

# Planning Committee Meeting

**Council Chamber, Town Hall, High Street,  
Colchester, CO1 1PJ**

**Thursday, 11 June 2015 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](http://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](http://www.colchester.gov.uk)

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### Access

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### 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.

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[www.colchester.gov.uk](http://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Where our Development Plan is absent, silent or the relevant policies are out of date, paragraph 14 of the National Planning Policy Framework requires the application to be determined in accordance with the presumption in favour of sustainable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 withstand 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, 11 June 2015 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 Rosalind Scott  
Councillor Laura Sykes

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, Kevin Bentley, Nigel Chapman, Barrie Cook, Robert Davidson, Beverly Davies, Andrew Ellis, Annie Feltham, Bill Frame, Ray Gamble, Dominic Graham, Annesley Hardy, Marcus Harrington, Dave Harris, Julia Havis, Peter Higgins, Theresa Higgins, Cyril Liddy, Sue Lissimore, Kim Naish, Nigel Offen, Gerard Oxford, Philip Oxford, Will Quince, 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.

**6a Minutes of 27 May 2015** 17 - 18

To confirm as a correct record the minutes of the meeting held on 27 May 2015.

**6b Minutes of 28 May 2015** 19 - 24

To confirm as a correct record the minutes of the meeting held on 28 May 2015.

**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 150583 Unit B1, Peartree Road, Stanway, Colchester** 25 - 32

Change of use from existing A1 use to a mixed A1 and D2 use to form a Gymnasium.

**7.2 150807 24 Elmstead Road, Colchester** 33 - 40

Demolish of existing conservatory and small lean-to and build two storey and ground floor extension to rear.

**7.3 150790 503a Ipswich Road, Colchester** 41 - 46

Demolition of existing single skin porch, erection of deeper porch to accommodate ground floor wc and erection of garden room.

**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

## Wednesday, 27 May 2015

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

**Substitutes:** No substitutes were recorded at the meeting

### **Appointment of Chairman**

*RESOLVED* that Councillor Manning be appointed Chairman for the forthcoming Municipal Year.

### **Appointment of Deputy Chairman**

*RESOLVED* that Councillor Scott-Boutell be appointed Deputy Chairman for the forthcoming Municipal Year.



# Planning Committee

Thursday, 28 May 2015

- Attendees:** Councillor Peter Chillingworth (Group Spokesperson), Councillor Jackie Maclean (Member), Councillor Helen Chuah (Member), Councillor Jon Manning (Chairman), Councillor Laura Sykes (Group Spokesperson), Councillor Pauline Hazell (Member), Councillor Brian Jarvis (Member), Councillor Michael Lilley (Member), Councillor Jessica Scott-Boutell (Deputy Chairman), Councillor Patricia Moore (Member), Councillor Rosalind Scott (Group Spokesperson), Councillor Jo Hayes (Member)
- Substitutes:** No substitutes were recorded at the meeting

## Site Visits

The following members attended the formal site visit: Councillors Chillingworth, Chuah, Hayes, Hazell, Jarvis, Lilley, Moore, Manning, Scott-Boutell and Sykes.

## Minutes of meeting held on 30 April 2015

The minutes of the meeting held on 30 April 2015 were confirmed as a correct record.

## 146519 62 Brook Street Colchester

**Councillor Hayes (in respect of her views on the application having already been declared) declared a pecuniary interest pursuant to the provisions of Meetings General Procedure Rule 7(5) and left the meeting during its consideration and determination.**

The Committee considered a report by the Head of Commercial Services, in accordance with the Committee's Deferral and Recommendation Overturn Procedure (DROP) which had been invoked by the Committee at its meeting on 30 April 2015 as it had been minded to refuse an application contrary to the officer's recommendation. The application was for outline permission for the development of up to five dwellings, provision of parking for retained dwelling (No 62) and other ancillary development at 62 Brook Street, Colchester.

The Committee had before it a report and amendment sheet in which all the information was set out and the Committee had made a further site visit in order to assess the impact of the proposal upon the locality and the suitability of the proposal for the site.

The report analysed the risks and implications of refusing planning permission on the grounds of the three reasons discussed at the last meeting and concluded that highway or air quality matters did not have the support of the relevant expert consultees and, as such, would carry risks for the Council at any subsequent appeal. However, a refusal on the grounds of the adverse impact of the access upon amenity and townscape were considered to be reasonably founded on adopted policy guidance.

Vincent Pearce, Major Development Manager, presented the report and assisted the Committee in its deliberations. His suggestion that the Environmental Control Manager be invited to a future planning training workshop to update members on progress with improving air quality within Air Quality Management Areas was welcomed.

Members of the Committee reaffirmed their concerns about the proposed access road, its impact on the frontage to No 62 Brook Street and the street scene in general.

Councillors Moore and Scott ABSTAINED from voting on this application as they had not been present at the Committee's original consideration of the application.

*RESOLVED* (NINE voted FOR and TWO ABSTAINED) that the application be refused for the reasons set out in the report.

#### **150781 Land rear of 284-300 Shrub End Road, Colchester**

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

The Committee considered an application for the erection of five detached bungalows, garages, parking facilities and an associated private drive on land at the rear of 284-300 Shrub End Road, Colchester. The application had been referred to the Committee because the Business Development Manager of the application company was related to a member of staff of Colchester Borough Council. The Committee had before it a report and amendment sheet in which all the information was set out. The Committee made a site visit in order to assess the impact of the proposal upon the locality and the suitability of the proposal for the site.

