

Planning Committee Meeting

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

Thursday, 22 October 2015 at 18:00

The Planning Committee deals with planning applications, planning enforcement, public rights of way and certain highway matters.

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

Information for Members of the Public

Access to information and meetings

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

Have Your Say!

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

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

Access

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

Facilities

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

Evacuation Procedures

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Colchester, CO1 1JB

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

www.colchester.gov.uk

Material Planning Considerations

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

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

The following approach should be taken in all planning decisions:

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

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

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

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

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

The above list is not exhaustive

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

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

- matters specifically controlled through other legislation

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

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

Planning Obligations

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

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

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

Human Rights, Community Safety and Equality and Diversity Implications

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

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

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

Using Planning Conditions or Refusing Planning Applications

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

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

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

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

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

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

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

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



Colchester Borough Council Development Management

Highway Safety Issues

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

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

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

Parking Standards

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

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

For residential schemes:

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

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



Colchester Borough Council Environmental Control

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

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

Best Practice for Construction Sites

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

Noise Control

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

Emission Control

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

Best Practice for Demolition Sites

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

Noise Control

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

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

Emission Control

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

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

Class A1. Shops

Use for all or any of the following purposes—

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

Class A2. Financial and professional services

Use for the provision of —

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

Class A3. Restaurants and cafes

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

Class A4. Drinking establishments

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

Class A5. Hot food takeaways

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

Class B1. Business

Use for all or any of the following purposes—

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

Class B2. General industrial

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

Class B8. Storage or distribution

Use for storage or as a distribution centre.

Class C1. Hotels

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

Class C2. Residential institutions

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

Use as a hospital or nursing home.

Use as a residential school, college or training centre.

Class C2A. Secure residential institutions

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

Class C3. Dwellinghouses

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

- (a) a single person or by people to be regarded as forming a single household;
- (b) not more than six residents living together as a single household where care is provided for residents; or
- (c) not more than six residents living together as a single household where no care is provided to residents (other than a use within Class C4).

Class C4. Houses in multiple occupation

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

Class D1. Non-residential institutions

Any use not including a residential use —

- (a) for the provision of any medical or health services except the use of premises attached to the residence of the consultant or practitioner,
- (b) as a crèche, day nursery or day centre,
- (c) for the provision of education,
- (d) for the display of works of art (otherwise than for sale or hire),
- (e) as a museum,
- (f) as a public library or public reading room,
- (g) as a public hall or exhibition hall,
- (h) for, or in connection with, public worship or religious instruction, (i) as a law court.

Class D2. Assembly and leisure

Use as —

- (a) a cinema,
- (b) a concert hall, (c) a bingo hall or casino,
- (d) a dance hall,
- (e) a swimming bath, skating rink, gymnasium or area for other indoor or outdoor sports or recreations, not involving motorised vehicles or firearms.

Sui Generis Uses

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

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

Interpretation of Class C3

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

Interpretation of Class C4

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

Deferral and Recommendation Overturn Procedure (DROP) Flowchart

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

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



COLCHESTER BOROUGH COUNCIL
Planning Committee
Thursday, 22 October 2015 at 18:00

Member:

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

Chairman
Deputy Chairman

Substitutes:

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

Councillors Christopher Arnold, Lyn Barton, Tina Bourne, Roger Buston, Kevin Bentley, Nigel Chapman, Barrie Cook, Robert Davidson, Beverly Davies, Andrew Ellis, Annie Feltham, Bill Frame, Ray Gamble, Dominic Graham, Annesley Hardy, Marcus Harrington, Dave Harris, Julia Havis, Peter Higgins, Theresa Higgins, Cyril Liddy, Sue Lissimore, Fiona Maclean, Kim Naish, Nigel Offen, Gerard Oxford, Philip Oxford, Will Quince, Peter Sheane, Paul Smith, Dennis Willetts, Julie Young and Tim Young.

AGENDA - Part A

(open to the public including the press)

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

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

1 Welcome and Announcements

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

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

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

2 Have Your Say! (Planning)

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

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

3 Substitutions

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

4 Urgent Items

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

5 Declarations of Interest

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

- Where a Councillor has a disclosable pecuniary interest, other pecuniary interest or a non-pecuniary interest in any business of the authority and he/she is present at a meeting of the authority at which the business is considered, the Councillor must disclose to that meeting the existence and nature of that interest, whether or not such interest is registered on his/her register of Interests or if he/she has made a pending notification.
- If a Councillor has a disclosable pecuniary interest in a matter being considered at a meeting, he/she must not participate in any discussion or vote on the matter at the meeting. The Councillor must withdraw from the room where the meeting is

being held unless he/she has received a dispensation from the Monitoring Officer.

- Where a Councillor has another pecuniary interest in a matter being considered at a meeting and where the interest is one which a member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice the Councillor's judgement of the public interest, the Councillor must disclose the existence and nature of the interest and withdraw from the room where the meeting is being held unless he/she has received a dispensation from the Monitoring Officer.
- Failure to comply with the arrangements regarding disclosable pecuniary interests without reasonable excuse is a criminal offence, with a penalty of up to £5,000 and disqualification from office for up to 5 years.

6 Minutes of 17 September 2015 19 - 24

To confirm as a correct record the minutes of the meeting held on 17 September 2015.

7 Planning Applications

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

7.1 150177 Chapman's Farm, Nayland Road, Colchester 25 - 50

Demolition of all existing buildings and construction of a maximum of 27 houses on the existing site currently occupied by Cants of Colchester

7.2 151660 Old Police Station, 37 Queen Street, Colchester 51 - 60

Application for the removal of conditions 3 and 4 of planning permission 122272

7.3 151978 Valentinus Crescent, Colchester 61 - 70

Variation of condition 2 of planning permission 142439

7.4 150383 Coopers Beach Holiday Park, Church Lane, East Mersea 71 - 90

Proposed change of use of land to site 60 holiday lodges, access roads, parking and landscape

7.5	151593 International Farm Camp, Hall Road, Tiptree	91 - 100
	Application to vary condition 9 of planning permission 100684	
7.6	151926 35 Yorick Road, West Mersea	101 - 108
	Replacement dwelling	
7.7	150702 Homecroft, Chapel Lane, West Bergholt	109 - 122
	Proposed formation of a private drive erection of two detached bungalows, erection of a two storey house, extensions and alterations to an existing bungalow to form a two storey dwelling, erection of garages and provision of associated parking facilities	
7.8	151731 84 The Commons, Colchester	123 - 128
	Single storey rear extension for disabled adaptation to create bedroom and ensuite ground floor	
7.9	151921 2 Carlisle Close, Colchester	129 - 136
	Proposed two storey side extension to add two bedrooms, sitting room and kitchen family room	
7.10	151798 Aqua Springs, Cowdray Avenue, Colchester	137 - 142
	1 No. illuminated fascia sign	
7.11	152019 Axial Way, Colchester	143 - 150
	100 metre hoarding is proposed around the edge of the Axial Way development site promoting Colchester Borough Council's 'Northern Gateway' as a destination for sports, leisure and entertainment	
8	Exclusion of the Public (not Scrutiny or Executive)	
	In accordance with Section 100A(4) of the Local Government Act 1972 to exclude the public, including the press, from the meeting so that any items containing exempt information (for example confidential personal, financial or legal advice), in Part B of this agenda (printed on yellow paper) can be decided. (Exempt information is defined in Section 100I and Schedule 12A of the Local Government Act 1972).	

Part B

(not open to the public including the press)

Planning Committee

Thursday, 17 September 2015

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

Substitutes: Councillor Dennis Willetts (for Councillor Patricia Moore)

204 Site Visits

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

205 Minutes of 30 July 2015

The minutes of the meeting held on 31 July 2015 were confirmed as a correct record.

206 146486 and 150945 - Land at Stane Park, Stanway

Councillor Scott-Boutell (in respect of her attendance at a pre-application meeting) declared a non-pecuniary interest pursuant to the provisions of Meetings General Procedure Rule 7(5).

Councillor Sykes (in respect of her work relating to the formation of the Stanway Village Plan and the Tollgate Vision Statement) declared a non-pecuniary interest pursuant to the provisions of Meetings General Procedure Rule 7(5).

The Committee considered two applications for the development of:

- one pub/restaurant (with ancillary residential accommodation) and two restaurant units, with associated car parking, landscaping and 'cart lodge' and
- one restaurant unit and two drive-thru restaurant / café units (which would also facilitate the consumption of food and drink on the premises) with associated car parking, landscaping, access and servicing

both on land at Stane Park, Stanway, Colchester. The applications had been referred to the Committee because they were major applications which were a departure from the

Adopted Local Plan and had prompted representations and local interest. The Committee had before it reports and an amendment sheet in which all the information was set out. The Committee made a site visit in order to assess the impact of the proposals upon the locality and the suitability of the proposals for the site.

Vincent Pearce, Planning Projects Specialist, presented the report and, together with Karen Syrett, Place Strategy Manager, Simon Cairns, Major Developments and Projects Manager and Sarah Pullin, Acting Principal Planning Officer, assisted the Committee in its deliberations. He explained that the amendment sheet included a summary of the further comments received on the applications since the report was published, details of a Section 106 agreement offered by the applicant and further comments submitted by the applicant. In addition it was explained that, in view of the recent granting of licenses for the sale of alcohol had been granted by the Licensing Authority, the officer recommendation had been amended to remove as a reason for refusal adverse impact on residential amenity. The Major Development Manager also provided details of a further letter from the applicants pointing out what they considered to be inaccuracies in the reports.

Michelle Reynolds, on behalf of Colchester Retail Business Association addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in opposition to the applications. She explained that the site was predominantly identified as a Strategic Employment Zone but the applications went against this designation. The National Planning Policy Framework provided protection to town centres and she considered the Council should do the same. She felt the proposals would reduce the footfall in the town centre and, as such, would have a negative impact especially on the independent sector in the town which was the aspect which made Colchester stand out from other town centres. Colchester had already lost two eating places due to reduced footfall and she considered the free car parking provision out of town provided unfair competition. The proposals indicated the provision of 250 jobs but she queried whether these would be new jobs or ones likely to be dispersed from the town centre.

Stephen Clark addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in support of the applications. He explained that he had been involved in commercial development in Colchester for 26 years and was proud of his association with the town and the Borough Council. The current applications were the first he had been associated with which had received officer recommendations for refusal. The site had a chequered history since 1995 and had been in his company's ownership for a period of five years during which time they had received no calls or enquiries in relation to a strategic employment designation. He considered there had been a number of examples of changes to employment land use designations and he was of the view that the loss of this parcel of land as an employment zone would not have a significant impact on the Council's land use policies. The proposals would also benefit the Stanway area as a whole as they would provide funding for infrastructure improvements. He questioned the continued allocation of the land for factory and industrial use given the close proximity of housing on the Wyvern Farm development

and he highlighted the significant level of support within the Stanway community for the schemes, the design of which had been informed by the Stanway Village Plan. The schemes would also address the isolation of the Wyvern Farm by the creation of bus links to the development.

Councillor F. Maclean attended and, with the consent of the Chairman, addressed the Committee. She explained that the schemes had received a high level of support within Stanway and she was of the view that the land was currently being wasted and needed to be put to a good use for the community. She was concerned about the high levels of congestion and access problems from London Road and, as a local resident, she had a clear preference for the provision of restaurants rather than businesses on the site. She welcomed the immediate creation of 140 jobs together with the highway improvements in the area. She acknowledged the concerns regarding the changing retail environment in the town centre but considered that efforts needed to be made to improve the town centre and the out of town retail locations and these schemes would bring options for people in terms of leisure and employment.

The Planning Projects Specialist explained that the schemes represented 21% of the total Strategic Employment land allocation at Stane Park but were projected to deliver only 8% of the predicted job opportunities originally forecast. He referred to the Council's strategy to build sustainable communities and the current underperformance in terms of salary levels. The parcel of land the subject of the applications had important locational attributes with easy access to the strategic road network. He also referred to the Tollgate Vision Statement which had been originally intended to bind landowners to a distribution of uses but this could not be achieved and the document was agreed as a Connectivity Statement.

The Acting Principal Planning Officer explained that the allocation of the site for strategic employment use had been undertaken in 2010 and, as such, was a relatively recent designation which needed to be given due time to come to fruition. She reiterated the requirement for the applications before the Committee to be determined in accordance with the Council's Local Plan and with the National Planning Policy Framework and she emphasised the importance of maintaining the employment status of the site given the very significant advantage of its convenient location adjacent to the A12. She also explained that the employment status was for higher end business users rather than factories and warehouses. She explained that there had been interest in the site from potential developers which indicated the strong likelihood of the envisaged employment use being delivered in due course. She did not therefore consider the current scheme merited any amendment to the current employment use designation.

Councillor Scott-Boutell explained that comments attributed to her about the application had actually been made by former Councillor Lesley Scott-Boutell and she confirmed that, although she had attended the pre-application meeting, she had not yet formed a view on the merits of the application.

Extensive discussion took place on the applications in relation to the following issues:

- Existing and future traffic congestion problems
- Local employment opportunities
- Diverse local restaurant provision
- Preferences stated by residents
- Impact on the town centre
- Quality of the proposed designs
- Car parking capacity
- Development in accordance with the Stanway Village Plan
- Potential benefits to local residents

In response to specific questions the Planning Projects Specialist, Place Strategy Manager, Major Developments and Projects Manager and Acting Principal Planning Officer jointly provided the following comments:

- The North Colchester area had the benefit of an extant planning application for leisure purposes with the intention of delivering balanced community uses;
- The potential to agree a land 'swap' in order to designate an alternative area of land for strategic employment purposes was not a viable option given the unique A12 access benefits of the Stane Park site;
- The Local Plan processes had provided an opportunity for developers to submit suggested sites for inclusion in the 'Call for Sites' exercise which would have provided an opportunity for the land use designation of the site at Stane Park to be considered;
- The site had been designated for employment use in 2010, before which it had been used for agricultural purposes for many years;
- The character of the town centre was changing due to challenges such as internet shopping and, as such, if the vitality and the importance of the town centre was to be maintained, now was not the right time to break long established town centre protection policies;
- It was important to recognise the need to view planning as a long term exercise;
- The proposals contained in the applications were not locationally dependent on the Stane Park site;
- The high quality attributes of the site should not be overlooked;
- Previous changes in policy to amend land use designations in Stanway had been agreed in order to assist local businesses;
- The Committee's statutory duty to determine the application in accordance with the Local Plan and the National Planning Policy Framework unless there were material considerations otherwise.

Some members of the Committee were of the view that the proposals would deliver the requirements identified by local residents and that the impact of the schemes would not be harmful to the town centre. They also speculated about the potential for an alternative area of land to be identified within the Local Plan processes for strategic employment purposes and considered the benefits to be delivered by the developer in terms of highway improvements to be of merit. The need for local leisure activities in the Stanway area was highlighted as well as the potential to deliver up to 240 jobs to the area in the

short term. Concern was also expressed about the impact of a business use scheme on the neighbouring residential development at Wyvern Farm. Reference was also made to the leisure based proposals at the Northern Gateway area of the town and whether the principles used to support the proposals there could be similarly applied in Stanway. Problems associated the existing traffic congestion were highlighted and the sustainable character of the proposal given the large number of local residents who would be able to visit the restaurants on foot.

Other members of the Committee were of the view that the merits of the proposal did not outweigh the requirement for the Local Plan policies to be supported. The site's accessibility to the A12 was considered to be vitally important in strategic employment use terms and its potential to deliver such a scheme had not yet been exhausted. Reference was made to the possibility of the developer using the Local Plan consultation procedures in order to seek a change in the site's land use designation and also the benefits to be gained in terms of the procurement of higher quality jobs when economic circumstances allowed. In addition, the proposal for a number of restaurants on the site was not considered to be the kind of economic growth envisaged for the area whilst the sustainability attributes of the proposals were disputed given the likelihood of customers travelling to the restaurants by car rather than on foot.

As the discussion suggested that the Committee may be minded to approve the applications contrary to the officer's recommendations in the reports, in accordance with the Committee's procedures in these circumstances, the Chairman invited the Committee to consider invoking the Deferral and Recommendation Overturn Procedure (DROP), bearing in mind the implications of such decisions as set out in the reports and further explained by Planning Officers.

RESOLVED (SIX voted FOR, FIVE voted AGAINST and ONE ABSTAINED) that the DROP be not invoked.

Accordingly, the Chairman then invited the Committee to determine the applications without deferral.

RESOLVED –

(i) In respect of application no 146486 (SEVEN voted FOR, THREE voted AGAINST and TWO ABSTAINED) that the application be refused for the reasons set out in the report and the amendment sheet

(ii) In respect of application no 150945 (SEVEN voted FOR, THREE voted AGAINST and TWO ABSTAINED) that the application be refused for the reasons set out in the report and the amendment sheet.

207 151540 37-41 Layer Road, Colchester

The Committee considered an application for the change of use to A2 financial and

professional services at 37-41 Layer Road, Colchester. The application had been referred to the Committee because the applicant was a Councillor. The Committee had before it a report in which all the information was set out.

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

208 151672 Stanway Rectory, Church Lane, Stanway

Councillor Maclean (in respect of her ownership of the application site) declared a pecuniary interest pursuant to the provisions of Meetings General Procedure Rule 7(5) and left the meeting during its consideration and determination.

The Committee considered an application for the demolition of outbuildings and construction of a single storey and a two storey extension (resubmission of application no 150746) at Stanway Rectory, Church Lane, Stanway. The application had been referred to the Committee because the applicant was related to a Councillor. The Committee had before it a report in which all the information was set out.

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

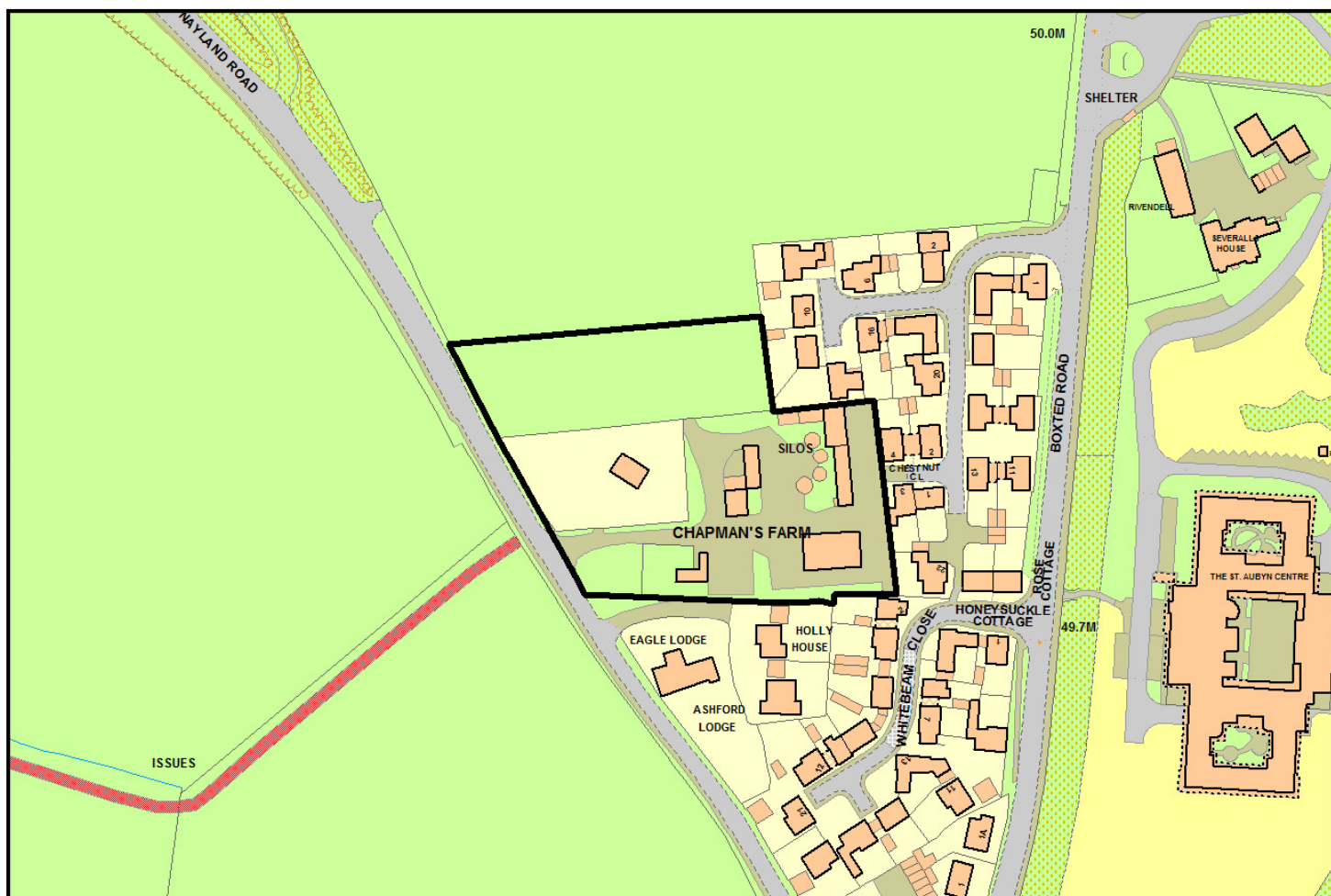
209 Affordable Housing Contributions

The Committee considered a report by the Head of Commercial Services giving details of the current level of Affordable Housing Contributions received as well as future contributions secured within existing Section 106 agreements but not yet received by Colchester Borough Council. The report also outlined the proposed methods for spend to ensure maximum benefit was received by the Borough from the contributions.

Daniel Cameron, Planning Contributions Officer, presented the report and, together with Eddie Bacon, Affordable Housing Development Officer assisted the Committee in its deliberations.

Members of the Committee welcomed the information provided in the report and suggested that a further report giving details of numbers of affordable housing units delivered would also be beneficial.

RESOLVED that the contents of the report be noted and arrangements be made for details of the number of affordable housing units delivered to be presented to the Committee at a future meeting.



Application No: 150177

Location: Chapmans Farm, Nayland Road, Colchester, CO4 5HA

Scale (approx): 1:1250

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Committee Report

Agenda item

7

To the meeting of **Planning Committee**
on: **22nd October 2015**
Report of: **Head of Professional/Commercial Services**
Title: **Planning Applications**

7.1 Case Officer: Alistair Day

Due Date: 01/12/2015

MAJOR

Site: Chapman's Farm, Nayland Road, Colchester, CO4 5HA

Application No: 150177

Date Received: 2 February 2015

Agent: Mr Nigel Berry, Fenn Wrights

Applicant: Cants of Colchester

Development: Demolition of all existing buildings and construction of a maximum of 27 houses on the existing site currently occupied by Cants of Colchester.

Ward: Mile End

Summary of Recommendation: Conditional Approval subject to signing of Section 106 Agreement

1.0 Reason for Referral to the Planning Committee

- 1.1 This application is referred to the Planning Committee because objections have been received to this development proposal and a s106 legal agreement is required.

2.0 Synopsis

- 2.1 This outline planning application seeks permission for the erection of a maximum of 27 houses with associated amenity space and parking on land currently forming part of the curtilage to Chapmans Farm. A number of objections have been received to this application. These relate to highway/traffic issues, overdevelopment, overlooking, loss of green space and impact on wildlife/trees. The report explains and comments on these issues. The recommendation is one of conditional approval subject to a s106 legal agreement being signed.

3.0 Site Description and Context

- 3.1 Chapman's Farm is located in Mile End to the east of the Nayland Road (A134). The site is approximately 0.95 hectares in size and consists of a farmhouse, preformed steel silos, an asbestos clad portal framed building, a 'porta cabin' site office along with various other low rise brick built or timber clad outbuildings. The application site extends beyond the existing farmstead to include a small section of the field to the north of the site. There is an existing vehicular access to Nayland Road at the southern end of the site.
- 3.2 The site lies to the northern extent of the existing built up area in Mile End. To the south and east of the site is existing residential housing. The land to the north and west is currently cultivated farmland; however this land forms part of the North Growth Area Urban Extension (NGAUE – also known as Chesterwell), which was granted outline planning approval in 2014.

4.0 Description of the Proposal

- 4.1 The application seeks planning permission for the construction of up to 27 two storey dwellings. The application is submitted in outline form with all matters reserved, except access.

5.0 Land Use Allocation

- 5.1 Predominantly residential

6.0 Relevant Planning History

- 6.1 RM/COL/05/0679 Former Cowie Site, Boxted Road, Colchester Reserved matters application for 24 new dwellings with garages and parking (outline O/COL/03/1312)
- 6.2 O/COL/03/1312 Former Cowie Site, Boxted Road, Colchester - Outline application for re-development of former Cowie site to comprise residential development, associated landscape planting and new access
- 6.3 RM/COL/00/0181 Land at the Grange, Nayland Road, Colchester, CO4 5HA Details for the erection of 17 No three & four bedroom houses, Approve Conditional -
- 6.4 21/07/2000 Renewal of Temporary Permission Chapmans Farm Nayland Road, Mile End, Colchester, Continued use of porta cabin office building Approve Conditional

- 6.5 98/0774 Land at the Grange, Nayland Road, Colchester, Outline application for residential development of 17 No. dwellings Approve Conditional
- 6.6 98/0648 Erection of 1 No. 4 bedroomed house, 1 No. 3 bedroomed bungalow Part Garden Of Eagle Lodge, Nayland Road, Colchester - Approve Conditional

7.0 Planning Policy

- 7.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that the application is determined in accordance with the provisions of the adopted development plan unless material considerations indicate otherwise. For those purposes the relevant adopted development plan currently comprises Core Strategy (adopted 2008, amended 2014), Development Policies (adopted 2010, amended 2014) and Site Allocations (adopted 2010)

- 7.2 The Core Strategy provides local strategic policies and the following are of particular relevance to this application:

- SD1 - Sustainable Development Locations
- SD2 - Delivering Facilities and Infrastructure
- SD3 - Community Facilities
- H1 - Housing Delivery
- H2 - Housing Density
- H3 - Housing Diversity
- H4 - Affordable Housing
- UR1 - Regeneration Areas
- UR2 - Built Design and Character
- PR1 - Open Space
- PR2 - People-friendly Streets
- TA1 - Accessibility and Changing Travel Behaviour
- TA2 - Walking and Cycling
- TA3 - Public Transport
- TA4 - Roads and Traffic
- TA5 - Parking
- ENV1 - Environment
- ER1 - Energy, Resources, Waste, Water and Recycling

- 7.3 In addition, the following are relevant Development Policies:

- DP1 Design and Amenity
- DP3 Planning Obligations and the Community Infrastructure Levy
- DP4 Community Facilities
- DP12 Dwelling Standards
- DP16 Private Amenity Space and Open Space Provision for New Residential Development
- DP17 Accessibility and Access
- DP18 Transport Infrastructure Proposals
- DP19 Parking Standards
- DP20 Flood Risk and Management of Surface Water Drainage
- DP21 Nature Conservation and Protected Lanes

- DP25 Renewable Energy

7.4 The National Planning Policy Framework (2012) (the Framework) is capable of being a material consideration. Paragraph 14 provides in summary, amongst other things, that there should be a presumption in favour of sustainable development. The Framework includes policies that are potentially relevant to the main issues generated by this application. Planning Practice Guidance (PPG) was issued in March 2014 and has since been partially amended. It amplifies, but does not change, the policies in the Framework.

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

- Backland and Infill
- Community Facilities
- Vehicle Parking Standards
- Open Space, Sport and Recreation
- The Essex Design Guide
- External Materials in New Developments
- Affordable Housing
- Cycling Delivery Strategy
- Myland Village Design Statement

7.6 The emerging Myland & Braiswick Neighbourhood Plan (the MBNP) seeks to follow the housing requirements set out in the local plan. It does not propose any additional housing site allocations. It does however include objectives and also various criteria based policies for handling development proposals. The MBNP also sets out a number of aspirations that have not all been translated into policies. Limited weight has been afforded to the MBNP as this may be subject to change or could fail to attract the necessary majority at the referendum stage in the adoption process.

8.0 Consultations

Planning Policy Team

8.1 Transportation Policy has advised that the opportunity should be taken to create an east-west cycle and pedestrian link through this development. This link will allow access from the northern section of the NGAUE development through to North Colchester Business Park, Gilbert School and Tesco via the new Severalls development. This link will also allow access to the cycle route to the town centre. This east-west route is marked as a Proposed Cycle Link in the Colchester Cycling Delivery Strategy. Consideration must also be given to linking this development with the proposed development land to the north of the site

Planning Projects Team

Landscape Officer

8.2 The Landscape Officer has confirmed that he has no objection to the principal of development in landscape terms. Amendments have however been suggested to the submitted layout, which include:

- Rear gardens should not 'hang out' to the access road or Nayland Road
- The proposal should be revised to provide a deep verge within the site running along the Nayland Road hedge line
- A native hedge and hedgerow trees should be provided to the northern boundary of the site
- Plot 10 frontage has an awkward relationship to the Open Space which needs to be resolved.

