

Planning Committee Meeting

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

Thursday, 17 November 2022 at 18:00

The Planning Committee deals with planning applications, planning enforcement, public rights of way and certain highway matters. If you wish to come to the meeting please arrive in good time. Usually, only one person for and one person against each application is permitted.

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 (the list of items to be discussed at a meeting), which is usually published five working days before the meeting, and minutes once they are published.

Dates of the meetings are available here:

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

Most meetings take place in public. This only changes when certain issues, for instance, commercially sensitive information or details concerning an individual are considered. At this point you will be told whether there are any issues to be discussed in private, if so, you will be asked to leave the meeting.

Have Your Say!

The Council welcomes contributions and representations from members of the public at most public meetings. At Planning Committee meetings, other than in exceptional circumstances, only one person is permitted to speak in support of an application and one person in opposition to an application. If you would like to speak at a meeting and need to find out more, please refer to the Have Your Say! arrangements here:

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

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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, using the contact details below and we will try to provide a reading service, translation or other formats you may need.

Facilities

Toilets with lift access, if required, are on each floor of the Town Hall. A water dispenser is available on the first floor.

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COLCHESTER BOROUGH COUNCIL
Planning Committee
Thursday, 17 November 2022 at 18:00

The Planning Committee Members are:

Cllr Lilley
Cllr Barton
Cllr Chapman
Cllr Chuah
Cllr Mannion
Cllr MacLean
Cllr McCarthy
Cllr Nissen
Cllr Tate
Cllr Warnes

Chair
Deputy Chair

The Planning Committee Substitute Members are:

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

Councillors:

Tracy Arnold	Molly Bloomfield	Michelle Burrows	Roger Buston	Mark Cory
Pam Cox	Adam Fox	Mark Goacher	Jeremy Hagon	Dave Harris
Mike Hogg	Richard Kirkby-Taylor	Sue Lissimore	Andrea Luxford Vaughan	Patricia Moore
Sam McLean	Beverly Oxford	Gerard Oxford	Chris Pearson	Kayleigh Rippingale
Lesley Scott-Boutell Tim Young	Paul Smith	Dennis Willetts	Barbara Wood	Julie Young

AGENDA

THE LIST OF ITEMS TO BE DISCUSSED AT THE MEETING

(Part A - open to the public)

Please note that Agenda items 1 to 2 are normally dealt with briefly.

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

Live Broadcast

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

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

1 Welcome and Announcements

The Chairman will welcome members of the public and Councillors and remind everyone to use microphones at all times when they are speaking. The Chairman will also explain action in the event of an emergency, mobile phones switched to silent, audio-recording of the meeting. Councillors who are members of the committee will introduce themselves.

2 Substitutions

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

3 Declarations of Interest

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

4 Urgent Items

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

5 Have Your Say(Hybrid Planning Meetings)

At meetings of the Planning Committee, members of the public may make representations to the Committee members. This can be made either in person at the meeting or by joining the meeting remotely and addressing the Council via Zoom. These Have Your Say! arrangements will allow for one person to make representations in opposition and one person to make representations in support of each planning application. Each

representation may be no longer than three minutes(500 words). Members of the public wishing to address the Committee either in person or remotely need to register their wish to address the meeting by e-mailing democratic.services@colchester.gov.uk by 12.00 noon on the working day before the meeting date. In addition for those who wish to address the committee online we advise that a written copy of the representation be supplied for use in the event of unforeseen technical difficulties preventing participation at the meeting itself.

These speaking arrangements do not apply to councillors who are not members of the Committee who may make representations of no longer than five minutes each

6 Minutes of Previous Meeting

The Councillors will be invited to confirm that the minutes of the meetings held on 22 September 2022 and 20 October 2022 are a correct record.

2022-09-22 CBC Planning Committee Minutes 7 - 16

2022-10-20 CBC Planning Committee Minutes 17 - 20

7 Planning Applications

When the members of the Committee consider the planning applications listed below, they may decide to agree, all at the same time, the recommendations in the reports for any applications which no member of the Committee or member of the public wishes to address the Committee.

7.1 221294 43 Roman Road, Colchester, Essex, CO1 1UR 21 - 32

Proposed single storey rear extension.

7.2 222402 44 Marlowe Way, Colchester, Essex, CO3 4JP 33 - 38

Application for replacement of existing flat roof single storey rear extension with proposed two storey.

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).

Planning Committee Information Pages v2 39 - 50

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

PLANNING COMMITTEE

22 September 2022

<i>Present:-</i>	Councillors Lilley (Chair), Barton, Chapman, Chuah, MacLean, Mannion, McCarthy, Pearson and Warnes
<i>Substitute Member:-</i>	Councillor Davidson substituted for Councillor Tate
<i>Also in Attendance:-</i>	Councillors Arnold, McLean and Scott-Boutell

942. Site visits

Councillors Barton, Chapman and Lilley attended a site visit in respect of applications 221370 48 Wimpole Road, Colchester and 220600 The Lodge, Osprey Close, Stanway, Colchester.

Councillor Warnes (in respect of the proximity of his home to the application sites) declared a non-pecuniary interest in the following item pursuant to the provisions of Meetings General Procedure Rule 7(5).

943. 213530 and 213531 Land West of Peldon Road, and Land Adjacent Boreleys, Peldon Road, Abberton CO5 7PB

The Committee considered two applications for outline planning permission for up to 50 new dwellings; a new vehicle drop-off point/ pick up point; and access to Peldon Road with all matters reserved, except access, and an outline application for the erection of five dwellings. The applications were referred to the Planning Committee as they represented a departure from the adopted Development Plan and in the case of the larger application the signing of a legal agreement was required, and objections had been received.

The applications had been considered at the Planning Committee meeting on 16 June 2022, when the applications were deferred for further consideration of the following issues-

- Improved turning area and drop off point in the school grounds.
- Crossing point between two site allocations in policy S1 and whether the safe delivery of a controlled crossing was possible at an affordable cost.
- Possible site B footway link to the Public Right of Way.
- Possible options for further road calming measures on Peldon Road.

The applications had then been due to be considered at the Planning Committee on 8 September 2022 but the meeting had been adjourned due to the death of Her Majesty the Queen.

The Committee had before it a report in which all information was set out, together with additional information on the Amendment Sheet.

Simon Cairns, Development Manager, presented the report and assisted the Committee in its deliberations. He explained that since the last meeting, a NHS contribution had been

agreed from site A. In terms of site B, the continuation of the footway along the site frontage to join the footway to the north and provide a continuous pedestrian access was agreed. In addition, condition 29 was revised to provide for the alternative scenarios for parking and a pickup/drop off facility either in the grounds of the primary school or if that should not be deliverable, within application site A. If the Committee was concerned about the details of this element, it could request that the reserved matters be referred back to the Committee for determination. Whilst concerns had been expressed about the lighting of the footpath to the north of site B, condition 28 provided for the upgrading of that footpath and this could include investigating the possibility of lighting. However, it was possible that this could have some impact on amenity of nearby residential properties. It would be possible to introduce a local lettings policy for the affordable housing units on site A. In respect of issues relating to the safety of the crossing point on Peldon Road, Martin Mason of Essex County Highways, was in attendance to explain the Highways advice and to answer members queries.

