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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)





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

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 12<sup>th</sup> 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

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](http://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).