Urban Design Officer

8.3 The Urban Design Officer has not raised an objection to this application. Comments have however been made as to how the illustrative layout can be improved.

- Development frontage is needed to Nayland Road
- Plots 24-27 should not back onto the street
- Front of plot car parking should not be used.
- Increased pedestrian linkages to adjoining areas (e.g. Walnut Drive and Nayland Road to the north) are required;
- Vehicular/pedestrian access to the north is required
- Potential overlooking issues need to be designed out.
- Address potential overlooking issues between plot 15 and existing property on Whitebeam

The above amendments may require a reduction in the number of units and/or the type of units.

Tree Officer

8.4 The Tree Officer notes that the submitted Tree Report recommends the removal of numerous trees and has confirmed that he is in agreement with the conclusions of the report.

Environmental Protection Team

8.5 The Environmental Protection Team has recommended conditions to safeguard the residential amenity of nearby residents should planning permission be granted.

- 8.6 Contamination Land Officer notes that the Geosphere Phase 1 – Desk Study identifies some potential sources of contamination and recommends further assessment. Based on the information provided, the Contamination Officer has advised that it would appear that the site could be made suitable for the proposed use, with the remaining actions dealt with by way of condition. The report also notes that there is the potential for asbestos containing material to be present in existing buildings, requiring appropriate surveying and where necessary production of an action plan by suitable qualified and experienced persons, prior to any demolition or refurbishment at the site. Consequently, should permission be granted for this application, Environmental Protection recommend inclusion conditions to cover contamination and remediation.

Highway Authority

- 8.7 The Highway Authority (HA) has confirmed that they do not have an objection to the principle of the development. The HA has however made the following comments in respect of the illustrative layout:
- The pedestrian linkage is poor. There is no footway on the development side of Nayland Road and one could be provided at the developer's expense (2m wide via a s278 agreement).
 - Plot 12 could be amended to provide a pedestrian/cycle link through to Walnut Drive thus providing a linkage through to Boxted Road.
 - The parking facilities should comply with current standards including visitor parking.
 - There should be an appropriate footway connection at the main bellmouth onto the shared surface.
 - Transport Information marketing Packs should be provided for all new dwellings

Officer Comment: A revised drawing of the bellmouth junction has been submitted and the HA has confirmed that this addresses their requirement for an appropriate footway connection at the main bellmouth onto the shared surface.

Anglian Water

- 8.8 Anglian Water has advised that the foul drainage from this development site is in the catchment of Colchester Water Recycling Centre that there is available capacity for flows from this development. Anglian Water has also confirmed the sewerage system at present has available capacity for these flows. If the developer wishes to connect to our sewerage network they should serve notice under Section 106 of the Water Industry Act 1991. We will then advise them of the most suitable point of connection.
- 8.9 Anglian Water has advised that there are assets owned by Anglian Water or those subject to an adoption agreement within or close to the development boundary that may affect the layout of the site. Anglian Water would ask that an informative is added to the decision notice should permission be granted

9.0 Parish Council Response

9.1 A summary of Myland Community Council's comments are summarised below:

- This Planning Application for 27 new homes has to be seen in the context of the approved Chesterwell [NGAUE] and Severalls Hospital development. MCC are of the view that Myland Parish is at saturation point for standard 2 to 4 bedroom homes, as indicated on the submitted drawings.
- MCC believes the footprint of the buildings is too small for family living in what is a transitional urban to rural environment and believes that the number of units should be reduced to 20 dwellings.
- 20% affordable housing should be provided in-line with policy.
- The NGAUE highways changes are that the existing A134 Nayland Road is to become a cul-de-sac with all traffic diverted by a new A134 through the Chesterwell neighbourhood centre. This means there would be no contentious issues for the primary access to the Chapmans site
- The CBC policy defines a need for a 2m wide cycle and pedestrian access to and from the site at:
 - To the East through to Walnut Drive and into Bosted Road
 - To the North to link to the NGAUE Eastern green corridor and main entrance to Severalls.
- The development will need to comply with the adopted parking and highway standards.
- The 10 % open space requirement for this site is some 950m². It is requested that negotiations are held with Mersea Homes on the siting of open space on their land to form a more meaningful area of public open space.
- The conclusions of the ecology report are questioned. The fields immediately adjacent to the farm support a population of Skylarks. The Hedgerows around the farm fields also support Yellowhammers. Around the farm itself there are House Sparrows. Fieldfare, Redwing Linnets and Cuckoos can be found within 1000 metres of the farm. The ecological appraisal also talks about potential bat roosting sites on the farm and recommends the need for a further survey at the appropriate time of year
- MCC is concerned about the loss of trees and the landscape content of the application.
- MCC are of the view on economic/commercial factors, local policy and demographic grounds are such that that this outline application is inappropriate and ill-advised at this time in terms of the published emerging Myland & Braiswick Neighbourhood Plan.
- MCC will directly approach Cants (the applicant) and Fenn Wright (the agent) and request that the main house is retained as the central social core for a cluster of between 25-40 individual properties specifically for Myland's older residents and that Lifetime Homes building standard is applied.

Conclusions

- Myland Community Council, accept the principle that housing development on this site is appropriate and in compliance with overarching LPA Planning Policy.
- The outline scheme as currently presented does not meet any of our local criteria for new housing applications in North Colchester.
- The building plots are too small and the number of units needs to be reduced.

- The proposals for the site need to be reconsidered if a new design, sensitive to the local and historical context is developed, which addresses this Council's demographic needs and policies, improves the public connectivity, mitigates and enhances the environmental impact, then MCC will be pleased to support it.

10.0 Representations

10.1 12 letters of representation have been received in respect of this development. The issues raised are summarised below:

- The proposed development will result in overlooking and the loss of privacy
- The proposed new housing will 'hem-in' the adjacent housing
- The proposed development will result in the loss of light and overshadowing
- The proposal constitutes over development and proposes a higher density than the adjacent residential areas.
- Bats are known to inhabit the farm dwellings; the application does not address this or provide protection / mitigation measures.
- the Ecological Appraisal to be insufficient and inaccurate with respect to birds listed as Species of Principal Importance in England
- The development would adversely affect highway safety and the convenience of road users. Traffic into the current farm premises is light but this would increase following the development, increasing the risk to human safety
- The current entrance to the farm does not have footpath access along the A134
- There will be a notable increase in the noise and disturbance from the new housing and therefore adversely impact the residential amenity of our property and neighbouring owners
- The development will result in a loss in existing property values
- The access will be dangerous and is too close to the existing Eagle Lodge access.
- Approval of this application is premature as it could adversely affect the approved developments at Severalls Hospital and the North Colchester Urban Extension (locally referred to as Chesterwell).
- It is inappropriate to use Eagle Lodge as a model for eaves height as this is a large Victorian / Edwardian property
- The development will result in the loss of existing trees and hedging
- The development will create drainage problems
- Objection has been made to Environmental Protection's recommendation that work is permitted on site on Saturday mornings

10.2 Cllr Goss has made the following objection to this application:

- My main concern is the design and density of the proposed housing - there are far too many units on this site. It strikes me this is an opportune application piggy backing on the commencement of the Chesterwell development.
- This application needs to be rejected on housing density, potential highway visibility issues and impact on some neighbouring properties privacy on the adjacent WhiteBeam Close development.
- I fully support all objections made by residents and Myland Community Council

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

11.0 Parking Provision

11.1 See Paragraph 16.33-34

12.0 Open Space Provisions

12.1 See Paragraph 16.14-17

13.0 Air Quality

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

14.0 Development Team and Planning Obligations

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

- Affordable Housing 20%
- Education Contribution (early years, primary and secondary) £175,000
- Open Space– strategic and local £171,130 (On-site / Mile Recreation Ground)
- Community – £41,000 (Severalls Hospital Community Centre)

14.2 The requested obligations are considered to meet the statutory tests and are all necessary to make the development acceptable in planning terms, are directly related to the development and are fairly and reasonably related in scale and kind to the development. In respect of each relevant infrastructure project, the planning obligations entered into on or after 6 April 2010 does not exceed CIL regulation 123(3) as amended.

14.3 Subsequent to the Development Team, Essex County Council has advised that it no longer wishes to pursue the education contribution for this site due to the strictures imposed by the Community Infrastructure Regulations.

15.0 Environmental Assessment

15.1 The development proposed consists of the demolition of existing buildings and the erection of up to 27 dwellings on the site of Chapman’s Farm and an area of land currently in agricultural use.

- 15.2 It is considered unlikely that the development would have significant effect on the environment by virtue of factors such as its nature, size or location. The land is not sensitive as defined by the Environmental Assessment Regulations and constitutes previously developed land. The potential impacts include highways issues, ecology and the loss of trees. The identified potential environmental impacts can be subject to appropriate mitigation measures within the normal planning process. Consequently, while there may be some impact as a result of this development, it is not considered that a proposal of this type, size, scale and at this location would result in significant environmental impact. An Environmental Impact Assessment is not therefore required.

16.0 Report

The Proposal

- 16.1 The application seeks planning permission for the demolition of the existing house and farm buildings and the erection of up to 27 dwellings. With the exception of access all matters are reserved (i.e. siting, appearance and landscaping) and will be the subject of future detailed (reserved matters) application(s).

The Principle of Development

- 16.2 In accordance with Core Strategy (CS) policies SD1, H1 and ENV1 development within the Borough is directed to sites within existing settlement development boundaries. The application site is identified within the defined settlement boundary of Colchester and is identified in the Site Allocation Plan as predominately residential use. Given this, there is not an objection, in principle, to the proposed redevelopment of this site for housing.

Character and Appearance

- 16.3 CS Policy ENV1 seeks to conserve and enhance Colchester's natural and historic environment. CS Policy UR2 seeks to promote and secure high quality design. Policies DP1 and D12 set out design criteria that new development must meet. These require new development to be of a high quality and respect the character of the site and its context.
- 16.4 The Chapman's Farm site is comprised of various temporary and permanent farm buildings along with a detached farm house. The current agricultural buildings at the site consist of preformed steel silos, an asbestos clad portal framed building, a 'portacabin' site office along with various low rise brick built or timber clad. The buildings are not considered to be of any particular architectural interest. To the east of the site is a modern housing development designed in a traditional neo-vernacular style. To the south of the site, is Eagle Lodge, which appears to date from the nineteenth century, and a group of modern houses.

- 16.5 The application is submitted in outline form, with the exception of access from Nayland Road. An illustrative layout scheme has however been submitted in support of this application. The Design and Access Statement explains that the proposed development will comprise a mixture of 2, 3 and 4 bedroom detached and semi-detached houses and that the eaves and ridge heights will be similar to those of the two storey dwellings in Walnut Drive or Eagle Lodge. Specific detail on appearance and architectural detailing is not required as a part of this application and this will be agreed through the reserved matters applications. There is however no reason to suppose that the proposed development will not be designed so that it is context with its surroundings in terms of its appearance, size, scale and mass. Moreover the existing farm buildings are generally of a poor quality and the proposal to redevelop this site presents an opportunity to enhance the quality of the local environment.
- 16.6 The illustrative layout provides a degree of assistance in assessing the potential form of the development and its relationship with the surrounding area. Whilst it is acknowledged that the illustrative layout has a number of inherent shortcomings - for example houses presenting their rear gardens to the street (both existing and proposed), potential overlooking of proposed rear gardens and absence of linkages to adjacent sites - it is considered that such issues can be addressed by the submission of an alternative layout at the detailed planning stage. The concerns expressed by local residents about over development are acknowledged. Future reserved matters applications will need to demonstrate that 27 units can be satisfactorily accommodated on this site (in terms of the Council's planning and amenity standards); if this is not possible, the number of units will either need to be reduced (hence the description states up to 27 units) and/or the type (size) of the units will need to be changed.
- 16.7 The redevelopment of Chapman's Farm for housing is not considered to have a detrimental impact on the character and appearance of this site and/or its immediate surroundings. The application is thus, in this respect, considered to accord with local planning policies and national policy guidance.

Residential Amenity

- 16.8 DP1 states that all development must be designed to a high standard and avoid unacceptable impacts on amenity. Part III of this policy seeks to protect existing public and residential amenity, particularly with regard to privacy, overlooking, security, noise and disturbance, pollution (including light and odour pollution), daylight and sunlight. The adopted Essex Design Guide also provides guidance on the protection of residential private amenity.
- 16.9 The concerns expressed by local residents regarding the potential impact that the development will have on properties and the 'absence' of detail to enable them to make a proper assessment of the potential impact of this development are appreciated. The 'lack' of design detail is however inevitable in the context of an outline application of this type. It is accepted that some residents could suffer from a loss of an open view and that the aspect from other residential properties will change. The loss of a view does not itself constitute a reason for refusal; as Members will be aware no-one has the right to an uninterrupted view. In similar vein, any fall in property values occasioned by the development would not constitute a material planning matter. The potential impact that the proposed housing will have on the private amenity of nearby residents will need to be carefully considered at the reserved

matters application stage; buildings and planting will have to be laid out such that there would be no inordinate sense of overbearing or undue loss of light or privacy.

- 16.10 It is acknowledged that in redeveloping this site there is the potential for noise and disturbance during the construction process. A planning condition has therefore been recommended requiring the submission of a Construction Management Plan (CMP). The CMP contains good practice measures to limit the disturbance and inconvenience that may arise when building works are undertaken. With regard to potential for noise and disturbance following the completion of the development, it is considered that this would be no greater than would normally be expected in a residential area and is likely to be considerably less than that generated by a farmstead operating at normal capacity.
- 16.11 For the reasons given above, it is considered that the proposed development would not have a significant adverse effect on the living conditions of the neighbouring residential properties. In view of this, the proposed development is not considered to conflict with DP1 or Paragraph 17 of the Framework insofar as they seek to secure a good standard of amenity for all occupants of land and buildings

Landscape and Trees

- 16.12 CS policy ENV1 states that the Borough Council will conserve and enhance Colchester's natural and historic environment, countryside and coastline. Central Government guidance on conserving the natural environment is set out in section 11 of the Framework.
- 16.13 A Tree Survey and Report has been undertaken as a part of the current application submission. The survey identifies nine individual trees and three groups of trees. With the exception of a single lime tree (T2), which is located adjacent to but outside the application site boundary, all of the trees are classified as class C (trees that should not constrain development) or Class U (unsuitable for retention). The submitted application proposes the removal of the Category C and U trees. The Council's Tree Officer has confirmed that he is in agreement with the conclusions of the submitted Tree Report and has no objection to the removal of the identified trees.
- 16.14 Landscaping is a reserved matter and, as such, a detailed landscaping scheme has not been submitted as a part of this application. The submitted illustrative layout does however show the removal and replanting of the hedgerow to Nayland Road. The removal of the hedge is a requirement for a visibility splay of the improved access. The Landscape Officer has confirmed that he does not have an objection to this planning application.
- 16.15 It is considered that the application site does not contain any landscape features of significant interest and the redevelopment of this site provides the potential for landscape enhancement. The proposal is therefore considered to accord with adopted local plan policies and national policy guidance.

Open Space

- 16.16 CS Policy PR1 states that the Council aims to provide a network of open spaces, sports facilities and recreational opportunities that meet local community needs. DP16 sets out requirements in respect of private amenity space (gardens sizes) and states that all new residential development will be expected to provide new public areas of accessible strategic or local open space.
- 16.17 The Provision of Open Space, Sport and Recreational Facilities SPD was adopted in 2006 and sets out the approach to assessing the quantity of open space to be provided as part of new developments.
- 16.18 The provision of private amenity space is a fundamental component of good design; however as an outline application the precise configuration of the required private gardens will need to be determined through the submission of reserved matters application.
- 16.19 With regard to the provision of public open space, DP 16 requires all new residential development to provide new public areas of accessible open space and as a guideline this should equate to at least 10% of the gross site area. The Illustrative layout shows an area of public open space and to ensure that this is secured, it is recommended that a condition is attached requiring a minimum of 10% of the site area is provided as public open space. A contribution for the Provision of Open Space, Sport and Recreational Facilities has been requested by the Development Team. This contribution is to mitigate the impact of the development in local and strategic facilities. Should the developer ultimately decide to provide a Locally Equipped Play Area on-site and maintain the open space and play equipment through a management company, then the requirement to provide a financial contribution for local recreational facilities will not be required.

Ecology and Biodiversity

- 16.20 CS policy ENV1 and policy DP21 seek to conserve or enhance biodiversity of the Borough. Policy DP 21 places stringent requirements on supporting ecological information being provided to demonstrate the degree of impact or harm (especially in relation to designated sites or species), the associated mitigation measures and measures to enhance biodiversity.
- 16.21 The Framework states that the planning system should contribute to and enhance the natural and local environment by minimising impacts on biodiversity. Government Circular 06/2005 „Biodiversity and Geological Conservation – Statutory obligations and their impact within the planning system” states in paragraph 99: “It is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision.”

- 16.22 The application is supported by a Preliminary Ecological Appraisal (PEA). The purpose of the appraisal is to determine whether or not there are any implications relating to legally protected species or otherwise significant wildlife arising from the proposed development of the site. The report notes that existing trees, hedgerows and some of the buildings provide a potentially suitable habitat for nesting birds. In respect of birds the report goes on to state that the biological data search revealed no records for birds within one kilometre of the site but notes that this is down to a lack of recording rather than a genuine absence of birds. The PEA identifies a number of potentially suitable bat roost features and recommends that further survey work is undertaken to establish whether bats are present on site. With regard to other protected species the report notes that the site and/or its surrounds do not provide an appropriate habitat for reptiles or dormice, that the lack of nearby ponds means that Great Crested Newts are not likely to utilise the site and that no field signs of Badgers were found.
- 16.23 An objection has been raised by a local resident (which was also highlighted by MCC) in respect of the conclusions of the PEA, particularly in relation to presence of birds Species of Principal Importance in England (SPIE). The local residents notes that Skylarks and Yellowhammers are found on the adjacent fields and hedgerows and that House Sparrows and Starlings (listed as SPIE as well as Red Listed) and Fieldfare and Redwings (Red Listed) have been seen in local gardens.
- 16.24 In the light of the above objection, further clarification has been sought from the applicant's ecological consultant. The consultant has advised that significance in species, within the planning system, is indicated in two main ways: species with legal protection under European or UK legislation; and Species of Principal Importance in England (SPIE). Other reasons for considering a species to be significant can also include inclusion in another published document (such as the Birds of Conservation Concern Red List or other Red Data lists). Under European and UK legislation, individual birds and their nests receive protection. In addition to this it is also important to consider impacts in relation to populations, either local or national. The consultant has explained Redwing and Fieldfare referred to in the objection letter are only ever recorded as passage and wintering species in Essex; their Red List status is based upon the very few pairs that breed in Scotland. The consultant notes that several of other bird species are mentioned as occurring outside of the application site; the sighting of birds outside the application site is not considered to have a direct bearing on the assessment of impacts for the Chapman's Farm site. The consultant goes on to state that, of the species mentioned, House Sparrow, Starling and Song Thrush are the only ones that could be of real relevance to the ecological assessment and these are referred to in the original report. It is considered that whilst these birds are present, the site in question is not likely to be of significant importance to them. All three species remain relatively widespread in suitable habitat in Essex (despite the very real declines that they have experienced) and it would take exceptional populations to be present for any different conclusion to be reached. Given the above, and in the light of the government guidance which states that ecological survey work should only be required where there is a reasonable likelihood of the species being present and affected by the development, it is not considered reasonable for the applicant to undertake further bird surveys at this site. That said, the importance of birds is not to be understated and a condition is recommended in respect of ecological mitigation and enhancement.
- 16.25 As noted above, the PEA refer to the site containing potentially suitable bat roost features and recommended that further survey work is undertaken to establish

whether bats are present or not. Additional survey work has been undertaken and these surveys indicate the presence of a small summer roost of Common Pipistrelle (*Pipistrellus pipistrellus*) in the Granary. The consultant report states that, being a small, non-maternity roost of a common and widespread species, the bat roost in the Granary at Chapmans Farm is of relatively low conservation significance and, as such, there should not be an objection to its loss (although a Licence will be required for this work). In order to compensate for the loss of the roost, the report recommends that that new roosting opportunities are provided as a part of the redevelopment of the site (for example, by the installation of 'bat tubes' within external walls) along with the post monitoring of their use. A condition to this effect has been recommended.

- 16.26 For the reasons given above, it is considered that the proposed redevelopment of this site will not have a significantly adverse effect on features and/or species of ecological importance and that any impact can be suitably mitigated through ecological enhancement measures. The application is therefore considered to accord with the aforementioned local plan policies and national policy guidance.

Transport and Accessibility

- 16.27 CS policy TA1 seeks to improve accessibility and change travel behaviour as part of a comprehensive transport strategy. Policy TA2 promotes walking and cycling as an integral part of sustainable means of transport. Policy TA4 seeks to manage the demand for car. Policy DP17 states that all developments should seek to enhance accessibility for sustainable modes of transport by giving priority to pedestrians, cycling and public transport access. Paragraphs 29 to 41 of the Framework provide guidance on transportation matters, including that application should only be refused on highway grounds if the impact (on safety or capacity) is severe.
- 16.28 The site has the benefit of an existing long term access onto the A134 and it is proposed to improve this access as a part of the redevelopment of this site.
- 16.29 The application is accompanied by a Transport Assessment (TA) and this report states that with the improvement of the access junction the proposed development will not have a detrimental impact on highway safety or capacity. The Highway Authority has confirmed that they are in agreement with the conclusions of this report. The TA states that the submitted highway proposals have been drawn-up considering the current road layout and traffic levels. However, the TA goes on to note that, as a part of the NGAUE development, the A134 is to be diverted and section of the Nayland Road that currently serves Chapman's Farm is to be closed to through traffic. The TA explains that future traffic flows on this section of the Nayland Road will be greatly reduced and, as a consequence of this, the access road as proposed will be over engineered. Mersea Homes (the lead developers of the NGAUE development) have started work on constructing the new (diverted) section of the A134 and have advised that this work is scheduled for completion by March 2016. Given that a timeframe is known for the completion for the diverted section of the A134, a condition has been recommended that requires an alternative access design to be submitted that takes account of the wider remodelling of the local road network.

- 16.30 The submitted illustrative layout plan shows an insular development (i.e. one that does not take the opportunity to connect to the adjacent sites). The layout of the residential estate to the east (Walnut Drive) was designed with the potential for creating an access to residential development on Chapman's Farm in mind. There is also the opportunity to link this site to the proposed residential (NGAUE) development to the north. Conditions have been proposed that secure the connectivity between these adjacent sites.
- 16.31 The concerns expressed by existing residents regarding noise and disturbance are noted. It is accepted that Walnut Drive is currently a quiet cul-de-sac with no through traffic. It is however clear from the road layout that the intention was always to create a connection between this site and the adjacent Chapman's Farm site (when the latter came forward for development). As Members will be aware, the successful integration of new development with their surrounding is an important design objective. The proposal to create linkages to adjacent sites also accords with the principle that development should promote safe local routes by making places that connect appropriately with one another. It is not considered that the creation of a pedestrian / cycle link between Walnut Drive and the Chapman's Farm site will result in excessive noise and disturbance for existing residents,
- 16.32 The Framework and local planning policies make clear that travel plans are an important tool in the delivery of sustainable transport objectives and that they should be submitted alongside planning applications that are likely to have significant transport implications. A condition has been recommended in respect of travel plans.
- 16.33 The redevelopment of the Chapman's Farm is not considered to create a severe impact on the local highway either in terms of highway safety or capacity and accords with planning policies which seek to improve accessibility and changes in travel behaviour.

Parking

- 16.34 Policy TA5 of the Core Strategy refers to parking and states that development proposals should manage parking to accord with the accessibility of the location and to ensure people friendly street environments. Policy DP19 states that the Council will refer developers to the Essex Planning Officers Association (EPOA) Vehicle Parking Standards which was adopted by Colchester Borough Council as a Supplementary Planning Document (SPD) in November 2009
- 16.35 Parking is a fundamental component of the design of a development and achieving the correct parking response is integral to the character and functionality of streets. However, this is an outline application and the parking arrangements for this development will need to be determined by the submission of Reserved Matters applications.

Flood risk

- 16.36 CS policy ENV1 sets out the strategic policy approach to safeguard people and property from the risk of flooding. ENV1 seeks to direct new development towards sites with the lowest risk from flooding and promotes the use of flood mitigation measures (SUDS) to help manage risk.. Policy DP20 supports development proposals that include flood mitigation/ attenuation measures as well as flood resilience measures. This policy also promotes the use of appropriate sustainable drainage particularly on greenfield sites.
- 16.37 The Framework considers flood risk using a sequential characterisation of risk, based on the Environment Agency Flood Maps. The Framework requires a detailed flood risk assessment to be produced for all development located within a flood zone and/or that are greater than 1 hectare in area. The application site is situated outside an identified flood zone and the site is under 1hec is size. Given this there is no requirement for Flood Risk Assessment to the submitted in support of this application.
- 16.38 The concerns raised by local residents are noted. It is however considered that with a suitable sustainable drainage scheme there is no reason why development on the site should exacerbate existing off-site surface water drainage problems.

Contamination

- 16.39 Development Plan Policy DP1 requires all development to avoid unacceptable environmental impacts; part (vi) requires the appropriate remediation of contaminated land. The support text to this policy notes that Colchester's approach to dealing with the development of land that could be contaminated is set out in 'Land Affected by Contamination: Technical Guidance for Applicants and Developers, 2nd Edition'
- 16.40 Environmental Control has not raised an objection, subject to the attachment of the standard conditions.

16.0 Conclusion

- 16.1 The proposed development is in conformity with the adopted local plan and no material planning considerations are identified that are not capable of appropriate mitigation through the use of planning conditions and contributions under s.106 of the Act. Approval is consequently recommended.

17.0 Recommendation

- 17.1 APPROVE subject to the signing of a legal agreement under Section 106 of the Town and Country Planning Act 1990 within 6 months from the date of the Committee meeting. In the event that the legal agreement is not signed within 6 months, to delegate authority to the Head of Commercial Services to refuse the application, or otherwise to be authorised to complete the agreement to provide the following:

- *Affordable Housing (20%)*
- *Open Space, Recreation and Sports Contribution - £171,130*
- *Community Facilities Contributions - £41,000*

17.2 On completion of the legal agreement, the Head of Service be authorised to grant planning permission subject to the following conditions:

18.0 Conditions

1 - *Time Limit for Outline Permissions Part 1 of 3

No development shall be commenced until plans and particulars of the reserved matters referred to in the below conditions relating to the appearance, landscaping, layout (which shall indicate footpath / cycle connections to adjacent sites) and scale have been submitted to and agreed, in writing, by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: The application as submitted does not provide sufficient particulars for consideration of these details.

2 - Time Limit for Outline Permissions Part 2 of 3

Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

Reason: To comply with the requirements of Section 92 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

3 - Time Limit for Outline Permissions Part 2 of 3

The development hereby permitted shall be begun before the expiration of two years from the date of approval of the last of the reserved matters to be approved.

Reason: To comply with the requirements of Section 92 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

4 - Non-Standard Condition/Reason

The development hereby permitted authorises the erection of a maximum of 27 dwellings.

Reason: For the avoidance of doubt as to the scope of this permission.

5 - Non-Standard Condition/Reason

The permission hereby permitted expressly excludes the residential development layout as shown on drawing no. 773/01/a by Tim Snow Architects received on 19 March 2015.

Reason: The residential layout does not provide a high quality design solution that will successfully integrate new development with its surrounding context.

Drainage

6 - Non-Standard Condition/Reason

No development shall commence until drainage plans for the disposal of foul sewage have been submitted to and approved in writing by the local planning authority. No dwelling shall be occupied until all the works necessary have been implemented in accordance with the approved details.

Reason: In order to avoid unnecessary environmental, amenity and public health problems that could otherwise arise.

7 -Non-Standard Condition/Reason

No development shall take place until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the Local Planning Authority. The drainage strategy should demonstrate the surface water run-off rates in the 1 in 1 year, 1 in 30 year and 1 in 100 year rainfall events including climate change will not exceed the run-off from the undeveloped site following the corresponding rainfall event. No dwelling shall be occupied until all the works necessary in respect of that phase have been implemented in accordance with the approved details.

Reason: To prevent environmental and amenity problems arising from flooding.

8 - Non-Standard Condition/Reason

No hard standing areas shall be constructed until the works have been carried out in accordance with the surface water drainage scheme unless otherwise agreed in writing by the Local Planning Authority.

Reason: To prevent environmental and amenity problems arising from flooding.

Trees and Landscaping

9 - Tree and Natural Feature Protection: Protected Areas

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

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

10 - Tree and Hedgerow Protection: General

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

11 - Non-Standard Condition/Reason

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.

