

# Planning Committee

Town Hall, Colchester  
1 April 2010 at 6.00pm

## **This committee deals with**

planning applications, planning enforcement, public rights of way and certain highway matters.

If you wish to come to the meeting please arrive in good time. Attendance between 5.30pm and 5.45pm will greatly assist in noting the names of persons intending to speak to enable the meeting to start promptly.

# Information for Members of the Public

## Access to information and meetings

You have the right to attend all meetings of the Council, its Committees and Cabinet. You also have the right to see the agenda, which is usually published 5 working days before the meeting, and minutes once they are published. Dates of the meetings are available at [www.colchester.gov.uk](http://www.colchester.gov.uk) or from Democratic Services.

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## Private Sessions

Occasionally meetings will need to discuss issues in private. This can only happen on a limited range of issues, which are set by law. When a committee does so, you will be asked to leave the meeting.

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## **Material Planning Considerations**

The following are issues which the Planning Committee can take into consideration in reaching a decision:-

- planning policy such as local and structure plans, other local planning policies, government guidance, case law, previous decisions of the Council
- design, appearance and layout
- impact on visual or residential amenity including potential loss of daylight or sunlight or overshadowing, loss of privacy, noise disturbance, smell or nuisance
- impact on trees, listed buildings or a conservation area
- highway safety and traffic
- health and safety
- crime and fear of crime
- economic impact – job creation, employment market and prosperity

The following are **not** relevant planning issues and the Planning Committee cannot take these issues into account in reaching a decision:-

- land ownership issues including private property rights, boundary or access disputes, restrictive covenants, rights of way, ancient rights to light
- effects on property values
- loss of a private view
- identity of the applicant, their personality, or a developer's motives
- competition
- the possibility of a "better" site or "better" use
- anything covered by other types of legislation

## **Human Rights Implications**

All applications are considered against a background of the Human Rights Act 1998 and in accordance with Article 22(1) of the Town and Country Planning (General Development Procedure) (England) (Amendment) Order 2003 there is a requirement to give reasons for the grant of planning permission. Reasons always have to be given where planning permission is refused. These reasons are always set out on the decision notice. Unless any report specifically indicates otherwise all decisions of this Committee will accord with the requirements of the above Act and Order.

## **Community Safety Implications**

All applications are considered against a background of the implications of the Crime and Disorder Act 1998 and in particular Section 17. Where necessary, consultations have taken place with the Crime Prevention Officer and any comments received are referred to in the reports under the heading Consultations.

**COLCHESTER BOROUGH COUNCIL  
PLANNING COMMITTEE  
1 April 2010 at 6:00pm**

**Members**

Chairman : Councillor Ray Gamble.  
Deputy Chairman : Councillor Stephen Ford.  
Councillors Mary Blandon, Helen Chuah, Mark Cory,  
John Elliott, Andrew Ellis, Theresa Higgins, Sonia Lewis,  
Jackie Maclean, Jon Manning and Ann Quarrie.

**Substitute Members** : All members of the Council who are not members of this Committee or the Local Development Framework Committee. The following members have undertaken planning training which meets the criteria:-  
Councillors Christopher Arnold, Nick Barlow, Lyn Barton, John Bouckley, Nigel Chapman, Peter Chillingworth, Barrie Cook, Beverly Davies, Wyn Foster, Mike Hardy, Pauline Hazell, Peter Higgins, Martin Hunt, Michael Lilley, Sue Lissimore, Richard Martin, Nigel Offen, Lesley Scott-Boutell, Laura Sykes, Jill Tod, Anne Turrell and Julie Young.

**Agenda - Part A**

(open to the public including the media)

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

An Amendment Sheet is circulated at the meeting and members of the public should ask for a copy to check that there are no amendments which affect the applications in which they are interested. Could members of the public please note that any further information which they wish the Committee to consider must be received by 5pm on the day 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.

**Pages**

**1. Welcome and Announcements**

(a) The Chairman to welcome members of the public and Councillors and to remind all speakers of the requirement for microphones to be used at all times.

(b) At the Chairman's discretion, to announce information on:

- action in the event of an emergency;
- mobile phones switched off or to silent;
- location of toilets;
- introduction of members of the meeting.

## **2. Have Your Say!**

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

## **3. Substitutions**

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

## **4. Urgent Items**

To announce any items not on the agenda which the Chairman has agreed to consider because they are urgent and to give reasons for the urgency.

## **5. Declarations of Interest**

The Chairman to invite Councillors to declare individually any personal interests they may have in the items on the agenda.

If the personal interest arises because of a Councillor's membership of or position of control or management on:

- any body to which the Councillor has been appointed or nominated by the Council; or
- another public body

then the interest need only be declared if the Councillor intends to speak on that item.

If a Councillor declares a personal interest they must also consider whether they have a prejudicial interest. If they have a prejudicial interest they must leave the room for that item.

If a Councillor wishes to make representations on an item on which they have a prejudicial interest they may do so if members of the public are allowed to make representations. In such circumstances a Councillor must leave the room immediately once they have finished speaking.

An interest is considered to be prejudicial if a member of the public with knowledge of the relevant facts would reasonably regard it as so significant that it is likely to prejudice the Councillor's judgement of the public interest.

Councillors should consult paragraph 7 of the Meetings General

Procedure Rules for further guidance.

**6. Minutes** **1 - 6**

To confirm as a correct record the minutes of the meeting held on 18 March 2010.

**7. Planning Applications**

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

1. 100172 Norman Way and grassed area to east of Reynolds Avenue and Landseer Road, Colchester (Prettygate) **7 - 23**

New access road to Philip Morant School and 6th form college and internal road for dropping off/collection and additional parking (Renewal of application F/COL/97/0155 and F/COL/04/2217.
2. 100223 Grassed area of land north of Norman Way and east of Reynolds Avenue and Landseer Road, Colchester (Prettygate) **24 - 36**

New access road to serve the Philip Morant School.
3. 100178 Collins Green, School Road, Messing, CO5 9TH (Birch and Winstree) **37 - 44**

Proposed external and internal design amendments to Plot 5 and re-assignment of double garage.
4. 100293 5 Abberton Grange, Layer Road, Abberton, CO5 7NL (Pyefleet) **45 - 49**

Retrospective application for extension to deck area.
5. 100294 Seven Arches Farm, 72 Chitts Hill, Colchester, CO3 9SX (Lexden) **50 - 54**

Demolition of existing dilapidated buildings. New agricultural building to be used for machinery storage and partial housing of sheep.
6. 100299 King George Pavilion, Clairmont Road, Colchester, CO3 9BE (Lexden) **55 - 62**

Alteration and refurbishment to the function room area of the existing sorts pavilion to create a children's centre under the Surestart Scheme. A new extension will be created to form a dedicated front entrance. Internal accommodation will include an office, training room, kitchen, drop-in area family room, WC's and accessible WC provisions. Externally a new pedestrian footpath will be created and extra security measures will be added to the property including anticlimb fascias and electric roller shutters to new windows and doors.

7. 090880 St John's Walk, Colchester  
(Castle)

**63 - 70**

Erection of red brick wall and automated decorative steel double gates across entrance of rear access road to St John's Shopping Centre. Automated system to comprise amaglock with push button to exit and key pad to enter/fob reader. Resubmission of 090649.

- 8. Enforcement Action // 1A North Station Road, Colchester, CO1  
1RE**  
(Castle)

**71 - 73**

See report by the Head of Environmental and Protective Services.

**9. Exclusion of the Public**

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  
18 MARCH 2010**

*Present :-* Councillor Ray Gamble\* (Chairman)  
Councillor Sonia Lewis\* (Deputy Mayor)  
Councillors Mary Blandon\*, Helen Chuah\*,  
Mark Cory, John Elliott\*, Andrew Ellis\*,  
Stephen Ford, Theresa Higgins\*, Jackie Maclean,  
Jon Manning\* and Ann Quarrie\*

*Substitute Member :-* Councillor Mike Hardy for Councillor Sonia Lewis\*

*Also in Attendance :-* Councillor Chris Hall

(\* Committee members who attended the formal site visit.)

**199. Minutes**

The minutes of the meeting held on 4 March 2010 were confirmed as a correct record.

**200. 100172 Norman Way, Colchester, and grassed area within the school boundary 100223 Norman Way, Colchester, and land east of Reynolds Avenue and Landseer Road, Colchester**

These applications were withdrawn from consideration at this meeting to allow the planning officer's report to be redrafted to include all representations received and late recommendations from the Highway Authority. Both applications to be included on the Committee's agenda for 1 April 2010.

**201. 100171 Unit 16, Wakes Colne Business Centre, Colchester Road, Wakes Colne, CO6 2DB**

The Committee considered an application for a change of use of Unit 16, a redundant agricultural building, to Use Class B1, light industrial. The Committee had before it a report in which all information was set out, see also Amendment Sheet.

*RESOLVED* (UNANIMOUSLY) that –

(a) Subject to the receipt of satisfactory responses from the outstanding consultees, the application be approved with conditions and informatives as

set out in the report and to include matters referred to on the Amendment Sheet.

(b) If new objections cannot be resolved by an appropriately worded condition the application to be referred back to the Committee.

## **202. 100097 37 Welshwood Park Road, Colchester, CO4 3HZ**

The Committee considered an application for a proposed two storey side extension forming a new kitchen with ancillary storage with a single bedroom with en-suite facility above; an existing kitchen converted into a dining area; and an existing external food storage shed to be removed. The Committee had before it a report in which all information was set out.

The Committee made a site visit in order to assess the impact of the proposal upon the locality and the suitability of the proposal for the site.

*RESOLVED* (UNANIMOUSLY) that the application be approved with conditions and informatives as set out in the report.

## **203. 090705 69 Smythies Avenue, Colchester, CO1 2US**

The Committee considered an application for a proposed new dwelling on part of the former rear garden of the application site. The Committee had before it a report in which all information was set out, see also Amendment Sheet.

The Committee made a site visit in order to assess the impact of the proposal upon the locality and the suitability of the proposal for the site.

Bradly Heffer, Principal Planning Officer, attended to assist the Committee in its deliberations. This was an established residential area with a strong character of development in the form of properties occurring at regular intervals. The recommendation has been based on the ability to mitigate against many of the objections and he mentioned the condition to require the rear first floor windows to be obscure glazed to protect neighbours' amenity. However, the private amenity space was below the 50 square metre standard, being only 30 square metres. There was a large area to the front of the property but it was in public view and therefore disregarded for the purposes of the private amenity space calculation.

Jenny Fairbrother addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in opposition to the application. She

was concerned that the plot was of insufficient size to accommodate the proposed building, that it would be beyond the established building line and out of keeping with other properties, and that it did not provide the minimum garden size. Because of its close proximity to other properties there would be a reduction of light and sunlight to three properties as identified in the report. The proposal would destroy a valuable garden space which was an important feature of the design of the whole area. If approved the development would set a precedent for other plots of land.

Kevin Smith addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in support of the application. Discussions with planning officers had been ongoing since 2008. The size, position and detailing of the property had changed during that time and this was a suitable compromise. He believed there was more amenity space at the rear of the proposed dwelling, and he did not know how the 30 square metres was measured. There was off street parking at the front of the property so parking was not an issue. He believed that opportunities for young couples to purchase a small detached property such as this were very limited.

Councillor Hall attended and, with the consent of the Chairman, addressed the Committee. He noted that the case officer's report mentioned a number of difficulties with the proposal specifically with the established building line; the loss of morning sun for the neighbouring property; the distance to the dwellings opposite being less than the recommended 25 metres; and its overbearing and overshadowing effect. He considered that the committee should seek the very best for the town and ensure that residents' interests are taken into account. Development on this site should be appropriate for the area and should not adversely affect local amenity.

Members of the Committee noted that the recommendation for approval was 'on balance'. They were concerned at the private amenity space being below the minimum standard; overdevelopment of the site; the proposal not fitting comfortably in the street scene and it being unlikely to enhance the area; and the parking provision being below the standard of 2.25 spaces for a two bedroom property. There was also a view that all the surrounding established properties had reasonable sized gardens and that this plot should not be left available for development.

In response the planning officer explained that the proposed new dwelling had been designed to overcome issues of overlooking and overshadowing. However, the proposal did have a reduced amenity area which did not meet the required standard, and the position of the building in relation to the rear of 69 Smythies Avenue did impact on their amenity and these were reasons for refusal of the application. If the Committee did not consider the proposal appropriate it might wish to consider whether the proposal also amounted to

being incongruous in the street scene. In respect of parking provision, the 2.25 spaces per two bedroom dwelling was applicable to new estate developments; it was considered that two spaces for this two bedroom dwelling was in compliance with the standard bearing in mind the proximity of the town centre.

In response to a query about the status of the subdivision of the plot, the planning officer explained that when the application was received both this building plot and 69 Symthies Avenue was in the control of one owner, but that dwelling had been sold with a portion of the garden leaving this plot as a stand alone site. In the event that this application is refused there would be no guarantee that it would revert to a garden use. Members discussed whether the sub-division of the garden had resulted in a plot on which no property would fit, and even a very small property with no amenity issues might still be incongruous in the street scene.

*RESOLVED* (UNANIMOUSLY) that the application be refused on the following grounds –

- the private amenity space provided is below the 50 sq m minimum standard;
- the proposal would appear incongruous in the street scene and would be contrary to the objectives of PPS1;
- the proposal would be overbearing on the amenity of neighbouring properties.

#### **204. Enforcement Action // Stableview, Newbridge Road, Tiptree, CO5 0HZ**

The Head of Environmental and Protective Services submitted a report on proposed enforcement action requiring the permanent removal of a three metre high automatically operated security gate on land within the Tiptree and Messing Countryside Conservation Area. It was considered inappropriate in terms of character, scale and design and Essex County Council Highways considered the gate was too close to the highway to allow a vehicle to stand clear of the highway whilst it is being opened or closed.

David Whybrow, Principal Planning Officer, attended to assist the Committee in its deliberations.

Mr E. Gittins addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in opposition to the service of an enforcement notice. The scale of the gates was clearly too much and the occupant has offered to lower the height to two metres. In respect to the six

metres recess required by the Highway Authority, the requirement as stated was linked to residential locations, but this was a rural location well outside the built up area of Tiptree. A deferral was requested to seek clarification from the Highway Authority on whether there was a different standard for rural locations. Very few other access points along Newbridge Road complied with the six metres recess. The Committee were reminded that the occupant was of gypsy status and any action taken by the council should not appear to be discriminatory.

Members of the Committee agreed that the gates were unacceptable in their current form and two metre high gates would be more acceptable in this rural location. Whilst the Committee understood the argument against requiring a six metre recess they were aware of the reason for the requirement, and whilst there was no objection to reconsulting with the Highway Authority but there was no consensus for a deferral to do so.

The planning officer anticipated that the Highway Authority would maintain their requirement for a six metre recess from the highway, which along this stretch of road was not subject to any speed restrictions.

*RESOLVED* (UNANIMOUSLY) that an enforcement notice be served at Stableview, Newbridge Road, Tiptree requiring the permanent removal of a three metre high automatically operated security gate with a compliance period of six months.

## **205. Untidy Site Notice // Land off Chapel Road, Boxted, Colchester**

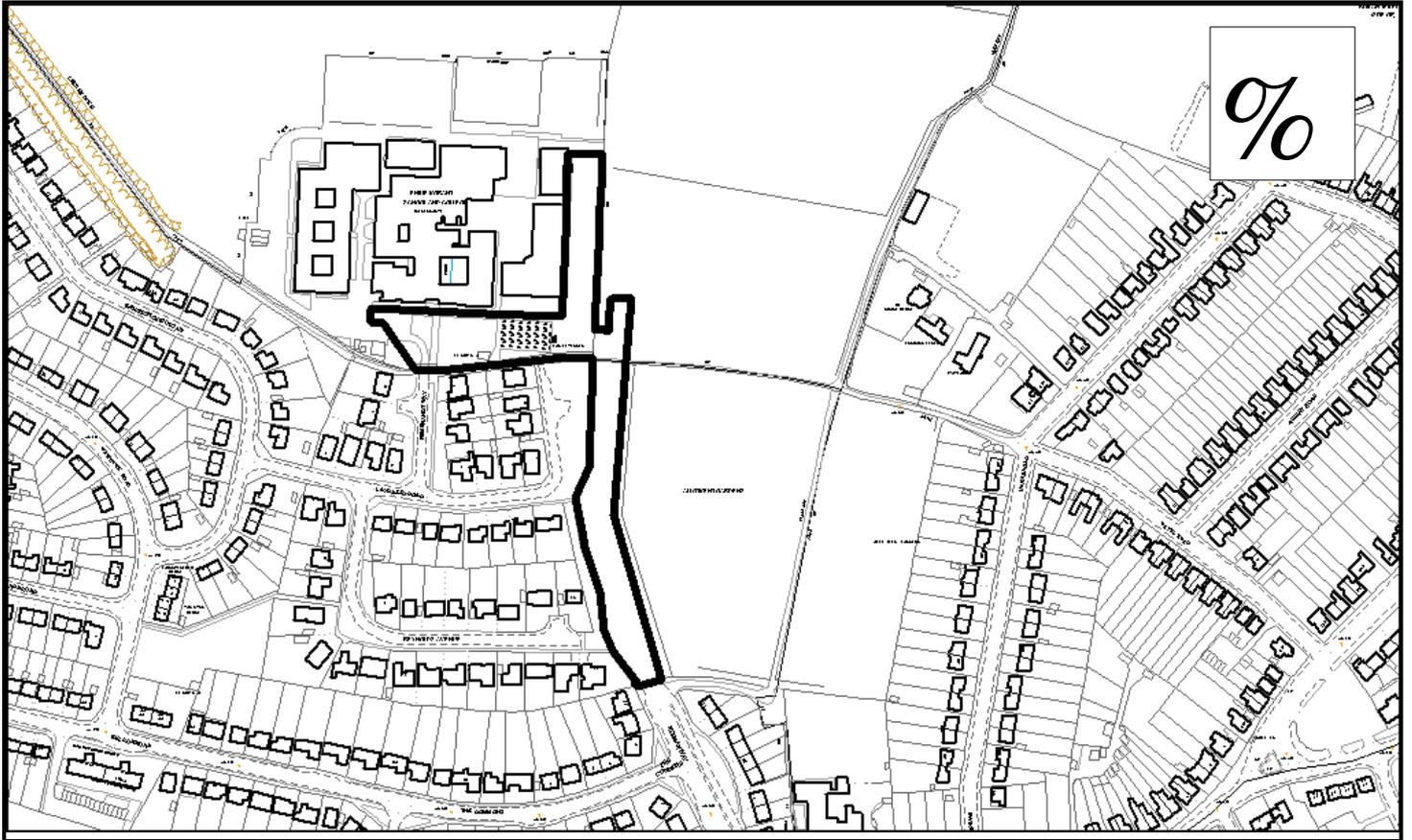
The Head of Environmental and Protective Services submitted a report on the proposed service of an untidy site notice under Section 215 of the Town and Country Planning Act 1990. The Notice would require the land to be tidied because it was considered that the appearance of the land adversely affected the amenity of the local area. The matters requiring attention were the removal from the site of all vehicle parts and tyres, household waste, white goods and building materials, all waste from arboricultural and garden works, the wooden chalet building and corrugated arc shelter.