Dr Simon Dougherty addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in opposition to the application for site A. It was noted that the Local Plan required that the development should address congestion associated with the Primary School through the provision of a new drop off/pick up area outside the school. It had been anticipated that the east site, next to the school, would be used for the drop off area. However, the application placed this and the development of 50 houses, on the west site. Whilst the school supported the drop off area within school grounds, this was still subject to negotiation with Essex County Council. If these discussions failed, then the fallback position was for 10 spaces on the west side of Peldon Road. This was unacceptable. The assumptions underpinning the technical document used to justify this were not accepted and failed to properly quantify the risk. The fallback drop off was in the wrong location and was too small. Parents would continue to park on roads adjacent to the school, which would impact on residents and fail to meet the recommendations of the Local Plan. If the fallback solution were to become the final choice, it must be brought back to the Planning Committee for further consideration. The Parish Council had taken the initiative on proposed development since 2016. It had highlighted the need for additional parking and had explored the issue with Essex County Council, providing evidence on the numbers of pupil brought to the school. Local needs should be taken into account as the development would make the biggest change to the village for a generation.

Andrew Ramsome addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in support of the application for site A. Following the Committee's consideration of the application on 16 June 2022, the only outstanding matter was in respect of highway safety. The applicant had met with Colchester Borough Council, Essex County Council and the Parish Council to discuss highways issues and agree a way forward and following these discussions a Technical Note had been submitted to address the concerns raised by the Committee. This had been reviewed and agreed by Essex County Council and therefore there were no highway safety issues arising from the application. Essex County Council did not support the provision of a crossing as it considered this would increase the risk to highway safety and due to the lack of space to accommodate it. The application also proposed a package of mitigation measures including signage, which would help to reduce road speeds on Peldon Road. The applicant had also agreed a condition for the provision of a school drop off point.

Mark Jackson addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in support of the application for site B. The application sought outline planning permission for 5 dwellings, with all matters reserved except access. The application had been deferred for further investigation into the footway link to the public

right of way. Following confirmation of the extent of the public maintainable highway in the vicinity of the site, revised plans had been submitted showing a new footway link on the east side of Peldon Road from the application site to the public right of way. The plans were considered acceptable by officers of both councils. It was proposed that this be secured by condition, and this condition was acceptable to the applicant. The applicants had been advised that the school did not require a link through the school to the playing field. The proposals accorded with the Local Plan and the National Planning Policy Framework and permission should therefore be granted subject to the conditions in the report.

In discussion, members of the Committee expressed continued concerns about visibility and the ability for pedestrians to cross Peldon Road safely. People coming from the school in winter or at night would have extremely limited visibility of oncoming traffic and consideration should be given to the provision of improved visibility splays, especially as there was a speeding issue on Peldon Road. Attention was drawn to Essex County Council's Vision Zero document on highway safety. Confirmation was sought on the detail of the proposed road signage and whether this would provide notice of the school.

Two standard streetlights should also be provided near the crossing point. Most of the activities in the village and communal facilities were on the east side of Mersea Road so residents of site A would need a safe pedestrian access to that part of the village and therefore low level lighting should be provided on the footpath. It was important that the footpath respected desire lines. Support was expressed for the concept of a local lettings policy for four affordable units on site A and for the suggestion that the reserved matters be brought back to the Committee so it could be assured that they were in accordance with the Local Plan.

The Development Manager responded and highlighted that a controlled crossing was not proposed as the Highways Authority did not support it on safety grounds. The upgrading of the public right of way was covered by condition 28, which could include the provision of low level lighting. Site B was now connected by an agreed footway to the school and the wider village. In terms of signage, the agents had indicated that they would be happy to support further safety signage on Peldon Road. Condition 29 addressed the Local Plan site allocation requirement for a pick up and drop off facility at the school. Essex County Council were conducting a feasibility study, but if it was not possible an alternative facility could be provided within site A. This would form part of the reserved matters which could be reported back to the Committee. Therefore, the only outstanding matter was the controlled crossing on Peldon Road which Essex County Council Highways was best placed to advise on.

Martin Mason, Essex Highways, explained that Vision Zero was not a document that planning applications were judged against. There were clear development management policies against which applications were measured and highway safety was the key consideration. In terms of the crossing point the advice given to the Committee in June was that it was as safe as they could make it. It was appropriate to the local environment and the quantum of development proposed. Since then a Technical Paper had been prepared by the applicant, which gave evidence why the crossing was considered to be safe. However, highway safety remained a judgement for the Highway Authority, and it remained their view that this was as safe as it could be made. A controlled crossing would not be appropriate in this location. These were more appropriate for urban and suburban areas, where they would be used regularly. Where not used regularly they tended to increase the risk to highway safety. The road was already relatively narrow so there was no need to provide a central island. In terms of signage, the Highway Authority was seeking to

reduce signage in order to reduce clutter and to minimise maintenance. However, he would be content to investigate further the proposal that the existing signage be moved, so long as it was not detrimental to highway safety.

RESOLVED (UNANIMOUSLY) that application 213530 be approved subject to the signing of a legal agreement under section 106 of the Town and Country Planning Act 1960 within 6 months from the date of the Committee meeting. In the event the legal agreement was not signed within 6 months, authority be delegated to the Assistant Director to refuse the application, or otherwise be authorised to complete the agreement. The contribution of £30,300 towards primary healthcare services to be added to the planning obligations to be secured via the legal agreement together with a local lettings cascade for four units of affordable housing and possible ward contribution for sport and recreation to Abberton Cricket Club. The permission to be subject to the conditions and informatives as set out in the report, including the amendments to condition 29 and the removal of condition 31, together with an additional condition to cover secure a scheme for road safety signage for the school and a gateway feature at the access to the site. The reserved matters to be referred back to the Committee for determination.

RESOLVED (UNANIMOUS) that application 213531 be approved subject to the conditions and informatives in the report, including the amendment to condition 10, and an additional condition for a sport and recreation contribution towards Abberton Cricket Club.

944. 221902 Land Werst of Cross Cottages, Boxted

The Committee considered an application for the removal or variation of condition 2 following the grant of planning permission 220148. The application was referred to the Planning Committee as Colchester Borough Council was the applicant.

The Committee had before it a report in which all information was set out together with additional information on the Amendment Sheet.

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

945. 221730 48 Wimpole Road, Colchester CO1 2DL

The Committee considered an application for the change of use for a Home in Multiple Occupation (HMO) comprising of 6 bedrooms to an HMO comprising 7 bedrooms. The application was referred to the Planning Committee as it had been called in by Councillor Pam Cox for the reasons set out in the report.

The Committee had before it a report in which all information was set out together with additional information on the Amendment Sheet.

John Miles, Senior Planning Officer presented the report to the Committee and assisted the Committee in its deliberations.

Councillor McLean attended and with the consent of the Chair addressed the Committee. The application had been called in following concerns expressed by neighbours. Parking on Wimpole Road and neighbouring roads was already at full capacity and this development could potentially result in a further seven vehicles looking to park in the area. The property was not built to accommodate seven residents and struggled to accommodate six. Adding a further bedroom would turn it into a slum with residents

crammed into tiny living spaces. Residents would therefore experience a poor quality of life and poor mental health, which would impact on local health services. HMOs typically housed a transient population who tended not to integrate into the local community and therefore the expansion of this HMO would have a negative impact on the local community.