12 - Non-Standard Condition/Reason

The public open space shall be a minimum of 10% of the gross application site area (0.95 hectares) and shall be provided as a single space unless otherwise agreed in writing by the Local Planning Authority.

Reason: For the avoidance of doubt as to the scope of this permission.

13 - Non-Standard Condition/Reason

No works shall take place until full details of all landscape works have been submitted to and agreed, in writing, by the Local Planning Authority and the works shall be carried out prior to the occupation of any part of the development unless an alternative implementation programme is subsequently agreed, in writing, by the Local Planning Authority. The submitted landscape details shall include:

- PROPOSED FINISHED LEVELS OR CONTOURS;
- MEANS OF ENCLOSURE;
- CAR PARKING LAYOUTS;
- OTHER VEHICLE AND PEDESTRIAN ACCESS AND CIRCULATION AREAS;
- HARD SURFACING MATERIALS;
- MINOR ARTEFACTS AND STRUCTURES (E.G. FURNITURE,, REFUSE OR OTHER STORAGE UNITS, SIGNS, LIGHTING ETC.);
- PROPOSED AND EXISTING FUNCTIONAL SERVICES ABOVE AND BELOW GROUND (E.G. DRAINAGE POWER, COMMUNICATIONS CABLES, PIPELINES ETC. INDICATING LINES, MANHOLES, SUPPORTS ETC.);
- PLANTING PLANS;
- WRITTEN SPECIFICATIONS (INCLUDING CULTIVATION AND OTHER OPERATIONS ASSOCIATED WITH PLANT AND GRASS ESTABLISHMENT);
- SCHEDULES OF PLANTS, NOTING SPECIES, PLANT SIZES AND PROPOSED NUMBERS/DENSITIES WHERE APPROPRIATE; AND
- IMPLEMENTATION TIMETABLES AND MONITORING PROGRAMS.
- Reason: To ensure that there is a suitable landscape proposal to be implemented at the site for the enjoyment of future users and also to satisfactorily integrate the development within its surrounding context in the interest of visual amenity.

14 - Landscape Management Plan

Prior to the first occupation of the development, a landscape management plan including long term design objectives, management responsibilities and maintenance schedules for all landscape areas other than small, privately owned, domestic gardens shall be submitted to and agreed, in writing, by the Local Planning Authority. The landscape management plan shall thereafter be carried out as approved at all times.

Reason: To ensure the proper management and maintenance of the approved landscaping in the interests of amenity and the character and appearance of the area.

Nature Conservation

15 - Non-Standard Condition/Reason

Prior to the commencement of the development hereby permitted, details of the provision, siting, surface treatment of all children's playspace together with details of the equipment to be provided and a timetable for the provision of the facility shall have previously been submitted to and agreed, in writing, by the Local Planning Authority. The approved details shall be provided in their entirety and be made available for use in accordance with the agreed timetable and thereafter retained for public use.

Reason: In order to ensure that there is satisfactory play space provision within the development.

16 - Non-Standard Condition/Reason

All works (including demolition) shall be carried out in accordance with the mitigation works as set out in the Bat Survey dated July 2015 prepared by Essex Ecology Services Ltd. If any works of demolition take place after July 2017 a new bat survey and mitigation strategy shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that any works of development or enabling works (such as demolition) do not have an impact on bats.

Highways, Transportation and Travel Plans

17 - Non-Standard Condition/Reason

No works shall commence on site until details of bat roosting and bird nesting opportunities (in particular for species such as house sparrow, starling, swift, swallow and house martin) to be provided within buildings and elsewhere on-site shall be submitted to, and approved in writing by the local planning authority. The details shall show the number and specification of the bird nesting and bat roosting features and where they shall be located, a timetable for implementation and post monitoring details. The details shall be carried out in accordance with the approved details and timetable and thereafter retained.

Reason: To ensure that there is appropriate mitigation for any ecological interest on the site and to ensure that long term management of the proposed mitigation works.

18 - Non-Standard Condition/Reason

Notwithstanding the details shown on drawing no. 773/01/a, no works shall commence on site until an alternative design for the access junction onto Nayland Road which co-ordinates with the proposals for the diversion of the A134 have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the agreed amended details.

Reason: To secure a more appropriate design of junction in the interest of highway safety and the efficient operation of the highway network.

19 - Non-Standard Condition/Reason

No development shall commence until a scheme (including an implementation timetable) for the following Footway and Cycle Links have been submitted to and agreed in writing by the Local Planning Authority:

- i. A Footway/Cycle Link between the application site and Walnut Drive; and
- ii. A Footway / cycle link between the application site and the land to the north of the site.

The development shall be carried out in accordance with the approved details and timetable and thereafter retained unless otherwise agreed in writing with the Local Planning Authority.

Reason: In the interests of the highway safety and in order to promote walking and cycling and limit reliance on the private car.

20 - Non-Standard Condition/Reason

On the first occupation of each dwelling, the residents shall be provided with Travel Packs, the contents of which shall previously have been agreed in writing by the Local Planning Authority, in consultation with Essex County Council.

Reason: To ensure that a development takes place which exploits opportunities for the use of sustainable transport modes for the movement of goods and people.

Contaminated Land

21 - Contaminated Land Part 1 of 4 (Site Characterisation)

No works shall take place until an investigation and risk assessment, in addition to any assessment provided with the planning application, has been completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval, in writing, of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

- (i) a survey of the extent, scale and nature of contamination, including contamination by soil gas and asbestos;
- (ii) an assessment of the potential risks to:
 - human health,
 - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
 - adjoining land,
 - groundwaters and surface waters,
 - ecological systems,

archaeological sites and ancient monuments;

- (iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Land Contamination, CLR 11" and the Essex Contaminated Land Consortium's "Land Affected by Contamination: Technical Guidance for Applicants and Developers".

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors

22 - Contaminated Land Part 2 of 4 (Submission of Remediation Scheme)

No works shall take place until a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment has been prepared and then submitted to and agreed, in writing, by the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors

23 - Contaminated Land Pt. 3 of 4 (Implementation of Approved Remediation)

No works shall take place other than that required to carry out remediation, the approved remediation scheme must be carried out in accordance with the details approved. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works. Following completion of measures identified in the approved remediation scheme, a verification/validation report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors

24 - Contaminated Land Part 4 of 4 (Reporting of Unexpected Contamination)

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition 21, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition INSERT 22, which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition 23.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors

Construction Management, Noise and Lighting

25 - Non-Standard Condition/Reason

No development shall take place on any part of the development unless and until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. The Construction Management Plan shall include and specify provision to be made for the following:

- i. overall strategy for managing environmental impacts which arise during construction;
- ii. measures to control the emission of dust and dirt during construction;
- iii. control of noise emanating from the site during the construction period;
- iv. hours of construction work for the development;
- v. publicity of a contact number where complaints can be lodged with a responsible member of the construction team and a published protocol for response;
- vi location, scale and appearance of contractors' compounds, materials storage and other storage arrangements, for cranes and plant, equipment and related temporary infrastructure;
- vi. designation, layout and design of construction access and egress points;
- vii. directional signage (on and off site);
- viii. provision for all site operatives, visitors and construction vehicles loading and unloading plant and materials
- ix. Provision for all site operatives, visitors and construction vehicles for parking and turning within the site during the construction period;
- x. Details of measures to prevent mud and other such material migrating onto the highway from construction vehicle and
- xi. enclosure of the development site and the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate.

The approved Construction Management Plan shall be adhered to throughout the construction periods and the approved measures shall be retained for the duration of the construction works.

Reason: In the interests of protecting the amenities of local residents.

26 - *Light Pollution for Minor Development

Any lighting of the development (including resultant sky glow, light trespass, source intensity and building luminance) shall fully comply with the figures and advice specified in the CBC External Artificial Lighting Planning Guidance Note for ZONE EZ2 RURAL, SMALL VILLAGE OR DARK URBAN AREAS.

Reason: In order to safeguard the amenity of the surrounding area by preventing the undesirable, disruptive and disturbing effects of light pollution.

19.0 Informatives

(1) **ZT0 – Advisory Note on Construction & Demolition**

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

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

(3) **ZTA - Informative on Conditions Stating Prior to Commencement/Occupation**

PLEASE NOTE that this permission contains a condition precedent that requires details to be agreed and/or activity to be undertaken either before you commence the development or before you occupy the development. This is of critical importance. If you do not comply with the condition precedent you may invalidate this permission. Please pay particular attention to these requirements.

(4) Anglian Water has assets close to or crossing this site or there are assets subject to an adoption agreement. The site layout should therefore take this into account and accommodate the assets within either prospectively adoptable highway or public open space. If this is not practical then the sewers will need to be diverted at the developers' cost under section 185 of the Water Industry Act 1991. It should be noted that the diversion works should normally be completed before commencement of development.

20.0 Positivity Statement

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

7.2 Case Officer: Alistair Day

Due Date: 12/11/2015

MAJOR

Site: Old Police Station, 37 Queen Street, Colchester, CO1 2PQ

Application No: 151660

Date Received: 13 August 2015

Agent: Mr Robert Sakula, Ash Sakula Architects

Applicant: Mrs Teresa Hogsbjerg, CBC

Development: Application for the removal of condition 3 & 4 of planning permission 122272.

Ward: Castle

Summary of Recommendation: Approval

1.0 Reason for Referral to the Planning Committee

- 1.1 This application has been referred to the Planning Committee because the Council is the applicant.

2.0 Synopsis

- 2.1 The key issues explored below whether the removal of condition 3 and 4 (relating to requirement BREEAM accreditation) would have a significant detrimental impact on the scheme previously approved by Members.

3.0 Site Description and Context

- 3.1 The application site is located on the east side of Queen Street in the St Botolph's area of Colchester town centre.
- 3.2 37 Queen Street dates from the mid-eighteenth Century. It comprises a three storey red brick building. The front elevation has 7 large sliding sash windows set in a 3:1:3 arrangement with a further one window extension on the north end. To the rear of the building on the north side is a large annex now subdivided into three storeys; on south side of the rear elevation is a single storey wing. A run of modern garages form the rear (east) boundary of the site.
- 3.3 In the mid-eighteenth century 37 Queen Street was used as a Soldiers' Institution. The rear annexe was a canteen and was probably a single space internally. The building was converted in 1940 into Colchester's Police Station; the cell block wing and the upper floors of the annexe probably date from that time. More recently the building was used as a public house.

- 3.4 37 Queen Street, Colchester is a Grade II listed building located within the Colchester Town Centre Conservation Area, designated in 1968. Its immediate neighbours to north and south, numbers 35 and 39 Queen Street, are also Grade II listed.
- 3.5 St Botolphs quarter is in the process of transformation. Firstsite is located nearby and 15 Queen Street has become an important cultural hub. The former bus station and St James House and Roman House are proposed for redevelopment

.4.0 Description of the Proposal

- 4.1 The application seeks planning permission to remove conditions 3 and 4 of planning approval 122272. Conditions 3 & 4 require the development to achieve BREEAM accreditation.

5.0 Land Use Allocation

- 5.1 Mixed Use & Regeneration Area

6.0 Relevant Planning History

- 6.1 Planning application 122272 approved for the change of use of 37 Queen Street to form a creative business centre. Listed building consent was also granted for the alteration works to facilitate the change of use of the building (122273).
- 6.2 The site has received a number of applications in the past; however none are of particular significance to this application.

7.0 Principal Policies

- 7.1 The National Planning Policy Framework 2012 (the framework) sets out the national planning principles that guide the decision making process and how these are expected to be applied in practice. The framework makes it clear that planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. The framework also sets out the Governments primary objective that there be “a presumption in favour of sustainable development”. There are three dimensions to sustainable development, which are an economic role, a social role and environmental role. The framework clarifies that these roles should not be undertaken in isolation, because they are mutually dependent.
- 7.2 Continuing the themes of the framework, the adopted Colchester Borough Core Strategy (December 2008) adds detail through local strategic policies. Particular to this application, the following policies are most relevant:

SD1 - Sustainable Development Locations
CE1 - Centres and Employment Classification and Hierarchy
CE2a - Town Centre
UR1 - Regeneration Areas
UR2 - Built Design and Character
PR2 - People-friendly Streets
TA1 - Accessibility and Changing Travel Behaviour
TA2 - Walking and Cycling

TA3 - Public Transport
TA4 - Roads and Traffic
TA5 - Parking
ENV1 - Environment
ER1 - Energy, Resources, Waste, Water and Recycling

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

DP1 Design and Amenity
DP6 Colchester Town Centre Uses
DP7 Local Centres and Individual Shops
DP14 Historic Environment Assets
DP17 Accessibility and Access
DP18 Transport Infrastructure Proposals
DP19 Parking Standards
DP25 Renewable Energy

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

SA TC1 Appropriate Uses within the Town Centre and North Station Regeneration Area

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

Vehicle Parking Standards
Sustainable Construction
External Materials in New Developments
Shopfront Design Guide
Cycling Delivery Strategy

8.0 Consultations

- 8.1 None received.

9.0 Parish Council Response

- 9.1 The Town Centre is not parished. No ward members have called the item in or commented.

10.0 Representations

- 10.1 None received at the time of writing this report

11.0 Parking Provision

- 11.1 The parking arrangements agreed under application 122272 are not affected by this application submission.

12.0 Open Space Provisions

12.1 N/a

13.0 Air Quality

13.1 The site affects an Air Quality Management Area. It is not considered that the application will generate any significant impacts upon the town centre air quality zone.

14.0 Development Team and Planning Obligations

14.1 This application 122272 was considered by the Development Team as it was classed as a “Major” application. The Development Team resolved that it was not necessary to seek any planning obligations to mitigate the potential impact of this development proposal.

15.0 Report

15.1 Planning permission (ref 122272) was granted in 2012 for the change of use of 37 Queen Street from a public house (Use Class A4) to a creative business centre. The centre is intended to provide space for hot-desking, start-up companies, social enterprises, business incubation, grow-on space and SME anchor tenants. Exhibition and showcase spaces, meeting spaces and a café were also to be provided as a part of this application.

15.2 The planning approval 122272 was subject to variation conditions. Condition 3 and 4 of this approval require the development to be registered and achieve a BREEAM accreditation. (The BREEAM is a sustainability accreditation scheme for non-residential buildings and thus similar to the now defunct Code for Sustainable Homes).

. 15.3 At the time of the submission of the planning application for the change of use to a creative business centre, a section of funding was being sought from the European Union and this funding was reliant upon the scheme achieving a BREEAM ‘Very Good’ certification. Conditions 3 and 4 were therefore attached to planning permission to reflect this requirement. This funding sources has however been withdrawn due to the economic challenges and a new a funding stream has had to be found to enable the implementation of this proposal. As a consequence of this, it is now longer necessary for this development to gain a BREEAM accreditation.

15.4 The requirement to register this scheme for BREEAM accreditation and the additional works needed to achieve a ‘very good’ rating has had an impact on the scheme’s viability (particularly now the original funding stream has been withdrawn). The removal of BREEAM conditions will generate a financial saving and this will be of great assistance in bringing the project to fruition. Given this, and the fact that a project of this scale would not normally be required to be registered for BREEAM accreditation, the request to remove conditions 3 and 4 is considered acceptable.

16.0 Conclusion

- 16.1 The removal of the BREEAM conditions (condition 3 and 4) will enable the conversion of this building to a Creative Business Centre. This proposal will not only bring this historically important building back into full re-use but will act a catalyst for further investment into this part of the town centre and have a positive benefit to the local economy, particularly in terms of employment generation.

17.0 Recommendation

- 17.1 It is recommended that this application is approved subject to the conditions set out below.

18.0 Conditions

1 - Time Limit for Full Permissions

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

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

2 - *Development to Accord With Approved Plans

The development hereby permitted shall be carried out in accordance with the details shown on the submitted Drawing Numbers POL/201 A3 POL/202 3 / A, POL/203 A3, POL/204 A3, POL/205 A3, POL/301 A3 / A, POL/302 A3 / A, POL/303 A3 / A, POL/304 A3, POL/305 A3 / A, POL/306 A3, POL/307 A3, POL/308 A3, unless otherwise subsequently agreed, in writing, by the Local Planning Authority.

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

3 - Non-Standard Condition/Reason

Deleted

4 - Non-Standard Condition/Reason

deleted

5 - Non-Standard Condition/Reason

Notwithstanding the details submitted, no works shall take place until additional drawings that show details of the proposed new windows, doors, cills and arches, photovoltaic panels and ventilation cowl to be used, by section and elevation, at scales between 1:20 and 1:1, as appropriate, shall be submitted to and approved, in writing, by the Local Planning Authority. The development shall thereafter be implemented in accordance with the approved additional drawings.

Reason: There is insufficient detail with regard to this to ensure that the special interest of this building is properly protected.

6 - Non-Standard Condition/Reason

All external joinery shall be of painted timber (unless otherwise specifically stated on the approved drawings), the colour of which shall have previously been agreed in writing by the Local Planning Authority. The development shall be carried out in accordance with the agreed details.

Reason: To protect the special interest and integrity of the building and character and appearance of this part of the town centre conservation area.

7 -Non-Standard Condition/Reason

All existing sash windows shall be retained and repaired where necessary unless otherwise agreed, in writing, by the Local Planning Authority. Any replacement windows shall match exactly the details and moulding profile of these windows. Any surviving historic glass shall be carefully salvaged and reused. Any existing windows which are replaced by agreement with the Local Planning Authority shall be retained on site for inspection by representatives of the Local Planning Authority prior to the new windows being installed.

Reason: To protect the special character and architectural interest and integrity of the building and character and appearance of this part of the town centre conservation area.

8 - Non-Standard Condition/Reason

Prior to the commencement of development, a scheme that enables disabled access from the first to the second floor of the building (in a manner that does not have a detrimental impact on special interest of this building) shall be submitted to and approved in writing by the Local Planning Authority. The agreed scheme shall be implemented prior to the second floor being brought into use for the use hereby permitted.

Reason: To ensure that the building is fully accessible by users of this building.

9 - Non-Standard Condition/Reason

Prior to the commencement of development, there shall have been submitted to and approved, in writing, by the Local Planning Authority a scheme of hard and soft landscaping works, which shall include any proposed changes in ground levels and the details of any hard or soft surface finishes and external works, which shall comply with the recommendations set out in the relevant British Standards current at the time of submission.

Reason: In order to ensure that there is a sufficient landscaping scheme for the relatively small scale of this development where there are public areas to be laid out but there is insufficient detail within the submitted application.

10 - Non-Standard Condition/Reason

All changes in ground levels and hard and soft landscaping shall be carried out prior to the first occupation of the development hereby permitted by this permission. Any trees or shrubs which, within a period of 5 years of being planted die, are removed or seriously damaged or seriously diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority agrees, in writing, to a variation of the previously approved details.

Reason: In order to ensure that there is a sufficient landscaping scheme for the development where there is insufficient detail within the submitted application.

11 - Non-Standard Condition/Reason

No works shall take place, until a Construction Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

- i. the parking of vehicles of site operatives and visitors
- ii. loading and unloading of plant and materials
- iii. storage of plant and materials used in constructing the development
- iv. hours of operations
- v. wheel washing facilities (if required)
- vi. measures to control the emission of dust and dirt during construction
- vii. a scheme for recycling/disposing of waste resulting from demolition and construction works

Reason: To ensure the development hereby permitted is not detrimental to the amenity of the surrounding area.

12 - Non-Standard Condition/Reason

In the event that contamination is found at any time when carrying out the approved development it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Land Contamination, LR 11" and the Essex Contaminated Land Consortium's "Land Affected by Contamination: Technical Guidance for Applicants and Developers". Where necessary a remediation scheme shall be submitted to and approved by the Local Planning Authority which will ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation. Following completion of measures identified in the approved remediation scheme, a verification/validation report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

13 - Non-Standard Condition/Reason

Prior to the first use of the development hereby permitted, control measures shall be installed in accordance with a scheme for the control of fumes, smells and odours that shall have been previously submitted to, and agreed in writing by, the Local Planning Authority. This scheme shall be in accordance with Colchester Borough Council's Guidance Note for Odour Extraction and Control Systems. Such control measures as shall have been agreed shall thereafter be retained and maintained to the agreed specification and working order.

Reason: To ensure that there is a scheme for the control of fumes and odours in place so as to avoid unnecessary detrimental impacts on the surrounding area and/or neighbouring properties, as there is insufficient detail within the submitted application.

14 - Non-Standard Condition/Reason

Prior to the first use or occupation of the development as hereby permitted, a competent person shall have ensured that the rating level of noise emitted from the site's plant, equipment and machinery shall not exceed 0dBA above the background levels determined at all boundaries near to noise-sensitive premises. The assessment shall have been made in accordance with the current version of British Standard 4142 and confirmation of the findings of the assessment shall have been submitted to, and agreed in writing by, the Local Planning Authority and shall be adhered to thereafter.

Reason: To ensure that the development hereby permitted is not detrimental to the amenity of the surrounding area by reason of undue noise emission and/or unacceptable disturbance, as there is insufficient information within the submitted application.

15 - Non-Standard Condition/Reason

No music or amplified sound shall be played on the premises outside unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the development hereby permitted is not detrimental to the amenity of the surrounding area by reason of undue noise emission and/or unacceptable disturbance and for the avoidance of doubt as to the scope of this permission.

16 - Non-Standard Condition/Reason

Prior to the first occupation of the development, the refuse and recycling storage facilities as shown on the approved plans shall have been provided and made available to serve the development. Such facilities shall thereafter be retained to the satisfaction of the Local Planning Authority at all times.

Reason: To ensure that adequate facilities are provided for refuse and recycling storage and collection.

17 - Non-Standard Condition/Reason

Prior to the first occupation of the development, the refuse and recycling storage facilities as shown on the approved plans shall have been provided and made available to serve the development. Such facilities shall thereafter be retained to the satisfaction of the Local Planning Authority at all times.

Reason: To ensure that adequate facilities are provided for refuse and recycling storage and collection.

18 - Non-Standard Condition/Reason

Prior to the occupation of the development hereby the disabled parking spaces (5.5m deep x 3.4m wide) indicated on the approved plans, shall be marked out and made available for use to the satisfaction of the Local Planning Authority. The vehicle parking area shall be retained in this form at all times and shall not be used for any purpose other than the parking of vehicles that are related to the use of the development.

Reason: To ensure that the visitor spaces for the disabled are usable and are located in the most convenient position in the development.

19 - Non-Standard Condition/Reason

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

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

20 - Non-Standard Condition/Reason

The signage indicated on the drawings originally submitted is expressly excluded from the development hereby permitted.

Reason: For the avoidance of doubt as to the scope of the permission.

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

With the exception of conditions 3 and 4 of Planning Permission 122272 which are hereby removed, the requirements of all other conditions imposed upon planning permission 122272 remain in force and shall continue to apply to this permission, including the details and provisions of any approved matters discharging any condition(s) of that permission.

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

19.0 Informatives

(1) **ZT0 – Advisory Note on Construction & Demolition**

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

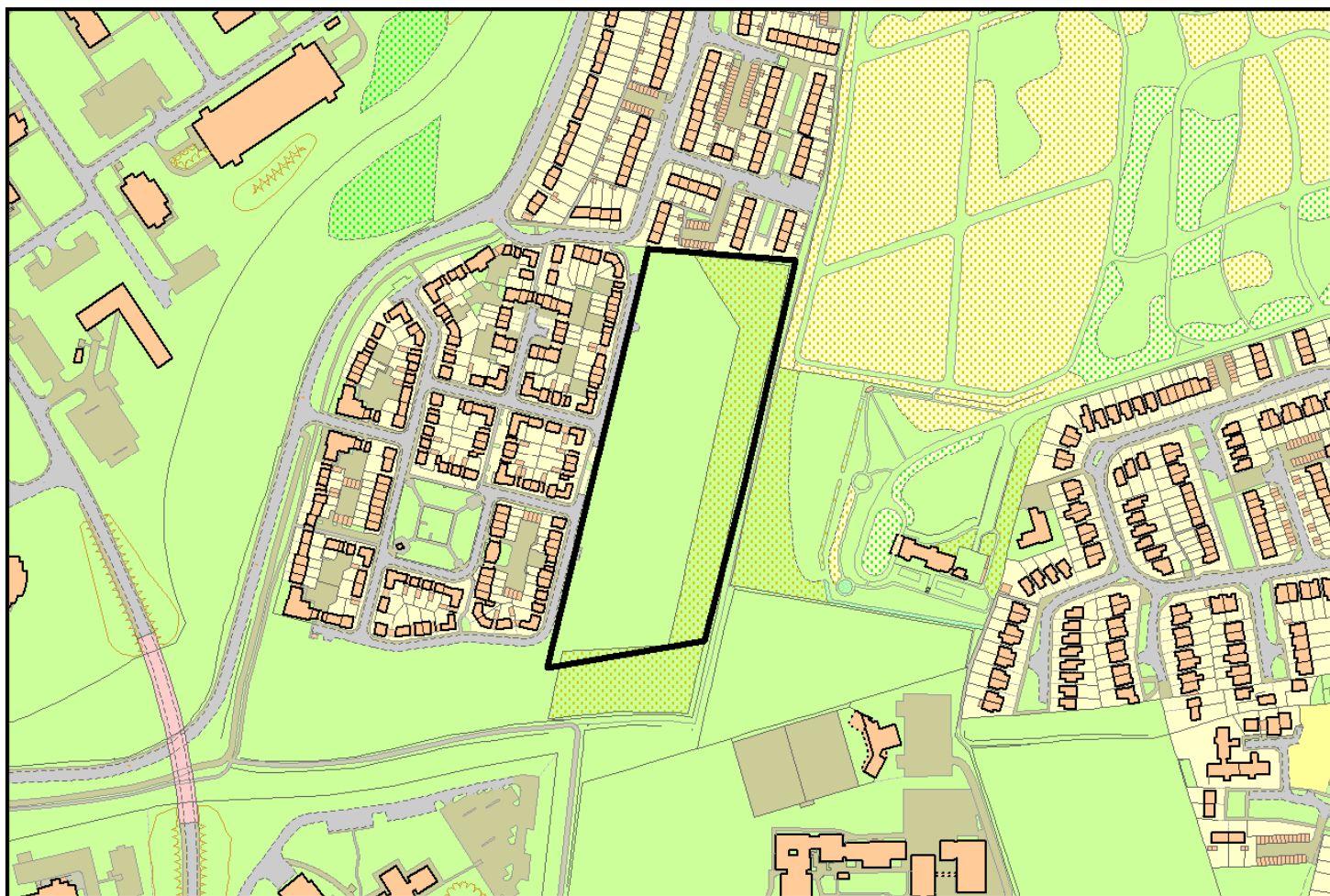
(2) All works affecting the highway should be carried out by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority and application for the necessary works should be made by initially telephoning 08456 037631.

(3) **ZTA - Informative on Conditions Stating Prior to Commencement/Occupation**

PLEASE NOTE that this permission contains a condition precedent that requires details to be agreed and/or activity to be undertaken either before you commence the development or before you occupy the development. This is of critical importance. If you do not comply with the condition precedent you may invalidate this permission. Please pay particular attention to these requirements.

20.0 Positivity Statement

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



Application No: 151978

Location: Valentinus Crescent, Colchester

Scale (approx): 1:2500

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7.3 Case Officer: Alistair Day Due Date: 03/12/2015

MAJOR

Site: **Valentinus Crescent, Colchester**

Application No: **151978**

Date Received: 3 September 2015

Agent: Mr Stephen Collis

Applicant: Colchester Borough Council

Development: Variation of condition 2 of planning permission 142439.

Ward: Berechurch

Summary of Recommendation: Conditional Approval

1.0 Reason for Referral to the Planning Committee

- 1.1 This application is referred to the Planning Committee because the applicant is Colchester Borough Council.

2.0 Synopsis

- 2.1 The key issues explored below are whether the variation of condition 2 of planning approval 142439 (amendment of the car park layout) will have a significant impact on the character and appearance of the area and/or amenity of nearby residents.

3.0 Site Description and Context

- 3.1 The application site is a rectangular shaped piece of land that extends to some 2.49 hectares. The land is relatively flat and is now mostly rough grassland with trees and vegetation along the north-eastern and eastern boundaries.
- 3.2 The site is located to the east of Valentinus Crescent, which forms part of the housing development built under the Garrison Urban Village planning approval. To the north of the site is an established residential housing estate. A public footpath bounds the eastern boundary of the site beyond which is Colchester Cemetery and Willow Allotment Gardens. To the south of the site is an area of woodland, which forms part of the Garrison Eastern Green Link.

4.0 Description of the Proposal

- 4.1 The application seeks permission to vary condition 2 of planning approval 142439.

