

# Planning Committee

Town Hall, Colchester  
21 January 2010 at 6.00pm

## **This committee deals with**

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

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

## Information for Members of the Public

### Access to information and meetings

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### Have Your Say!

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### Private Sessions

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## **Material Planning Considerations**

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

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

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

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

## **Human Rights Implications**

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

## **Community Safety Implications**

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

**COLCHESTER BOROUGH COUNCIL  
PLANNING COMMITTEE  
21 January 2010 at 6:00pm**

**Members**

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

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

**Agenda - Part A**

(open to the public including the media)

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

An Amendment Sheet is circulated at the meeting and members of the public should ask for a copy to check that there are no amendments which affect the applications in which they are interested. Could members of the public please note that any further information which they wish the Committee to consider must be received by 5pm on the day before the meeting in order for it to be included on the Amendment Sheet. With the exception of a petition, no written or photographic material can be presented to the Committee during the meeting.

**Pages**

**1. Welcome and Announcements**

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

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

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

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

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

## **3. Substitutions**

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

## **4. Urgent Items**

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

## **5. Declarations of Interest**

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

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

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

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

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

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

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

Councillors should consult paragraph 7 of the Meetings General

Procedure Rules for further guidance.

## **6. Minutes**

**1 - 9**

To confirm as a correct record the minutes of the meeting held on 7 January 2010.

## **7. Planning Applications**

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

1. 091568 3-6 Baileys Cottages, Water Lane, Little Horkesley  
(Fordham and Stour)

**10 - 14**

Change of use from a sewage treatment works to garden land.

2. 091325 140 High Street, Wivenhoe  
(Wivenhoe Quay)

**15 - 22**

Construction of extended cellar, provision of outside seating, including removal of Highway Rights, minor elevational amendments and retention of existing store buildings, in connection with F/COL/06/0799.

3. 091443 11 Spring Road, Tiptree  
(Tiptree)

**23 - 30**

Variation of condition no.17 of application 090897 to substitute 1no. chalet style dwelling (plot 3) with a two storey dwelling.

## **8. Exclusion of the Public**

In accordance with Section 100A(4) of the Local Government Act 1972 to exclude the public, including the press, from the meeting so that any items containing exempt information (for example confidential personal, financial or legal advice), in Part B of this agenda (printed on yellow paper) can be decided. (Exempt information is defined in Section 100I and Schedule 12A of the Local Government Act 1972).

**PLANNING COMMITTEE  
7 JANUARY 2010**

*Present :-* Councillor Ray Gamble (Chairman)  
Councillor Sonia Lewis (Deputy Mayor)  
Councillors Mark Cory, Stephen Ford,  
Theresa Higgins, Jon Manning and Ann Quarrie

*Substitute Members :-* Councillor Laura Sykes  
for Councillor Helen Chuah  
Councillor Richard Martin  
for Councillor John Elliott  
Councillor Christopher Arnold  
for Councillor Andrew Ellis

*Also in Attendance :-* Councillor Andrew Ellis

(The Committee did not undertake any formal site visits.)

## **158. Minutes**

The minutes of the meeting held on 17 December 2009 were confirmed as a correct record.

**Councillor Ray Gamble and Councillor Jon Manning (in respect of each being a season ticket holder for Colchester United Football Club) declared a personal interest in the following item pursuant to the provisions of Meetings General Procedure Rule 7(3)**

**Councillor Jon Manning (in respect of his employer, the University of Essex, being the current provider of training facilities for Colchester United Football Club) declared a personal interest in the following item pursuant to the provisions of Meetings General Procedure Rule 7(3)**

## **159. 091627 Land adjacent (South), Grange Road, Tiptree**

The Committee considered an application for a change of use of agricultural land to a sports field with minor regrading and drainage of playing areas, associated vehicular parking and access from Grange Road, and provision of cycle/footway links to Harrington Close and Vine Road. This application is a resubmission of a previously refused application. The Committee had before it a report in which all information was set out, see also amendment sheet.

Vincent Pearce, Planning Service Manager, attended to assist the Committee in its deliberations. He described the site and its land use allocation in the Local Plan and in the emerging Local Development Framework (LDF), in which document the site was allocated for mixed use including open space. He referred to the significant residential developments on two sides of the site which would be protected by a series of baffle zones of 40 metres within which no football activity could take place. He highlighted that all consultees including the Parks and Recreation Service, the Tree Officer and the Landscape Officer, had supported the application. At an appeal the defending officer would have to show what the demonstrable harm would be and if no demonstrable harm can be shown, then a refusal cannot be justified. The Committee had refused the most recent application on the grounds that the development did not have sufficient community use. He referred to Policies PR1 – Open Space, Sport and Recreation Facilities, ENV1 – Environment, and ENV2 – Rural Communities and PPG17 – Open Space, Sport and Recreation. Developer contributions for Open Space and Community Facilities set out in the supplementary policy document applied only to residential developments. PPG17 states there is an identified need in Tiptree for 9.2 pitches in the future, however this document does not differentiate between public and private facilities. The level of community use required for the borough had not been identified in any policy document. In relation to this application, it could be the number of pitches, the number of occasions when they can be used, or the groups that can use the pitches. The applicant had offered one pitch for community use in an environment where the Council did not have a policy to expect any pitches, and was proposing that two local teams would have first call on that community pitch. The pitch would be available for three matches a week which would preserve it from over-use. He emphasised that Conditions 11 and 12, relating to the community use pitch, would need to be linked to ensure that the Community Use Scheme was satisfactory.

Mr Caffrey addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in opposition to the application. This site is outside the Tiptree boundary on a greenfield site and does not offer any open space. He referred to the previous reasons for refusal and to the fact that reference to the site allocation in the LDF process was premature. He described the building as large with forty-five parking spaces. The proposal involved excavation and the provision of an industrial fence. Such a proposal was not appropriate in the countryside because it included non-essential elements for support. His view was that this was a commercial development in the countryside and the local character assessments for Tiptree argues against such development in favour of all new sports facilities being sited at Tiptree Sports Centre. Only four local teams would be able to use the community pitch from a large population. All the reasons for refusal

on the previous application applied to this application. He asserted that the Council's defence statement at the appeal should be supported.

