

Planning Committee

Town Hall, Colchester
6 August 2009 at 6.00pm

This committee deals with

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

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

Information for Members of the Public

Access to information and meetings

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

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 meetings, with the exception of Standards Committee meetings. If you wish to speak at a meeting or wish to find out more, please pick up the leaflet called "Have Your Say" at Council offices and at www.colchester.gov.uk.

Private Sessions

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

Mobile phones, pagers, cameras, audio recorders

Please ensure that all mobile phones and pagers are turned off before the meeting begins and note that photography or audio recording is not permitted.

Access

There is wheelchair access to the Town Hall from West Stockwell 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 Angel Court Council offices, High Street, 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 are located on the second floor of the Town Hall, access via the lift. A vending machine selling hot and cold drinks is located on the ground floor.

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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
6 August 2009 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 - 12

To confirm as a correct record the minutes of the meeting held on 23 July 2009.

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. 090331 Ribbons, Maypole Road, Tiptree, CO5 0EJ (Tiptree) 13 - 21

Construction of new two bedroom detached bungalow.

2. 090738 Copford Green, Copford (Copford and West Stanway) 22 - 34

Fully repair both main barn and barn 2. To take down large modern granary structure and two small modern outbuildings to convert the main barn to residential use and barn 2 to commercial drama studio. (Resubmission of 082059).

3. 090739 Copford Green, Copford (Copford and West Stanway)

Listed Building application for full repairs to main barn and barn 2. To take down large modern granary structure and two small modern outbuildings. Conversion of main barn to residential use and conversion of barn 2 to commercial drama studio. (Resubmission of 082060).

4. 090786 Wormingford Road, Wormingford, CO6 3NS (Fordham and Stour) 35 - 40

Continued use of land for storage of sealed metal containers for storage of domestic contents and siting of 2 additional containers.

5. 090822 47 Belle Vue Road, Wivenhoe (Wivenhoe Quay) 41 - 51

New three bedroom dwelling (resubmission of 073012).

6. 090833 26 North Hill, Colchester, CO1 1EG (Castle) 52 - 57

Listed building application for new signage to restaurant, including fascia sign and hanging sign.

7. 090834 26 North Hill, Colchester, CO1 1EG
(Castle)

Advertisement application for new signage to restaurant, including fascia sign and hanging sign.

8. 090668 Fishponds Field, Shop Lane, East Mersea, **58 - 64**
(Pyefleet)

Alterations and extension to existing stable block and erection of menage.

9. 090699 3 Church Street, Colchester, CO1 1NF **65 - 72**
(Castle)

Change of use from A2 (Professional Services) to a mixed use of A3/A4 Mixed Use (Restaurant and Bar). Demolition of unsightly 20th Century rear flat roofed extension and reconstruction of new extension. Minor associated works to interior of original building. (Resubmission of application 081552).

10. 090700 3 Church Street, Colchester, CO1 1NF **73 - 79**
(Castle)

Listed Building application for change of use from A2 (Professional Office) to A3/A4 Mixed Use (Restaurant/Bar). Demolition of existing unsightly 20th Century rear flat roofed extension and reconstruction of new extension. Minor associated works to interior of original building. (Resubmission of application 081555).

8. **Enforcement Report // Buffalo Tradings, 12 Barrack Street, Colchester** **80 - 82**

See report by the Head of Environmental and Protective Services.

9. **Enforcement Report // Hip Hop Heaven, 3 Montrose House, Eld Lane, Colchester** **83 - 85**

See report by the Head of Environmental and Protective Services.

10. **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
23 JULY 2009

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

Substitute Members :- Councillor Laura Sykes
for Councillor Helen Chuah*
Councillor Beverly Davies
for Councillor Jackie Maclean*

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

50. Minutes

The minutes of the meeting held on 9 July 2009 were confirmed as a correct record.

Councillor Jon Manning (in respect of being a student at the University of Essex) declared a personal interest in the following item pursuant to the provisions of Meetings General Procedure Rule 7(3)

Councillor Mary Blandon (in respect of being related to the public speaker, Bob Russell, MP) declared a personal interest in the following item pursuant to the provisions of Meetings General Procedure Rule 7(3)

Councillor Ray Gamble (in respect of his close association with the public speaker, Bob Russell, MP) declared a personal interest in the following item pursuant to the provisions of Meetings General Procedure Rule 7(3)

51. 090498 Avon Way House, Avon Way, Colchester, CO4 3TZ

The Committee considered an application for the erection of 133 new student bedrooms in thirty flats split into six separate buildings. Since the submission of the application revised plans had been received which show the number of flats reduced to twenty-nine in six separate buildings; the overall number of bed spaces is reduced to 119. The Committee had before it a report in which all information was set out, see also Amendment Sheet.

The Committee made a site visit in order to assess the impact of the proposal

upon the locality and the suitability of the proposal for the site.

Sue Jackson, Principal Planning Officer, attended to assist the Committee in its deliberations. The density was high for the area but was acceptable in view of the proposed occupancy. Following representations from local residents, there were concerns about the impact of blocks A and B on residents in Pickford Walk.

Bob Russell, MP, addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in opposition to the application. The three storeys of blocks A and B would not enhance the residential amenity of residents in Pickford Walk but would be oppressive, reduce light to their front gardens and impact on their privacy. The reduction in parking provision would be below the minimum standard and would lead to cars being parked in Avon Way. He was also concerned that there was no safe pedestrian route between Avon Way and the University. He noted that the Council's Landscape Officer had asked that the tree cover be increased. The report acknowledged the impact on the amenity of residents in Pickford Walk and he asked the Committee to reject the application and invite the applicant to submit another application with the omission of blocks A and B.

Mr Owain Thomas, addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in support of the application. Over the next two years the University hoped to expand by 2,000 students and there was a shortage of quality student accommodation; both the University of Essex and Colchester Institute have expressed interest in renting accommodation in this scheme. A consultation event had been held and the scheme had been reduced by 11% after taking on board the comments received. The distance between the blocks of flats and Pickford Walk exceeded the minimum planning requirements. Of the existing 100 parking spaces only twenty-three have been let. An independent report shows there is no overlooking or overshadowing of Pickford Walk at all. Some comments relate to noise but the scheme would be built to comply with building regulations. The scheme is fully managed 24 hours a day.

Councillor Julie Young attended and, with the consent of the Chairman, addressed the Committee. She believed the scheme did not comply with planning policy UEA11 in respect of protecting the amenity of residents of properties in Pickford Walk which are 13 metres from the new blocks of flats. The proposal reduces the car parking provision to a level below the standard which would cause tension between residents and students because of the likelihood of more on-street car parking in nearby streets adding to existing problems. She had measured the distance between the development and the heart of the University at 2,350metres which had taken her 27 minutes to walk. A journey to the University would involve two buses. If a development

of this density was proposed for housing on the open market it would be recommended for refusal, however the report states that for students the proposal has to be determined on its merits and she questioned why students were treated differently. The relationship between students and residents is fragile and to rely on Environmental Control to deal with any noise issues was unhelpful. There were robust reasons for refusal which she hoped the Committee would accept.

Councillor Tim Young attended and, with the consent of the Chairman, addressed the Committee. He had considerable sympathy with residents in Pickford Walk who had contacted him. He had found the Hospitality Office to be unmanned. There used to be a security officer in the grounds and late at night when the property was owned by the University. There is no direct public transport to the University and discouraging students from bringing their cars does not work elsewhere. There are a number of reasons for refusal regarding parking. The University has not allocated places for next year and they have no idea of admission numbers. He considered the proposal would be overly detrimental to residents.

Members of the Committee expressed a number of concerns including the overbearing effect and serious impact on residents in Pickford Walk of blocks A and B because they were considered too imposing. A reduction in height was considered to be necessary either by reducing the height of the buildings or by reducing the ground level which was significantly higher at the front of the site. There was some support for the suggestion that blocks A and B could be removed from the scheme and replaced by infilling between blocks C, E and F. However there was an opposing view that if there were no pathways through the infilled run of buildings it could create a potential danger for female students. The journey to the University also posed problems for students. A journey by public transport involved two buses. The walk to the University was 2km by road and necessitated crossing Clingoe Hill; either by a subway which was considered to be impassable when flooded in the winter, or a surface crossing of the dual carriageway where there was no adequate provision for pedestrians. A contribution towards a surface crossing was suggested but the Highways Authority would need to be consulted. The lack of students using cars could be explained by the accommodation being used by overseas students who do not have cars.

It was explained that in the local plan this area is not defined as a highly accessible area because it is not close to facilities, but because the accommodation is for students and is close to the University the high density is acceptable. The scheme satisfies the design guide in terms of the impact on residents. The development is not entirely three storey blocks because there are two storeys facing Pickford Walk. Blocks A and B effectively create a street with Pickford Walk and it is considered that the form of the new

dwelling respects the existing dwellings. The newly created 'street' would be more than 13 metres wide which is not an uncommon occurrence in this area. No issues relating to privacy or daylight had been identified, and whilst there is a reduction in the number of car parking spaces the applicant has explained the lack of demand. However, the Committee's concerns regarding blocks A and B were acknowledged and the differing ground levels was an issue to be considered. It would be possible to investigate whether amendments to the scheme could be negotiated.

RESOLVED (UNANIMOUSLY) that consideration of the application be deferred for discussions with the applicant and further consideration to be given on the following matters:-

- the proximity of blocks A and B with properties in Pickford Walk, including siting, reduction of heights, lowering of slab levels, infilling between existing blocks and proposed blocks along the south east boundary to remove the need for new blocks adjacent to Pickford Walk;
- an increase in car and cycle parking provision;
- the Highway Authority to be asked to consider a Section 106 contribution towards a solution for pedestrians crossing the A133.

The application to return to the Committee for determination.

Councillor John Elliott (in respect of the agent having been employed by Tiptree Parish Council) declared a personal interest in the following item pursuant to the provisions of Meetings General Procedure Rule 7(3)

52. 080665 20, 22 and Bokhara, Maldon Road, Tiptree, CO5 0LL

The Committee considered an application for a revised scheme for a residential development comprising two one-bedroom apartments, one two-bedroom apartment, one three-bedroom house, four four-bedroom houses and four five-bedroom houses. The apartment block and the two and a half storey houses had been reduced in height to two storeys; and two of the five-bedroom houses had been reduced to four-bedroom houses. The Committee had before it a report in which all information was set out, see also Amendment Sheet.

The Committee revisited the site in order that they could assess the impact of the scheme which had been revised to meet the concerns of the Committee expressed at its meeting on 12 June 2008, and because there were a number of the current Committee members not present at the previous site visit.

Sue Jackson, Principal Planning Officer, attended to assist the Committee in its deliberations.

Mr Andy Green addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in opposition to the application. This is about a development sympathetic to its surroundings. Many of the concerns about the previous plans can still be made about this scheme. The density will enable the applicant to maximise profits; it is not about what is appropriate for the area. He would prefer to see a density of twenty dwellings per hectare comprising buildings which are not overbearing or obtrusive. The height of some of the units is still an issue. The requirement was to reduce the height of the three storey flats which he considered had not been done. The Highways Authority has not been consulted on the revised plans. He was concerned that the proposal is being accepted on the basis of backland being right for development. Traffic emerging from the development cannot be seen and would be dangerous to pedestrians and oncoming traffic in Maldon Road. Residents are concerned that their back gardens will be affected with the removal of trees and terracing of the area. This is a wet area and this has been ignored; water is likely to pool.