5.0 Land Use Allocation

- 5.1 Cemetery Land, Green Link and Garrison Regeneration Area

6.0 Relevant Planning History

- 6.1 142439 - Change of use of the field to cemetery use, the creation of a vehicular access link from the existing cemetery to the application site, the formation of a car park for 20 vehicles and associated landscaping and boundary treatments - Approved

7.0 Principal Policies

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

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

SD1 - Sustainable Development Locations
SD2 - Delivering Facilities and Infrastructure
UR1 - Regeneration Areas
UR2 - Built Design and Character
PR1 - Open Space
PR2 - People-friendly Streets
TA1 - Accessibility and Changing Travel Behaviour
TA2 - Walking and Cycling
TA5 - Parking
ENV1 - Environment

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

DP1 Design and Amenity
DP15 Retention of Open Space and Indoor Sports Facilities
DP16 Private Amenity Space and Open Space Provision for New Residential Development
DP19 Parking Standards
DP20 Flood Risk and Management of Surface Water Drainage
DP21 Nature Conservation and Protected Lanes

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

SA GAR1 Development in the Garrison Area

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

Colchester Garrison Urban Village Master Plan (2002)
Colchester Garrison Development Brief (2002)

8.0 Consultations

- 8.1 Landscape Officer - No objection.
- 8.2 Tree Officer - No objection
- 8.3 Environmental Protection Team - No comments received at the time of writing this report
- 8.4 Highway Authority – No objection
- 8.5 Natural England – No comment

In addition to the details reported above, the full text of all consultation responses is available to view on the Council's website.

9.0 Parish Council Response

- 9.1 Not Parished

10.0 Representations

- 10.1 One letter of representation has been received to this application which is summarised below;

There is concern that there is vehicular access to the site via Valentinus Crescent and that visitors to the cemetery may want to use that access to attend burials and visit graves instead of using the main cemetery access from the Mersea Road. This would lead to additional parking in Valentinus Crescent and Secundus Drive as well as congestion in the roads of the Marlborough Place development. There is only one road into the estate and it would be busier with additional cars using Marlborough Place to access the cemetery. The same can be said for Gurdon Road.

Officer Comment: Planning permission for the cemetery extension was approved under application 142439. The current application relates to a variation of this planning approval and relates to an amendment to the layout of the proposed car parking only.

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

11.0 Parking Provision

- 11.1 No change to the number of parking spaces proposed.

12.0 Open Space Provisions

- 12.1 Not applicable

13.0 Air Quality

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

14.0 Development Team and Planning Obligations

- 14.1 The application relates to an amendment of a planning condition to application 142439 and does generate the need for any s106 planning obligations and/or a linking agreement.

15.0 Report

- 15.1 Planning permission was granted in 2014 for the change of use of the application site to cemetery use, the creation of a vehicular access link from the existing cemetery to the application site, the formation of a car park for 20 vehicles and associated landscaping and boundary treatments (ref 142439). The planning approval was subject to variation conditions, a number of which are in the process of being discharged. Condition 2 of the planning approval lists the approved drawings for this development.
- 15.2 This application seeks planning approval for the variation of condition 2 of planning permission 142439 to allow substitution of approved drawing 141 1155 nps dra01 Rev P3 with drawing no. 15.1827.01 D and 15.1827.02C. The amended drawings propose a revision to the layout of the proposed cemetery car park and its associated landscaping. The revised layout to the car park has been proposed so that a hearse and limousines cars can enter and exit site in forward gear without the need to undertake a 'three point' turn.
- 15.3 The amended car park layout provides the same number of spaces as that approved under application 142439. The landscaping proposals reflect the previously agreed principles and include a close boarded fence and planting of a hedge to the north boundary of the site. This is to help mitigate any potential impact on the amenity of the local residents that back onto the new car park. Both the Landscape Officer and Tree Officer have confirmed that they have no objection to the current application.
- 15.4 The access arrangements (pedestrian and vehicular) to the proposed car park from the existing cemetery remain unchanged from that approved under application 142439. The new access points are to be designed with a suitable visibility splay to minimise potential conflicts between those crossing and using the footpath. On the existing cemetery land, these works include the removal of a section of the boundary hedge and the realignment of railings; new 5.5m gates are also proposed. It is proposed to upgrade the public footpath so that it can accommodate vehicles at the crossover point. Access along the existing public footpath will be maintained and will continue through to the wider external network. Conditions are proposed requiring the formation of the visibility splays prior to the site coming into operation / use. The upgrading of the footpath to accommodate vehicular traffic will be subject to an agreement with the Highway Authority. The Highway Authority has re-confirmed that they do not have an objection to this proposal.

15.5 For the reasons set out above, it is considered that the proposed development would not have an adverse impact of the character and appearance of the area and would not have a detrimental impact on the amenity of nearby residents. The proposal is therefore considered to accord with the policies set out in the adopted local plan and the NPPF.

16.0 Conclusion

16.1 The submitted application is considered to accord with the relevant development plan policies and the guidance set out in the NPPF. The application is therefore recommended for approval.

17.0 Recommendation

17.1 It is recommended that this application is approved, subject to the conditions set out below.

18.0 Conditions

1 - Time Limit for Full Permissions

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

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

2 - *Development to Accord With Approved Plans

The development hereby permitted shall be carried out in accordance with the details shown on the submitted Drawing Numbers 15.1827.02Revc and 15.1827.01 rev d.

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

3 - Non-Standard Condition/Reason

In the event that contamination that was not previously identified is found at any time when carrying out the approved development, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of the Local Planning Authority and where remediation is necessary, a remediation scheme must be prepared, in accordance with the requirements of, and subject to the approval in writing of, the Local Planning Authority. Following completion of measures identified in the approved remediation scheme, a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with the approved remediation scheme. This must be conducted in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Land Contamination, CLR 11" and the Essex Contaminated Land Consortium's "Land Affected by Contamination: Technical Guidance for Applicants and Developers".

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

4 - Non-Standard Condition/Reason

Prior to their first use, any car parking and service areas shall be screened to minimise any noise impact on nearby residential premises and in such a manner so as to prevent nearby residential premises being affected by vehicle exhaust fumes in accordance with a scheme that shall previously have been submitted to, and agreed in writing by, the Local Planning Authority.

Reason: To ensure that there is adequate screening in place to limit any unnecessary fumes, noise and disturbance to the surrounding areas and/or residents from vehicles using these areas.

5 - Non-Standard Condition/Reason

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

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

6 - Non-Standard Condition/Reason

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

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

7 -Non-Standard Condition/Reason

No works or development shall be carried out until an Method Statement and Tree Protection Plan in accordance with BS 5837, have been submitted to and approved, in writing, by the Local Planning Authority (LPA). Unless otherwise agreed, the details shall include the retention of an Arboricultural Consultant to monitor and periodically report to the LPA, the status of all tree works, tree protection measures, and any other arboricultural issues arising during the course of development. The development shall then be carried out strictly in accordance with the approved method statement.

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

8 - Non-Standard Condition/Reason

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

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

9 - Non-Standard Condition/Reason

No works shall take place until full details of all landscape works have been submitted to and agreed, in writing, by the Local Planning Authority and the works shall be carried out prior to the occupation of any part of the development unless an alternative implementation programme is subsequently agreed, in writing, by the Local Planning Authority. The submitted landscape details shall include:

- PROPOSED FINISHED LEVELS OR CONTOURS;
- MEANS OF ENCLOSURE;
- CAR PARKING LAYOUTS;
- OTHER VEHICLE AND PEDESTRIAN ACCESS AND CIRCULATION AREAS;
- HARD SURFACING MATERIALS;
- MINOR ARTEFACTS AND STRUCTURES (E.G. FURNITURE, PLAY EQUIPMENT, REFUSE OR OTHER STORAGE UNITS, SIGNS, LIGHTING ETC.);
- PROPOSED AND EXISTING FUNCTIONAL SERVICES ABOVE AND BELOW GROUND (E.G. DRAINAGE POWER, COMMUNICATIONS CABLES, PIPELINES ETC. INDICATING LINES, MANHOLES, SUPPORTS ETC.);
- RETAINED HISTORIC LANDSCAPE FEATURES;
- PROPOSALS FOR RESTORATION;
- PLANTING PLANS;
- WRITTEN SPECIFICATIONS (INCLUDING CULTIVATION AND OTHER OPERATIONS ASSOCIATED WITH PLANT AND GRASS ESTABLISHMENT);
- SCHEDULES OF PLANTS, NOTING SPECIES, PLANT SIZES AND PROPOSED NUMBERS/DENSITIES WHERE APPROPRIATE; AND
- IMPLEMENTATION TIMETABLES AND MONITORING PROGRAMS.

Reason: To ensure that there is a suitable landscape proposal to be implemented at the site for the enjoyment of future users and also to satisfactorily integrate the development within its surrounding context in the interest of visual amenity.

10 - Non-Standard Condition/Reason

Prior to the use coming into operation, the visibility splays to the footpath crossover shall be formed in accordance with the details as shown on the approved drawing unless otherwise agreed in writing by the Local Planning Authority. The visibility splays shall thereafter be retained free of any obstruction in perpetuity.

Reason: To ensure the continued safe passage of the public and the definitive rights of way and accessibility.

11 - Non-Standard Condition/Reason

Prior to the use coming into operation, the vehicle parking area indicated on the approved plans, including any parking spaces for the mobility impaired, shall have been hard surfaced, sealed, marked out in parking bays and made available for use. The parking spaces shall have minimum dimensions of 2.9m x 5.5 and the mobility impaired spaces shall have a minimum dimension of 3.9m x 6.5m.

Reason: To ensure an appropriate level of parking is provided.

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

With the exception of condition 2 of Planning Permission 142439 which is hereby varied below, the requirements of all other conditions imposed upon planning permission 142439 remain in force and shall continue to apply to this permission, including the details and provisions of any approved matters discharging any condition(s) of that permission.

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

19.0 Informatives

(1) **ZT0 – Advisory Note on Construction & Demolition**

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

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

(3) **ZTA - Informative on Conditions Stating Prior to Commencement/Occupation**

PLEASE NOTE that this permission contains a condition precedent that requires details to be agreed and/or activity to be undertaken either before you commence the development or before you occupy the development. This is of critical importance. If you do not comply with the condition precedent you may invalidate this permission. Please pay particular attention to these requirements.

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

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

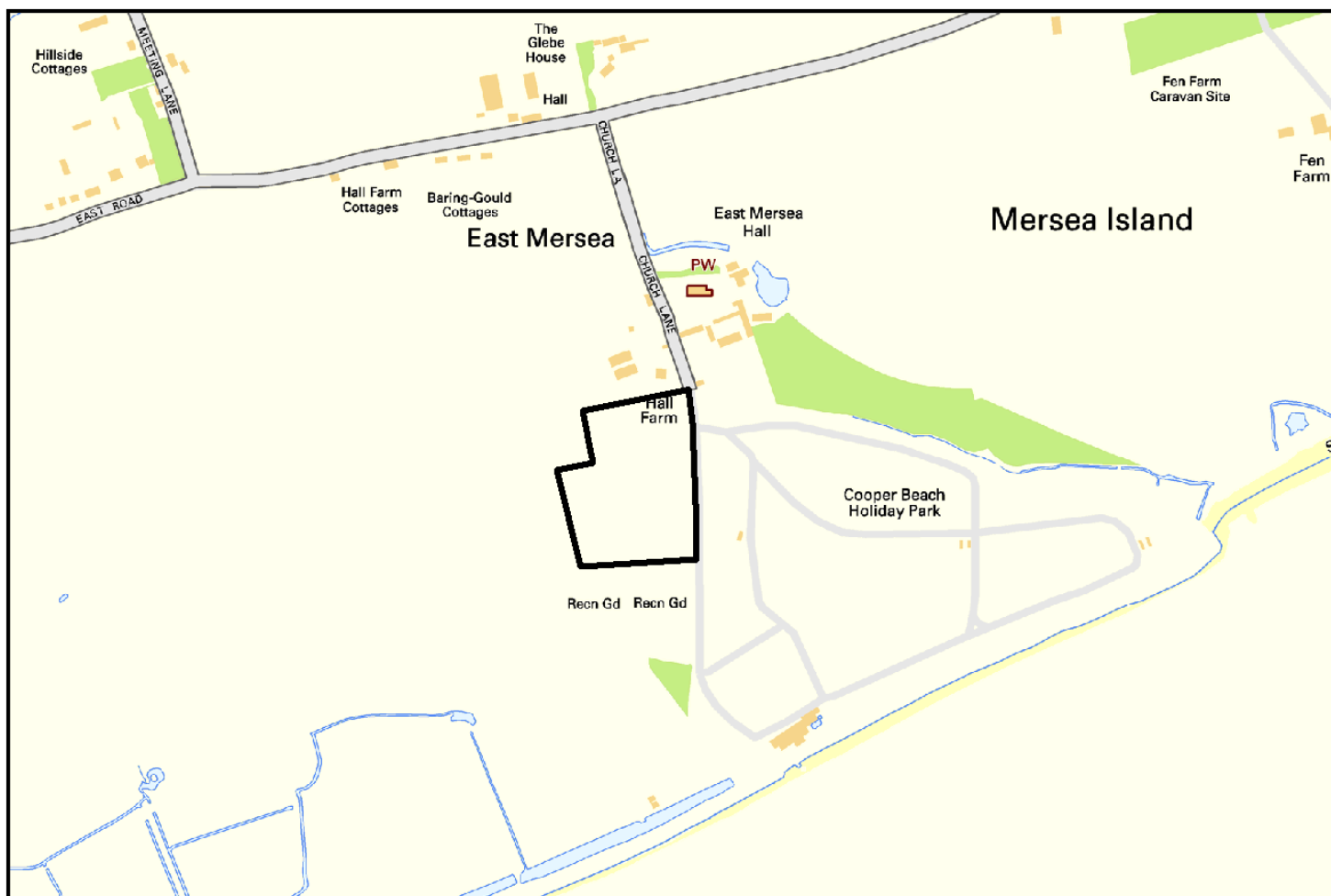
(ii) The granting of planning permission does not authorise the undertaking of any work on a public right of way. Where it is necessary for a right of way to be stopped-up or diverted in order that development may take place, no work may take place upon the line of the right of way until an appropriate order has been made and confirmed (see (i) above). The applicant/developer should note that there is a charge for making a change to the rights of way network.

(iii) Where a private means of access coincides with a public right of way, the granting of planning permission cannot authorise the erection of gates across the line or the carrying out of any works on the surface of the right of way and that permission for any changes to the surface must be sought from the highway authority (Essex County Council).

(5) PLEASE NOTE: Protected species may be present on the site and it is the developer's responsibility to ensure the requirements of the Wildlife and Countryside Act 1981 are complied with. Further advice on surveys and compliance with the legislation can be obtained from Natural England.

20.0 Positivity Statement

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



Application No: 150383

Location: Coopers Beach Holiday Park, Church Lane, East Mersea, Colchester, CO5 8TN

Scale (approx): NOT TO SCALE

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7.4 Case Officer: Sue Jackson Due Date: 23/10/2015

MAJOR

Site: **Coopers Beach Holiday Park, Church Lane, East Mersea, Colchester, CO5 8TN**

Application No: **150383**

Date Received: 11 March 2015

Agent: Mr Andrew Dowell, GVA

Applicant: Mr Alan Castledine. Park Resorts Ltd

Development: Proposed change of use of land to site 60 holiday lodges ,access roads,parking and landscape.

Ward: Pyefleet

Summary of Recommendation: Approved subject to conditions

1.0 Reason for Referral to the Planning Committee

- 1.1 This application is referred to the Planning Committee because it is a major application and objections have been received.

2.0 Synopsis

- 2.1 The key issues explored below are the land use allocation and the issues raised in the representations.

3.0 Site Description and Context

- 3.1 Coopers Beach Holiday Park is an established site in East Mersea with approximately 620 static caravans. Vehicular access is from East Road via Church Lane and then a private road which is also a public right of way. The existing caravans and facilities are located on the east side of Church Lane within a triangular area of land which extends close to the edge of the water. Land used for playing fields on the west side of the road abuts the south boundary of the site. The application site is located on the west side of Church Lane close to the Holiday Park entrance. It is a rectangular area of approx. 3.5hectares containing several small buildings, some small trees and scrub.
- 3.2 St Edmunds Church and East Mersea Hall, both listed buildings, are located along Church Lane between the site and East Road.

4.0 Description of the Proposal

- 4.1 The application proposes the change of use of land to site 60 holiday lodge caravan pitches, access roads and landscaping.

- 4.2 The Transport Statement states that “Park Resorts are prepared to improve the surfacing of the car parking areas used by the church (all of which are owned and maintained by Park Resorts) to provide a more formalised parking area. The areas will be treated with suitable rural car parking treatments”.

5.0 Land Use Allocation

- 5.1 The site is allocated for Caravan Park use in the Adopted Site Allocation Document 2010.

6.0 Relevant Planning History

- 6.1 111721 - Application to Essex County Council for Retrospective planning application for the importation of approximately 12,500 tonnes of inert waste material including some fragments of hazardous material for the purpose of levelling the site with restoration to nature conservation(ESS/43/11/COL). Approved
- 6.2 145459 - Relocation of existing Waste Water Treatment Plant and Construction of a Site Flood Prevention Counter Wall within the Existing Site Curtilage approved
- 6.3 145513 - Conversion of existing barns and stables to 18 self-catering holiday accommodation units and for the erection of 14 new holiday cottages approved
- 6.4 146075 - Planning application for change of use of land for the storage of caravans and staff car parking approved
- 6.5 151677 - Extension and elevational improvements to the Coastline Entertainment Complex. Outstanding no decision

7.0 Principal Policies

- 7.1 Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. The National planning Policy Framework (NPPF) must also be taken into account in planning decisions and sets out the Government’s planning policies are to be applied. The NPPF makes clear that the purpose of the planning system is to contribute to the achievement of sustainable development. There are three dimensions to sustainable development: economic, social and environmental.
- 7.2 Continuing the themes of the NPPF, the adopted Colchester Borough Core Strategy (adopted 2008, amended 2014) adds detail through local strategic policies. Particular to this application, the following policies are most relevant:

SD1 - Sustainable Development Locations
UR2 - Built Design and Character
ENV1 - Environment
ENV2 - Rural Communities

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

DP1 Design and Amenity
DP3 Planning Obligations and the Community Infrastructure Levy
DP9 Employment Uses in the Countryside
DP10 Tourism, Leisure and Culture
DP14 Historic Environment Assets
DP19 Parking Standards
DP20 Flood Risk and Management of Surface Water Drainage
DP21 Nature Conservation and Protected Lanes
DP23 Coastal Areas

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

Site allocated for Holiday Caravan use in the Site Allocations Document

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

Vehicle Parking Standards
Sustainable Construction
External Materials in New Developments
East Mersea Village Plan and Design Statement

8.0 Consultations

- 8.1 **Archaeology Advisor** comments: This applications lies in an area of high archaeological interest recorded in the Essex Historic Environment Record. The proposed development is located c.100m from the medieval church and churchyard (EHER no. 2119). An irregular moat adjoins the church that is possibly the remains of a medieval moated hall complex. In addition, cropmarks indicative of occupation remains have been recorded on aerial photographs in the immediate vicinity of the proposed site. Based on this evidence, there is high potential for encountering archaeological remains at this location, which has not been the subject of any previous systematic archaeological investigation. Groundworks relating to the proposed development would cause significant ground disturbance that has potential to damage any archaeological deposits that exist.

In order to establish the full archaeological implications of this area, the applicant should be required, prior to determination of the application, to provide for an archaeological/historical desk-based assessment of the site and, depending on the results of the desk-based assessment, followed by field evaluation comprising geophysical survey and trial-trenching. The area cannot be assessed or approved in my view until an archaeological assessment has been undertaken, and the results of this work will enable us to accurately quantify the archaeological resource (both in quality and extent).

This is in accordance with paragraphs 128 and 129 of the National Planning Policy Framework.

The results of the archaeological assessment will enable the archaeological resource, both in quality and extent, to be accurately quantified. Decisions on the suitability of

the site, and also the need for, and scope of, any further work should there be any below-ground archaeological finds of significance, will be based upon the results of this work. I will, on request of the applicant, prepare a brief for each stage of the archaeological investigation.

8.2 **Archaeology Advisor (following receipt of Archaeological Assessment)**

An adequate archaeological assessment has been undertaken, in the form of trial-trenched evaluation (Archaeology South-East Report 2015353). This sample did not define any archaeological remains on the site. Consequently, I am able to revise, and withdraw, my previous advice concerning this application. There are now no grounds to consider refusal of permission in order to achieve preservation in situ of any important heritage assets and no further archaeological investigation will be required if planning consent is granted.

8.3 **Environmental Protection** No comment

8.4 **Highway Authority**

Whilst this Authority does not in principle object to the development proposal, continued piece-meal developments of the caravan park will over time see an increase in traffic on the highway.

The applicants' submitted information makes note of useful facilities where sustainable forms of transportation can be utilised but does not appear to say how they are going to advertise these, or further improve them. The only concession to the highway user appears to be an improvement to the church car park.

All local Authorities have current policies which aim to develop the sustainable forms of transportation. The Highway Authority would welcome further information from the applicant how these more sustainable forms of transportation are being promoted and/or developed on site.

Following the receipt of additional information regarding sustainable transport the Highway Authority has confirmed they have no objection to the application

8.5 **Landscape Planning Officer** has no objection subject to amendments to the tree planting pallet and additional planting within the proposed hedgerow. Officer comment: these matters can be secured by a condition.

8.6 **Colchester Ramblers**

East Mersea footpath 5 runs between the application site and the existing site. It is getting increasing use, partly because of the (probably permanent) closure due to erosion of the "Coastal Route". Any increase in vehicles sharing with walkers will cause conflict, particularly as the junction will also affect drivers heading into the existing site. Only yesterday I saw part of a group follow a car under the newish traffic barrier which nearly closed on some people's heads.

The factual and out of date details concerning bus routes, the coastal route (only ever a footpath and never available to cyclists) and local shopping facilities should be corrected before the application is considered.

The exact route and full width of the existing footpath should be maintained free from obstruction throughout and after any construction which might be agreed. That includes not blocking it with parked construction vehicles.

8.7 Natural England

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

Statutory nature conservation sites – no objection

The application is in close proximity to the Colne Estuary Site of Special Scientific Interest (SSSI). This SSSI forms part of the Colne Estuary (Mid-Essex Coast Phase 2) Special Protection Area (SPA) and Wetland of International Importance under the Ramsar Convention (Ramsar Site) and the Essex Estuaries Special Area of Conservation (SAC).

Natural England advises your authority that the proposal, if undertaken in strict accordance with the details submitted, is not likely to have a significant effect on the interest features for which Colne Estuary (Mid-Essex Coast Phase 2) and Ramsar Site, and Essex Estuaries SAC, have been classified. Natural England therefore advises that your Authority is not required to undertake an Appropriate Assessment to assess the implications of this proposal on the sites' conservation objectives.

In addition Natural England is satisfied that the proposed development being carried out in strict accordance with the details of the application, as submitted, will not damage or destroy the interest features for which the Colne Estuary SSSI has been notified. We therefore advise your authority that this SSSI does not represent a constraint in determining this application.

Should the details of this application change, Natural England draws your attention to Section 28(i) of the Wildlife and Countryside Act 1918 (as amended) requiring your authority to reconsult Natural England.

Natural England notes and supports the proposed Code of Conduct which seeks to guide appropriate behaviours and activities with respect to the over-wintering bird interest of the adjacent Colne Estuary SSSI, SPA and Ramsar Site. We have engaged with the developer's ecological consultants as part of this process and will be happy to provide further comments as part of the discharge of conditions (which should be used to secure the production of the code of Conduct).

Protected Species

We have not assessed this application and associated documents for impacts on protected species.

Natural England has published Standing Advice on protected species.

Impacts to Invertebrates and their Habitats

Natural England does not provide bespoke advice to local planning authorities on habitats and species listed as being of principal importance for the purpose of conserving biodiversity, under Section 41 of the Natural Environment and Rural Communities Act 2006. These are capable of being material considerations in the determination of planning applications, and this proposed development may affect s41 invertebrate species and/or the s41 habitat "open mosaic habitat on previously developed land".

We have not assessed the application for impacts and species, and our lack of comment should not be taken to imply that there are no impacts on them arising from the proposed development.

Local Sites

If the proposal site is on or adjacent to a local site, e.g. Local Wildlife Site, Regionally Important Geological/Geomorphological Site (RIGS) or Local Nature Reserve (LNR)

the authority should ensure it has sufficient information to fully understand the impact of the proposal on the local site before it determines the application.

Biodiversity enhancements

This application may provide opportunities to incorporate features into the design which are beneficial to wildlife, such as the incorporation of roosting opportunities for bats or the installation of bird nest boxes. The authority should consider securing measures to enhance the biodiversity of the site from the applicant, if it is minded to grant permission for this application. This is in accordance with Paragraph 118 of the National Planning Policy Framework. Additionally, we would draw your attention to Section 40 of the Natural Environment and Rural Communities Act (2006) which states that *'Every public authority must, in exercising its functions, have regard, so far as it is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity.'* Section 40(3) of the same Act also states that *'conserving biodiversity includes, in relation to a living organism or type of habitat, restoring or enhancing a population or habitat.'*

Landscape enhancements

This application may provide opportunities to enhance the character and local distinctiveness of the surrounding natural and built environment; use natural resources more sustainably; and bring benefits for the local community, for example through green space provision and access to and contact with nature. Landscape characterisation and townscape assessments, and associated sensitivity and capacity assessments provide tools for planners and developers to consider new development and ensure that it makes a positive contribution in terms of design, form and location, to the character and functions of the landscape and avoids any unacceptable impacts.

8.8 Major Development and Projects Manager

This application lies on the western flank of the existing caravan park. It is shown on the proposals map and I shall not therefore consider the principle. The site lies approximately 150 m to the south of the grade I listed Church of St Edmund King and Martyr and the adjacent Hall Farm (a typical hall-church complex with medieval origins). The setting of these highly graded designated heritage assets needs to be preserved in accordance with the statutory duty (s.66(1) PL (Listed Buildings & Conservation Areas) act 1990.

The setting of the listed buildings is the whole environment in which the assets are experienced (NPPF Glossary) and this includes long views of the church tower from the south and vice versa. To achieve mitigation of the potentially intrusive impact of the caravans, an effective landscape buffer needs to be introduced across the northern edge of the site of a material depth and incorporating structural planting such as native Oak (*Quercus robur*) , Sycamore (*Acer pseudoplatanus*) and scots pine (*Pinus sylvestris*) . The belt must be more substantial than presently shown on the landscape strategy This approach is in accordance with the commentary at paragraph 8.18 of the Adopted Site Allocations DPD that identifies the need to avoid any detrimental impact on the setting of the Church of St Edmund. The improvement of the parking areas needs to form part of a detailed landscape solution. The retention of a grass finish (plastic cellular system) would be preferable with the car park broken up with landscape planted areas to filter views. This could enhance the setting of the church if well designed.

In addition to the details reported above, the full text of all consultation responses is available to view on the Council's website.

9.0 Parish Council Response

9.1 The Parish Council have stated that

1. We have considered this application carefully and objectively and we feel that we have no other option but to object to this application on the grounds that the layout of the plan is high density, that accessibility and travel issues have been glossed over and that the Village Design Statement, accepting that it is for guidance, has been ignored. Add to this the fact that Park Resorts are incrementally growing the size of Coopers Beach (having had a previous application in the last 6 months approved for 42 units). Therefore the overall site could grow to be over 700 individual units in size, over 3 and half time the size of East Mersea village itself, which is even more pertinent now that individuals are allowed to use the site for 12 months of the year (which has caused significant concern due to individuals potentially living all year round on the site). And this does not take into consideration the other 2 sites in East Mersea, who could also be looking at increasing the size of their sites. Finally, we also have to make comment, and it is subjective, that Coopers Beach is always mentioned at council meetings due to concerns that they are ignoring or at best applying a cavalier attitude to previous approved planning applications and their conditions as well as flouting borough council guidelines.
2. General Comments on Application. The diagrams presented with the application are of concern. They appear to show a high density bungalow development reminiscent of the 60's which is very traffic and car dominant with roads that look like a series of metal zippers. The proposed 'lodges' parking bays and access roads will cover a greater part of the proposed site with concrete or hard surfaces with traffic dominated high density dwellings. These dwellings or lodges, however you look at them, are permanent structures with a minimal sub urban setting reflective of the worst housing estate giving a mere passing nod to its rural setting.
3. Lack of Planning Thought. Frankly the plan is uniform and boring, lacking in variety or proper grouping with token minimal planting (the plants that have been suggested are normal garden plants, not native plants to the area). There is very little screening of the site both externally and internally with poor separation distances between the individual sites leading to a lack of privacy. Some of the individual sites also appear to be very close (approx 5m) to the sewage works which we wonder if they are within acceptable limits. Overall noise and light pollution is not mentioned. The final point in this area is that, whilst there are drawings of 'boxes', on the sites there is no detailed description of what the 60 'lodges' will look like. We have a grave concern that these 'bungalow' type structures will encourage permanency especially as the site has a 12 month season. Taken to extremes in time this site could end up like Jaywick, with all its attendant issues.

