

Planning Committee Meeting

**Grand Jury Room, Town Hall, High Street,
Colchester, CO1 1PJ**

Thursday, 28 April 2016 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. Attendance between 5.30pm and 5.45pm will greatly assist in noting the names of persons intending to speak to enable the meeting to start promptly.

Information for Members of the Public

Access to information and meetings

You have the right to attend all meetings of the Council, its Committees and Cabinet. You also have the right to see the agenda, which is usually published five working days before the meeting, and minutes once they are published. Dates of the meetings are available at www.colchester.gov.uk or from Democratic Services. Occasionally meetings will need to discuss issues in private. This can only happen on a limited range of issues, which are set by law. When a committee does so, you will be asked to leave the meeting.

Have Your Say!

The Council values contributions from members of the public. Under the Council's Have Your Say! policy you can ask questions or express a view to most public meetings. If you wish to speak at a meeting or wish to find out more, please refer to Your Council> Councillors and Meetings>Have Your Say at www.colchester.gov.uk

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The Council audio records all its public meetings and makes the recordings available on the Council's website. Audio recording, photography and filming of meetings by members of the public is also permitted. The discreet use of phones, tablets, laptops, cameras and other such devices is permitted at all meetings of the Council. It is not permitted to use voice or camera flash functionality and devices must be kept on silent mode. Councillors are permitted to use devices to receive messages and to access papers and information via the internet and viewing or participation in social media is at the discretion of the Chairman / Mayor presiding at the meeting who may choose to require all devices to be switched off at any time.

Access

There is wheelchair access to the Town Hall from St Runwald Street. There is an induction loop in all the meeting rooms. If you need help with reading or understanding this document please take it to the Library and Community Hub, Colchester Central Library, 21 Trinity Square, Colchester or telephone (01206) 282222 or textphone 18001 followed by the full number that you wish to call and we will try to provide a reading service, translation or other formats you may need.

Facilities

Toilets with lift access, if required, are located on each floor of the Town Hall. A water dispenser is available on the first floor and a vending machine selling hot and cold drinks is located on the ground floor.

Evacuation Procedures

Evacuate the building using the nearest available exit. Make your way to the assembly area in the car park in St Runwald Street behind the Town Hall. Do not re-enter the building until the Town Hall staff advise you that it is safe to do so.

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telephone (01206) 282222 or textphone 18001 followed by the full number you wish to call
e-mail: democratic.services@colchester.gov.uk

www.colchester.gov.uk

Material Planning Considerations

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

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

The following approach should be taken in all planning decisions:

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

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

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

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

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

The above list is not exhaustive

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

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

- matters specifically controlled through other legislation

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

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

Planning Obligations

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

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

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

Human Rights, Community Safety and Equality and Diversity Implications

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

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

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

Using Planning Conditions or Refusing Planning Applications

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

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

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

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

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

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

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

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



Colchester Borough Council Development Management

Highway Safety Issues

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

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

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

Parking Standards

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

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

For residential schemes:

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

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



Colchester Borough Council Environmental Control

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

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

Best Practice for Construction Sites

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

Noise Control

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

Emission Control

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

Best Practice for Demolition Sites

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

Noise Control

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

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

Emission Control

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

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

Class A1. Shops

Use for all or any of the following purposes—

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

Class A2. Financial and professional services

Use for the provision of —

- (a) financial services, or
 - (b) professional services (other than health or medical services), or
 - (c) any other services (including use as a betting office)
- which it is appropriate to provide in a shopping area, where the services are provided principally to visiting members of the public.

Class A3. Restaurants and cafes

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

Class A4. Drinking establishments

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

Class A5. Hot food takeaways

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

Class B1. Business

Use for all or any of the following purposes—

- (a) as an office other than a use within class A2 (financial and professional services),
 - (b) for research and development of products or processes, or
 - (c) for any industrial process,
- being a use which can be carried out in any residential area without detriment to the amenity of that area by reason of noise, vibration, smell, fumes, smoke, soot, ash, dust or grit.

Class B2. General industrial

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

Class B8. Storage or distribution

Use for storage or as a distribution centre.

Class C1. Hotels

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

Class C2. Residential institutions

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

Use as a hospital or nursing home.

Use as a residential school, college or training centre.

Class C2A. Secure residential institutions

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

Class C3. Dwellinghouses

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

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

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

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

Class C4. Houses in multiple occupation

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

Class D1. Non-residential institutions

Any use not including a residential use —

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

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

(c) for the provision of education,

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

(e) as a museum,

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

(g) as a public hall or exhibition hall,

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

Class D2. Assembly and leisure

Use as —

(a) a cinema,

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

(d) a dance hall,

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

Sui Generis Uses

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

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

Interpretation of Class C3

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

Interpretation of Class C4

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

Deferral and Recommendation Overturn Procedure (DROP) Flowchart

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

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



COLCHESTER BOROUGH COUNCIL
Planning Committee
Thursday, 28 April 2016 at 18:00

Member:

Councillor Jon Manning
Councillor Jessica Scott-Boutell
Councillor Peter Chillingworth
Councillor Helen Chuah
Councillor Jo Hayes
Councillor Pauline Hazell
Councillor Brian Jarvis
Councillor Mike Lilley
Councillor Jackie Maclean
Councillor Patricia Moore
Councillor Philip Oxford
Councillor Rosalind Scott

Chairman
Deputy Chairman

Substitutes:

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

Councillors Christopher Arnold, Lyn Barton, Tina Bourne, Roger Buston, Nigel Chapman, Barrie Cook, Nick Cope, Robert Davidson, Beverly Davies, John Elliott, Annie Feltham, Bill Frame, Ray Gamble, Martin Goss, Dominic Graham, Annesley Hardy, Marcus Harrington, Dave Harris, Julia Havis, Peter Higgins, Theresa Higgins, Darius Laws, Cyril Liddy, Sue Lissimore, Ben Locker, Fiona Maclean, Kim Naish, Nigel Offen, Gerard Oxford, Chris Pearson, Peter Sheane, Paul Smith, Dennis Willetts, Julie Young and Tim Young.

AGENDA - Part A

(open to the public including the press)

Members of the public may wish to note that Agenda items 1 to 6 are normally brief and agenda items may be considered in a different order if appropriate.

An Amendment Sheet is available on the Council's website by 4:30pm on the day before the meeting (see Planning and Building, Planning Committee, Planning Committee Latest News). Members of the public should check that there are no amendments which affect the application in which they are interested. Members of the public please note that any further information which they wish the Committee to consider must be received by 5pm two days before the meeting in order for it to be included on the Amendment Sheet. With the exception of a petition, no written or photographic material can be presented to the Committee during the meeting.

1 Welcome and Announcements

- a) The Chairman to welcome members of the public and Councillors and to remind all speakers of the requirement for microphones to be used at all times.
- (b) At the Chairman's discretion, to announce information on:
 - action in the event of an emergency;

- mobile phones switched to silent;
- the audio-recording of meetings;
- location of toilets;
- introduction of members of the meeting.

2 Have Your Say! (Planning)

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

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

3 Substitutions

Members may arrange for a substitute councillor to attend a meeting on their behalf, subject to prior notice being given. The attendance of substitute councillors must be recorded.

4 Urgent Items

To announce any items not on the agenda which the Chairman has agreed to consider because they are urgent, to give reasons for the urgency and to indicate where in the order of business the item will be considered.

5 Declarations of Interest

The Chairman to invite Councillors to declare individually any interests they may have in the items on the agenda. Councillors should consult Meetings General Procedure Rule 7 for full guidance on the registration and declaration of interests. However Councillors may wish to note the following:-

- Where a Councillor has a disclosable pecuniary interest, other pecuniary interest or a non-pecuniary interest in any business of the authority and he/she is present at a meeting of the authority at which the business is considered, the Councillor must disclose to that meeting the existence and nature of that interest, whether or not such interest is registered on his/her register of Interests or if he/she has made a pending notification.
- If a Councillor has a disclosable pecuniary interest in a matter being considered at a meeting, he/she must not participate in any discussion or vote on the matter at the meeting. The Councillor must withdraw from the room where the meeting is being held unless he/she has received a dispensation from the Monitoring Officer.
- Where a Councillor has another pecuniary interest in a matter being considered at a meeting and where the interest is one which a member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely

to prejudice the Councillor's judgement of the public interest, the Councillor must disclose the existence and nature of the interest and withdraw from the room where the meeting is being held unless he/she has received a dispensation from the Monitoring Officer.

- Failure to comply with the arrangements regarding disclosable pecuniary interests without reasonable excuse is a criminal offence, with a penalty of up to £5,000 and disqualification from office for up to 5 years.

6.1 **Minutes of the meeting on 17 March 2016** 17 - 32

6.2 **Minutes of meeting on 31 March 2016** 33 - 36

7 **Planning Applications**

In considering the planning applications listed below, the Committee may choose to take an en bloc decision to agree the recommendations made in respect of all applications for which no member of the Committee or member of the public wishes to address the Committee.

7.1 **160423 Hunters Rough, 18 Chitts Hill, Colchester** 37 - 44

Variation of condition 2 of planning permission 131538 to allow for provision of access to neighbouring field for maintenance purposes.
[See Planning Application Online Case File here](#)

7.2 **160262 Land to the rear of Lancaster Toyota, Axiel Way, Colchester** 45 - 52

Proposed erection of a foul drainage pumping station.
[See Planning Application Online Case File here](#)

7.3 **160021 19 Oxford Road, Colchester** 53 - 66

Construction of a detached garage to complement the existing property. Access via Keble Close by making an opening in the existing red brick wall. The existing wall is unsafe and requires rebuilding from ground level upwards.
[See Planning Application Online Case File here](#)

7.4 **160379 Clarendon Way, Colchester** 67 - 76

Application to remove/vary condition 2 and 17 of planning permission 145356. (Erection of 18 residential apartments, access and car parking).
[See Planning Application Online Case File here](#)

7.5 **160605 New Potts Farm, Lower Road, Peldon** 77 - 82

Application for a new grain store to store grain to 4m.
[See Planning Application Online Case File here](#)

8 **Exclusion of the Public (not Scrutiny or Executive)**

In accordance with Section 100A(4) of the Local Government Act 1972 to exclude the public, including the press, from the meeting so

that any items containing exempt information (for example confidential personal, financial or legal advice), in Part B of this agenda (printed on yellow paper) can be decided. (Exempt information is defined in Section 100I and Schedule 12A of the Local Government Act 1972).

Part B

(not open to the public including the press)

Planning Committee

Thursday, 17 March 2016

Attendees: Councillor Peter Chillingworth (Group Spokesperson), Councillor Helen Chuah (Member), Councillor Jo Hayes (Member), Councillor Brian Jarvis (Member), Councillor Michael Lilley (Member), Councillor Jackie Maclean (Member), Councillor Jon Manning (Chairman), Councillor Patricia Moore (Member), Councillor Jessica Scott-Boutell (Deputy Chairman)

Substitutes: Councillor Nigel Chapman (for Councillor Pauline Hazell), Councillor Gerard Oxford (for Councillor Philip Oxford), Councillor Julie Young (for Councillor Rosalind Scott)

289 Site Visits

Councillors Chapman, Chillingworth, Chuah, Hayes, Hazell, Jarvis, Maclean, Manning, Moore, G. Oxford and Scott-Boutell attended the site visits.

290 Minutes of 4 February 2016

The minutes of the meeting held on 4 February 2016 were confirmed as a correct record.

291 Minutes of 18 February 2016

The minutes of the meeting held on 18 February 2016 were confirmed as a correct record.

292 Minutes of 3 March 2016

The minutes of the meeting held on 3 March 2016 were confirmed as a correct record.

293 152826 Land to east of Warren Lane and west of Dyers Road, Stanway

Councillor J. Maclean (in respect of her spouse's previous employment at the application site) declared a non-pecuniary interest pursuant to the provisions of Meetings General Procedure Rule 7(5).

The Committee considered an application for full planning permission for the development of the site for 93 dwellings, public open space, landscaping, access and

car parking at land east of Warren lane and west of Dyers Road, Stanway. The application had been referred to the Committee because it was a major application which had generated objections and a Section 106 legal agreement was required. The Committee had before it a report and an amendment sheet in which all the information was set out. The Committee made a site visit in order to assess the impact of the proposals upon the locality and the suitability of the proposals for the site.

Alistair Day, Principal Planning Officer, presented the report and, together with the Simon Cairns, Major Development and Projects Manager, assisted the Committee in its deliberations.

Robin Matthews addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in opposition to the application. He explained that he was speaking on behalf of residents of the house called Streamlines and others living adjacent to the application site. Streamlines was an exemplary building and a rare example of the art deco movement which warranted more attention. He was of the view that the proposals would compromise the setting and design qualities of the building. His concerns were in relation to loss of privacy, overlooking and light pollution and the loss of hedgerows and other amenities.