Mr Robbie Cowling addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in support of the application. The two earlier applications were recommended for approval. On both those occasions it was turned down because of a lack of community use. He was very passionate about the community use; the pitch was not a grass field, but would be a high specification playing surface, one of the best in Essex; other pitches may have poor playing surfaces. It would be more viable to provide a floodlit pitch but that is not what Tiptree wants. This pitch will be used for five-a-side enabling the pitches at the Warriors Rest site to be used for mini football. This pitch would provide Tiptree with its requirements without using any public funds. His business supported other sporting facilities. He understood the reasons why residents wanted this site to remain as undeveloped farmland but he considered that this might not be an option because the land would be developed and this proposal was a low impact one.

Councillor Ellis attended and, with the consent of the Chairman, addressed the Committee. This proposal is identical to the earlier one. It was still a commercial enterprise seeking to locate a sporting facility on the boundary of Tiptree, miles from the football ground. There would still be one, so called quality community pitch for use only by designated teams and this was just not a good enough community gain. Tiptree had suffered from years of a lack of sufficient planning gains. The community pitch was not subject to a legal agreement. There were numerous objections on highway grounds, noise, etc., which had been submitted to the Inspector for the appeal hearing. Planning Policy Guidance 17 and Planning Policy Statement 7 relate to community use whereas this proposal is for a commercial use. He was not clear why the Highway Authority had supported the proposal. He was aware that the Council would consider small scale rural businesses on sites outside, but contiguous with the village boundary, but he was of the opinion that this was not a small scale proposal. He considered that the proposal would have a negative impact on the environment and would not provide local employment or affordable housing. It contravened policies ENV2 and ENV1 with no benefit for the community; the facilities being offered would benefit less than 1% of the community. The LDF allocation has not yet been approved by an Inspector. He considered that the application would do irreparable harm to Tiptree. This was not about a football training ground, but was the start of a large scale residential development on an adjacent parcel of land.

In response the Planning Service Manager acknowledged the comments made by Mr Caffrey, but it was also necessary to have regard to existing

policies which encourage the provision of sports and recreation facilities, and an area close to a village is a suitable location if it does not cause demonstrable harm. These facilities do make some contribution towards community use. In respect of traffic issues, the Highway Authority had raised no objections, subject to conditions. In response to Councillor Ellis' comments, the Planning Service Manager explained that whilst the residents may consider this proposal may be paltry, he cautioned that there was no policy available to the Committee which described the amount of facilities required for local people in a scheme which delivers sports facilities so the Council cannot demonstrate whether or not one pitch was sufficient. There was a view in the Parks and Recreation Service that they would support this scheme in this location without any community provision. Previous tangible benefits in Tiptree were not secured but this application could not be expected to make up that historical shortfall. There was no reason for refusal on the grounds of noise because of the restriction on the hours of use and the provision of a baffle zone. There was nothing in the proposal which was contrary to the policies cited by Councillor Ellis. In respect of the emerging LDF proposals, if the preferred option is approved and adopted, the residents of Tiptree must expect further development in this part of Tiptree, but that is not a planning consideration for this application.

Members of the Committee raised various issues which included:-

- local football teams are a small part of Tiptree itself,
- this site is outside the village envelope and officers normally try to protect the countryside,
- the community use offered of one pitch is insufficient gain,
- development outside the village envelope would need exceptional circumstances or reasons which have not been supplied by the applicant. An appropriate gain could be the small parcel of land to the northwest of the site comprising 7 acres to be given for public open space together with a lump sum to change it from agricultural to a public park,
- regret that there was no time for negotiations to take place on what else could be achieved in respect of community use. It might have been possible for the two sides to come to an agreement on more benefits for Tiptree,
- the issue should be determined by an independent Inspector at a public inquiry.
- there appeared to be no justification for a refusal in planning terms,
- there were no policy reasons to oblige the applicant to provide any community use,
- a suggestion that there be some negotiation on the Community Use Scheme referred to in Condition 12.

In response the Planning Service Manager explained that the small parcel of land referred to above would be allocated as open space in the LDF and if the Inspector accepts the LDF proposal a discussion can be held, but the Council cannot require the applicant to provide that area as public open space. Whilst it would be unusual for members to have an input into discussions to discharge a condition, there appeared to be no reason why they could not do so. It was imperative that Conditions 11 and 12 are linked.

*RESOLVED* (FOUR voted FOR, THREE voted AGAINST and THREE ABSTAINED from voting) that the application be approved with conditions and informatives as set out in the report and on the amendment sheet together with the following amended Condition 11:-

“None of the sports pitches shall be brought into use until one sports pitch has been laid out and made available for community use in accordance with such details as shall have first been approved in writing pursuant to condition 12. Thereafter one sports pitch (which shall be of an adult specification with minimum dimensions of 100 metres in length and 65 metres in width) shall be made available on the site for such community use during all permitted playing times.

Reason: To ensure that the approved scheme incorporates an appropriate level of community use.”

#### **160. 091380 35 New Road, Tiptree**

The Committee considered an outline application for the demolition of a detached bungalow and the erection of three detached two storey houses, the layout of a private drive, manoeuvring and amenity areas, cart lodges and garden sheds and alteration to the vehicular access onto New Road. The application is a resubmission of 090134. The Committee had before it a report in which all information was set out.

Andrew Tyrrell, Principal Planning Officer, attended to assist the Committee in its deliberations. It was explained that this application includes all matters except landscaping which was the only reserved matter. Attention was drawn to two windows which did not meet the Essex Design Guide (EDG) standards; one served an ensuite room and would be obscure glazed, the other was a landing window which was not a habitable room.

Mr Robert Urand addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in opposition to the application. He had three main objections. The development was out of character with the surroundings; there were issues of overlooking, overshadowing and loss of

light; and landscaping. The area comprised mainly detached and semi-detached properties at a density of seventeen dwellings per hectare (dph). The private amenity space for each new house was close to the minimum and out of character with the surrounding properties. One of the new houses was only three metres distant from his house which would be overshadowed and overlooked; and sunlight would be blocked from the south side. The houses are closer to the northern end of the site than they need to be. No details of the landscaping scheme are provided only broad principles. Generous garden sizes are essential to preserve the open character of the village, particularly as there is a significant lack of open space and private gardens could help to make up for the deficiency.

Mr Stewart Rowe addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in support of the application. This application followed a withdrawal of an earlier scheme following concerns on design and highways issues. The number of units has been reduced from five to three addressing highways objections and the access has been moved further away from the junction. Following discussions with the Design Officer, the design issues have been resolved. The density of the development is 25 dph which is below the national minimum. He did not see any reason why the existing density should not be reflected in this proposal. He believed this was a well designed scheme with normal requirements of open space. The three metre relationship of the scheme to the house to the south was acceptable in an urban area.