4. Sustainability, Accessibility and Travel Behaviour. Colchester Borough Council is committed to support proposals that are sustainable and reduce the need to travel. This scheme, and the previous application for 42 holiday units, will necessitate the much greater use of cars on the existing narrow roads (a conservative estimate would be a minimum of an extra 60-90 vehicles carrying out potentially a further 180 journeys per day) as there are virtually no bus routes close by (there is one bus a week on a Monday which passes the bottom of Church Lane). Cycling is already dangerous on the narrow country roads, due to the extra traffic, and whilst there is footpath to West Mersea from Coopers Beach it is a fair walk and it is most unlikely that this would be used for routine shopping trips. In addition it has become fairly impassable. There also could be a commensurate increase in the requirement for services in the area such as doctors, dentists and school places (all in short supply on Mersea).
5. Tourism v Residential Policies. We also note that Colchester Borough Council, in Nov 13, turned down an application to build a house in the village (albeit outside of the village envelope) and one of the main issues quoted for refusing permission was that the site was not sustainable and would fail to accord with the aims of policies SD1, H1 and TA1 of the Core Strategy which seeks to direct new development towards accessible locations that reduce the need to travel by private car. Whilst there may be a clear delineation between tourism and permanent residence policies this distinction become much less clear when caravan sites have the option to apply for 12 month seasons thus allowing individuals to de facto live permanently on site. Finally, we should mention that there is no longer a shop, post office or Pick Your Own/Nursery in East Mersea (the planning transport statement is therefore incorrect) therefore, apart from the integral shop to Coopers Beach, tourists have to travel by car to at least West Mersea for provisions.
6. The Village Plan and Design Statement. The Village Plan was produced some two years ago and whilst we accept that it is a non statutory neighbourhood planning tool and that it might carry less weight in the decision making process it does represent East Mersea villagers' views and should be considered in the planning process. A sample from the plan is included below:

'We should allow expansion of the existing tourism/holiday/leisure sites'. – 39.1% disagreed with this statement and 37% strongly disagreed – a total of 76% of villagers are against further expansion. We do feel that local views and interest, especially at this percentage level must take priority over the interests of a large company which has no local interest, has little or no consideration of the local character or identity of the village.

'All new developments on East Mersea should have the minimum possible carbon footprint' – 29.4% agreed with this statement and 62.4% strongly agreed giving a total of 91%. It is felt that the proposed application would have a significant footprint including the delivery of the units and the number of journeys required by the owners on a daily basis taking into account the lack of public transport and local amenities.

Summary. We do not feel that enough thought has been put into this application by Park Resorts and that it does not meet Colchester Borough Council's planning guidelines in terms of sustainability and transport policies. We feel that incremental planning applications in order to grow the size of a caravan site is underhand and, if not illegal, at least considered to be shady practice and that the Village Design Statement and the villager's views must be taken into account.

10.0 Representations

10.1 Eleven objections have been received and issues raised are summarized below

Traffic Issues:

- East Road was never designed to take the amount of traffic now using it, the Highways department is struggling and failing to maintain it
- Traffic flow down Church Lane has increased.
- The traffic count was done in January. The counter was set up past the entrance to Cooper's Beach, this should be done again in the summer with the counter positioned before Cooper's beach entrance to get an accurate count of the number of vehicles using our "quiet rural road".
- The extra 60 Lodges will create a further approximate 120 car trips past existing residential properties where it has already become increasing difficult to exit and enter driveways.
- Cycling and walking is becoming more dangerous.
- Church Lane is a single track lane and the verges have already been destroyed by cars trying to pass one another.
- Park Resorts already have permission for a further 30 holiday cottages and so if this application was to be granted the extra number of units would be 90 which is likely to cause gridlock in Church Lane at the height of the summer season
- Any expansion of the holiday parks in East Mersea will reduce the likeliness of people using bicycles not increase it.

Noise:

- extra noise that will come from the new development. Noise from Cooper's Beach can already be a problem and as the 60 lodges will be closer to houses than the main site this will be an increasing issue.

Permanent Residential Occupation

- Coopers Beach now has a 12 month license for holiday use only and not for use as either a permanent or main place of residence. There is clear evidence that Park Resorts are allowing permanent residence: There are children taking the bus each morning during term time to go to school Admission by residence at Coopers Beach that they live there permanently on "Mersea Locals" in Facebook. Several cars exiting Cooper's Beach in the early morning with only one occupant, which is not typical holiday behaviour
- Enforcement officers have already had to visit the site and current arrangements are not working these additional lodges would put a strain on your budget and resources as more checking would be involved

- East Mersea only has about 200 dwellings and there is much concern within the village that the dynamics of East Mersea will completely change if this permanent residency is allowed to continue. No expansion should be allowed to the site until there are proper safeguards in place to prevent permanent residency.
- This application is inappropriate since it will have the effect of siting what in reality will be a large number of low cost and low specification permanent or semi-permanent dwellings with high intensity occupancy within this rural community.

Errors in the Submitted Documents:

- There is no shop, post office (or Pick your Own) in East Mersea and so any shopping has to be done in either West Mersea (3 miles) or Colchester (10 miles). Coopers Beach has a shop (not always open) that sells only basic items resulting in their customers having to use their cars to shop.
- There is only one pub, The Fox is in West Mersea.
- Also although East Mersea does have bus stops the bus that serves them leaves East Mersea at 7.30 am and returns at 16.45 pm and does not run during school holidays, the only other bus operates only on Monday making one trip out of East Mersea in the morning and returning later in the day making public transport far from suitable for holiday makers. Although it is a nice idea to encourage people to walk and cycle, the only road in and out of East Mersea is narrow and winding making it dangerous due to the increasing traffic and the Coastal Footpath heading towards West Mersea as is noted in the application is no longer safe and is fenced off. Cooper's Beach resort is getting far too large,

Other objections raised:

- Too great a strain on our infrastructure, has a negative environmental impact and causes nuisance to us residents.
- This development is also contrary to the Village Design statement and the general feelings of private residents in East Mersea against the expansion of caravan sites.
- Lack of site management has allowed site to degenerate
- Increased Light pollution will affect the wildlife Natural England has identified bats using the church and red squirrels in the church yard
- The amount of rubbish generated from Coopers Beach along East Road and Church Lane is very significant. Staff at Coopers Beach do not collect rubbish; even on their own land in front of the Church and the rubbish is picked up by local volunteers. Yet more chalets at Coopers Beach will inevitably increase this.
- The ownership has a poor record of adhering to previous planning conditions and on occasions has had to seek retrospective planning approval for illegal development including allowing the dumping of toxic asbestos related waste on its site.

- 10.2 Parochial Church Council (PCC) has objected to the application they emphasise that the church enjoys regular Sunday Service attendances in excess of 40 people and undertakes a number of weddings and funerals every year. The PCC is concerned with access along Church lane and parking in the small area to the south of the church boundary. Church Lane was never designated to accommodate the vehicular traffic that such a large population there is only a school bus service and one weekly service church lane has deteriorated verges and road edges are eroded. Regarding parking the PCC acknowledge the land is now part of the Coopers Beach site although all parties appreciate the Church has enjoyed unlimited use for parking The application indicates parking for the church will be improved such statements have been made in

the past but nothing has ever been done. The old and dilapidated buildings next to the parking areas need to be improved and the litter removed by the applicant not the church congregation.

10.3 East Mersea Village Hall Management Committee objects to any further increase in the number of caravans or chalets at Coopers Beach Holiday Park. East Mersea Village Hall is situated in East Road, East Mersea almost opposite but slightly to the west of the turning into Church Lane and the Management Committee objects to any further increase of sites at Coopers Beach on the following grounds:-

1. An increase in traffic which is already substantial and far greater than that for which the road was originally constructed. In addition to increased wear and tear, the result is erosion of the already limited grass verge and, since there are no pavements, it is increasingly dangerous for pedestrians and cyclists approaching and leaving the Hall.
2. The Village Hall car park already suffers from litter which is principally thrown from cars. More caravans/chalets mean more vehicles which, in turn, mean more litter. The amount of litter which accumulates in Church Lane is an indication that vehicles based at Coopers Beach contribute substantially to this problem.

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

11.0 Parking Provision

11.1 The Adopted Parking Standards Document does not include a standard for holiday parks. However each lodge plot will be provided with a parking space with an additional 32 provided on "changeover" days. Secure cycle parking for at least 4 cycles will be provided for each plot

12.0 Open Space Provisions

12.1 There is no standard for the provision of open space

13.0 Air Quality

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

14.0 Development Team and Planning Obligations

14.1 This application is classed as a "Major" application and therefore there was a requirement for it to be considered by the Development Team. It was considered that no Planning Obligations should be sought via Section 106 (S106) of the Town and Country Planning Act 1990 as the application relates to holiday use not residential use. Essex County Highways do not require any highway or access improvements.

15.0 Report

Land use/ Policy issues

- 15.1 The application site was a new allocation for caravan park use in the 2010 Proposals Map. The principle of the use has therefore been agreed.
- 15.2 The following requirements were identified as part of the site allocation
- Delivery of or contribution towards highway and access improvements required as well as for public transport, cycling and walking.
 - Allocation and any future re-development should not have a detrimental impact on St Edmunds Church adjacent to the site
 - A landscaping scheme designed to minimise the impact of the extended site on the surrounding landscape, particularly to the western boundary of the site shall be provided
 - No caravans shall be located in Flood Zone 3a
 - A Code of Conduct to be agreed between land owners, Natural England and Colchester Borough Council
 - Occupancy restrictions to be placed on the site to restrict occupancy during the sensitive winter months.
- 15.3 Planning permission is required for the change of use of the land and layout is not subject to planning control. The current site license permits the existing site to be used all year for holiday use. Unlike other caravan sites on Mersea Island the occupancy period is not controlled by planning condition. The background to this is an historic planning permission allowed at appeal when the planning inspector considered control over occupancy should not be duplicated and could be adequately controlled under the Site License.
- 15.4 The Licensing Team has received complaints regarding residential use on the site. Some of the complaints have not been specific and it has not been possible to investigate them, in one instance a caravan where residential occupancy was alleged did not exist. The licensing team has found no evidence of residential occupation and will be carrying out further checks.
- 15.5 Government policy supports the principle of 12 month occupancy and this is not precluded by our Development Plan policy. Further evidence of the governments support for such proposals is provided in appeal decisions. Tendring District Council lost an appeal in January 2013 for 12 month holiday occupancy of a caravan site in Clacton-on-Sea. The Inspector identified one of the main issues was “whether the proposed development would lead to the caravans being occupied as full-time residential accommodation”.
- 15.6 He stated “The Council has misgivings in respect of the efficacy of the condition in addressing the issue of permanent occupancy but no compelling evidence has been put forward to substantiate this fear. From the Guide and other appeal decisions submitted by the appellants it seems to me that use of the condition is not unusual and I have no reason to doubt that it could be effective. I conclude that subject to imposition and execution of the condition the proposed change of use would not lead to the caravans being used as full-time residential accommodation”.

- 15.7 The appeal was allowed and the following condition imposed “caravans shall be occupied for holiday purposes only and shall not be occupied as a person’s sole or main place of residence. The operators of the caravan park shall maintain an up-to-date register of the names of all owners of caravans on the site and of their main home addresses and shall make this information available at all reasonable times to the local planning authority”.
- 15.8 A similarly worded condition has been imposed on other appeals for 12 month occupancy in other parts of the country.

Impact on the Surrounding Area

- 15.9 Whilst lodges will be slightly higher than caravans the roofs will be less conspicuous in the landscape than white caravans. The application includes a detailed landscape scheme. The concept for the landscape scheme is described “to maintain and improve the enclosure and appearance of the proposed application site, establishing a strong, vegetated and natural edge”. The southern boundary is proposed to have a continuous native hedgerow which will be supplemented on the western and northern boundaries with supplementary shrub and tree planting, improving the landscape character and structure, connecting the proposed vegetation on the site with that on the existing park. The Landscape Planning Officer is satisfied with the scheme subject to amendments to species. Ecological enhancements are proposed as part of the landscape proposals including the use of native species and nectar- and pollen-rich and fruit- and nut-producing species within the landscape scheme
- 15.10 The application documents include an Ecological Appraisal. This identifies there are no areas of National, Regional, County or District nature conservation importance on the site. The habitat of highest nature conservation interest associated with the site is the Colne Estuary Special Protection Area (SPA) and Essex Estuaries Special Area of Conservation (SAC), located approximately 300m south of the site. Pollution control measures perimeter ditches to be maintained and controls to the surface water run-off scheme entering the ditches are proposed to mitigate any effect on the habitats for which the Essex Estuaries SAC is designated either alone or in combination with other plans or projects. Consideration has been given to the potential effects of disturbance on birds for which the Colne Estuary SPA is designated which might arise in the absence of avoidance and mitigation measures in combination with other plans or projects. A Code of Conduct is currently being prepared in consultation with Colchester District Council and Natural England which will detail the mitigation and avoidance measures to ensure no adverse effects on the integrity of the SPA arise as a result of recreational pressure arising from the proposed development, either alone or in combination with other plans or projects.
- 15.11 The report identifies the habitat of highest nature conservation interest within the site is the grassland and scrub. The report does not identify any protected species and recommends the site could provide new opportunities for wildlife such as for roosting bats and refuge and hibernation habitats for invertebrates, amphibians and reptiles. Bat and bird boxes are proposed on a maintenance building within the site.

- 15.12 Whilst the site allocation indicates occupancy restrictions should be placed on the site to restrict occupancy during the sensitive winter months Natural England has not objected to this application for 12 month holiday occupancy and are discussing A Code of Conduct with the applicant which seeks to guide appropriate behaviours and activities with respect to over-wintering birds.

Highway Issues

- 15.13 Members will note several of the objections raised relate to highway issues in particular the adequacy of the road net-work and existing levels of traffic. The Highway Authority has considered the Transport Report which considers the highway impact of the development and concludes "The report has shown that the trips generated by the proposed development will be insignificant and easily accommodated on the existing road network that the proposed development can be accommodated without detriment to vehicular flows and road safety on the surrounding highway network". The Highway Authority does not require any improvements to the road network or the access and whilst initially they had concerns how sustainable forms of transportation were being promoted and/or developed on site following the receipt of clarification on this issue no objection has been raised.
- 15.14 A Travel Plan Framework will be prepared and a Travel Plan submitted. The supporting information indicates "sustainable forms of transportation are being developed on the site with cycle hire being made available from the park reception as proposed in the yet to be implemented application to form holiday accommodation units in the northern area of the Cycles will be able to be hired in advance at the time of residents booking, though some will be kept on site for take up upon arrival. Cycles will be available to hire on a daily basis or for the duration of the stay. The on-site, cycle hire facility and advanced ordering system will allow the whole family to access cycles. The cycle hire facility will be promoted on the park website and by distributing information within the park resident's information arrival packs. Each self-catering holiday accommodation unit will be provided with secure cycle parking for at least four cycles. Visitors to the park will be encouraged to use the coastal walkway with these routes being highlighted in their arrival information packs and on information provided at the park reception. Maps and information sheets that show sustainable transport options and service providers will be made available to all park residents at the reception throughout their stay. Whilst the services are perhaps not regular enough for commuting to work, however they are adequate for holiday use".

Heritage issues

- 15.15 It is considered the proposed development will have minimal impact on the setting of the church and East Mersea Hall. The landscaping along the north boundary will soften any views. The Archaeological Advisor requested an evaluation report and trial trenches and these works confirmed no archaeological conditions are required

Other matters

- 15.16 The applicant has offered to improve the surfacing of the car parking areas used by the church (all of which are owned and maintained by Park Resorts) to provide a more formalised parking area with the retention of the grass area. The site is outside flood zone 3a

16.0 Conclusion

- 16.1 Despite the concerns regarding alleged residential occupancy on the existing site this application must be determined on its planning merits. The site was allocated for holiday use in the 2010 Site allocations document and the principle is therefore acceptable. Government policy supports 12 month occupancy. Natural England and the Highway Authority have not objected to the proposal. The application includes new landscaping and habitat creation and will not have an adverse impact on the protected sites, landscape or heritage assets. Despite the concerns raised by the parish council and in the representations the proposed development is considered acceptable subject to conditions.

17.0 Recommendation

- 17.1 APPROVE subject to the following conditions

18.0 Conditions

1 - Time Limit for Full Permissions

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

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

2 - Non-Standard Condition/Reason

This consent relates to the use of land for the siting of 60 holiday lodges only.

Reason: In the interests of proper planning and to avoid doubt as to the scope of the consent hereby granted.

3 - Non-Standard Condition/Reason

The holiday lodges shall be occupied for holiday purposes only and shall not be occupied as a person's sole or main place of residence. The operators of the holiday lodges shall maintain an up-to-date register of the names of all owners of holiday lodges on the site and of their main home addresses and shall make this information, together with details of drivers licenses, Council tax bills and utility bills as appropriate, available at all reasonable times to the local planning authority. The occupants of the holiday lodges cannot go to work or attend school from the Holiday Park site.

Reason: To ensure that approved holiday accommodation is not used for permanent residential occupation.

4 - Non-Standard Condition/Reason

Prior to the use of any of the holiday lodges details of signs making it clear the use of the site is for holiday purposes only, and their proposed location, shall be submitted to the local planning authority for approval. The approved signs shall be erected prior to any of the holiday lodges being brought into use and shall thereafter be retained.

Reason: This is the basis upon which the application has been submitted and subsequently determined as this application was considered as being for holiday purposes in the interests of contributing to tourism and the economy of the area.

5 - Non-Standard Condition/Reason

The development hereby permitted relates to the holiday lodges within the red line application site of drawing number 3670-410 rev E.

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

6 - Refuse and Recycling Facilities

Prior to the first occupation of the development hereby permitted, refuse and recycling storage facilities shall be provided in accordance with a scheme which shall have been previously submitted to and agreed, in writing, by the Local Planning Authority. Such facilities shall thereafter be retained to the satisfaction of the Local Planning Authority at all times.

Reason: The application contains insufficient information to ensure that adequate facilities are provided for refuse and recycling storage and collection.

7 -Non-Standard Condition/Reason

No external lighting fixtures shall be constructed, installed or illuminated until details of all external lighting proposals have been submitted to and approved, in writing, by the Local Planning Authority. Thereafter, no lighting shall be constructed or installed other than in accordance with those approved details.

Reason: To reduce the risks of any undesirable effects of light pollution.

8 - Non-Standard Condition/Reason

The public's rights and ease of passage over PUBLIC FOOTPATH number 131 5 shall be maintained free and unobstructed at all times.

Reason: To ensure the continued safe passage of the public on the definitive right of way and accessibility.

9 - Non-Standard Condition/Reason

No works shall take place until full details of all landscape works have been submitted to and agreed, in writing, by the Local Planning Authority and the works shall be carried out prior to the occupation of any part of the development unless an alternative implementation programme is subsequently agreed, in writing, by the Local Planning Authority. The submitted landscape details shall include:

- PROPOSED FINISHED LEVELS OR CONTOURS;
- MEANS OF ENCLOSURE;
- CAR PARKING LAYOUTS;
- OTHER VEHICLE AND PEDESTRIAN ACCESS AND CIRCULATION AREAS;
- HARD SURFACING MATERIALS;
- MINOR ARTEFACTS AND STRUCTURES (E.G. FURNITURE, PLAY EQUIPMENT,

REFUSE OR OTHER STORAGE UNITS, SIGNS, LIGHTING ETC.);

- PROPOSED AND EXISTING FUNCTIONAL SERVICES ABOVE AND BELOW GROUND (E.G. DRAINAGE POWER, COMMUNICATIONS CABLES, PIPELINES ETC. INDICATING LINES, MANHOLES, SUPPORTS ETC.);
- RETAINED HISTORIC LANDSCAPE FEATURES;
- PROPOSALS FOR RESTORATION;
- PLANTING PLANS;
- WRITTEN SPECIFICATIONS (INCLUDING CULTIVATION AND OTHER OPERATIONS ASSOCIATED WITH PLANT AND GRASS ESTABLISHMENT);
- SCHEDULES OF PLANTS, NOTING SPECIES, PLANT SIZES AND PROPOSED NUMBERS/DENSITIES WHERE APPROPRIATE; AND
- IMPLEMENTATION TIMETABLES AND MONITORING PROGRAMS.

Reason: To ensure that there is a suitable landscape proposal to be implemented at the site for the enjoyment of future users and also to satisfactorily integrate the development within its surrounding context in the interest of visual amenity. The submitted landscape scheme whilst generally acceptable requires amendment.

10 - Non-Standard Condition/Reason

Prior to any works being carried out in connection with this planning permission details of the proposed mitigation for the safe removal of any reptiles on the site shall be submitted to the local planning authority for approval. The development shall be implemented in accordance with the agreed details.

Reason: To ensure the nature conservation interests to the amenity of the area are protected.

11 - Non-Standard Condition/Reason

No works shall take place until details of new and improved habitat retention and creation measures have been submitted to and agreed, in writing, by the Local Planning Authority. The development shall thereafter be carried out in accordance with such agreed details.

Reason: To ensure the nature conservation interests to the amenity of the area are enhanced.

12 - Non-Standard Condition/Reason

Prior to the first occupation of the development, the vehicle parking area indicated on the approved plans, including any parking spaces for the mobility impaired, shall have been hard surfaced, sealed, marked out in parking bays and made available for use to the satisfaction of the Local Planning Authority. The vehicle parking area shall be retained in this form at all times and shall not be used for any purpose other than the parking of vehicles that are related to the use of the development.

Reason: To ensure that there is adequate parking provision to avoid on-street parking of vehicles in the adjoining streets in the interests of highway safety.

13 - Non-Standard Condition/Reason

No works shall take place until a Code of Conduct has been submitted to and approved in writing with the local planning authority, in consultation with Natural England. This document shall include the proposed mitigation and avoidance measures to ensure no adverse effects on the integrity of the Special Protection Area arise as a result of recreational pressure arising from the proposed development.

Reason To ensure the development does not have an adverse effect on the integrity of the Special Protection Area.

14 - Non-Standard Condition/Reason

Prior to the first occupation of the development a Travel Plan shall be submitted to the local planning authority for approval in consultation with the Highway Authority. The travel plan shall include a mechanism for ongoing review and assessment.

Reason: In the interests of promoting sustainable development and transport.

15 - Non-Standard Condition/Reason

No works shall take place until a detailed scheme of the proposed improvements to the “church car park” including materials, landscaping and implementation timetable, on land within the applicants control, has been submitted to and approved in writing with the local planning authority. The approved scheme shall be implemented in accordance with the approved timetable.

Reason: To secure improvements to acknowledged heritage assets.

16 - Non-Standard Condition/Reason

The development shall be implemented in accordance with pollution control measures relating to surface water detailed in the Ecological Appraisal.

Reason: To ensure the nature conservation interests to the amenity of the area are protected.

17 - Non-Standard Condition/Reason

The development shall be implemented in accordance with the submitted Ecological Appraisal, Landscape Statement and Landscape Strategy, and Transport Statement.

Reason: To ensure a satisfactory form of development.

18 - Non-Standard Condition/Reason

The cycle hire scheme detailed in the Transport Statement shall be in place prior to any of the holiday lodges being occupied.

Reason: In the interests of promoting sustainable development and transport.

19.0 Informatives

(1) ZT0 – Advisory Note on Construction & Demolition

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

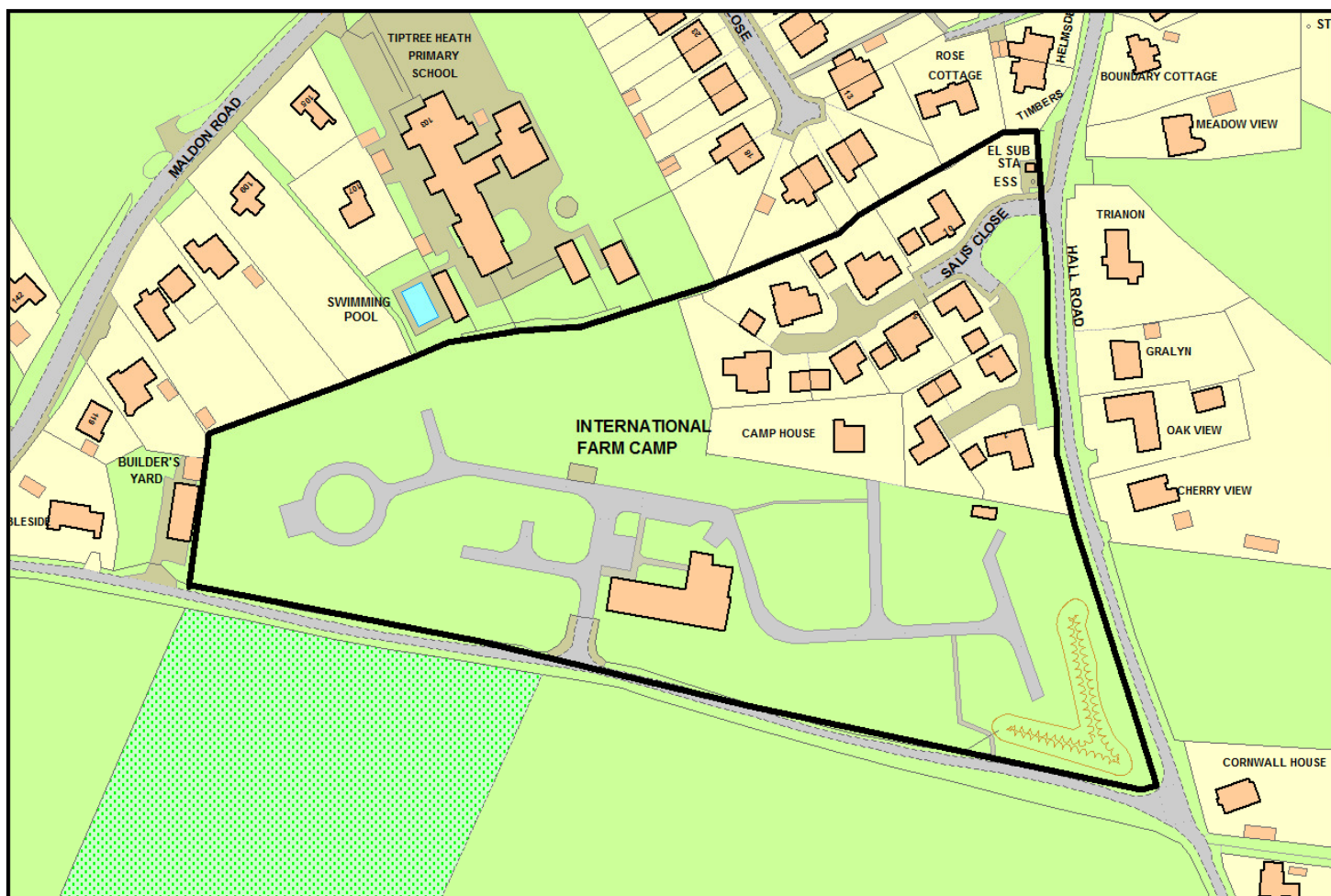
(2) All works affecting the highway should be carried out by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority and application for the necessary works should be made by initially telephoning 08456 037631.

(3) **ZTA - Informative on Conditions Stating Prior to Commencement/Occupation**

PLEASE NOTE that this permission contains a condition precedent that requires details to be agreed and/or activity to be undertaken either before you commence the development or before you occupy the development. This is of critical importance. If you do not comply with the condition precedent you may invalidate this permission. Please pay particular attention to these requirements.

20.0 Positivity Statement

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



Application No: 151593

Location: International Farm Camp, Hall Road, Tiptree, Colchester, CO5 0QS

Scale (approx): 1:1250

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7.5 Case Officer: Nadine Calder

Due Date: 30/10/2015

MAJOR

Site: International Farm Camp, Hall Road, Tiptree, Colchester, CO5 0QS

Application No: 151593

Date Received: 31 July 2015

Agent: Mr Mike Bowen, Melville Dunbar Associates

Applicant: Mr Chris Newenham, Wilkin & Sons Ltd

Development: Application to vary condition 9 of planning permission 100684.

Ward: Tiptree

Summary of Recommendation: Approved subject to conditions

1.0 Reason for Referral to the Planning Committee

- 1.1 This application is referred to the Planning Committee because it is a major application for which objections were received.