In response the Senior Planning Officer explained that the Parking Partnership had advised the property was in a zone that required a parking permit and was eligible for two parking permits. This would be the case if it were a private residential home or an HMO. The limit of two parking permits was designed to prevent over-subscription. They had not received complaints that residents were unable to park in this zone. In addition, there were two onsite parking spaces proposed. It was in a sustainable location and there was no highways objection.

In terms of living standards, six of the rooms were en-suite. The Private Sector Housing Team had been consulted and the application had been assessed against the Essex HMO Amenity Standards. All rooms complied with these standards. The HMO would need to be licensed by the Private Sector Housing Team, who would ensure proper management.

In discussion, the Committee noted that the property was already a six bedroomed HMO, which appeared to be well maintained and was in a sustainable location. The key consideration was the additional impact that would be caused by an additional bedroom. A member queried whether any controls on tenants could be imposed to prevent rooms being let by families or couples, and whether the minimum space standards would be met if any of the rooms were occupied by two people. Some concern was also expressed that whilst a communal dining/living area there was no communal recreation space. It was also suggested that condition 5 in respect of cycle parking be amended so that it was provided in perpetuity.

The Senior Planning Officer explained that proposed conditions limited occupancy to seven people. Occupancy would also be controlled by the licence issued by the Council's Private Sector Housing Team. In terms of living space, the kitchen/dining room was the communal living space, and in size it was double the minimum standard.

RESOLVED (UNANIMOUS) that the application be approved subject to the conditions and informatives in the report, subject to the addition of the words "in perpetuity" to condition 5.

946. 220600 The Lodge, Osprey Close, Stanway, Colchester CO3 8WA

The Committee considered an application for the change of use from private residential to 3 bed children's home. The application was referred to the Committee as it had been called in by Councillor Scott-Boutell for the reasons set out in the report.

The Committee had before it a report on which all information was set out together with additional information on the Amendment Sheet.

Chris Harden, Senior Planning Officer, presented the report and together with Simon Cairns, Development Manager, assisted the Committee in its deliberations.

Gareth Floodgate addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in opposition. He was pleased that the Committee had made a site visit, although the visit had been undertaken during the day when traffic was quiet and demand for parking was low. Highways continued to object to the proposal on basis that were existing significant parking issues. There was already a red route in place at

residents' request, yet there were still obstructions to traffic, which increased the risk to highway safety. The application was vague in many respects. It made no reference to impact on local schools which were already oversubscribed. It implied that transport to schools would be required which would increase congestion. There was no upper limit on the number of children to be placed and a profit making company would look to maximise the use. The safeguarding of young children in the area had not been assured. There was no provision for waste collection and commercial waste collection bins would reduce car parking space and could lead to loss of amenity through collections at anti-social times. The applicant did not have sole entitlement to the car parking spaces on Dove Court, which could be used by all residents on the estate and were nearly constantly occupied. The proposed use would be a breach of the deeds of the covenant for the property, which restricted use to a private dwelling. The company had no trading history, no license and no staff. The application showed complete disregard for the wellbeing and amenity of neighbours.

Nyasha Mapuranga addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in support of the application. As the Responsible Individual and a Director of Agnes Grace, she was a registered nurse with twenty years' experience of health and social care management. The Manager had been working in children's care for six years and held a Level 5 Health and Social Care Diploma and would need to be registered with Ofsted. There was a need for such accommodation in the East of England. Local authorities were under a duty to place children within a 20 mile radius of their home but in Essex this was only achieved in 35% of cases. This impacted on the workload of social workers and children's wellbeing. The home would provide employment in the area. Children admitted to the home would be risk assessed to ensure it met their needs. Staff employed at the home would be qualified and trained in behavioural management. Children would be supervised at all times. During the day there would be two staff members and a manager on site. The property had two parking spaces and she also paid for the use of spaces on Dove Court. There was also on street parking and public transport links. The home would allow children to thrive holistically as it was close to schools, colleges and university, plus access to healthcare and shopping facilities. The use would provide a positive impact on children in need.

Councillor Scott-Boutell attended and with the consent of the Chair addressed the Committee in opposition to the application and highlighted the objection from Essex Highways. The objection it had lodged in April was made on strong grounds as set out in paragraph 8.3 of the report. This included concerns about the level of parking provision for staff and visitors, which was likely to lead to parking in the highway, particularly during shift changes. This would lead to danger, congestion and obstruction. The location was not easily accessible by public transport. Dove Court was not adopted but parking there would lead to similar issues. She endorsed these arguments. Osprey Court was a throughway and she had worked hard with residents and the Parking Partnership to have it designated as red route. This had improved traffic movements, but any extra pressure would lead to a recurrence of traffic flow problems. Parking in Dove Court would lead to obstruction and neighbourhood complaints. Neither Osprey Close nor Dove Court were designed for this level of activity. Highways had commented further in August that the refusal still stood and comment further on the paucity of bus services in the area. The additional spaces claimed by the applicant were visitor spaces for Dove Court. The suggestion on sharing and carpooling were not enforceable. Clarification was sought on waste storage and collection arrangements. The Committee should follow Highways advice and refuse the application.

The Senior Planning Officer responded and explained that when he had visited the site whilst there was parking on verges, there was on road parking space available. The

comments made about schooling would apply to the extant planning permission for the property. In terms of waste collection, the details would need to be submitted to the Planning Authority for approval but the noise and disturbance were unlikely to be different from a private residential dwelling. The applicant did not have sole rights to the visitor parking spaces but the numbers of visitors were unlikely to be very different from a private residential dwelling. The access to the property was good so change over times were unlikely to be disruptive. The issue of the covenant was a private issue and not a material planning consideration. In terms of the concerns around safeguarding, the children would be placed by Essex County Council who would consider their suitability for the property, and it would also be licensed through Ofsted.

The Highways objection had been seriously considered but he did not consider that it justified refusal on highways safety or parking provision grounds. The site had two parking spaces for staff, and visibility was good. There were public transport links. The impact of the use in highways and parking terms use would not be significantly greater than a private residential dwelling.

In discussion, members of the Committee expressed sympathy for the intention of the application and noted the need for this type of use. However, some doubt was expressed as to whether this was the right location and the Highways objection was noted. Members with local knowledge stated that the area was very congested in morning and evening with cars parked on both sides of Osprey Close. Buses did not serve Osprey Close. Concern was also expressed that as a result of the impact on neighbours that children using the home would not be able to integrate well into the community.

Clarification was sought as to whether the two parking spaces in the control of the property together with one visitor space would meet the parking standards. It was noted that the advice given to the Committee was that significant weight should be given to the opinion of experts, and that where the Committee was minded to make a decision contrary to expert opinion, it should have evidence to justify this. Clarification was sought from officers as to whether they were confident that there was evidence that could counter the Highways objection.

The Development Manager explained that the impact of the proposed use in terms of highways would not be materially greater than for a three bedroom dwelling. The Committee could consider issuing a temporary consent for a period to allow evidence of the impact of the use to be evaluated. If the use did lead to problems the Committee could then refuse to extend the use. The Committee could defer the application to explore whether the applicant would consider a temporary consent.

In further discussion, some members expressed the view that the impact of use was unlikely to be significantly greater than the existing use as a three bedroom dwelling. However, there was sympathy for the views of the objectors and it was felt that a temporary consent for a period of two years would give sufficient time for the use to be effectively monitored. A period of two years would give time for the use to be established as the County Council may not be prepared to place children if the consent was for too short a period.