David Whybrow, Principal Planning Officer, attended to assist the Committee in its deliberations.

Members of the Committee were aware that the ward councillor had wanted this site tidied up for some time and it was unfortunate that earlier attempts had been unsuccessful. The Committee were firmly of the view that this time the notice should be implemented, and in the event that no action was taken by the occupier, the council would take direct action. It was explained that

direct action was where a local authority takes responsibility for the clearance of the site and the land owner is charged with the cost of the clearance.

*RESOLVED* (UNANIMOUSLY) that an untidy site notice be served under Section 215 of the Town and Country Planning Act 1990 as soon as possible requiring the tidying of the land by the permanent removal from the site of all vehicle parts and tyres, household waste, white goods and building materials, all waste from arboricultural and garden works, the wooden chalet building and corrugated arc shelter with a compliance period of two months.



**Application No:** 100172

**Location:** Grassed Area of Land North of Norman Way and Grassed Area, within the School Boundary

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

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# Committee Report

Agenda item

**7**

To the meeting of **Planning Committee**  
on: **1 April 2010**  
Report of: **Head of Environmental and Protective Services**  
Title: **Planning Applications**

Relevant planning policy documents and all representations at the time this report was printed are recorded as BACKGROUND PAPERS within each item. An index to the codes is provided at the end of the Schedule.

**7.1 Case Officer: David Whybrow**

**EXPIRY DATE: 30/03/2010**

**OTHER**

**Site:** Norman Way and Grassed Area to East of Reynolds Avenue and Landseer Road, Colchester

**Application No:** 100172

**Date Received:** 2 February 2010

**Agent:** Purcell Miller Tritton & Partners

**Applicant:** Philip Morant School And Sixth Form College

**Development:** New access road to Philip Morant School and 6th form college and internal road for dropping off/collection and additional parking (Renewal of application F/COL/97/0155 & F/COL/04/2217).

**Ward:** Prettygate

**Summary of Recommendation:** Conditional Approval

## 1.0 Planning Report Introduction

1.1 This application is for a new planning permission to replace extant planning permission F/COL/04/2217 which expires on 30 June 2010 and seeks to extend the time limit for implementation of that consent. It has attracted a large number of letters of representation.

- 1.2 A report on this application did appear in the Planning Committee Agenda for 18 March 2010 but the item was withdrawn by the Head of Environmental and Protective Services to allow full reporting of all representations received, particularly those from the Irvine Road Residents Association. An administrative process error had occurred which had resulted in some representations not being shown on the Council's Planning website and nor reported in the main body of the report. By re-presenting the report with all representations being referred to, together with the views and recommendation of the Highway Authority, the Committee has all relevant information before them

## **2.0 Site Description**

- 2.1 The proposed development involves the creation of a new access road, 6m wide, leading directly off Norman Way across open space and heading north to the school curtilage. Within the school site itself it is proposed to create additional car parking space and a bus turning facility. The existing school access off Rembrandt Way would be restricted to pedestrian and emergency vehicle use only. The new road would be approximately 200m in length.
- 2.2 The open land over which the new road would be constructed is bounded to the west by dwellings off Reynolds Avenue and Landseer Road (part of the Painters Corner Estate) and to the east by allotment land. The subject land is owned, in part, by Colchester Borough Council and, in part, by Essex County Council.

## **3.0 Description of Proposal and Background to Application incorporating relevant planning history**

- 3.1 In 1997 permission was sought for a similar form of development to that now proposed under Ref: COL/97/0155. At that time the application was presented to Committee with a recommendation of approval – subject to the completion of a Section 106 Agreement that would cover the following points:-
1. The closure of the Rembrandt Way access to the school to all vehicular traffic - except emergency services.
  2. The new road to be a private road to provide access for and to the Philip Morant School for educational purposes only.
  3. Provision of landscaping within the adjoining land to the west at no expense whatsoever to the Council.
  4. The access road being gated and closed outside of the hours of use of the school premises.
  5. Provision of traffic calming measures and provision for cyclists and pedestrians as may be appropriate.
- 3.2 Members agreed with the recommendation. However, subsequent difficulties with securing the legal agreement resulted in an appeal being submitted against the non-determination of the application by the Council.

3.3 Subsequently, under Application COL/99/0536, permission was again sought for the provision of the proposed new access road to serve the school. The application was amended from the previous submission in that the arrangement of turning facilities within the school site itself had been altered to avoid conflict with the footprint of a recently constructed maths/science block. Furthermore, the application was a full application, as opposed to an outline application. The proposal was reported to Committee with a recommendation of approval.

3.4 A second appeal against non-determination was submitted.

3.5 The appeals submitted under COL/97/0155 and COL/99/0536 were both considered at the same time by the Inspector and both appeals were subsequently upheld. As the appeal decision was dated 1 December 1999 and both had the usual 5 year commencement period (the outline application COL/97/0155 having been altered to a full application in a letter dated 21 April 1999) the permissions expired on 1 December 2004. The 2004 application sought to renew this permission. In fact duplicate applications (including F/COL/04/2216) were lodged at that time and were determined concurrently.

#### **4.0 Land Use Allocation**

4.1 Open Space  
Green link  
Public Footpaths 204 & 206

#### **5.0 Relevant Planning History**

5.1 The relevant planning history relating to this new roadway is set out in part 3.0.

#### **6.0 Principal Policies**

6.1 Adopted Review Borough Local Plan  
DC1 - General Development Control criteria  
UEA14 - Greenlinks  
L3 - Protection of existing public open space  
L14 - Protecting public rights of way  
P1 - Pollution

6.2 Adopted Core Strategy  
SD2 - Delivering facilities and infrastructure  
UR2 - Built design and character  
PR1 - Open Spaces  
TA1 - Accessibility and changing travel behaviour  
TA2 - Walking and cycling  
ENV1 - Environment

#### **7.0 Consultations**

7.1 Environmental Control recommend conditions to be attached to any permission granted, relating to site boundary noise levels and light pollution.

7.2 The Highway Authority have long supported the principle of vehicular access to the school being removed from residential estate roads. They raise no objection to the proposal and recommend approval with conditions to cover:-

1. Closure of Rembrandt Way access to vehicular traffic.
2. Conversion of footpath 204 to a 3.5m wide shared use cycleway/footway.
3. Cycle parking facilities.
4. Retaining alignments of Footpaths 204 and 206.
5. £2000 contribution towards highway improvements.
6. Improvements to pedestrian and cycle access to Rembrandt Way.

7.3 The Archaeological Officer recommends a condition requiring a watching brief over the works to be commissioned by the applicant. The road line may be cut by the possible, projected course of the Lexden Dyke system.

7.4 The Open Spaces Society object to the application as it will lead to a loss of open space, to the detriment of the public and contrary to the provisions of the Borough Plan and Government Guidance (PPS17) which indicates open space should not be used for alternative purposes unless proven to be surplus to requirements.

## **8.0 Representations**

8.1 Irvine Road Residents Association object to the proposal for the following reasons:-

1. Loss of designated open space.
2. Damage to the green link corridor and disruption of wider green network.
3. Will destroy what is currently a safe, traffic-free route for children of 3 schools contrary to "Safe Routes to Schools" policy.
4. The road layout does not encourage low speeds or separate cyclists and pedestrians.
5. Fails to satisfy adopted policies for protection of open space and greenlinks and also conflicts with safe use of public footpaths, another recreational resource.
6. Both Christchurch and Prettygate wards have less than the recommended standard of open space per head of population. The current level of OS therefore needs to be maintained, not reduced.
7. There is no evidence produced by the applicants to demonstrate that the existing access is inadequate in terms of capacity, road safety and emergency access. The proposal must be considered contrary to national and local initiatives to deter the use of private cars for school journeys and to encourage other means of travel.

8.2 Painters Corner Residents Association object to the proposal for the following reasons:-

- the loss of valuable amenity (the Green is a quiet, grassed area with a number of mature trees, has been a valued local amenity for over 35 years, and is enjoyed by many people, local residents and others from further afield including children, for whom it provides a safe play area);

- visual intrusion and visual obstruction to residents living alongside the Green which the proposed road would cause;
- vehicular traffic on the proposed access would create a significant safety hazard to pedestrians, including pupils of Philip Morant, St Benedict's and the Girls' High School who currently use the Green as their route to and from school;
- the proposed road would be contrary to the objectives set out in the Adopted Review Local Plan Chapter 2 paras 2.11 and 2.12 and Chapter 10 paras 10.3, 10.16 and 10.17;
- the proposed road would be contrary to policies DC1(a) and (f), UEA14, P1, L3 and L14 in the Adopted Review Local Plan;
- the proposed road would be contrary to the objectives set out in the adopted Local Development Framework Core Strategy policies PR1, TA2, TA5 and ENV1;
- the Green and Irvine Road Field are shown as public open space in both the Adopted Review Local Plan and the Local Development Plan Site Allocations documents.
- The proposed road would have an adverse effect on the footpath/cycleway 204 (heavily used by members of the public and in particular by pupils from nearby schools) in terms of safety of users.
- The proposed road would run alongside footpath/cycleway 204. The planning applications do not explain how the safety of pedestrians and cyclists would be ensured with the proposed road running alongside the footpath/cycleway. Proposals are contrary to PPG17: in particular the relevant sections are: –

Planning Objectives -supporting an urban renaissance; health and well being; promoting more sustainable development.

National Planning Policies -Maintaining an Adequate Supply of Open Space and Sports and Recreational Facilities paras 10, 11, 13, 16 and 17.

8.3 31 other letters and e mails of representation have been received, including one from Friends of the Earth and one from The Ramblers Society raising the following objections (all correspondence may be viewed in full on-line):

1. The traffic out of The Commons will be severely affected and safety of pupils walking and cycling will be compromised. Existing congestion at Norman Way/Shrub End will be exacerbated.
2. Will increase noise and pollution to adjoining dwellings as well as visual impact.
3. The open space is valued as a community facility by local residents a number of whom are disabled. Any future use as a sports facility will be lost and conflicts with local and national planning objectives for protecting open space, green links and wildlife habitat.
4. Object unless the wider footpath/cycle network is improved and traffic speeds are reduced locally. This scheme detracts from existing foot and cycle paths.
5. There is no proposal for landscaping the proposed route.
6. Will encourage additional traffic and deter non-car usage to the detriment of children's health, thereby failing to promote sustainable travel.
7. I will object unless the School offers to build a direct cycle path between the ends of Norman Way and introduce local traffic orders slowing vehicle speeds.
8. There is no proven need for this road.

9. The School is acknowledged as a leader in green travel but still needs to do more in terms of improved pedestrian and cyclists' facilities.
  10. Norman Way will become a bottle-neck at dropping off and collection times and will seriously affect the amenity of local residents.
  11. Significant safety hazard to pedestrians and adverse effect on existing footways/cycleways.
  12. The road may be opening up remaining green land to further development, such as a sports centre.
  13. Will introduce a more circuitous route for cyclists.
  14. Emergency vehicles do not need the road. If necessary, they could access the school over the Green.
  15. The proposal is part of a wider picture for secondary education in Colchester with the result that an already excessively large Philip Morant School will be expanded beyond optimum size in terms of satisfactory education delivery.
  16. Traffic movement will greatly increase as a result of additional students arriving from South Colchester and outlying villages due to the above changes and closures of other Schools.
- 8.4 A further 22 letters have been written in respect of both this application and the following item. Of those letters 12 object to both proposals, 9 to 100172 only and 1 favours the present application.
- 8.5 4 letters of support have been received containing the following observations:-
- 1 There are strong planning, highway and safety reasons for this application to be approved; my daughter has been knocked off her bike in the existing narrow approach to the School and will not be cycling to school again.
  2. A young boy was knocked off his bike by a driver going at speed round a corner close to the school where roads are narrow and visibility limited. These conditions also pose a hazard for access by emergency vehicles.
  3. The road and new facilities should make the area much less of a problem during term time and will be of benefit to the whole of the surrounding area as well as the School.

## **9.0 Report**

- 9.1 This scheme had its genesis over 10 years ago. The Planning Committee at that stage were concerned that the proposed development would be contrary to the then emerging Borough Plan in that it would result in loss of open space and a green link. These issues were considered by both the Appeal Inspector and Local Plan Inspector.
- 9.2 The refused applications were considered by way of individual appeals to the Planning Inspectorate. However, the Inspector dealt with both appeals via a single decision notice dated 1 December 1999. In determining the appeals the Inspector had regard to the Development Plan existing at that time, and to the emerging Local Plan where the proposed allocation of the land as Greenlink was mentioned. The Inspector's report outlined the main issues that were relevant in the appeals - i.e. the impact of the development on the open land and the traffic/safety considerations. The conclusion of the Inspector was that the appeals should be upheld. Members should note that the 2004 applications were identical proposals to the application approved at appeal (Ref: COL/99/0536).

9.3 Members are also advised that the area of open land within which the proposed development would be located was considered as part of the Local Plan Inquiry - following an objection to the proposed allocation as Public Open Space. The relevant comments of the Inquiry Inspector are included below for Members' information:-

10.12.11 On 1 December 1999 planning permission was allowed on appeal for the formation of a new access road to Philip Morant School and Sixth Form College and an internal road for dropping off, collection and additional parking on the grassed area to the north of Norman Way. The objectors assert that the area of land, the subject of the decision, should be deleted from the proposed Irvine Road public open space. The Council argues, on the contrary that the public open space allocation should be confirmed and that this would amount to a changed circumstance that would enable any renewal of planning permission to be properly resisted if and when the current permission, which it considers was wrongly granted, expired.

10.12.12 I do not agree with either argument. The area of land, the subject of this appeal decision, forms a small part of the public open space designation. The Inspector identified, at paragraph 9 of his decision, that the land has the appearance of open space to which the public has access. He observed at Paragraph 12 that the access road would occupy the east side of the land and would not have any substantial effect on the treed area on the west side. He concluded on this point by saying that, having regard to the Council proposals for the incorporation of adjoining allotments into the overall area of public open space now designated by Policy L4, he did not consider that construction of the proposed access road would amount to a serious loss of an important area of informal open space. By the same token, I do not consider that the site of the approved access road would amount to a serious loss of potentially usable public open space.

10.12.13 In these circumstances, I see no contradiction between the implementation of the planning permission granted on appeal and the public open space designation incorporating this site. **Because of its small size in relation to the overall public open space allocation, I am firmly of the opinion that any renewal of the extant permission would not amount to a substantial departure from the provisions of the development plan.** At the same time I would look with extreme disfavour upon any attempt by the Local Planning Authority to circumvent the appeal decision. By confirming the designation of this land as public open space, I am not providing the Council with a carte blanche to refuse renewal of the current planning permission if it expires. **I have no reason to doubt that there is a pressing need for new access arrangements for the school, which is the principal issue upon which the Inspector, quite properly in my view on the evidence before him, allowed the appeals.** The main reason why the permission has not been subsequently implemented appears to be the complicated pattern of land ownership by various public bodies in the locality. If this could be unscrambled by the disposal of the relevant land to allow the access road to proceed, it may free revenues that could

enable the remainder of the public open space provision to be effected. Under these particular conditions, I somewhat reluctantly recommend that no alteration be made to the Local Plan in response to this objection.

In reaching his conclusions with regard to the proposed allocation of the site in the Local Plan, the Inspector was mindful of the previous Inspector's conclusions with regard to the appeal. In fact, specific comment is made with regard to the impact of the proposal within the open space at the start of Paragraph 10.12.13. The Inspector's comments in this paragraph are quite clear.

## **10.0 Summary**

- 10.1 This is clearly contentious development, and, when considered in isolation, may be considered contrary to policy statements in the Adopted Review Colchester Borough Local Plan, and also, at first sight, to sustainability and accessibility objectives in the adopted Core Strategy. Certainly the Core Strategy seeks to protect and enhance the existing network of green links, open spaces and sports facilities (ENV1 and PR1) and identifies that walking and cycling improvements will be focused on schools and other local traffic destinations (TA1 & 2).
- 10.2 However, this report has set out at some length the way the issue has been considered directly through the appeal process and indirectly through the Local Plan process when the development was held to be acceptable both having regard to its small impact on the overall public open space allocation and acceptability in traffic safety terms. These are the two chief issues that are consistently raised in the many representations received.
- 10.3 Members should also have regard to the fact that the School successfully operates a green travel plan to attempt to optimise travel arrangements other than car-based modes, further details of which are provided at Appendix 1. It is noted that the Highway Authority have no objection to the proposals and recommend appropriate conditions.
- 10.4 As a consequence, the renewal of an extant consent is considered appropriate and correct in planning terms and in line with previous decisions.

## **11.0 Background Papers**

- 11.1 ARC; ACS; HA; HH; NLR; AT; OTH

### **Recommendation - Conditional Approval**

#### **Conditions**

- 1 - A1.5 Full Perms (time limit for commencement of Development)

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

Reason: In order to comply with Section 91 (1) and (2) of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

## 2 - C10.12 Tree Survey

Before any works commence on site, details of all existing trees with a stem diameter of 75mm or greater at 1.5m above ground level, shall be submitted to and agreed in writing by the Local Planning Authority and shall include, as appropriate, a Tree Survey, Categorisation and Constraints Plan in accordance with BS 5837.

Reason: To enable proper attention to be given to the impact of the proposed development on existing trees.

## 3 - C10.16 Tree & Natural Feature Protection: Entire Site

No burning or storage of materials shall take place where damage could be caused to any tree, shrub or other natural feature to be retained on the site or on adjoining land (see BS 5837).

Reason: To protect the health of trees, shrubs and other natural features to be retained in the interest of amenity.

## 4 - C10.18 Tree and Hedgerow Protection: General

All existing trees and hedgerows shall be retained, unless shown to be removed on the approved drawing. All trees and hedgerows on and immediately adjoining the site shall be protected from damage as a result of works on site, to the satisfaction of the Local Planning Authority in accordance with its guidance notes and the relevant British Standard. All existing trees shall be monitored and recorded for at least five years following contractual practical completion of the approved development. In the event that any trees and/or hedgerows (or their replacements) die, are removed, destroyed, fail to thrive or are otherwise defective during such a period, they shall be replaced during the first planting season thereafter to specifications agreed in writing with the Local Planning Authority. Any tree works agreed to shall be carried out in accordance with BS 3998.