Lauren Dooley addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in support of the application. She referred to the site having been designated for development since 2010 on the basis of its sustainability. The proposals accorded in full with the design brief as well as providing an improved roundabout. There would be a mix of homes, including affordable housing as well as education, community and open space contributions. The proposals had been carefully designed with parking spaces exceeding the relevant guidelines. She acknowledged the objection received in relation to the building called Streamlines and confirmed that the plots closest to this site would be 12 metres from the boundary line and, as such, were in accordance with the required standards.

Some Committee members voiced various concerns relating to the impact of the development in terms of urban design principles, density of plot size, traffic and highway developments in relation to the local road network, speed limits for the roads in the development, light pollution from additional illumination from the development and the provision of play areas, refuse collection facilities and dog waste bins. More detail was requested in relation to the conditions heads and the comments provided by the Archaeological Officer, particularly in view of the close proximity of Gosbecks Archaeological Park. Reference was also made regarding the impact of the development on local schools and the fact that the Education Authority had not requested a contribution for Secondary school places. The provision of a crossing point along Warren Lane was also considered to be essential and a request was made for the developers to arrange for broadband ducting to be included in the construction phase for the development and for consideration to be given to the provision of solar panels and electric car charging points. The comments made in relation to the building known as

Streamlines were acknowledged but, as the land had been designated for development in the Local Plan and Streamlines was not a Listed Building or included in the Local List, the application was appropriate in land use terms.

The Principal Planning Officer explained that there would be no loss of private amenity and the existing hedging, including the trees, would be retained. As such, the building known as Streamlines would not be adversely affected by the development. A geophysical survey of the site had been undertaken which had revealed no evidence of significant buried remains and the Archaeological Officer had requested trial trenches to be dug at points where anomalies had been revealed and had included a condition requiring further investigations as the development progressed. He went on to explain that the open space provision was well in excess of the adopted standards, the scheme had been designed to comply with Street Services standards for refuse collection and the house types were not dissimilar to that used in developments at the Garrison and at Bergholt Road. He confirmed that it would be possible to add a condition to control the level of added illumination as a consequence of the development as well as the retention of hedgerows. However, he explained that incorporation of energy efficient measures such as solar panels was a matter to be dealt with by Building Regulations and he was of the view that it would be preferable to consider the provision of car charging points by means of an informative rather than a condition. He added that parking standards were being met, with the majority being provided within the curtilage of each dwelling, together with 24 visitor spaces. The road widths within the development were wider than some used elsewhere in the Borough which overcame potential access problems due to on-street parking. The Highway Authority had not considered there would be any adverse impact in relation to safety and congestion, whilst the Education Authority had required contributions for early years and primary provision. He also confirmed that, other than the spine road, the road network within the development would be designed to 20 mph.

RESOLVED (TEN voted FOR, ONE voted AGAINST and ONE ABSTAINED) that –

(i) Subject to additional conditions to provide for:

- the control of additional lighting levels from the development;
- retention of the hedgerow along the north side boundary to 'Burrows';
- the installation of ducting for Broadband during the construction of the development

and additional informatives to provide for:

- a request to the Highway Authority to consider the construction of pedestrian crossing points at Warren Lane;
- 20 mph speed restrictions to the road network, excluding the spine road;
- Car charging points being offered as an option by the developer to prospective purchasers

the Head of Commercial Services be authorised to enter into and complete a legal

agreement under Section 106 of the Town and Country Planning Act 1990 within six months from the date of the Committee meeting, to provide the following:

- Affordable Housing – 20% (19 units to reflect the private sale mix or such other mix as agreed by the Council's Housing Development Officer);
- Education - £116,159 for 8.3 additional Early Years and Childcare places and £339,599 for 28 primary places;
- Community Facilities – extension to the Lakelands Community Centre - £135,000;
- Open Space – strategic sport and recreation facilities £328,000 (improvements and maintenance of the Stanway Country Park and £73,332 for the off-site provision of a NEAP (improvement of the existing play area at Swift Avenue);
- On-site open space to be maintained by a management company, the open space is to be available for free public use in perpetuity;
- The timely delivery of the spine road to the site boundary;
- All sums to be index linked

(ii) In the event that the legal agreement is not signed within six months from the date of the Planning Committee meeting, to delegate authority to the Head of Commercial Services to have discretion to refuse the application, or otherwise to be authorised to grant planning permission subject to the following conditions heads:

- Time Limit for Full Permissions (standard);
- Development to Accord with Approved Plans (standard);
- Site Levels;
- Drainage (as recommended by the LLFA);
- Flooding (as recommended by Anglian Water);
- Materials shown on Plan to be Excluded (standard);
- Architectural Details to be agreed;
- Boundary walls to be constructed of brick;
- Tree Protection and Monitoring (standard);
- Landscape Proposals (standard);
- Landscape Management Plan (standard);
- Ecology Mitigation and Enhancement (non-standard);
- No occupation until roundabout has been completed (non-standard);
- Estate Carriageway Construction (standard);
- Car parking spaces to be retained;
- Travel plan (standard);
- Cycle Parking (non-standard);
- Construction Method Statement (non-standard);
- Contamination (standard);
- Removal of PD Rights for extensions.

294 160224 Colchester Sports and Social Club, Bromley Road, Colchester

Councillor Chuah (due to a perception that she may have pre-determined the application) declared an other interest pursuant to the provisions of Meetings General Procedure Rule 7(5) and left the meeting during its consideration and

determination.

The Committee considered an application for the erection of twelve dwelling houses with associated parking and improvements to existing access at Colchester Sports and Social Club, Bromley Road, Colchester. The application had been referred to the Committee because it was a major application which had generated objections and a Section 106 legal agreement was required. The Committee had before it a report and an amendment sheet in which all the information was set out. The Committee made a site visit in order to assess the impact of the proposals upon the locality and the suitability of the proposals for the site.

RESOLVED (UNANIMOUSLY) that –

(i) Subject to Sport England withdrawing their holding objection, the Head of Commercial Services be authorised to enter into and complete a legal agreement under Section 106 of the Town and Country Planning Act 1990 within six months from the date of the Committee meeting, to provide the following:

- To allow the football club to continue to operate under their existing arrangements until such time that the land is transferred to the Council;
- Not to commence the residential development until the two adult pitches have been repositioned on site to a specification that shall have previously been agreed with the Council;
- The new pitches shall be constructed at the owners expense;
- The two fit for purpose adult playing pitches, club house and ancillary land shall be transferred (freehold) to the Council without undue restrictions

(ii) In the event that the legal agreement is not signed within six months from the date of the Planning Committee meeting, to delegate authority to the Head of Commercial Services to have discretion to refuse the application, or otherwise to be authorised to grant planning permission subject to the following conditions heads:

- Time (standard);
- Approved Plans (standard);
- Site Levels;
- Materials (standard);
- Architectural Details;
- Landscaping (standard);
- Monitoring (standard);
- Tree Protection and Monitoring;
- Ecology;
- Construction Method Statement (non-standard);
- Asbestos (standard);
- Drainage and flooding;
- Sport pitch conditions;
- Highway conditions;
- Cycle parking.

295 152733 Severalls Hospital, Boxted Road, Colchester

Councillor Chuah (in respect of her former employment at the Hospital) declared a non-pecuniary interest pursuant to the provisions of Meetings General Procedure Rule 7(5).

The Committee considered an application for approval of reserved matters following outline approval 151401 for erection of 730 new build residential dwellings, open space, landscaping, parking, access and associated infrastructure and an application for full planning permission for highway improvements to facilitate the redevelopment of the site both at Severalls Hospital, Boxted Road, Colchester. The applications had been referred to the Committee because the Council was involved in the redevelopment of the building. The Committee had before it a report and an amendment sheet in which all the information was set out. The Committee made a site visit in order to assess the impact of the proposals upon the locality and the suitability of the proposals for the site.

Alistair Day, Principal Planning Officer, presented the report and, together with Simon Cairns, the Major Development and Projects Manager, assisted the Committee in its deliberations.

Lauren Dooley addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in support of the application. She explained that the site had been allocated for residential development for some time and the application reflected changes in market conditions, constraints of trees needing to be retained and the retained use of some of the site by the NHS. There had been regular meetings with Planning Officers to shape and form the proposals which included the retention of some of the original buildings which would be carefully restored for re-use. In addition, the proposals would strive to retain the character of the existing landscape and to retain or replace trees, where possible. She explained the mitigation arrangements for wildlife as well as the affordable housing and wheelchair accessibility elements.

Councillor Goss attended and, with the consent of the Chairman, addressed the Committee. He welcomed a lower density development than that originally envisaged as well as the good communication which had been developed between the consortium of developers, Myland Community Council and Mile End ward councillors. He requested consideration to the provision of electric car charging points on the development but he was most concerned about the proposals for construction traffic movements to share the access to the nearby primary school currently under construction. In particular he considered it to be essential that a condition be imposed to prevent the use of the school access by construction vehicles at school drop off and pick up times. He also referred to the need for the construction traffic to follow the designated routes proposed, for the use of Mill Road to be kept to a minimum and for the use of Boxted Road to be avoided. He considered the proposals for the site to be developed by three developers concurrently would mean the site was likely to be very busy and that diligence needed to be taken in relation to house-keeping arrangements such as regular road sweeping. He also

referred to the proposals for superfast broadband by means of a communal dish system but he wasn't sure this would be adequate.

Members of the Committee largely welcomed the improvements to the application since its original consideration by the Committee, particularly in relation to density and the positive comments made by the ward councillor and the Community Council in its formal representation to the application. Nevertheless, reference was made to the potential conflict at certain times of the day of the shared school access by construction vehicles and the need for appropriate restrictions to be applied within the relevant proposed condition. In this regard, the Committee were disappointed that this had not merited a specific comment from the Highway Authority which would have been helpful for them in their consideration. Concern was also expressed regarding the potential for on street parking despite parking provision being in accordance with the relevant guidance, given the potential for garage spaces to be used for storage rather than parking. Particular comment was made in relation to the benefit of providing car charging points, especially given recent information provided to them in relation to Air Quality, the provisions contained within Section 35 of the National Planning Policy Framework for developments to include facilities for charging low emission vehicles and statistics which had evidenced that Mile End had recorded above average deaths from respiratory disease.

The Principal Planning Officer explained that he had corresponded in relation to the broadband satellite dish and understood this to be a dedicated arrangement including improved fault report response times. He confirmed that the individual developers would be occupying three different areas of the site and that a proposed condition had been included to provide for safeguards regarding school opening and closing times, which would need careful management by the developers. He also explained that, as there was no adopted policy in relation to the provision of electric car charging points, he did not consider it appropriate to apply a condition to provide for these, in particular given the consortium had indicated its willingness to offer these to prospective purchasers as part of the optional extra packages at the point of sale. The parking proposals, at 2.55 per dwelling, were well above standard requirements, with the majority of spaces being within the curtilage of dwellings. The roads including the spine road were being designed to 20 mph. He confirmed that three dwellings designed to meet disabled person requirements were included in the development, each of which would be two bedroom bungalows. In response to particular questions the Principal Planning Officer also confirmed that proposed conditions already included the provision to retain garage spaces for the parking of cars and the construction traffic management arrangements.

The Major Development and Projects Manager acknowledged the Committee's comments regarding the benefit of more detailed information from the Highway Authority on the proposals but clarified that the references in the report to 'serious concerns' about Highways issues were comments from councillor Goss, not the Highway Authority itself.

RESOLVED –

(i) (UNANIMOUSLY) that in respect of application no 152733, subject to an additional condition to provide for the development to include the installation of charging points for low emission vehicles for each dwelling and existing proposed heads to include the removal of permitted development rights for garage spaces and the restriction and management of construction vehicle movements at the shared school access during times of school pick up/drop off times in addition to the outstanding issues highlighted in the report the Head of Commercial Services be authorised to grant reserved matters planning approval subject to the following heads:

- Time Reserved Matters Applications (standard);
- Development to Accord with Approved Plans (standard);
- Amendment to Specified Plots / house types to address design issues (non-standard);
- Materials referred to in DAS Excluded (non-standard);
- Architectural Detailing (non-standard);
- Front Boundary Treatment in the Core to be brick or brick and railings unless agreed (non-standard);
- Boundary enclosures to rear / side garden that front a public / semi-public space to be brick (non-standard);
- Tree protection and monitoring (non-standard);
- Highway amendments requested by Highway Authority (non-standard);
- No occupation until Boxted Road entrance completed;
- Roads designed to 20 mph details of traffic calming to be agreed (non-standard);
- Occupation trigger for the completion of the spine road (non-standard);
- Estate Carriageway Construction linked to relevant occupation (standard);
- Parking space available (non-standard);
- No construction traffic to use the entrance by the school at school opening / closing times (non-standard);
- Trigger point related to the repair / refurbishment of the retained buildings (non-standard);
- Recording of historic hospital buildings (non-standard);
- Informative controlled parking zone (non-standard).

(ii) (ELEVEN voted FOR and ONE ABSTAINED) that in respect of application no 152794 planning permission be granted, subject to the following heads:

- Time;
- Development in accordance with approved plans;
- No occupation until access has been completed;
- Landscaping details and monitoring;
- Tree protection and monitoring;
- Construction Method Statement.