Nadine Calder, Planning Officer, presented the report and assisted the Committee in its deliberations.

*RESOLVED* (UNANIMOUSLY) that the application be approved subject to the conditions set out in the report and the amendment sheet, omitting the proposed Condition 6 and an additional condition to provide for ducting to be installed under footways to accommodate future broadband cabling.

#### **150573 Gosbecks Archaeological Park Maldon Road South, Colchester**

**Councillor Manning (in respect of his family's acquaintance with family of the Manager of the Colchester and Ipswich Museums Service) declared a non-pecuniary interest pursuant to the provisions of Meetings General Procedure Rule 7(5).**

The Committee considered an application for the installation of an interpretation panel containing general historical information and logos including that for the Heritage Lottery Fund at Gosbecks Archaeological Park, Maldon Road, South, Colchester. The application had been referred to the Committee because it had been submitted by and on behalf of the Colchester and Ipswich Museum Service. The Committee had before it a report and amendment sheet in which all the information was set out.

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

#### **150366 147 Lexden Road, Colchester**

The Committee considered an application for proposed alterations and extensions to the rear of an existing property to provide additional ground floor living accommodation and a first floor bedroom suite at 147 Lexden 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 amendment sheet in which all the information was set out. The Committee made a site visit in order to assess the impact of the proposal upon the locality and the suitability of the proposal for the site.

James Ryan, Principal Planning Officer, presented the report and assisted the Committee in its deliberations.

Elizabeth White addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in opposition to the application. She was speaking on behalf of a number of neighbouring residents who had indicated their concern with the application. She referred to the single storey proposal which had obtained approval and the first floor element of the proposal now under consideration which had been scaled back from the original drawings. She was of the view, nevertheless, that the proposed height would be oppressive and have a detrimental impact on neighbouring properties despite the planning officer's view that the impact would be within tolerable levels. She was also of the view that the proposed design was industrial in character and, as such, related poorly to the host building. She was concerned about the long term impact of the proposal and requested the Committee to reject the application.

Kevin Hall addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in support of the application. He referred to the existing planning permission for a single storey extension at the site and the fact that it would be possible to use permitted development rights to further extend by means of a large rear facing dormer. The applicant, however, was seeking to improve on the visual impact this type

of extension would create which was how the current proposal, with a smaller first floor element, had been formulated. He confirmed that the Inspector, in dismissing a previous appeal against refusal by the applicant, had considered the proposed design to be careful and innovative and, as such, it was entirely reasonable for a contemporary approach to be pursued by the applicant. He considered the proposal would have no negative impact on the outlook for neighbours and there were no material issues in relation to overlooking.

Councillor Buston attended and, with the consent of the Chairman, addressed the Committee. He explained that he had called in the proposal following requests made by residents. He welcomed the restriction on permitted development rights in so far as the access to the rear of the extension would prevent the later addition of a balcony. He confirmed that his reasons for calling in the application were accurately and fully reflected in the Committee report and he thanked the Planning Officer for the time and effort which had been put into securing the current revised proposal. He requested the Committee to give careful consideration as to whether this type of development was appropriate in the location of the application site.

The Principal Planning Officer explained that the current design proposal had been considerably scaled back from a previous application which had been refused by the Council and at Appeal. However, he confirmed that the Appeal inspector had found the design to be acceptable. In compiling the Committee report he considered the impact on amenity to be acceptable and he confirmed that it would not be possible for the roof area to be converted for use as a balcony at a later date.

Members of the Committee generally considered the design of the extension to be undesirable in relationship to the host building but acknowledged the clear guidance given by the Appeal Inspector and, as such, the lack of valid reasons to refuse the application.

In response to a specific question about the effect on neighbours' views from their properties, Vincent Pearce, the Major Development Manager, took the opportunity to remind the Committee of the difference between outlook and view in planning terms and the respective weight that could or could not be afforded to each consideration. He also indicated that, the revision of the proposals by the pulling and setting back the first floor element had delivered a design which had resolved the oppressive nature of the previous application.

*RESOLVED* (NINE voted FOR and THREE voted AGAINST) that the planning application be approved subject to the conditions set out in the report and the amendment sheet, in relation amendments to Conditions 3 and 4 and an additional condition to provide for the removal of permitted development rights to prevent the installation of windows or roof lights above ground floor level to the east and west elevations of the extension.