The Planning Officer responded that the scheme met the EDG adopted standards in respect of impact on privacy and light and a refusal on those grounds could not be sustained. Amenity space and parking provided were adequate and this was not necessarily over development of the site. The garden sizes were 106sqm, 119sqm and 120sqm which were more than 75sqm. The design was not considered out of character, but is of its era. This area comprises predominantly two storey dwellings. Landscaping is a reserved matter and will be negotiated and determined when that application is received.

Members of the Committee raised the following issues:-

- an explanation was requested regarding hedging,
- a query was raised regarding the greater gap between the new properties than between the new and the existing property at the northern end of the site,
- there were preferences for the properties to front onto and/or gain access via Keeble Close,
- an explanation was requested on whether the windows of any existing properties were affected, it was suggested that the landing window,

referred to earlier, be obscure glazed.

The Planning Officer responded by explaining that the hedging along Keeble Close boundary had very little ecological value but in any case was not in the applicant's ownership. The three metre distance from the existing dwelling was acceptable in terms of impact on light and met the EDG requirements so there would need to be some justification to ask for revised layout. However, there were fourteen days before the decision needed to be issued, and as the applicant had indicated his willingness to revise the layout, it would be possible to negotiate the repositioning of dwellings. The two properties to the north now face out onto the street scene which was one of the reasons for refusal of the previous application. There would be no effect on neighbouring windows as the 45 degree line taken from their windows did not intersect the new properties. The 25dph density of the development was between the 30dph EDG minimum and that of the local area of 17dph.

*RESOLVED* (UNANIMOUSLY) that –

- (a) Consideration of the application be deferred for negotiation to reposition the dwelling on plot 3, to achieve an increase in the distance between the dwelling at 1 Keeble Close and the nearest new dwelling.
- (b) Upon the successful completion of negotiations referred to above, the applicant be requested to complete a Unilateral Undertaking to provide for a contribution towards Open Space, Sport and Recreational Facilities in accordance with the Council's Supplementary Planning Document.
- (c) Upon receipt of a satisfactory Unilateral Undertaking, the Head of Environmental and Protective Services be authorised to grant consent with conditions and informatives as set out in the report and on the amendment sheet.
- (d) If the negotiations to reposition the dwelling on plot 3 are unsuccessful, the application to come back to the Committee for determination.

**Councillor Richard Martin (in respect of being the applicant) declared a personal interest in the following item which is also a prejudicial interest pursuant to the provisions of Meetings General Procedure Rule 7(10) and he left the meeting during its consideration and determination.**

**161. 091448 Vingt Trois, The Basketworks, Grange Road, Tiptree**

The Committee considered an application for the demolition of a dwelling house and its replacement with a new bungalow. The Committee had before it a report in which all information was set out.

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

**162. 091391 The Acacias, Bacons Lane, Chappel**

The Committee considered an application for the retention of a vehicular access and continued use of the land for keeping livestock. The Committee had before it a report in which all information was set out.

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

**163. 091494 Unit 4, 13 High Street, West Mersea**

The Committee considered an application for an additional use of a tea room/café premises to include A3 use as a restaurant, and A5 use for takeaway sales, together with extended opening hours from 0800 hours to midnight. The Committee had before it a report in which all information was set out, see also amendment sheet.

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

**164. 091504 Tower View, Pennsylvania Lane, Tiptree**

The Committee considered an application for the erection of a dwelling on the site. The Committee had before it a report in which all information was set out.

*RESOLVED* that –

(a) Consideration of the application be deferred for completion of a Unilateral Undertaking to provide for a contribution towards Open Space, Sport and Recreational Facilities in accordance with the Council's Supplementary Planning Document.

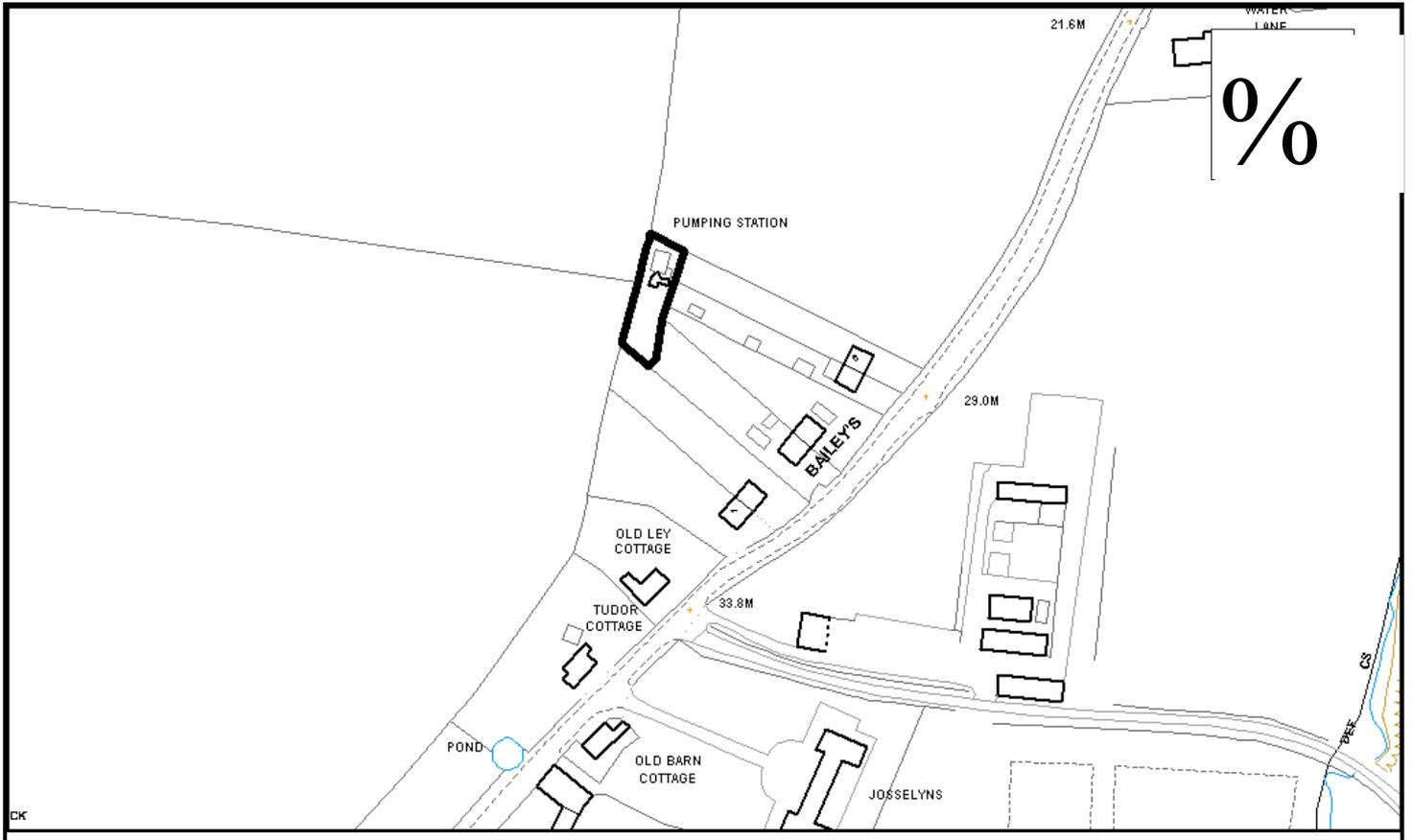
(b) Upon receipt of a satisfactory Unilateral Undertaking, the Head of