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

## 5 - C11.11 Landscape Design Proposals

No works or development shall take place until full details of both hard and soft landscape proposals have been submitted to and approved in writing by the Local Planning Authority (see BS 1192: part 4). These details shall include, as appropriate:

Existing and proposed finished contours and levels.

Means of enclosure.

Car parking layout.

Other vehicle and pedestrian access and circulation areas.

Hard surfacing materials.

Minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signage, lighting).

Proposed and existing functional services above and below ground (e.g. drainage, power, communication cables, pipelines, etc. indicating lines, manholes, supports etc.).

Retained historic landscape features and proposals for restoration.

Soft landscape details shall include:

Planting plans.

Written specifications (including cultivation and other operations associated with plant and grass establishment).

Schedules of plants, noting species, plant size and proposed numbers/densities.

Planting area protection or decompaction proposals.

Implementation timetables.

Reason: To safeguard the provision of amenity afforded by appropriate landscape design.

#### 6 - C11.12 Landscape Works Implementation

All approved hard and soft landscape works shall be carried out in accordance with the implementation and monitoring programme agreed with the Local Planning Authority and in accordance with the relevant recommendations of the appropriate British Standards. All trees and plants shall be monitored and recorded for at least five years following contractual practical completion of the approved development. In the event that trees and/or plants die, are removed, destroyed, or in the opinion of the Local Planning Authority fail to thrive or are otherwise defective during such a period, they shall be replaced during the first planting season thereafter to specifications agreed in writing with the Local Planning Authority.

Reason: To ensure the provision and implementation of a reasonable standard of landscape in accordance with the approved design.

#### 7 -C11.17 Landscape Management Plan

A landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, other than privately owned domestic gardens, shall be submitted to and approved by the Local Planning Authority prior to any occupation of the development (or any relevant phase of the development) for its permitted use.

Reason: To ensure that due regard is paid to the continuing enhancement and maintenance of amenity afforded by the landscape.

#### 8 – Non-Standard Condition

No development shall take place until full details of the surfacing materials and other treatment, including barriers or gateways, of the connection between the proposed access road and Norman Way, and of the crossings of the defined Footpath No. 206 and of the informal footpath leading to St Benedict's Catholic Secondary School and the Colchester County High School, have been submitted to and approved by the Local Planning Authority and those works shall be carried out as approved.

Reason: In the interests of highway safety.

#### 9 - C2.1 Watching Brief

The applicant shall commission a professional archaeological contractor to observe the excavations and show sufficient time for the recording of any features and finds of interest.

Reason: To ensure that any remains of archaeological importance are properly recorded.

#### 10 - Non-Standard Condition

The access road and internal road hereby permitted shall not be brought into use until replacement cycle sheds have been provided within the grounds of the school, in accordance with a scheme that has been approved by the Local Planning Authority.

Reason: In the interests of highway safety.

#### 11 – Non Standard Condition

The access road hereby permitted shall not be brought into use until traffic calming measures have been provided in accordance with a scheme that has been approved by the Local Planning Authority.

Reason: In the interests of highway safety.

#### 12 - Non-Standard Condition

Following the bringing into use of the access road and internal road hereby permitted, the existing access from Rembrandt Way shall not be used for vehicular access other than by emergency vehicles.

Reason: In the interests of highway safety.

#### 13 - Non-Standard Condition

The access road hereby permitted shall not be used other than to provide access to and from the Philip Morant School and Sixth Form College.

Reason: In the interests of highway safety.

#### 14 - Non-Standard Condition

The access roads hereby permitted shall be gated and closed outside the hours of use of the school premises.

Reason: In the interests of highway safety.

#### 15 - Non-Standard Condition

The details of the connection with Norman Way shall be the subject of further plans to be agreed in writing with the Local Planning Authority. The Local Highway Authority intend that there should be a return footway over the end of the existing highway and that a boundary fence and wall be erected where, locally, pedestrians were separated from cycles and motor vehicles. The latter would enter the gateway via a dropped crossing retained pedestrian priority.

Reason: In the interests of highway safety.

#### 16 - Non-Standard Condition

The details of the surfacing materials and other treatment at the crossroads between the new track and the Capel Road - Lexden Dyke path shall be the subject of further plans to be agreed with the Local Planning Authority.

Reason: In the interests of highway safety.

#### 17 - Non-Standard Condition

The Public's right of way and ease of passage across all public footpaths affected by the development hereby permitted shall remain uninterrupted at all times.

Reason: In order to ensure that the development does not adversely impact on public footpaths.

#### 18 - Non-Standard Condition

No development shall take place until full details of any impact of the access road (including any ancillary works) hereby permitted on Footpath No. 204 have been submitted to and agreed in writing by the Local Planning Authority.

Reason: The application as submitted contains insufficient information regarding this point and proper consideration of the proposals will be necessary in order to protect the integrity of this footpath.

#### 19 - B3.2 Light Pollution

Any lighting of the development shall be located, designed and directed [or screened] so that it does not cause avoidable intrusion to adjacent residential properties/cause unnecessary light pollution outside the site boundary. "Avoidable intrusion" means contrary to the Code of Practice for the Reduction of Light Pollution issued by the Institute of Lighting Engineers.

Reason: To protect the amenity of adjoining residents and in the interests of highway safety.

#### 20 - Non-Standard Condition

A competent person shall ensure that the rating level of noise emitted from the site shall not exceed 5dBA above the background prior to the use hereby permitted commencing. The building hereby approved coming into beneficial use. The assessment shall be made in accordance with the current version of British Standard 4142. The noise levels shall be determined at all boundaries near to noise-sensitive premises. Confirmation of the findings of the assessment shall be provided in writing to the Local Planning Authority.

Reason: In order to safeguard the amenities of local residents.

#### 21 - Non-Standard Condition

Immediately the new access is brought into use the existing access at the northern end of Rembrandt Way shall be suitably and permanently closed to vehicular traffic to the satisfaction of the Local Planning Authority, retaining only access for pedestrians and cyclists to the satisfaction of the Highway Authority immediately the proposed new access is brought into use.

Reason: To ensure the removal of and to preclude the creation of unnecessary points of traffic conflict in the highway in the interests of highway safety to ensure accordance with Policy 1.1 of the Highways and Transportation Development Control policies.

#### 22 – Non Standard Condition

Prior to occupation an Order securing the conversion of the existing definitive right of way (Footpath 204 Colchester) to a 3.5m wide shared use cycleway/footway will have been agreed with the Local Planning Authority, the Order must be confirmed, and the new route has been constructed to the satisfaction of the Local Planning Authority.

Reason: To ensure the continued safe passage of cyclists and pedestrians in accordance with Policies 1.1 and 3.4 of the Highways and Transportation Development Control policies.

#### 23 – Non Standard Condition

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

Reason: To ensure appropriate cycle parking is provided in the interest of highway safety and amenity in accordance with Policy 7 of the Highways and Transportation Development Control policies.

#### 24 – Non Standard Condition

The route of the two Public Footpaths (204 and 206, Colchester) when converted to cycleway/footway shall remain on their current alignments. The new access route shall provide suitable raised crossing facilities thereby retaining priority for cyclist and pedestrian traffic.

Reason: In order to provide suitable cycling and pedestrian facility on the desired lines in the interests of sustainable travel modes and in accordance with Policies 1.1, 3.3, 3.4 and 3 in Appendix G to the Local Transport Plan.

#### 25 – Non Standard Condition

No works in connection with the proposed development shall commence until such time as the applicant has satisfactorily fulfilled the specific commitment given by Brandon Hallam, Director of Policy, Community Planning and Regeneration at Essex County Council, in his e-mail dated 17 March 2010 to support Essex County Council Highways to deliver related highway improvements.

Reason: To make adequate provision within the highway for a traffic regulation order to protect the turning head at the northern end of Norman Way and remove the risk of indiscriminate parking during school pickup and drop off times created as a result of the proposed development.

#### 26 – Non Standard Condition

Prior to occupation the existing pedestrian access east of the existing vehicle access on Rembrandt Way shall be improved to be a pedestrian and cycle access to the satisfaction of the Local Planning Authority.

Reason: To ensure appropriate cycle facilities are provided in the interest of highway safety and amenity in accordance with Policy 7 of the Highways and Transportation Development Control policies.

## **Informatives**

1. All works affecting the highway shall be carried out by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority and application for the necessary works should be made initially by telephoning 01206 838696 or by email on [highways.eastarea@essex.gov.uk](mailto:highways.eastarea@essex.gov.uk).
2. The applicant is reminded of their responsibilities and duties with regard to the line of Public Footpath 204 to the East of the School site. Should any works affect the line of the route these must be carried out in agreement with the Highway Authority and application for the necessary works should be made initially by telephoning 01206 838696 or by email on [highways.eastarea@essex.gov.uk](mailto:highways.eastarea@essex.gov.uk).

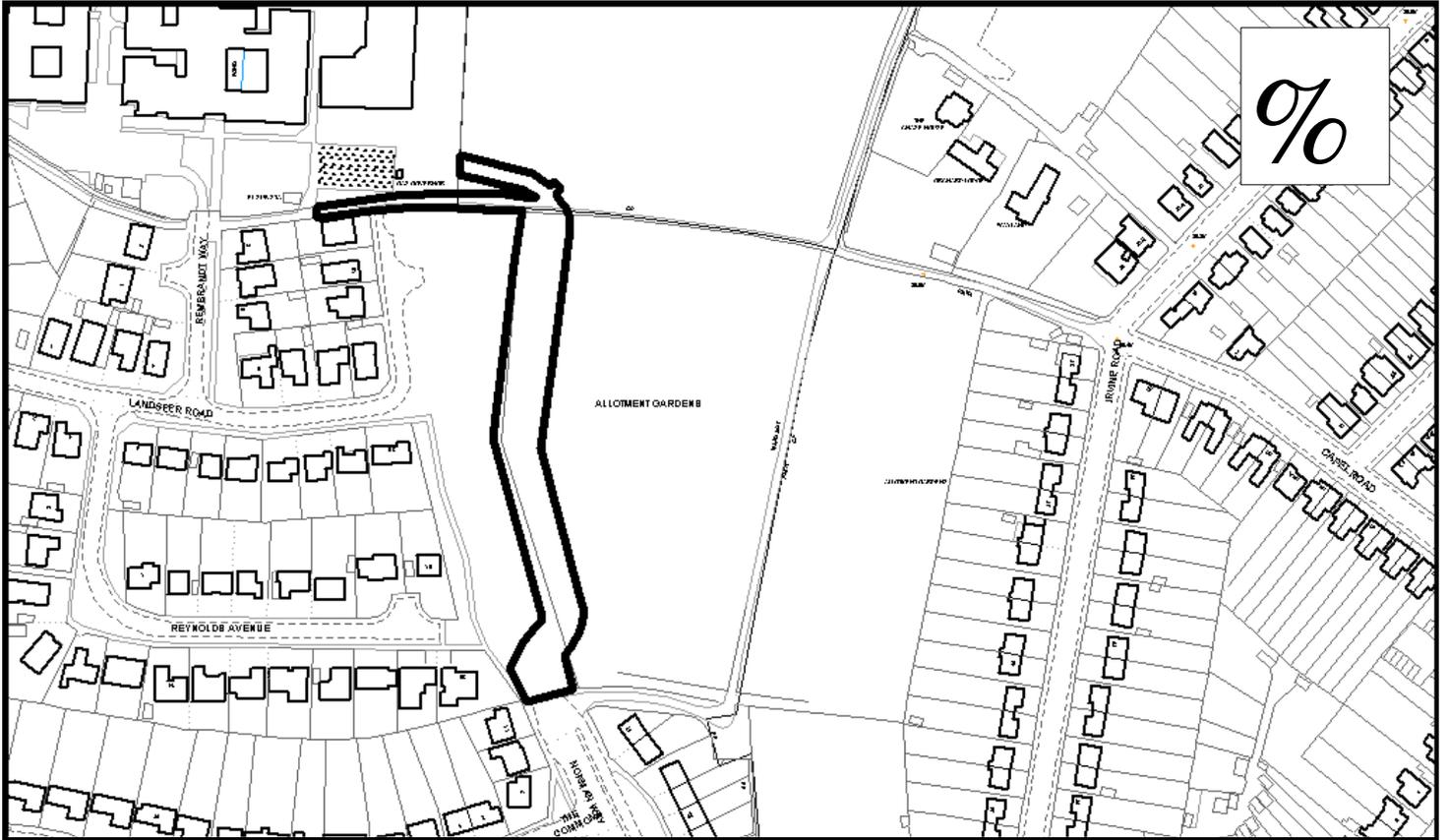
## Outline Travel Plan Philip Morant School and College

- The School and College have adopted within their Healthy School Programme a focus on travel to school and college for staff, students and parents, which discourages, when and where practical, the use of vehicular traffic and encourages walking and cycling. The Healthy Schools Award was granted in December 2009
- Students have been encouraged to cycle through the development on site of a secure cycle park, currently able to accommodate 200 cycles, increasing to 300 shortly.
- A secure cycle store will be built imminently to house staff cycles
- Many staff (teaching and support) live too greater distant to cycle. Because of the working hours and the amount of recourses needed to be carried to and from work, the use of public transport is therefore impossible for some. Staff are however encouraged to share lifts and use public transport if possible.
- Staff have been able to access the Cycle to Work Scheme to purchase cycles and cycle equipment to encourage them to cycle to work and exercise more frequently.
- A third cycle store will be built in 2010 to house College (post 16) student cycles
- College students are not able to bring cars onto the school site. In exceptional circumstances parking for students is limited and controlled by permits, available to those with difficulties in walking or cycling or with unusual difficulties associated with public transport routes available to them between home and college.
- The school is working with Sustrans and other cycling initiatives to promote cycling whenever possible. For example the Virtual Bike Race and the Bike It Scheme. This includes a safe approach to cycling and cycling for exercise. We have supported Colchester Borough Council initiatives to encourage cycling including the Tour Series Pro Bike Race.
- Parents are told before they join the school and on a regular basis throughout their time associated with the school, that they are not allowed to drive students onto the school site. We ask them to encourage walking and cycling and the use of public transport, as the greater majority of our students live within comfortable walking/cycling distance. Lockers are available for storage of cycling equipment.
- The school is pleased to see parking restriction measures imposed in the roads leading to the school. This has helped to discourage parents from creating congestion in ands around the school.
- We work with the Police and other Safety agencies to endorse messages to students with regard to safe travel.



- Colleagues are being trained to deliver Cycling Proficiency courses to the wider student community as part of our involvement in the Colchester Cycling Town Project.
- Cycling in the curriculum – The Bike Ability Scheme has been included in the curriculum.
- The school has already achieved the Eco Schools Silver Award which includes sustainable transport links to school.
- We are investigating with all stakeholders the refurbishment of local footpaths and cycle paths. We would like to see local footpaths upgraded to encourage more people to walk and cycle to school, and to provide continuous safe routes across the school campus in the south of Colchester.
- A recent audit has taken place with all of our stakeholders and we envisage completing our travel plan by the end of March 2010.





**Application No:** 100223

**Location:** Grassed Area of Land North of Norman Way and east of Reynolds Avenue and Landseer Road, Colchester

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

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**7.2 Case Officer: David Whybrow**

**EXPIRY DATE: 29/03/2010 OTHER**

**Site:** Grassed area of land north of Norman Way and east of Reynolds Avenue and Landseer Road, Colchester

**Application No:** 100223

**Date Received:** 1 February 2010

**Agent:** Purcell Miller Tritton & Partners

**Applicant:** Philip Morant School And Sixth Form College

**Development:** New access road to service The Philip Morant School.

**Ward:** Prettygate

**Summary of Recommendation:** Conditional Approval

## **1.0 Planning Report Introduction**

1.1 This full application for a new access road to Philip Morant School is an alternative proposal to that considered under the previous item. It proposes a route to the east of the former line and utilises land currently a vacant part of the allotment gardens and largely clear of the allocated open space/greenlink area. The allotment land is enclosed by chain link fencing and is part hedged on its western side. It also includes a plantation of young trees in its northern part.

1.2 The application has again attracted a large number of letters of representation.

1.3 A report on this application did appear in the Planning Committee Agenda for 18 March 2010 but the item was withdrawn by the Head of Environmental and Protective Services to allow full reporting of all representations received, particularly those from the Irvine Road Residents Association. An administrative process error had occurred which had resulted in some representations not being shown on the Council's Planning website. By re-presenting the report with all representations being referred to, together with the views of the Highway Authority, the Committee has all relevant information before them.

## **2.0 Site Description**

2.1 The intended purpose of the new road is to provide access into the School for staff and visitors' cars, delivery and emergency vehicles. It is not intended to be used for the dropping off and collection of pupils nor for cyclists to access the School. Gates will be provided for safety and security purposes and it is not intended that the road will be open outside the hours of use of the school premises.

- 2.2 The proposed route is designed to intrude less into the public open space, to utilise land that is not currently accessible to the general public and can in part be screened by the existing hedgerow, when viewed from the houses to the west.
- 2.3 The application is accompanied by a Design and Access Statement, Arboricultural Impact Assessment, Phase 1 Habitat Survey and Transport Assessment, all of which may be viewed on the Council's website. Key features of the scheme are:-
1. Cycle paths are to be enhanced by increasing their width and re-routing of the Sustrans route allows a new dropped kerb to be placed between the end of Norman Way and the path, allowing cyclists direct access.
  2. The new road will remove traffic from existing residential streets where visibility at junctions is sub-standard.
  3. The new layout is designed to encourage lower vehicle speeds and cyclists and pedestrians are segregated from vehicular traffic.
  4. The landscaping details submitted with the application fall outside the scope of the application and must be treated as illustrative only. However, the development of the site will bring an opportunity for best practice tree and woodland management of the retained trees and also wildlife habitat creation. This land would be passed to a charitable trust for maintenance purposes.
- 2.4 For Members' information, steps are already being taken to de-classify the allotment land and provide equivalent alternative provision in the locality.

### **3.0 Land Use Allocation**

- 3.1 Open Space  
Green link  
Public Footpaths 204 & 206

### **4.0 Relevant Planning History**

- 4.1 The land, subject of this application, has no specific planning history but the background history to the new road proposals are set out in the previous report.