**150646 11 Ploughmans Headland, Stanway**

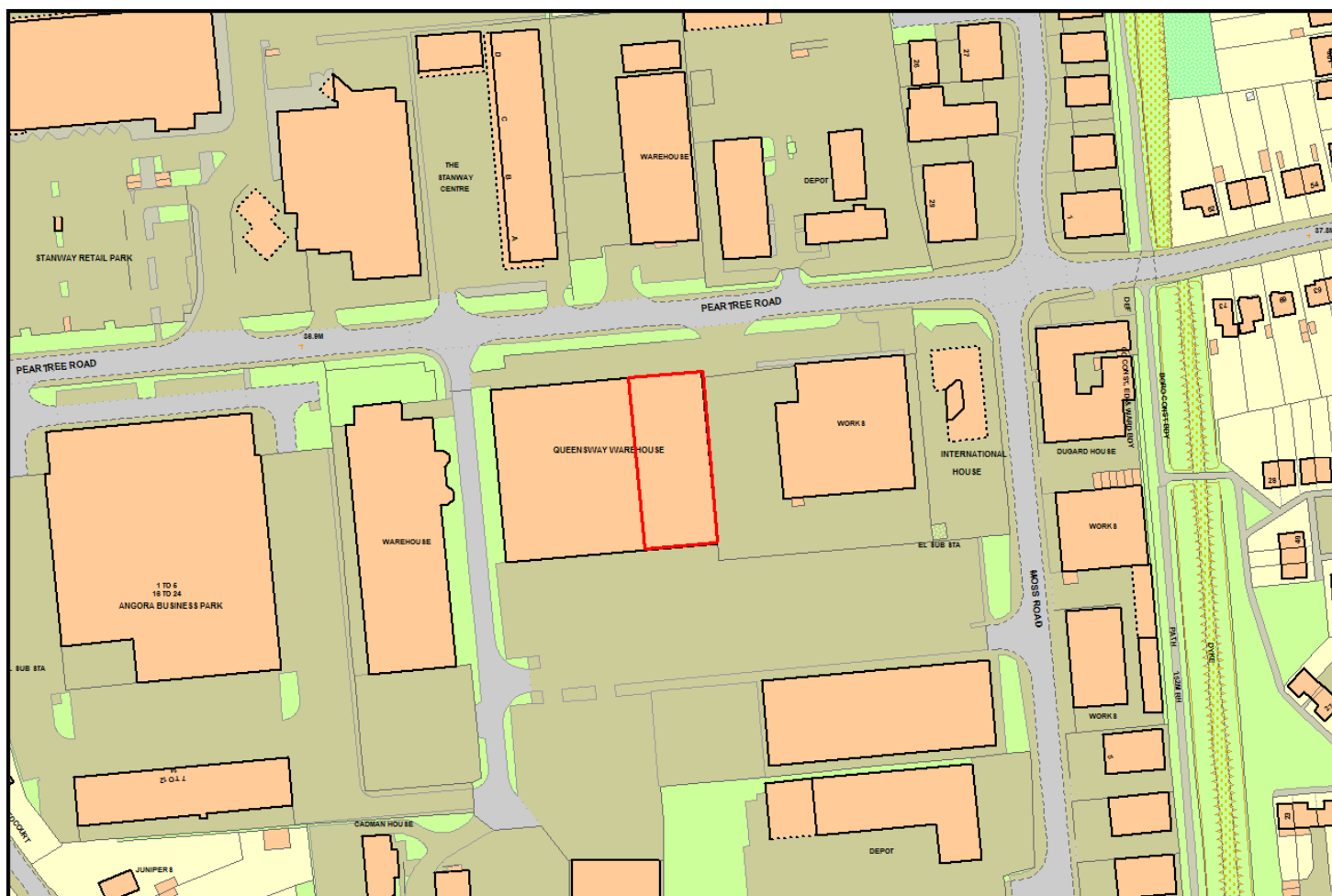
**Councillor Lilley (in respect of his acquaintance with the agent for the applicant) declared a non-pecuniary interest pursuant to the provisions of Meetings General Procedure Rule 7(5).**

The Committee considered an application for the erection of a two storey side extension and associated alterations at 11 Ploughman's Headland, Stanway, Colchester. The application had been referred to the Committee because the applicant was an employee of Colchester Borough Council. The Committee had before it a report in which all the information was set out.

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







**Application No:** 150583

**Location:** Unit B1, Peartree Road, Stanway, Colchester

**Scale (approx):** 1:1250

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# Committee Report

Agenda item

7

To the meeting of **Planning Committee**

on: **11 June 2015**

Report of: **Head of Professional/Commercial Services**

Title: **Planning Applications**

## 7.1 Case Officer: Carl Allen

**MAJOR**

**Site:** Unit B1, Peartree Road, Stanway, Colchester

**Application No:** 150583

**Date Received:** 7 April 2015

**Agent:** Ms Erin Keenan

**Applicant:** Mr Marc Platter

**Development:** Change of use from existing A1 use to a mixed A1 & D2 use to form a Gymnasium.

**Ward:** Stanway

**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 item is classed as a Major and has attracted objections.

## 2.0 Synopsis

- 2.1 The key issues explored below are the principal of the proposal, parking, amenity and need. In these regards the proposal is viewed as being acceptable and approval with conditions is recommended.

### **3.0 Site Description and Context**

- 3.1 Unit B1 is the former Lewis's A1 retail unit and occupies the eastern unit of Queensway Warehouse. The other units that form the building are Conway Furniture and Topps Tiles on the Peartree Road elevation whilst there is another retail unit to the rear. There is a small amount of parking to the front/north of the unit and a larger parking area to the rear/south. Peartree Road is to the north.

### **4.0 Description of the Proposal**

- 4.1 A change of use from A1 (retail) to mixed A1 and D2 (gym) that would be open 24 hours a day, seven days a week. The floor space is 1,222 sq.m.. 15.5 full-time equivalent jobs would be created.

### **5.0 Land Use Allocation**

- 5.1 Urban District Centre.

### **6.0 Relevant Planning History**

- 6.1 LEX/679/71 – Class 10 warehouse with retail outlets. Approved.  
F/COL/03/1823 – Variation of Condition 1 of planning permission LEX/679/71. Refused.  
97/1120 – Installation of new shop front to the rear of the premises. Approved.  
Various advertisement consents.

### **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:  
CE2b - District Centres
- 7.3 In addition, the following are relevant adopted Colchester Borough Development Policies (adopted 2010, amended 2014):  
DP1 Design and Amenity  
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

## **8.0 Consultations**

- 8.1 Highways – Should provide secure cycle parking.  
Colchester Cycling Campaign – Cycle parking should meet ECC standards.