296 160103 Former Bus Depot, Magdalen Street, Colchester

Councillor Chapman (in respect of his acquaintance with the speaker objecting to the application) declared a non-pecuniary interest pursuant to the provisions of

Meetings General Procedure Rule 7(5).

Councillor J. Maclean (in respect of her Board membership of the Rosemary Almshouses) declared a non-pecuniary interest pursuant to the provisions of Meetings General Procedure Rule 7(5).

The Committee considered an application for demolition of existing buildings and redevelopment of the site to deliver student accommodation (Use Class Sui Generis) across five blocks of one, two, three and four storeys to provide 230 bed spaces (59 cluster flats and 17 studio flats), communal facilities (to include bin stores, cycle stores, site management office, gym and communal amenity areas) as well as undercroft car park (20 car parking spaces), landscaping and a new public pathway through the site at the Former Bus Depot, Magdalen Street, Colchester. The application had been referred to the Committee because it was a major application on which material objections had been received, a legal agreement was required and Councillor T. Higgins had called in the application. The Committee had before it a report and an amendment sheet in which all the information was set out, including a copy of an example Management Plan for one of the applicant's existing sites.

Sue Jackson, Principal Planning Officer, presented the report and, together with Simon Cairns, the Major Development and Projects Manager, assisted the Committee in its deliberations.

Michael Siggs, on behalf of the Winnock's and Kendal's Almshouse Charity, addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in opposition to the application. He explained his concern regarding the integrity of the boundary wall between the development site and the Almshouses. He emphasised that the Almshouse Charity, which had first been established in the 17th century, provided accommodation for poor, elderly, local people who were often near the end of their lives. The imposition of 250 students in close proximity was likely to lead to a very negative impact on the lives of the residents of the Almshouses as their respective lifestyles would be so different. He also voiced concerns about the density of the development and the proposals not being in accordance with the aspirations of the area.

Max Plotnek addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in support of the application. He explained that there had been an extensive pre-application process which had produced a high quality scheme which he considered would be an enhancement to the Magdalen Street area. He acknowledged the concerns expressed in relation to the Almshouses but explained that Historic England, as statutory consultees, had not indicated any objection to the application. He was of the view that the provision of student accommodation by means of this application would preserve the housing stock for local people, he referred to the over provision of parking spaces compared to the relevant standards and the proposed arrangements for 24/7 on site management to promptly deal with any matters of concern.

Councillor T. Higgins attended and, with the consent of the Chairman, addressed the Committee. She referred to the development brief for the site which she considered had been an opportunity to create a vibrant community asset in the area. She was concerned that the proposals were neither vibrant nor small-scale and would create a transient local community which would not be beneficial to the area. She explained that the number of bed spaces had increased to 230 from an original proposal of 200. The proposal would not be an enhancement for the Almshouses which needed to benefit from a clear space between them and the new building. The wall facing the Almshouses, although windowless to prevent overlooking would be featureless and stark whilst Block D would be located too close to the existing housing to the rear. She considered the development proposed was too large and in the wrong place and, as such, would be detrimental to the area. She also referred to the lack of foresight within the proposals as they did not include provision for the roof areas to be used for locating solar panels and there was no reference to the inclusion of ducting for broadband cabling. She went on the question the location of student accommodation in this location, given its distance from the University of Essex. She welcomed the development of the site in principle but considered the current proposals should be refused on the grounds of over development of the site, high density development and its impact on listed buildings.

The Principal Planning Officer responded to the points raised by commenting that proposals included the provision of CCTV along the frontage to Magdalen Street for additional security for students as well as the wider community whilst the Management plan included information as to how neighbour complaints such as noise problems would be dealt with. She acknowledged the building adjacent to the Almshouses included a blank elevation but the demolition of the existing shed building would be of considerable benefit. The proposals included the provision of broadband, Historic England had considered the proposals to be an enhancement to the street scene, the building materials would be brick and the demand for student accommodation was not exclusively from the University but various other educational establishments in the area. She confirmed that there was no provision for solar panels.

Some members of the Committee voiced their concern regarding the close proximity of elderly residents to the site, the difficulty of managing the different lifestyles of the proposed neighbouring communities, the impact on nearby listed buildings and the impact of a transient group of residents in this location. Reference was also made to the proposals not being in keeping with the contents of the development brief, whether the location was appropriate for this type of development and the cramped nature of the proposals at the rear of the site. Suggestions were made regarding the potential to reduce the density of the development and to introduce an outdoor open space area.

Other members of the Committee did not consider the location to be unsustainable as student accommodation and were of the view that it was beneficial to promote mixed communities along with the need to provide for safeguards to address disputes relating to lifestyle differences. It was considered possible for the opportunity to be taken to propose additional conditions to ensure a robust Management Plan was in place to

address neighbour impact issues. Examples were cited, to address such issues including visits by student representatives, eviction action after three reported problems, the imposition of timescales to restrict outdoor noise during the night time and waste management and litter collection measures.

The Principal Planning Officer explained that it was not necessarily possible for a development brief to predict each use which may come forward for consideration. She confirmed there was no standard for amenity space for student accommodation and that it would be possible to specify particular matters for inclusion in a management Plan for the conduct of residents within the accommodation. However, she voiced concerns regarding the ability to enforce provisions restricting activity outside the accommodation at night time.

The Major Development and Projects Manager reminded the Committee that the application was considered to address the aims for the site in a considerable way and that a letter of support had been received from Historic England. He acknowledged concerns from the Committee members regarding the impact on residential amenity but he considered that a refusal of the application would be difficult to sustain.

A proposal which had been seconded, to refuse the application suggested that the Committee may be minded to determine the application contrary to the officer's recommendation in the report on grounds of lack of conformity with the development brief, adverse effect on both the setting of adjacent listed buildings and adjacent communities and over development. In accordance with the Committee's Deferral and Recommendation Overturn Procedure (DROP) the Chairman invited the Major Development and Projects Manager to indicate the likely implications should the Committee overturn the Officer's recommendation in this instance.

The Major Development and Projects Manager advised against refusal on the grounds of adverse impact on amenity and in relation to its adherence to the development brief. He referred to the application having satisfied a number of aspirations for the area and the need for sound evidence to justify and substantiate a refusal. He explained that the proposal was for a quasi-residential use which could be made acceptable by the imposition of conditions. He also referred to an absence of sound reasons for refusal having the potential for costs to be awarded against the Council. In the light of this advice the Chairman determined that the DROP be invoked.

RESOLVED that the Deferral and Recommendation Overturn Procedure be invoked and a further report be submitted to the Committee giving details of the risks to the Council, the financial implications, possible reasons for refusal as well as advice on whether representations constituted evidence to support reasons for refusal and proposed provisions to be included in an accommodation Management Plan to address instances of noise, disturbance and littering.

297 151886 Land adjacent North and South of Grange Road, Tiptree

The Committee considered a Reserved Matters application following outline approval (122134) for the approval of appearance, landscaping, layout and scale for 103 residential units with associated landscape and highway works, along with the provision of public open space (including a new village green and allotments) and other ancillary infrastructure and works including drainage provision at land adjacent to the north and south of Grange Road, Tiptree. The application had been referred to the Committee following The Committee's request to consider the details at the time of outline permission being granted. The Committee had before it a report and an amendment sheet in which all the information was set out.

Mark Russell, Principal Planning Officer, presented the report and assisted the Committee in its deliberations.

Steve Bays, on behalf of Tiptree Parish Council, addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in opposition to the application. He explained that the Parish Council were not opposed to the development of the site but was seeking a fair allocation from the Section 106 Agreement. As the number of bedrooms included in the application had increased from that agreed at outline approval stage then the basis of the Section 106 Agreement should be revisited. He referred to previous agreements in relation to developments at Florence Park not being honoured and the multi-use games area not being available for use by the residents of Tiptree. He also referred to enforcement issues in relation to the development at Warrior's Rest which had yet to be addressed.

Iain Hill addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in support of the application. He referred to the reserved matters planning approval and the subsequent signing of a Section 106 Agreement which included contributions amounting to £350,000. The applicant had worked with Council officers to achieve a high quality development with low density, using traditional materials and providing a buffer between existing residents. He considered it to be a balanced scheme providing a mixed and sustainable community to which there had been no objections from statutory consultees.

The Planning Officer explained that reference to enforcement matters was not within the remit of the Committee's consideration of this application. He also confirmed that, as no provision had been made at the outline application stage for the Section 106 Agreement to be subject to a review and the number of dwellings had not been altered, there was no scope to enter into further negotiations regarding the contents of that Agreement.

RESOLVED (TEN voted FOR and TWO voted AGAINST) that, subject to the legal agreement under Section 106 of the Town and Country Planning act 1990 being amended to refer to St Luke's Church in lieu of Factory Hall within six months from the date of the Committee meeting, the Head of Professional Services be authorised to approve the application and, in the event that the agreement is not so amended within

six months of the date of the meeting, to delegate authority to the Head of Professional Services to refuse the application or otherwise be authorised to complete the agreement to provide for the conditions as set out in the report.

298 150702 Homecroft, Chapel Lane, West Bergholt

Councillor Chuah (in respect of her acquaintance with the owners of a property to the rear of the application site) declared a non-pecuniary interest pursuant to the provisions of Meetings General Procedure Rule 7(5).

Councillor Lilley (in respect of his acquaintance with the agent for the application) declared a non-pecuniary interest pursuant to the provisions of Meetings General Procedure Rule 7(5).

The Committee considered an application for the proposed formation of a private drive, erection of three detached bungalows, extensions and alterations to an existing bungalow, erection of garages and provision of associated parking facilities at Homecroft, Chapel Lane, West Bergholt. Consideration of the application had been deferred by the Committee at its meeting in October 2015 so that negotiations could take place to secure improvements in relation to the prominence of the proposed dwelling of Plot 1 and design of bungalows being in mind the context of the village scene and the reinstatement of hedges to the highway. The Committee had before it a report in which all the information was set out.

RESOLVED (ELEVEN voted FOR and ONE ABSTAINED) that the application be approved subject to the conditions set out in the report.

299 152755 Winsley's House, High Street, Colchester

Councillor Chuah (in respect of her acquaintance with the applicant) declared a non-pecuniary interest pursuant to the provisions of Meetings General Procedure Rule 7(5).

Councillor Scott-Boutell (in respect of her acquaintance with the applicant) declared a non-pecuniary interest pursuant to the provisions of Meetings General Procedure Rule 7(5).

Councillor J. Young (in respect of her acquaintance with the applicant) declared a non-pecuniary interest pursuant to the provisions of Meetings General Procedure Rule 7(5).

The Committee considered an application for a proposed timber framed and timber shiplap clad mobile scooter enclosure at Winsley's House, High Street, Colchester. The application had been referred to the Committee because the application had been called in by Councillor Laws. The Committee had before it a report in which all the information

was set out.

Carl Allen, Planning Officer, presented the report and assisted the Committee in its deliberations.

Duncan MacDiarmid, Chairman of Greyfriars Court Property Management Company, addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in opposition to the application. He referred to a number of omissions contained in the application and the excessive height of the proposed scooter store which would tower above the boundary fencing. In addition, he explained that no information was provided to indicate the number of scooters to be stored and he was also concerned that the store may be used to undertake repair work, no indication was given regarding the number of days and hours of operation and the security implications associated with the inappropriate location of the store in what was intended to be a gated development.

Tracy Fortescue addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in support of the application. She explained that Colchester Community Voluntary Service was a charity offering better life opportunities to people needing support. Winsley's House had been purchased in 2004 with full access to the rear of the property. C CVS had offered to pay for maintenance work for its neighbours whilst Oakpark Security was employed to ensure the rear of the properties remained fully secure at all times. It was further explained that users of the mobility scooters were generally dropped off at the perimeter of the site from where they collected the scooters which ensured there were no adverse health and safety issues of concern.

Councillor Laws attended and, with the consent of the Chairman, addressed the Committee. He was supporting the residents of Greyfriars Court which was considered a tranquil and well managed place to live. The residents had generally down-sized in order to live in a safe and secure environment. He referred to concerns regarding the nature and flammable properties of the store structure and its close proximity to a listed building as well as the security implications bearing in mind recent instances of burglaries in the area.

The Planning Officer explained that the store structure would be expected to be treated with fire retardant material which would be the subject of Building regulations approval. He also suggested the possibility of adding a further condition to restrict the use of the enclosure to the storage of mobility scooters only.

RESOLVED (ELEVEN voted FOR and ONE ABSTAINED) that the application be approved subject to the conditions set out in the report and an additional condition to provide for a restriction on the use of the store for mobility scooters only.

300 160023 185 Butt Road, Colchester

The Committee considered an application for the erection of a single storey rear

extension to provide a family room, wc and boot room and the erection of 1½ storey single garage to the side of the existing dwelling (on the footprint of the pre-existing garage) with a home office in attic storey at 185 Butt Road, Colchester. The application had been referred to the Committee because the applicant was a relative of a member of staff. The Committee had before it a report in which all the information was set out.

RESOLVED (ELEVEN voted FOR and ONE ABSTAINED) that the application be approved subject to the conditions set out in the report.