It was proposed that the application be deferred for further discussion for officers with the applicant to establish how long it was likely to take for the use to be established and to obtain the necessary permissions from Ofsted. This would then allow for suitable period for a temporary permission to be granted. It was also suggested that the case officer could clarify the advice on the Highways objection in the report. However, officers explained that

the issues in respect of the Highways objection were fully explored and there was little that could be usefully added.

It was also proposed that an independent survey of on street parking in the locality through peak periods and over a significant period of time be undertaken to help the Committee understand the likely impacts of the use.

RESOLVED (UNANIMOUS) that:-

- (a) the application be deferred to the submission of an independent parking survey of on street parking in the locality and for further discussion with the applicant regarding project initiation timescales and whether a temporary consent would be acceptable.
- (b) The application be referred back to the Committee for determination once the further information was received.

Councillor Lilley (in respect of the proximity of the application site to his home) declared a non-pecuniary interest in the following item pursuant to the provisions of Meetings General Procedure Rule 7(5).

947. 221639 Century House, North Station Road, Colchester C01 1RE

The Committee considered an application for 4 corten steel planters containing trees to be located on the footway/walkway outside Century House, North Station Road. The application was referred to the Committee as the applicant was Colchester Borough Council.

The Committee had before it a report in which all information was set out.

Chris Harden, Senior Planning Officer, presented the report and together with Simon Cairns, Development Manager, assisted the Committee in its deliberations.

Sir Bob Russell addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in opposition to the application. There had been no consultation with residents or traders on North Station Road and they were unaware of the cost of the project or that it involved rust coloured planters. Whilst he was in favour of tree planting, and North Station Road previously had a avenue of trees, he did not support planting in rust coloured boxes. It would be cheaper to replant where trees had been previously. He endorsed the comments of Councillor Goacher in calling the application in. The application should be deferred for proper consultation with businesses and the CO1 Residents Association.

Jane Thompson, Sustainability and Transport Lead for Colchester Borough Council, addressed the Committee in support the application. Traders had been consulted and the Residents Association informed of the application. The application was part of the second phase of the Fixing the Link project. It would help restore the character of North Station Road as a tree lined avenue. Fixing the Link was joint project with Great Anglia and Essex County Council aimed at improving the link between North Station and the town centre. This included better signage, flags indicating the route and information plaques. Other elements on phase two included lighting on the Albert Roundabout and improvements to North Bridge. Consideration had been given to planting trees into the ground, but this would need approval from Essex County Council and in discussion they had agreed with approach in this application. Essex County Council were planning walking and cycling

improvements in the area and therefore did not want to introduce potential obstructions at this stage.

In discussion, members of the Committee expressed concern about the appearance of the planters, particularly the colour, together with the need for ongoing maintenance and the possibility they might be vandalised. There were also concerns about the square shape of the planters, which could cause an injury if someone should fall against a corner. It was considered that a circular approach would be preferable. It was also felt that the introduction of planters was inconsistent with the ban on advertising boards.

In response the Senior Planning Officer explained that overall the introduction of trees would be an improvement to the character of the area and considered that on balance, circular planters would be an improvement. The Development Manager explained that whilst the Committee might wish to see trees planted in the ground, at present the County Council would not licence this. The Committee could seek to amend the shape of the planters. Corten steel was a high quality product and corten steel structures had been well received elsewhere.

RESOLVED (EIGHT voted FOR, ONE voted AGAINST and ONE ABSTAINED from voting) that the application be approved subject to the conditions and informatives in the report together with the submission of a circular planter design and consultation with neighbours, including traders and the CO1 Residents Association

PLANNING COMMITTEE

20 October 2022

<i>Present:-</i>	Councillors Barton (Vice Chair), Chapman, Chuah, J. MacLean, S.McLean, Mannion, McCarthy, Kirkby-Taylor, Tate, and Warnes
<i>Substitute Member:-</i>	Councillor S. McLean substituted for Councillor Lilley Councillor Kirkby-Taylor substituted for Councillor Nissen
<i>Also in Attendance:-</i>	

949. Minutes

The Minutes of the meeting held on the 9 September 2022 were confirmed as a true record.

950. 213315 West Mersea Floating Pontoon, Coast Road, West Mersea, Colchester

The Committee considered an application for erosion control works on the pontoon. The application was referred to the Planning Committee as the Applicant was Colchester Borough Council.

The Committee had before it a report and amendment sheet in which all information was set out.

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

951. 220739 24 Ken Cooke Court, East Stockwell Street, Colchester, Essex, CO1 1FF

Councillor Kirkby-Taylor (in respect of his wife being an officer of the Council and authoring a consultation response in the papers) declared a non-pecuniary interest in the following item pursuant to the provisions of Meetings General Procedure Rule 7(5).

The Committee considered an application for the erection of a 1.37m fence and pedestrian gate to enclose a garden area for the exclusive use of the tenant of the ground floor flat at 24 Ken Cooke Court. The application was referred to the Planning Committee as the Applicant was Colchester Borough Homes.

The Committee had before it a report in which all information was set out.

Hayleigh Parker-Haines, Planning Officer, presented the report to the Committee and assisted the Committee in its deliberations. The Committee were shown the location of the proposal before the Committee and asked Members to note the photographs of the site which showed the surrounding area and the fence. The Committee were signposted to 12.1 and 17.2 of the report which described that the Occupier had protected characteristics as outlined in the Equalities Act 2010 and that this required that the Council take these into consideration when making a decision. The Planning Officer concluded that the officer recommendation was for approval and drew the Committee's attention to condition 7 which outlined that following the end of the named occupant's tenancy the fence would be removed and the land would be reinstated as part of the communal area.

Dimitri Murray addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in opposition. The Committee heard that the civic society had commented on the proposals before Members and had objected. The Speaker questioned how the land had been used by a previous tenant as well as Colchester Borough Homes' management of the area and queried why no consultation had been undertaken. The Speaker commented that the applicant was using the Equalities Act 2010 to cover up their failings and that there were issues regarding the trees in the immediate vicinity.

The Planning Officer responded to the points raised by the speaker and confirmed that they could not answer or speak on behalf of Colchester Borough Homes or any issues related to the applicants internal workings. The Planning Officer confirmed that an Equalities Impact Assessment had been undertaken as required by the Equalities Act 2010 and that the Permitted Development Rights on the site had been removed. It was further noted that consultation had been undertaken with the Councils Arboricultural Officer and confirmed that the maintenance to the tree, noted as being of significant amenity value, would not be affected by the fence and that as detailed under 16.4 in the report that it appeared that the fence had not disturbed the roots or the stability of the tree.

RESOLVED (SEVEN voted FOR and THREE voted AGAINST) that the application be approved subject to the conditions and informatives set out in the report.

952. 221639 Century House, North Station Road, Colchester, CO1 1RE

Councillor Kirkby-Taylor (in respect of his wife being an officer of the Council and authoring a consultation response in the papers) declared a non-pecuniary interest in the following item pursuant to the provisions of Meetings General Procedure Rule 7(5).

The Committee considered an application for 4 x corten steel planters containing trees to be located on the footway/ walkway outside Century House, North Station Road. The application was referred to the Planning Committee as Colchester Borough Council was the applicant.

The application had previously been deferred from the Planning Committee meeting on the 22 September 2022 for the reasons as follows:

- That the planters are made as a circular planter design
- That consultation with neighbours, including traders and the CO1 Residents Association is undertaken.