Mr David Poole addressed the Committee on behalf of the owners pursuant to the provisions of Planning Committee Procedure Rule 8 in support of the application. He understood the concerns raised by neighbours and considered that the matters had largely been addressed in their report. Any impact has been limited to an acceptable level having regard to council officer advice. The Design Guide does not form part of the statutory consideration in respect of the height of dwellings. The ridge heights of units and dormer windows have been reduced to address the Committee's concerns and it is now correct to recommend approval.

Councillor Bentley attended and, with the consent of the Chairman, addressed the Committee. Birch and Winstree Ward covers part of Tiptree and residents had asked him to speak. There are genuine concerns from people in this village. It is a classic case of overdevelopment with a surplus of dwellings across the borough and Tiptree. Concerns about design remains even though there have been changes. They are still overbearing on neighbouring properties and will have an effect on views and daylight. The proposal was out of keeping; these are town houses and a block of flats in a village. There is genuine concern about the possibility of flooding and he asked whether an appropriate risk assessment has been carried out. It was noted that the Highways Authority had no objection but he was concerned that they may not have visited nor be aware of the situation. People are genuinely concerned about speeding. He urged that the Committee defer the application to think about a risk assessment for flooding and for confirmation that the Highways Authority have visited.

Members of the Committee expressed a number of concerns. The density on this site is higher than the surrounding housing area. This is a village which does not need more houses in this area. There will be a brick wall instead of trees which will affect residents' amenity. There is a junction on a bend close to the site access which is not visible when leaving the site. There was a view that this is a wet area, surrounded by trees and liable to flood. It was requested that the Environment Agency undertake a flood risk assessment, or an opinion be obtained from the Environment Agency on the likelihood of flooding. An investigation into the presence of a piped water system or drainage ditch was also requested. This is a windfall site and it was requested that the Section 106 calculation be based on the twelve new dwellings and not on the increased number of nine units on the site. It was suggested that the use of any other contributions should be identified in consultation with Tiptree Parish Council and the Development Team. It was also requested that a note be included to the effect that the twelve dwellings should be deducted from the 140 new dwellings allocated to Tiptree in the Local Development Framework.

It was confirmed that the proposal before the Committee was directly in response to the Committee's requests at the previous meeting in June 2008; the number of five bedroom houses had been reduced, the 2½ storey unit had been reduced to two storeys and the height of the block of flats had been reduced from 10.5 metres to 7.6 metres. The applicant has met the requirements of the Planning Committee and there have been additional elevational changes. The whole application now before the Committee has been amended.

It was explained that the site is not within a flood risk area and therefore there is no requirement for a flood risk assessment, but there are conditions regarding details of drainage infrastructure to be submitted and agreed with the local planning authority which will take into account ground conditions including water, etc. When details are submitted to discharge the drainage conditions the local planning authority will consult with the Environment Agency so this issue will be covered as part of the conditions. The plans require details of any existing drainage ditches to be shown so that the authority is content that all issues regarding drainage have been taken on board.

It was confirmed that the Highway Authority had visited the site and it was made clear in a letter when the application was submitted that the Highway Authority raised no objections. In respect of the open space contribution, the guidance adopted by Council is based on the number of bed spaces. In terms of PPS 1 account has been taken of the context of the area. The architect is looking to achieve buildings which have a sense of place in their

own right. The development is formed around a square with landscaping. The development is on the low side of the recommended density.

RESOLVED (MAJORITY voted FOR) 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, and a contribution of £10,000 towards Community Facilities in the form of the Tiptree Community/Village Hall.

(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, see also Amendment Sheet, together with an additional note for officers to consider with Planning Policy whether these units will count towards the total allocation of provision in Tiptree for Local Development Framework purposes.

53. 090395 8 Hall Road, West Bergholt, CO6 3DS

The Committee considered an application for a new two storey dwelling with proposed parking within the garden area of the application site. The Committee had before it a report in which all information was set out.

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

54. 090519 53 London Road, Copford, CO6 1LG

The Committee considered an application for the demolition of existing industrial buildings and the erection of a detached two-storey four bedroom dwelling with a detached double garage. The Committee had before it a report in which all information was set out.

RESOLVED (UNANIMOUSLY) 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, see also Amendment Sheet.

55. 090749 Land adjacent (south of) Rushmere Close, West Mersea

The Committee considered an application for the erection of a two storey unit 6m in width and 9.2m in length. The ground floor is shown as being a storage area with office accommodation within the first floor. The Committee had before it a report in which all information was set out.

Sue Jackson, Principal Planning Officer, attended to assist the Committee in its deliberations.

Mr Hugh Reid addressed the Committee on behalf of four households pursuant to the provisions of Planning Committee Procedure Rule 8 in opposition to the application. There are no objections in principle to the development but there are concerns regarding privacy, noise and visual amenity. He referred to paragraph 8.2 of the report which stated that the design of the unit was generally more sympathetic to the other units within the industrial park to which it would relate rather than to the residential properties in the vicinity. However until now the industrial units did relate well to the residential properties because the single storey units had been grouped together to the south, causing minimal loss of amenity. This application would break that pattern; the two storey unit would tower above the line established as the ground is nearly one metre higher and two upper windows would look easily into his garden and also into gardens of houses in Queen Anne Road. The belt of trees provides only a partial screen in summer, but little in winter and that situation has been worsened by felling all the trees on another piece of land. The hours of work suggested are greater than the hours of work applied for and he requested that the approval revert to those hours on the original application.

Members of the Committee suggested that obscure glazing be used in the upper floor windows to prevent overlooking. The shorter hours of working applied for was also supported. The height of the land to be developed relative to the properties at the rear was queried. A solution would be to lower the ground level of the site to the same as that of the properties, or alternatively to introduce more landscaping to provide a screen.

It was explained that the roof of the unit had a very shallow pitch and at 6 metres high is far lower than a two storey house. The activity within the building will be quiet and will not impact on residents. Obscure glazing would be possible in the two larger windows on the west elevation at the first floor level. The site, which is allocated employment land, is some distance from

Queen Anne Road. A revision to the condition on times of working could be acceptable. The site slopes up from front to back but is lower than gardens in Queen Anne Road. Additional landscaping along the rear boundary would be possible.

RESOLVED (UNANIMOUSLY) that the application be approved with conditions and informatives as set out in the report together with the following additional and amended conditions:

- Condition 2 be amended to restrict opening/delivery times to 9.00am to 5.00pm Mondays to Fridays and from 9.00am to 1.00pm on Saturdays and at no time on Sundays or Public Holidays;
- new conditions to require additional landscaping along the rear boundary and obscured glazing in the eastern elevation.

Councillor Stephen Ford (in respect of his daughter being a student at Lexden Junior School, an objector to the application) declared a personal interest in the following item pursuant to the provisions of Meetings General Procedure Rule 7(3)

56. 090433 81-82 London Road, Colchester, CO3 9DW

The Committee considered an application for a change of use of the first floor of the building to permit a use either for retail sales (Class A1) or for a church (Class D1) in the alternative, including modifications to the roof and fenestration, insertion of fire doors on the ground floor and the provision of bicycle parking areas. The former MFI premises has permission for use as an Aldi store with a condition preventing retail sales from the first floor. The Committee had before it a report in which all information was set out.

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

57. 090434 80-82 London Road, Colchester, CO3 9DW

The Committee considered application for the deletion of Condition 5 of planning permission 081079 (No retail sales shall take place from the first floor of the building); the main issue being whether the removal of the condition would be likely to lead to retail use on both floors on a site where the provision of parking is below the maximum standard. The Committee had before it a report in which all information was set out.

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

58. 090669 22 Whittaker Way, West Mersea, CO5 8LB

The Committee considered an application for a new boundary fence. The Committee had before it a report in which all information was set out.

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

Councillor Ray Gamble (in respect of being acquainted with the public speaker, Parish Councillor Moles, by both being members of the same Panel) declared a personal interest in the following item pursuant to the provisions of Meetings General Procedure Rule 7(3)

Councillor Beverly Davies (in respect of having been involved in the setting up of the Heritage Trust including fundraising) 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 she left the meeting during its consideration and determination.

59. 090704 Rowhedge Heritage Trust Hut, High Street, Rowhedge

The Committee considered an application for renewal of planning permission 071120 for permanent permission of the continued use of the Heritage Trust Hut. The Committee had before it a report in which all information was set out, see also Amendment Sheet.

Sue Jackson, Principal Planning Officer, attended to assist the Committee in its deliberations. The Heritage Trust Hut was a focal point of the village. Ms Jackson referred to the Amendment Sheet which explained that the applicants were prepared to accept a temporary permission but they were seeking funding for a permanent building and a condition was proposed requiring the building to be maintained in good repair. Discussions had taken place with the applicant regarding the objections and an informative has been added to provide for prior notice to be given to the owners of the adjacent property of any activity taking place relating to the flag pole; these occasions are estimated at once or twice per year.

East Donyland Parish Councillor Peter Moles addressed the Committee

pursuant to the provisions of Planning Committee Procedure Rule 8 in opposition to the application. This is the second application for an extension of the temporary permission and the viability of the original permission was queried as was the ability for a second temporary period to be granted. The building was only a portakabin which was not in keeping with the area.

Mr Keith Phillips, Chairman of Rowhedge Heritage Trust, addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in support of the application. The aims of the Trust are to record the maritime and social history of Rowhedge and create a community maritime facility. They have over 300 members who support the project. They have worked with parish, borough and county councils to gain support, develop a viable business plan and obtain a source of capital funding. The Hut acts as a focal point for the village and opens up a community space which has not previously been used for the enjoyment of the riverside location. The design and appearance is exactly as advised by Colchester Planning Service when planning permission was originally sought and very is similar to buildings in Mersea and Tollesbury. The building is well maintained. Consultations with and presentations to the parish council have been undertaken and none of the issues mentioned have been raised. They were willing to work with the parish council and with any neighbours about reasonable requests to minimise any impact the hut has on them. They would accept a further temporary extension rather than a permanent permission although the cost of the application is an issue for them.

Members of the Committee generally supported the project but were concerned about giving a permanent permission on a hut but were also mindful that government advice does not favour continually giving temporary consent. The preference was to grant temporary permission but with an increase in the length of time to provide an opportunity for the Trust to obtain the funding sources to enable the project to continue.

RESOLVED (UNANIMOUSLY) that the application be approved with conditions and informatives as set out in the report together with an additional condition restricting the permission to a 5 year temporary permission.

60. Enforcement Report // Land at Church Lane, East Mersea

The Head of Environmental and Protective Services submitted a report on a breach of condition on land at Church Lane, East Mersea. A Breach of Condition Notice was served on 29 April 2009 requiring the cessation of the use of the site for vehicle maintenance with a compliance notice of 3 months. In the meantime a planning application, reference 090827, has been received to regularise the unauthorised use of the site. The purpose of the report is to

make the Committee aware that, apart from a site visit to check that the notice is being complied with, no further action will be taken until the planning application has been determined.