301 160211 7 Wesley Avenue, Colchester

Councillor G. Oxford (in respect of his acquaintance with the applicant) declared a non-pecuniary interest pursuant to the provisions of Meetings General Procedure Rule 7(5).

The Committee considered an application for a single storey front extension at 7 Wesley Avenue, Colchester. The application had been referred to the Committee because the agent worked for the Council on a consultancy basis. The Committee had before it a report in which all the information was set out.

RESOLVED (ELEVEN voted FOR and ONE ABSTAINED) that the application be approved subject to the conditions set out in the report.

Planning Committee

Thursday, 31 March 2016

Attendees: Councillor Peter Chillingworth (Group Spokesperson), Councillor Jo Hayes (Member), Councillor Pauline Hazell (Member), Councillor Brian Jarvis (Member), Councillor Michael Lilley (Member), Councillor Jackie Maclean (Member), Councillor Jon Manning (Chairman), Councillor Patricia Moore (Member), Councillor Philip Oxford (Group Spokesperson), Councillor Rosalind Scott (Group Spokesperson), Councillor Jessica Scott-Boutell (Deputy Chairman)

Substitutes: Councillor Ray Gamble (for Councillor Helen Chuah)

302 Site Visits

Councillors Chillingworth, Hayes, Hazell, Jarvis, Manning, Moore and Scott-Boutell attended the site visits.

303 Minutes

There were no minutes for confirmation at the meeting.

304 160235 Part garden of 19 St Clare Road, Colchester

The Committee considered an application for the erection of a detached dwelling, garage and new access at 19 St Clare Road, Colchester. The application had been referred to the Committee because it had been called in by Councillor Buston. The Committee had before it a report and an amendment sheet in which all the information was set out. The Committee made a site visit in order to assess the impact of the proposals upon the locality and the suitability of the proposals for the site.

James Ryan, Principal Planning Officer, presented the report and assisted the Committee in its deliberations. He referred to representations requesting a condition to provide obscure glazing to part of the front bay window in order to prevent overlooking and confirmed he maintained his view that this was neither necessary nor appropriate.

Salakchome Stones addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in opposition to the application. She referred to the former designation of St Clare Road as an area of special character and maintained that the road continued to have a special character and a low density and that this should be protected. She was concerned that the proposed dwelling would be very prominent

within the street scene, was overbearing in size and proportion. She considered that, with the removal of the green space, the road would appear over developed and the sub-division of the front garden would be to the detriment and elegance of the road. As such she was of the view that the proposal would cause material harm and conflict with the principles of the National Planning Policy Framework. She further considered that there would be a negative impact on 19 St Clare Road which was not insignificant as it would block daylight and the garden would be overlooked.

Robert Pomery addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in support of the application. He explained that, in developing the proposals before the Committee consideration had been given to the constraints of the site, to maintaining the character of the area and to adhere to the principles of the National Planning Policy Framework. Pre-application meetings had been conducted with the Planning officers, following which, letters had been sent to local residents explaining the intended proposals. He explained that considerable care had been taken in relation to the architectural merits and design of the proposed dwelling, with attention being given to addressing issues such as potential overlooking and the existing distances between dwellings in the road. He acknowledged the concerns of the residents but was of the view that the design was of the highest quality and the Committee report had demonstrated that there were no grounds on which to base a refusal of the application.

Councillor Buston attended and, with the consent of the Chairman, addressed the Committee. He explained that he had called in the application for the reasons set out accurately in the Committee report. He welcomed the courtesy which had been demonstrated by all involved in the application. He drew attention to the special character of the road and the need for this to be preserved despite the loss of the official designation. He considered that the potential overbearing nature of the proposed dwelling had been dismissed too lightly and, although some considered the design to be of high quality, this was a subjective consideration. For people living in the road, the merits of the dwelling were viewed in a different light.

The Principal Planning Officer explained that the special character policy had formed part of a previous Local Planning regime which had been subsequently removed by Government guidance which considered this additional layer of protection was no longer appropriate. Whilst he acknowledged that St Clare Road was one of the most attractive roads in Colchester, he and colleagues were of the view that the proposed dwelling would sit very comfortably within the street scene and, as such, it would be inappropriate to refuse the application. He also couldn't agree that the dwelling would be overbearing as it would be located at a remote distance from other dwellings. The design of the dwelling was of very high quality and, as such, complied with policy whilst the criteria relating to heritage asset were not relevant in relation to the host dwelling as it was not accredited in any way.

Members of the Committee referred to the character of the road and, whilst

acknowledging the importance of maintaining this environment, were of the view that there were no planning reasons upon which a refusal of the application could be based. Reference was also made to the very high quality of the design and the care which had been taken to draw architectural references from other dwellings in the road. Particular comment was also made in relation to the provision of a car charging point, in accordance with Section 35 of the National Planning Policy Framework.

In response to specific questions the Principal Planning Officer confirmed that a proposed condition had been included to provide for a full archaeological investigation and assessment and that he did not consider it appropriate to include a condition to provide for the inclusion of a car charging point.

RESOLVED (UNANIMOUSLY) that the planning application be approved subject to the conditions set out in the report and an additional condition to provide for the installation of a charging point for low emission vehicles.

305 160415 Town Hall, High Street, Colchester

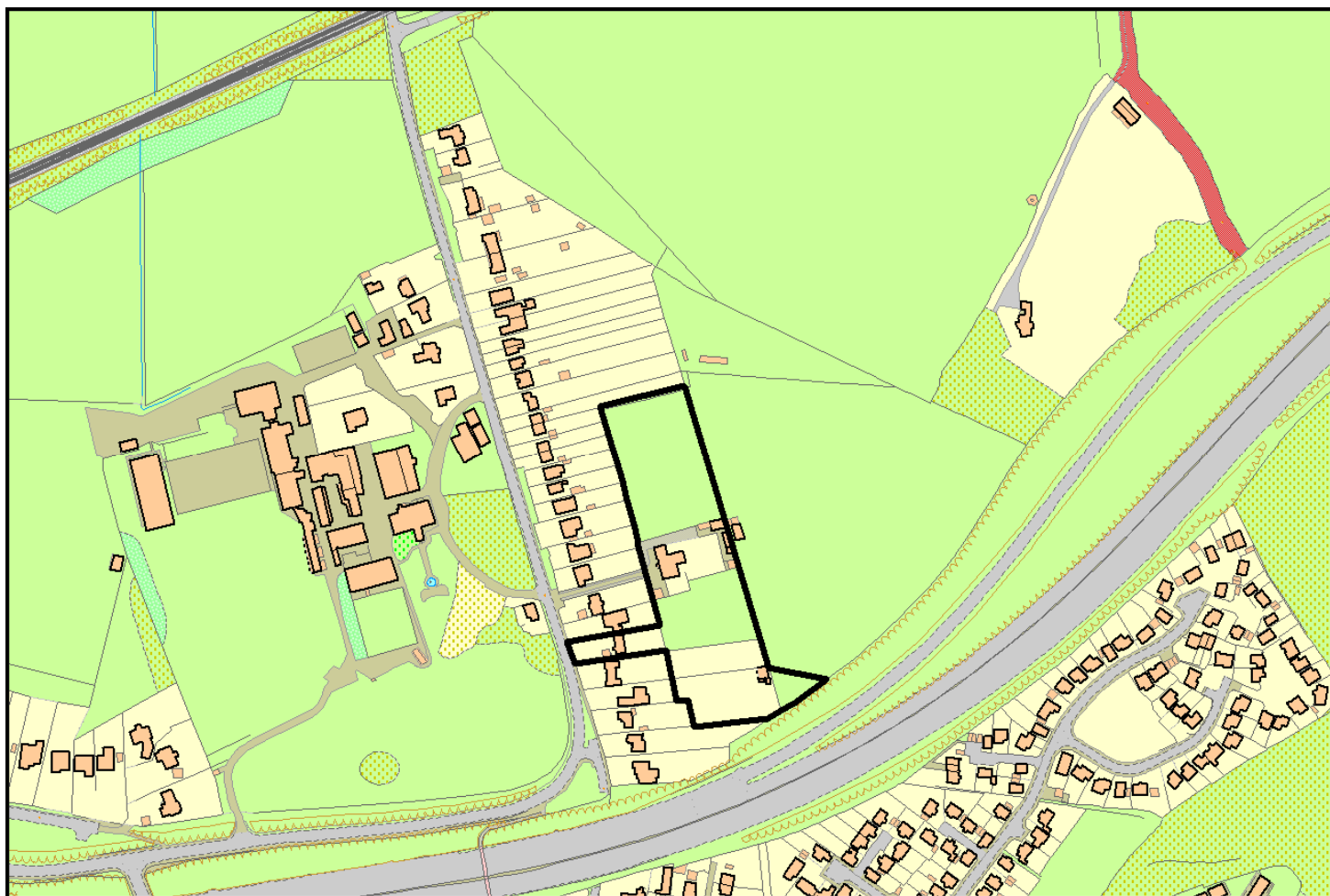
The Committee considered an application for the proposed removal of plasterboard studwork, non-load bearing wall to reinstate an original room size at the Town Hall, High Street, Colchester. The application had been referred to the Committee because the Council was the applicant. The Committee had before it a report in which all the information was set out.

RESOLVED (UNANIMOUSLY) that the application be approved subject to the conditions set out in the report.

306 Proposed Deed of Variation to existing Section 106 Agreement at the Maltings Student Accommodation

The Committee considered a report by the Head of Commercial Services concerning a proposed variation to an existing Section 106 Agreement to allow relevant contributions to be spent on making community space within a student accommodation development fully accessible to all members of the community. It was explained that permission had been granted in November 2013 for the erection of student accommodation at Haven Road, Colchester with a Section 106 Agreement which included, amongst other matters, a contribution of £85,000 towards a community facility and community events within the development. The proposal was to put up to £18,000 of this contribution towards the provision of a lift for the community facility.

RESOLVED (UNANIMOUSLY) that the variation of the Section 106 Agreement as proposed within the report be approved.



Application No: 160423

Location: Hunters Rough, 18 Chitts Hill, Colchester, CO3 9ST

Scale (approx): 1:2500

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Committee Report

Agenda item

7

To the meeting of **Planning Committee**
on: **28th April 2016**
Report of: **Head of Professional/Commercial Services**
Title: **Planning Applications**

7.1 Case Officer: James Ryan Due Date: 16/05/2016

MAJOR

Site: Hunters Rough, 18 Chitts Hill, Colchester, CO3 9ST

Application No: 160423

Date Received: 15 February 2016

Agent: Mr Ross Bain, Vaughan & Blyth Construction Ltd

Applicant: Chitts Hill Llp

Development: Variation of condition 2 of planning permission 131538 to allow for provision of access to neighbouring field for maintenance purposes.

Ward: Lexden

Summary of Recommendation: Conditional Approval

1.0 Reason for Referral to the Planning Committee

1.1 This application is referred to the Planning Committee because it is a major with a linking legal agreement and objections have been received.

2.0 Synopsis

2.1 The key issues explored below are the proposed minor change to the scheme approved by Members in February 2015.

3.0 Site Description and Context

- 3.1 The application site comprises 1.3ha of garden land, much of it the curtilage of the two properties which have consent to be demolished as part of the approved scheme. These are largely open sites having a north and western boundary with gardens of Chitts Hill properties. The southern part of the site has a more wooded character and the entire eastern boundary consists of a strong hedge-line with trees, beyond which lies open meadowland. There are also a number of mature trees just outside the site at its northern end.

4.0 Description of the Proposal

- 4.1 A minor amendment to the approved plans for application 131538 is proposed to allow access to the field to the west.

5.0 Land Use Allocation

- 5.1 The site sits within the settlement limits.

6.0 Relevant Planning History

- 6.1 The planning history most relevant to this scheme is the approved scheme 131538. This was for the demolition of two dwellings and the erection of 16 new detached dwellings of three and four bedrooms with garages at a density of 21 units per hectare. Access was proposed by way of a new cul-de sac-with entrance off the east side of Chitts Hill between existing dwellings.

7.0 Principal Policies

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

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

SD1 - Sustainable Development Locations
UR2 - Built Design and Character
TA5 - Parking

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

DP1 Design and Amenity
DP16 Private Amenity Space for Residential Development
DP19 Parking Standards

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

N/A

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

Backland and Infill
Vehicle Parking Standards
The Essex Design Guide
External Materials in New Developments
Affordable Housing

8.0 Consultations

- 8.1 Highway Authority - does not wish to submit an official recommendation.

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 Non-parished.

10.0 Representations

- 10.1 Two representations have been received. These objected on the following grounds:

- The entrance to Hunters Rough is directly opposite the entrance to Holmwood House School.
- The entrance to Hunters Rough is very narrow.
- There are overhanging trees onto the access road to Hunters Rough.
- There is also very well established vegetation on both sides of the access to Hunters Rough.
- Hunters Rough a 'one vehicle' tree and bush lined entrance, the trees and bushes have been growing there over very many years. I fear that if heavy duty traffic uses this access on a regular basis it will result in uprooting this well-established foliage and cause damage to boundary walls and possibly the trees and foliage in my own garden. I also would like you to note that a JCB was using this access today, 26th February 2016, and starting to dig up the ground.