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 they have no objection.

## **10.0 Representations**

- 10.1 Forty two objections have been received and concern:
- There is no need for a another gym in the area
  - Already have three other gyms near-by
  - No need for another gym
  - Will not be a successful venture
  - Not fair to open so close to existing gyms
  - Will have a negative effect on the business of the existing gyms as it would be too close to them
  - Proposed gyms low rates mean that they will need 4,000 members to sustain itself
  - The unit does not have access to all of the 207 parking spaces
  - Will result in congestion problems
  - Customers will not walk or cycle to the gym
  - Will not benefit the area
  - Loss of a retail unit from the area
  - Will result in anti-social behaviour

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

## **11.0 Parking Provision**

- 11.1 The applicant states that 207 shared parking spaces are available.

## **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 and therefore there was a requirement for it to be considered by the Development Team. It was considered that no Planning Obligations should be sought via Section 106 (S106) of the Town and Country Planning Act 1990.

## **15.0 Report**

- 15.1 The main issues for consideration are the principal of the use, highways/parking, amenity and need.

- **Principal**

The site is in an Urban District Centre where Policy CE2b supports a diverse mix of uses, such as community facilities, services, offices etc., so the loss of a sole retail unit from such an area does not result in any policy concerns, and the Council’s Policy team have not raised any concerns over the proposal. The proposal is therefore considered to comply with Policy CE2b.

- **Highways/Parking**

Many of the objectors have raised concerns over the car parking and traffic issues at the site. The applicant has stated that there are 207 shared spaces available at the site. It is noted that none of the car parking areas are inside the applicant’s red line plan and that the parking areas that are shown on the plan are shared with other units at Peartree Road. Of these 207 spaces approximately half appear to be for the use of Peartree Road Leisure Park units and there are parking control notices in place at these areas. There are 44 parking spaces immediately behind Unit B1, with a total of 98 spaces behind the Queensway Warehouse and approximately 10 spaces to the front. All of these spaces are unallocated and appear to be for the use of these units. The maximum parking standard for D2 (gym) use is one space per 10 sq.m. of public area. With Unit B1 having 1,222 sq.m. of floor space this equates to a maximum of 122 parking spaces. In this case the Highways are satisfied that there are bus routes, existing car parks and retail units all in close proximity and have no objection to the proposal falling short of the Parking Standard. They have however, requested that secure cycle parking is provided and it is noted that the applicant has shown that 30 cycle spaces would be provided. Highways have not raised any concern regarding highway safety or increase congestion, which is unsurprising given the number of retail units in the area and the permitted use of the unit as retail could attract more vehicle movements than the proposed gym. For these reasons the proposal is considered to accord with DP19.

- **Amenity**

The proposal is for a 24 hour gym, open seven days a week. The site has no residential neighbours close to the site that could be disturbed by either vehicle movements or activities inside the gym. The proposal would not therefore have any detrimental amenity impacts. No external changes are proposed and the proposal complies with DP1 and UR2. Whilst the gym would be a 24 hour operation it is difficult to see how this would result in anti-social behaviour when only gym members would have access to the building.

- **Need**

By far the majority of objections received concern the need for another gym in the area and how it may impact on the existing gyms in the immediate area. That the applicant has applied for the change of use means that they consider that their business is viable at the location and it is not the Local Planning Authority's role to protect or limit competition in a commercial marketplace – especially when the proposed use is acceptable in principal. If the proposal means that the existing gyms in the area have to adapt their business to retain or attract customers then that is something that they need to address themselves rather than to rely on the Local Planning Authority to restrict competition to enable their businesses to operate. In these regards the impact on existing businesses is not a planning consideration. The proposed gym would be the only gym business to have a frontage onto the main Peartree Road with the neighbouring gyms being accessed from other roads that fed onto Peartree Road. The lack of visibility of these existing gyms means that users of Peartree Road would not be confronted with a monoculture of gyms and the area would retain an acceptable mix of uses.

## **16.0 Conclusion**

- 16.1 The principal of the proposal is acceptable, there are no amenity concerns about a 24 hour operation and whilst the car parking provision falls short of the Standard a lower provision is considered acceptable due to the proximity of public transport and existing car parks. The impact on existing gym businesses is not a planning consideration.

## **17.0 Recommendation**

APPROVE subject to the following conditions

## **18.0 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.

## **19.0 Conditions**

### **1 - Non-Standard Condition/Reason**

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 - Non-Standard Condition/Reason**

The development hereby permitted shall be carried out in accordance with the details shown on the submitted Drawing Number 6492/PA/JF/03 unless otherwise subsequently agreed, in writing, by the Local Planning Authority.