2.0 Synopsis

- 2.1 The key issues explored below are the implications the proposal to vary condition 9 of planning permission 100684 to allow ten mobile home units on site to be occupied all year round would have on the character and appearance of the surrounding area and neighbouring amenities.
- 2.2 Having carefully assessed the proposal, and having had regard to representations received from local residents as well as comments from statutory consultees, it is considered that any impact the proposed development would cause on the character and appearance of the surrounding area and neighbouring occupiers is limited. Furthermore, appropriate conditions would ensure that the camp would not become permanent and would remain seasonal in principle. The proposal is therefore found to be satisfactory and is recommended for conditional approval.

3.0 Site Description and Context

- 3.1 In the 1950's Wilkin & Sons established the site known as the International Farm Camp, (hereafter referred to as the IFC), on a 1.25ha triangular shaped parcel of land forming part of its agricultural holding on the west side of Hall Road, Tiptree. This site has since been extended but continues to be used to accommodate seasonal workers employed during the fruit picking season. The site currently comprises of 55 mobile home units as well as a large communal building to the south of the site.

- 3.2 The northern boundary of the IFC site adjoins residential properties (Salis Close) and the Tiptree Heath Primary School. To the west is an existing builder's yard. On the eastern side of Hall Road are other existing residential properties.
- 3.3 Vehicular access to the site is gained along the southern boundary of the site. The site is contained by established trees and hedgerows.

4.0 Description of the Proposal

- 4.1 This application seeks to vary condition 9 of planning permission 100684 which restricts the occupation of the mobile homes on site from February to November of any year. Permission is sought to allow the occupation of units 13-22 inclusive (as shown in red on the submitted Plan No. 1) to be used all year round.
- 4.2 The Planning Statement states that as a result of polytunnels recently being introduced on the site, the growing season has been significantly extended. The following extract is taken from the Planning Statement:
- “For example, in 2014 raspberries were still being picked in late November. This has had a ‘knock-on’ effect which requires the input of further staff resources. Following the harvest, there remain about four weeks of work to tidy up, carry out routine maintenance and make the farm weather-proof for the winter. Also, work now begins in mid-January with preparations for the upcoming season including new crop planting. To enable all these tasks to be undertaken, a small team of workers needs to be retained to cover this period.”
- 4.3 The statement concludes that allowing mobile homes units 13-22 to be used for an additional two months would ‘give the company the ability to use their workforce flexibly to address the challenge presented by all year round fruit production’.
- 4.4 The Applicant has confirmed that whilst the mobile home units have to be in place all year round, this does not apply to the workers. In a letter sent to the case officer on 5 October 2015, the Applicant states that ‘no individual workers are likely to be on site for longer than 10 months and the average length of stay will be closer to 4/5 months albeit some of this occupation could now be during the period November to February for any one individual’. The current application would therefore not result in permanent occupancy by individuals.

5.0 Land Use Allocation

- 5.1 The site is unallocated land directly adjacent to the defined settlement boundary of Tiptree.

6.0 Relevant Planning History

6.1 The most relevant planning history is listed below:

100684	Increase in the number of mobile homes from 30 to 55 and provision of access to Hall Road, service access roads, bases for 55 mobile homes, outdoor recreation/open space and amenity planting. Permission is also requested for occupancy of the mobile homes between February to November each year in order to meet the needs of the extended growing period.	Approved July 2010	29
K/COL/04/1848	Certificate of Lawfulness for the siting of 30 mobile homes situated within land currently used for the International Camp. Occupancy would be restricted to agricultural students for the duration of their temporary contracts with the company. Normally this involves periods extending from March to September annually	Approved November 2004	26

7.0 Principal Policies

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

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

CE1 – Centres and Employment Classification and Hierarchy
ENV1 - Environment
ENV2 - Rural Communities

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

DP1 Design and Amenity
DP8: Agricultural Development and Diversification

8.0 Consultations

- 8.1 Environmental Protection does not object to the proposal but suggests that as a result of the increased occupancy and proximity of sensitive receptors a condition should be imposed prohibiting amplified sound outside.

In addition to the details reported above, the full text of all consultation responses is available to view on the Council's website.

9.0 Parish Council Response

- 9.1 Tiptree Parish Council objects to this application on the grounds that this site was set up as seasonal only and the Parish Council would not want to see it given permanent site status.

10.0 Representations

- 10.1 Three letters of objection were received. The main reasons for objecting can be summarised as follows:
- Increased noise and disturbance;
 - Increased traffic;
 - Lack of privacy as a result of overlooking;
 - Camp is seasonal and should not be open all year;
 - Impact on wildlife, foliage and flora; and
 - The site can be seen from Hall Road (contrary to what is stated in the application form).
- 10.2 One local resident objected to the provision of additional caravans on the application site, however, the proposal the subject of this application does not include additional caravans and merely seeks to use ten existing caravans during the months of December and January which is currently not possible by way of restrictive conditions. Therefore, no further consideration will be given to this objection.
- 10.3 For the purpose of clarification, the application, as submitted is valid and lawful, thereby capable of being assessed by the Council. Comments that an application to remove a condition previously applied to a consent is unlawful and that there is 'no legal reason or right' for such conditions to be removed are incorrect and no further consideration is given to these comments.

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

11.0 Parking Provision

- 11.1 The proposal does not impact on the provision of parking facilities.

12.0 Open Space Provisions

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

13.0 Air Quality

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

14.0 Development Team and Planning Obligations

- 14.1 This application is classed as a “Major” application and therefore there was a requirement for it to be considered by the Development Team. It was determined by the Development Team that there is no requirement or justification for any Planning Obligations via Section 106 of the Town and Country Planning Act 1990.

15.0 Report

- 15.1 This application seeks permission to use ten of the existing 55 mobile homes, namely mobile home units 13 -22 located along the southern boundary of the site and towards its south western corner, to be occupied during December and January of any year which is currently restricted by condition. The reason for this proposal is due to the extended growing season as a result of the recently introduced polytunnels on site.
- 15.2 The Applicant represents a long established Tiptree-based company and is a major employer, and tourist attraction, within the Borough. In this context, the continued prosperity and expansion of the agricultural business is supported in terms of the Council’s adopted policies.
- 15.3 The proposal does, however, represent an increase in the use of the IFC and in this respect the justification and the need for the extended accommodation has to be balanced against residential amenity.
- 15.4 The Planning Statement explains that mobile home units 13-22 have been selected because of their location close to the communal building in the middle of the site and along its southern boundary and due to the distance between those units and nearby residential properties, in an attempt to ensure their occupation would have limited impact on the amenities of neighbouring occupiers.
- 15.5 Notwithstanding the above, a number of objections were received, making reference to increased noise and disturbance as a result of seasonal workers occupying the site for two additional months of the year, resulting in the site being used all year round. Environmental Protection has confirmed that it has no objection to the proposal subject to a condition that prohibits the playing of music or amplified sound outside. Whilst it is appreciated that the occupancy of the site for two additional months per year would result in some additional activity on the site, it is considered that the use of ten mobile home units would not have such an impact on residential amenities that would be harmful, either visually or materially. The careful selection of the ten mobile home units located towards the south western corner of the site and in close proximity to the communal building helps mitigate any potential problems in terms of increased noise and disturbance. Similarly, the additional vehicle movements which the proposal would result in are considered to be limited as a result of the access being located to the south of the site, this is considered to cause limited disturbance to neighbouring occupiers.

- 15.6 One objector raised loss of privacy as a result of overlooking as an issue, however, the proposal is not considered to cause any materially harmful impact in terms of overlooking given their location and orientation. On this basis, it is considered that the proposal to occupy mobile home units 13-22 all year round is acceptable as the impact on neighbouring amenities would be kept to a minimum.
- 15.7 Comments were also received that the site had been set up as a seasonal camp only and should not be granted permanent permission. These comments are noted and need to be carefully assessed as the permanent occupancy of some of the mobile homes could result in them providing permanent accommodation for some workers which should not be the intention of this application. The proposal however only relates to ten of the existing 55 mobile home units, which amounts to less than 20 per cent of occupancy for the whole year whereas the remaining units would continue to be used for ten months of the year only. The units, although visible from certain vantage points outside the application site, are well screened by existing hedgerows along the boundaries and any additional activity on the site during the additional two months is not considered to significantly impact on the visual amenity of the surrounding area, nor would it have such a detrimental impact on wildlife or foliage that would warrant a refusal on that basis.
- 15.8 In a letter dated 5 October 2015, the Applicant confirmed that the workers would not occupy the units on a permanent basis, even though the ten units the subject of this application would be in occupancy for 12 months of the year. It was explained that seasonal workers are unlikely to be on site for longer than ten months whereas the average length of stay will be closer to four or five months for any one individual in any one calendar year. Precautions would have to be put in place by way of an up to date schedule of occupancy having to be kept on site and made available to the local authority for inspection at all reasonable times. On this basis, it is considered that, whilst certain units would be used all year round, the camp as a whole remains predominantly seasonal and is therefore acceptable on this basis.

16.0 Conclusion

- 16.1 The applicant has demonstrated that the extended growing season and associated additional works require some staff to be present during the months of December and January. It is noted that the camp has been set up as a seasonal camp only; however, having regard to the above, it is concluded that the occupation of ten mobile home units (representing less than a fifth of the total mobile home units on site) on site during the whole year is acceptable as it would not cause such visual or material harm to neighbouring occupiers or the character and appearance of the surrounding area that would be detrimental and is therefore acceptable in this instance.

17.0 Recommendation

- 17.1 APPROVE subject to conditions.

18.0 Conditions

1 - Non-Standard Condition/Reason

With the exception of condition 9 of Planning Permission 100684 which is hereby varied, the requirements of all other conditions imposed upon planning permission 100684 remain in force and shall continue to apply to this permission, including the details and provisions of any approved matters discharging any conditions of that permission.

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

2 - Non-Standard Condition/Reason

The development hereby permitted shall be carried out in accordance with the details shown on the submitted 'Plan No. 1 - Mobile homes to be occupied 12 months of the year'.

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

3 - Non-Standard Condition/Reason

The premises herein referred to shall be used for seasonal workers accommodation only and for no other purpose. The duration of occupation by any one person, or persons, of any of the mobile home units shall not exceed a period of ten months in total in any one calendar year, unless the Local Planning Authority agrees in writing to any variation. The owners/operators of the units herein referred to shall maintain an up-to-date schedule of occupancy, which shall include the names and addresses of all those persons occupying the units during each individual occupancy. The said schedule shall be made available at all reasonable times to the Local Planning Authority.

Reason: To ensure that the development is occupied only by seasonal workers, and for the avoidance of doubt as to the scope of this permission as this is the basis on which the application has been considered any other use would need to be considered at such a time as it were to be proposed.

4 - Non-Standard Condition/Reason

No music or amplified sound shall be played outside of the premises at any time during the period hereby approved.

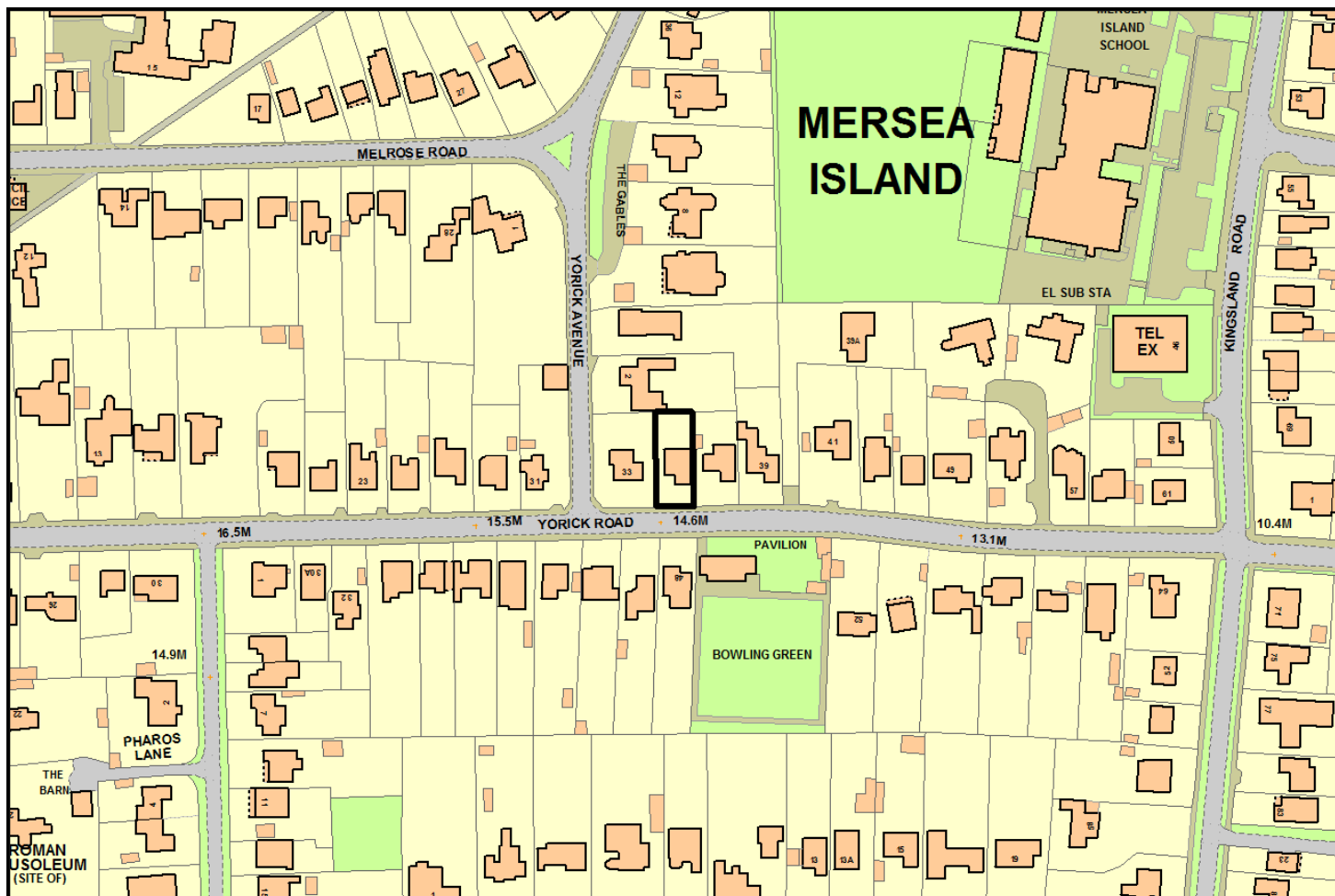
Reason: To safeguard the amenities of nearby residential properties.

19.0 Informatives

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

20.0 Positivity Statement

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



Application No: 151926

Location: 35 Yorick Road, West Mersea, Colchester, CO5 8AJ

Scale (approx): 1:1250

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7.6 Case Officer: Chris Harden

Due Date: 30/10/2015

MINOR

Site: 35 Yorick Road, West Mersea, Colchester, CO5 8AJ

Application No: 151926

Date Received: 4 September 2015

Agent: Jamie Kelly

Applicant: Mrs J Woolley

Development: Replacement dwelling.

Ward: West Mersea

Summary of Recommendation: Conditional Approval

1.0 Reason for Referral to the Planning Committee

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

2.0 Synopsis

- 2.1 The key issues explored below are consideration of the design, scale and form of the replacement dwelling, its impact upon the character of the street scene and any impact upon neighbouring residential amenity. It should be noted that an application to extend the original house to a form and size very similar to the replacement dwelling now proposed was approved at the August 2015 Planning Committee (151318). The latest proposal is considered acceptable in terms of its impact upon the character of the street scene and upon the amenity of immediate neighbours. Approval is, therefore, recommended.

3.0 Site Description and Context

- 3.1 The site lies within the physical limits of West Mersea and is a single storey dwelling. Either side are single storey dwellings, although within the street are houses of various sizes, including two storey and one and a half storey dwellings.

4.0 Description of the Proposal

- 4.1 The proposal is for the erection of a replacement dwelling to provide a 1 ½ storey, two bedroom dwelling. The dwelling would be 1.2 metres higher to the ridge than the existing dwelling, being raised by 1.2 metres to 7.1 metres. For the avoidance of doubt, it should be noted that in the previous Committee report (151318) it was stated that the height of the dwelling would be raised 1.2 metres to 6.9 metres as measured on the drawings although the dimensions said 7.1 metres. The current proposal is deemed to be the same height as the previously approved scheme. The eaves would remain at the same height as the existing dwelling. The western side of the dwelling

would also be extended eastwards by 1.2 metres at the new full height. These elements are the same as originally approved.

- 4.2 The existing single storey front wing would also have the roof pitch raised by 0.5 metres so that the ridge would be 5.1 metres above ground level. The previous approval showed this height to be 5.3 metres. A rear single storey extension would also be provided which would project 4.3 metres rearwards and would have a pitched roof up to a height of 3.9 metres above ground level facing eastwards and a flat-roofed element facing westwards. The height of the rear element is around 0.1 metres higher than previously approved.
- 4.3 The replacement dwelling would also be moved approximately 0.2 metres further away from the Eastern boundary than the existing dwelling.

5.0 Land Use Allocation

- 5.1 West Mersea settlement boundary.

6.0 Relevant Planning History

- 6.1 The previous application for first floor and rear extensions (151318), as outlined above, was approved at the August Planning Committee and the decision notice was issued on 2nd September 2015.

7.0 Principal Policies

- 7.1 Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. The National planning Policy Framework (NPPF) must also be taken into account in planning decisions and sets out the Government's planning policies are to be applied. The NPPF makes clear that the purpose of the planning system is to contribute to the achievement of sustainable development. There are three dimensions to sustainable development: economic, social and environmental.
- 7.2 Continuing the themes of the NPPF, the adopted Colchester Borough Core Strategy (adopted 2008, amended 2014) adds detail through local strategic policies. Particular to this application, the following policies are most relevant:
- SD1 - Sustainable Development Locations
 - UR2 - Built Design and Character
- 7.3 In addition, the following are relevant adopted Colchester Borough Development Policies (adopted 2010, amended 2014):
- DP1 Design and Amenity
 - DP12 Dwelling Standards
 - DP13 Dwelling Alterations, Extensions and Replacement Dwellings
 - DP16 Private Amenity Space and Open Space Provision for New Residential Development
 - DP19 Parking Standards

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

- Sustainable Construction
- Extending Your House?
- The Essex Design Guide

8.0 Consultations

8.1 The consultation exercise has not resulted in the receipt of any statutory consultee comments.

9.0 Parish Council Response

9.1 Parish Council state: "Following discussion it was agreed to recommend CONSENT be granted in respect of this application."

10.0 Representations

10.1 7 letters of objection have been received (from a total of three neighbours), making the following points.

- (i) Housing stock fails yearly to increase, surely be a mistake to allow the destruction of existing excellent brick built bungalow to allow another 2 bed dwelling squeezed onto this very small site. Replacement would have alien cladding and considerable extra height and width, would bulge grossly over the neighbours and spoil the appearance of the whole area.
- (ii) Destruction will cause local aggravation and noise and air pollution from construction, close to bus stop and school.
- (iii) Will be bigger and higher than any of the surrounding bungalows, and hardie board will emphasise this, making it a gross intrusion and out of keeping.
- (iv) Will be shoehorned into very small site.
- (v) Will be a waste of ideally placed small home, perfect for a retired couple. An unnecessary waste. West Mersea is a very popular place for people to downsize and retire to. Very few, if any, small bungalows are being built on the island.
- (vi) Will have an overbearing impact on my property from its size (height and width).
- (vii) Overshadowing and overpowering to neighbouring bungalows. Hip main ridges to lessen impact? Additional proposed height make it an inappropriate building in the current pensioner bungalow enclave.
- (viii) Previous condition 5 restricting any further enlargement, improvement or other alteration without prior approval of the Planning Authority should be restated.
- (ix) Difficult to complete our comments until the incorrect and ambiguous plans are corrected and published on line.
- (x) Reminder : Our waste system may cross the proposed build area.

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

11.0 Parking Provision

11. The dwelling would have space for two cars to park at the front of the property so would accord with Policy DP19 Parking Standards.

12.0 Open Space Provisions

- 12.1 There is no requirement for any public open space provision for this application.

13.0 Air Quality

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

14.0 Development Team and Planning Obligations

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

15.0 Report

- 15.1 It is considered that the design, scale, form and location of the replacement dwelling is acceptable in terms of its impact upon the character of the street scene. The height of the existing dwelling would only be raised by 1.2 metres to 7.1 metres and the eaves would stay the same height. As concluded before on application 151318, whilst this would be higher than the bungalows either side, it would not be out of keeping with the scale and height of some of the other dwellings in the street and would not visually dominate the adjacent bungalows too significantly. There is already, therefore, some variation in the types and sizes of dwellings in Yorick Road so it is considered the alterations would relate visually satisfactorily to the character of the area.
- 15.2 Similarly, the front wing of the property is only being raised by 0.8 metres to 5.1 metres and this resultant height would look acceptable in this context. The proposed rear extension, which is only 0.1 metres higher than previously approved would not have a significant visual impact upon the street scene and would fit in with the character of the dwelling.
- 15.3 As before, a key consideration is the impact of the proposals upon neighbouring residential amenity. As was concluded previously, it is considered that the increase in height of the main roof by 1.2 metres and moving the flank wall closer to the west side boundary by 1.2 metres would not result in a significantly detrimental impact upon neighbours in terms of an overbearing impact, loss of light or loss of outlook. The fact that the dwelling would be located a little further from neighbouring property than the previously approved scheme is also slightly beneficial in residential amenity terms. The conservatory on the side elevation of the bungalow to the west would still be 4.5 metres from the new flank wall and this distance would allow adequate light to the property whilst not being unacceptably overbearing or resulting in a significant loss of light.

- 15.4 Similarly it is considered that No. 37 is far enough from No. 35 to avoid there being a significant loss of light, overbearing impact or loss of light from the raising of the main roof or front element. The fact that the eaves are being retained at the same height and that the roof tapers towards the new ridge height helps minimise the impact upon the amenity of both properties either side.
- 15.5 The height of the rear extension would be 3.9 metres above ground level and this avoids any significant loss of light or overbearing impact.
- 15.6 The first floor side window on the East elevation serves a bathroom and so would therefore be obscure glazed. There would, therefore, not be overlooking of No. 37 from this window. A condition can also be applied to ensure the roof lights on the rear elevation have their lower cill a minimum of 1.7 metres above the internal first floor level. This will avoid any overlooking from the rear too and will accord with the SPD.
- 15.7 As with most development such as this, there inevitably can be a degree of disruption during construction works but this is not considered a reason to warrant refusal of the proposal. If there is a statutory nuisance caused, this can be addressed under Environmental Health legislation.
- 15.8 Finally, there will be no impact upon highway safety, vegetation or wildlife.

16.0 Conclusion

- 16.1 In conclusion it is considered that the scale, form, design and location of the replacement dwelling would relate satisfactorily to the character of the street scene and to the existing dwelling itself. The scheme is also considered acceptable in terms of its impact upon neighbouring residential amenity. These were also the conclusions reached on the very similar, previously approved scheme which extended the dwelling rather than replacing it. The previous proposal had been amended in a number of ways to attempt to alleviate some of the neighbours' concerns, including the reduction of the roof height on the rear extension to a height lower than that allowed under Permitted Development. This latest proposal carries through those amendments and is therefore considered acceptable. The same conditions that were applied to the previous approval can be applied to this case.

17.0 Recommendation

- 17.1 APPROVE subject to the following conditions:

18.0 Conditions

1 - Time Limit for Full Permissions

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

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

2 - *Development to Accord With Approved Plans

The development hereby permitted shall be carried out in accordance with the details shown on the submitted Drawing Numbers YR/PA010, YR/PA011, YR/PA012A received 4/9/15. Reason: For the avoidance of doubt as to the scope of this permission and in the interests of proper planning.

3 - Materials to Match

The external facing and roofing materials to be used shall match in colour, texture and form those used on the existing building.

Reason: This is a publicly visible building where matching materials are a visually essential requirement.

4 - Non-Standard Condition/Reason

The first floor bathroom window on the east elevation shall be obscure glazed (level 4 obscurity) and thereafter retained as such and the rooflights on the rear elevation shall have a lower sill level no less than 1.7 metres above the first floor level.

Reason: In the interests of neighbouring privacy.

5 - Non-Standard Condition/Reason

Notwithstanding the provisions of Article 3, Schedule 2, Part 1 Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), no enlargement, improvement or other alteration to the dwelling shall be erected or carried out except in accordance with drawings showing the siting and design of such enlargement, improvement or other alteration which shall previously have been submitted to and approved, in writing, by the Local Planning Authority.

Reason: The site is already heavily constrained and developed and any further development on the site would need to be considered at such a time as it were to be proposed.

19.0 Informatives

(1) ZT0 – Advisory Note on Construction & Demolition

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

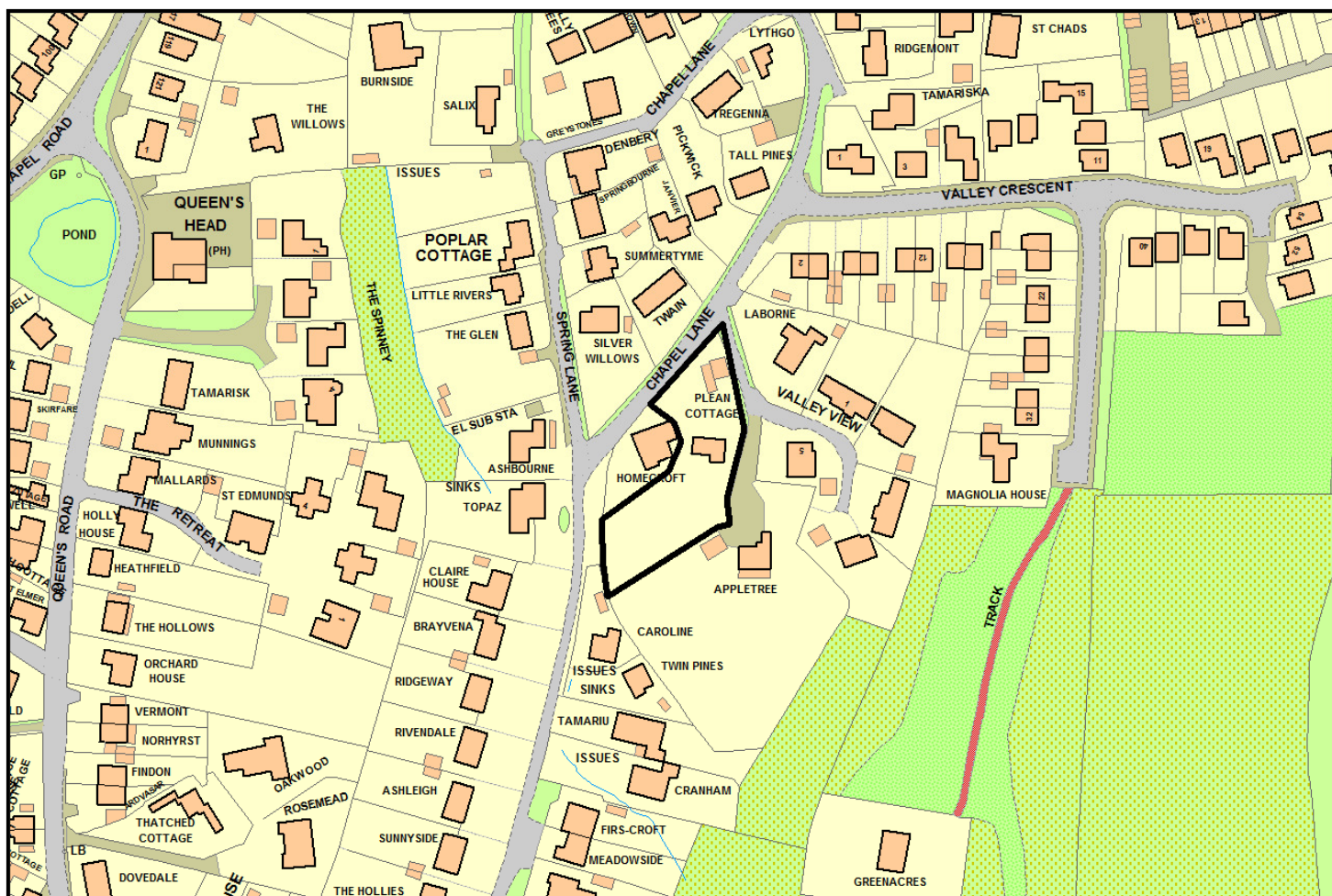
(2) All works affecting the highway should be carried out by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority and application for the necessary works should be made by initially telephoning 08456 037631.

(3) ZTA - Informative on Conditions Stating Prior to Commencement/Occupation

PLEASE NOTE that this permission contains a condition precedent that requires details to be agreed and/or activity to be undertaken either before you commence the development or before you occupy the development. This is of critical importance. If you do not comply with the condition precedent you may invalidate this permission. Please pay particular attention to these requirements.