### **5.0 Principal Policies**

- 5.1 Adopted Review Borough Local Plan  
DC1 - General Development Control criteria  
UEA14 - Greenlinks  
L3 - Protection of existing public open space  
L14 - Protecting public rights of way  
P1 - Pollution
- 5.2 Adopted Core Strategy  
SD2 - Delivering facilities and infrastructure  
UR2 - Built design and character  
PR1 - Open Spaces  
TA1 - Accessibility and changing travel behaviour  
TA2 - Walking and cycling  
ENV1 - Environment

## **6.0 Consultations**

- 6.1 Environmental Control recommend conditions to be attached to any consent granted, relating to site boundary noise levels and light pollution.
- 6.2 The Trees and Landscape Officer is satisfied with the landscape content of the proposal subject to minor amendments to the scheme. The Tree Protection Officer also has no objection.
- 6.3 As in the previous case the Highway Authority support the proposal for a new access road in general. They raise no objections and recommend conditions to be attached to any consent granted to cover:-
- Closure of Rembrandt Way access to vehicular traffic.
  - Conversion of Footpath 204 to a 3.5m wide shared use cycleway/footway.
  - Cycle parking facilities.
  - Footpaths 204 and 206 to remain on their current alignments.
  - £2000 contribution towards highway improvements.
  - Existing vehicular access to Rembrandt Way to be improved as a pedestrian and cycle access.
- 6.4 The Archaeological Officer requests an archaeological watching brief condition.
- 6.5 Transport Policy Team confirm that relevant Policy TA1 seeks to change travel behaviour by requiring major developments, employers and institutions to develop travel plans to promote sustainable travel behaviour and resist developments that promote unsustainable travel. In this case, their detailed requirements are for:-
1. The applicant's commitment to promotion of cycling and the travel plan.
  2. The route should not be a dropping off/pick up point for students.
  3. The pedestrian/cycle entrance on Rembrandt Way should be retained and cyclists also allowed to enter the south-east gate to the School.
  4. The road to incorporate physical features to reinforce 20 mph speed limit.
  5. Improved pedestrian crossing facilities at Norman Way entrance to road and at the north end of the road to maintain desire line of footpaths.
  6. Confirmation of a significant increase in cycle parking as referred to in the application.

## **7.0 Representations**

- 7.1 Irvine Road Residents Association raise objections as follows:-
1. Loss of designated open space.
  2. Damage to the green link corridor and disruption of wider green network.
  3. Will destroy what is currently a safe, traffic-free route for children of 3 schools contrary to "Safe Routes to Schools" policy.
  4. The road layout does not encourage low speeds for separate cyclists and pedestrians.

5. Fails to satisfy adopted policies for protection of open space and greenlinks and also conflicts with safe use of public footpaths, another recreational resource.
6. Both Christchurch and Prettygate wards have less than the recommended standard of open space per head of population. The current level of OS therefore needs to be maintained, not reduced.
7. There is no evidence produced by the applicants to demonstrate that the existing access is inadequate in terms of capacity, road safety and emergency access. The proposal must be considered contrary to national and local initiatives to discharge the use of private cars for school journeys and to encourage other means of travel.

## 7.2 Comments by Painters Corner Residents' Association (PCRA):-

PCRA supports this proposal because:

- this route has a less adverse effect on public open space than the original route;
- it leaves the Green as open space and a safe route to school for pupils walking and cycling to school;
- it is safer than the original route in the way it separates vehicles and pedestrians/cyclists;
- where it crosses the footway/cycleway at the corner of Irvine Road Field it has a properly designed pedestrian and cyclist crossing;
- the access is intended for staff cars, coaches and delivery, construction and emergency vehicles, relieving residential streets of some of this traffic;
- its sinuous alignment provides a traffic calming effect and hence safety benefits;
- the access will be a private road and will be gated at both ends;
- the existing school entrance in Rembrandt Way will be closed to vehicular and pedestrian traffic;
- Philip Morant School will provide land to be used as open space to replace that lost to the road.

Note: PCRA does not support the new entrance for cyclists and pedestrians alongside the electricity substation at the front of the school on the grounds of pedestrian/cyclist congestion in the narrow space outside the proposed entrance and the potential for damage being caused to adjacent residents' property; a number of residents object to this item so it needs to be changed."

## 7.3 24 other letters and e mails of objection have been received, including representations by Friends of the Earth, raising the following objections:- (representations may be viewed in full on the Council's website)

1. Parents dropping off children will be drawn to the closest point to the main entrance, i.e. Landseer Road, adding unacceptably to an existing problem of over-congestion. The School requires at least 2 exit/entry gates for pedestrians.
2. The closure of the main entrance will lead to the spreading of problems of anti-social behaviour and disturbance already associated with congregations of school children. Access routes should divert school children away from footpaths close to dwellings.

3. The land should remain as open space and the allotment area be retained as a nature reserve. The open space should not be considered surplus to requirements. The road may open up remaining green space to further development such as a sports centre.
4. Detrimental impact on both visual amenity currently enjoyed by many residents and intended right of access for recreational purposes.
5. The road will bring unwarranted noise and disturbance and will generate more traffic in Norman Way, causing congestion, pollution and amenity problems due to inconsiderate parking. It is too close to the bungalows facing the Green.
6. The Council should be encouraging people to exercise more and walk and cycle to work. Allotments especially encourage a healthy life-style and should not be lost.
7. People need open space for playing, walking, sitting and relaxing in a safe, quiet environment.
8. I would not object if I was satisfied that the School had carefully thought through the impact of the proposal on current cycling/pedestrian routes. Local routes are very well used.
9. 20 mph traffic orders should be considered on surrounding estate roads.
10. Vandal proof shelters for children should be provided at dropping off/collection points for use during inclement and cold weather.
11. The scheme overlooks any need for drainage/lighting.
12. The need for this road has not been proven and there is no justification for development of open space/recreational land which contravenes Government policy in respect of sport and recreation. The proposal cannot be considered in isolation from the wider sports field and link footpath situation.
13. Who will man and manage the gates at the access?
14. The main traffic problems arising from the School use are parents' cars and they will cause a tail-back in traffic along Norman Way. Delivery lorries generally visit the School early before pupils arrive.
15. The road would destroy what is current a safe, traffic free route for children walking to the 3 schools from Irvine Road area.
16. As official site steward I object to loss of allotment land. There is already a chronic shortage of plots and a significant waiting list for this site.
17. Will introduce a more circuitous route for cyclists.
18. Emergency vehicles do not need this road. If necessary they could access the school over the Green.
19. The proposal is part of a wider picture for secondary education in the town with the result that an already excessively sized school will be expanded beyond optimum size from the point of view of education provision and will draw in traffic from further afield adding to highway problems.

7.4 Colchester Cycling Campaign urges rejection of the application unless the applicants offer:

- A straight and direct cycle route to connect the 2 stubs of Norman Way or reservation of the existing path to allow for this to be built in the future.
- A high quality crossing facility to preserve the current foot/cycle path between Landseer Road and Irvine Road.
- To contribute to the costs of a 20 mph order covering the Prettygate Estate.
- A ban on sixth formers using their cars to travel to school.

7.5 5 further letters of support have been received. Three letters note that the proposal would secure a landscaped, green space for the use of the community and, in their view, a safe route to school for Philip Morant pupils and children from other schools. The remaining land should be classed as a public green in perpetuity. As noted in the previous report, 22 letters were written in respect of both applications. 12 maintained an objection to both and 9 considered the present scheme preferable to 100172. Those that support the current scheme offer the following as explanation:-

- a) Rembrandt Way is dangerous and unfit for size of school. It is frequently blocked and footways are inadequate. It is a clear health and safety barrier to expansion of the School.
- b) The new route is best option insofar as it will cause less disruption, secure the remaining green land as open space and provide a safe route for students.
- c) May need to adjust phasing of traffic lights at Norman Way/Shrub End Road junction to facilitate traffic flow to and from school.
- d) Support proposal but submission contains inconsistencies and lacks detail – i.e. the road should be provided with 125mm upstand kerbing and positive drainage. Bollards will be needed to prevent vehicles encroaching onto open space.

7.6 A further letter has been received acknowledging that the School is a leader in green travel with a large proportion of pupil access by foot and bicycle. It suggests this work be taken further in providing a decent footpath and cycle network with good width, surfacing and forward visibility. Absolute priority should be given to those on bike and foot.

## **8.0 Report**

8.1 The background to this application is set out comprehensively in the previous report. Similar considerations apply in this case although there are marked advantages to this scheme in terms of:-

1. Minimal visual impact on the important established area of greenwards incorporating green link. Indeed, the proposal potentially allows for more carefully landscaped areas to be created with wildlife habitat benefits.
2. Segregation of traffic and pedestrian/cycle routes and a road alignment that actively restricts traffic speeds as a safety feature.
3. Increased separation from residential property and additional safeguards to protect residents from noise and light pollution beyond those secured in the previous scheme.

- 8.2 The established green travel credentials of the School are noted in several of the letters received, however, requests for further pedestrian/cycle route improvements, particularly relating to the permissive path linking the 2 ends of Norman Way, are beyond the scope of this application. That said, the Highway Authority have considered the matter with a view to optimising the opportunities to encourage and prioritise non-car travel in line with adopted policies and it is confirmed that the applicants find these requirements acceptable. In particular they indicate that 2 new cycle parks are proposed comprising 120 spaces for 6<sup>th</sup> form and 20-30 for staff. This is in addition to 200 spaces already provided. They also confirm acceptance of any conditions relating to bollards, drainage and surface treatments. Initially lighting is not proposed.
- 8.3 Currently local residents enjoy access to land east of the School and it is not envisaged that this will be affected other than a small corner of the field will now accommodate a short section of access road. However a new area of potential open space could be created which would compensate for the loss of the corner of the field.
- 8.4 Members will note that the existing vehicular Rembrandt Way access will be closed as a result of the new access being created and this is expected to bring relief from congestion to this area. Whilst Norman Way is likely to experience a greater intensity of vehicular use as a result it is wider, less tortuous and is generally further from larger numbers of dwellings although a number of individual properties may experience dropping off/collecting activity nearby.
- 8.5 A number of stakeholder meetings including resident meetings have been held prior to submission and during consideration of the application and the final form of scheme before Members arises out of these sessions.

## **9.0 Summary**

- 9.1 This scheme, involving a new means of access to the School, remains a contentious issue for many local people, many of whom object. The predominant themes of those objections, including those by Irvine Road Residents Association, concern loss of open space and traffic safety matters. These issues were also decisive factors in the Inspector's decisions as reported in the previous item.
- 9.2 In the present case your officers have concluded that the scheme now before Members has no greater effect on the open space area than the previous scheme and has the advantage of greater separation from Painters Corner dwellings, affording them a continued frontage onto open land. At the same time the road will relieve large numbers of Painters Corner residents from twice-daily problems of congestion, nuisance and hazards and relocate the school's main vehicular entrance to where greater space provides the opportunity to manage the traffic with least direct effect on existing householders. Members will recognise that the proposal has garnered broad support from all the main professional consultees and especially the Highway Authority.
- 9.3 It is recommended that a carefully conditioned planning approval allied with the School's rigorously promoted green travel plan is appropriate here.

## **10.0 Background Papers**

10.1 ARC; ACS; HA; HH; NLR; AT; OTH; TL

### **Recommendation - Conditional Approval**

#### **Conditions**

1 - A1.5 Full Perms (time limit for commencement of Development)

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

Reason: In order to comply with Section 91 (1) and (2) of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2 – Non Standard Condition

The construction shall take place solely in accordance with the terms of the methodology statement submitted with the planning application and no other works shall take place that would affect the trees on site unless otherwise agreed in writing by the Local Planning Authority.

Reason: To enable proper attention to be given to the impact of the proposed development on existing trees.

3 - C10.16 Tree & Natural Feature Protection: Entire Site

No burning or storage of materials shall take place where damage could be caused to any tree, shrub or other natural feature to be retained on the site or on adjoining land (see BS 5837).

Reason: To protect the health of trees, shrubs and other natural features to be retained in the interest of amenity.

4 - C10.18 Tree and Hedgerow Protection: General

All existing trees and hedgerows shall be retained, unless shown to be removed on the approved drawing. All trees and hedgerows on and immediately adjoining the site shall be protected from damage as a result of works on site, to the satisfaction of the Local Planning Authority in accordance with its guidance notes and the relevant British Standard. All existing trees shall be monitored and recorded for at least five years following contractual practical completion of the approved development. In the event that any trees and/or hedgerows (or their replacements) die, are removed, destroyed, fail to thrive or are otherwise defective during such a period, they shall be replaced during the first planting season thereafter to specifications agreed in writing with the Local Planning Authority. Any tree works agreed to shall be carried out in accordance with BS 3998.

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

#### 5 - C11.14 – Tree/Shrub Planting

Before any works commence on site, details of tree and/or shrub planting and an implementation timetable shall be submitted to and approved in writing by the Local Planning Authority. This planting shall be maintained for at least five years following contractual practical completion of the approved development. In the event that trees and/or plants die, are removed, destroyed, or in the opinion of the Local Planning Authority fail to thrive or are otherwise defective during such a period, they shall be replaced during the first planting season thereafter to specifications agreed in writing with the Local Planning Authority.

Reason: To ensure an appropriate visual amenity in the local area.

#### 6 - Non-Standard Condition

No development shall take place until full details of the surfacing materials and other treatment, including barriers or gateways, of the connection between the proposed access road and Norman Way, and of the crossings of the defined Footpath No. 206 and of the informal footpath leading to St Benedict's Catholic Secondary School and the Colchester County High School, have been submitted to and approved by the Local Planning Authority and those works shall be carried out as approved.

Reason: In the interests of highway safety.

#### 7 - C2.1 Watching Brief

The applicant shall commission a professional archaeological contractor to observe the excavations and show sufficient time for the recording of any features and finds of interest.

Reason: To ensure that any remains of archaeological importance are properly recorded.

#### 8 – Non Standard Condition

The access road hereby permitted shall not be brought into use until traffic calming measures have been provided in accordance with a scheme that has been approved by the Local Planning Authority.

Reason: In the interests of highway safety.

#### 9 - Non-Standard Condition

Following the bringing into use of the access road hereby permitted, the existing access from Rembrandt Way shall be permanently closed to vehicular traffic.

Reason: In the interests of highway safety.

#### 10 - Non-Standard Condition

The access road hereby permitted shall not be used other than to provide access to and from the Philip Morant School and Sixth Form College.

Reason: In the interests of highway safety.

#### 11 - Non-Standard Condition

The access roads hereby permitted shall be gated and closed outside the hours of use of the school premises.

Reason: In the interests of highway safety.

#### 12 - Non-Standard Condition

The details of the connection with Norman Way shall be the subject of further plans to be agreed in writing with the Local Planning Authority. The Local Highway Authority intend that there should be a return footway over the end of the existing highway and that a boundary fence and wall be erected where, locally, pedestrians were separated from cycles and motor vehicles. The latter would enter the gateway via a dropped crossing retained pedestrian priority.

Reason: In the interests of highway safety.

#### 13 - Non-Standard Condition

The Public's right of way and ease of passage across all public footpaths affected by the development hereby permitted shall remain uninterrupted at all times.

Reason: In order to ensure that the development does not adversely impact on public footpaths.

#### 14 - Non-Standard Condition

No development shall take place until full details of any impact of the access road (including any ancillary works) hereby permitted on Footpath No. 204 have been submitted to and agreed in writing by the Local Planning Authority.

Reason: The application as submitted contains insufficient information regarding this point and proper consideration of the proposals will be necessary in order to protect the integrity of this footpath.

#### 15 - B3.2 Light Pollution

Any lighting of the development shall be located, designed and directed [or screened] so that it does not cause avoidable intrusion to adjacent residential properties/cause unnecessary light pollution outside the site boundary. "Avoidable intrusion" means contrary to the Code of Practice for the Reduction of Light Pollution issued by the Institute of Lighting Engineers.

Reason: To protect the amenity of adjoining residents and in the interests of highway safety.

#### 16 - Non-Standard Condition

A competent person shall ensure that the rating level of noise emitted from the site shall not exceed 5dBA above the background prior to the use hereby permitted commencing. The building hereby approved coming into beneficial use. The assessment shall be made in accordance with the current version of British Standard 4142. The noise levels shall be determined at all boundaries near to noise-sensitive premises. Confirmation of the findings of the assessment shall be provided in writing to the Local Planning Authority.

Reason: In order to safeguard the amenities of local residents.

#### 17 - Non-Standard Condition

Immediately the new access is brought into use the existing access at the northern end of Rembrandt Way shall be suitably and permanently closed to vehicular traffic to the satisfaction of the Local Planning Authority, retaining only access for pedestrians and cyclists to the satisfaction of the Highway Authority immediately the proposed new access is brought into use.

Reason: To ensure the removal of and to preclude the creation of unnecessary points of traffic conflict in the highway in the interests of highway safety to ensure accordance with Policy 1.1 of the Highways and Transportation Development Control policies.

#### 18 – Non Standard Condition

Prior to occupation an Order securing the conversion of the existing definitive right of way (Footpath 204 Colchester) to a 3.5m wide shared use cycleway/footway will have been agreed with the Local Planning Authority, the Order must be confirmed, and the new route has been constructed to the satisfaction of the Local Planning Authority.

Reason: To ensure the continued safe passage of cyclists and pedestrians in accordance with Policies 1.1 and 3.4 of the Highways and Transportation Development Control policies.

#### 19 – Non Standard Condition

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

Reason: To ensure appropriate cycle parking is provided in the interest of highway safety and amenity in accordance with Policy 7 of the Highways and Transportation Development Control policies.

#### 20 – Non Standard Condition

The route of the two Public Footpaths (204 and 206, Colchester) when converted to cycleway/footway shall remain on their current alignments. The new access route shall provide suitable raised crossing facilities thereby retaining priority for cyclist and pedestrian traffic.

Reason: In order to provide suitable cycling and pedestrian facility on the desired lines in the interests of sustainable travel modes and in accordance with Policies 1.1, 3.3, 3.4 and 3 in Appendix G to the Local Transport Plan.

#### 21 – Non Standard Condition

No works in connection with the proposed development shall commence until such time as the applicant has satisfactorily fulfilled the specific commitment given by Brandon Hallam, Director of Policy, Community Planning and Regeneration at Essex County Council, in his e-mail dated 17 March 2010 to support Essex County Council Highways to deliver related highway improvements.

Reason: To make adequate provision within the highway for a traffic regulation order to protect the turning head at the northern end of Norman Way and remove the risk of indiscriminate parking during school pickup and drop off times created as a result of the proposed development.