David Whybrow, Development Manager, attended to assist the Committee in its deliberations. He confirmed that in the event that the application is refused the breach of condition notice would be pursued forthwith.

RESOLVED that the situation as described in the report be noted.

61. Failure to comply with Section 106 // 34 East Hill, Colchester

The Head of Environmental and Protective Services submitted a report providing details of a failure by a developer to comply with a Section 106 agreement to provide a contribution towards open space, sport and recreational facilities and the enforcement action being taken to reclaim the monies owed and any legal costs incurred in doing so.

RESOLVED that the situation as described in the report be noted.

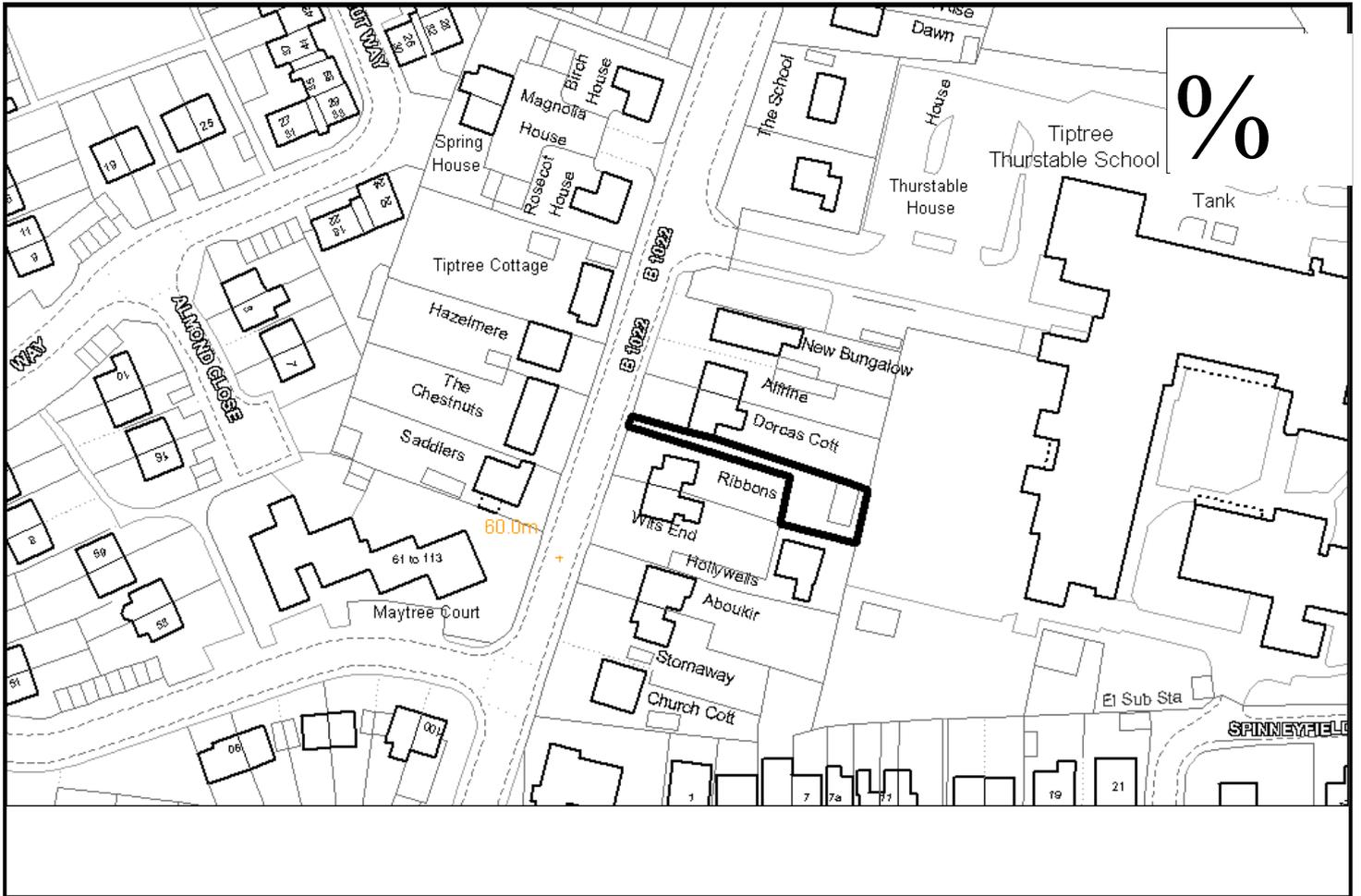
62. Performance Report // 1 April 2009 to 30 June 2009

The Head of Environmental and Protective Services submitted a report giving details of the performance of the Planning Service as judged against key National Indicators and important local indicators and summarises the details of 'allowed' appeals for the period from 1 April 2009 to 30 June 2009.

David Whybrow, Development Manager, attended to assist the Committee in its deliberations. The Planning Service was facing a fairly difficult disruptive period but have had a post unfrozen and a planning officer has left the Service. The appeal which was allowed was a delegated decision but there were no costs involved.

The Chairman considered that the Planning Service had come through a difficult period with frozen posts and staff going out to other areas and earning sums for the general fund. They are doing sterling work and the number of applications is keeping reasonably high. All in all they have done a very good job and he thanked them for the work they have achieved in the three months.

RESOLVED that the report be noted and planning service be congratulated for an excellent performance for the three months ending 30 June 2009.



Application No: 090331

Location: Ribbons, Maypole Road, Tiptree, Colchester, CO5 0EJ

Scale (approx): 1:1250

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Committee Report

Agenda item

7

To the meeting of **Planning Committee**
on: **6 August 2009**
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: Andrew Tyrrell

EXPIRY DATE: 18/08/2009

OTHER

Site: Ribbons, Maypole Road, Tiptree, Colchester, CO5 0EJ

Application No: 090331

Date Received: 23 June 2009

Applicant: Milldream Ltd

Development: Construction of new two bedroom detached bungalow.

Ward: Tiptree

Summary of Recommendation: Refusal

1.0 Planning Report Introduction

1.1 This application is recommended for refusal. However, it is referred to the Planning Committee as there is a strong likelihood of appeal owing to a previous decision from 2003 at the adjacent site (detailed below). The Committee's support for a refusal is sought on the basis that we should be seeking to raise standards of design and layout that are accepted in new developments. This could be argued to be inconsistent with the previous decision at the neighbouring property, which would likely form the basis of any

appeal; however the case officer would argue the old adage that 2 wrongs do not make a right and each case should be determined on its own merits (as stated by Government), thus we should resist this type of tandem backland development. In your case officer's opinion, this is both a sound and reasonable approach to take. More detail is found below.

2.0 Site Description

- 2.1 The site contains one dwelling at present and has a rectangular rear garden extending back to the school behind. The site is approximately 13.5m wide and 55m deep. This is similar to the adjacent property at Wits End, to which the application site dwelling is attached.
- 2.2 The adjacent site contains a similar backland development to that proposed herein, with the newer property being called "Hollywells". The site is slightly wider, and the application sites shown on the two applications are different in terms of spatial divisions between one respective donor (or host property) and new developments.

3.0 Description of the Proposal

- 3.1 The proposal is a tandem form of backland development consisting of one detached bungalow similar to the adjacent property. Although the Council has previously allowed such a development, tandem development is commonly considered to be the poorest form of backland development.
- 3.2 The new dwelling would take an access along the northern boundary, past the donor property and close to the neighbouring property, along to the new property at the rear. Parking and turning would greet visitors on arrival and form the vista as seen from the existing streetscene of Maypole Road. As the property has been located as far back from the host property as possible, a private amenity area is located to the front and side of the new dwelling.

4.0 Land Use Allocation

- 4.1 Residential

5.0 Relevant Planning History

- 5.1 The planning history is of paramount importance. The adjacent property at "Wits End" had an outline approval (O/COL/02/2163) for a very similar development that was granted by the Planning Committee on 21 March 2003. The reserved matters were then approved under permission RM/COL/03/1809 on 24 November 2003.
- 5.2 These permissions have been implemented and can be viewed from the application site; the new bungalow constructed has been named "Hollywells". It is this property that gave the applicants the idea to submit this application.

5.3 The report submitted to the committee (November 2003) for the adjacent site concluded that the “Hollywells” development produced a modest bungalow that was acceptable in planning terms. It was stated that the garden of “Wits End” (the host property) could comfortably accommodate a dwelling of the size proposed and enable sufficient parking spaces and garden area to be provided for both the existing and proposed dwelling. Additionally, the single storey height was found to ensure that the amenity of nearby properties would not be harmed and that a satisfactory townscape would result.

6.0 Principal Policies

6.1 The following Local Plan policies are relevant:
DC1 – Development Control Considerations
UEA11 – Design
UEA12 – Backland Development
T9 – Car Parking (Outside Central Colchester)
H7 – Development within Village Envelopes

6.2 In addition the following Core Strategy policies are also relevant:

SD1 – Sustainable Development Locations
H2 – Housing Density
UR2 – Built Design and Character
PR2 – People Friendly Streets
TA5 – Parking

6.3 It is noted that there will be a future Supplementary Planning Document that will set out new guidance for backland development. However, this has not been through the full consultation procedures and is yet to be adopted. Consequently this can only be given very little weight (if any) at this time.

7.0 Consultations

7.1 Environmental Control have suggested conditions on any approval.

7.2 Essex County Council Highways Authority have recommended refusal. This is detailed on the main report below.

8.0 Parish Council's Views

8.1 Tiptree Parish Council objects to this application on the grounds of overdevelopment, loss of amenity to existing residents, and it being undesirable backland development.

9.0 Representations

9.1 The neighbour at Dorcas Cottage has appointed a planning consultant to respond on their behalf. They have stated that the boundary is incorrectly shown. This has been pursued with both parties. Both have submitted their own plans of the boundary, with the actual boundary being inconclusive to date.

- 9.2 It should be noted that land ownership is not a planning matter and therefore the application should not be refused on this basis. This is a side issue that should only be mentioned by informative seeking further clarification prior to any future application.
- 9.3 The second point raised by the neighbour is that their existing rear fence is not close-boarded in part and a new fence would be required to ensure that their privacy is maintained should a new dwelling be permitted. This can be addressed through conditions and would not form part of any refusal.