The Committee had before it a report in which all information was set out together with

additional information on the Amendment Sheet.

Chris Harden, Senior Planning Officer, presented the report to the Committee and assisted the Committee in its deliberations. The Committee heard that the proposal before Members had been brought back to the Committee as the planters could not be made as a circular design and that the designs had been amended so that the planters would be square but with rounded corners. The Senior Planning Officer advised Members that a request had been made for the plans detailing this but that they had not been provided. It was proposed in the officer recommendation that planning permission would be granted subject to the submission of satisfactorily revised drawings and a satisfactory Health and Safety assessments.

Anna Bolton, of the CO1 Residents Association, addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in opposition. The Committee heard that the Council and the Planning team were in agreement that attention should be given to the historic city centre and its trees. Speaker outlined that a Councillor had commented that this was the best that could be done however they elaborated that this was not joined up thinking with the proposal before the Committee not being the best use of public funds. The speaker considered that the design of the planters was subjective and that there was a lack of commitment to improvement in the area. Additionally concern was raised as to the cost of the proposal and its vagueness as detailed within the Committee report, the reasons why the money had to be spent and what other considerations and locations had been considered with Essex County Council. The speaker concluded by asking that the impact of the proposal looked into and that the community were tired of and not happy with the approach taken asking for common sense to be used.

Jane Thompson, Applicant, addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in support of the proposal. The Committee heard that consideration had been given to the proposal but that the trees could not be planted directly into the ground, that Essex County Council had advised against other proposed areas and that the planters allowed them to be easily moved when needed. The Applicant outlined that the planters were in-keeping with the style around the town and that following consultation there was support for the proposal from occupiers at Century House and the Civic Society. It was noted that there was a long-term aspiration with the proposal and that in reference to the shape of the planters there had been no issues with the triangle shaped planters outside the Mercury Theatre.

The Democratic Services Officer read out the statement below from Councillor Mark Goacher who was unable to attend the meeting. The statement read as follows:

"Apologies that I cannot be here in person this evening due to being a full time teacher and having to help manage and open evening at Colchester Sixth Form College. I'd like to object to the proposal (item 7.3, proposal 221639) to place four steel planters on the pavement outside Century House. I called in the original application after a number of residents raised the issue with me. While street trees are a great way to enhance an area and mitigate air pollution, this particular proposal falls short. The rusty metal planters are visually unattractive and have been described as 'rust buckets' by residents when they have been placed elsewhere. Moreover, trees in planters do not grow to full height and end up stunted and of limited ecological value. This therefore is a poor substitute for proper street trees and would make it more difficult to genuinely green the area with full size trees. Spending that amount of money can only be justified if the trees are visually attractive and of full ecological value. The metal planters prevent this. There is no point in attempting to 'green' an area by half-measures that are nonetheless costly. Let's do it properly."

The Senior Planning Officer responded to the points that had been made by the speakers confirming that the proposed costs of the proposal couldn't realistically be any further detailed due to the current fluctuation in prices of materials and goods. The Senior Planning Officer elaborated that the proposal was brought forward with the funding that was available but could not provide any further details on this and that although the proposal was within the conservation area but it was the opinion of officers that the benefits outweighed the harm of the proposal. It was confirmed that the location of the planters was not something that the committee could change in the application and that the detailed drawings had yet to be received and were detailed in the delegated decision proposed by officers. It was noted that the design of the planters was not favoured by all but confirmed that they were being constructed with a high-quality material. The Senior Planning Officer concluded that the proposal would have limited ecological value and that the trees would not grow to full size compared to being planted in the ground.

The Chair reminded the Committee the of the reasons that the application had been deferred and outlined that Members should bear this in mind.

The debate opened with some Members raising concern that they could not view the full detailed plans of the planters before making a decision, that the money could be better spent, and that the trees could not be planted directly into the ground.

The Development Manager advised the Committee that as the proposal was in a conservation zone and that Members could not consider alternative locations for the proposal.

Members of the Committee continued to debate the application with some Members expressing support for the proposal and its enhancement of the area.

RESOLVED (FIVE voted FOR and FOUR voted AGAINST with ONE ABSTENTION) that the application be approved subject to the conditions and informatives set out in the report subject to the additional condition as follows:

- Condition requiring approval of detailed planter design, including rounded edges, prior to installation with delegation given to the Development Manager to Agree details.



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Item No: 7.1

Application: 221294

Applicant: Mr & Mrs Pilgrim

Agent: Mr James Wicks

Proposal: Proposed single storey rear extension

Location: 43 Roman Road, Colchester, Essex, CO1 1UR

Ward: Castle

Officer: Simon Grady

Recommendation: Approval

1.0 Reason for Referral to the Planning Committee

- 1.1 This application is referred to the Planning Committee because it was called-in by Councillor Goacher for the following reason (summarised):
- Impact on light into neighbour's gardens
 - Excessive height
 - Limited garden space would remain
 - The drawings do not fully represent the proposed extension (half-light basement, back doors, and steps not shown on plans)
 - The proposed extension, along with an existing pergola in the rear garden, represents an over-development within a conservation area.
- 1.2 The proposed development has been amended in the time since Cllr Goacher's call-in.

2.0 Synopsis

- 2.1 The application seeks planning permission for a single-storey rear extension. The key issues for consideration are the design of the proposed development and its impact on the conservation area in which the site is located as well as the impact that it would have on neighbour amenity. Having assessed these issues against national and local policies it is concluded that the proposed development would not have a harmful impact on neighbour's amenity and would not cause a substantial harm to the conservation area.
- 2.2 The application is subsequently recommended for approval, subject to conditions.

3.0 Site Description and Context

- 3.1 The site contains a terraced dwelling lying inside of the Central Colchester settlement boundary. The site is located within Conservation Area 1. There is an Article 4 Direction in force in this Conservation Area that essentially removes any permitted development rights for the following:
- Alterations to windows, doors and roof coverings
 - The demolition, alteration or erection of boundary walls, gates or other means of boundary enclosure (not hedges)
 - The demolition or alteration of chimney stacks, including chimney pots
 - The rendering and painting of exterior brickwork
- 3.2 There are no trees on or adjacent to the site that would be affected by the proposed development and the site is in flood zone 1. The host dwelling is not listed or on the local list and there are no listed buildings nearby whose setting could be affected by this proposed development.
- 3.3 The site is within a SSSI (Site of Special Scientific Interest) impact zone, but does not exceed any of the criteria which would require further considerations of impact on the SSSI or consultation with Natural England. The SSSI in question is Bull Meadows Local Nature Reserve (over 700 metres to the north of the application site).

4.0 Description of the Proposal

- 4.1 This Householder application seeks planning permission for a proposed single storey rear extension. The footprint of this extension would measure 5m wide x 6m deep. It would have a twin gable pitched roof with eaves height of 2.5m and a ridge height of 4m. The extension would be set back from the boundary with the neighbour to the south of the application site by 1m and the northern wall of the extension would become the boundary shared with the neighbour to the north.
- 4.2 The proposal has been amended during the course of the application. Originally a flat roof was proposed for the extension but this was amended to two pitched roofs with gable ends because this was felt to be more appropriate design for this particular dwelling. Other than the design of the roof and the fenestration on the rear elevation, the scheme remained the same, ie the footprint of the extension is the same for both.