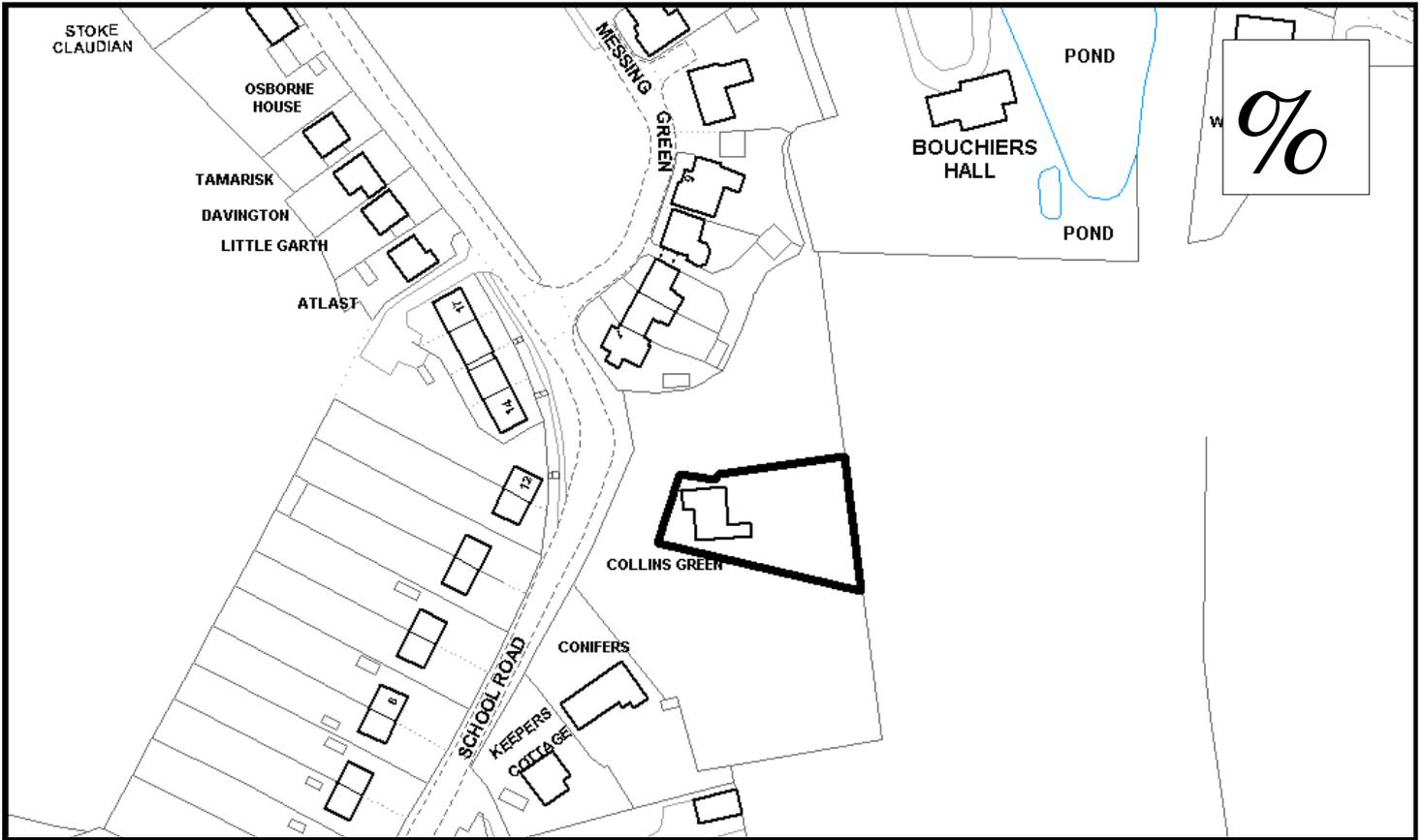
## 22 – Non Standard Condition

Prior to occupation the existing pedestrian access east of the existing vehicle access on Rembrandt Way shall be improved to be a pedestrian and cycle access to the satisfaction of the Local Planning Authority.

Reason: To ensure appropriate cycle facilities are provided in the interest of highway safety and amenity in accordance with Policy 7 of the Highways and Transportation Development Control policies.

### **Informatives**

1. All works affecting the highway shall be carried out by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority and application for the necessary works should be made initially by telephoning 01206 838696 or by email on [highways.eastarea@essex.gov.uk](mailto:highways.eastarea@essex.gov.uk).
2. The applicant is reminded of their responsibilities and duties with regard to the line of Public Footpath 204 to the East of the School site. Should any works affect the line of the route these must be carried out in agreement with the Highway Authority and application for the necessary works should be made initially by telephoning 01206 838696 or by email on [highways.eastarea@essex.gov.uk](mailto:highways.eastarea@essex.gov.uk).



**Application No:** 100178

**Location:** Collins Green, School Road, Messing, Colchester, CO5 9TH

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

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**7.3 Case Officer: Nick McKeever**

**EXPIRY DATE: 07/04/2010**

**OTHER**

**Site:** Collins Green, School Road, Messing, Colchester, CO5 9TH

**Application No:** 100178

**Date Received:** 10 February 2010

**Agent:** Mr Graham Warren

**Applicant:** Harding Homes

**Development:** Proposed external and internal design amendments to plot 5 and re-assignment of double garage.

**Ward:** Birch & Winstree

**Summary of Recommendation:** Conditional Approval subject to Unilateral Undertaking

## **1.0 Planning Report Introduction**

1.1 This application proposes material amendments to the dwelling on Plot 5 of this site, which has approval for the erection of 7 dwellings (071734). The amendments are:-

- Omission of the integral garage doors and conversion of the garage space into additional living accommodation (Dining Room and Study). Provision of windows to replace the garage doors
- Addition of brick plinth
- Featheredge timber cladding above brick plinth to replace approved facing brickwork
- Front entrance door centralised with glazed side-lights
- Amendments to rear elevation – French casement doors omitted in lieu of glazed sliding/folding doors. Sliding doors added to the proposed dining area

1.2 The two parking spaces that were to be provided within the integral garage are re-located to within one of a pair of double garages that are to be provided on the site frontage in accordance with the permission 081573 (revised entrance position).

## **2.0 Site Description**

2.1 The site lies within the village envelope of Messing. There are established residential properties to the west along the opposite side of School Road; immediately to the north is a more recent residential development fronting onto an area of village green. Other properties lie to the south whilst to the east lies open countryside. The site is approximately 0.5ha with planning permission (reference F/COL/07/0826) for the erection of 7 dwellings:-

2 x 3 bed semi-detached houses on Plots 1 & 2  
2 x 4 bed semi-detached houses on Plots 3 & 4  
2 x 5 bed detached houses  
1 x 6 bed detached house.

2.2 The dwellings on Plots 1 to 4 have been constructed. The construction of the remaining units within this development is currently underway

## **3.0 Land Use Allocation**

3.1 Part village envelope/part Countryside Conservation Area

## **4.0 Relevant Planning History**

- 4.1 071059 - 7 No residential properties and associated garages - Withdrawn 18 May 2007
- 4.2 071734 - Demolition of existing bungalow and workshops, construction of 7 no. residential properties and associated garages and new access (resubmission of 071059) Approved 14 September 2007
- 4.3 081574 - Revised entrance position (for 7 dwellings approved under Ref: 071734).
- 4.4 090211 - Retrospective application for minor elevational changes to Plots 1 & 2 - Refused 7 April 2009
- 4.5 82/1321 - Erection of 60ft telescopic, tilt-over aerial mast - Approved 24 January 1983
- 4.6 F/COL/03/1479 - Erection of 7 houses (4 x 3 bed, 2 x 4 bed, 1 x 5 bed), construction of replacement access road and associated hard and soft landscaping. Demolition of existing buildings - Withdrawn 29 April 2004
- 4.7 F/COL/04/0826 - Erection of 7 houses consisting of 4 x 3 bed, 2 x 4 bed, 1 x 5 bed houses, construction of replacement access road and associated hard and soft landscaping. Demolition of existing buildings (revised application) - Approved 9 August 2004
- 4.8 F/COL/05/1104 - Erection of 14 no. houses, access road, garages, cartlodge parking and associated landscaping. Demolition of existing buildings - Refused 12 August 2005

## **5.0 Principal Policies**

- 5.1 Adopted Review Colchester Borough Local Plan  
Development Control Considerations - DC1  
Design – UEA11  
Impact upon existing adjacent dwellings – UEA13
- 5.2 Adopted Core Strategy  
UR2 – Urban renaissance

## **6.0 Consultations**

- 6.1 The Highway Authority raises no objection subject to:-
- (a) Double garages having a minimum internal dimension of 7m x 6m.
  - (b) Parking space/vehicular hardstanding constructed to minimum dimensions of 5.5m x 5.8m.

## **7.0 Parish Council's Views**

- 7.1 Messing-cum-Inworth Parish Council comment as follows:-
- The plans of application 100178 represent substantial changes. These are not in keeping with the original application, which was for a development that would fit into the Village's profile. The original plan provided for 2 garaged spaces per detached property, and a single garage space for each semi-detached property. As part of that plan Plot 5 - a five bedroom house - was to have an integral double garage. This proposal removes these 2 garage spaces from this plot and the development as a whole, completely distorting the intent and distribution of garage provision. We are of the view that this change is not in keeping with the earlier approved development and will constrain car parking space for the development as a whole causing parking to spill out on to School Road, close to a dangerous/blind corner in a residential area. The application makes reference to 4 parking spaces for Plot 5 and that this is no change to the provision from the previously approved application, yet the accompanying drawing now identifies only 2 parking spaces for this plot within the development. This proposed change may contravene condition 3 of the original approval (it is certainly not in the spirit of this condition), that is to say this change would detract from the visual amenity of the area, it would not protect the amenity of the adjoining residents and we consider that it would actually contribute to the overdevelopment of the site as a whole.
  - Question 13 on the application states there is no risk of flooding. This was always a problem from the first application in 2003. It was discussed in detail on 3 August 2003 (F/COL/03/1479)- correspondence to Mr McKeever refers. Further questions were asked in respect of F/COL/04/0826. The Parish Council has not seen any hard landscaping plan or approval of same as per condition 10 of the earlier planning approval. We can only find references to hard landscaping aspects in drawings with a published date of 10 October 2007 on the on-line planning system. These drawings call for the hard landscaping to be mainly of bonded fine gravel granite sets used to define parking bays. We also understand that the Planning office is yet to approve the surface and foul water drainage proposals for this development.

- We are also aware that the site appears as though it is being prepared to be divided into 2 parts by a line of poles (awaiting fencing), separating plots 1-4, from plots 5-7. This would appear to be in breach of condition 6 or the original approval. The Parish Council has had no notification that this has been agreed, we are concerned that permission for a second entrance/access may be required on what is a dangerous corner.

The Parish Council therefore objects to this planning application and seeks urgent dialogue on its concerns regarding other aspects of this development.

## **8.0 Representations**

8.1 3 letters of objection have been received. The objections set out within these letters are summarised as follows:-

- Original approval was for an integral garage with additional parking in front of the garage. This proposal will result in the loss of the parking within the garage. This implies parking on the road, which is narrow and on a bad bend.
- Block paved area will increase potential for surface water run-off and flooding, which has been a problem in Messing and was a matter raised in connection with the original application for the development of this site.

## **9.0 Report**

9.1 The Applicants have recently acquired this site and have undertaken a number of improvements to the appearance of the dwellings within this approved development. These improvements the recent application for improvements to the dwellings completed on plots 1 and 2.

9.2 The proposal now before Members is part of this package of improvements. The Applicants originally proposed changes to the external appearance, the main change being the use of timber weatherboarding in place of the approved facing brickwork, as a non-material amendment to the original approval. Whilst no objections were raised in principle to this proposal, the cladding was considered to have a material impact upon the appearance of the building and planning permission would be required on this basis.

9.3 Whilst the Applicant has been asked to amend the window detail and the insertion of only one velux rooflight on the front elevation, the other changes to the elevations are generally modest and will not have a significant impact upon the appearance of the dwelling or the amenity of the future occupiers of the other dwellings.

9.4 It is noted that none of the representations received relate specifically to the changes to the cladding or the other changes to the external appearance. The objections relate to parking facilities and drainage.

- 9.5 The Council formally adopted new parking standards in November 2009. The parking provision for dwellings with 2 or more bedrooms is a minimum of 2 spaces plus 0.25 of a space per dwelling. The submitted drawings show that two spaces are to be retained on the hard surface in front of the integral garages that were approved under the original consent. In addition 2 more spaces are to be provided within the approved garages on the site frontage. This parking provision exceeds the recently adopted minimum standard.
- 9.6 The Highway Authority's comments relating to the size of the double garage and parking spaces are acknowledged. The quoted dimensions accord with the revised standards adopted in November 2009. The double garage forms part of a larger building providing two further parking spaces, which was approved as part of the original consent 071734 and re-positioned under the subsequent permission 081574. Under these circumstances it is not considered reasonable or appropriate to require the increase in size of part of this building.
- 9.7 The Parish Council's concerns relating to the drainage of the development and problems with localised flooding are acknowledged. The Applicants have submitted details of the proposed foul and surface water drainage for the site pursuant to the relevant condition on the original permission. These details have not yet been agreed as further information has been requested.
- 9.8 The application includes a Unilateral Undertaking in respect of the required Open Space and Community Facilities SPD.

## **10.0 Background Papers**

10.1 ARC; Core Strategy; PTC; NLR

### **Recommendation**

Conditional Approval subject to a Unilateral Undertaking for a contribution to Open Space and Community Facilities.

### **Conditions**

1 - A1.5 Full Perms (time limit for commencement of Development)

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

Reason: In order to comply with Section 91 (1) and (2) of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2 - C3.2 Materials as Stated in Application

The external materials and finishes to be used shall be as stated on the application form and as indicated on the approved plans and schedule returned herewith, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure a satisfactory visual appearance in keeping with the village location.

### 3 - Non-Standard Condition

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order with or without modification) no enlargement of the dwellingshouses, as permitted by Class A of Part 1 of Schedule 2 of that Order, nor the provision of any building or enclosure within the curtilage of the dwellingshouses as permitted by Class A or Class E of Part 1 of Schedule 2 of that Order, no development within its curtilage as permitted by Classes A-H of Part 1 and Classes A-C of Part 2 of that Order shall be carried out without express planning permission from the Local Planning Authority.

Reason: To safeguard the visual amenity of the area, to protect the amenity of the adjoining residents and to prevent the overdevelopment of the site by controlling future extensions, alterations and associated development.

### 4 - C11.11 Landscape Design Proposals

No works or development shall take place until full details of both hard and soft landscape proposals have been submitted to and approved in writing by the Local Planning Authority (see BS 1192: part 4). These details shall include, as appropriate:

Existing and proposed finished contours and levels.

Means of enclosure.

Car parking layout.

Other vehicle and pedestrian access and circulation areas.

Hard surfacing materials.

Minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signage, lighting).

Proposed and existing functional services above and below ground (e.g. drainage, power, communication cables, pipelines, etc. indicating lines, manholes, supports etc.).

Retained historic landscape features and proposals for restoration.

Soft landscape details shall include:

Planting plans.

Written specifications (including cultivation and other operations associated with plant and grass establishment).

Schedules of plants, noting species, plant size and proposed numbers/densities.

Planting area protection or decompaction proposals.

Implementation timetables.

Reason: To safeguard the provision of amenity afforded by appropriate landscape design.

### 5 - C11.12 Landscape Works Implementation

All approved hard and soft landscape works shall be carried out in accordance with the implementation and monitoring programme agreed with the Local Planning Authority and in accordance with the relevant recommendations of the appropriate British Standards. All trees and plants shall be monitored and recorded for at least five years following contractual practical completion of the approved development. In the event that trees and/or plants die, are removed, destroyed, or in the opinion of the Local Planning Authority fail to thrive or are otherwise defective during such a period, they shall be replaced during the first planting season thereafter to specifications agreed in writing with the Local Planning Authority.

Reason: To ensure the provision and implementation of a reasonable standard of landscape in accordance with the approved design.

#### 6 - C11.15 Details of Surface Water Disposal

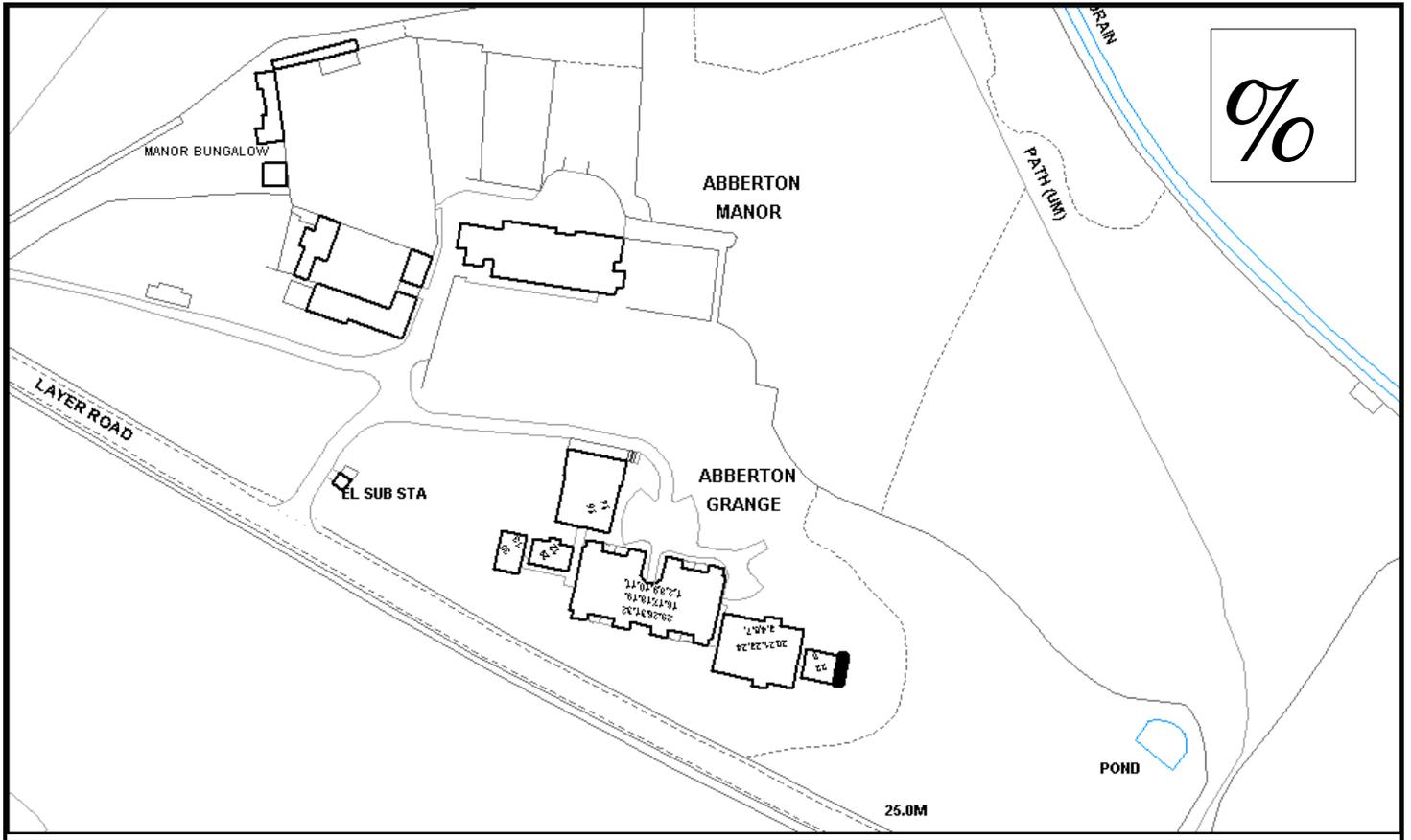
Detailed proposals for the disposal of surface water, where they include source control designs shall be submitted to, and approved in writing by the Local Planning Authority before the commencement of development. The agreed details shall be fully implemented in accordance with a timetable to be agreed with the Local Planning Authority.