Environmental and Protective Services be authorised to grant consent with conditions and informatives as set out in the report and on the amendment sheet.

**165. 091514 86 London Road, Marks Tey**

The Committee considered an application for the replacement of an existing stand alone ancillary storage facility with a purpose built building to form a new pharmacy. This application is a resubmission for a slightly larger building than that previously approved and with some changes to the design. The Committee had before it a report in which all information was set out, see also amendment sheet.

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



**Application No:** 091568

**Location:** Land to the rear of, 3-6 Baileys Cottages, Water Lane, Little Horkesley, Colchester, CO6 4D

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

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# Committee Report

Agenda item

**7**

To the meeting of **Planning Committee**  
on: **21 January 2010**  
Report of: **Head of Environmental and Protective Services**  
Title: **Planning Applications**

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

**7.1 Case Officer: Jane Seeley**

**EXPIRY DATE: 28/01/2010**

**OTHER**

**Site: 3-6 Baileys Cottages, Water Lane, Little Horkesley**

**Application No: 091568**

**Date Received: 3 December 2009**

**Applicant: Mr Paul Clarke**

**Development: Change of use from a sewage treatment works to garden land.**

**Ward: Fordham & Stour**

**Summary of Recommendation: Conditional Approval**

## **1.0 Site Description**

- 1.1 Baileys Cottages are a group of 6 Local Authority/ex-Local Authority semi detached houses which form part of a sporadic development to the south of the Little Horkesley Village Envelope. To the rear of No's 3 to 6 (access via the garden of No 4) was a CBC Sewage Treatment Works.
- 1.2 The treatment works have been removed by the Council. The land, which slopes to the north, is mainly grassed and rather overgrown in places. Around the site is chain link fencing. The boundaries to the west and north are to open countryside. The west has hedging and some trees whilst the north has no landscaping. The south and east boundaries are with gardens and there is some screening.

## **2.0 Land Use Allocation**

- 2.1 Countryside Conservation Area  
Area of Outstanding Natural Beauty  
Potential Contaminated Land

## **3.0 Relevant Planning History**

- 3.1 None

## **4.0 Principal Policies**

- 4.1 Adopted Local Plan  
DC1 - Development Control considerations  
P4 - Contaminated Land  
CO2 - Dedham Vale Area of Outstanding Natural Beauty  
CO3 - Countryside Conservation Areas  
CO4 - Landscape Features  
H12 - Extending gardens into open countryside
- 4.2 Core Strategy  
ENV1 - Environment

## **5.0 Consultations**

- 5.1 Environmental Control – Remediation of the site has been agreed and it is considered fit for the proposed use

## **6.0 Parish Council's Views**

- 6.1 Parish Council have no comments to make.

## **7.0 Representations**

- 7.1 None received

## **8.0 Report**

- 8.1 Policy H12 requires that applications for the use of land in the countryside as domestic curtilage must not have a material impact on the countryside; do not result in the loss of good agricultural land or interfere with an agricultural enterprise and will not set an unacceptable precedent.

8.2 The application site has boundaries with the open countryside which are contiguous with existing domestic gardens to the south and east. In long views, the land is not distinguishable from the adjacent gardens. The change of use should have little impact on its appearance from views outside of the site. Accordingly it is not considered that there will be any adverse impact on the countryside. The removal of permitted development rights, as required by the Policy, will ensure that there is appropriate control over any new structures on the site. The land has not been used for agricultural use for many years and the change of use should have no impact on the adjacent agricultural land. Given the particular circumstance of the site it is not considered that it will set a precedent for other garden extensions in the vicinity.

8.3 To ensure appropriate boundary treatment/landscaping is provided/retained along the north and west boundaries, a condition is suggested.

8.4 Environmental Control has advised that the site is fit for garden use.

## **9.0 Background Papers**

9.1 ARC; Core Strategy; HH

### **Recommendation - Conditional Approval**

#### **Conditions**

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

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

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

2 - Non-Standard Condition

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2008 (or any Order revoking and re-enacting that Order with or without modification) no development within Classes E and F shall be carried out without express planning permission from the local planning authority.

Reason: In order to protect the rural character of the locality.

3 - Non-Standard Condition

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2008 (or any Order revoking and re-enacting that Order with or without modification), no freestanding buildings shall be erected or caravans/mobile homes, boats, motor vehicles, or other chattels shall be stationed or stored on any part of the site without the prior written permission of the local planning authority.