In response: The points above are of limited relevance for this amendment application which merely seeks to leave a small access point on the eastern boundary of this already consented scheme.

- There is confusion between the application description and the supporting letter which states a maintenance access to the **west** is required.

In response: The agent clarified that this was an error and the letter should have noted 'east'.

- We note that the existing drive to Hunters Rough, 18 Chitts Hill is being used for access by construction vehicles, and although that has been limited to moderately sized vehicles, do you have assurances when a more appropriate access to the site will be available particularly when larger construction vehicles and cranes will be regularly accessing the site?

In response: The agent has confirmed the following: With regard to use of the existing access to no 18 Chitts Hill, yes we will be using that access whilst we demolish No's 12 and 18 Chitts Hill. We will then construct new sewers, install service mains and construct the new estate road up to base course. The access to No 18 will then be shut off and all access will be via the new road. These works are programmed to be completed by the middle of May. All the material deliveries involved in the civil engineering works will be delivered via the new road and the access road to no 18 should only be used for site personnel and visitors parking until the new road becomes available for general use. The access to 18 Chitts Hill will then be shut off.

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

11.0 Parking Provision

- 11.1 This minor change retains the same amount of parking as previously approved.

12.0 Open Space Provisions

- 12.1 This scheme proposes no changes to public open space provisions.

13.0 Air Quality

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

14.0 Development Team and Planning Obligations

- 14.1 This application is classed as a "Major" application and therefore there was a requirement for it to be considered by the Development Team. It was considered that Planning Obligations should be sought via Section 106 (S106) of the Town and Country Planning Act 1990. The Obligations that would be agreed as part of any planning permission would be:

- A linking agreement to the Legal Agreement attached to 131538. It is noted that this has now been signed.

15.0 Report

- 15.1 This scheme proposes a very minor change to the approved layout to allow access to the field to the east for maintenance purposes. This simply involves moving the southern boundary of plot 4 northwards to leave a gap four metres wide for a field access. It sits in a position where there is a section of hedge that was already scheduled for removal.
- 15.2 The agent has clarified that the four metre wide access is needed for the maintenance of the field which is grassed and therefore needs cutting occasionally.

16.0 Conclusion

16.1 The scheme is acceptable and therefore an approval is warranted.

17.0 Recommendation

17.1 APPROVE subject to the following conditions:

18.0 Conditions

1 - Time Limit for Full Permissions

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

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

2 - *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 567/1C, 3, 5, 11- 35, in addition to all those drawings approved under Planning permission 131538.

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

3 - *Removal/Variation of Condition(s) Approval

With the exception of condition(s) 2 of Planning Permission 131538 which are hereby varied, the requirements of all other conditions imposed upon planning permission 131538 remain in force and shall continue to apply to this permission, including the details and provisions of any approved matters discharging any condition(s) of that permission.

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

19.0 Informatives

(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.

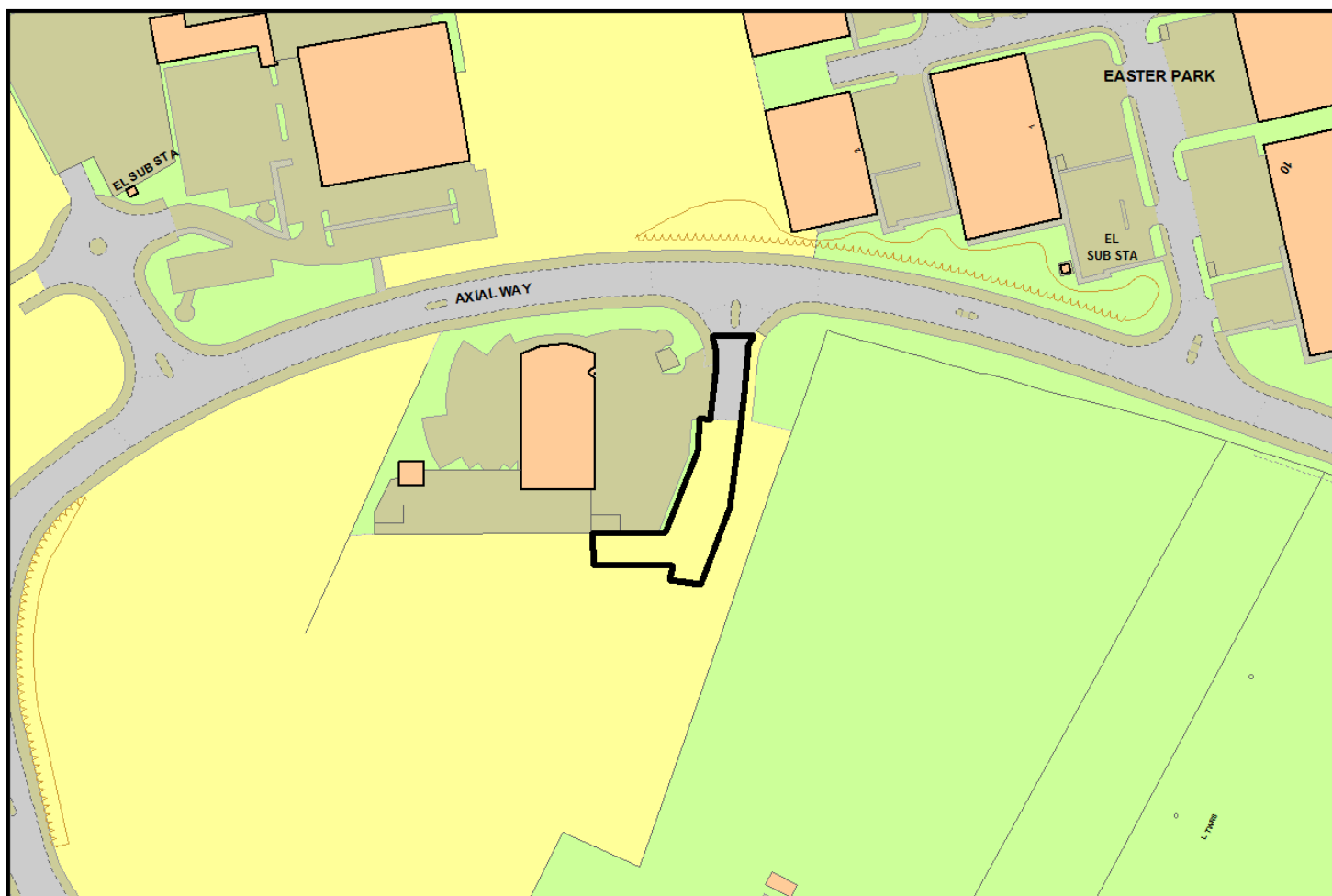
(2) All works affecting the highway should be carried out by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority and application for the necessary works should be made by initially telephoning 08456 037631.

(3) 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. Please pay particular attention to these requirements.

20.0 Positivity Statement

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.



Application No: 160262

Location: Land to the rear of Lancaster Toyota, Axial Way, Colchester, Essex, CO4 5XD

Scale (approx): 1:1250

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7.2 Case Officer: James Ryan**MINOR**

Site: Land to the rear of Lancaster Toyota, Axial Way, Colchester, Essex, CO4 5XD

Application No: 160262

Date Received: 1 March 2016

Applicant: Mrs Elizabeth Flood, CBC

Development: Proposed erection of a foul drainage pumping station.

Ward: Mile End

Summary of Recommendation: Conditional Approval

1.0 Reason for Referral to the Planning Committee

- 1.1 This application is referred to the Planning Committee because Colchester Borough Council is the applicant. It has also been called in by Councillor Martin Goss for that same reason.

2.0 Synopsis

- 2.1 The key issues explored below are the impact the proposed pumping station will have on the Public Right of Way and on visual amenity.

3.0 Site Description and Context

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

4.0 Description of the Proposal

- 4.1 A foul drainage pumping station is proposed. This includes the pumping equipment, a radio antenna, a floodlight for emergency maintenance purposes, a 1.8 metre wall around the compound, palisade gates to the compound and the access track to the compound from the existing bell-mouth east of the Toyota garage.

5.0 Land Use Allocation

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

6.0 Relevant Planning History

- 6.1 Whilst the site is part of the wider northern growth area that has a detailed planning history with consents for a multitude of uses, there is no planning history particularly 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 also be taken into account in planning decisions and sets out the Government's planning policies are to be applied. The NPPF makes clear that the purpose of the planning system is to contribute to the achievement of sustainable development. There are three dimensions to sustainable development: economic, social and environmental.

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

SD1 - Sustainable Development Locations
UR1 - Regeneration Areas
UR2 - Built Design and Character
ER1 - Energy, Resources, Waste, Water and Recycling

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

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

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

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

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

- Northern Growth Area Masterplan.

- 7.6 Myland Community Council has a Village Design Statement which is also relevant to this scheme.

8.0 Consultations

- 8.1 Environmental Protection - No objection.

- 8.2 ECC Public Rights of Way (Jason Botelho) – I have no issue with this. Most people walk the permissive headland route to the east of the footpath and Colchester Borough Council is concurrently applying to permanently divert the north end of Footpath 69 to this headland route. If CBC was to fail to gain this permanent diversion we would still grant a temporary closure of the current line of the path. The only detail we need to be sure of is the nature of the surface which will be changed on the existing line. Footpath 69 is about 900 metres long and the section that falls under this application is about 60 metres. However, for the relatively short length being changed and the very low volume of traffic that this would result in I don't see any issue here.
- 8.3 Natural England – No objection.
- 8.4 The Ramblers - The exact position and full width of the Public Right of Way needs to be clear on the plans before any decision can be considered.
- 8.5 Environment Agency – No comment to date.
- 8.6 Anglian Water – No comment to date.

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 The Parish Council have stated that "MCC understands a Public Path Diversion Order for Footpath 69 is being made".

10.0 Representations

- 10.1 Three comments were received.

Cllr Martin Goss:

This application must be heard by the planning committee as the Council is the applicant. I am concerned about the points raised about PROW missing from the plan and previous diversions which have impacted the enjoyment of walking in the area. This needs resolving please.

Robert Johnstone:

I object to this application as it impacts on PROW FP69 (Myland). This PROW was temporarily diverted as a result of the previous approved application to build the car showroom. To develop the site further without making the diversion permanent would be a mistake. The applicant states in section 6 of the planning application that a PROW is to be diverted/extinguished and/or created. The attached drawings do not show a PROW.

The Ramblers:

The exact position and full width of the Public Right of Way needs to be clear on the plans before any decision can be considered.

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

11.0 Parking Provision

11.1 This scheme has no parking implications.

12.0 Open Space Provisions

12.1 This scheme raises no open space implications.

13.0 Air Quality

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

14.0 Development Team and Planning Obligations

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

15.0 Report

Need

15.1 The CBC Projects officer responsible for the scheme has stated: "The proposed pumping station is required to pump sewerage to the new foul sewer in NAR3. A pumping station is required as, due to the topography, it's not possible to have a gravity system. Until the foul drains were built as part of NAR3 it was not possible to connect the developments within the Northern Gateway to the foul sewerage system, so a temporary system was used. However this has come to the end of its life and wouldn't have the capacity for the further development. Therefore, as part of the wider Northern Gateway development, a pumping station is required. The pumping station will be built by Colchester Council and will then be adopted by Anglian Water – this process takes about a year".

Design/Layout

15.2 The scheme is relatively utilitarian in design terms. It will be highly visible from the PRoW but most of the equipment will be screened by the 1.8m brick wall that surrounds the compound and the gates that allow access to it. In this context, with the backdrop of the Toyota Garage and its surface car park this design and layout are held to be acceptable.

The Public Right of Way (PRoW)

15.3 This application also requires the construction of a small piece of service road from the existing bell mouth to the proposed compound. This will involve the surfacing of part of the PRoW 69. This does not appear to cause any significant issues as access will still be possible at all times to the definitive route of the PRoW.

- 15.4 On site there are two routes worn through the grass. The most well-worn is the one that runs alongside the field boundary to the east of the site. To the west of this is another route which is more central and appears as less worn – it does not actually follow the definitive line however. The definitive line is a few meters to the west of that. The Project Officer has confirmed that the proposed compound will not sit on the current definitive PRow but an informative to that effect will be imposed on any consent.
- 15.5 The Project Officer has also confirmed that the Council have made an application to divert PRow 69 around the field boundary (which appears to be the route most people are taking, indicated by a well-worn track on site). This scheme is acceptable in terms of its impact on the PRow in any regard and there is no reason to delay granting consent of this pumping station until the PRow has been formally diverted.

Ecology

- 15.6 The site is regularly mown to prevent colonisation by protected species. Natural England has no objection to the scheme. It is therefore held that this scheme will not be demonstrably harmful to the interests of ecology.

16.0 Conclusion

- 16.1 The scheme is acceptable and therefore an approval is warranted.

17.0 Recommendation

- 17.1 APPROVE subject to the following conditions:

18.0 Conditions

1 - Time Limit for Full Permissions

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

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

2 - *Development to Accord With Approved Plans

The development hereby permitted shall be carried out in accordance with the details shown on the submitted Drawing Numbers 45783/C/003, 45783/C/016, 45783/C/003, 45783/C/001, 45783/C/002A.