Reason: To ensure proper consideration and approval of any effects of change in the drainage regime on landscape feature.

#### 7 – Non Standard Condition

The garage together with the additional car parking spaces shown on the approved plans shall be provided prior to the occupation of the dwelling and thereafter retained for parking vehicles ancillary to the use of the dwelling.

Reason: To ensure adequate car parking provision in the interests of highway safety and residential amenity.



**Application No:** 100293

**Location:** 5 Abberton Grange, Layer Road, Abberton, Colchester, CO5 7NL

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

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**7.4 Case Officer: Mark Secker**

**EXPIRY DATE: 13/04/2010**

**OTHER**

**Site: 5 Abberton Grange, Layer Road, Abberton, Colchester, CO5 7NL**

**Application No: 100293**

Date Received: 16 February 2010

Applicant: Mr Roger Bridges

Development: Retrospective application for extension to deck area.

Ward: Pyefleet

## **1.0 Planning Report Introduction**

1.1 This is a retrospective application to extend the external decked area to one of the ground floor units at Abberton Grange. Objections have been received and as the application is not for householder development, it falls to be considered by the Planning Committee.

## **2.0 Report Summary**

2.1 The extended area of decking is assessed in terms of its impacts on residential amenity.

## **3.0 Site Description**

3.1 The application relates to one of 32 "close care" units in the grounds of Abberton Manor, a Grade 2 listed building located in the open countryside and set within extensive grounds containing large areas of woodland, with access onto Layer Road, Abberton.

## **4.0 Description of Proposal**

4.1 The units at Abberton Grange are generally equipped with a balcony or decked area, the first floor balconies being sited directly above the ground floor decked areas, and with the same dimensions. This retrospective application is to extend the area of decking at 5, Abberton Grange into the open communal area around the units, by a further 2 metres in depth and 6.2 metres in width.

## **5.0 Land Use Allocation**

5.1 The site is located in the countryside beyond any Village Envelope, within a Countryside Conservation Area (CCA) in the Adopted Borough Local Plan. The CCAs are no longer operated as Policy but the CBC Landscape Character Assessment replacing them includes the site within the Roman River Valley Floor Area. There is an SSSI to the north west of the site and a SINC site to the north east, although these designations do not directly impinge on the Abberton Manor site.

## **6.0 Relevant Planning History**

- 6.1 Abberton Manor has an established use as a convalescent/nursing home with planning permission dating back to the 1980's. The 32 units in its grounds, called Abberton Grange, were permitted in 2005 (F/COL04/2343 and F/COL/05/1490) and as a result of an appeal decision in 2009 under ref 080659, a Planning Condition was modified, including provision that the units shall be occupied and operated as part of Abberton Care Village, with residential care, within Use Class C2 of the Town and Country Planning (Use Classes Order) 1987.
- 6.2 F/COL04/2343 – Erection of 24 close care units Approved with Conditions 24/03/2005
- 6.3 F/COL/05/1490 – Erection of 32 close care units (revision to F/COL/04/2343) Approved with Conditions 08/11/2005
- 6.4 080659 – Amendment to Condition 10 of F/COL/05/1490 Refused. Allowed on Appeal 27/4/2009

## **5.0 Principal Policies**

- 5.1 Adopted Review Colchester Borough Local Plan Saved Policies-March 2004:

DC1- Development Control considerations

CO3 - Countryside Conservation Area

UEA11 - Design

UEA13 - Development, including Extensions, Adjoining Existing or Proposed Residential Property

- 5.2 Adopted LDF Core Strategy- December 2008:  
UR2 - Built Design and Character  
ENV1 - Environment

## **6.0 Consultations**

- 6.1 None received

## **7.0 Parish Council's Views**

- 7.1 None received

## **8.0 Representations**

- 8.1 Two letters of objection have been received from neighbours, one from the unit immediately above the application unit. The main points raised are:
  - 1. The decking grossly compromises the privacy of the first floor unit above/ causes overlooking of its balcony.

2. The decking is too large and out of keeping, has increased to at least three times its original size, sets a precedent for other ground floor units, intruding on the privacy of those on the upper balcony. It could be used for entertaining many guests, as a smoking area, as a dog-pen; detrimental to the quiet enjoyment of the upper balcony. A back exit has been inhibited. It contravenes the owner's own lease.

8.2 The full text of all consultations and representations are available to view on the Council's web-site.

## **9.0 Report**

9.1 The main issues in this application are considered to be as follows:

- Impact on residential amenity
- Precedent for similar development
- Other issues.

### Residential Amenity

9.2 The objections relate to residential amenity, which falls to be assessed principally against Local Plan Policies DC1 and UEA13, relating to pollution (DC1a), overbearing effect (UEA13 c) and undue overlooking (UEA13 d) of neighbouring properties. It is considered that the decking would not in itself would result in undue pollution through noise or disturbance, or be overbearing, or lead to undue overlooking of neighbouring properties. It is accepted that from part of the extended decked area, a view upwards could be gained of parts the balcony above. However, the balconies overlook communal areas and privacy is not therefore assured in any event. The objectors' concerns relating to noise and disturbance are noted, but disturbances could also occur with the original decked area. It is also noted that the tenant's lease is worded to ensure that the Landlord can abate nuisance caused by neighbouring properties.

### Precedent

9.3 Whilst there are other decked areas that may be capable of extension, the application falls to be treated on its own merits and it is noted that the Landlord can impose restrictions in terms of noise and disturbance.

### Other issues

9.4 No trees are affected by the development and the area that has been taken from the communal space is not considered to be significant. Neither the conservation value nor the landscape value of the site or surrounding area would be significantly affected by the proposal, which is minor in nature. The decking has been constructed in materials in keeping with the development permitted.

## **10.0 Conclusions**

10.1 It is considered that the main issue in this case is residential amenity. The objectors' comments are noted, but it is not considered that the development would result in impacts on residential amenity such as to warrant a refusal of permission. It is acknowledged that this form of development could be repeated around the development; however, this application falls to be considered on its merits and it is recommended that in this case, retrospective planning permission be granted.

## **11.0 Background Papers**

11.1 ARC; Core Strategy; NLR

**Recommendation - Approval without conditions**



**7.5 Case Officer: John Davies**

**EXPIRY DATE: 13/04/2010**

**OTHER**

**Site:** 72 Chitts Hill, Colchester, CO3 9SX

**Application No:** 100294

**Date Received:** 16 February 2010

**Agent:** Deville & Lear Limited

**Applicant:** R L Tod

**Development:** Demolition of existing dilapidated buildings. New agricultural building to be used for machinery storage and partial housing of sheep.

**Ward:** Lexden

**Summary of Recommendation:** Conditional Approval

## **1.0 Planning Report Introduction**

1.1 This application is presented to Committee as the applicant's wife is Councillor Jill Tod and under the Scheme of Officer Delegation officers do not have delegated powers to determine applications from members of the Council.

## **2.0 Report Summary**

2.1 The proposal is for the erection of a replacement barn for agricultural use, which is sited with other buildings within the farm complex and with a back drop of the railway line embankment. It would comprise 566m<sup>2</sup> in area and would be 6.7m high. It would not have an adverse impact on the character and appearance of the countryside.

## **3.0 Site Description**

3.1 The application site is a farm holding known as Seven Arches Farm which is a mixed arable and livestock farm extending over around 100 acres. Access to the farm is along a track known as Cooks Lane which leads from a junction with Chitts Hill.

3.2 The farm holding comprises a farm house and other agricultural buildings including a number of barns located to the west of the farmstead and close to the base of a large treed embankment to the Colchester-London main railway line and viaduct.

## **4.0 Description of Proposal**

4.1 The proposal is for the erection of a replacement agricultural building to be used primarily for the storage of agricultural machinery including a combine harvester, partly for the accommodation for sheep and also the storage of straw.

4.2 The proposal replaces an existing barn on the site whose roof collapsed under the weight of snow earlier this year. It is also proposed to replace another older farm building which is damaged and no longer fit for purpose.

4.3 The size of the building is 566 square metres in area with dimensions of 36.5m by 15.5m and with a 6.7m high eaves. The building is a standard contemporary agricultural building with black steel cladding supporting a shallow-pitched natural grey fibre cement roof. The building would be bigger in footprint and height than the existing structure.

## **5.0 Land Use Allocation**

5.1 Countryside Conservation Area

## **6.0 Relevant Planning History**

6.1 AG/COL/02/0326- Agricultural determination for erection of agricultural general purpose building- Refused 17 April 2002

## **7.0 Principal Policies**

7.1 Adopted Review Colchester Borough Local Plan Saved Policies-March 2004

DC1- Development Control considerations

CE1 - The Open and Undeveloped Countryside

CO1- Rural resources

CO3 - Countryside Conservation Area

CO10 - Agricultural Diversification

CO12- New stables or extensions to existing

UEA11 - Design

7.2 Adopted LDF Core Strategy- December 2008

SD1 - Sustainable Development Locations

SD2 - Delivering Facilities and Infrastructure

UR2 - Built Design and Character

ENV1 - Environment

ENV2 - Rural Communities

## **8.0 Consultations**

8.1 The Environment Agency raise no objection as see the proposal as having low environmental risk. Set out advice to applicant in order to reduce pollution potential from the development.

8.2 The full text of all consultations and representations are available to view on the Council's web-site.

## **9.0 Parish Council's Views**

9.1 Any comments to be reported

## **10.0 Representations**

10.1 None

## **11.0 Report**

11.1 The main issues in this application are considered to be as follows:

- Principle of development
- Visual impact in countryside

### Principle of development

11.2 The proposed structure is to replace two existing barns on the site which are very old and in very poor physical condition. The use of the barn would be for agricultural purposes. The footprint is about 20% larger than what would be permissible under permitted development.

### Visual Impact

11.3 The position of the building is on the site of an existing barn and would form a group together with other nearby buildings within the farm complex. Whilst it is bigger than the existing structure the location is not prominent within the countryside with substantial screening to the rear from the much taller railway embankment. The farm buildings are not visible from Chitts Hill and the main views are from passing trains.

11.4 The proposed materials are appropriate to a farm complex and would match those on other barns on the site.

## **12.0 Conclusions**

12.1 The proposed agricultural barn is a replacement for old and dilapidated farm buildings which have no further useful life. The size and appearance of the barn is considered acceptable in the context of its location in the countryside.

## **13.0 Background Papers**

13.1 ARC; Core Strategy; NR

## **Recommendation - Conditional Approval**

### **Conditions**

1 - A1.5 Full Perms (time limit for commencement of Development)

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

Reason: In order to comply with Section 91 (1) and (2) of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

## 2 - C3.2 Materials as Stated in Application

The external materials and finishes to be used shall be as stated on the application form and as indicated on the approved plans and schedule returned herewith, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure the use of an appropriate choice of materials having regard to the prominence of this site in the countryside and to ensure that the choice of materials will harmonise with the character of the surrounding area.

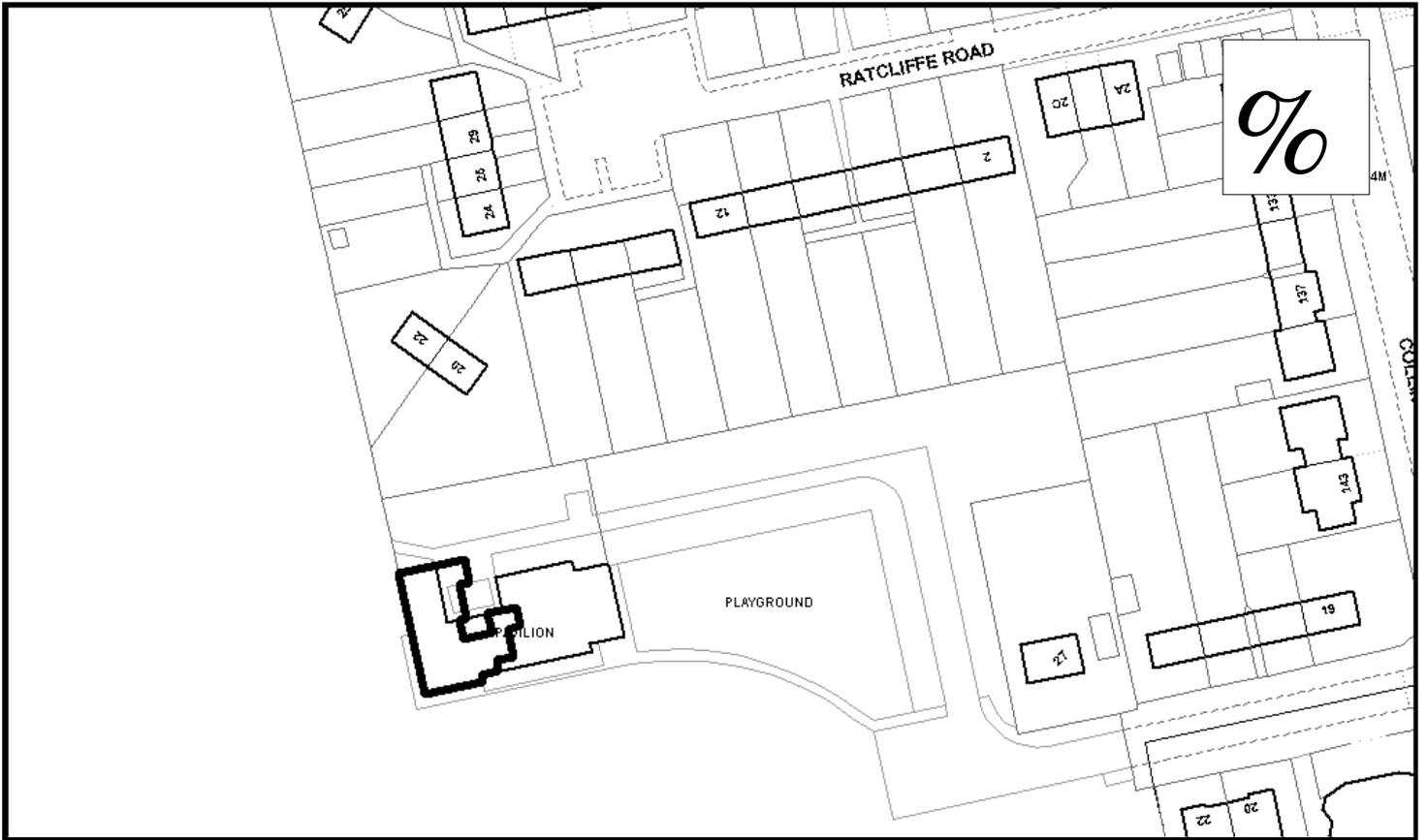
## 3 - Non-Standard Condition

The barn hereby approved shall only be used for agricultural purposes and no other use.

Reason: For the avoidance of doubt as to the approved use of the building.

## **Informatives**

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.



**Application No:** 100299

**Location:** King George Pavilion, Clairmont Road, Colchester, CO3 9BE

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

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**7.6 Case Officer: John Davies**

**EXPIRY DATE: 15/04/2010**

**OTHER**

**Site:** King George Pavilion, Clairmont Road, Colchester, CO3 9BE

**Application No:** 100299

**Date Received:** 18 February 2010

**Agent:** Mr James Johnson

**Applicant:** Mrs Christina Halls

**Development:** Alteration and refurbishment to the function room area of the existing sports pavilion to create a children's centre under the Surestart Scheme. A new extension will be created to form a dedicated front entrance. Internal accommodation will include an office, training room, kitchen, drop-in area family room, WC's and accessible WC provisions. Externally a new pedestrian footpath will be created and extra security measures will be added to the property including anticlimb fascias and electric roller shutters to new windows and doors.

**Ward:** Lexden

**Summary of Recommendation:** Conditional Approval subject to further information on traffic generation and the views of the Highway Authority

## **1.0 Planning Report Introduction**

1.1 This application is presented to Committee because it is an application submitted by Essex County Council and it is not considered a minor routine application.

## **2.0 Site Description**

2.1 The application site comprises a detached single storey building used as a pavilion and changing rooms associated with the Lexden King George V Playing fields. The playing fields are located through an access at the western end of Clairmont Road and the pavilion is supported by a public car parking area with around 80 spaces. There is a play area to the east of the pavilion building.

2.2 The surrounding area is residential in character. The site is bounded to the north by the rear gardens of houses fronting Ratcliffe Road and to the east by houses fronting both Collingwood Road and Clairmont Road. To the west and south is the playing field area.

## **3.0 Description of Proposal**

3.1 The proposal is for the conversion of the redundant function area within the building to provide a Surestart Childrens Centre Initiative (CCI) facility for the local community.

### 3.2 The works consist of :

- Clearing the existing redundant function area, external garage and removal of services etc.
- Internal alterations to create suitable spaces for the Surestart facility.
- Construction of a new entrance extension with draught lobby.
- Construction and upgrading works to the garage to create additional space for the facility including an office and training room.
- Installation of footpath adjacent to the perimeter of the building.

3.3 The facility will provide a separate and dedicated entrance for the early years/Surestart facility and will also provide a drop in area, family room/training room and a consultation area with associated toilets and office. The Surestart facilities will provide valuable community services for pre-school children and their parents and will also provide space for outreach community services to offer their services. Children's Centres provide a wide range of services for families and those caring for young children. This includes information and advice on early years childcare and education; family support and health services; links to Job centre Plus and local support for child minders.

3.4 The proposal is to adapt the redundant function room area in the pavilion and construct a single storey extension to provide a dedicated entrance. The existing garage would be upgraded to create additional space for a family room/training room and an office. A new pedestrian footpath will be installed to the side of the existing private drive to enable access to the facility on foot. The existing courtyard area would be landscaped with planting and a buggy shelter. The centre will use existing parking available nearby together with two additional disabled spaces to be provided .