Reason: In order to protect the rural character of the locality

#### 4 - Non-Standard Condition

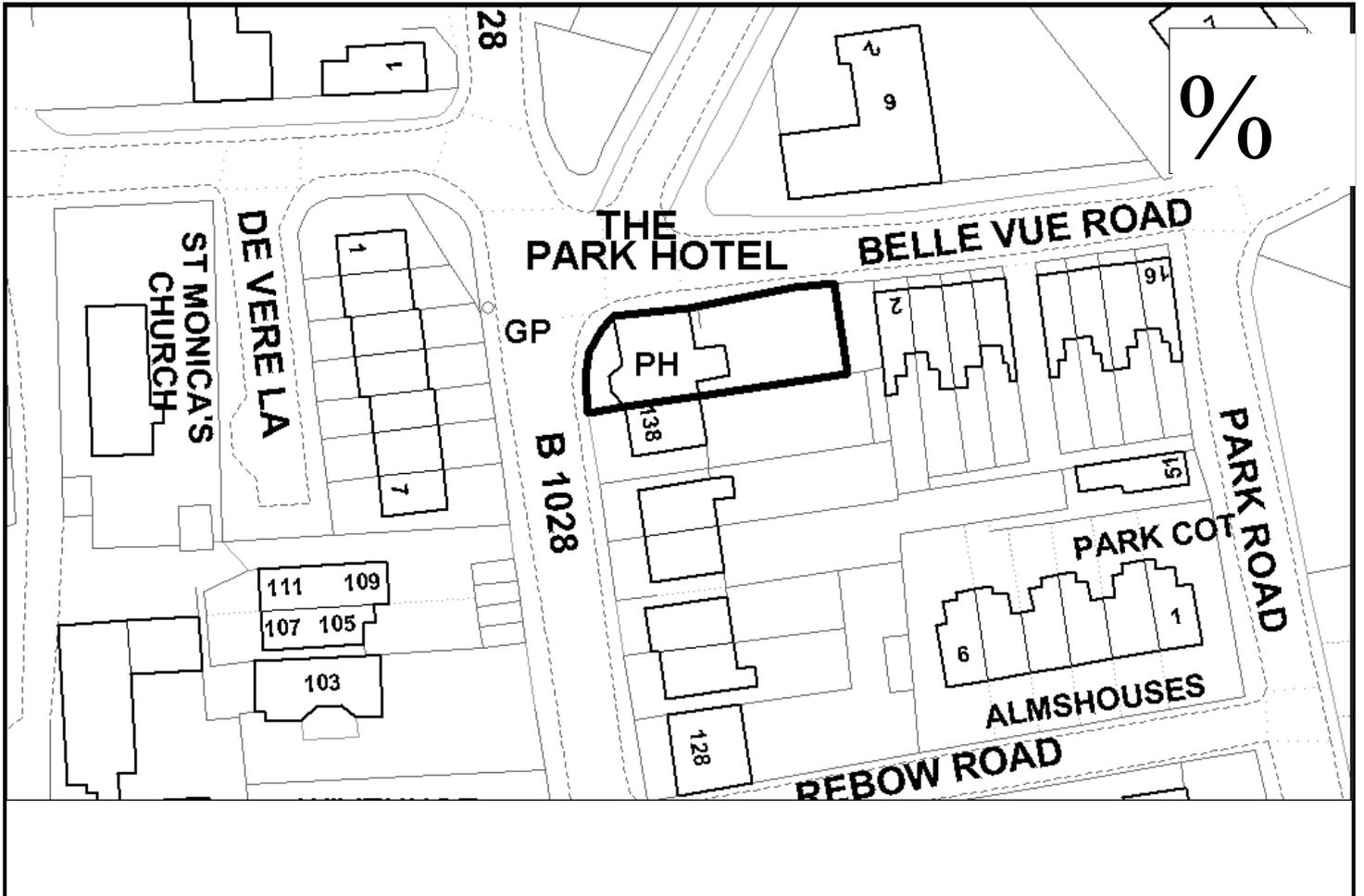
Before the hereby permitted development is implemented details of tree/hedge planting along the west and north boundaries and an implementation timetable shall be submitted to and approved in writing by the local Planning Authority. This planting shall be maintained for at least five years following 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.

#### 5 - Non-Standard Condition

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification) no fences, gates or walls, shall be erected along the west or north boundaries of the site without express planning permission from the local planning authority.

Reason: In order to protect the rural character of the locality.



**Application No:** 091325

**Location:** Former Park Hotel, 140 High Street, Wivenhoe, Colchester, CO7 9AF

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

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## 7.2 Case Officer: David Whybrow

**OTHER**

**Site:** 140 High Street, Wivenhoe, Colchester, CO7 9AF

**Application No:** 091325

**Date Received:** 13 October 2009

**Agent:** Tim Snow Architects Ltd

**Applicant:** Mr C Boreggio

**Development:** Construction of extended cellar, provision of outside seating, including removal of Highway Rights, minor elevational amendments and retention of existing store buildings, in connection with F/COL/06/0799.

**Ward:** Wivenhoe Quay

**Summary of Recommendation:** Conditional approval subject to satisfactory resolution of outstanding issues by Highway Authority and Design and Heritage Unit.

### 1.0 Planning Report Introduction

1.1 This application follows on from a planning approval granted in November 2006 for conversion of upper floors of the Park Hotel, Wivenhoe, to 5 flats, including an extension to the east elevation. The existing bar/restaurant at ground floor level was/is to be retained. Works to implement this approval are currently in progress.

### 2.0 Site Description

2.1 Park Hotel is a prominent three-storey, red brick Victorian building on the corner of Belle Vue Road and High Street and acts as a gateway to Wivenhoe's Conservation Area. There are dwellings immediately to the south and east of the site. That to the south is 3 storeys and those to the east are 2 storey with dormers.

2.2 The 2006 proposal was to demolish a small single-storey element on the Belle Vue road elevation, and to replace this with a three storey element to match the existing building. This, in addition to the first and second floors, and roofspace of the existing building, would be converted to five flats. In addition, off-road residential parking and a small area of amenity space was proposed.

### **3.0 Description of Proposal**

3.1 It is proposed to amend the original approved scheme in the following respects:-

1. Extension of the cellar area under the new extension to create a larger kitchen area - this is a response to technical difficulties arising from the shallow foundations of the original building. A design review determined that the construction of a new basement was a viable alternative, creating an improved kitchen facility.
2. The existing outbuildings to the east of the site to be retained - the agent indicates that although in poor condition they are easily repaired, provide useful storage and form a part of the historic content of the Hotel. They are attached to the flank wall of No. 2 Belle Vue Road. The retention of these buildings involves a reduction in parking spaces from 5 to 4.
3. Alterations to proposed elevations including modest changes to the fenestration, additional obscure glazed windows to south elevation (a formerly modest blank wall), changed window head details in some cases and re-arrangement of conservation rooflights.
4. Outdoor seating - the area fronts onto the High Street and will be contained by a low brick wall and railings and paved in brick paviors. The agent suggests this will add vitality to this area of town and provide passive surveillance over the adjacent open areas. There is some doubt as to the extent of highway rights over this area which will be clarified with the Highway Authority before the meeting.
5. Revised Belle Vue Road gateway - the pedestrian visibility splay required by the previous consent is not achievable. The gate seeks to address this issue and will secure the rear of the property for the safety of the bar/restaurant staff and occupants of the flats. An automatically operated, sliding gate is now proposed rather than hinged double gates.