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

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

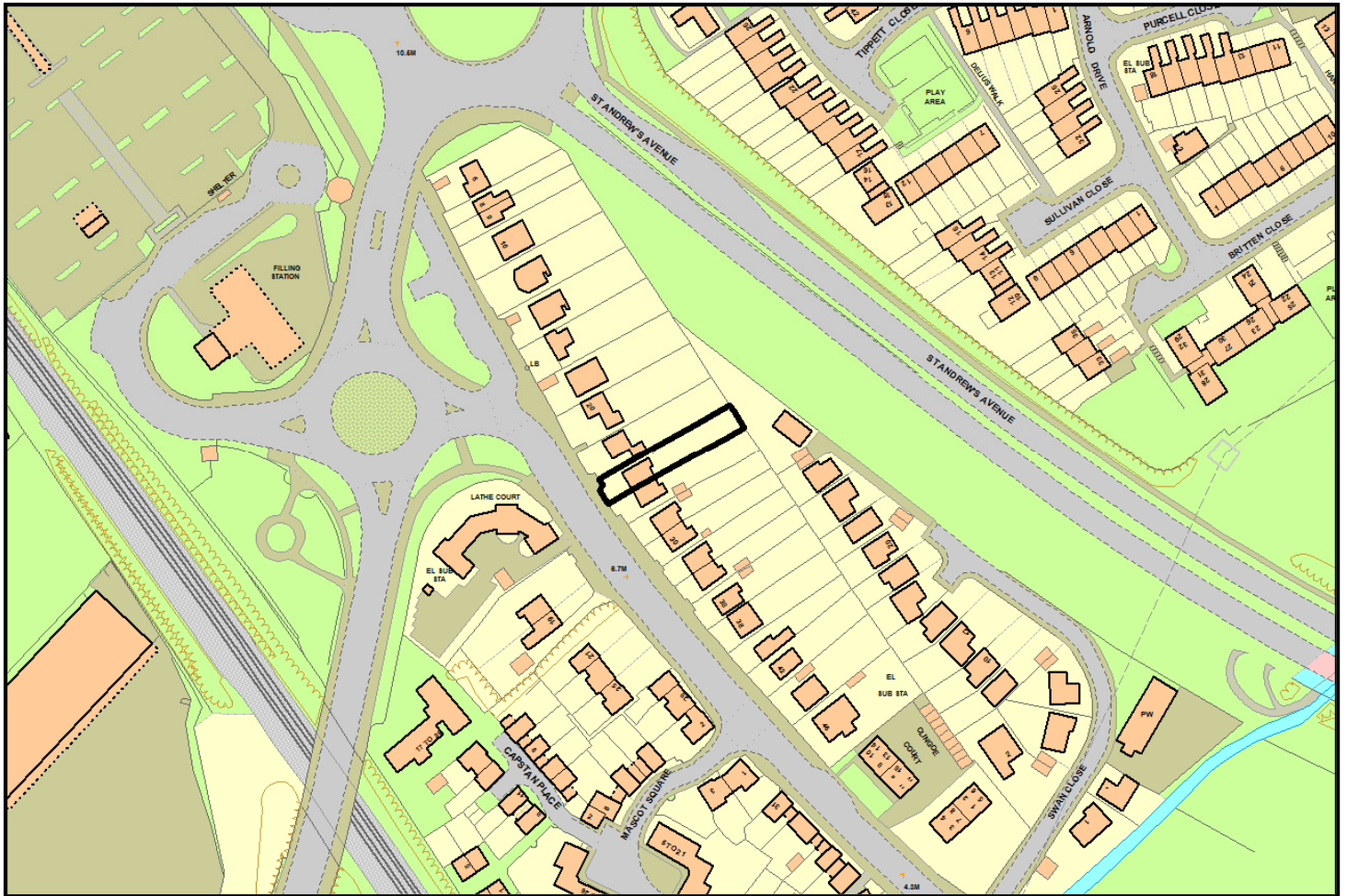
Reason: To ensure appropriate cycle parking is provided in the interest of highway safety.

## 20.0 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.







**Application No:** 150807

**Location:** 24 Elmstead Road, Colchester, Essex, CO4 3AA

**Scale (approx):** 1:1250

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**7.2 Case Officer: Daniel Cameron**

**Due Date: 18/06/2015**

**Householder**

**Site: 24 Elmstead Road, Colchester, Essex CO4 3AA**

**Application No: 150807**

**Date Received: 23 April 2015**

**Agent: Mr Brian Griffiths**

**Applicant: Mrs K Mohanathan**

**Development: Demolish existing conservatory and small lean-to extension and build two storey and ground floor extension to rear.**

**Ward: St Andrews**

**Summary of Recommendation: Conditional Approval**

## **1.0 Reason for Referral to the Planning Committee**

- 1.1 This application is referred to the Planning Committee as it has been called in by Councillor Tim Young for the following reasons:
- Loss of light to the neighbouring property, and
  - Overlooking of the neighbouring property.

## **2.0 Synopsis**

- 2.1 The key issues explored below are the impacts of the proposed extension in terms of any overbearing, overshadowing and infringing the privacy of the neighboring properties.

## **3.0 Site Description and Context**

- 3.1 Elmstead Road is located within the St. Andrews ward in east Colchester and lies between the Hythe and the University of Essex campus. It is predominantly residential in character and is largely made up of modern, semi-detached properties set back from the road.
- 3.2 The application site is a three bedroomed semi-detached property with small scale extensions to the rear of the property. The property enjoys a paved, off-street parking area to the front and good sized garden to the rear. It has previously been extended at single storey level to the rear. The neighbouring property, number 26, is other property forming the semi-detached pair and similarly enjoys a paved, off-street parking area to the front of the property and good sized rear garden and also enjoys a single storey extension at the rear. The other neighbouring property, number 22, is a detached property, again with good sized rear garden, and shows no signs of extension. Each property boundary is lined by 6 foot high timber panelled fencing.

## **4.0 Description of the Proposal**

- 4.1 This application seeks permission for a rear extension. It proposes demolishing the existing single storey lean to and conservatory extensions currently present on the property and replacing them with an extension combining both a two storey, and single storey element. The extension will project out 3m from the existing lean to extension and 2m from the existing conservatory. This would amount to a projection from the original rear wall of the property of 4.75m. The single storey element of the proposed extension stands 3m high, while the two storey element stands some 6m high. It is proposed that the single storey element be placed adjacent to number 26 so as to limit any impacts from the two storey element upon that property.