10.0 Report

Precedent

- 10.1 The main issue with this application is how much weight can be given to the precedent set by the adjacent approval of “Hollywells”. This approval dates from prior to the Local Plan being adopted. However, the Committee Report indicates that it was known that policy UEA12 “Backland Development” was known to have received little representation in the then ongoing Inquiry and the Inspector chairing the Local Plan Inquiry had confirmed that this policy would not be subject to changes. Therefore, although not adopted at the time of the previous approval, the policy wording was the same as the current policy and could therefore have carried significant weight. It is not known how significantly other policies changed during the Public Inquiry, but other policies are also relevant. This is relevant as new development should satisfy all relevant policies, not just UEA12.
- 10.2 Additionally, since the date of the adjacent permission, the other policy changes have occurred, most notably through the introduction of PPS1 and PPS3 at a national level, the East of England Plan at regional level and the Colchester Borough Core Strategy. These policies have changed the emphasis given to design and the quality of the built environment, giving this much greater importance in planning. At a basic level the stance has changed from one of “is it bad enough to refuse” to one of “is it good enough to approve”, which is significantly different.
- 10.3 The previous approval is still a material consideration, and would undoubtedly be brought up in any appeal against a refusal. However, given the fact that this is a one off decision in this row of dwellings along Maypole Road it can hardly be claimed to be a predominant characteristic of the area. The area is still (other than the “Hollywells” dwelling), a linear development along the street frontage. Thus backland development is still out of character with the context of the area in general. Whilst there are obvious comparisons with the adjacent site, and the applicants may well feel aggrieved if they do not receive permission like their neighbours have, this type of development fails to preserve or enhance the streetscene and is therefore contrary to several policies (i.e. PPS1, PPS3, Policy UR2 of the Core Strategy and DC1 of the Local Plan). The usual development control considerations should not be considered secondary to that of a single example of precedent.

Dwelling Design and Visual Appearance

- 10.4 The design is reasonably standard, and would not be held to be of any great architectural merit that warranted significant value. That said, the design is inoffensive and, as a property set back from the road, would equally cause no visual harm to the built environment. In this respect it is satisfactory if not stimulating. Thus, in design terms alone, the visual appearance of the dwelling itself is considered to be adequate. However the design of the layout is not considered to be satisfactory.

Site Layout

- 10.5 The site layout is indicative of the constraints that backland development faces. In some instance backland development can make a satisfactory provision in the context of the local area; however this is not the case herein. This development is out of character with the general area, although similar to the adjacent dwelling. A second approval of a tandem dwelling behind the street fronting properties would further erode into this general character of the area. Looking at neighbouring sites it appears from map surveys that the other nearby properties would struggle to accommodate further backland proposals due to smaller garden sizes, lack of access to the rear gardens, or larger existing dwelling footprints that limit the subdivision of the plots.
- 10.6 The dwelling is accessed down a long driveway. This has the potential to harm residential amenity, especially with respect to their rear garden. It also offers no value to the existing Maypole Road frontage (contrary to policy). The driveway terminates in a parking area, which is a vista termination of little amenity value to the public domain. It is also noted that the Essex Design Guide requires any refuse and recycling storage to be provided within 25m of the main highway connection for refuse collection. At present this provision has not been met. Instead, the provision of refuse and recycling storage is found closer to the new dwelling, a distance of over 36m from the footpath alongside Maypole Road.
- 10.7 In addition to this flaw, the site constraints also result in inadequate amenity provision. The garden is located to the front of the property, which is not general preferable. However given that this site is "hidden" from public viewpoints this is not considered significant in this case. What is considered significant is the shape of the amenity land and the size of the amenity provision. The area along the side of the property is only 3m in width. Usable amenity spaces are usually defined as being 6m in depth. Given the fence that would be required to maintain privacy, the dwelling wall heights, and the orientation of the site, this area would be an overshadowed and an unattractive if not unusable space. The most likely use of this space is for a shed, which further reduces the amenity space size proposed. However, if this area is discounted by its lack of usable space, the amenity provision is actually under the 50 square metres required by our minimum standards. This would be a reason for refusal in itself. In this respect, it is a key point that the adjacent property has 75 square metres of amenity space owing to the wider plot width. Thus there is a critical difference here even it the previous approval was held against the Council.

- 10.8 The site has not been provided with any cycle storage or any outbuildings. Given the lack of amenity provision, any approval would have been recommended to include a condition removing permitted development rights for extensions and outbuildings on the basis that this would further reduce the amount of amenity space available. This raises a conflict with the need for additional cycle storage facilities and the likelihood that domestic storage in the form of a shed might be necessary.
- 10.9 The lack of space could be addressed by a more equal subdivision of the plot. However, this would make the application site a different area and would require a different application. Therefore, this can not be addressed through amendments.

Impact on Neighbours

- 10.10 In terms of its impact on neighbours, the property proposed is sited in a similar location to “Hollytrees” within the respective sites, and is of the same single storey height. This means that there is no overlooking and little opportunity for the overshadowing of neighbouring dwellings or sitting out areas. On this basis the impact on neighbours is considered to be acceptable, other than the potential harm already identified regarding the long driveway and its siting adjacent the boundary.

Highway Requirements

- 10.11 The new dwelling is provided with 2 car parking spaces, which complies with current standards. A turning space is also shown, but appears smaller than usual requirements. Advice has been sought from the Highway Authority; they have advised that they would have no objection to the principle of this proposal, but object to the application as submitted.
- 10.12 The submitted plans from which the application must be considered would deprive the existing dwelling of a workable vehicular access and could result in vehicles having to wait within the carriageway of the locally busy classified road while opposing vehicles leave the existing access. If this occurred it would cause conditions of danger and obstruction to other traffic, which would be contrary to the interests of highway safety and relevant planning policies.
- 10.13 In any event, the existing access, which is of insufficient width to permit opposing vehicles to turn into and out of the main road, fails to afford vehicle to vehicle and vehicle to pedestrian intervisibility. This is not in accordance with recommended standards and the proposal would therefore, particularly in this location where pedestrian movement to and from the nearby school is high, be contrary to the interests of highway safety.
- 10.14 Additionally, according to the submitted plans, the proposal fails to provide a workable vehicular turning space for the new property. A larger site area would allow for a better turning arrangement; however the current application site would mean that any larger turning area would require a reduction in amenity space provision. In its submitted form, the current turning area’s inadequacy would therefore result in vehicles reversing into and out of the locally busy classified road, contrary to the interests of highway safety.

11.0 Conclusion

11.1 The application is similar to one on an adjacent site. However, there are subtle differences in the two proposals that have some significance. In addition, this previous approval is a one-off occurrence in the area and the predominant character is not enhanced by backland development. Taking the case on its own merits as advised by Government, it is unacceptable. The flaws have been identified above, and on the basis of these issues it is recommended that the application should be refused. This might lead to an appeal, however it is considered to be justifiable and the Council's chances of successfully defending this appeal should be very high regardless of the history of the adjacent site.

12.0 Background Papers

12.1 ARC; Core Strategy; HH; HA; PTC; NLR

Recommendation - Refusal

This application has been considered against national planning policies set out in Planning Policy Statement 1 (PPS1), Planning Policy Statement 3 (PPS3). In addition, policy ENV7 of the East of England Plan (2008) is also relevant. At a local level, policies DC1, UEA11, UEA12, T9, and H7 of the adopted Colchester Borough Review Local Plan (2004) and policies SD1, H2, UR2, PR2, and TA5 of the adopted Colchester Borough Core Strategy (2008) are also material considerations. Further detailed design advice is adopted in the form of the Essex Design Guide (1997).

PPS1 and PPS3 both state that "design which is inappropriate in its context, or which fails to take the opportunities available for improving the character and quality of an area and the way it functions, should not be accepted". PPS1 also states in its first key objective that "Good planning ensures that we get the right development, in the right place and at the right time". In addition, the policies listed above set out the requirements that all new backland development should provide buildings founded on clear site analysis and urban design principles so that it either preserves or, preferably, enhances the quality of the built environment and local surrounding area.

Despite the approval and construction of the adjacent dwelling known now as "Hollywells", this is a one off backland development in an otherwise linear development along the Maypole Road. As such, the predominant character is not one of tandem backland development. Such development does not meet current planning policy standards and is considered to be out of character with the context of the area in general. This type of development fails to preserve or enhance the streetscene and is therefore contrary to several policies outlined above such as PPS1, PPS3, UR2 of the Core Strategy as well as DC1 and UEA11 of the Local Plan to name just a few.

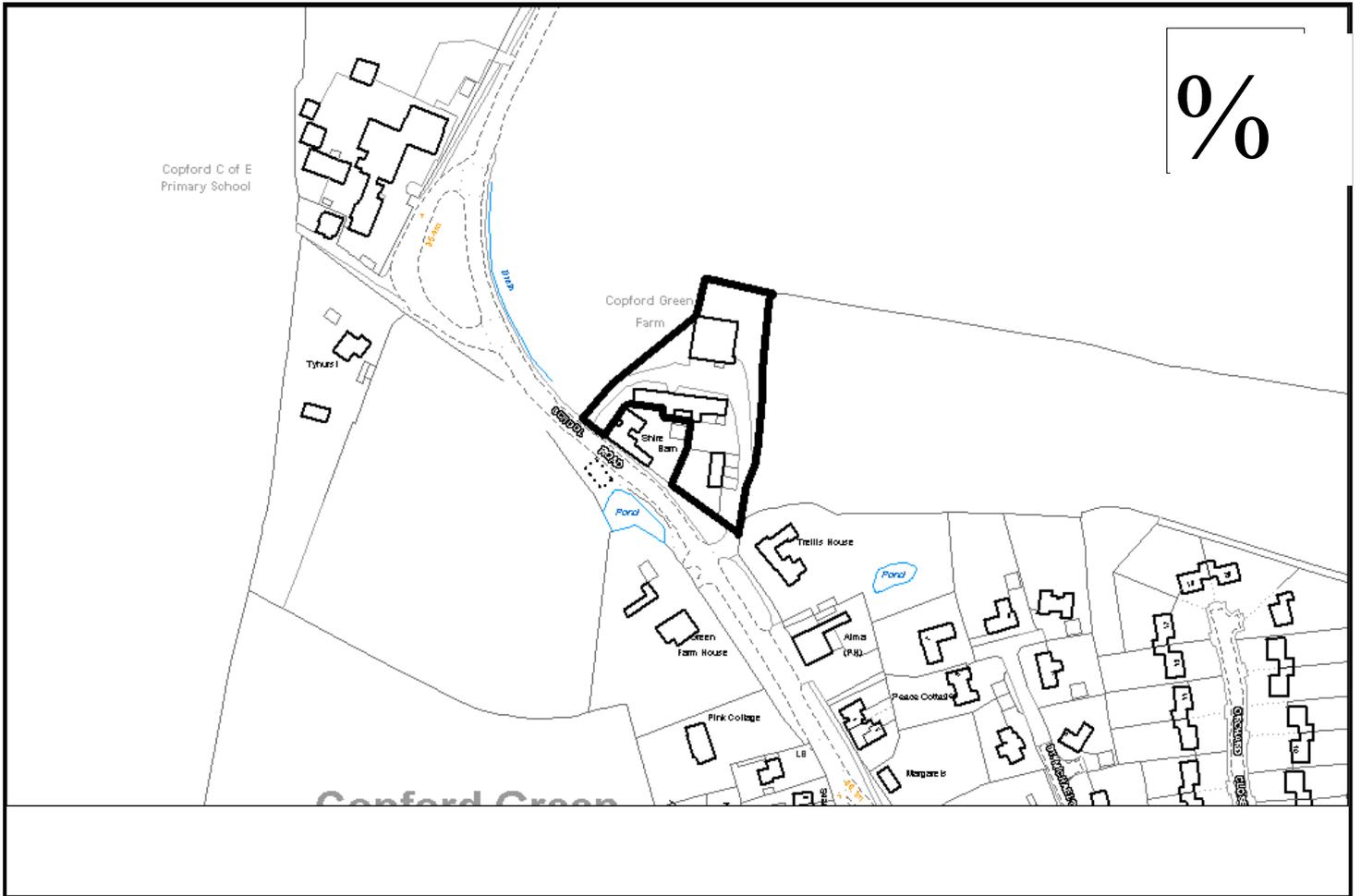
For example, PPS1 and PPS3 require all new development to be well laid out and user-friendly. Contrary to these policy requirements, the site layout is out of character with the general area, and notwithstanding the existing property approve on the adjacent site it fails to meet the basic criteria of preserving or enhancing the existing streetscene or character of the area in general. The dwelling is accessed down a long driveway that offers no public amenity value to the existing Maypole Road frontage and terminates in a parking area, which is a poor visual termination of the vista. The close proximity to the boundary offers no scope for a landscape buffer to avoid unnecessary noise pollution that could harm the neighbours current amenity level. In addition, the Essex Design Guide requires any refuse and recycling storage to be provided within 25m of the main highway connection for refuse collection ease and to avoid traffic congestion during refuse collection times. At present this provision has not been met as the provision of refuse and recycling storage is found over 36m from Maypole Road.