### **4.0 Land Use Allocation**

4.1 Currently used as a public house, but zoned as residential in Wivenhoe's Conservation Area.

### **5.0 Relevant Planning History**

5.1 F/COL/06/0799 - Conversion of upper floors and roof space to 3 No. 1 bed plus 2 No. 2 bedroom flats - Approved November 2006

5.2 F/COL/02/0971 - Rooftop telecommunications base station – Approved November 2006

5.3 WIV/22/64 - Construction of car park and vehicular access - Approved 1 May 1964

## **6.0 Principal Policies**

- 6.1 Adopted Review Colchester Borough Local Plan
  - DC1 - Development Control considerations
  - UEA1 - Character of Conservation Areas
  - UEA2 - Extensions with Conservation Areas
  - UEA11 - Design
  - UEA13 - Extensions

- 6.2 Adopted Core Strategy
  - H3 - Housing Diversity
  - UR2 - Built design and character
  - ENV1 - Environment

## **7.0 Consultations**

- 7.1 Environmental Control recommend conditions/informatives to be attached to any consent granted regarding noise and sound insulation and odour control, and add:-

"Environmental Control has no objections to the principle of this application, however are concerned about the layout. For example, the positioning of kitchens on a party wall is likely to cause noise nuisance. We therefore recommend the orientation is examined to prevent noise transmission problems."

- 7.2 The following response has been received from your Design and Heritage team:-

"The former Park Hotel is a three storey red brick Victorian building that neatly turns the corner of the High Street and Belle Vue Road. Planning permission has previously been granted for the alteration and extension of the fine Victorian building (Ref: F/COL/06/0799). The current application seeks various amendments to the approved scheme; including extending the cellar, the retention of the existing outbuildings, minor elevation changes and the alteration of the proposed boundary treatments.

There is not an objection to the proposal to extend the cellar under the new extension or to retain the existing outbuildings. It is noted that the revised design of the north and east elevations has been the subject of negotiations with the case officer and it is assumed that the submitted designs are in-line with these discussions. It will be important to ensure that the architectural detailing is appropriate to the period of this building.

The proposed boundary treatments require further consideration and have been the subject of further negotiations, which, it is anticipated, will result in the submission of amended plans before the meeting."

## **8.0 Town Council's Views**

- 8.1 Wivenhoe Town Council has grave reservations concerning the development which is placed at the busiest junction in the town and within the Conservation Area. It is totally inappropriate for the following reasons:-

1. It would restrict public access in the vicinity of a pedestrian crossing.
2. The safety of pedestrians is going to be compromised.

3. The drawings show a stairwell adjacent to a pedestrian crossing which is totally inappropriate.
4. The existing highway rights to the front and side of the development should be maintained.
5. The line of sight for car users at this junction should not be encroached upon.
6. The railings on both sides of the junction indicate that the junction has had several accidents in the past.
7. The proposal of a low wall would severely restrict the width of the pavement and present a danger to pedestrians and mothers with prams who use the pedestrian crossing regularly.

## **9.0 Representations**

9.1 Letters of representation have been received from residents of Quay Street and 2 properties in De Vere Lane. The views expressed are summarised below:-

1. It is proposed to create 5 flats but reduce the amount of parking space by virtue of retention of the store building. It is estimated that only 4 spaces would be available for residents plus staff at the bar and restaurant.
2. The space available for pedestrian pavement will be significantly reduced as a result of the outdoor seating area. As this is a heavily used area, pedestrian safety will be compromised. Highway rights may well have accrued as a result of years of pedestrian use.
3. The adjacent junction is very busy with 5 roads converging. The method of delivering goods should be taken into consideration.
4. The application does not refer to any opening hours of the bar/restaurant and there could be noise disturbance from customers sitting outside at late hours, especially if music or sports events were broadcast into this outside area. Conditions should be imposed to prevent this.
5. The proposed outdoor seating area will result in a restriction of sight lines available to the adjacent junction in addition to changing the character of the street scene.

These letters may be inspected in full on the Council's web-site.

9.2 A member of Wivenhoe Business Association (WBA) supports the proposal and occupies premises directly opposite the site. They comment that the hotel use has not disrupted their business in any way and they look forward to seeing the transformation of the building. They suggest it is exciting to see a new venture that will bring increased local facilities and employment.

## **10.0 Report**

10.1 As indicated in the preamble to this report this is a variation of the 2006 consent. The elevational changes that have been introduced have been the subject of discussion with officers and are considered acceptable to the Design and Heritage team provided that suitable enclosure is established to the outdoor seating area.

- 10.2 For the most part the concerns expressed in representations concern the impact upon highway safety and the specific question of whether highway rights are prejudiced by the proposals. The agent suggests that pre-submission discussion with the Highway Authority indicates that Essex County Council consider that the highway rights may have accrued on the High Street frontage and also to a lesser extent in Belle Vue Road. The agent himself considers there to be little evidence either way in respect of the existence of highway rights and both parties have agreed that this application will seek to remove such rights in order to clarify matters. The formal views of the Highway Authority and clarification of their position are anticipated before the meeting.
- 10.3 The remaining issues raised by objectors relate to parking levels and impact on local amenity. The proposals will result in a reduction in on-site car parking from 5 to 4 spaces but given the highly sustainable location of this site close to the village centre and main bus routes it is not considered that the extent of car parking facilities will be a decisive factor in this case.
- 10.4 As regards amenity concerns, the creation of a small, enclosed outdoor seating area adjoining existing residential property may have a limited impact on the occupiers' amenity but in the light of the established use of the site and busy nature of the adjoining roads and footpaths, it is unlikely that this will give rise to undue noise and disturbance. An informative is recommended to reinforce this point by requesting that the applicant uses his best efforts to ensure users of this space act in a neighbourly fashion.
- 10.5 The Environmental Control team have not expressed concern at this aspect of the proposals and on balance it is concluded that provided the Highway Authority and the Design and Heritage Unit issues can be resolved before the meeting, the application merits support.