## **5.0 Land Use Allocation**

- 5.1 The current land use allocation of the area is residential.

## **6.0 Relevant Planning History**

- 6.1 There is no relevant planning history relating to this property.

## **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
- 7.3 In addition, the following are relevant adopted Colchester Borough Development Policies (adopted 2010, amended 2014):  
DP1 Design and Amenity  
DP12 Dwelling Standards  
DP13 Dwelling Alterations, Extensions and Replacement Dwellings
- 7.5 Regard should also be given to the following adopted Supplementary Planning Guidance/Documents:  
Extending Your House?  
The Essex Design Guide

## **8.0 Consultations**

- 8.1 The application was put out to public consultation until the 18<sup>th</sup> May 2015 and was advertised on the website of Colchester Borough Council.

- 8.2 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. The site is in an unparished town ward.

## **10.0 Representations**

- 10.1 One representation was received which spoke against the development. It expressed concern that the extension would limit the light reaching their lounge at the rear of the neighbouring property, number 26, as it would extend some 2.2m beyond their property.

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

## **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**

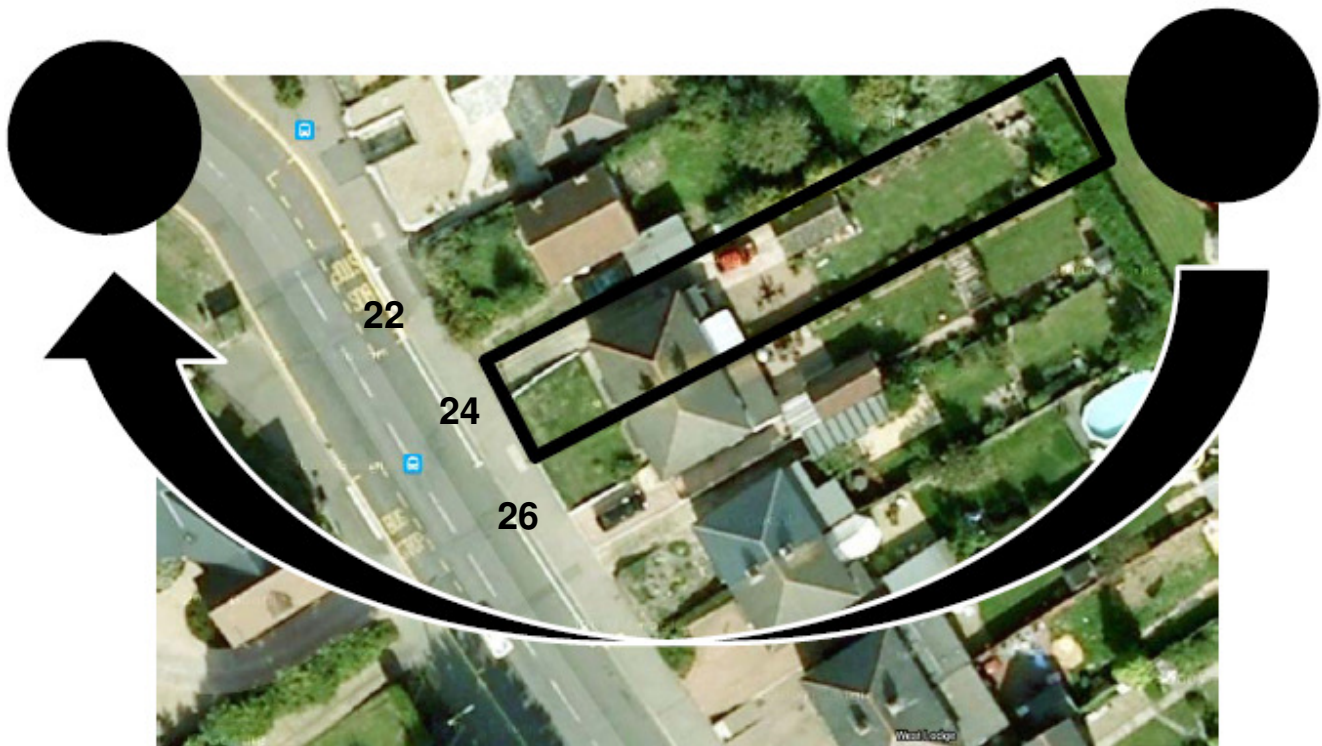
- 14.1 This application is not classed as a "Major" application and therefore there was no requirement for it to be considered by the Development Team and it is considered that no Planning Obligations should be sought via Section 106 (S106) of the Town and Country Planning Act 1990.

## **15.0 Report**

- 15.1 Design and Layout  
The proposed extension is well related to the original dwelling in architectural style and scale. The footprint of the extension will not significantly increase the property beyond its current dimensions and will still leave the property with a good sized rear garden. The single storey element of the proposal would come under permitted development rights and could be built without planning permission. In terms of layout the two storey element of the proposed extension has been located so as to limit any impacts upon neighbouring properties by making the element as remote from them as possible.
- 15.2 Impact on Neighbouring Amenity  
In determining whether the proposed extension would generate any unacceptable impacts, the tests described within Colchester Borough Council's Extend Your House SPD have been applied.