5.0 Land Use Allocation

- 5.1 Residential, within Colchester settlement limits.

6.0 Relevant Planning History

- 6.1 There is no site history that is particularly relevant to the decision regarding this proposed development.

7.0 Principal Policies

- 7.1 Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. The National Planning Policy Framework (NPPF) must be taken into account in planning decisions and is a material consideration, setting out national planning policy. Colchester's Development Plan is in accordance with these national policies and is made up of several documents as follows below.

7.2 Local Plan 2017-2033 Section 1

The shared Section 1 of the Colchester Local Plan covers strategic matters with cross-boundary impacts in North Essex. This includes a strategic vision and policy for Colchester. The Section 1 Local Plan was adopted on 1 February 2021. The following policies are considered to be relevant in this case:

- SP1 Presumption in Favour of Sustainable Development
- SP7 Place Shaping Principles

Relevant Section 2 Policies

- DM13: Domestic development
- DM15: Design and Amenity
- DM16: Historic Environment
- DM19: Private Amenity Space

Adopted SPD

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

- The Essex Design Guide
- External Materials in New Developments
- Managing Archaeology in Development

Neighbourhood Plans

The site is not within a Neighbourhood Plan area.

8.0 Consultations

- 8.1 The stakeholders who have been consulted and who have given consultation responses are as set out below. More information may be set out on our website. The following stakeholders were consulted:

- Historic England
- Colchester Civic Society
- Colchester Archaeological Trust
- Environmental Protection
- Parks and Recreation
- Historic Buildings and Areas Officer
- Archaeological Advisor

Responses were not received from Colchester Civic Society, Philip Crummy or Parks and Recreation. The responses received are set out below.

Council's Archaeological Advisor

- 8.2 No grounds to consider refusal of permission in order to achieve preservation in situ of any important heritage assets. However, in accordance with the National Planning Policy Framework (Paragraph 205), any permission granted should be the subject of a planning condition to record and advance understanding of the significance of any heritage asset before it is damaged or destroyed.

Historic England

- 8.3 Confirmation that the application lies on the west side of the scheduled monument known as 'Town Ditch' (List Entry Number: 1002178), but on the basis of the information available to date, the proposed application would not alter the significance of the scheduled monument.

Council's Historic Buildings and Areas Officer

- 8.4 This application is for a rear extension to a property within Colchester Conservation Area 1, which is protected by an Article 4 Direction. While this is a sensitive area the size and scale of the extension are unlikely to have any significant impact on the character of the conservation area. For this reason there is no objection on heritage grounds.

Environmental Protection

- 8.5 Environmental Protection recommend adding a condition to restrict the hours of construction and a Ground Gas Risks Informative advising the applicant to satisfy themselves that there are no unacceptable risks from ground gases during the implementation of the scheme, should planning permission be granted.

9.0 Parish Council Response

- 9.1 The site is not in a parish council area.

10.0 Representations from Notified Parties

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

Neighbour Objection

- 10.2 One neighbour raises concerns about the impact that the proposed development would have on the host dwelling because it is out of proportion, the impact on the Conservation Area, 'destroying a garden wall', overshadowing their garden, reduction in light into basement window, overdevelopment particularly because of a pergola in the garden, lack of internal dimensions on the submitted drawings, the pergola not being shown on the drawings, and the roofing material not shown.

- 10.3 The concerns raised are considered in the report below.

Neighbour Support

- 10.4 Another neighbour confirmed their support for the proposed extension saying that other, larger extensions have been built in the area and that the proposal is tasteful and unobtrusive.

11.0 Parking Provision

- 11.1 Not applicable because no parking is provided on the application site currently. On-site permit parking is available.

12.0 Accessibility

- 12.1 In considering the application due regard has been given to the Local Planning Authority's duties under the Equality Act 2010. Representations received have not identified any specific equality implications potentially arising from the proposed development and requiring additional consideration. The proposal does not give rise to any other concerns from an accessibility or equality perspective. The proposed extension does include internal stairs, but this would be capable of adaptation should an increased level of accessibility be required in the future.

13.0 Open Space Provisions

- 13.1 The proposal does not include, nor is it required by policy to make any open space provisions.

14.0 Air Quality

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

15.0 Planning Obligations

- 15.1 This application is a "Householder" application and therefore there was no requirement for it to be considered by the Development Team and it is considered that no Planning Obligations should be sought via Section 106 (s.106) of the Town and Country Planning Act 1990.

16.0 Report

- 16.1 The main planning issues in this case are:
- The Principle of Development
 - Design and Impact on Conservation Area
 - Impact on Neighbouring Properties
 - Private Amenity Space Provision

Principle of Development

- 16.2 The site is located within a predominantly residential area where development such as that proposed is considered to be acceptable in principle. The Article 4 Direction in place removes some Permitted Development rights but not for extensions to dwellings. However, the proposal could not be implemented under normal Permitted Development Rights because it would exceed the thresholds; the depth of the extension would be 6m and the maximum it could be is 3m.

Design and Impact on Conservation Area

- 16.3 The design of the proposed development is considered satisfactory on its merits. It is appropriately proportioned in relationship and subordinate to the host dwelling and uses appropriate external facing materials of white rendered walls to match the host dwelling and black crittal doors, which are sympathetic to the age and style of the host dwelling. The precise details of the finishes are unknown at this stage and must be agreed prior to implementation of the scheme. It is suggested that this should be controlled by condition.
- 16.4 The application site is inside Colchester's Conservation Area 2 and Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of conservation areas. S38(6) of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the development plan unless material considerations indicate otherwise. In addition, Local Plan Policy SP7: Place Shaping Principles states that all new development should respond positively to local character and protect and enhance assets of historical value. Local Plan Policy DM16 states that *"Development that will lead to substantial harm to or total loss of significance of a listed building, conservation area, historic park or garden or important archaeological remains (including development that adversely affects the setting of heritage assets) will only be permitted in exceptional circumstances where the harm or loss is necessary to achieve substantial public benefits that outweigh the harm or loss. Where development will lead to less than substantial harm this harm should be weighed against the public benefits of the proposal."*
- 16.5 Views of the extension from the public domain would be limited (mainly from within neighbour's rear gardens) and it would not therefore be visually dominant. It is considered that the proposed development would not have an adverse impact on the historic significance of the conservation area and that it meets the requirements of the relevant legislation, the National Planning Policy Framework and the relevant local plan policies in respect of protecting heritage assets (outlined above).

Impact on Neighbouring Amenity

- 16.6 The proposed development is single storey and there are no concerns that it would offer any opportunities for harmful overlooking into neighbouring properties, particularly given that there are no windows proposed on the side elevations of the extension.
- 16.7 There is currently a difference of 0.7m in ground level between the bottom of the back door in the existing dwelling and the existing garden, which requires 3 steps for access between the two spaces. It is proposed that the rear extension will be built on the level of the current garden, which means there will be a difference in floor level between the existing dwelling and the proposed extension that will still require internal steps for access.