20.0 Positivity Statement

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



Application No: 150702

Location: Homecroft, Chapel Lane, West Bergholt, Colchester, CO6 3EF

Scale (approx): 1:1250

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7.7 Case Officer: Carl Allen**MINOR**

Site: Homecroft, Chapel Lane, West Bergholt, Colchester, CO6 3EF

Application No: 150702

Date Received: 28 April 2015

Agent: Mr Steve Norman

Applicant: Woodman Properties

Development: Proposed formation of a private drive erection of two detached bungalows, erection of a two storey house, extensions and alterations to an existing bungalow to form a two storey dwelling, erection of garages and provision of associated parking facilities.

Ward: W. Bergholt & Eight Ash Green

Summary of Recommendation: Conditional Approval

1.0 Reason for Referral to the Planning Committee

- 1.1 This application is referred to the Planning Committee because Cllr Willets has called-in the proposal for the following reasons – ‘Whilst not opposed absolutely to the development of the site this proposal constitutes over development in this part of the village where the planning theme is rather more spacious development. The site is also in an elevated position and it seems little attention has been given in the design to its impact on the village scape. The site is served by narrow, sub-standard lane network, on which the impact of additional vehicle traffic has not been quantitatively evaluated’.

2.0 Synopsis

- 2.1 The key issues explored below are that of design, amenity, drainage and highways. It is considered that the scheme would not have any detrimental amenity impacts to neighbours, has an acceptable design and layout and provides off-street parking to the Parking Standard with no highway safety concerns. The site is not in a Flood Zone but with reports of localised flooding the applicant has included underground water storage tanks to reduce runoff from the site. Approval with conditions is recommended.

3.0 Site Description and Context

- 3.1 The Homecroft site is a plot of land that extends to the east and south of the house known as Homecroft and to the south of Plean Cottage. Homecroft fronts onto Chapel Lane – which is to the north, whilst Plean Cottage is a bungalow set further back into the site, to the east of Homecroft with a large garage to the north between it and the highway. East of Plean Cottage is a boundary hedge with the cul-de-sac of Valley View beyond. The southern and western parts of the site fall away and are on lower ground compared to the rest of the site. The site is in the settlement boundary and as could be expected there are neighbouring dwellings surrounding the plot. On the opposite side of Chapel Lane to the north are two houses, a chalet and a bungalow. To the east on the opposite side of Valley View is a bungalow ('Laborne' which fronts onto Chapel Lane) and houses (numbers 1 and 5 Valley View). To the south-east is 'Appletrees' a detached house whilst houses are on the opposite side of Spring Lane to the west.

4.0 Description of the Proposal

- 4.1 The proposal is to extend and add a first floor to Plean Cottage – increasing the height by approximately 3.2m - to make it a three bed house. To erect a new, detached four bedroom house (Plot 1) to the north of Plean Cottage and for two detached three bed bungalows to the south of Homecroft. A new access would be installed between Homecroft and Plean Cottage and would serve Plean Cottage and the two new bungalows. Plot 1 would have its own access onto Chapel Lane. Plot 1 and the two bungalows would have their own garages and two off-street parking spaces. Plean Cottage would have two off-street parking spaces.

5.0 Land Use Allocation

- 5.1 Residential.

6.0 Relevant Planning History

- 6.1 None.

7.0 Principal Policies

- 7.1 Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. The National planning Policy Framework (NPPF) must also be taken into account in planning decisions and sets out the Government's planning policies are to be applied. The NPPF makes clear that the purpose of the planning system is to contribute to the achievement of sustainable development. There are three dimensions to sustainable development: economic, social and environmental.
- 7.2 Continuing the themes of the NPPF, the adopted Colchester Borough Core Strategy (adopted 2008, amended 2014) adds detail through local strategic policies. Particular to this application, the following policies are most relevant:

SD1 - Sustainable Development Locations
UR2 - Built Design and Character

7.3 In addition, the following are relevant adopted Colchester Borough Development Policies (adopted 2010, amended 2014):
DP1 Design and Amenity
DP12 Dwelling Standards
DP13 Dwelling Alterations, Extensions and Replacement Dwellings
DP16 Private Amenity Space
DP19 Parking Standards
DP20 Flood Risk and Management of Surface Water Drainage

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

N/A

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

Backland and Infill
Vehicle Parking Standards
Sustainable Construction
The Essex Design Guide
External Materials in New Developments

8.0 Consultations

8.1 Highways – No objection and recommend conditions.

In addition to the details reported above, the full text of all consultation responses is available to view on the Council's website.

9.0 Parish Council Response

9.1 The Parish Council have stated that they accept the site will be developed. Poor quality of the information makes it impossible to determine the relationship of the buildings proposed on a sloping site. The layout does not respect the site contours, some dwelling would be 1.5m out of the ground. The design does not compliment the neighbourhood – could be improved.

10.0 Representations

10.1 Ten objections have been received and one comment stating support if good quality screening to the boundaries can be provided. The objections concern:

- large 4 bed homes are not suitable for the area
- site is too small for the number of homes
- would prefer bungalows only
- Plean Cottage should be left single-storey
- Plot 1 not suitable for 2 stories as out of keeping with nearby bungalows
- will overlook neighbours
- will spoil outlook for bungalows opposite the site by blocking views of the valley

- increasing height of Plean Cottage will reduce sunlight to their property
- room in the scheme to replace mature trees in the once beautiful garden
- the overcrowded development will be detrimental to the health and well-being of residents
- Chapel Lane has a high volume of traffic movement
- will result in at least 10 extra vehicle movements a day
- car parking is cramped on the site
- inadequate parking on site will lead to parking on the street
- will impact on safety at Chapel Lane
- rural lane will become very high density with 5 accesses within 35 yards onto an unlit, unpathed Chapel Lane
- will result in problems for emergency services
- already have new development in the village and this is one too many for the traffic congestion
- little garden space
- will sewers and drains be able to cope
- will increase flooding in the area
- Chapel Lane already experiences heavy surface water flows after rain
- hard surfacing will increase surface water runoff and there is a history of flooding in the area
- concerned over the impact to the structure of their property when the foundations are dug
- bungalows would be close to their dwelling which is timber construction. Foundation work may cause subsidence to their property
- integral garages would improve setting of the development
- gable end of garages front highway is contrary to the character of the area
- Plot 1 is too close to the highway and out of keeping with the area and a highway hazard
- Plot 1 should be set further back
- Applicants state that they will use 'free draining material' for hard-standing areas but they didn't use it in the refurbishment of Homecroft
- drainage is important as ditches and streams are overloaded
- foul water sewer can overflow into River Colne
- all surface water should be directed into engineered soakaways with sufficient capacity
- hollow claim about the environment when they have cleared the site of trees
- states existing boundary hedging to be retained but it has been already been removed

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

11.0 Parking Provision

11.1 Eight off-street parking spaces (two for each dwelling).

12.0 Open Space Provisions

12.1 N/A.

13.0 Air Quality

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

14.0 Development Team and Planning Obligations

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

15.0 Report

Amenity.

- 15.1 Amenity issues such as overlooking and overshadowing have been raised as concerns by neighbours. With regards to overshadowing the distances to neighbours would ensure that overshadowing would not be an issue. For instance, Plot 1 is approximately 21m from the nearest dwelling at Valley View (to the east) and 23m from the nearest dwelling on Chapel Lane to the north (and each has a road between it and the site), whilst Plot 3 (a bungalow) would be 20m from Appletrees (to the east of the plot). These distances alone would ensure that no neighbouring dwelling would be overshadowed. Homecroft itself would be 6m at the closest point with Plean Cottage but the orientation would ensure that there would be no shadows cast to the dwelling. Both Plean Cottage and Plot 1 would be houses with first floor windows and so the potential to overlook surrounding neighbours must be examined. Plean Cottage would have one first floor rear elevation window and it would not serve a habitual room. This window would be approximately 9m from the boundary with the nearest neighbour (number 5 Valley View). This boundary is the frontage and the neighbours dwelling is set back a further 8m, making a total of 17m from the window. As this window does not serve a habitual room there should be no meaningful opportunity to overlook this neighbour – especially with the boundary hedge in place (and strengthened). However, it would be prudent to remove Permitted Development Rights to insert any new rear elevation first floor openings or roof lights/dormer windows as these would have the potential to serve bedrooms and this could result in overlooking. The proposed rear elevation of Plot 1 would have two first floor windows – one serving a hallway and one serving a bedroom. This bedroom window would be 20m from the boundary with Laborne and 23m from the boundary with number 5 Valley View. These distances are acceptable and would not result in any amenity loss to these neighbours. The proposed front elevation would have three first floor windows – two serving bedrooms and one to a bathroom. The relationship here with the neighbour of ‘Twain’ (a bungalow) is closer, being approximately 19m from the front elevation of ‘Twain’, but is still acceptable that it is a front elevation which already has some public views into the frontage. It is therefore considered that the proposal comply with DP1 and DP13.

Design.

- 15.2 Comments have been received that the scheme is cramped, an over-development, should only be bungalows and the gardens are too small. Policy DP16 requires three bedroom dwellings to have a minimum of 60 sqm of private amenity space and four bedroom dwellings to have a minimum of 100 sqm. The proposed scheme easily meets this standard with the smallest of the three bedroom dwellings (Plot 3) offering approximately 120 sqm of private amenity space and Plot 1 (four bedrooms) with around 110 sqm. None of these figures include the space taken up by parking spaces. Given these figures it cannot be agreed that the scheme is an overdevelopment. Whilst there are some very large gardens in the surrounding area, these exceptions to the more modest sized plots in the neighbourhood and the proposed plot sizes are in line with the character of the area and Policy DP16. The scheme is a mix of houses and bungalows and this does reflect the existing character around the site – with the bungalows located on the land that drops in levels. Whilst some of the objectors believe that having Plot 1 as a house is inappropriate for the area, there are several houses fronting Chapel Lane (including Homecroft itself). Plot 1 would be slightly closer to the highway than the existing properties, but would have a small garden to the front which would soften the visual impact in the street scene. The cul-de-sac layout is acceptable and the adjacent Valley View is a cul-de-sac itself so the scheme is not against the pattern of development in the area. The scheme was subject to a lengthy Preliminary Enquiry where the Council's Urban Designer had a strong input. This current application has the support of the Urban Designer who has recommended conditions regarding detailing. The comment that the garage gables facing the road is inappropriate seems misjudged as only one garage could be described as facing Chapel Lane and it is set back 13m from the highway and would have no real presence in the street scene. With these considerations the proposal complies with UR2 and DP1.

Highways.

- 15.3 Chapel Lane is a narrow road - although capable of allowing traffic to pass in either direction. Chapel Lane outside the application area drops to the south-west where it meets Spring Lane. Objectors have claimed that Chapel Lane already has a high volume of traffic and is a rural road. In Officers opinion neither of these views are wholly correct. Chapel Lane maybe narrow with no kerb or road markings but is in a residential area. The proposed four new dwellings would all use Chapel Lane and concern over the resulting increase in vehicle movements/congestion has been raised. The Highway Authority at Essex County Council have commented that Chapel Lane has low traffic volume and low vehicle speeds and have not objected to the scheme. The physical attributes of Chapel Lane – the narrowness, lack of markings and gradient – would strongly suggest that drivers would be very unlikely to be driving at fast speeds. It is also considered that the resulting vehicle movements from the proposed dwellings would not significantly increase vehicles on the road or congestion in the area. The parking spaces that would be provided would provide adequate off-street parking. In the case of Plot 1 the garage has internal measurements to allow it to be considered as a parking space. Whilst one parking space is indicated in front of the garage another car could easily park on the drive in front of this space. Plots 2 and 3 have garages provided but the internal dimensions of them mean that they could not be considered to be a parking space, however two parking spaces are shown in front of the garages and like Plot 1, the drive could accommodate another vehicle on each

drive. Plean Cottage is shown to have two off-street spaces. Given these spaces the proposal provides off-street vehicle parking to the adopted Standard and accords with DP19.

- 15.4 Further comment has been received stating that the proposal has annexed the highway verge into the site and the plans should not therefore be approved and that the scheme should provide adequate pedestrian escape from traffic. Highways at Essex County Council have seen these comments and still maintain that they have no objection to the proposal and the agent has also recently supplied plans at a greater scale that clearly show that a verge would be continued to be provided outside Plot 1. The agent has also stated 'It will be noted that the proposed picket fence and hedge planting will be behind the root line of the previous hedge and that the verge will remain and will in fact be wider than previously due to the thick hedge having been removed'. The verge that is shown on the most recent plan is 1.5m wide outside plot 1.
- 15.5 Some concern has been expressed by neighbours that the planting behind the proposed picket fence would limit the visibility splay for vehicles leaving Valley View cul-de-sac. Again it is noted that Highways have not objected to any part of the proposal and that Condition 5 of the suggested conditions requires the provision and retention of a visibility splay. It is also noted that the landscaping shown on the plans at the moment is indicative and would ultimately be subject to landscaping conditions as outlined in Conditions 9, 10, 11 and 12.

Flooding/drainage.

- 15.6 Many of the objectors have expressed concern on how the proposed development would increase flooding in the area and have stated that flooding is a long standing issue in the area. First of all it should be noted that the site is not in any recognised Environment Agency Flood Zone. In fact, the nearest Flood Zone is approximately 700m south of the site around the stream at Newbridge Mill. However, given the topography of the site and the surrounding area, localised flooding would not be unexpected. To address this possibility and the concern raised by the neighbours, the applicant has offered to install rainwater harvesting systems at each of the proposed dwellings. The rainwater that would be harvested from each roof would be collected in underground tanks and used for toilet flushing, limited washing and for garden watering. The applicant has stated that the size of each tank would be determined by the provider of the systems based on the size of the dwelling and the roof area. The applicant has also restated that they would use only permeable material for hard standing. Both of these features should result in no increase in surface water leaving the site than the current arrangement and these features are considered to adequately address the flooding concerns of residents. It would be advisable to condition the precise details – such as the capacity of the storage tanks and the exact material for the hardstanding, along with the position of the soakaways. The proposal therefore accords with Policy DP20.

Other matters raised.

- 15.7 Comment has been made that the proposal will result in loss of outlook to the existing neighbours. Given the already stated distances to neighbours (over 20m in most cases), the proposed scheme would not impact on outlook. Some neighbours will of course have a view over the site altered, but loss of a private view is not a valid planning consideration.
- 15.8 The site has been cleared of vegetation in the centre but screening remains to the boundaries with neighbours. This existing screening should be conditioned to be retained and protected during the construction phase and should be enhanced in areas where there are gaps via a landscaping condition.
- 15.9 Concern has been raised over potential damage to existing dwellings by the digging of foundations. The two objectors who have raised this are both over 20m from the site so it would be doubtful if the digging of foundations could impact on dwellings such a distance from the development.
- 15.10 With regards to the visual impact and the impact on the village scape, the site is within the settlement boundary although close to the fringe. There are existing houses in the area and the two proposed houses would not fundamentally change the character of the immediate area or the village. Neither would they appear alien to the area, especially given that Plot 1 (that would front Chapel Lane) would be very similar in design to Homecroft.

16.0 Conclusion

- 16.1 Whilst the proposal has attracted a lot of objection, the scheme accords with Policies that concern, amenity, design, parking and flooding.

17.0 Recommendation

- 17.1 APPROVE subject to the following conditions

18.0 Conditions

1 - Time Limit for Full Permissions

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

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

2 - *Development to Accord With Approved Plans

The development hereby permitted shall be carried out in accordance with the details shown on the submitted Drawing Numbers 1502/1, 1502/2, 1502/3, 1502/4, 1502/5, 1502/6, 1502/8 and Location Plan unless otherwise subsequently agreed, in writing, by the Local Planning Authority.

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

3 - Non-Standard Condition/Reason

Prior to the commencement of development, precise details of the manufacturer and types and colours of the external facing and roofing materials to be used in construction shall have been submitted to and approved, in writing, by the Local Planning Authority. Such materials as may be approved shall be those used in the development unless otherwise subsequently agreed, in writing, by the Local Planning Authority.

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

4 - Non-Standard Condition/Reason

Notwithstanding the provisions of Classes A, B and C of Part 1 Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 (or the equivalent provisions of any order revoking and re-enacting that Order), no extensions, roof lights and dormers windows shall be erected/installed unless otherwise subsequently approved, in writing, by the Local Planning Authority.

Reason: In the interest of visual amenity and to ensure the development avoids an overdeveloped or cluttered appearance.

5 - Non-Standard Condition/Reason

Prior to occupation of the development, the access at its centre line shall be provided with a clear to ground visibility splay with dimensions of 2.4 metres by 11 metres to the north east and 2.4 metres by 11 metres to the south west, as measured from and along the nearside edge of the carriageway. Such vehicular visibility splays shall be provided before the access is first used by vehicular traffic and retained free of any obstruction at all times.

Reason: To provide adequate inter-visibility between vehicles using the access and those in the existing public highway in the interest of highway safety.

6 - Non-Standard Condition/Reason

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

Reason: To avoid the displacement of loose material onto the highway in the interests of highway safety.

7 -Non-Standard Condition/Reason

Prior to occupation of the development the vehicular parking and turning facility, as shown on the submitted plan shall be constructed, surfaced and maintained free from obstruction within the site at all times for that sole purpose.

Reason: To ensure that vehicles can enter and leave the highway in a forward gear in the interest of highway safety.

8 - Non-Standard Condition/Reason

Any vehicular hardstanding shall have minimum dimensions of 2.9 metres x 5.5 metres for each individual parking space, retained in perpetuity.

Reason: To ensure adequate space for parking off the highway is provided in the interest of highway safety.

9 - Non-Standard Condition/Reason

Prior to the commencement of development, there shall have been submitted to and approved, in writing, by the Local Planning Authority a scheme of hard and soft landscaping works for the publicly visible parts of the site and boundaries, which shall include any proposed changes in ground levels and also accurately identify positions, spread and species of all existing and proposed trees, shrubs and hedgerows on the site, as well as details of any hard surface finishes and external works, which shall comply with the recommendations set out in the relevant British Standards current at the time of submission.

Reason: In order to ensure that there is a sufficient landscaping scheme for the relatively small scale of this development where there are public areas to be laid out but there is insufficient detail within the submitted application.

10 - Non-Standard Condition/Reason

All changes in ground levels, hard landscaping, planting, seeding or turfing shown on the approved landscaping details shall be carried out in full prior to the end of the first planting and seeding season following the first occupation of the development or in such other phased arrangement as shall have previously been agreed, in writing, by the Local Planning Authority. Any trees or shrubs which, within a period of 5 years of being planted die, are removed or seriously damaged or seriously diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority agrees, in writing, to a variation of the previously approved details.

Reason: In order to ensure that there is a sufficient landscaping scheme for the development where there is insufficient detail within the submitted application.

11 - Non-Standard Condition/Reason

Prior to the commencement of development, 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.

12 - Non-Standard Condition/Reason

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

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

13 - Non-Standard Condition/Reason

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.

14 - Non-Standard Condition/Reason

No development shall commence until a scheme for the surface water drainage systems (including soakaways) has been submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented in their entirety prior to the first occupation of the units.

Reason: To prevent any increased risk of flooding by providing a satisfactory means of surface water disposal.

15 - Non-Standard Condition/Reason

No development shall commence until full and precise details of the underground rainwater storage containers (including the capacity of each container) has been submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented in their entirety prior to the first occupation of the units, and shall be maintained thereafter.

Reason: To prevent any increased risk of flooding by providing a satisfactory means of rainwater storage.

19.0 Informatives

(1) **ZT0 – Advisory Note on Construction & Demolition**

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

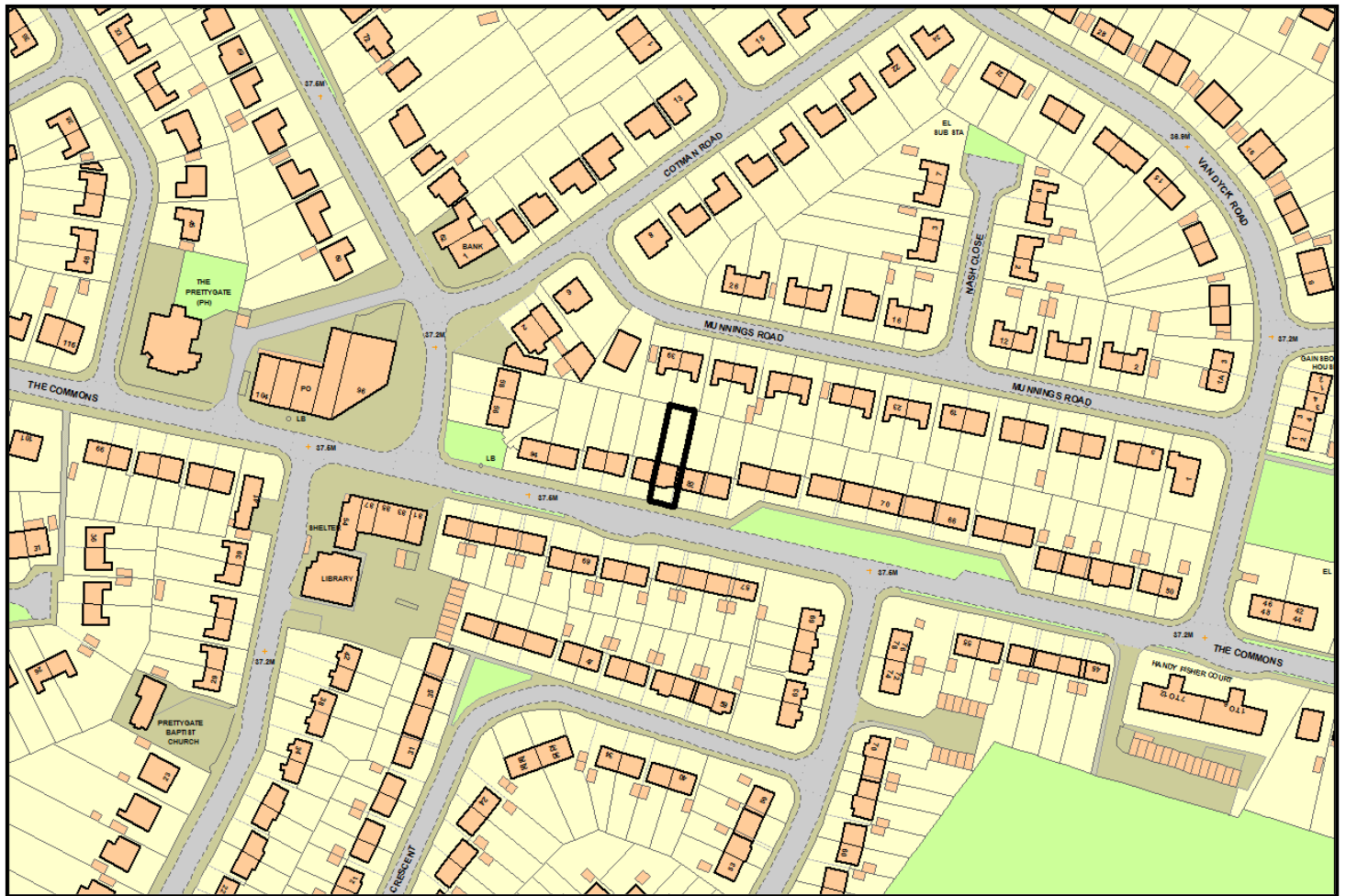
(2) All works affecting the highway should be carried out by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority and application for the necessary works should be made by initially telephoning 08456 037631.

(3) **ZTA - Informative on Conditions Stating Prior to Commencement/Occupation**

PLEASE NOTE that this permission contains a condition precedent that requires details to be agreed and/or activity to be undertaken either before you commence the development or before you occupy the development. This is of critical importance. If you do not comply with the condition precedent you may invalidate this permission. Please pay particular attention to these requirements.

20.0 Positivity Statement

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



Application No: 151731

Location: 84 The Commons, Colchester, Essex, CO3 4NL

Scale (approx): 1:1250

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7.8 Case Officer: Carl Allen**HOUSEHOLDER**

Site: 84 The Commons, Colchester, Essex, CO3 4NL

Application No: 151731

Date Received: 21 August 2015

Applicant: Mr Gary Pamment

Development: Single storey rear extension for disabled adaptation to create bedroom and ensuite ground floor.

Ward: Prettygate

Summary of Recommendation: Conditional Approval

1.0 Reason for Referral to the Planning Committee

1.1 This application is referred to the Planning Committee because the applicant is Colchester Borough Homes.

2.0 Synopsis

2.1 The key issues explored below are that of design and amenity. In these regards the proposal would not detract from the existing dwelling and would have no amenity impacts to the neighbours. Approval is recommended along with standard conditions.

3.0 Site Description and Context

3.1 84 The Commons is a mid-terraced dwelling with a rear garden to the north. There is an existing flat roofed brick built outbuilding in proximity to the rear elevation – although it is not physically part of the dwelling. Boundaries to neighbours consist of wooden panel fencing. The immediate neighbours are to the east and to the west.

4.0 Description of the Proposal

4.1 To demolish the existing outbuilding and to replace it with a flat roofed extension to the dwelling. The proposal would be 3.6m wide, 7m long and 2.7m high and would consist of a bedroom, a bathroom and a wheelchair ramp.

5.0 Land Use Allocation

5.1 Residential.

6.0 Relevant Planning History

6.1 None.

7.0 Principal Policies

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

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

UR2 - Built Design and Character

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

DP1 Design and Amenity

DP12 Dwelling Standards

DP13 Dwelling Alterations, Extensions and Replacement Dwellings

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

Extending Your House?

The Essex Design Guide

8.0 Consultations

8.1 N/A.

9.0 Parish Council Response

9.1 N/A.

10.0 Representations

10.1 There have been no objections to the proposal.

11.0 Parking Provision

11.1 No change.

12.0 Open Space Provisions

12.1 N/A.

13.0 Air Quality

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

14.0 Development Team and Planning Obligations

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

15.0 Report

- 15.1 The main issues are that of design and amenity.
- 15.2 The design of the proposal is flat roofed and so reflects the styling of the existing outbuilding. The proposed replacement building would extend the length of the stretch of the existing outbuilding by approximately 1.5m and its width by 1m. Given this small increase in the size of the proposal from the existing there would little impact on the host dwelling and it would remain clearly expressed. Materials should be conditioned to match the existing dwelling. The proposal would comply with Policies UR2 and DP1.
- 15.3 Regarding amenity, the proposal would be located in the same position as the existing outbuilding (apart from the increase in width and height) and the height would increase by 0.5m. The proposal would be on the boundary with the neighbour of no. 82 to the east and would be located next to the conservatory of no. 82. Given the orientation and the height of the proposal to this conservatory there would be no material overshadowing to the conservatory. There would be no windows in the proposed extension that would afford views into otherwise private, unoverlooked spaces of the neighbours and so the proposal would accord with Policies DP1 and UR2.

16.0 Conclusion

- 16.1 The proposal would not materially impact on the amenity of the neighbour and the design is acceptable.

17.0 Recommendation

- 17.1 APPROVE subject to the following conditions

18.0 Conditions

1 - Time Limit for Full Permissions

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

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

2 - Non-Standard Condition/Reason

The development hereby permitted shall be carried out in accordance with the details shown on the submitted Drawing Numbers 10 and 981/01 Rev A unless otherwise subsequently agreed, in writing, by the Local Planning Authority.

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

3 - Materials as Stated in Application

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

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

19.0 Informatives

(1) ZT0 – Advisory Note on Construction & Demolition

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

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

(3) ZTA - Informative on Conditions Stating Prior to Commencement/Occupation

PLEASE NOTE that this permission contains a condition precedent that requires details to be agreed and/or activity to be undertaken either before you commence the development or before you occupy the development. This is of critical importance. If you do not comply with the condition precedent you may invalidate this permission. Please pay particular attention to these requirements.

20.0 Positivity Statement

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



Application No: 151921

Location: 2 Carlisle Close, Colchester, CO1 2YT

Scale (approx): 1:1250

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7.9 Case Officer: Carl Allen

Due Date: 04/11/2015

HOUSEHOLDER

Site: 2 Carlisle Close, Colchester, CO1 2YT

Application No: 151921

Date Received: 9 September 2015

Agent: Mr Stephen Waud, Stephen Waud Associates

Applicant: Mr Benjamin Chowdhury

Development: Proposed two storey side extension to add two bedrooms, sitting room & kitchen family room.

Ward: Castle

Summary of Recommendation: Refusal

1.0 Reason for Referral to the Planning Committee

- 1.1 This application is referred to the Planning Committee as Cllr Laws has called it in for the following reasons 'I wish to call in the planning application for 2 Carlisle Close so that the planning committee can consider this application. I see no reason to not support this application. I believe precedent has been set on the riverside estate for side extensions to properties and so I'd like to see a debate amongst the committee members to determine this'.