In addition to the above deficiencies, the site constraints also results in inadequate amenity provision. PPS3 states that it will be important to ensure that private gardens should be well designed. However in this instance the area along the side of the property is only 3m in width, which is not considered to be a usable depth and that would be an unfavourably overshadowed and cramped area given the small gap between the 1.8m fence that would be required to maintain privacy to neighbouring sites and the walls of the new bungalow. The remainder of the garden space is under the specified minimum standards of 50 square metres, which would be a reason for refusal in itself. Furthermore, the site has not been provided with any cycle storage or any outbuildings that might be required for other domestic storage such as a shed. Given the lack of amenity provision already identified, any additional outbuildings would further educe the amenity provision.

Decisively, the proposal also fails to meet current highway safety requirements. The submitted plans illustrate a scheme that would actually deprive the existing dwelling of a workable vehicular access and could result in vehicles having to wait within the carriageway of the locally busy classified road while opposing vehicles leave the existing access. If this occurred it would cause conditions of danger and obstruction to other traffic, which would be contrary to the interests of highway safety and relevant planning policies. In any event, the existing access is of insufficient width to permit opposing vehicles to turn into and out of the main road, and also fails to afford both vehicle to vehicle or vehicle to pedestrian intervisibility. This is not in accordance with policy and the proposal would therefore (particularly in a location near to a school where peak pedestrian movements are high) be contrary to the interests of highway safety if it were to be intensified in terms of its use. This is all the more concerning in that the turning space shown on the submitted plans fails to provide a workable vehicular turning space for the new property. The current turning area's inadequacy would therefore result in vehicles reversing into and out of the locally busy classified road, contrary to the interests of highway safety.

Informatives

PLEASE NOTE that there appears to be some dispute over the boundary position. It is preferable that this issue be clarified prior to any subsequent application.



Application No: 090738

Location: Green Farm Barn, Copford Green, Copford, Colchester

Scale (approx): 1:1250

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7.2 Case Officer: Mark Russell

EXPIRY DATE: 19/08/2009

OTHER

Site: Copford Green, Copford, Colchester

Application No: 090738

Date Received: 24 June 2009

Agent: Inkpen Downie

Applicant: Mr P B O'Donnell,

Development: Fully repair both main barn and barn 2. To take down large modern granary structure and two small modern outbuildings to convert the main barn to residential use and barn 2 to commercial drama studio.(Resubmission of 082059).

Ward: Copford & West Stanway

Summary of Recommendation: Conditional Approval subject to the signing of a Unilateral Undertaking

7.3 Case Officer: Mark Russell

EXPIRY DATE: 19/08/2009

OTHER

Site: Copford Green, Copford, Colchester

Application No: 090739

Date Received: 24 June 2009

Agent: Inkpen Downie

Applicant: Mr P B O'Donnell,

Development: Listed Building application for full repairs to main barn and barn 2. To take down large modern granary structure and two small modern outbuildings. Conversion of main barn to residential use and conversion of barn to commercial drama studio.(resubmission 082060).

Ward: Copford & West Stanway

Summary of Recommendation: Listed Building Consent

1.0 Planning Report Introduction

- 1.1 These applications are resubmissions of 082059 and 082060 which were withdrawn on 12th January 2009. 090738 is a full application and 090739 is a Listed Building application.

2.0 Site Description

- 2.1 The site comprises two barns and a granary, as well as other smaller outbuildings. This is situated to the rear of, and to the right of, Shire Barn, which is an existing dwelling. The larger of the two barns (barn 1) is a scarcely altered 17th century and Grade II Listed building. It is six bays long, timber-framed, weather-boarded, and with a corrugated iron roof. The second, smaller, barn (barn 2) is a five bay timber-framed building and is not mentioned in the listing, but can be seen to be part of the grouping of buildings which also includes Shire Barn and the Cart Lodge which is across School Road from the main grouping. This is a lower quality of building, but nonetheless attractive and of some merit.
- 2.2 Access to the application buildings is to the left of Shire Barn off of the eastern side of School Road and approximately 100 metres across from Copford School itself. Also on site is a large, modern, granary building. The entire site is outside of, but close to, the Village Envelope of Copford Green, and is bordered on three sides by agricultural land.

3.0 Description of Proposal

- 3.1 The application is to clear the site of the granary structure as well as several other smaller buildings, and to convert barn 1 and barn 2.
- 3.2 Barn 1 is to be converted into residential use with a four bedroom dwelling, including an area described as an "Upper part living room". The proposal is to remove the internal sub-division and lining to the west bay of the main barn, take down and rebuild the existing lean-tos, and remove the temporary shoring from the main barn, realign, overhaul and stiffen the frame. Permanent bracings will also be required for the reconstructed lean-tos. Materials will constitute a like-for-like replacement of weather-boarding, which needs replacing to comply with Building Regulations. The roof materials will be plain tiles, the external doors stained timber, and the rainwater goods painted cast iron. Single storey elements are to be roofed in pantiles.
- 3.3 Barn 2 is to be converted into a drama studio in order to raise the capital to fund the works to restore the Listed Building. Material treatments are to be as per Barn 1, although the required replacement to the timbers, due to decay or earlier removal, is more extensive in Barn 2 than in Barn 1.
- 3.4 It is proposed to retain the existing walls to the site, but to plant these with native hedging.

4.0 Land Use Allocation

- 4.1 Copford Green Conservation Area, outside Village Envelope.

5.0 Relevant Planning History

- 5.1 082059 and 082060 – (Full and Listed Building applications). Fully repair both main barn and barn 2. To take down large modern granary structure and two small modern outbuildings. Conversion of main barn to residential use and conversion of barn 2 to commercial drama studio. Withdrawn 12th January 2009.

6.0 Principal Policies

- 6.1 Adopted Review Colchester Local Plan:
DC1- Development Control considerations;
UEA1 – Conservation Areas;
UEA2 – Buildings in Conservation Areas;
UEA5 – Listed Buildings;
UEA6 – Listed Barns;
UEA13(e) – Development adjoining existing residential property;
CO5 – Nature Conservation;
CO10 – Agricultural land and Buildings;
- 6.2 Core Strategy:

ENV1 - Environment
ENV2 – Rural Communities
UR2 – Built Design and Character

7.0 Consultations

- 7.1 Environmental Control (HH) requested standard Demolition and Construction advice notes, and a site characterisation together with possible remediation measures if contamination is discovered.

Regarding the proposed drama studio use, HH stated that it had concerns and asked for the following to be considered:

- No amplified sound, with the exception of a single standard domestic CD player;
 - Noise levels at boundaries to be at acceptable levels (with possible sound-proofing);
 - Class sizes not exceeding ten persons;
 - Hours of use to be restricted, and to exclude Sundays and Bank Holidays;
- 7.2 Conservation & Design was involved at Preliminary Enquiry stage, and advised on several issues including:
- The majority of the internal bays should remain open as a single volume space;
 - Omission of the proposed insertion of the first floor at the south end of the west midstrete was advised;
 - Reinstatement of the 'great doors' should follow the traditional format; i.e. a single leaf attached either side of the opening;
 - If roof lights are required these should be inserted on the less prominent southern roof slope;

- The newly inserted windows should portray the perception of a single volume internal space - i.e. ground floor windows should generally run the full height of the walling;
- Windows should not be inserted immediately adjacent to the corner of the building;
- Louvers should be used to screen the new windows etc;
- South Elevation: Vertical boarding should be used for the cladding of the original opening of the west midstretey;
- As the barn is located very close to the boundary, it needs to be confirmed that building control will accept timber cladding. What changes will need to be made to the fabric of the barn in order to comply with building regulations?
- The extent of the proposed domestic curtilage needs to be defined; the land to the north / external perimeter of the barn is very prominent in views and is not considered appropriate for use as a conventional domestic garden
- Any redundant stretches of drive should be broken out and regrassed;
- There is not an objection to the demolition of the modern barn to the north of the listed barn. This is not, however, an appropriate location for a new building. Parking and garaging should be located in a more discreet location i.e. adjacent to Barn 2.
- The use of Barn 2 needs to be clearly defined; the drawings suggest that this building is to remain ancillary to the listed barn but it wouldn't take too much adaption for it to be converted to a separate dwelling house.

7.3 Natural England did not raise any objections, but reminded the applicant that any planning permission granted did not absolve them from complying with the relevant law.

7.4 The Highway Authority did not object in principle to the originally submitted 082059 on the basis of the access being an existing one, but stated that the proposed parking arrangement was unsatisfactory and required more space for manoeuvring.

7.5 The Highway Authority also requested an upgraded footway across the entire site frontage; this was apparently agreed during discussions with the applicant.

7.6 In its response of 20th July the Highway Authority stated that it was still awaiting a drawing showing the amended parking and turning arrangements. It is hoped that this matter can be resolved by the time of Committee.

8.0 Parish Council's Views

8.1 At the time of writing no comments had been received from Copford Parish Council.

9.0 Representations

9.1 One letter of objection has been received. This was from the owner of Tyhurst, Copford Green, and stated as follows:

'As per my previous objections I have 2 objections to this proposed planning application.

The first being to the change of use status for the land / buildings. This is a rural area with many open spaces. Our major concern is that once you have agreed to this first change of use this will set a precedent for other land to be acquired i.e. farm land that will then be built on. My second concern is regarding the commercial drama studio. We currently have major issues on school road Monday to Friday with parking due to the primary school. During the week we often are unable to gain access to our own property due to people parking in the layby directly outside our property. My concern is that once the studio is agree the commercial side will take off and then there will more traffic and over spill from the limited parking space into the layby.

As previously mentioned this is rural area which we believe should stay that way.

Evenings & Weekends are our only break from traffic which would change if drama studio was to go ahead as I am sure there busy time would be evenings and weekends.'