3.5 Proposed hours are 8am to 10pm Mon-Sat and 10am-4pm on Saturdays.

## 4.0 Land Use Allocation

4.1 Open Space  
Green link

## 5.0 Relevant Planning History

5.1 F/COL/00/1938- Internal alterations and extensions to existing sports pavilion to make it suitable for use by a dedicated mini-soccer venue as defined by the football association - Approved 27 February 2001

## 6.0 Principal Policies

6.1 Adopted Review Colchester Borough Local Plan Saved Policies-March 2004  
DC1- Development Control considerations  
UEA11 - Design  
CF1 - Infrastructure and Community Facilities Provision  
CF4 - Retaining key community facilities and services

## 6.2 Adopted LDF Core Strategy- December 2008

SD1 - Sustainable Development Locations  
SD2 - Delivering Facilities and Infrastructure  
SD3 - Community Facilities  
UR2 - Built Design and Character  
PR1 - Open Space  
ENV1 - Environment

## 7.0 Consultations

7.1 County Highways raise concern that there is no information on likely use of proposed centre and likely access on foot. They state that Clairmont Road and Collingwood Road are lightly trafficked residential routes with traffic calming measures already in place and they would not wish to see the highway safety and efficiency suffer until 22.00 through a large amount of vehicular traffic.

7.2 Environmental Control - no objection subject to conditions on external lighting and in the case of any external plant a site boundary noise condition.

The full text of all consultations and representations are available to view on the Council's web-site.

## 8.0 Representations

8.1 One response from a resident in Collingwood Road who has no objection to proposal but considers that the pavements in Collingwood Road are in a terrible condition and constitute a trip hazard.

The full text of all consultations and representations are available to view on the Council's web-site.

## 9.0 Report

9.1 The main issues in this application are considered to be as follows:

- Principle of proposed use
- Urban design issues
- Access and parking
- Landscaping
- Impacts on amenity
- Other issues

### Principle of proposed use

- 9.2 The application constitutes a change of use from a sports pavilion within Class D2 to a mixed use sports pavilion (D2) and community facility falling within Class D1. The existing premises are a community facility insofar as they are associated with use of the playing fields and the property includes a function room and bar/kitchen which may well in the past have been used for social events and functions.
- 9.3 The proposed children's centre use would occupy 175 square metres of the building which has a total floor space of 437 square metres.
- 9.4 The proposal is for the creation of a centre to provide social support and assistance to families within the area and it is considered that this is an appropriate location which would provide an additional use for this building, improve its use and security and make use of existing play and parking facilities.

### Urban design issues

- 9.5 The existing building has a very utilitarian appearance. It is squat, flat-roofed and predominantly of painted brick with blank facades largely devoid of windows. Window and door openings are concealed when the building is not in use by roller shutters and metal gates.
- 9.6 The proposed elevational changes comprise a new roof with an anti-climb bull-nose fascia. New double glazing to the crèche/family is proposed on the south elevation enclosed by new green electric roller shutters.
- 9.7 The proposed alterations would improve the appearance of the building especially the improvements to the entrance area although it will still have a very defensive and secure character overall.

### Access and parking

- 9.8 There is existing parking close to the building which should be sufficient to cater for visitors to the centre also bearing in mind that many of the users are expected to be from the local area and therefore expected to walk to the centre. Two additional disabled parking bays are proposed. There is also cycle parking proposed at the site and the Centre is also well served by buses on Straight Road.
- 9.9 The Highways Authority have requested additional information on the likely numbers and mode of travel of users having concerns over traffic impacts on roads leading to the centre. It is hoped that their concerns will have been allayed before the Committee and the recommendation reflects this situation.

### Landscaping

- 9.10 The development has no impacts on any existing trees or landscaping. The areas of hard landscaping around the site are to be improved in order to provide better pedestrian paths and soft landscaping to the entrance area is expected in order to make this area more attractive and inviting to users.

## Impacts on amenity

- 9.11 The premises are close to a residential area and given the proposed hours there is potential for noise and disturbance. However, given the previous use of part of the building as a function room it is likely that in the past it will have been used for evening events and functions on at least an occasional basis. It is not considered that the use in itself is of a noisy nature and local residents living close to the site will already be used to noise generated by children in the playground and people playing sport on the playing fields.
- 9.12 In the interests of safeguarding amenity conditions are recommended on opening hours, to restrict the use to a childrens centre within D1, control lighting and noise from any plant. No objections have been raised by residents to the proposed use.

## **10.0 Conclusions**

- 10.1 The proposals are considered a beneficial community use which will provide support to families in the area. It will also provide another use within the building to give it greater vitality and some welcome enhancement of its visual appearance. Subject to satisfying the Highways Authority on traffic generation the application is recommended for approval subject to conditions.

## **11.0 Background Papers**

- 11.1 ARC; Core Strategy; HA; HH; NLR

### **Recommendation**

Subject to further information on traffic generation and the views of the Highways Authority planning permission be granted subject to the following conditions.

### **Conditions**

- 1 - A1.5 Full Perms (time limit for commencement of Development)

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

Reason: In order to comply with Section 91 (1) and (2) of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004

- 2 - A3.1 Premises Only to be Used for a Specific Use

Those parts of the premises the subject of the change of use and as indicated on the submitted plans shall be used as a childrens centre and for no other purpose (including any other purpose in Class D1 of the Schedule to the Town and Country Planning (Use Classes) (Amendment) Order 2005, or in any provision equivalent to that class in any statutory instrument revoking or re-enacting that Order, with or without modification.

Reason: For the avoidance of doubt as to the scope of the permission and to protect the amenities of the surrounding area.

### 3 – Non-Standard Condition

The use as a childrens day centre shall only be operated between the hours of 8am to 10pm Mon-Sat and 10am to 4pm Saturdays. It shall not operate on Sundays or Bank and Public Holidays.

Reason: To safeguard the amenities of nearby residential properties.

### 4 - D4.3 Bicycle Parking (in accordance with a scheme)

Prior to the building being brought into use for the purposes hereby approved, bicycle parking facilities shall be provided in a practical and visually satisfactory manner within the site, which comply with the Local Planning Authority's current cycle parking standards and are in accordance with a scheme, indicating the number, location and design of such facilities, which shall have previously been submitted to and approved in writing by the Local Planning Authority. The approved facilities shall thereafter be retained to serve development.

Reason: The site lies in a rural area where development other than for agricultural purposes is not normally permitted.

### 5 - C3.1 Materials (general)

Before the development hereby permitted commences, the external materials and finishes to be used, shall be agreed in writing by the Local Planning Authority. The development shall be implemented in accordance with agreed details.

Reason: To ensure that the development does not prejudice the appearance of the locality.

### 6 - C11.11 Landscape Design Proposals

No works or development shall take place until full details of both hard and soft landscape proposals have been submitted to and approved in writing by the Local Planning Authority (see BS 1192: part 4). These details shall include, as appropriate:

Existing and proposed finished contours and levels.

Means of enclosure.

Car parking layout.

Other vehicle and pedestrian access and circulation areas.

Hard surfacing materials.

Minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signage, lighting).

Proposed and existing functional services above and below ground (e.g. drainage, power, communication cables, pipelines, etc. indicating lines, manholes, supports etc.).

Retained historic landscape features and proposals for restoration.

Soft landscape details shall include:

Planting plans.

Written specifications (including cultivation and other operations associated with plant and grass establishment).

Schedules of plants, noting species, plant size and proposed numbers/densities.

Planting area protection or decompaction proposals.

Implementation timetables.

Reason: To safeguard the provision of amenity afforded by appropriate landscape design.

## 7 -C11.12 Landscape Works Implementation

All approved hard and soft landscape works shall be carried out in accordance with the implementation and monitoring programme agreed with the Local Planning Authority and in accordance with the relevant recommendations of the appropriate British Standards. All trees and plants shall be monitored and recorded for at least five years following contractual practical completion of the approved development. In the event that trees and/or plants die, are removed, destroyed, or in the opinion of the Local Planning Authority fail to thrive or are otherwise defective during such a period, they shall be replaced during the first planting season thereafter to specifications agreed in writing with the Local Planning Authority.

Reason: To ensure the provision and implementation of a reasonable standard of landscape in accordance with the approved design.

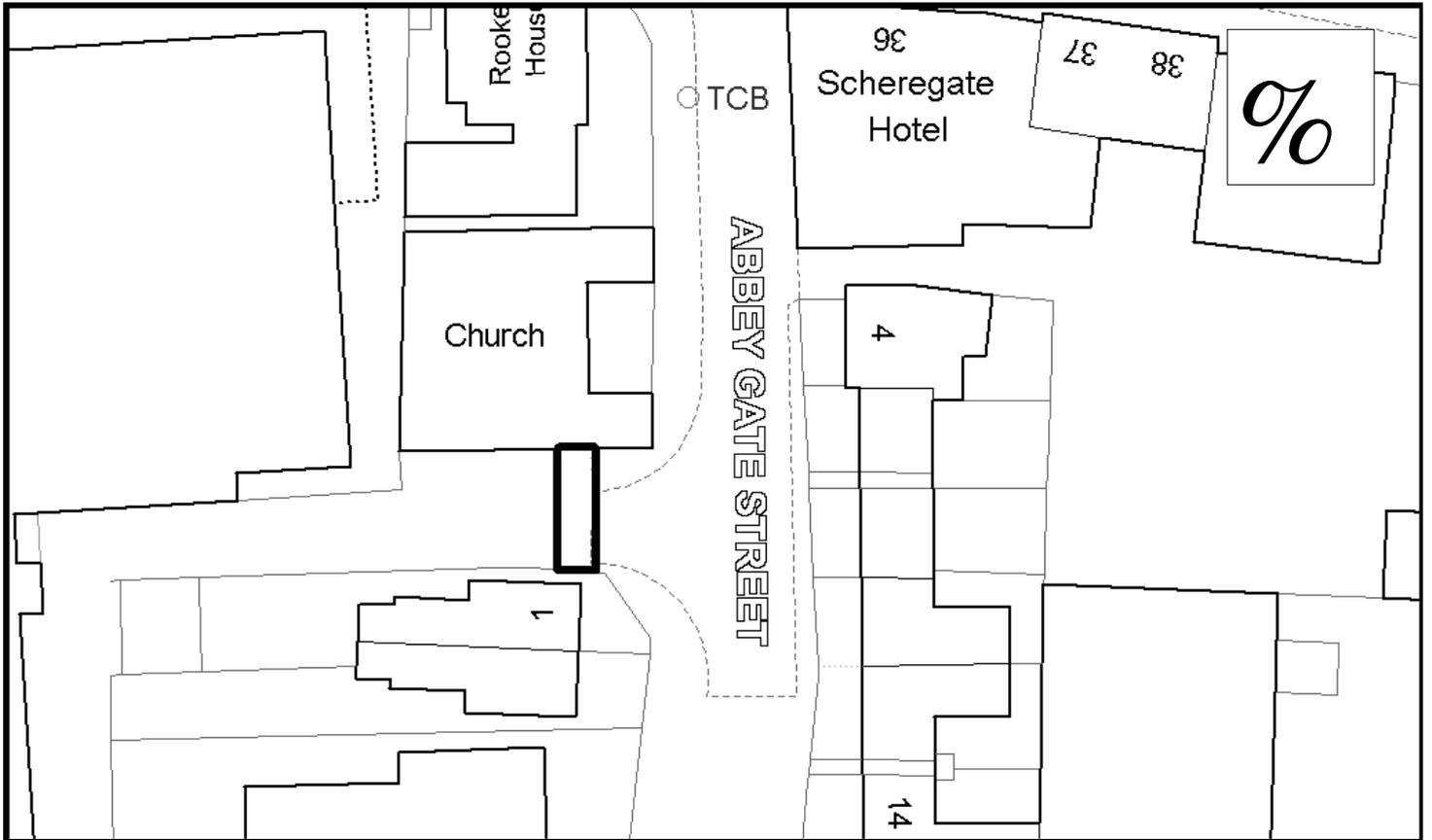
## 8 – B12 Light Pollution

No external lighting fixtures for any purpose shall be constructed or installed until details of all external lighting proposals have been submitted to and approved by the Local Planning Authority; and no lighting shall be constructed or installed other than in accordance with those approved details. Any lighting of the development shall fully comply with the figures specified in the current 'Institution of Lighting Engineers Guidance Notes for the Reduction of Obtrusive Light for zone E3. This shall include sky glow, light trespass into windows of any property, source intensity and building luminance.

Reason: To protect the amenities of adjoining residents.

## **Informatives**

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.



**Application No:** 090880

**Location:** Shopping Centre, St Johns Walk, Colchester

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

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**7.7 Case Officer: Mark Russell**

**EXPIRY DATE: 01/09/2009**

**OTHER**

**Site:** St Johns Walk, Colchester

**Application No:** 090880

**Date Received:** 7 July 2009

**Agent:** Workman Llp

**Applicant:** Threadneedle Pensions

**Development:** Erection of red brick wall and automated decorative steel double gates across entrance of rear access road to St.Johns shopping Centre. Automated system to comprise amaglock with push button to exit and key pad to enter/fob reader. Resubmission of 090649.

**Ward:** Castle

**Summary of Recommendation:** Conditional Approval

## **1.0 Introduction**

1.1 This application was withdrawn from the Committee agenda of 20<sup>th</sup> August 2009 for "consideration of late representations and for clarification on legal and planning policy issues."

1.2 Since that time, a series of meetings have taken place between an Executive Director of Colchester Borough Council, the Estates and Legal Departments, the applicants, neighbours and other interested parties. As a result of this, it has been concluded that the application can progress – notwithstanding any legal disputes.

1.3 The late representation referred to in the reasons for deferral was a detailed letter received on 19<sup>th</sup> August from the Abbeygate Residents' Association (ARA). This is in response to the Committee report and focuses on four main points:

- 1) That undue weight has been given to the design and appearance of the gates at the cost of all other considerations;
- 2) That the loss of parking would undermine residential amenity, and that this would be contrary to policy DC1 and other guidance;
- 3) That permission should not be granted as there is realistic chance of it being implemented;
- 4) That the Planning system is not the place for issues relating to crime and disorder.

1.4 A condition has been suggested by ARA as follows:

“No development shall take place until a scheme for off street car parking in Abbeygate Street has been submitted to and approved by the Local Planning Authority for 7 car parking spaces. Prior to the commencement of development, the spaces shall be laid out with security barriers, shall be provided in perpetuity and designated for the 7 households in replacement for the existing spaces and they shall be at ground level, available at all times without let or hindrance and shall be within the Street.

Reason: In the interest of the amenity of the local area and to ensure compliance with Colchester Borough Council Local Plan policies DP1 and DC1.”

1.5 Although the reference to the spaces being within the street, whilst at the same time having security barriers, is unclear, the intention of the condition is not. What is requested is a compensatory scheme to provide parking for residents who would otherwise be deprived of this facility and would have to try and find a space to park elsewhere.

1.6 Whilst the sentiment behind the suggested condition is laudable, such a proposal does get to the heart of the dispute about ownership, easement and so on, and if the applicants claim that objectors have no such right, then it would be unreasonable to insist upon such a condition. Members are, therefore, advised not to go down this route.

1.7 Regarding the specific points:

Point 1) is noted. A recommendation is based on a weighing up of material considerations, and your Officer believes that the visual amenity aspect is of importance. The author of the letter from ARA disputes this. This is an opinion to which they are entitled, but your Officer’s opinion remains as before.

Point 2) is noted, and it is of course accepted that if parking spaces were lost then this would be an inconvenience. Again, however, this goes to the heart of the dispute, which is not settled and is a legal rather than a Planning matter;

Point 3), also relates back to this same issue. The dispute has not been settled one way or the other, and therefore it cannot be definitively claimed that there is no chance of the development being implemented;

Point 4) is disputed. Whilst it is accepted that the Police and Environmental Control have responsibilities in terms of crime and disorder and Environmental Protection respectively, this does not preclude a Local Planning Authority from basing its decisions on such considerations – for example, policies such as UEA11 and P1 refer.

1.8 Two further letters of added objection were received in September and October 2009, confirming support of the letter submitted by ARA and requesting that the application be refused.

1.9 In terms of Planning policy issues, these have already been clearly set out in the report as submitted in August 2009. For clarification, Policy UEA5 “developments affecting the setting of a Listed Building” is not included as the development is not held to do this, other than obliquely.

1.10 In conclusion, the points raised have been considered and the recommendation is unchanged.

## **2.0 Report Summary**

2.1 The following report sets out the proposal at hand and considers the arguments for and against. It seeks to separate out the Planning merits of the application from other, more complex, legal issues which are beyond the scope of the Town & Country Planning Acts. Finally your Officer recommends approval of the application with an informative that the applicant should resolve long outstanding legal matters.

2.2 The remainder of this report is as previously submitted.

## **3.0 Site Description**

3.1 The site comprises the entry point to a service road used for the St. Johns Shopping Centre (Wilkinsons, Iceland and so on) as well as for rear parking for residents of Abbeygate Street.

## **4.0 Description of Proposal**

4.1 The proposal is to gate the access way where it meets Abbeygate Street. This would be in the form of decorative arched gates which would be operated by a push button to exit and a key pad to enter. To the right of the access gate, and adjacent to the church, would be a stretch of red brick wall topped with railings, and measuring approximately 3 metres. To the left a shorter stretch of wall (approximately one metre) is proposed. The wall is to measure 2.2 metres in height, the gates are to measure between 2.2 and 2.5 metres.

4.2 The gates would be set back five metres from the edge of the carriageway at the request of the Highway Authority.

4.3 The previous application was refused for the following reason:

*“The applicant has not submitted, in a timely manner, sufficient information regarding the size and weight of traffic which use the access for Colchester Borough Council and the Local Highway Authority to fully assess the impact on the highway. The proposal does not allow vehicles to stand clear of the highway whilst opening the gates, thereby creating a hindrance to highway traffic detrimental to the safety and efficiency of the highway interest.”*

## **5.0 Land Use Allocation**

5.1 Mixed Use/Residential  
Colchester Conservation Area 1.

## **6.0 Relevant Planning History**

- 6.1 090649 - Erection of red brick wall and automated decorative steel double gates across entrance of rear access road to St. Johns shopping Centre. Automated system to comprise amaglock with push button to exit and key pad to enter/fob reader. Refused 7th July 2009.
- 6.2 090723 - Application for a lawful development certificate for an existing use operation for use of land as parking area comprising 4 spaces for private vehicles. Granted 24th July 2009.

## **7.0 Principal Policies**

- 7.1 Adopted Review Colchester Local Plan:  
DC1- Development Control considerations;  
UEA1 – Conservation Areas;  
UEA11 – Residential Amenity
- 7.2 Core Strategy:  
UR2 – Built Design and Character
- 7.3 Local Transport Plan 2006/2011  
Appendix G

## **8.0 Consultations**

- 8.1 Highway Authority has raised no objections, with the conditions that any gates erected at the access shall be inward opening and recessed to a minimum of 4.8 metres from the nearside edge of the carriageway of the road.