- 15.3 *26 Elmstead Road* – The proposed extension is directly adjacent to this property, although the two storey element is some 2m removed from the boundary meaning that it would not infringe a 45 degree plan line drawn from the nearest corner of number 26. Further neither the two storey or single storey elements of the proposed extension extend beyond 3m of the main rear wall of number 26, meaning that the proposed extension would not be unacceptably overbearing. In terms of levels of direct and ambient light reaching the property there should also be no unacceptable impacts given that the extension does not infringe a combined plan and section 45 degree overshadowing zone. Further the orientation of the buildings means that both properties should benefit from good levels of light, especially in the mornings. There should be no issues of overlooking as the two storey element does not propose windows in either side elevation. Windows could be prevented from being added at a later date by condition. With this amendment, number 26 should enjoy increased levels of privacy to the rear aspect of their property.
- 15.4 *22 Elmstead Road* – The proposed extension is some 6m removed from the nearest corner of this property and further the garage to the rear of number 22 also sits in-between. At this distance, any impact of the proposed extension should be very slight, indeed none of the tests outlined within the Extend Your House SPD to assess the overbearing, overshadowing or overlooking of the proposed extension are infringed.

- 15.5 Figure 1 below seeks to demonstrate diagrammatically why the extension at number 24 will not cause any significant loss of sunlight



**Fig 1: Movement of the sun in relation to no's 22, 24 & 26 Elmstead Road**

Note that no. 26 will be unaffected by the proposed extension at no 24 because the latter lies to the north. Also note how in the photograph the main house and garage at no 22 cause shadowing of the patio area to that property during the afternoon. The distance from the boundary of the two storey extension and the distance between no 24 and 22 with the intervening garage to no 22 means that there can be little impact on daylight to the patio area of no 22.

- 15.6 Policy  
The proposed extension accords with all necessary policies with no conflicts.

## 16.0 Conclusion

- 16.1 The only part of this application which requires planning permission is the two storey element as the single storey portion could be completed through permitted development rights. The design of the proposed extension is good and minimises its impacts upon the neighbouring properties. No test for overbearing, overshadowing or overlooking as laid out within the Extend Your House SPD has been infringed and no unacceptable impacts have been identified. It is considered that the representation against the scheme is dismissed. Officer recommends approval.



## **17.0 Recommendation**

17.2 APPROVE subject to the following conditions below.

## **18.0 Positivity Statement**

### **18.1 WA1 – Application Approved Without Amendment**

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.

## **19.0 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 - 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, unless otherwise agreed, in writing, by the Local Planning Authority.

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

### **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 Number A1-101503-8.

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

### **4 - Non-Standard Condition/Reason**

Notwithstanding the provisions of Article 3, Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), no windows, openings or other apertures shall be inserted in the first floor elevations of the rear extension hereby approved, except in accordance with details which shall previously have been submitted to and approved, in writing, by the Local Planning Authority.

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

## **20.0 Informatives**

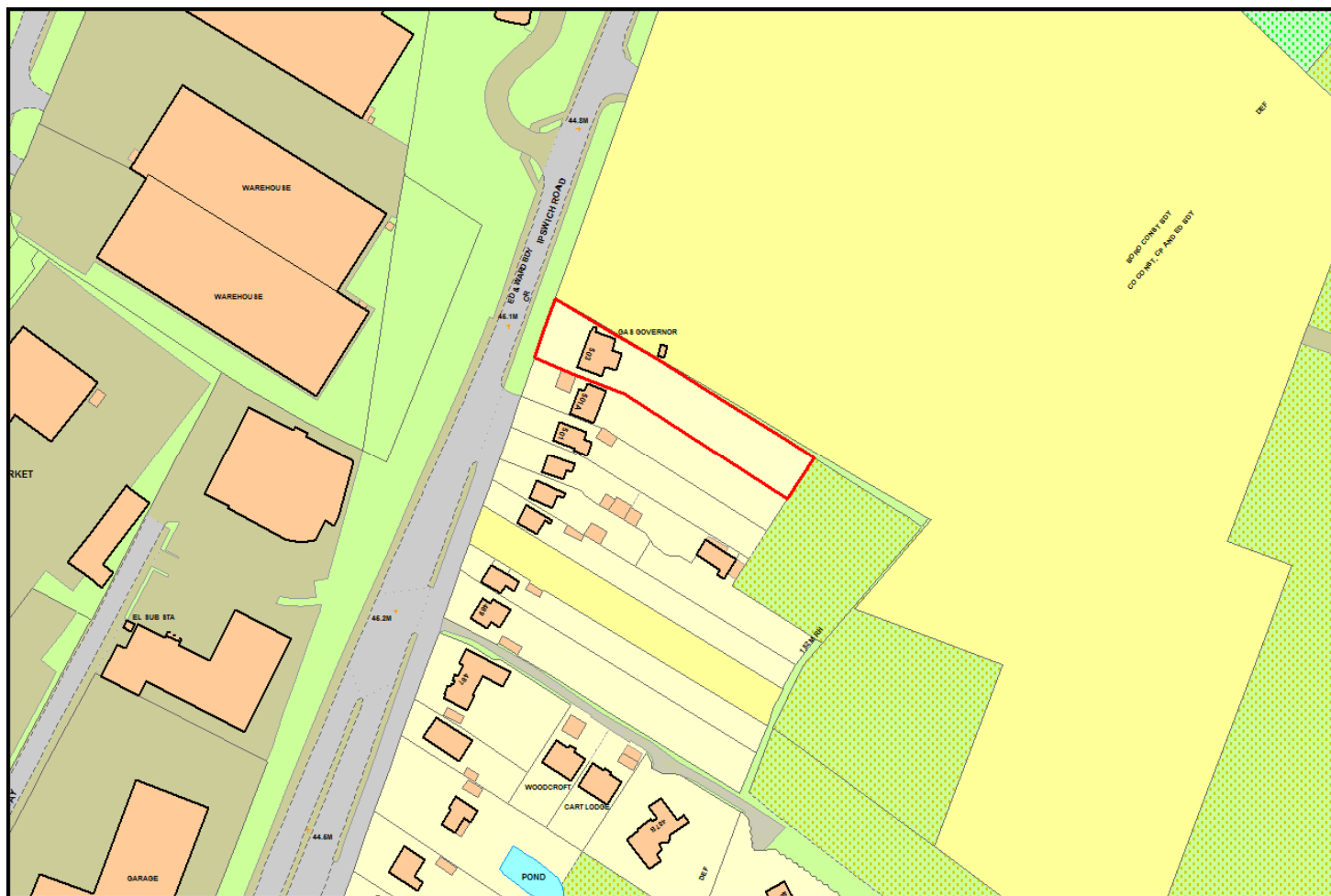
(1) **ZT0 – Advisory Note on Construction & Demolition** The developer is referred to the attached advisory note Advisory Notes for the Control of Pollution during Construction & Demolition Works for the avoidance of pollution during the demolition and construction works. Should the applicant require 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.