- 16.8 The height of the eaves would be 2.5m (lower than the eaves/roof of the previous flat roof design) and the height of the roof ridge that is nearest to the neighbouring property to the south (which would be approximately 2m from the boundary between properties) would be approximately 4m high. It is considered that these dimensions are not excessive and, as a guide, are within the height limits set in the The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GPDO) for determining whether a proposal is Permitted Development or not.
- 16.9 The impact on the amenity of the neighbour to the south is considered to be an acceptable level of harm. The extension would comply with the 45 degree rule adopted by Colchester Council as a method to measure the impact of a building on windows of neighbouring dwellings. The distance between the edge of the neighbour's closest window and the proposed extension would be approximately 2.5m. This is shown on the submitted rear elevation drawings. It is also considered that the revised scheme featuring a twin gable roof rather than a flat roof reduces any potential overbearing experienced by the neighbour to the south. Given the above, it is considered that while the extension would be visually prominent to the neighbour to the south, the level of harm caused in terms of loss of light and appearing overbearing would not be significant enough to warrant refusal of the application. Also in mitigation, the extension is located to the north of this neighbour so would not directly block the sun, which moves in the southern sky.
- 16.10 The impact on the amenity of the neighbour to the north would be limited given that the existing boundary treatment is a solid brick wall that is almost as high as the wall of the proposed extension. In addition, the space that is immediately adjacent to the proposed extension is described as a utility and storage room and is not considered to be a habitable room for the purposes of assessing the proposed development's impact on neighbour amenity.

Private Amenity Space Provision

- 16.11 The target area for private amenity space for residential development is set out in Policy DM19 of the Council's adopted local plan. For a new 3 bedroom dwelling the standard is to have a minimum of 60m². By measuring off the drawings submitted, this proposal meets the adopted standard and in addition there is considerable open space for the occupiers to use in Castle Park and an open space surrounding the Riverside Estate.
- 16.12 Consequently, given that the proposal is single storey and retains adequate private amenity space, it is considered that this proposal does not constitute over-development of the application site.

Other considerations

- 16.13 In addition to the key planning considerations above, the issues below have also been taken into account.

Trees

- 16.14 There are no trees that would be affected by the proposed development and so no mitigation action is recommended.

Archaeology

- 16.15 The application site is located within an area of considerable archaeological interest. The Council's Archaeological Adviser has confirmed that the proposed extension would be inside Colchester's Roman walls within the later *colonia*. Roman remains have been found in a series of small archaeological investigations along Roman Road and Castle Road in the past, with a particularly significant find of a Roman floor and the wall of a Roman building at 24 Castle Road. In general, however, the construction of these Victorian villas and their associated basements appears to have had a negative effect on the survival of archaeological remains in this area. The proposed development still, however, has potential to impact on archaeological remains of significance. The potential impact would not justify a refusal of planning permission as any important heritage assets could be preserved in situ via a condition that requires the applicant to arrange and fund appropriate archaeological investigations as part of the implementation of the proposal.

Pergola / Roman Wall

- 16.16 The objections to this application include reference to a pergola that was erected at the far end of the applicant's garden and the possibility that it is attached to the Roman Wall. Whilst these issues are not part of the works considered in this planning application they are nonetheless worthy of consideration separately. It has been established that the pergola is not currently authorised but the applicant is preparing to submit a Lawful Development Certification application, which, if approved, would mean its presence is lawful. It has also been established that the wall at the end of the application site is a modern wall not a part of the Roman Wall so no offence has been committed by the construction of the pergola in that respect.

17.0 Conclusion

- 17.1 To summarise, the proposed single-storey rear extension is acceptable in design terms, including taking into account the site's location in a conservation area. The level of harm to neighbour amenity is not considered to be unacceptable. The objections have been carefully considered and it is felt that the proposal accords with the Council's policy requirements including Policy DM13, DM15 and DM16.

18.0 Recommendation to the Committee

18.1 The Officer recommendation to the Committee is for:

APPROVAL of planning permission subject to the following 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 1375-01-01 and 1375-01-04E.

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

3. Materials to be Agreed

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

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

4. Additional Details

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

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

5. Limits to Hours of Work

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

Weekdays: 08.00 – 18.00

Saturdays: 08.00 – 13.00

Sundays and Bank Holidays: none

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

6. Archaeology Condition

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

The scheme shall include an assessment of significance and research questions; and:

- a. The programme and methodology of site investigation and recording.
 - b. The programme for post investigation assessment.
 - c. Provision to be made for analysis of the site investigation and recording.
 - d. Provision to be made for publication and dissemination of the analysis and records of the site investigation.
 - e. Provision to be made for archive deposition of the analysis and records of the site investigation.
 - f. Nomination of a competent person or persons/organisation to undertake the works.
- The site investigation shall thereafter be completed prior to development, or in such other phased arrangement, as agreed, in writing, by the Local Planning Authority. The development shall not be occupied or brought into use until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.

Reason: To safeguard archaeological assets within the approved development boundary from impacts relating to any groundworks associated with the development scheme and to ensure the proper and timely investigation, recording, reporting and presentation of archaeological assets affected by this development.

19.1 Informatives

19.1 The following informatives are also recommended:

1. Informative on Archaeology:

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: www.colchester.gov.uk

2. Land Contamination – Ground Gas Risks Informative

The applicant is advised that the site to which this planning permission relates is recorded as being within 250 metres of a burial ground. Prior to commencement of the permitted development the applicant is therefore advised to satisfy themselves that there are no unacceptable risks to the permitted development from any ground gases. Where appropriate, this should be considered as a part of the design of the foundations (and may be required under Building Regulations). As a minimum, any ground gas protection measures should equal those in the main building and not compromise the effectiveness of existing gas protection measures.

The Local Planning Authority has determined the application on the basis of the information available to it, but this does not mean that the land is free from contamination. The applicant is responsible for the safe development and safe occupancy of the site.

3. Advisory Note on Construction & Demolition

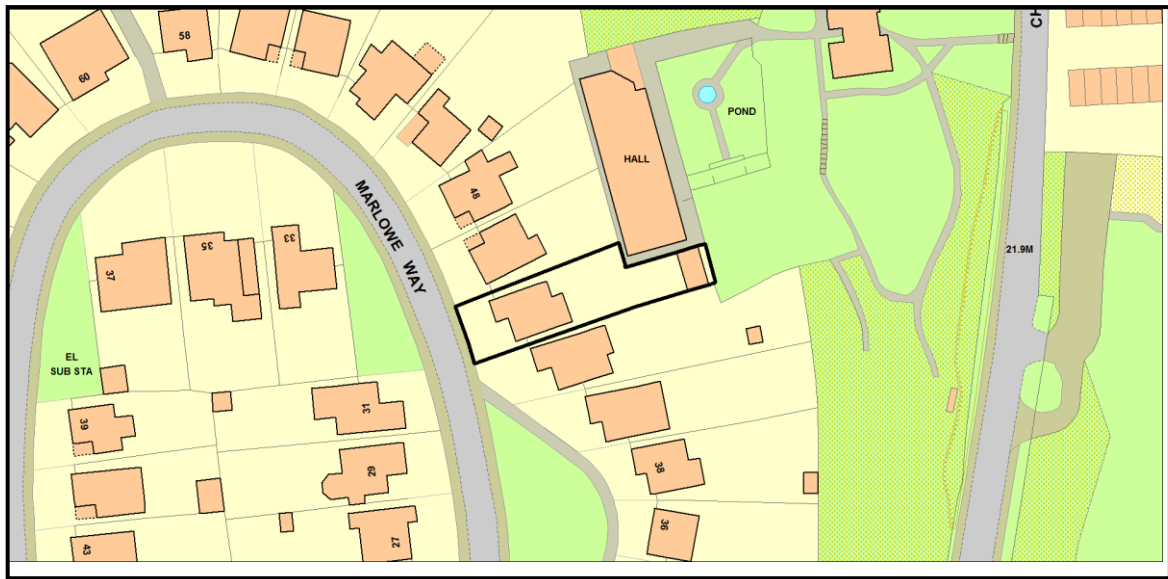
The developer is referred to the attached advisory note *Advisory Notes for the Control of Pollution during Construction & Demolition Works* for the avoidance of pollution during the demolition and construction works. Should the applicant require any further guidance they should contact Environmental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