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

3 - Non-Standard Condition/Reason

The brick to be used in the construction of the compound perimeter wall shall be either a plain red or plain buff brick.

Reason: In order to ensure that suitable materials are used for the wall which will have a significant degree of public visibility, in the interests of visual amenity.

4 - Non-Standard Condition/Reason

The floodlight shown on plan 45783/C/002 Rev A shall only be illuminated during periods of emergency maintenance and at no other time.

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

19.0 Informatives

(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) All works affecting the highway should be carried out by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority and application for the necessary works should be made by initially telephoning 08456 037631.

(3) **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. Please pay particular attention to these requirements.

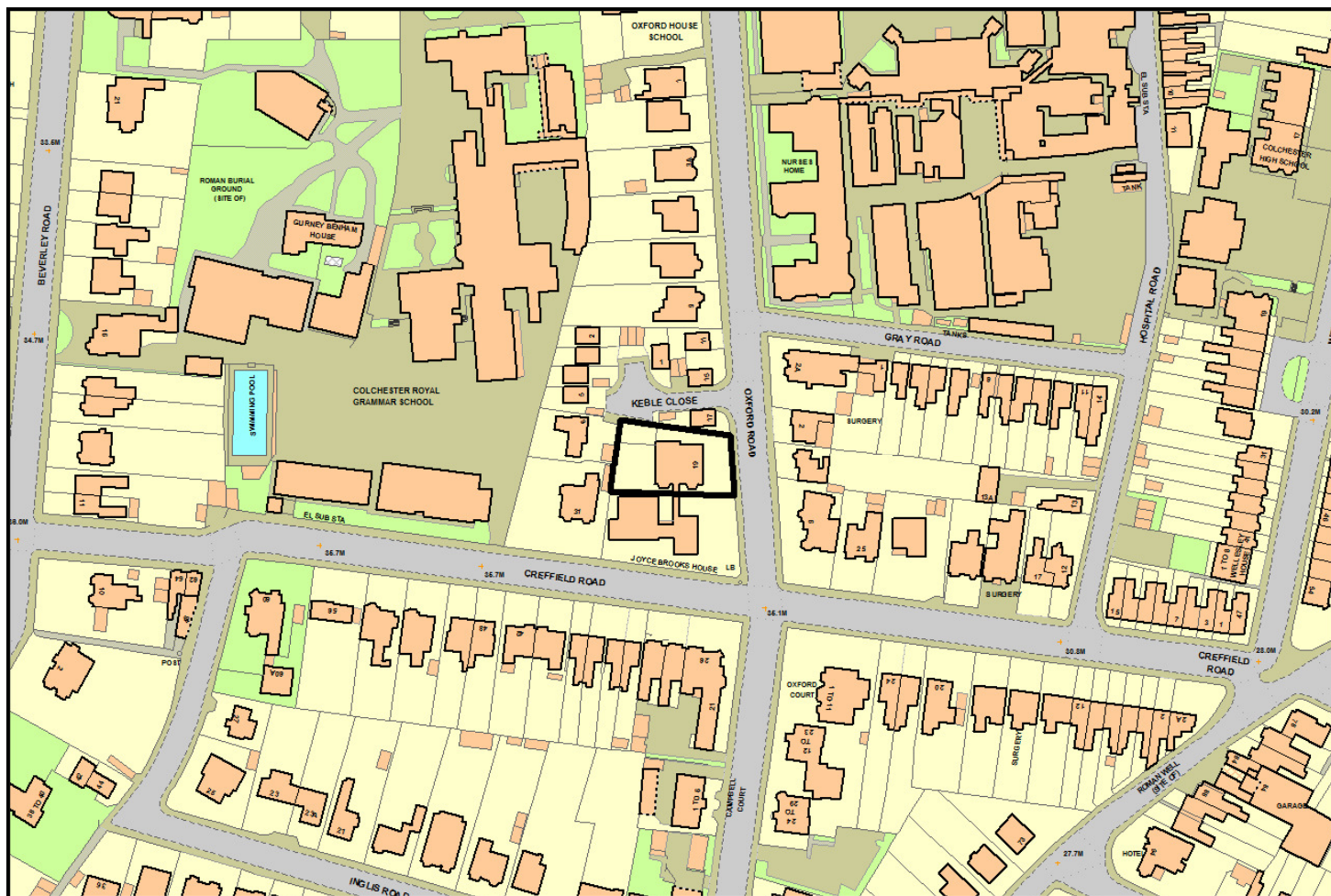
(4) PLEASE NOTE: The applicant/developer is advised that the application site is, or appears to be, affected by the existence of a public right of way. It should be noted that:

(i) it is an offence to obstruct or divert a public right of way (or otherwise prevent free passage on it) without the proper authority having been first obtained. In the first instance contact should be made with the Public Rights of Way Office, Highways and Transportation Services, Essex County Council, County Hall, Chelmsford, Essex CM1 1QH. The telephone number is 01245 437563.

(ii) The granting of planning permission does not authorise the undertaking of any work on a public right of way. Where it is necessary for a right of way to be stopped-up or diverted in order that development may take place, no work may take place upon the line of the right of way until an appropriate order has been made and confirmed (see (i) above). The applicant/developer should note that there is a charge for making a change to the rights of way network. (iii) Where a private means of access coincides with a public right of way, the granting of planning permission cannot authorise the erection of gates across the line or the carrying out of any works on the surface of the right of way and that permission for any changes to the surface must be sought from the highway authority (Essex County Council).

20.0 Positivity Statement

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.



Application No: 160021

Location: 19 Oxford Road, Colchester, CO3 3HW

Scale (approx): 1:1250

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7.3 Case Officer: Eleanor Moss Due Date: 29/04/2016

HOUSEHOLDER

Site: **19 Oxford Road, Colchester, CO3 3HW**

Application No: **160021**

Date Received: 18 January 2016

Applicant: Mr Ian Newman

Development: Construction of a detached garage to complement the existing property. Access via Keble Close by making an opening in the existing red brick wall. The existing wall is unsafe and requires rebuilding from ground level upwards.

Ward: Christ Church

Summary of Recommendation: Conditional Approval

1.0 Reason for Referral to the Planning Committee

- 1.1 This application is referred to the Planning Committee because Councilor Hardy requested Committee determination in light of the concerns registered by nearby residents and for the following reason:

Keble Close residents are concerned over road safety and highway issues with this application. The proposed breach in the wall will allow limited sightlines for a vehicle when exiting into Keble Close causing a hazard to drivers and pedestrians. It will also remove the one parking space not attached to any dwelling in this tightly planned culdesac which is in addition to the lost parking spaces in Creffield Road caused by the building of three houses on the land also previously part of Joyce Brooks House. This removal is a further loss of amenity to local residents. The garage owner of 21 Oxford Road will experience even greater difficulty when using the entrance to his facility as the space available will be further curtailed. Other Victorian brick walls have been repaired in Christ Church with damaged/missing areas replaced with matching materials so there is no cause to breach this one.

2.0 Synopsis

- 2.1 The main issues for consideration relate to the impact that the development would have upon the existing dwellinghouse which is locally listed, neighbouring properties and street scene, the wider Conservation Area and highways safety. Owing to the minor nature of the proposal it is considered that the development would be acceptable in its form, and would not create a significant detrimental impact upon the amenity of the surrounding dwellings or Conservation Area. Due to the registered concerns regarding highways safety, consultation has taken place with Essex County Council Highways who does not raise any objections to the scheme and confirms the proposed new access affords greater visibility than the existing situation. The application is therefore recommended for approval.

3.0 Site Description and Context

- 3.1 19 Oxford Road is a locally listed building in the Colchester Area 2 Conservation Area. It is a symmetrical villa type house dating to the late 19th century. To the north of the application site is Keble Close which is a small residential cul-de-sac, there is a turning area within the centre of Keble Close and a number of access/exit points which use this space. There are also a number of garages within Keble Close which are of varying types and design.

4.0 Description of the Proposal

- 4.1 This application seeks planning permission for the erection of a detached garage to the rear of 19 Oxford Road. The proposed garage is to be access via Keeble Close, which is a cul-de-sac to the north of the application site.

5.0 Land Use Allocation

- 5.1 Residential

6.0 Relevant Planning History

- 6.1 144958 - Change of use from 7 no. flats to a single dwellinghouse. Approved.

7.0 Principal Policies

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

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

- UR2 - Built Design and Character
- TA5 - Parking

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

- DP1 Design and Amenity
- DP13 Dwelling Alterations, Extensions and Replacement Dwellings

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

N/A

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

- Vehicle Parking Standards
- Extending Your House?
- The Essex Design Guide

8.0 Consultations

8.1 Essex County Council Highways has reviewed the objections to this application and has provided a detailed response raising no objections to the scheme. The detailed response is provided within paragraph 15.6 of this report.

8.2 The Archaeological Officer has raised no objections to this scheme, provided a number of conditions are incorporated as part of any planning permission. The recommended conditions have been included within paragraph 18.0 of this report.

8.3 The Tree Officer has raised no objections to this scheme, provided a number of conditions are incorporated as part of any planning permission. The recommended conditions have been included within paragraph 18.0 of this report.

9.0 Parish Council Response

9.1 Non-Parished

10.0 Representations

10.1 9 letters of objection have been submitted with regards to this application, the concerns are raised as follows:

1. Why does a garage have to be accessed via Keble Close and not Oxford Road?
2. Keble Close has very limited parking and this application would impact on this.
3. Keble Close is very congested and this application would impact on this.

4. Residents of Keble Close struggle to enter and exit already due to illegal parking.
5. Small children use this area to walk to school and could be harmed.
6. Due to the narrowness of the proposed access, this could create an impact upon safety.
7. The proposed access will require a dropped kerb.
8. The proposed design is not in keeping with the original dwelling.
9. Lack of privacy between the application site and 5 Keble Close.
10. The proposal is not in keeping with the Conservation Area.
11. The proposal will affect the current car parking arrangements.
12. The proposal would impact upon the visiting district nurse.
13. Proposal will impact upon access and exit of garage at 17 Oxford Road.

In response:

1 - The applicant has been asked if he would consider a garage towards the front of his property, accessed via Oxford road rather than Keble Close. The applicant is not willing to position a garage at the front of his property and positioning a garage to the rear is considered to be beneficial as it ensures there is less visual impact to the original dwelling and in compliance with the advice set out in the Essex Design Guide.

2, 3, 4, 5, and 6 – Are registered concerns regarding impact upon highways safety. In order to address issues, the Essex County Council Highways department has been consulted and provided a response to address the concerns. Will be addressed further in the below report.

7 – The provision of a dropped kerb is determined by Essex County Council and cannot be considered by the Local Planning Authority.

8 – Will be addressed further in the below report.

9 – This application is to provide a single storey garage to the rear of the property. Overlooking is already common at Keble Close, as such is it not considered that this would cause any additional overlooking as there are no proposed first floor windows.

10 – Keble Close is the Colchester Area 2 Conservation Area, further design considerations will be addressed below.

11 – Is a registered concern regarding impact upon highways safety. In order to address issues, the Essex County Council Highways department has been consulted and provided a response to address the concerns. Will be addressed further in the below report

12 – This is considered to be a parking issue which will be discussed more in depth in the report. Unfortunately it goes beyond the scope of this application to create a parking space for the district nurse and would be unreasonable to do so.

13 – Private issues between neighbours, such as private rights of access, are not material planning considerations and are beyond the scope of the Local Planning Authority as it is not relevant to the decision and should not be taken into consideration.

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

11.0 Parking Provision

- 11.1 This application seeks permission for the erection of a new garage and would provide parking in excess of car parking standards.

12.0 Open Space Provisions

- 12.1 N/A.

13.0 Air Quality

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

14.0 Development Team and Planning Obligations

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

15.0 Report

Principal of development

- 15.1 The application site lies within the urban centre of Colchester within Christ Church ward, and is unusual in its contemporary design however would be in keeping within the site context and is set to the rear of the property, in Keble Close where there are a number of other garages. In accordance with Policies DP1 and DP13 of the Development Policies 2010 (as amended in 2014), developments should respect and enhance the character of the site, protect existing amenity, create a safe environment, be subservient to the site to which they relate and be sympathetic to the immediate area and the wider surroundings.
- 15.2 It is considered that the proposal is considered to adhere to the aforementioned policies and thus recommended for approval. It is worth noting that the authority for highways safety has not raised any concerns to this proposal, and Officers with Conservation backgrounds have also been consulted and have not raised any objections to the proposal.

Design and Impact on Surrounding Area

- 15.3 The proposed garage is to measure 8.8 metres wide and 5 metres deep, and be constructed of rendered white walls, a grey zinc roof and timber windows and doors to match the existing dwellinghouse. The height of the proposal is to reach 2.3 metres and 3.1 metres to the eaves and roof ridge respectively. The proposed garage is mono pitched and low profiled and this reduced its visual impact on the street scene. Three small glazed windows are in the side elevation in order to provide natural light into the space and face into the applicant's private amenity space.