## **11.0 Background Papers**

11.1 ARC; Adopted Core Strategy; HA; HH; NLR; PTC

### **Recommendation**

Upon receiving confirmation that those outstanding issues raised by the Highway Authority and Design Heritage Unit are resolved before the meeting, planning permission be granted subject to the following conditions:-

### **Conditions**

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

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

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

## 2 - C3.20 Surfacing Materials to be Agreed

Prior to commencement of the development hereby approved full details of the surfacing materials to be used for all private, non-adoptable access ways, footpaths, courtyards, parking areas and forecourts shall be submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out strictly in accordance with the agreed details.

Reason: To ensure the use of an appropriate choice of materials having regard to the importance of this scheme in the Conservation Area and to ensure that the choice of materials will harmonise with the character and appearance of other buildings and development in the area.

## 3 - C3.5 Materials to Match Existing

The external materials and finishes to be used for the approved development shall be of the same type and colour as those of the existing building as described in the submitted application documents, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure the use of an appropriate choice of materials having regard to the importance of this scheme in the Conservation Area and to ensure that the choice of materials will harmonise with the character and appearance of other buildings and development in the area.

## 4 - C12.3 Details of Walls and Fences as Plans

The screen walls and boundary treatments as indicated on the approved plans shall be erected before the commencement of the use hereby approved and shall be retained thereafter.

Reason: In the interests of the appearance, visual amenity and character of the Conservation Area.

## 5 - Non-Standard Condition

All rooflights shall be selected from the conservation range, the precise details of which shall be agreed in writing with the Local Planning Authority prior to their installation.

Reason: In the interests of the appearance, visual amenity and character of the Conservation Area.

## 6 - Non-Standard Condition

All bathroom windows on the south elevation of the building, as extended, shall be in obscure glass at least equivalent to Scale 4 or 5 in the Pilkington Glass Scale of Obscuration and shall be maintained as such at all times. No additional windows or openings shall be created in this elevation other than as may have been previously agreed in writing by the Local Planning Authority.

Reason: In the interests of amenity and privacy.

## 7 -Non-Standard Condition

Any additional conditions/recommended by the Highway Authority.

## **Informatives**

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

Your attention is drawn to the concerns of the Council's Environmental Control team regarding the internal layout of the building. For example, the positioning of kitchens on a party wall is likely to cause noise nuisance and the orientation of rooms should be examined to prevent noise transmission problems. Additionally, residential units directly above a pub/restaurant creates potential for nuisance from noise and odour from general use and the extraction system. A high standard of internal insulation against noise generated by the business will be required and all residential units should be designed so as to comply with BS 8233 taking into account all local noise sources including those from the business located below.



**Application No:** 091443

**Location:** 11 Spring Road, Tiptree, Colchester, CO5 0BD

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

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## OTHER

**Case Officer:** Nick McKeever

**Site:** 11 Spring Road, Tiptree, Colchester, CO5 0BD

**Application No:** 091443

**Date Received:** 11 November 2009

**Agent:** John Finch Partnership

**Applicant:** Granville Developments

**Development:** Variation of condition no.17 of application 090897 to substitute 1no. chalet style dwelling (plot 3) with a two storey dwelling.

**Ward:** Tiptree

**Summary of Recommendation:** Conditional Approval

### 1.0 Planning Report Introduction

1.1 This application seeks permission for an amendment to Permission 090897 to substitute a chalet style dwelling for a 2 storey dwelling on Plot 3 of the approved scheme for the redevelopment of the land to accommodate 4 dwellings. The dwelling on Plot 3 is also to be increased to 5 bedrooms.

### 2.0 Site Description

2.1 This site is an irregular shaped plot of land, approximately 0.27 ha in area. It was, until recently, occupied by a small bungalow located adjacent to Spring Road. This bungalow has recently been demolished. The site lies within a predominantly residential part of Tiptree, within an area of mixed character. The existing character of the area consists of a range of single and two storey dwellings dating from the early to mid 20th Century. The buildings along Spring Road have a well defined building line, with the dwellings generally being set back from the road.

2.2 The ground levels fall in an easterly direction.

2.3 There are a number of semi-mature mature trees along the north-east and southern boundaries. These trees are the subject of a Tree Preservation Order.

### 3.0 Land Use Allocation

3.1 Residential/Potential contaminated land. Open Space

### 4.0 Relevant Planning History

4.1 071184 – Demolition of existing bungalow and erection of 3 no. chalet style dwellings and 1 no. bungalow. Approved 29/09/2007.

4.2 090897 – Reserved Matters application for demolition of existing bungalow and erection of 3 no. chalet style dwellings and 1 no. bungalow. Approved 11/11/2009.

## **5.0 Principal Policies**

5.1 Adopted Review Borough Local Plan  
Development Control Considerations - DC1  
Design – UEA11  
Development adjacent to existing dwellings – UEA13

5.2 Adopted Core Strategy  
UR2 - Built Design and Character

## **6.0 Consultations**

6.1 The Highway Authority does not wish to object to the proposal

6.2 The Landscape Officer recommends that the frontage enclosure should be included to the boundary, behind any sight line, to the front of Plot 1 in order to complement the existing landscape structure to Spring Lane.

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

7.1 Tiptree Parish Council consider this application to be an overdevelopment of the site.

## **8.0 Representations**

8.1 None received

## **9.0 Report**

9.1 The demolition of the existing bungalow on this site and the erection of 4 dwellings served via a private drive off Spring Road have already been approved. This current application does not propose any additional units but merely seeks consent for the substitution of an approved chalet dwelling, with bedrooms within the roof void, for a two storey dwellinghouse.

9.2 In this context the main issues are the impact of the revised house type upon visual and residential amenity.

9.3 This application seeks to take advantage of the difference in ground levels within the site in order to accommodate a full two storey dwellinghouse (ridge height 9.20m) as opposed to the chalet type dwelling (ridge height 7.2m) approved for this plot under the consent 090897. The ground levels fall in an easterly direction, with a site survey showing a variation of up to 3m. This has the effect of diminishing any impact of a two storey dwelling upon visual or residential amenity.

9.4 Whilst there are bedrooms with first floor windows facing north-west and south-east, the nearest dwelling in Spring Road, No.7, is more than 35 metres away. The dwellings in Saffron Way, to the east, are screened by a belt of established trees, which are to be retained.