9.2 The owners of Shire Cottage, which is the dwelling next to, and surrounded on three sides by, the application site, did not object to the proposal, but flagged up the following points of concern:

- No upper level windows should have a view into the garden of Shire Cottage;
- No dance and music should be taught in Barn 2;
- The perimeter hedge which is currently in place at Shire Cottage will need to be retained at a certain height to preserve privacy

9.3 A further email on behalf of the owner of Green Farm House, School Road, asked for assurances that the asbestos in the grain store would not pose a risk to public safety.

10.0 Report

10.1 If the Green Farm Barn were not listed, then this application would be unacceptable in principle. New dwellings outside of Village Envelopes are normally contrary to policy unless justified by some agricultural or forestry requirement.

10.2 This application is not dismissed out of hand, as the main building is Listed, and therefore its preservation is desirable – including its use as a dwellinghouse. Provided all other matters are deemed to be acceptable, then that part of the application can be supported. Policy UEA6 of the Adopted Local Colchester Borough Plan supports the retention of Listed Barns for residential purposes.

10.3 Our Conservation Officer has asked for certain provisos, and he has advised that these have been met.

- 10.4 Regarding the issue over Building Regulations, we have been advised as follows:
- “Regulation B4 is not applicable to the walls in a change of use of this type. As the boarding is already in place then the situation is not worsened, as the boarding will be lined with some material inside for insulation and so on, then this will actually improve the situation, therefore there should not be a problem with Building Regulations.”
- 10.5 It is noted that the windows in the proposed dwelling extend to first floor level in order to give a form of fenestration which is sympathetic to a barn. This, however, could lead to issues of privacy for the neighbouring Shire Cottage, whose occupants have understandably raised overlooking as a real concern. Fortunately these all serve the midstreys or the area above the proposed living room, and as both staircases are contained within proposed rooms, there is no chance of even casual overlooking from stairways.
- 10.6 The broad principles of the physical form of the development, and the fact of a residence on site, are therefore acceptable, and can be accommodated in a manner which does not unduly affect the amenity of the neighbouring property.
- 10.7 The proposed use of Barn 2 is less straightforward. This is not Listed of itself, but has been described as a “curtilage” building of Barn 1, and therefore Listed as well. The applicant has also advised that a commercial use of the building is necessary to fund the works to the main, Listed, barn.
- 10.8 The proposal is for a drama studio, which would incorporate a studio area of about 60m², a lobby, changing area and toilets and also a tea and store-room. A mezzanine of approximately 15m² is also proposed. The applicant states that the drama studio will be used for tuition of individuals and small groups of students. It is also stated that class sizes are small (up to six students) and that most of class time is spent on speech and acting, adding “It is not intended to use PA or amplification equipment.....classes sometimes use a standard CD player to play only individual music tracks during warm up/down for each lesson.”
- 10.9 As noted in the consultations section above, Environmental Control has raised concerns, but has suggested conditions which would help to alleviate these (no amplified sound apart from a single CD player; noise levels at boundaries to be at acceptable levels - with possible sound-proofing - Class sizes not to exceed ten persons; hours of use to be restricted, and to exclude Sundays and Bank Holidays). These appear to be acceptable to the applicant, with the exception that Sundays/Bank Holidays shall be excluded from the permission – contrary to the applicant’s initial wish. With these measures in place, the amenity of the residents of Shire Barn should not be unduly affected and as any vehicular movements should be to the blind side of Barn 2 in relation to that dwelling, then this should not affect Shire Barn either.
- 10.10 Whilst it is noted that the studio would be in a less than ideal location in terms of sustainability, it could be argued that the proximity of the school means that the number of car journeys would not necessarily be dramatically increased. Also, if this use is required to fund the saving works to the Listed barn, then it is a price worth paying.

10.11 Regarding the third building relating to this application, this is a proposed cart lodge, with a bat loft, on the position of the current (and more visually intrusive) grain store. Materials are to match those of the two barns. There are no issues with this part of the proposal.

10.12 On other matters, a bat survey has been received (it was the lack of such a document which led to the initial application being withdrawn) and Natural England has raised no objection.

11.0 Conclusion

11.1 In conclusion the preservation of the Listed Barn 1, and the attractive Barn 2 is important. The conversion to residential, and the low-key use as a drama studio are acceptable in this context, and Members are therefore requested to approve these applications.

12.0 Background Papers

12.1 ADRBLP; NLR, CD, TL, HH, HA, Natural England

Recommendation for 090738 - Conditional Approval subject to dating of Unilateral Undertaking

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

In Barn 2 there shall be no amplified sound, with the exception of a single standard domestic CD player.

Reason: In the interests of residential amenity.

3 - Non-Standard Condition

Noise levels at boundaries to be at acceptable levels (get levels from Guy

Reason: In the interests of residential amenity.

4 - Non-Standard Condition

Class sizes shall not exceed ten persons;

Reason: In the interests of residential amenity.

5 - Non-Standard Condition

Hours of use of the drama studio hereby permitted shall be restricted to: 09:30 – 22:00 Monday to Saturday, and there shall be no use on Sundays and Bank Holidays.

Reason: For avoidance of doubt as to the scope of this permission, and in the interests of residential amenity.

6 - Non-Standard Condition

Prior to the commencement of development, the applicant shall submit a scheme of boundary treatment to the Local Planning Authority, which shall be agreed in writing. This shall be implemented and remain as such at all times.

Reason: In the interests of visual and residential amenity.

7 -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 extensions shall be constructed (other than any expressly authorised by this permission or any other grant of express planning permission), or freestanding buildings erected on any part of the site or an access/hard standings created without the prior written permission of the local planning authority.

Reason: In the interests of visual and residential amenity.

8 - 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 windows shall be placed in any of the buildings hereby permitted, other than those allowed under this permission, without the prior written permission of the local planning authority.

Reason: In the interests of residential amenity.

9 - Non-Standard Condition

Barn 2 shall be for the stated purpose only – namely a drama studio – and for no other purpose within that use class or any other use class.

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

10 - Non-Standard Condition

No external lighting fixtures for any purpose shall be constructed or installed until details of all external lighting proposals have been submitted to and approved by the local planning authority; and no lighting shall be constructed or installed other than in accordance with those approved details.

Reason: In the interests of residential amenity.

11 - Non-Standard Condition

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

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

12 - Non-Standard Condition

Condition regarding footway to follow

13 - Non-Standard Condition

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

Reason: In the interests of visual amenity on this Listed Building and other buildings in this Conservation Area.

14 - Non-Standard Condition

The new external boarding to the buildings hereby approved shall be feather-edged weatherboarding.

Reason: In the interests of visual amenity on this Listed Building and other buildings in this Conservation Area.

15 - Non-Standard Condition

All new rainwater goods shall be of cast iron, or cast aluminium and painted [black] unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of visual amenity on this Listed Building and other buildings in this Conservation Area.

16 - Non-Standard Condition

Condition regarding parking/turning to follow

17 - Non-Standard Condition

The drama studio hereby approved shall not be sold separately from the dwelling hereby approved.

Reason: For avoidance of doubt as to the scope of this permission and to avoid multiple-ownership on this site.

18 - Non-Standard Condition

An investigation and risk assessment, in addition to any assessment provided with the planning application, must be 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.

19 - Non-Standard Condition

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 must be prepared, and is subject to the approval in writing of 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.

20 - Non-Standard Condition

The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. 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 report (referred to in PPS23 as a 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.

21 - Non-Standard Condition

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 1 "Site Characterisation", and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 2 "Submission of Remediation Scheme", 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 3 "Implementation of Approved Remediation Scheme".

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.

22 - Non-Standard Condition

Prior to occupation of any property hereby permitted and the provision of any services the use hereby permitted commencing, the developer shall submit to the Local Planning Authority a signed certificate to confirm that the remediation works have been completed in accordance with the documents and plans detailed in Condition 19 "Submission of Remediation Scheme" above.

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.

Informatives

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

Prior to any works commencing, the exact nature of the Highway boundaries in the vicinity of the development site shall be agreed in site by the Highway Authority.

All works affecting the Highway shall be carried out by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority and application for the necessary works should be made initially by telephone on (01206) 838696 or by email on www.highways.eastarea@essex.gov.uk.

The applicants are reminded that planning permission does not absolve them from complying with the relevant law, including obtaining and complying with the terms and conditions of any licences required as described in Part IV B of the Circular 06/2005. Please forward a copy of the decision notice to us at the above address.

Recommendation for 090739 – Listed Building Consent

Conditions

1 - Non-Standard Condition

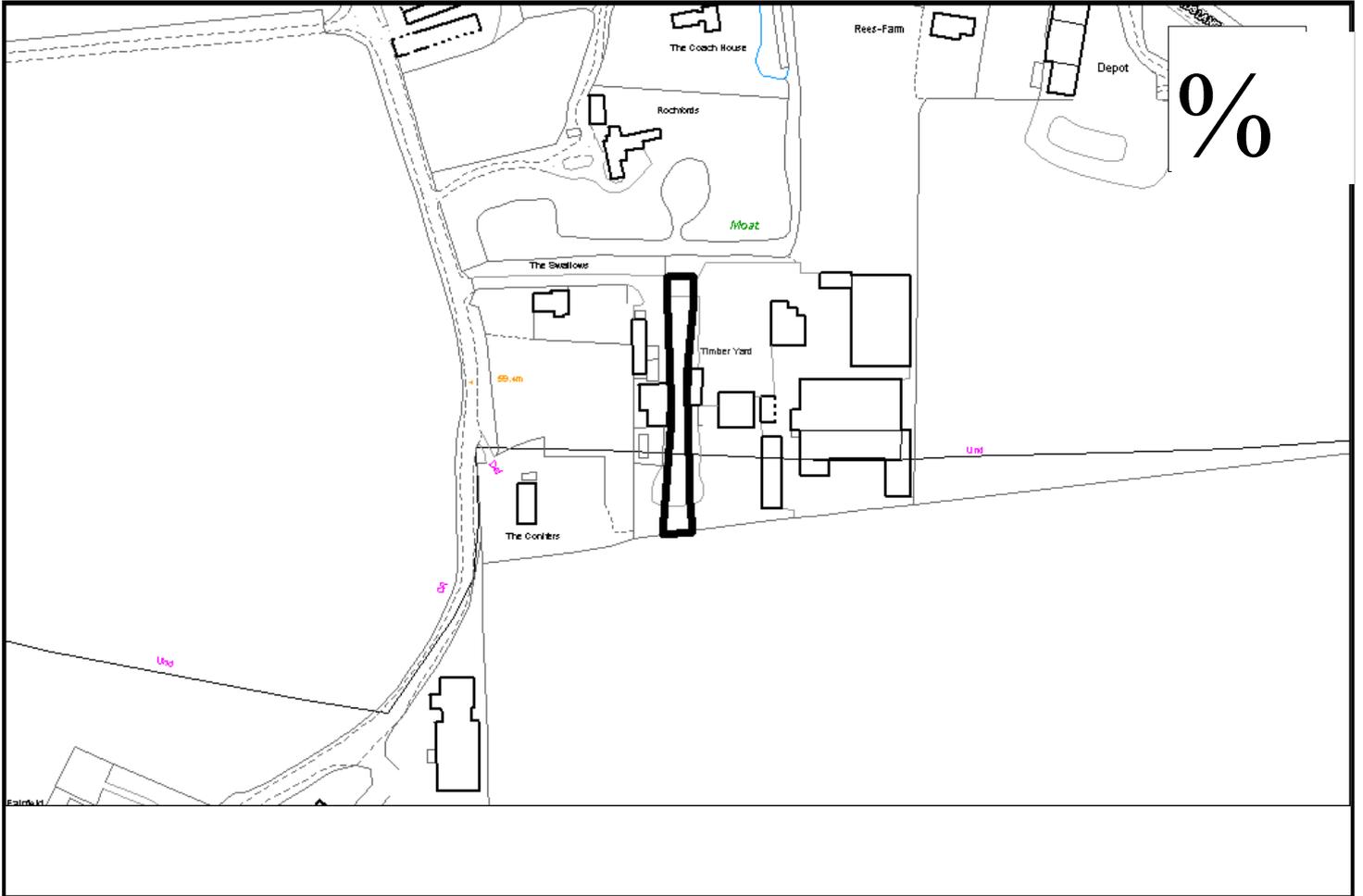
The works to which this consent relates shall be begun before the expiration of three years from the date of this consent.