- 15.4 The proposed garage is proposed to be constructed of white render walls and zinc roof. The design is considered to be contemporary however it is worth noting the rear of 19 Oxford Road is of contemporary nature. A zinc canopy has already been successfully installed to the rear and it is important to appreciate that the proposed garage will be read within the context of the rear of the application site where contemporary already exists. As such, it is considered that a contemporary design will be an in keeping and complimentary addition at the rear of 19 Oxford Road and will not cause an adverse effect upon the Conservation Area.
- 15.5 It is also important to note that a large proportion of the proposed garage and zinc roof will not be visible from the public realm. The boundary wall will provide an effective screen to the proposed garage and as such only the garage roof, white render walls and a small section of zinc which will be read as a small parapet wall will be visible. On balance, it is not considered that the proposal will create a negative impact upon the original dwelling or wider area.
- 15.6 Overall, the proposed garage is to be relatively simple and contemporary in its design, with materials to match the rear of the existing dwellinghouse. Its minor nature as a proposal for a single domestic garage is considered to have a low impact upon the existing dwellinghouse, and will not come to the detriment of its wider Conservation Area.

Neighbour amenity

- 15.7 Owing to its proposed use, the distance that it will be from neighbouring properties, existing garages within the area and the existing boundary treatments around the perimeter it is considered that the proposed garage will have a limited impact upon the visual and local amenity of Keble Close. The development will not look out over neighbouring gardens or into homes due to its design, with the only proposed windows facing into the applicant's private amenity space. It is not considered that the dimensions of the garage are unsuitable for its purpose. It is single storey, with materials to match the rear of the existing dwellinghouse. The garage shall be conditioned accordingly to ensure that the development is used for private domestic use and storage ancillary to 19 Oxford Road only. The existing fencing and brick wall is not considered to be of high amenity value at present and it has been agreed with the applicant that improvements to this wall would be as part of any planning permission in order to improve the visual amenity. On balance, it is not considered that the proposal would create a negative impact upon neighbouring amenity and any impact would be marginal.

Scale and massing

- 15.8 It is considered that the garage would not have an overbearing impact on the neighbouring dwellinghouse in terms of scale and massing. Furthermore, the erection of the extension and the garage would leave an adequate area of garden ground remaining and would therefore not result in the overdevelopment of the site.

Highways

- 15.9 As mentioned above, the majority of concerns from the neighbouring residents are the implications on highways safety that the proposal could create. As such the Strategic Development Engineer at Essex County Council has been consulted in order to address these concerns. The following detailed response has been provided:

This Authority has assessed the highway and transportation impact of the proposal and has taken regard to the following aspects;

1) Keeble Close at times is heavily used by school traffic which is known to affect existing access points in the road. However, the generation of this traffic and the hindrance to access is an existing problem and cannot be attributed to this development proposal. If local residents are concerned that this existing obstruction to access requires action then it is an enforcement issue and not one to be considered through the planning process.



2) It is known that concerns have been raised regarding the visibility at this new access and the aforementioned sporadic increase in pedestrian traffic at school collection/drop off times. The new access point is to be placed alongside an existing garage shown in this picture. Pedestrians travelling from left to right across this photo, and approaching the garage door cannot be seen by any vehicle egressing the garage. The new access affords greater visibility than the existing situation. Were this situation inherently dangerous in this location, it would be reflected in the accident figures for this road. However, the information on the Essex County Council accident [website](#) shows that the turning head in Keeble Close has no reported accidents.



3) From assessing objector comments it is noted that the type of vehicle to use this access is quoted as being a Camper Van and other cars are to remain parked at the front of the property. This type of vehicle is generally not used as an 'everyday' form of transport and therefore the number of times it will be using the new access will not be with the same frequency of a private car. Any conflict can be further minimised as use of a Camper Van is not generally constrained to a time period; i.e. private vehicles used for work are constrained by the hours of the working day, whereas times for setting off on holiday are more fluid and can be arranged to accommodate any school drop-off/collection periods. The level of conflict between existing traffic and the user of the access is therefore minimal

Having regard to all of the above this Authority is content that no highway safety or efficiency issue will be created by this proposal and does not wish to raise any objection to the above application subject to the following:

No unbound material shall be used in the surface treatment of the vehicular access within 6 metres of the highway boundary.

Reason: To avoid displacement of loose material onto the highway in the interests of highway safety in accordance with policy DM1 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

INF01 Highway Works - All work within or affecting the highway is to be laid out and constructed by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority, details to 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:

Essex Highways, Colchester Highways Depot, 653 The Crescent, Colchester, CO4 9YQ.

INF02 Cost of Works - 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.

- 15.10 This is a full application and as such means of access to the rear of the site is to be considered. The detailed consultation comments from the highway officers have been set out in the paragraph above. Essentially, there is no highway objection in principle to this proposed development
- 15.11 As noted above, while the current traffic and parking situation at present affects the existing access and exit points in Keble Close, this is a current problem and is sympathised with however it would not be fair to blame this application for the situation. Nor would it be appropriate to blame this application for any future illegal parking or additional traffic generation at school collection/drop off times.
- 15.12 The highways officer has noted that the new access point is to be placed alongside an existing garage shown in the above picture. A number of concerns have been raised regarding children walking along the path, and approaching the garage door cannot be seen by any vehicle egressing the garage. The Highways officer confirmed the new access affords greater visibility than the existing situation and the speeds and volume are very low in this area. Further, the fact that the extent of the wall to be removed allows for retention of the residents' parking space means the impact on the highway network is going to be limited. On balance it is considered that there will be no detrimental effect on highway efficiency or safety.
- 15.13 As the Highways Authority does not wish to raise any objections to the proposal, the concerns raised are not considered to warrant a refusal in this case. Discrepancies relating to illegal parking are a matter for parking enforcement and not a matter for the Local Planning Authority. In addition, concerns raised regarding rights of access to garages are a civil matter which cannot be a part of this planning application. Having examined the objections, the planning matters raised have been dealt with accordingly by means of clarification by the Highways Authority and a subsequent agreement to planning conditions. Concerns relating to illegal parking on the highway, access/exit obstruction and access rights are not considered to be planning matters and accordingly it is recommended that the objectors seek legal advice or advice from parking enforcement in these matters.

Trees

- 15.14 The scheme has been amended from the original submission, in so the existing trees are to be removed. The tree officer has been consulted upon this amendment and has not raised any concerns. The trees are to be replaced by semi-mature trees which will enhance the amenity of site. The tree officer has recommended conditions which will be included as part of planning permission.

16.0 Conclusion

- 16.1 The design of the proposed garage is appropriate and is designed to minimise impacts upon the neighbouring properties and surrounding area. The application has been consulted with archaeology, highways, conservation and tree officers with no objections or concerns being raised. The proposed garage would not appear out of character in the street scene or as an overly prominent addition. Highways safety has been fully assessed by the Highways Officer and has confirmed they are content that no highway safety or efficiency issue will be created. Your Officer therefore recommends approval.

17.0 Recommendation

17.1 APPROVE subject to the following conditions

18.0 Conditions

1 - Time Limit for Full Permissions

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

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

2 - *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 1093/02, 1093/01, 1093/KC and 1093/SK01A.

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

3 - Materials as Stated in Application

The external facing and roofing materials to be used shall be those specified on the submitted application form and drawings.

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

4 - Non-Standard Condition/Reason

Prior to the commencement of any development, precise details of the specification of the boundary walls and treatment shall be submitted to and approved, in writing, by the Local Planning Authority and the work shall be carried out in complete accordance with the approved specification.

Reason: 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.

5 - Non-Standard Condition/Reason

No unbound material shall be used in the surface treatment of the vehicular access within 6 metres of the highway boundary.

Reason: To avoid displacement of loose material onto the highway in the interests of highway safety in accordance with policy DM1 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

6 - Non-Standard Condition/Reason

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 which has been previously submitted to and approved, in writing, by the Local Planning Authority. The scheme of investigation shall include an assessment of significance and research questions; and:

- a. The programme and methodology of site investigation and recording.
- b. Provision to be made for analysis of the site investigation and recording.

- c. Provision to be made for reporting, publication and dissemination of the analysis and records of the site investigation.
- d. Provision to be made for archive deposition of the analysis and records of the site investigation.
- e. Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.
- f. The scheme of investigation shall be completed as agreed and approved in writing by the Local Planning Authority.

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 with Policy SD1 and ENV1 of Colchester Borough Council's Core Strategy (2008).

7 -Non-Standard Condition/Reason

Prior to the commencement of development, all trees, shrubs and other natural features not scheduled for removal on the approved plans shall have been safeguarded behind protective fencing to a standard that will have previously been submitted to and agreed, in writing, by the Local Planning Authority (see BS 5837). All agreed protective fencing shall thereafter be maintained during the course of all works on site and no access, works or placement of materials or soil shall take place within the protected area(s) without prior written consent from the Local Planning Authority.

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

8 - Non-Standard Condition/Reason

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

9 - Non-Standard Condition/Reason

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

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

19.0 Informatives

(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) All works affecting the highway should be carried out by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority and application for the necessary works should be made by initially telephoning 08456 037631.

(3) All work within or affecting the highway is to be laid out and constructed by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority, details to 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: Essex Highways, Colchester Highways Depot, 653 The Crescent, Colchester, CO4 9YQ

(4) 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

(5) PLEASE NOTE The submitted scheme of archaeological investigation should be in accordance with an agreed brief. This can be procured beforehand by the developer from Colchester Borough Council. Please see the Council's website for further information: <http://www.colchester.gov.uk>

20.0 Positivity Statement

20.1 The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

7.4 Case Officer: Mark Russell

Due Date: 17/05/2016

MAJOR

Site: Clarendon Way, Colchester

Application No: 160379

Date Received: 16 February 2016

Agent: Ms Samantha Jefferies, Arcady Architects Ltd

Applicant: Modena Homes Limited

Development: Application to remove/vary condition 2 & 17 of planning permission 145356. (Erection of 18 residential apartments, access and car parking)

Ward: Castle

Summary of Recommendation: Conditional Approval

1.0 Reason for Referral to the Planning Committee

- 1.1 This application is referred to the Planning Committee because it is a major application and an objection has been received.

2.0 Synopsis

- 2.1 The key issues explored below are the proposed amendments to Planning permission 145356 – namely amended drawings showing a new planting scheme to replace trees which have been removed and slightly smaller parking spaces.

3.0 Site Description and Context

- 3.1 The site is on the northern side of Clarendon Way, to the north of North Station Road and about 500 metres from the station itself and about 1.2km from Colchester town centre.
- 3.2 The site measures approximately 0.2 ha and is rectangular in shape (roughly 75 metres by 30 metres). Whilst the site is quite flat, there is a change in level from north to south of approximately three metres, which is retained with a wall.
- 3.3 To the south of the site is a public footpath, beyond this is a residential development of flats of about 3.5 storeys. To the north are Childsplay Adventure Land and its car park, to the west is a private gym.
- 3.4 The eastern boundary is separated from employment buildings located in Mason Road by a public footpath (PROW 127_53) which is fenced off from the site.
- 3.5 To the south are the flatted residential developments of Bloyes Mews and Gilbert Court.

- 3.6 The site is currently vacant, having been cleared of tree and scrub late last year. It is located within an employment zone, but where permission has previously been granted for a retirement home and more recently C3 residential accommodation.

4.0 Description of the Proposal

- 4.1 The proposal is in the form of a Section 73 (Variation of Condition) application. It covers two conditions: Condition 2 (drawing numbers) and 17 (size of parking spaces), and its objectives are i) to achieve a landscaping/planting scheme to compensate for lost trees on eastern edge of the site and ii) to achieve a slight relaxation on parking standards to allow the bays to be the absolute minimum standard (2.5 x 5 metres as opposed to 2.9 x 5.5 metres). iii) Also proposed are extra windows to aid ventilation and iv) A re-ordering of the ground floor to facilitate use of the cycle and bin-stores.
- 4.2 These matters are considered in more detail in the main Report section below.

5.0 Land Use Allocation

- 5.1 Employment land, but with extant permission to build a residential scheme.

6.0 Relevant Planning History

- 6.1 O/COL/03/1777 – Outline application for residential development comprising of 24 No 2 bedroom flats - Approve 9/09/2006
- 6.2 F/COL/04/1705 - Erection of 24 residential apartment s, car parking and landscaping. Refuse - 22/11/2004
- 6.3 090654 - 29/06/2009 - Reserved Matters - Approval of reserved matters for 24no.2 bedroom- 4 persons apartments. Approve Conditional - 28/09/2009
- 6.4 121252 – Outline 60 Bed Care Home over three and a half storeys. Approve conditional 27th March 2013.
- 6.5 145356 - Erection of 18 Residential Apartments, Access and Car Parking. Approve 13th March 2015.