2.0 Synopsis

- 2.1 The key issues explored below are those of amenity and design. With regards to residential amenity the proposal raises no concerns. However, the proposal would be contrary to the design consistency of the group of dwellings that form this part of the Riverside Estate and would be detrimental to the street scene. Refusal is recommended for these reasons.

3.0 Site Description and Context

- 3.1 2 Carlisle Close is a semi-detached house on a corner plot. To the south is a boundary wall and a grass verge which has a tree with the highway of Bristol Road beyond. To the west is the front garden and the highway of Carlisle Close. To the north is the attached neighbour of 4 Carlisle Close, whilst to the east is the rear garden. The site is located in the Riverside Estate.

4.0 Description of the Proposal

- 4.1 A two-storey side extension measuring 9m long, 3m wide and 6.5m high which would provide a sitting room and enlarged kitchen at ground floor. Two bedrooms would be provided at first floor. The boundary wall would be rebuilt approximately 1m closer to the highway than the existing wall. Materials would be brickwork to match the existing and plain interlocking concrete tiles.

5.0 Land Use Allocation

- 5.1 Residential.

6.0 Relevant Planning History

- 6.1 071251 – Two storey side extension and relocation of garden wall. Refused.
- 6.2 112247 – Two storey side and rear extension. Refused.
- 6.3 120922 – Two storey side and rear extension (resubmission). Refused and Dismissed at Appeal.

7.0 Principal Policies

- 7.1 Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. The National planning Policy Framework (NPPF) must also be taken into account in planning decisions and sets out the Government's planning policies are to be applied. The NPPF makes clear that the purpose of the planning system is to contribute to the achievement of sustainable development. There are three dimensions to sustainable development: economic, social and environmental.
- 7.2 Continuing the themes of the NPPF, the adopted Colchester Borough Core Strategy (adopted 2008, amended 2014) adds detail through local strategic policies. Particular to this application, the following policies are most relevant:
- UR2 - Built Design and Character
- 7.3 In addition, the following are relevant adopted Colchester Borough Development Policies (adopted 2010, amended 2014):
- DP1 Design and Amenity
 - DP13 Dwelling Alterations, Extensions and Replacement Dwellings
- 7.5 Regard should also be given to the following adopted Supplementary Planning Guidance/Documents:
- Extending Your House?

8.0 Consultations

8.1 N/A

9.0 Parish Council Response

9.1 N/A

10.0 Representations

10.1 One letter and a petition from seven nearby addresses have been received in support of the proposal. These stated that permission had been granted elsewhere on the estate for two-storey extensions and that objection to the proposal could not be understood.

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

11.0 Parking Provision

11.1 No change

12.0 Open Space Provisions

12.1 N/A.

13.0 Air Quality

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

14.0 Development Team and Planning Obligations

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

15.0 Report

15.1 The proposal would be sited on a corner plot which, given the distance and orientation to neighbours, would not result in any overshadowing to them. The rear first floor window would serve an en-suite and would be obscure glazed and so there would be no overlooking to any private amenity areas. The Proposal accords with the amenity requirements of DP1.

15.2 The main debate, therefore, is one of design and the impact on the street-scene of the two-storey side extension. The Riverside Estate is characterised by small groups of dwellings that together share a common design and goes some way to define their small area within the Estate. Number 2 Carlisle Close conforms in design terms to a small cluster of dwellings comprising number 2 to number 12 (six dwellings) which all share a common design (although there have been some very minor changes over the years – such as to the fenestration – which have been outside the control of planning). The proposed two-storey side extension would be an alien feature to this group of dwellings, given the disproportionate width being sought, and would be clearly visible in the street scene due to its location on the corner.

15.3 The concern is more than purely design-based however. The site is on a prominent corner which gives views down Bristol Road. The following reason for the refusal of application 120922 (which was dismissed at appeal) is key:

‘Riverside Estate, otherwise known as Castle Gardens, represents a typical development from the early 1970s. This is characterised by an open plan layout and a spacious arrangement around dwellings which are not of themselves very large and have generally small gardens. The impact on the open views down Bristol Road would be altered (up to nearly two metres) from the east and west, and this would set an irresistible precedent for other spacious corners. The result would be to erode the open plan nature of Riverside Estate.’

15.4 The Inspector agreed with this judgement, with the following key phrases:

‘I consider the main issue to be the effect of the proposal on the character and appearance of the surrounding area.’

‘The appeal site lies within a housing estate characterised by its high-density development within an open spacious layout, particularly at corner locations.’

‘The proposed two-storey extension, due to its scale, bulk and position would unacceptably encroach into the corner setting of the appeal property, eroding the openness at this prominent corner location, particularly when viewed along Bristol Road.’

‘As regards precedent, I have considered the proposal before me on its individual merits. Nevertheless, I do consider that to allow the appeal would make it difficult for the Council to resist similar proposals.’

‘I conclude that the proposal would have an adverse effect on the character and appearance of the surrounding area.’

15.5 The ruling from the Inspector is, thus, very clear. Further, it must be recalled that this was for an extension measuring just under 1.9 metres in width as opposed to the 3 metres being sought here. To permit the current application would be to ignore the Inspector’s conclusions; there has been no change to any policy/guidance or any other material circumstances to justify this change of position.

- 15.6 Despite what has been claimed, it is not the case that there are many two-storey extensions on houses in this estate, and certainly not on prominent corners. Members must be aware that if they approve this application, views down Bristol Road across the spacious corner will be lost. A precedent will then be set for other such corners and the whole character of the estate will change. Thus, whilst this application would represent the smallest gross floor space of all the previous applications, the principle of a two-storey side extension remains unacceptable.
- 15.7 That the proposal includes pushing the existing boundary wall out into the verge area also underlines that the proposal is not well suited for both the site and the immediate area.
- 15.8 The applicant makes reference 5 Bristol Road (opposite the site) as an example. This extension dates from the 1980s and whilst less harmful than the application at hand (in that it obstructs views down a shorter stretch of road) this does demonstrate the negative impact which such a development can create.

16.0 Conclusion

- 16.1 Whilst there would be no overshadowing or overlooking issues the proposal would be contrary to the design consistency of the group of dwellings that form this part of the Riverside Estate and would be detrimental to the street scene. This matter has already been tested at appeal with a less impactful extension and there are no material reasons to reach any different conclusion now.
- 16.2 Members are, therefore, respectfully requested to refuse this application.

17.0 Recommendation

- 17.1 REFUSE planning permission for the reasons set out below.

18.0 Reason for refusal

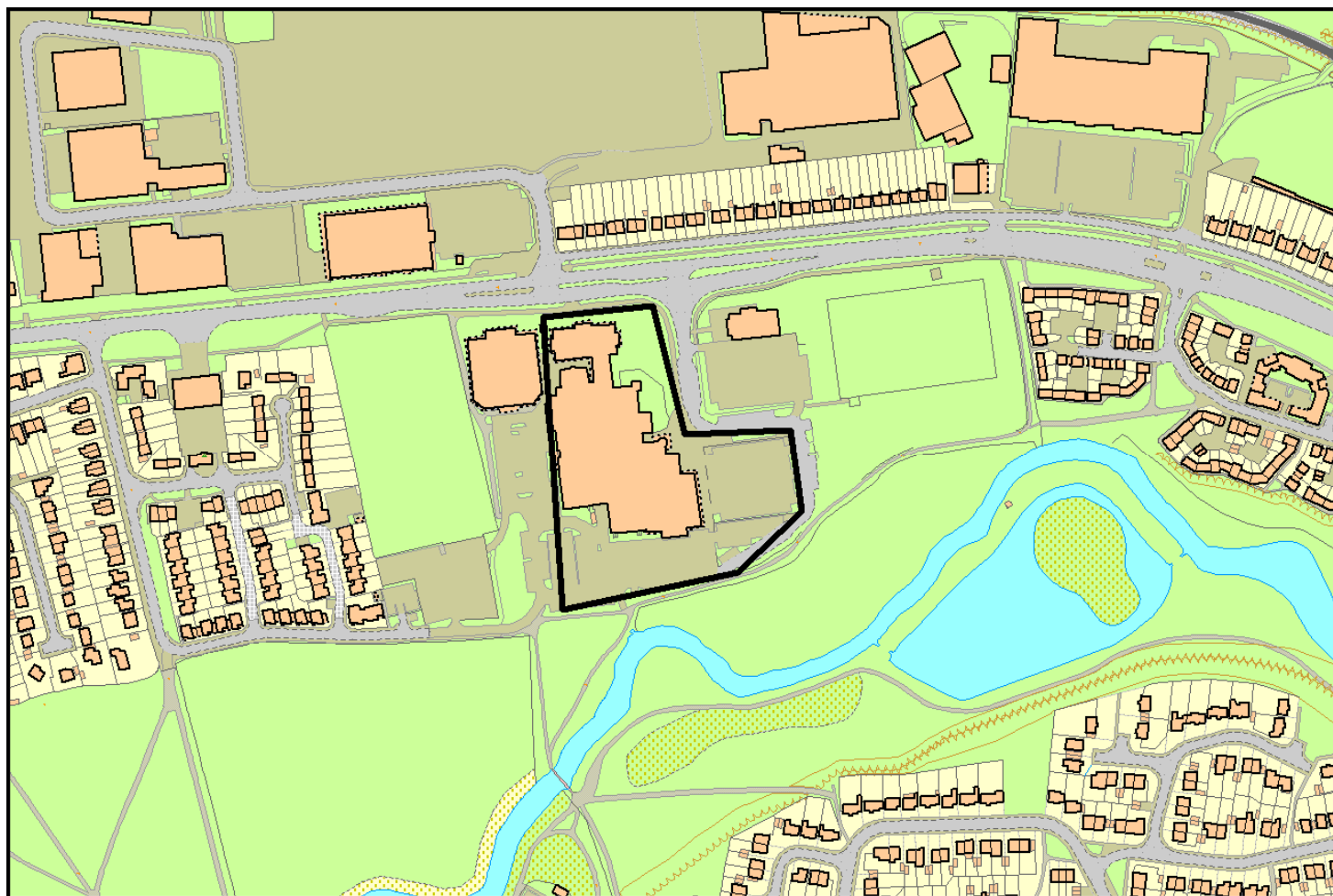
1 - Non-Standard Refusal Reason

The proposal for a two-storey side extension would result in a dwelling design that would be out of character with the surrounding dwellings of 2-12 Carlisle Close which all share a common front design and together make up a small group of dwellings with a strong design conformity. Small clusters of dwellings that share a design is part of the character of dwellings in the Riverside Estate. The proposed extension would be contrary to this and would be out of character with both the immediate group of dwellings and the wider Riverside Estate - by reason of having a very wide two-storey side extension and would be detrimental to the street scene by closing off long views across a spacious corner - which is the character of this estate. Policies DP1 (Design & Amenity) and DP13 (Dwelling Alterations, Extensions and Replacement Dwellings) of Colchester Borough Council's Local Development Framework Development Policies (adopted October 2010 and revised July 2014) and Policy UR2 (Built Design & Character) of the Council's Core Strategy (adopted December 2008 and revised July 2014) support development which respects or enhances the surrounding area. In

these regards the proposal is contrary to UR2, DP1 and DP13. The proposal is also contrary to the Council's Supplementary Planning Guidance "Extending Your House" (adopted April 2005) which requires extensions to be well designed and to be in keeping with the main dwelling and surrounding development.

20.0 Positivity Statement

- 20.1 The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and discussing those with the Applicant. However, the issues are so fundamental to the proposal that it has not been possible to negotiate a satisfactory way forward and due to the harm which has been clearly identified within the reason(s) for the refusal, approval has not been possible.



Application No: 151798

Location: Aqua Springs, Cowdray Avenue, Colchester, CO1 1YH

Scale (approx): 1:2500

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7.10 Case Officer: James Ryan

Due Date: 10/11/2015

OTHER

Site: Aqua Springs, Cowdray Avenue, Colchester, CO1 1YH

Application No: 151798

Date Received: 15 September 2015

Applicant: Miss J Edwards

Development: 1 no. Illuminated fascia sign

Ward: Castle

Summary of Recommendation: Conditional Approval

1.0 Reason for Referral to the Planning Committee

- 1.1 This application is referred to the Planning Committee because the applicant is Colchester Borough Council.

2.0 Synopsis

- 2.1 The key issues explored below are the impact of the scheme on visual amenity and public safety. The scheme is acceptable in regard to both and therefore an approval is warranted.

3.0 Site Description and Context

- 3.1 Aqua Springs is a day spa facility located on Cowdray Avenue. To the south is the rest of the Leisure World complex, to the east is the access road and McDonald's, to the west is Ten Pin Bowling and to the north is Cowdray Avenue and over the road are residential dwellings that face the site.

4.0 Description of the Proposal

- 4.1 The existing non-illuminated sign on the north elevation is to be replaced with a halo illuminated sign in the same position.

5.0 Land Use Allocation

- 5.1 The site lies within the defined settlement limits. It is located in Flood Zone 2 and there are Public Rights of Way near to the wider site. These factors have no material bearing on this signage application however.

6.0 Relevant Planning History

- 6.1 Whilst the site has a detailed planning history none is particularly relevant to this proposal.

7.0 Principal Policies

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

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

UR2 - Built Design and Character

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

DP1 Design and Amenity

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

Shopfront Design Guide

8.0 Consultations

8.1 ECC Highways:

This Authority has assessed the highway and transportation impact of the proposal and does not wish to raise an objection to the above application subject to the following:

The maximum luminance of the sign shall not at any time exceed the standards contained within the Institution of Lighting Professionals Technical Report PLG05 The Brightness Of Illuminated Advertisements, for zone E3 locations, which in this case is 600 Candelas per square metre (600 cd/m²) for signs less than 10m², and 300 Candelas per square metre (300 cd/m²) for those over 10m².

Reason: To ensure that users of the highway are not subjected to glare and dazzle in the interest of highway safety and in accordance with Policy DM1 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

8.2 Historic Buildings and Areas Officer:

The proposed halo lighting appears to accord with our adopted shopfront guidance. The signs would neither improve nor detract from the building and local area and therefore I have no objection to the application being approved.

In addition to the details reported above, the full text of all consultation responses is available to view on the Council's website.

9.0 Parish Council Response

9.1 The area is non-parished.

10.0 Representations

10.1 No objections received.

11.0 Parking Provision

11.1 N/A

12.0 Open Space Provisions

12.1 N/A

13.0 Air Quality

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

14.0 Development Team and Planning Obligations

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

15.0 Report

As an application for an advertisement this proposal can only be assessed against the following criteria:

Visual Amenity

- 15.1 The sign proposed will sit in the triangular area where the existing ‘Aqua Springs’ signage sits. It will fill the whole inset area which will be an improvement on the current situation which appears as a bit of an afterthought. The typeface to be used is more contemporary and the words ‘day spa and beauty treatments’ have been added below the new Aqua Springs corporate logo.
- 15.2 Unlike the current situation the scheme is to be halo illuminated. This means the letters will stand slightly proud of the fascia and LED’s in the back of the letters will cast light back onto the fascia giving the halo effect.
- 15.3 Although not located in an area of particular historic significance the Historic Buildings and Areas Officer has commented and considered the signs to be acceptable in line with the relevant SPD and Development Plan policies.

Public Safety

- 15.4 The Highway Authority has no objection to the scheme subject to a luminance condition which will be imposed. The scheme raises no other public safety issues.

16.0 Conclusion

- 16.1 The scheme is acceptable in terms of visual amenity and public safety. It therefore accords with the NPPF, the NPPG and the Development Plan. An approval is therefore recommended.

17.0 Recommendation

- 17.1 APPROVE subject to the following conditions:

18.0 Conditions

1 - Non-Standard Condition/Reason

Unless an alternative period is specifically stated in the conditions below, this consent expires five years from the date of this decision and is subject to the following standard conditions:

1. Any advertisements displayed, and any site used for the display of advertisements, shall be maintained in a clean and tidy condition to the reasonable satisfaction of the Local Planning Authority.
2. Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a safe condition.
3. Where an advertisement is required under these Regulations to be removed, the removal shall be carried out to the reasonable satisfaction of the Local Planning Authority.
4. No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission.
5. No advertisement shall be sited or displayed as to obscure, or hinder the ready interpretation of, any road traffic sign, railway signal or aid to navigation by water or air or so as otherwise to render hazardous the use of any highway, railway, waterway or aerodrome (civil or military).

Reason: In order to comply with the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

2 - Non-Standard Condition/Reason

The development hereby permitted shall be carried out in accordance with the details shown on the submitted Drawing Rev 1: 23/06/15.

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

3 - Non-Standard Condition/Reason

The maximum luminance of the sign shall not at any time exceed the standards contained within the Institution of Lighting Professionals Technical Report PLG05 The Brightness Of Illuminated Advertisements, for zone E3 locations, which in this case is 600 Candelas per square metre (600 cd/m²) for signs less than 10m², and 300 Candelas per square metre (300 cd/m²) for those over 10m².

Reason: To ensure that users of the highway are not subjected to glare and dazzle in the interest of highway safety.

19.0 Informatives

(1) **ZT0 – Advisory Note on Construction & Demolition**

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

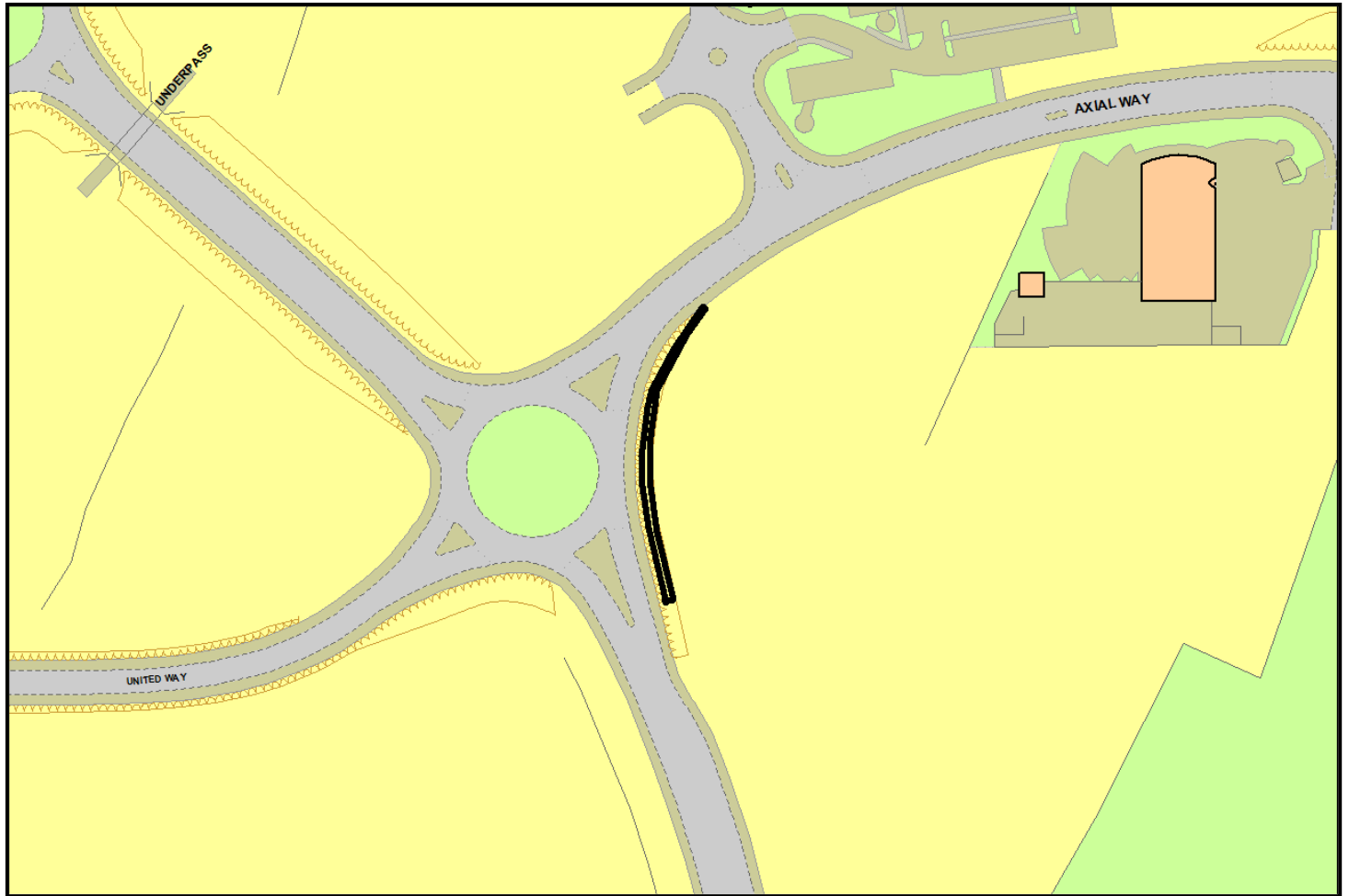
(2) All works affecting the highway should be carried out by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority and application for the necessary works should be made by initially telephoning 08456 037631.

(3) **ZTA - Informative on Conditions Stating Prior to Commencement/Occupation**

PLEASE NOTE that this permission contains a condition precedent that requires details to be agreed and/or activity to be undertaken either before you commence the development or before you occupy the development. This is of critical importance. If you do not comply with the condition precedent you may invalidate this permission. Please pay particular attention to these requirements.

20.0 Positivity Statement

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



Application No: 152019

Location: Axial Way, Colchester

Scale (approx): 1:1250

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Site: **Axial Way, Colchester**

Application No: **152019**

Date Received: 17 September 2015

Applicant: Mrs Karen Leeson

Development: 100 metre hoarding is proposed around the edge of the Axial Way development site promoting Colchester Borough Councils 'Northern Gateway, as a destination for sports, leisure and entertainment

Ward: Mile End

Summary of Recommendation: Conditional Approval

1.0 Reason for Referral to the Planning Committee

- 1.1 This application is referred to the Planning Committee because the applicant is Colchester Borough Council.

2.0 Synopsis

- 2.1 The key issues explored below are the impact of the proposed advertisement in terms of its potential impact on the amenity of the area and on highway safety.

3.0 Site Description and Context

- 3.1 Axial Way is located to the north of Colchester, immediately to the south of the A12. It provides an east – west link between the Severalls Lane and the new Via Urbis Romanae (NAR).
- 3.2 The area is characterised by the existing employment uses along the length of Axial Way with the built form of the area reflecting the functional nature of the buildings. The site forms part of the Northern Gateway development and advertisement consent is being sought to provide the site with enhanced presence and to announce the wider development within this part of the Borough.

4.0 Description of the Proposal

- 4.1 The application proposes the erection of a 100m length of hoarding of 2 metres in height (with no illumination) along the road frontage and the display of advertisement for the Northern Gateway development upon it, at the junction of the Via Urbis Romanae and Axial Way.
- 4.2 The advertisement displays details of the Northern Gateway development including the web address so that members of the public can be informed of the progress of the development.

5.0 Land Use Allocation

5.1 The land use allocation for the area is for employment uses.

6.0 Relevant Planning History

6.1 The site was granted outline planning consent in 2006 for employment uses (B1, B2 and B8) under application numbers O/COL/01/1621, O/COL/01/1622, O/COL/01/1623, O/COL/01/1624, O/COL/01/1625 and O/COL/01/1626. These permissions allowed for a number of employment uses on the land including:

- 10,000 seater football stadium;
- A3 – Restaurant and Café;
- B1 – Business;
- B2 – General Industry;
- B8 – Storage or Distribution;
- C1 – Hotels ;and
- D2 – Assembly and Leisure.

6.2 The wider site has since seen the development of the Weston Homes Community Stadium, Inchscape Volkswagen, Jardine Toyota and the Flaktwoods factory. Consent was recently granted for the David Lloyd Tennis Centre to the east of the Stadium.

7.0 Principal Policies

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

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

UR2 - Built Design and Character

ENV1 – Environment

CE1 – Centres and Employment Classification and Hierarchy

CE3 – Employment Zones

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

DP1 Design and Amenity

DP5 Appropriate Employment Uses and Protection of Employment Land and Existing Businesses

DP10 Tourism, Leisure and Culture

8.0 Consultations

- 8.1 The application was put out to consultation until the 9th October 2015 and was advertised on the Colchester Borough Council website.
- 8.2 Essex County Council, in their capacity as Highways Authority have not raised any objection to the proposed development subject to the addition of two standard informatives to the decision notice, however, they do note that no part of the development, including foundations, may be erected on land covered by highways rights.

In addition to the details reported above, the full text of all consultation responses is available to view on the Council's website.

9.0 Parish Council Response

- 9.1 The Parish Council have not responded to consultation within the consultation period.

10.0 Representations

- 10.1 No public representations were received during the consultation period.

11.0 Parking Provision

- 11.1 N/A.

12.0 Open Space Provisions

- 12.1 N/A.

13.0 Air Quality

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

14.0 Development Team and Planning Obligations

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

15.0 Report

- 15.1 As an advertising consent, particular regard should be given to the impacts of the proposed signage on the amenity of the surrounding area and to issues of public safety.

- 15.2 In assessing an advertisement's impact on "amenity", regard has to be paid to the effect upon the appearance and visual amenity of the immediate area where it is to be displayed. It is therefore necessary to consider what impact the advertisement, including its cumulative effect, will have on its surroundings. The relevant considerations for this purpose are the local characteristics of the neighbourhood, including scenic, historic, architectural or cultural features, which contribute to the distinctive character of the locality.
- 15.3 It is considered that the impact of the advertising on the surrounding area will be minimal. The immediate site is sparsely developed and removed from any other contextual development in the wider area. Advertising is not uncommon within the area with illuminated signage present at both nearby car dealerships and at the Weston Homes Community Stadium.
- 15.4 In assessing an advertisement's impact on "public safety", regard has to be given to the effect upon the safe use and operation of any form of traffic or transport. In assessing the public safety implications of an advertisement display, one can assume that the primary purpose of an advertisement is to attract people's attention; therefore it should not automatically be presumed that an advertisement will distract the attention of passers-by. The vital consideration, in assessing an advertisement's impact, is whether the advertisement itself, or the exact location proposed for its display, is likely to be so distracting, or so confusing, that it creates a hazard to, or endangers, people in the vicinity who are taking reasonable care for their own and others' safety.
- 15.5 The proposed signage, by virtue of its location, is not considered to have an adverse impact on public safety, especially given that there is no illumination proposed and no objection has been received from the Highway Authority.

16.0 Conclusion

- 16.1 Given the lack of impacts upon the amenity of the area and upon public safety it is recommended that Planning Committee approve the application subject to the conditions below.

17.0 Recommendation

- 17.1 APPROVE subject to the following conditions:

18.0 Conditions

1 - Standard Advert Condition

Unless an alternative period is specifically stated in the conditions below, this consent expires five years from the date of this decision and is subject to the following standard conditions:

1. Any advertisements displayed, and any site used for the display of advertisements, shall be maintained in a clean and tidy condition to the reasonable satisfaction of the Local Planning Authority.
2. Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a safe condition.

3. Where an advertisement is required under these Regulations to be removed, the removal shall be carried out to the reasonable satisfaction of the Local Planning Authority.

4. No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission.

5. No advertisement shall be sited or displayed as to obscure, or hinder the ready interpretation of, any road traffic sign, railway signal or aid to navigation by water or air or so as otherwise to render hazardous the use of any highway, railway, waterway or aerodrome (civil or military).

Reason: In order to comply with the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

2 - *Development to Accord With Approved Plans

The development hereby permitted shall be carried out in accordance with the details shown on the submitted site location plan and updated advertising design submitted to Colchester Borough Council on 18th September 2015 and on 22nd September 2015 respectively.

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

3 - *No Illumination of Signs

Notwithstanding any details shown on the submitted site location plan and updated advertising design received by Colchester Borough Council on 18th September 2015 and on 22nd September 2015 respectively, this consent shall relate solely to the installation of non-illuminated signage.

Reason: For the avoidance of doubt as to the scope of this consent; in the interest of visual amenity.

4 - Removal of Temporary Hoarding

The hoarding hereby granted consent shall not be retained on the site after the expiry of 1 year from the date of this decision.

Reason: In order to ensure that this temporary artifact is not retained on site to the detriment of the surrounding environment.

19.0 Informatives

(1) **ZT0 – Advisory Note on Construction & Demolition**

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

(2) **Highway Works** All work within or affecting the highway is to be laid out and constructed by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority, details to be agreed before the commencement of works. The applicants should be advised to contact the Development Management Team by email at development.management@essexhighways.org or by post to: Essex Highways, Colchester Highways Depot, 653 The Crescent, Colchester, CO4 9YQ.

(3) **Cost of Works** - The Highway Authority cannot accept any liability for costs associated with a developer's improvement. This includes design check safety audits, site supervision, commuted sums for maintenance and any potential claims under Part 1 and Part 2 of the Land Compensation Act 1973. To protect the Highway Authority against such compensation claims a cash deposit or bond may be required.

20.0 Positivity Statement

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