**Application No:** 150790

**Location:** 503a Ipswich Road, Colchester, CO4 9HD

**Scale (approx):** 1:1250

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**7.3 Case Officer: Nadine Calder**

**Due Date: 18/06/2015**

**Householder**

**Site: 503a Ipswich Road, Colchester, CO4 9HD**

**Application No: 150790**

**Date Received: 23 April 2015**

**Applicant: Mr Roger Harvey**

**Development: Demolition of existing single skin porch. Erection of deeper porch to accommodate ground floor w.c. Erection of garden room.**

**Ward: St Johns**

**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 the parent of a member of staff of the Planning Department.

**2.0 Synopsis**

- 2.1 The key issues explored below are the design of the proposed development as well as its impact on neighbouring amenity and the character and appearance of the main dwelling as well as surrounding area. It is considered that the proposal would not result in any design or amenity issues and accords with national and local policy requirements. The application is therefore recommended for approval subject to conditions.

**3.0 Site Description and Context**

- 3.1 The application site comprises of one half of a semi-detached property located on the eastern side of Ipswich Road and within the defined settlement limits of Colchester. There are a number of protected trees in the rear garden of the site. The property is set back a considerable distance from Ipswich Road which allows for ample off street parking to the front of the dwelling.

**4.0 Description of the Proposal**

- 4.1 Planning permission is sought for a single storey rear extension measuring 5.1m in depth, between 3m and 3.4m in width and approximately 2.9m in height as well as a single storey extension to the existing porch to the side of the house resulting in a porch of 4.1m in depth, 1.15m in width and 3m in height.

**5.0 Land Use Allocation**

- 5.1 The application site is located within a predominantly residential area.

## **6.0 Relevant Planning History**

- 6.1 There is no planning history that is particularly relevant to this proposal.

## **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

- 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

## **8.0 Consultations**

- 8.1 The consultation exercises have not resulted in any objections.

## **9.0 Parish Council Response**

- 9.1 This area is non-parished.

## **10.0 Representations**

- 10.1 The consultation exercises have not resulted in any objections from members of the public.

## **11.0 Parking Provision**

- 11.1 The proposed development would not result in any changes to the parking provision on site which is in compliance with current parking standards.

## **12.0 Open Space Provisions**

- 12.1 There is no requirement for the provision of open space in connection with this application.

## **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**

- 15.1 The most significant planning issues are the design of the proposed development, as well as its impact on neighbouring amenity in terms of outlook, light and privacy.
- 15.2 The design of the proposed development is considered satisfactory on its own merits. The rear extension is visually acceptable given its small scale and discreet location away from public views and would not detract from the appearance of the original building. Similarly, the extension of the entrance porch to the rear of the existing structure is not considered to cause any material harm on the application property in visual terms. Consequently, the design and layout of the proposed development do not harm the surrounding area and the plot is considered to be of sufficient size to avoid overdevelopment.
- 15.3 The proposed development would not appear overbearing on the outlook of neighbours. The Council policy sets out that a 45 degree angle of outlook from the mid-point of the nearest neighbouring windows should be preserved and it is considered that this proposal satisfies this requirement.
- 15.4 Similarly, there are no concerns regarding loss of light. The combined plan and elevation tests are not breached and the proposal therefore satisfies the Council's standards for assessing this issue as set out in the Essex Design Guide and the Extending Your House SPD.
- 15.5 Additionally, the proposal does not include any new windows at first floor level that would offer an unsatisfactory angle of overlooking that harmed the privacy of the neighbouring properties, including their protected sitting out areas as identified in the above SPD.
- 15.6 Finally, in terms of other planning considerations (e.g. damage to trees or highway matters), the proposed development does not raise any concerns. The protected trees to the rear of the site are located a significant distance away from the proposed development and are therefore not considered to be negatively affected by the proposal.

## **16.0 Conclusion**

- 16.1 To summarise, the proposed development fully accords with the Council's policy requirements and no objections have been received.

## **17.0 Recommendation**

- 17.1 APPROVE subject to conditions.

## 18.0 Positivity Statement

- 18.1 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.

## 19.0 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 1A and 2.

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

## 20.0 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.