- 9.5 No objections are raised to the design of the dwelling and the external materials are to match those approved for the remaining 3 dwellings that make up this development.
- 9.6 The Applicant has been advised of the requirement for the frontage of the site onto Spring Road to be enclosed by a hedge, to be set immediately behind the sight splay required under the previous permission. This is to be included within the landscaping scheme that has to be approved by condition of the 090897 permission.

## **10.0 Background Papers**

10.1 ARC; HA; TL; PTC

### **Recommendation - Conditional Approval**

#### **Conditions**

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

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

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

2 - Non-Standard Condition

The external materials shall be Olde Welwyn Red Multi-Stock brick, Sandtoft 'Tuscan' 26/20 Interlocking clay plain tile and white finished timber windows. The development shall only be carried out using the approved materials and the external materials specified in the submitted external finishes schedule unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the development has a satisfactory appearance in the interests of visual amenity and helps to reinforce local character and identity.

3 - Non-Standard Condition

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

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

#### 4 - C10.15 Tree & Natural Feature Protection: Protected

No work shall commence on site until all trees, shrubs and other natural features not scheduled for removal on the approved plans, are safeguarded behind protective fencing to a standard to be agreed by the Local Planning Authority (see BS 5837). All agreed protective fencing shall be maintained during the course of all works on site. 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.

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

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

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

#### 6 - C11.11 Landscape Design Proposals

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

Existing and proposed finished contours and levels.

Means of enclosure.

Car parking layout.

Other vehicle and pedestrian access and circulation areas.

Hard surfacing materials.

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

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

Retained historic landscape features and proposals for restoration.

Soft landscape details shall include:

Planting plans.

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

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

Planting area protection or decompaction proposals.

Implementation timetables.

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

## 7 -C11.12 Landscape Works Implementation

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

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

## 8 - Non-Standard Condition

Prior to the commencement of the development details of screen walls/fences/railings /means of enclosure etc shall be submitted to and approved in writing by the Local Planning Authority. The details shall include the position/height/design and materials to be used. The fences/walls shall be provided as approved prior to the occupation of any building and shall be retained thereafter.

Reason: To ensure a satisfactory form of development and in the interests of visual amenity.

## 9 - Non-Standard Condition

Prior to the proposed private drive being brought into use, vehicular visibility splays of 33m north by 2m by 33m south distance, as measured along, from and along the nearside edge of the carriageway, shall be provided on both sides of the centre line of the access and shall be maintained in perpetuity free from obstruction exceeding a height of 600mm.

Reason: To ensure adequate intervisibility between drivers of vehicles using the proposed access and those in the adjoining highway, in the interests of highway safety.

## 10 - Non-Standard Condition

Prior to the proposed private drive being brought into use, a 1.5m. x 1.5m. pedestrian visibility splay, relative to the highway boundary, shall be provided on both sides of that access and shall be maintained in perpetuity free from obstruction exceeding a height of 600mm. These splays must not form part of the vehicular surface of the access.

Reason: To ensure adequate intervisibility between drivers of vehicles using the proposed access and pedestrians in the adjoining highway, in the interests of highway safety.

## 11 - Non-Standard Condition

Prior to commencement of the proposed development, a size 3 turning head shall be provided within the site and shall be maintained free from obstruction at all times for that sole purpose.

Reason: To ensure that vehicle using the site access may enter and leave the highway in a forward gear, in the interests of highway safety.

#### 12 - Non-Standard Condition

Prior to occupation of the proposed development, a (communal) bin/refuse collection point shall be provided within 25m of the highway boundary and additionally clear of all visibility splays at accesses.

Reason: To ensure that loose materials are not brought out onto the highway, in the interests of highway safety.

#### 13 - Non-Standard Condition

No unbound materials shall be used in the surface treatment of the proposed vehicular access within 6m of the highway boundary.

Reason: To ensure that loose materials are not brought out onto the highway, in the interests of highway safety.

#### 14 - Non-Standard Condition

Prior to the occupation of any of the proposed dwellings, the proposed private drive shall be constructed to a width of 4.1m and shall be provided with an appropriate dropped kerb vehicular crossing of the highway verge.

Reason: To ensure that all vehicles using the private drive access do so in a controlled manner, in the interests of highway safety.

#### 15 - Non-Standard Condition

The existing access shall be suitably and permanently closed to the satisfaction of the Local Planning Authority, incorporating the reinstatement to full height of the highway verge to the satisfaction of the Highway Authority, immediately the proposed private drive is brought into use.

Reason: To ensure the removal of and to preclude the creation of un-necessary points of traffic conflict in the highway and to prevent indiscriminate access and parking on the highway, in the interests of highway safety.

#### 16 - Non-Standard Condition

Single garages shall have minimum internal dimensions of 6m. x 3m.

Reason: To encourage the use of garages for their intended purpose and to discourage on-street parking, in the interests of highway safety.

#### 17 - Non-Standard Condition

This permission relates to the erection of 3 chalet style dwellings and 1 bungalow.

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

#### 18 - Non-Standard Condition

All vehicles associated with the implementation of the planning permission hereby granted shall park within the site unless otherwise agreed in writing with the Local Planning Authority.

Reason: In the interest of residential amenity.

#### 19 - Non-Standard Condition

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

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

#### 20 - Non-Standard Condition

The developer shall incorporate landfill gas measures in accordance with Approved Document C of the Building Regulations and current official guidance on appropriate construction methods into all properties on the site at the time of construction of each of the required properties.

Reason: The site lies within 250m of a former (or suspected) landfill site and the Council wish to ensure that development only proceeds if it is safe to do so. The application as submitted does not provide details of these measures. This condition should not be read as indicating that there is any known danger for landfill gas in this locality.

#### **Informatives**

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

All works affecting the highway to be carried out by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority and application for the necessary works should be made initially by phone on 01206838696 or by email on [www.highways.eastarea@essex.gov.uk](mailto:www.highways.eastarea@essex.gov.uk).

## INDEX TO PLANNING APPLICATIONS CODES

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

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

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

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

## INTERNAL CONSULTEES

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

## REPRESENTATIONS ETC

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

## EXTERNAL CONSULTEES (2 character codes)

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



## **Colchester Borough Council Environmental Control**

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

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

#### **Best Practice for Construction Sites**

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

#### **Noise Control**

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

## **Emission Control**

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

## **Best Practice for Demolition Sites**

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

### **Noise Control**

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

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

### **Emission Control**

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