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

Prior to the removal of any timbers (other than the weatherboarding) the applicant shall advise the Local Planning Authority as to the extent of proposed timber removal. Removal shall not be substantially greater than this.

Reason: For avoidance of doubt as to the scope of this consent, because permission would not have been granted if the proposal was for a substantial rebuild.



Application No: 090786

Location: Land Adjacent To Gregory & Car, Wormingford Road, Wormingford, Colchester, CO6 3NS

Scale (approx): 1:1250

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7.4 Case Officer: Jane Seeley

EXPIRY DATE: 18/08/2009

OTHER

Site: Wormingford Road, Wormingford, Colchester, CO6 3NS

Application No: 090786

Date Received: 23 June 2009

Applicant: Mr G Ackerman

Development: Continued use of land for storage of sealed metal containers for storage of domestic contents and siting of 2 additional containers,

Ward: Fordham & Stour

Summary of Recommendation: Conditional approval subject to the receipt of accurate revised drawings and no objection from Highway Authority

1.0 Site Description

- 1.1 The application site is partially located within the Rural Business Site on the east side of Fordham Road. Temporary planning permission was granted in 2004 for the retention of 20 containers and the siting of 2 additional containers until 31 December 2006. Currently there are 21 containers on the site in 2 rows. These are let for self storage purposes to individuals/businesses. This application proposes the retention of the existing containers and the siting of one additional container, making the number of containers applied for 22.
- 1.2 There are 3 containers being stored immediately to the north of the application site; the applicant has advised that these are not in his control. There are also 2 containers on the opposite side of the access road which are the applicants and are intended to replace 2 of the containers currently in use when they become vacant.
- 1.3 The use is generally very low key. The applicant visits the site approximately once a week for security purposes. The temporary permission restricted use to 0800 hours to 1800 hours on Monday to Friday and 0800 to 1300 on Saturdays (ie no access on Sundays or Public/Bank Holidays). It is understood that access by individuals/businesses renting the containers varies from weekly to yearly.
- 1.4 The land between the containers has been hard surfaced and provides access to not only the containers but an industrial unit which is owned by the applicant.
- 1.5 The applicant is employed in the Life Opportunities section of this Council.

2.0 Land Use Allocation

- 2.1 Part rural business site
Part countryside

3.0 Relevant Planning History

- 3.1 F/COL/04/0367 - New industrial unit (Classes B1 & B2) - Approved 22 April 2004
- 3.2 F/COL/04/2206 – Retention of 20 sealed metal containers (2 containers to be repositioned) and siting of 2 additional containers

4.0 Principal Policies

- 4.1 Adopted Review Borough Local Plan - March 2004
EMP5 - Isolated industrial complexes
DC1 - Development Control considerations
P1 – Pollution
- 4.2 Core Strategy
ENV1
ENV2

5.0 Consultations

- 5.1 Environmental Control - no comments provided that restricted hours of operation are imposed.
- 5.2 Highway Authority - no objection

6.0 Parish Council's Views

- 6.1 No response

7.0 Representations

- 7.1 1 letter objecting:
 - 1. The restriction on hours of operation has been flouted over the last few years by the hirer of the containers. Access has occurred in the evenings, on Saturday afternoons and on Sundays. If this applicant is successful it is paramount that the correct hours of business are adhered to. Some system, such as closing the access to the whole site, should be sought
 - 2. Despite the efforts of the applicant rusty hinges and doors dragging on the hard standing make very intrusive noises, especially when we are enjoying the amenity of our garden.
 - 3. Object to gradual creep in the number of containers, there are 22 on site whereas there should only be 20. Clarification of how many are applied for is required. Additional containers increase the potential for more traffic and noise.

8.0 Report

- 8.1 The self storage use has been occurring on site for approx 6 and half years. In 2004 temporary planning permission was granted for the use; this lapsed on 31 December 2006. Temporary permission was granted because it was not considered desirable to accept the siting of containers on a permanent basis and in order to assess whether the use of the containers for self storage will create any significant amenity or traffic problems.
- 8.2 Storage uses are generally acceptable within Rural Business sites. The boundary between the Rural Business Sites and the countryside divides the site roughly in half from north to south. The land to the east of this line is within the industrial area, however, to the west of the site, whilst in the countryside, is utilised as a fabrication/welding business. Accordingly it would be difficult to argue that the continued siting of the containers would have an adverse impact on the open countryside.
- 8.3 There are a number of properties in close proximity to the Rural Business Area. When granting planning permission in 2004 conditions were attached to restrict the hours of operation in order to protect residential amenity (see Site description above). In April 2009 a neighbour contacted the Planning Investigation Team advising that access to the containers was occurring outside the permitted hours. During investigations it came to light that the planning permission had lapsed.
- 8.4 In order to overcome the neighbour's concerns the applicant is taking action to reduce noise from the site. Lagging is to be placed around the door opening mechanisms to reducing 'clanging' and the doors are to be greased regularly. He has also prepared signs to be attached to each container advising of the hours that access is permitted. Conditions to ensure that these measures are both implemented and retained are required.
- 8.5 The neighbour's suggestion that the gates to the rural business area be shut during the restricted hours is not feasible because this would prevent access to other businesses on the site which are able to operate at times when the self storage use should not be accessed.
- 8.6 It is considered that the measures now being implemented will reduce the amenity problems to a level where refusal of planning permission cannot be justified. However another temporary permission to allow a period to assess the effectiveness of and the applicant's adherence to the proposed measures is recommended.

9.0 Background Papers

- 9.1 ARC; NLR; PTC; EC; HA;

Recommendation

Subject to the receipt of accurate revised drawings and no objection from the Highway Authority the Head of Environmental and Protective Services be authorised under delegated powers to grant planning permission subject to the following conditions:-

Conditions

1 - A6.2 Temporary Use

The use hereby permitted shall be discontinued on or before 31 August 2011.

Reason: To enable the Local Planning Authority to judge the effect of the use on the amenities of the locality.

2 - Non-Standard Condition

There shall be no outdoor storage of any materials goods equipment plant machinery or vehicles of any description on any part of the site without the prior written consent of the Local Planning Authority.

Reason: In the interests of visual amenity and for the avoidance of doubt as to the scope of the permission hereby granted.

3 - Non-Standard Condition

No access to the containers shall occur outside the hours of 08.00 hours - 18.00 hours on Monday to Friday or 08.00 hours - 13.00 hours on Saturdays or at any time on Sundays or Bank/Public Holidays.

Reason: In the interests of residential amenity.

4 - Non-Standard Condition

The existing and proposed containers shall only be sited as detailed on the approved drawings and the containers shall not be stacked. Any variation to the siting of the containers shall be only with the written approval of the Local Planning Authority.

Reason: In the interests of visual amenity and for the avoidance of doubt as to the scope of the permission hereby granted.

5 - B3.3 Light Pollution

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

Reason: To protect the amenities of adjoining residents.

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

The premises shall be used for self storage and for no other purpose (including any other purpose in Class B8 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that class in any statutory instrument revoking or re-enacting that Order, with or without modification.

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

7 -Non-Standard Condition

Within 1 month of the date of this permission the door mechanism on the containers shall be lagged and notices advising of the hours when access is permitted to the containers posted on each container to the satisfaction of the Local Planning Authority and the lagging and notices shall thereafter be maintained. Any new containers shall be lagged and notices erected in a similar manner.

Reason: In the interests of residential amenity.

8 - Non-Standard Condition

The container's hinges and door mechanisms shall be greased at least every 3 months and a log of when the greasing has been undertaken shall be maintained by the applicant.

Reason: In the interests of residential amenity.



Application No: 090822

Location: Land Adjacent To, 47 Belle Vue Road, Wivenhoe, Colchester

Scale (approx): 1:1250

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7.5 Case Officer: Andrew Tyrrell

EXPIRY DATE: 18/08/2009

OTHER

Site: 47 Belle Vue Road, Wivenhoe, Colchester

Application No: 090822

Date Received: 23 June 2009

Agent: Mr Andy Cameron

Applicant: Mr And Mrs D Dykes

Development: New three bedroom dwelling (resubmission of 073012)

Ward: Wivenhoe Quay

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

1.0 Planning Report Introduction

1.1 This Outline Application is referred to the committee as there are unresolved objections from the Town Council.

2.0 Site Description

2.1 The site contains one existing dwelling with a wide plot, with amenity area to the side of the dwelling as well as to the rear. The plot is relatively deep, similar to others in the street but appears wider because of the amenity area to the side of the property. The dwelling itself is a two-storey dwelling with a side pitch gable roof. A bay dominates half of the front elevation, with an off-centre door.

2.2 Belle Vue Road is a road of varying styles, with bungalows and chalets cheek-by-jowl with two-storey houses. The principle of an infill is thus not controversial. Indeed, it is evident that other sites have been filled in the past. See the history for more on this.

3.0 Description of the Proposal

3.1 This outline seeks approval of the "Scale". Scale includes the height, width and length of the proposed dwelling in relation to its surroundings. The outline also seeks to gain approval of the "Access". Access for this purpose includes accessibility to and within the site for vehicles, cycles and pedestrians in terms of the positioning and treatment of access and circulation routes and how these fit into the surrounding access network. In other words, the movement of pedestrians and vehicles including parking and turning.

3.2 The application is an Outline Application for an infill development consisting of a single dwelling. The dwelling footprint would be approximately 5.3m x 12.4m. The height would be approximately 8.2m. Access would be taken centrally within the site, and would serve both the host and new properties through a shared driveway.

3.3 The Outline Application does not include “Appearance” or “Layout” or “Landscaping”. Therefore, the exact siting and design of the dwelling are not to be decided herein, nor are the hard and soft landscaping details, materials etc. These would form the reserved matters at a later date. Outline permission is not a permission to start work on site. Work may only begin on site when all of the reserved matters have been approved.