4. Informative on Conditions Stating Prior to Commencement/Occupation

PLEASE NOTE that this permission contains a condition precedent that requires details to be agreed and/or activity to be undertaken either **before you commence the development or before you occupy the development**. This is of critical importance. If you do not comply with the condition precedent you may invalidate this permission and be investigated by our enforcement team. Please pay particular attention to these requirements. To discharge the conditions and lawfully comply with your conditions you should make an application online via www.colchester.gov.uk/planning or by using the application form entitled 'Application for approval of details reserved by a condition following full permission or listed building consent' (currently form 12 on the planning application forms section of our website). A fee is also payable, with the relevant fees set out on our website.

5. Informative on Any Application With a Site Notice

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



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Item No: 7.2

Application: 222402

Applicant: Mr And Mrs Jason Connolly

Agent: Mr Richard Lambert, ENDesign

Proposal: Replacement of existing flat roof single storey rear extension with proposed two storey

Location: 44 Marlowe Way, Colchester, Essex, CO3 4JP

Ward: Prettygate

Officer: Simon Grady

Recommendation: Approval

1.0 Reason for Referral to the Planning Committee

- 1.1 This application is referred to the Planning Committee because one of the joint applicants is a member of staff at Colchester Council.

2.0 Synopsis

- 2.1 The application seeks planning permission for the replacement of existing flat roof single storey rear extension with proposed two storey rear extension. The key issues for consideration are the design of the proposed development, as well as its impact on neighbouring amenity in terms of outlook, light and privacy.
- 2.2 The application is considered to be acceptable in design terms and would not be harmful to neighbour amenity and is subsequently recommended for approval.

3.0 Site Description and Context

- 3.1 The site contains a detached dwelling lying inside of the Central Colchester settlement. The site is not in the Area of Outstanding Natural Beauty or in a Conservation Area. There are some protected trees to the south of the application site both to the front and to the rear of the site but none are close enough to be affected by the proposed development, which is located to the north of the dwelling. There are no Listed Buildings whose setting could be affected by this proposed development. The site is in flood zone 1.

4.0 Description of the Proposal

- 4.1 This Householder application seeks planning permission for the replacement of an existing flat roof single storey rear extension with a proposed two storey extension. The existing extension would be demolished and replaced with an extension that would be 2.4m deeper than the existing extension and 0.85m wider.

5.0 Land Use Allocation

- 5.1 Residential within Colchester central settlement limits.

6.0 Relevant Planning History

- 6.1 None

7.0 Principal Policies

- 7.1 Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. The National Planning Policy Framework (NPPF) must be taken into account in planning decisions and is a material consideration, setting out national planning policy. Colchester's Development

Plan is in accordance with these national policies and is made up of several documents as follows below.

7.2 Local Plan 2017-2033 Section 1

The shared Section 1 of the Colchester Local Plan covers strategic matters with cross-boundary impacts in North Essex. This includes a strategic vision and policy for Colchester. The Section 1 Local Plan was adopted on 1 February 2021. The following policies are considered to be relevant in this case:

- SP1 Presumption in Favour of Sustainable Development
- SP7 Place Shaping Principles

7.3 Local Plan 2017-2033 Section 2

Section 2 of the Colchester Local Plan was adopted in July 2022. The following policies are of relevance to the determination of the current application:

- DM13 Domestic Development
- DM15 Design and Amenity
- DM19 Private Amenity Space

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

- The Essex Design Guide
- External Materials in New Developments
- Managing Archaeology in Development.

8.0 Consultations

8.1 Archaeology Advisor

The Council's Archaeology Advisor confirmed that whilst the site is in close proximity to the projected route of a Roman road, the proposed extension is small in area and likely to involve little new ground disturbance. No archaeological condition is therefore recommended.

9.0 Parish Council Response

9.1 Non-parish

10.0 Representations from Notified Parties

10.1 The application did not result in any representations from interested third parties including neighbouring properties.

11.0 Parking Provision

11.1 Not affected.

12.0 Accessibility

12.1 The Equality Act 2010 legally protects people from discrimination in the workplace and in wider society. The proposed development is not considered to pose any issues in this regard.

13.0 Open Space Provisions

13.1 N/A

14.0 Air Quality

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

15.0 Planning Obligations

15.1 N/A

16.0 Report

16.1 The main issues in this case are:

- Principle of Development
- Design and Appearance
- Impact on Neighbouring Properties
- Private Amenity Space Provision

Principle of Development

16.2 The site contains a detached dwelling lying inside of the Central Colchester settlement boundary and within a predominantly residential area where development such as that proposed is considered to be acceptable in principle.

Design and Appearance

16.3 The design of the proposed development is considered satisfactory on its own merits. The development is visually acceptable being subordinate to and using external facing materials to match the host dwelling (render, cladding and interlocking roof tiles). The proposed extension extends the same depth as existing rear extensions and would not detract from the appearance of the existing dwelling. There would only be glimpses of the proposed extension from Marlowe Way and its design would not harm the street scene or the character of the surrounding area.

Impacts on Neighbouring Properties

16.4 The proposed extension would not have a harmful impact on neighbouring amenity and would therefore comply with Local Plan policies DM13 and DM15. 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. Similarly, there are no concerns regarding loss of light. The combined plan and elevation tests are not breached and the proposal therefore satisfies the Councils standards for assessing this issue as set out in the Essex Design Guide.

- 16.5 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. The only first floor window proposed faces directly down the applicants garden and there are no side facing windows.

Private Amenity Space Provision

- 16.6 The proposed extension covers a modest footprint and would result in the loss of a very small area of the dwelling's private amenity space and the dwelling would retain a significant amount of space, in accordance with Local Plan policy DM19.

16.7 Other Considerations

Trees

- 16.8 Whilst there are some protected trees close to the application site, they are far away enough from the location of the proposed development not to be adversely affected either during the construction phase or after the extension has been completed.

17.0 Planning Balance and Conclusion

- 17.1 This modest proposed development accords with the Council's policy requirements and no objections have been received.

18.0 Recommendation to the Committee

- 18.1 The Officer recommendation to the Committee is for:

APPROVAL of planning permission subject to the following 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 Site Location Plan and drawing number End716/02 Rev A.

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

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, unless otherwise agreed, in writing, by the Local Planning Authority.

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

19.1 Informatives

19.1 The following informative is also recommended:

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.

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

Supreme Court Decision 16 October 2017

CPRE Kent (Respondent) v China Gateway International Limited (Appellant).

This decision affects the Planning Committee process and needs to be acknowledged for future reference when making decisions to approve permission contrary to the officer recommendations.

For formal recording in the minutes of the meeting, when the Committee comes to a decision contrary to the officer recommendation, the Committee must specify:

- Full reasons for concluding its view,
- The various issues considered,
- The weight given to each factor and
- The logic for reaching the conclusion.

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.