7.0 Principal Policies

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

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

SD1 - Sustainable Development Locations
SD3 - Community Facilities
H1 - Housing Delivery
H2 - Housing Density
H3 - Housing Diversity
UR2 - Built Design and Character
TA5 - Parking

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

DP1 Design and Amenity
DP12 Dwelling Standards
DP16 Private Amenity Space and Open Space Provision for New Residential Development
DP19 Parking Standards

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

n/a

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

Vehicle Parking Standards
Sustainable Construction
Extending Your House?
The Essex Design Guide
External Materials in New Developments

8.0 Consultations

- 8.1 Highway Authority: As CBC are the parking Authority if CBC are minded to allow the smaller parking space dimensions this Authority would be happy for the condition to be removed/varied.
- 8.2 Natural England: No objection.
- 8.3 Landscape Planner: I am satisfied with the landscape proposals submitted under drawing no.LSDP 11334.01 rev B lodged on 18/02/16. I would therefore have no objection to the discharge of the relevant landscape conditions or removal/variation of condition 2 & 17 of planning permission 145356 (as applicable).

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 n/a

10.0 Representations

10.1 A letter from residents of Bloyes Mews objecting, stating that their kitchen/lounge/dining room windows look directly out onto the proposed development. Adding:

The part of proposed Building B containing flats 3, 8, 13 and 18:-

- 1) will be far too close to Bloyes Mews and will be separated from it only by a footpath;
- 2) will overshadow Bloyes Mews;
- 3) will severely restrict the light to the Bloyes Mews flats; and
- 4) will deny the Bloyes Mews flats of privacy, as there will be 3 windows in each of the 4 flats in this part of the proposed development - all looking directly into the kitchen/lounge/diner windows of the Bloyes Mews flats.

They further added that, although some replacement trees were shown, there were none at the proposed Building B containing flats 3, 8, 13 and 18 facing Bloyes Mews.

10.2 A representation was also received from Colchester Cycle Campaign: "Please ensure that the cycle parking is still in accordance with the Essex Parking Standards."

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

11.0 Parking Provision

11.1 24 spaces are proposed (as per previous permission 145356), however the spaces are tabled to be smaller, although still within minimum standards (see Report section for more details).

12.0 Open Space Provisions

12.1 n/a

13.0 Air Quality

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

14.0 Development Team and Planning Obligations

14.1 This application is classed as a “Major” application. Its predecessor 145356 was considered by the Development Team. It was considered that the usual Planning Obligations should be sought via Section 106 (S106) of the Town and Country Planning Act 1990. Following a viability appraisal, it was decided that the Obligations that would be agreed as part of any planning permission should be:

- £5,000 towards footpath/cycleway improvements in line with the previous permission on this site for a care home.

14.2 This sum shall be carried forward to this application, with the s.106 being varied to refer to the new Planning application reference.

15.0 Report

15.1 Members are reminded that the proposal at hand has substantively been permitted already, as have other buildings of a similar size on this site. The only issues for consideration here are those matters which are applied for, namely:

i) Planting, ii) Parking space sizes, iii) Extra windows, iv) Bin/Cycle-store alterations

Planting

15.2 Members may recall that Planning permission 145356 showed a line of trees to be retained along the southern aspect of the site across the road from Bloyes Mews. However, these have now been removed. As development had not commenced, it cannot be held that this was an unauthorized act. In fact, the trees could have been removed at any time before, during or after permission was granted.

15.3 Looking up Clarendon Way from the west there is a clearly established planting belt, including some quite mature trees, all the way up to the site, with the only break (apart from road accesses) being in front of the gym building. The belt used to continue in front of the application site and towards the footpath which leads to the railway line. It contained Field Maple and Hawthorn and a large Lime tree, all of this has been removed.

15.4 That which has been lost cannot be replicated. However, a scheme has been proposed which offers a mix of hornbeam hedge and five field maple trees to the front (south).

15.5 This has not been possible the whole way along and in front of the eastern-most block it is proposed to plant two types of deciduous shrubs (both varieties of Dogwood) which can grow up to three metres in height. This location is the closest point to Bloyes Mews, from where the objection has been received.

Parking

- 15.6 The approved permission had a condition requiring the parking bays to measure 2.9 x 5.5 metres (as per the standards). However, the drawings only showed smaller bays (2.5 x 5 metres). Unfortunately, due to the site constraints it is not possible to have 24 spaces at the larger size and therefore it is requested that the smaller size be used. This size is tolerated by the standards “in exceptional circumstances.” It is not clear exactly what this means, but your Officer believes that, in this instance, it would be expedient to accept the lower size. The alternative would be to lose four spaces and have 20 at the larger size.

Other Matters

- 15.7 The other points raised by the objector are noted. However, the proposal at hand is identical to that already permitted at 145356 in terms of positioning and clear windows. Therefore the other points raised, relating to overshadowing, light and privacy are not for consideration. For the record, however, these issues were considered to be satisfied at the time of the last application.
- 15.8 There are no windows proposed facing Bloyes Mews. On the next section along to the left, there are two high level windows proposed which are described as having their position “altered slightly”, these are obscured to en-suite bathrooms and in any case blind to the nearest part of Bloyes Mews because of the built form. Extra windows are proposed to the rear which have no bearing on residential amenity. Roof windows are shown to be slightly repositioned on the element closest to Bloyes Mews.
- 15.9 The re-ordering of the lower ground floor causes no major issues, allowing for ample waste storage and cycle parking.

16.0 Conclusion

- 16.1 In conclusion, whilst the loss of trees is regrettable, this was done outside of any Planning permission and was not unlawful. The proposed planting does not offer the same number of specimens as before, but is held to be satisfactory in this location. No other issues of concern arise and therefore the proposed amendments are held to be acceptable.

17.0 Recommendation

- 17.1 APPROVE subject to the signing of a legal agreement under Section 106 of the Town and Country Planning Act 1990 varying the previous agreement in terms of reference to this Planning application. This to be done 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 Environmental and Protective Services to refuse the application.
- 17.2 On completion of the legal agreement, the Head of Service be authorised to grant planning permission subject to the following conditions:

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

With the exception of condition 2 of Planning Permission 145356 which is hereby varied and condition 17 of 145356 which is hereby removed, the requirements of all other conditions imposed upon planning permission 145356 remain in force and shall continue to apply to this permission, including the details and provisions of any approved matters discharging any condition(s) of that permission.

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

2 - 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.

3 - *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 15/18/PA1 A, 15/18/PA2 A, 15/18/PA3, 15/18/PA4, 15/18/PA5 A, 15/18/PA6 A and 15/18/PA7 A.

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

4 - *Removal of PD - Obscure Glazed & Non-Opening (Check Building Regs)

Notwithstanding the provisions of Article 3, Schedule 2, Part 1 of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), the windows shown as being obscured shall be of limited opening and glazed in obscure glass to a minimum of level 3 obscurity on the Pilkington scale before the development hereby permitted is first occupied and shall thereafter be permanently retained in this approved form.

Reason: To avoid the overlooking of neighbouring properties in the interests of the amenities of the occupants of those properties.

5 - Non-Standard Condition/Reason

Prior to the occupation of any of the units hereby permitted, the parking shown on the approved drawings shall be provided as shown and shall be retained as such for that sole purpose.

Reason: To avoid nuisance parking on the highway in the interests of highway safety and efficiency.

6 - Non-Standard Condition/Reason

Planting as shown on the approved drawing LSDP 11334.01 Rev B shall be put in place during the first available planting season following substantial completion of the development hereby approved and shall be maintained at all times as indicated on the approved drawing.

Reason: In the interests of visual amenity and to compensate for trees which have been lost.

19.0 Informatives

(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) All works affecting the highway should be carried out by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority and application for the necessary works should be made by initially telephoning 08456 037631.

(3) 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. Please pay particular attention to these requirements.

20.0 Positivity Statement

20.1 The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.



Application No: 160605

Location: New Potts Farm, Lower Road, Peldon, Colchester, CO5 7QS

Scale (approx): NOT TO SCALE

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7.5 Case Officer: Mark Russell

Due Date: 10/05/2016

MINOR

Site: New Potts Farm, Lower Road, Peldon, Colchester, CO5 7QS

Application No: 160605

Date Received: 15 March 2016

Agent: Mr Marc Hinton, Scorpion Engineering Construction Ltd

Applicant: Mr Robert Davidson

Development: Application for a new grain store to store grain to 4m

Ward: Pyefleet

Summary of Recommendation: Conditional Approval

1.0 Reason for Referral to the Planning Committee

- 1.1 This application is referred to the Planning Committee because the applicant is a Borough Councillor.

2.0 Synopsis

- 2.1 This report describes a proposal for an agricultural building at New Potts Farm in Peldon. It is explained that this building is required as part of the working farm.
- 2.2 Consultation replies are reported and are responded to where appropriate and it is concluded that the scheme is acceptable. Approval is recommended with a planting scheme.

3.0 Site Description and Context

- 3.1 The proposal site is set amongst an existing jumble of agricultural buildings equipment and hardstanding quite remote from any other buildings. The proposed footprint of the building overlaps hardstanding, scrub and a small part of an agricultural field.
- 3.2 The site is accessed off Lower Road, via Newpotts Lane between the listed Brickhouse Farm house and its farm buildings. It is approximately one kilometre to the south, just where Newpotts Lane strikes east and becomes Sampson's Lane. The nearest dwelling is Englesbatch some 600 metres to the north.

4.0 Description of the Proposal

- 4.1 Whilst the application is described as being for a grain store, the applicant has made it clear that the use would be mixed, possibly including livestock. The building is required to replace an existing pole-barn which is located within the Sampson's Farm range of buildings to the east and is structurally unsound.

4.2 The new building would be just over ten metres in height (at ridge) with the roof sloping down gently at 12.5° to eaves at seven metres. The application title refers to the height to which the grain would be stored, not to the height of the building. The proposed area is 1,280m² (approximately 30 x 43 metres).

4.3 The proposed materials are: Concrete for the load bearing panels; Slate blue steel for the single skin cladding sheets; Natural grey reinforced fibre sheets for the roof.

5.0 Land Use Allocation

5.1 Unallocated

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 also be taken into account in planning decisions and sets out the Government's planning policies are to be applied. The NPPF makes clear that the purpose of the planning system is to contribute to the achievement of sustainable development. There are three dimensions to sustainable development: economic, social and environmental.

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

UR2 - Built Design and Character
ENV1 - Environment
ENV2 - Rural Communities

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

DP1 Design and Amenity
DP8 Agricultural Development and Diversification

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

- External Materials in New Developments
- Winstred Hundred Village Design Statement

8.0 Consultations

8.1 Environmental Control – no comments.

8.2 Highway Authority – sought clarification as to the amount of possible transport movements involved and the possible effect on the Highway network.

On receiving clarifications, the HA has now stated: *‘Having regard to the fact that the existing building could already generate a certain level of traffic I don’t think there will be a major issue with this proposal and therefore the Highway Authority does not wish to submit a formal recommendation.’*

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 Winstred Hundred Parish Council raised no objections.

10.0 Representations

10.1 At the time of writing, no representations had been received. Any comments will be reported on the amendment sheet.

11.0 Parking Provision

11.1 n/a

12.0 Open Space Provisions

12.1 n/a

13.0 Air Quality

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

14.0 Development Team and Planning Obligations

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

15.0 Report

Principle

15.1 NPPF paragraph 28 supports a prosperous rural economy and states that local authorities should “promote the development and diversification of agricultural and other land-based rural businesses.” This is carried through to our Development Policy DP8 which encourages general support for existing agricultural uses.

Design

- 15.2 The building is large-scale at 1,280m², but this is not out-of-scale with the adjacent set of buildings. The proposed design is standard fare with neutral colours that blend with the English skies and countryside. Because it is so far removed from public view (the nearest dwelling not involved with the farming enterprise being Englesbatch 600 metres distant and there being no Public Right of Way in the vicinity), it would be entirely unreasonable to request a higher specification of materials.

Landscape Impact

- 15.3 The building, in common with the existing group of buildings, is on the highest point of land. This has less impact to the north where the land is only a little lower. However, the land slopes away to the south and this gives the buildings a longer visual throw. Given that the new building is to be slightly separated from the group (by ten metres, due to the risk of fire-spread and so on), this effect would be even greater.
- 15.4 Whilst not expecting the new building to be entirely concealed, your Officer has asked the applicant to consider a planting scheme to the south to soften the impact. This can be secured by condition.

16.0 Conclusion

- 16.1 Expansion of existing farm enterprises is encouraged both nationally and locally and the visual impact of the proposal can be tolerated and ameliorated with planting. The scheme is, therefore, recommended for approval.

17.0 Recommendation

- 17.1 APPROVE subject to the following conditions

18.0 Conditions

1 - Time Limit for Full Permissions

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

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

2 - *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 11677 Planning Elevation Revision A, Planning Plan Revision A and Proposed Maps Revision A.

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

3 - Non-Standard Condition/Reason

The applicant shall submit a planting scheme (including details of maintenance) to the south of the building hereby approved to the satisfaction of the Local Planning Authority and this scheme shall be planted in the first available season after substantial completion of the development.

Reason: In order to ensure that there is a sufficient softening of the building in the interests of visual amenity.

19.0 Informatives

(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.

20.0 Positivity Statement

- 20.1 The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.