## **9.0 Representations**

- 9.1 At the time of writing, 11 objections and one letter of support had been received.
- 9.2 All of the objections were from residents of Abbeygate Street (principally from the opposite – eastern – side of the road) and carried the same message: The development would deprive them of parking; part of the area behind the proposed gates was mistakenly included in the lease to Threadneedle Pensions and is by right a parking area for residents of Abbeygate Street who have easement over it; Colchester Borough Council has acknowledged this fact, but has not made amends.
- 9.3 The owner of 7 Abbeygate Street, which is on the same side as the application site, went further, stating:

"With all the houses on the west of the street we have a vehicular right of way down the road which the applicant is seeking to block. I own a piece of land at the back of my property which on certain occasions we need to use for parking. We anticipate that this need will increase in the future as we have a growing family."

The owners of numbers 9 and 5 also echoed this point.

- 9.4 Other points made were that an electronic gate would be open to vandalism and breakdown, that the gate could be dangerous in case of a fire, and that the inconvenience caused by any malfunction of the gate would lead to a devaluation of property. Finally it was felt by one objector that the wall and railings looked out of place in this location.
- 9.5 The letter of support for the application came from the owner of numbers 1 and 3 Abbeygate Street which immediately abuts the site. This support came in the form of four letters of varying length (from 2 to 22 pages) and covered a variety of points.
- Crime, vandalism, litter and the antisocial behaviour including vomit, excrement and lewd activities;
  - Persistent problems with member of the public using the access road as a “public car park” and frequently, obstructing garages;
  - Parked vehicles obstructing the fire escape;
  - The writer has also contended that, as one of the objectors is a member of the Liberal Democrats, that any Members from that party should not participate in the debate and that a report to the Local Authority Ombudsman may follow;
  - The issue of parking is an irrelevance – the construction of the wall and gate would not, in itself, alter the situation in respect of the parking;
  - Many of the residents on the east side have roadside parking, those on the west side do not.

## **10.0 Report**

- 10.1 Clearly the matter of parking and access to the track leading to the rear of the St. John's Walk Shopping Centre is a very sensitive one for all involved.
- 10.2 There is a long and complex history to this site which relates to wider issues involving the body corporate of Colchester Borough Council. These issues need to be addressed, and the applicant was advised to resolve them prior to this resubmitted application (090649 having been refused on Highways grounds due to insufficient information). This, however, could not be insisted upon and the applicant has elected to resubmit.
- 10.3 The Certificate application 090723 ('Application for a lawful development certificate for an existing use operation for use of land as parking area comprising 4 spaces for private vehicles.') was submitted by the resident of 12 Abbeygate Street (on the east side) and was granted on 24th July. However, this was under Section 191 of the Town and Country Planning Act, and simply states that a piece of land has been used for an activity (in this case the parking of cars) for in excess of ten years, it does not affect issues of ownership or easement, which trump any Certificate.
- 10.4 Members are advised, therefore, that the application before them is a Planning application, under the provisions of the Town and Country Planning Acts, and that only Planning considerations are of relevance. Arguments over right of access, easement and leases are therefore not to be considered by this Committee.
- 10.5 The logical considerations are those of the physical form of the proposal, and its effect on the Highway, the Conservation Area, and the amenity of the residents.

- 10.6 Whilst one objector has stated that the design of gates does not fit in with Abbeygate Street, your Officer (who suggested the design) disagrees. The gates are ornate and help to bridge a visual gap between two groups of buildings. Whilst the space behind the proposed structure is unremarkable, and in fact visually disappointing, Abbeygate Street is of a generally high architectural quality, with many Listed Buildings. Therefore any treatment to this frontage needs to be well considered. The design of gate is attractive and well-detailed, and the walled section helps to enclose and conceal a section of land which is of a low quality and detracts from this attractive street.
- 10.7 The Highway Authority has advised as to the steps required to make this acceptable in their terms of reference – namely that the gates be inward opening and set back a minimum of 4.8 metres from the edge of the carriageway – and these demands have been met.

## **11.0 Conclusion**

- 11.1 The proposal is therefore seen as an enhancement to the Conservation Area, and does not raise any issues of residential amenity or highway safety. Approval is, therefore, recommended, notwithstanding any legal disputes.

## **12.0 Background Papers**

- 12.1 ARC; Core Strategy, HA, NLR

## **Recommendation - Conditional Approval**

### **Conditions**

- 1 - A1.5 Full Perms (time limit for commencement of Development)

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

Reason: In order to comply with Section 91 (1) and (2) of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004

- 2 - Non-Standard Condition

The gates hereby approved shall be inward opening only and maintained as such at all times.

Reason: To ensure that vehicles using the access may stand clear of the carriageway whilst they are being opened and closed, in the interests of highway safety.

- 3 - Non-Standard Condition

The gates hereby approved shall be recessed a minimum of 4.8 metres from the nearside edge of the carriageway of the existing road.

Reason: To ensure that vehicles using the access may stand clear of the carriageway whilst they are being opened and closed, in the interests of highway safety.

- 4 - Non-Standard Condition

The gates hereby approved shall be coloured black, and shall remain so at all times.

Reason: In the interests of the visual amenity of this Conservation Area.

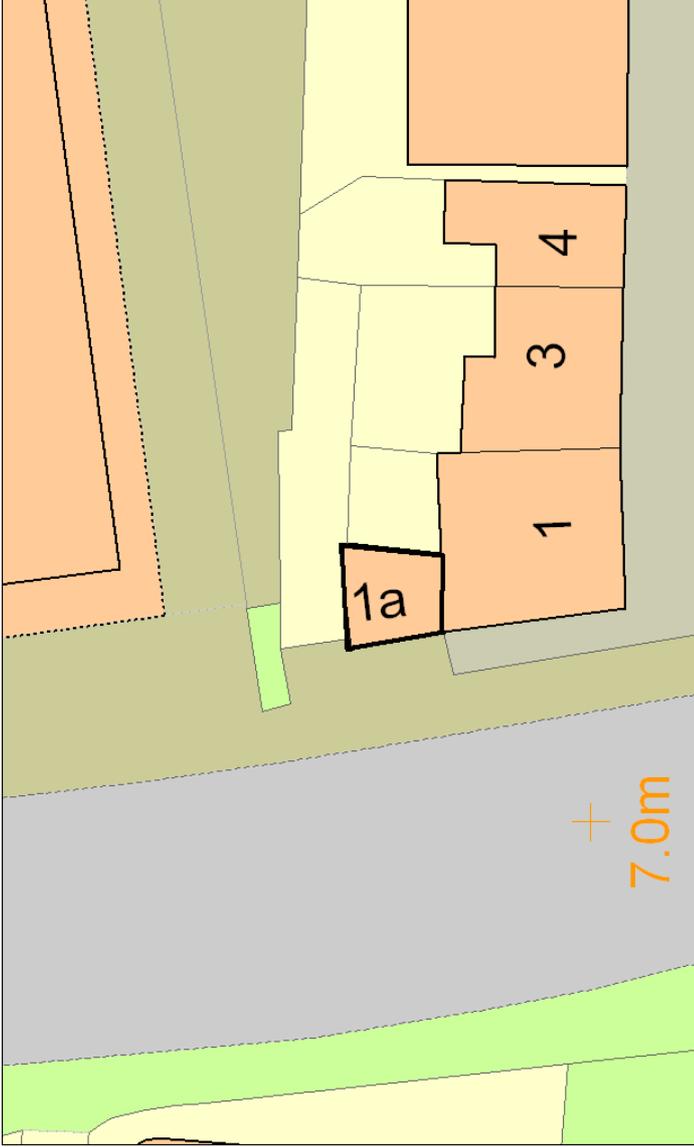
#### 5 - Non-Standard Condition

Samples of the proposed brick shall be submitted to and approved in writing by the Local Planning Authority before the development commences. The development shall only be carried out using the approved materials.

Reason: In the interests of the visual amenity of this Conservation Area.

#### **Informatives**

The applicant is advised to resolve the long-standing issues of easement and right of way prior to any works taking place. The applicant is further advised that Planning permission does not override any such easements, rights or deeds of covenant.



## Site Location Plan

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**Complaint Reference:** 208343

**Site Location Address:** 1A North Station Road, Colchester, CO1 1RE

**Date Produced:** 23 March 2010

**(MAP NOT TO SCALE)**

## Planning Committee

Item

8

1 April 2010

<b>Report of</b>	<b>Head of Environmental and Protective Services</b>	<b>Author</b>	<b>Sarah Hayes</b> ☎ 01206 282445
<b>Title</b>	<b>1A North Station Road, Colchester</b>		
<b>Wards affected</b>	<b>Castle</b>		

**This report concerns the untidy state of the building previously known as Riverside Sports and recommends the service of an untidy site notice.**

### 1.0 Decision Required

- 1.1 Members authorise the service of a notice under Section 215 of the T&CPA, requiring work to be carried out to improve the appearance of the building.
- 1.2 A period of two months is considered to be a reasonable time for the work to be carried out.

### 2.0 Reasons for Decision

- 2.1 The building is on one of the main routes into the town centre and can be seen by a large number of people, including visitors to Colchester. It is considered that the state of the building adversely affects the amenity of the area.

### 3.0 Alternative Options

- 3.1 If nothing is done, the appearance of the building will continue to adversely affect the appearance of the area and is likely to deteriorate further. However, an untidy site does not become lawful after a period of time, so a S215 notice could be served at any time.

### 4.0 Supporting Information

- 4.1 This small building, near the river bridge in North Station Road has been unoccupied for some time. It is believed it was last in use as Riverside Sports.
- 4.2 A complaint was received from a Councillor about the poor appearance of the building in June 2009. The owner was contacted and asked to carry out some work to improve the appearance of the site, specifically the removal of the fly posting, graffiti and weeds and the replacement of the fascia board. The owner has stated on two occasions that the work requested would be carried out in the near future.
- 4.3 Clearly some work has been carried out, as weed growth and some of the fly posting has been removed. Heras fencing has been put up, presumably to try and prevent further fly posting.

4.4 It is accepted that this is a very small unit which is not current in use and which may not be economically viable. The owner has therefore been given a generous amount of time considering the reasonably modest amount of work required. Despite the work already carried out, the general appearance of the site remains poor and further work is required.

## **5.0 Proposals**

5.1 That a notice is served requiring work to be carried out to improve the appearance of the building. This would require the removal of the graffiti and remains of the fly posting and the replacement of the fascia board.

## **6.0 Equality and Diversity Implications**

6.1 The Council's Equality and Diversity impact statement can be found on the Council's website. The pathway to the EIA on the website: Council and Democracy > Policies, Strategies and Performance > Diversity and Equality > Equality Impact Assessments > Planning – Enforcement

## **7.0 Standard References**

7.1 There are no particular references to the Strategic Plan; publicity or consultation considerations; or financial; human rights; community safety; health and safety or risk management implications.

## INDEX TO PLANNING APPLICATIONS CODES

<b>A</b>	Advertisements	<b>K</b>	Certificate of Lawfulness
<b>AG</b>	Agricultural Determination	<b>LB</b>	Listed Building
<b>C</b>	Change of Use	<b>M</b>	County Matter
<b>CA</b>	Conservation Area	<b>O</b>	Outline
<b>CBC</b>	Colchester Borough Council	<b>PA</b>	Prior Approval
<b>CC</b>	Essex County Council	<b>RM</b>	Reserved Matters
<b>F</b>	Full	<b>S</b>	Electricity Consultation (Overhead Lines)
<b>G</b>	Government Dept. Consultation	<b>T</b>	Renewal of Temporary Permission
<b>J</b>	Alternative Development	<b>X</b>	Demolition in Conservation Area

## INDEX TO BACKGROUND DOCUMENTS/REPORTS CODES (UPDATED OCTOBER 2000)

**Note: Any Document or Consultee not included in these lists will be specified in full.**

<b>ARC</b>	Adopted Review Colchester Borough Local Plan March 2004
<b>BOT</b>	St Botolphs Development Brief
<b>CHD</b>	Colne Harbour Urban Design Framework SPG - Nov. 2000
<b>CPS</b>	Cycle Parking Standards
<b>ERP</b>	Essex and Southend on Sea Replacement County Structure
<b>GAP</b>	Gosbecks Archaeological Park Draft Management Plan
<b>HCP</b>	High Woods Country Park Management Plan
<b>MSP</b>	Essex County Council - Minerals Subject Plan
<b>VEM</b>	East Mersea Village Appraisal - 19 February 1996
<b>VFC</b>	Village Facilities Survey 1995
<b>VFD</b>	Fordham Village Appraisal - 31 August 1994
<b>VFG</b>	Fingringhoe Village Appraisal - 1 September 1993
<b>VGT</b>	Great Tey Village Appraisal - 19 July 1993
<b>VLG</b>	Langham Village Appraisal - 6 April 1994
<b>VPL</b>	Peldon Village Appraisal - 4 June 1994
<b>VRH</b>	Rowhedge Village Appraisal - 20 November 1995
<b>VWG</b>	West Bergholt Village Appraisal - 30 August 1995
<b>WMW</b>	West Mersea Waterside Study

## INTERNAL CONSULTEES

<b>BC</b>	Building Control Manager
<b>CD</b>	Conservation & Design Manager
<b>CF</b>	Financial Services
<b>CU</b>	Head of Street and Leisure Services
<b>DO</b>	Disability Access Officer
<b>HA</b>	Highway Authority (ECC)
<b>HD</b>	Housing Development Officer
<b>HH</b>	Environmental Protection (Env. Control)
<b>MR</b>	General Manager (Museum Archaeological)
<b>PP</b>	Head of Housing & Environmental Policy
<b>SE</b>	Head of Enterprise and Communities
<b>SL</b>	Legal Services
<b>TL</b>	Trees & Landscapes Officer - Planning Services

## REPRESENTATIONS ETC

<b>CAA</b>	Correspondence with applicant/agent
<b>CBC</b>	Colchester Borough Councillor(s)
<b>LAS</b>	Other Local Amenity Society(ies) (not listed elsewhere)
<b>NLR</b>	Neighbours or Local Resident(s)
<b>OTH</b>	Other correspondence
<b>PTC</b>	Parish & Town Council(s)

## EXTERNAL CONSULTEES (2 character codes)

<b>AB</b>	Soc Protection Ancient Buildings	<b>HG</b>	English Heritage - Historic Gardens
<b>AM</b>	Ancient Monuments Society	<b>HM</b>	English Heritage (Hist. Mon. Section)(England)
<b>AR</b>	Ardleigh Reservoir Committee	<b>HO</b>	The Home Office
<b>AT</b>	Colchester Archaeological Trust	<b>HS</b>	Health & Safety Executive
<b>AV</b>	Civil Aviation Authority	<b>IR</b>	Inland Revenue (Valuation)
<b>AW</b>	Anglian Water Services Limited	<b>LF</b>	Environment Agency (Waste Regs)
<b>BA</b>	Council for British Archaeology	<b>MD</b>	Defence Estates (East)
<b>BD</b>	Braintree District Council	<b>MH</b>	NEE Mental Health Services Trust
<b>BG</b>	Transco (B Gas)	<b>MN</b>	Maldon District Council
<b>BH</b>	Babergh District Council	<b>MS</b>	Marine Safety Agency
<b>BO</b>	Blackwater Oystermans' Association	<b>NC</b>	English Nature
<b>BT</b>	British Telecom	<b>NE</b>	North Essex Health Authority
<b>BW</b>	Essex Bridleways Association	<b>NF</b>	National Farmers Union
<b>CA</b>	Cmssn for Architecture & Built Environment	<b>NI</b>	HM Nuclear Installations Inspectorate
<b>CB</b>	Churches Conservation Trust	<b>NP</b>	New Possibilities Healthcare Trust
<b>CE</b>	County Education Department (ECC)	<b>NR</b>	Environment Agency
<b>CH</b>	Country Highways (Surveyor ECC)	<b>NT</b>	The National Trust
<b>CS</b>	Colchester Civic Society	<b>PD</b>	Ports Division (DETR)
<b>CY</b>	Colchester Cycling Campaign	<b>PT</b>	Petroleum Officer (ECC Trading Standards)
<b>DS</b>	Department of Social Security	<b>RA</b>	Ramblers Association
<b>DT</b>	Route Manager - Highways Agency	<b>RD</b>	The Rural Development Commission
<b>DV</b>	Dedham Vale Society	<b>RE</b>	Council Protection Rural Essex
<b>DW</b>	Dedham Vale & Stour Valley Project	<b>RF</b>	Royal Fine Art Commission
<b>EB</b>	Essex Badger Protection Group	<b>RP</b>	Rowhedge Protection Group
<b>EE</b>	Eastern Electricity – E-On	<b>RR</b>	Roman River Valley Society
<b>EH</b>	English Heritage	<b>RS</b>	RSPB
<b>EI</b>	HM Explosive Inspectorate	<b>RT</b>	Railtrack East Anglia
<b>EN</b>	Essex Wildlife Trust	<b>RY</b>	Royal Yachting Association
<b>EP</b>	Essex Police	<b>SB</b>	Save Britain's Heritage
<b>EQ</b>	Colchester Police	<b>SD</b>	MAFF Fisheries Office/Shellfish Division
<b>ER</b>	Essex Rivers Healthcare Trust	<b>SK</b>	Suffolk County Council
<b>ET</b>	Fair Trading (ECC Trading Standards)	<b>SR</b>	The Sports Council – Eastern Region
<b>EU</b>	University of Essex	<b>ST</b>	Colne Stour Countryside Association
<b>EV</b>	Environmental Health (ECC - Env. Services)	<b>TB</b>	Tollesbury Parish Council
<b>EW</b>	Essex & Suffolk Water Company	<b>TG</b>	Tendring District Council
<b>FA</b>	Essex Police - Fire Arms Officer	<b>TI</b>	Department of Trade and Industry
<b>FB</b>	Essex Fire & Rescue Service	<b>TK</b>	Tolleshunt Knights Parish Council
<b>FC</b>	Forestry Commission	<b>TW</b>	20 <sup>th</sup> Century Society
<b>FE</b>	Feering Parish Council	<b>VI</b>	Vehicle Inspectorate (GVTS)
<b>GA</b>	Colchester Garrison HQ	<b>VS</b>	Victorian Society
<b>GE</b>	Government Office for the East of England	<b>WS</b>	The Wivenhoe Society
<b>GU</b>	HM Coast Guard	<b>WT</b>	Wivenhoe Town Football Club
<b>HB</b>	House Builders Federation	<b>WA</b>	Wormingford Airfield (Gliding Club)
<b>HE</b>	British Horse Society	<b>WW</b>	Society Protection Ancient Buildings (Wind & Watermill Section)



## **Colchester Borough Council Environmental Control**

### **Advisory Notes for the Control of Pollution during Construction & 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.