeting were taken into consideration and addressed by the Applicant prior to the resubmission of the application. Therefore, the proposal is considered to comply with the statute and national/local policies for the protection of designated heritage assets and consequently there are no objections to its approval.

18.0 Recommendation to the Committee

- 18.1 The Officer recommendation to the Committee is for:

APPROVAL of Listed Building Consent subject to the following conditions:

1. ZAB: Time Limits for LBCs

The works hereby permitted shall begin before the expiration of 3 years from the date of this consent.

Reason: To comply with the requirements of Section 18(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.

2. ZLA: Only Works Shown Within Application

This approval is limited to the works shown on the approved drawing:

- COR 4011856 - 02: Ground Floor-Former Law Library,

and does not indicate approval for associated or enabling works that may be necessary to carry out the scheme. Any further works must be submitted to and approved, in writing, by the Local Planning Authority prior to any work commencing.

Reason: For the avoidance of doubt as to the scope of the permission and to ensure that the historic building is preserved from any other potentially harmful works.

3. ZLR: Making good

Within one month of the works being carried out, all adjoining surfaces which have been disturbed by the works (including brickwork, plaster and floor tiles) shall be made good with materials and finishes to match those of existing undisturbed areas.

Reason: In order to preserve the historic character of the listed building.

19.0 Informatives

19.1 The following informatives are also recommended:

1. ZUA: Informative on All Listed Building Consents

PLEASE NOTE: This listed building consent relates solely to the plans, drawings, notes and written details submitted with the application or as subsequently amended in writing and referred to in this notice. Any variation of the works or additional works found necessary before work starts or while work is in progress or required under the Building Regulations, or by the County Fire Services or environmental health legislation may only be carried out after approval by the Local Planning Authority. Unauthorised modifications, alterations or works not covered by this consent may constitute an offence under Section 9 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and may render the applicant, owner(s), agent and /or contractors liable to enforcement action and/or prosecution.

27th May 2021

| | | | |
|----------------|-------------------------------------------------------------------------|--------|--------------|
| Report of | Assistant Director of Place and Client | Author | Karen Syrett |
| Title | Applications Determined in Accordance with Officer Scheme of Delegation | | |
| Wards affected | All | | |

1. Executive Summary

- 1.1 This report gives details of those applications which have been determined under the interim arrangements since the last update which was provided at the meeting on 18th March 2021. The revised scheme of delegation was agreed at the Committee's meeting on 21st January 2021 to provide for the determination of planning applications for the duration of the operation of virtual meetings. This arrangement has now been paused and a report will be presented to the Committee in June.

2. Recommended Decision

- 2.1 To note the applications listed in the attached Appendix which have been determined under the revised scheme of delegation.

Appendix 1

Details of Applications determined in accordance with the Scheme of Delegation to the Assistant Director of Place and Client

| App. Ref. | Site | Description | Ward | Recommendation | Decision |
|-----------|-------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------|----------------|----------|
| 200216 | Northern Gateway Sports Park | Variation of Conditions to permit an alternative cycle/footway access route for the occupation of the site, with subsequent installation of the previously approved Severalls Lane bridge works (parapet) and the J28 (A12) pedestrian crossing within 12 months of first occupation of the development | Rural North | Approval | Approval |
| 210320 | 1 Thracian Close, Colchester. | Conversion of garage adjoining house to provide two additional rooms (dining room & study) within existing garage space | Shrub End | Approval | Approval |
| 210269 | St Nicholas Square | The rearranging of the existing gravestones currently located in the two enclosed grassed plots of land in the centre of St Nicholas Square | Castle | Approval | Approval |
| 201635 | 142 Hythe Hill | Office to residential conversion to 10 flats under Class O General Permitted Development Order (2015) As amended | Old Heath & The Hythe | Approval | Approval |