4.0 Land Use Allocation

4.1 The Land is allocated residential land and is currently garden land to 47 Belle Vue Road.

5.0 Relevant Planning History

5.1 Applications O/COL/04/1872 (Outline) and RM/COL/05/0741 (Reserved Matters) gave permission for a similar infill development at 21 Belle Vue Road. The Outline was granted by the Planning Committee on 14 December 2004. The Reserved Matters were approved at the 5 August 2005 Planning Committee. This dwelling has been implemented.

5.2 More recently, the previous application at this site was refused under delegated powers (reference 073012). This current application is a resubmission of this application. The reasons for refusal were that the proposal is an artificially cramped form of residential infill development, out of character with the predominant prevailing streetscene. Furthermore, it was also considered that the inclusion of a car turntable was evidence of overdevelopment of the site and was, in practice, unusable. No urban design advice was sought during the previous application, a point which will be picked up below.

6.0 Principal Policies

6.1 The following Local Plan policies are relevant:
DC1 – Development Control Considerations
CO4 – Landscape Features
UEA11 – Design
UEA12 – Backland Development
T9 – Car Parking Outside Central Colchester

- 6.2 In addition, the following Core Strategy policies are also material considerations:
SD1 – Sustainable Development
H2 – Housing Density
UR2 – Built Design and Character
PR2 – People Friendly Streets
TA5 - Parking

7.0 Consultations

- 7.1 ECC Highways have no objections subject to conditions. However, these comments were to the original plans. ECC Highways have been notified of the amendments and further comments (if they have any) have been requested prior to the committee date. These would be reported via the amendment sheet.

8.0 Parish Council's Views

- 8.1 The Town Council has objected. The objections raised are that the development would result in a cramped form of residential infill development, be out of character with the streetscene, and shows 4 parking spaces and a parking turntable which is unusable as previous stated on a refusal decision notice (073012).
- 8.3 The latter point will not be detailed below as the turntable does not appear on the plans and it is considered that this must be included in error (a turntable appeared on the previous application, but has since been removed). All other points are discussed below.

9.0 Representations

- 9.1 No representations from other third parties have been received.

10.0 Report

Introduction

- 10.1 This Outline Application is seeking approval in principle for the erection of a second dwelling at the site. The only matters that need to be agreed herein are that a dwelling infilling the existing gap in the street frontage is acceptable as a general principle (not on the design shown on the indicative drawing), that the access arrangement is acceptable, and that the scale parameters of the dwelling are acceptable. All other matters are reserved for later consideration. When outline permission is granted, certain matters can be “reserved” for later approval. To be explicit, the drawings are solely to demonstrate that such a proposal could be achieved without harm, they do not seek approval for all matters illustrated such as the design of the dwelling.

Cramped Appearance and Scale

- 10.2 The argument has been made that the infill development of this site would appear in a cramped appearance. This has been included as a previous reason for refusal. However, the previous application did not include any consultation with urban designers. During the course of this application, urban design views have been sought and together with the case officers opinion it is considered overall that an infill development of a suitable scale can be achieved. It should be borne in mind that this application is an outline and only scale is to be considered in this respect, not siting. However, the dimensions shown for the dwelling indicate that a satisfactory relationship is possible.
- 10.3 The drawings indicate a dwelling that is of similar width to other properties within the streetscene, which is a street of diverse dwelling designs and sizes. Thus, there is no predominant character or overbearing use of a particular size of dwelling. In this respect, the scale of dwelling shown is perfectly satisfactory. Urban designers have confirmed their view that this scale of development can be completed without creating overdevelopment within the plot or forming a cramped site. The context of other properties would confirm this conclusion and contradict the previous reason for refusal. Several properties in this street have plot widths of less than 10m, and similar dwelling width of 5-6m is commonplace.
- 10.4 The notion that the dwelling would appear cramped can be measured in two ways – separation to the boundaries, and the width of the building itself. The building, as indicated, would be approximately 5.3m wide. In Belle Vue Road the property width seems to vary from over 11 metres to just 4 metres. 41, 43, 45, 55 and 59 are examples similarly narrow properties.
- 10.5 In terms of isolation to the boundary, there is more than 1 metre on both sides. This meets current standards in this respect. It also offers a contextual relationship similar to other nearby properties. The footprint of the building in particular is obvious comparable to other properties seen on the location plan or OS maps.
- 10.6 On this basis, it is considered that the development would not appear cramped in its context. A reasonable urban form can be achieved within the scale parameter set out in this outline application.

Access

- 10.7 The application also seeks to confirm the access point and vehicular arrangements within the site. Originally, the plans submitted illustrated a car dominated scheme with parking and turning in front of the two properties on the application site (existing and new). This would not have preserved or enhanced the streetscene and is an unsatisfactory urban form.
- 10.8 Consequently, amendments to the plans were negotiated to secure rear parking. This involves an arrangement whereby access into the site continues past the two dwellings to a turning area behind the rear walls of the dwellings. This is then accompanied by a detached garage, with one internal parking space per unit. The access way is shared by both the existing and proposed dwelling.

- 10.9 The benefit of this arrangement is that it creates a much better public domain in front of the dwellings. This front amenity space now involves no parking or turning area, and can be soft landscaped as part of the subsequent Reserved Matters application. This also removes any potential harm to the tree to be retained in the front right corner of the site.
- 10.10 It should be noted that nearby properties do not have any turning areas. This means that existing residents are already reversing out of the site as a common pattern in this street. This would be a material consideration in any appeal. Thus, the importance of the urban character of the area has been given comparably greater weight to highway arrangement in this context than in most other application circumstances. The views of ECC Highways are waited on this change, as their previous response of “no objection” was returned prior to the amendments.

Other Matters

- 10.11 The design of the dwelling shown on the indicative drawings needs some work to be brought up to an acceptable standard. However, during negotiations on this site this issue has been put to one side as it is not part of this application. Therefore, little weight should be given to the visual appearance of the property. The key point is that a property of this scale can be constructed whilst achieving a satisfactory design for this area, a matter which would need to be negotiated prior to the Reserved Matters application being submitted. The lack of design quality should not influence the decision herein.
- 10.12 The indicative layout shows a more than adequate amenity provision for both dwelling. There is also capability to provide appropriate refuse and recycling storage, as well as cycle parking and domestic outbuildings such as sheds.
- 10.13 The property would not have an adverse impact on neighbouring properties subject to the details of windows; however this can be controlled at a later date. In principle the idea is considered to be acceptable.

11.0 Conclusion

- 11.1 The scale and access arrangements are considered to be acceptable on their own merits, regardless of the history of this site. All other matters are reserved, thus there is no material consideration that has been raised that is considered to justify a refusal. The Reserved Matters will need some work in terms of the dwelling design, landscaping and layout, however these matters are not prejudiced by the support for this Outline Application and will need to be addressed in due course. Thus, any outline permission should include (on the decision notice issued to the applicant) a statement to confirm which matters are reserved for later approval.

12.0 Background Papers

- 12.1 ARC; Core Strategy; HA; PTC

Recommendation - Conditional Approval

Conditions

1 - A1.1 Outl Perms (submission of reserved matters (1))

Approval of the details of the layout, appearance and landscaping of the site (hereinafter called "the reserved matters") shall be obtained from the local planning authority in writing before any development is commenced.

Reason: The outline application as submitted does not give particulars sufficient for consideration of these reserved matters.

2 - A1.2 Outl Perms (submission of reserved matters (2))

Plans and particulars of the reserved matters referred to in condition 1 above, relating to the layout, appearance and landscaping of the site, shall be submitted in writing to the Local Planning Authority and shall be carried out as approved.

Reason: The outline application as submitted does not give particulars sufficient for consideration of these reserved matters.

3 - A1.3 Outl Perms (time limit for subm of res matter)

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

Reason: In order to comply with Section 92 of the Town and Country Planning Act 1990.

4 - A1.4 Outl Perms (time limit for commencement of Development)

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: In order to comply with Section 92 of the Town and Country Planning Act 1990.

5 - C3.1 Materials (general)

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

Reason: To ensure that the proposed development is visually [satisfactory/attractive] and enhances the appearance of the locality.

6 - A7.4 Removal of ALL Perm Devel Rights (residential)

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 as amended by the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 (or any Order revoking and re-enacting that Order with or without modification), no development within Classes A to E of Part 1 of the Schedule of the Order (any extension, outbuilding, garage or enclosure) shall take place without the prior written permission of 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, as the scale of development has been considered on the basis submitted within this application and any other development would need to be considered further.

7 -A7.8 Limits to Loft Conversions

The building hereby permitted shall only be 2 storeys in height with no habitable accommodation provided within the roofspace.

Reason: As this is the basis on which the scale of development has been considered, in order to protect the amenities of neighbours and to allow further consideration of any other form of development that might be proposed at a later date as this would be out of character with the context of the area.

8 - C12.2 Details of Walls or Fences

Prior to the commencement of the development details of all 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 the building of the use hereby approved and shall be retained thereafter.

Reason: To protect the amenities and privacy of adjoining residents.

9 - B8.1 Drainage Scheme Prior to Commencement of Work

Prior to the commencement of any work on site, a scheme of surface water and foul drainage shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be carried out prior to the occupation of the building/s hereby permitted.

Reason: To ensure satisfactory arrangements are made for the disposal of foul and surface water drainage.

10 - B9.1 Refuse Bins

Prior to the development hereby approved being brought into use, refuse storage facilities shall be provided in a visually satisfactory manner and in accordance with a scheme which shall have previously been submitted to and approved in writing by the Local Planning Authority. Such facilities shall thereafter be retained to serve the development.

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

11 - B9.2 Recycling Facilities

Prior to the development hereby approved being brought into use, facilities for the collection of recyclable materials shall be provided on the site and thereafter retained in accordance with a scheme submitted to and agreed by the Local Planning Authority.

Reason: To ensure that adequate facilities are provided for the collection of recyclable materials.

12 - C10.15 Tree & Natural Feature Protection: Protecte

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.

13 - 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.

14 - C10.18 Tree and Hedgerow Protection: General

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

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

15 - 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.

16 - 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.

17 - D4.4 Bicycle Parking (satisfactory arrangements)

The building/s or land subject to this permission shall not be brought into use for the purposes hereby approved until satisfactory arrangements for the provision of bicycle parking have been agreed in writing and implemented to the satisfaction of the Local Planning Authority.

Reason: To ensure the proper provision of parking facilities for cyclists in accordance with the Local Planning Authority's standards.

18 - Non-Standard Condition

Prior to the first use of the access a 1.5 metre x 1.5 metre pedestrian visibility sight splay as measured from the highway boundary, shall be provided on both sides of the vehicular access. There shall be no obstruction above a height of 600mm as measured from the finished surface of the access within the area of the visibility sight splays thereafter.

Reason: To provide adequate inter-visibility between the pedestrians and users of the access and the existing public highway for the safety and convenience of users of the highway and of the access.

19 - Non-Standard Condition

No unbound material shall be used in the surface finish of the driveway within 6 metres of the highway boundary of the site.

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

20 - Non-Standard Condition

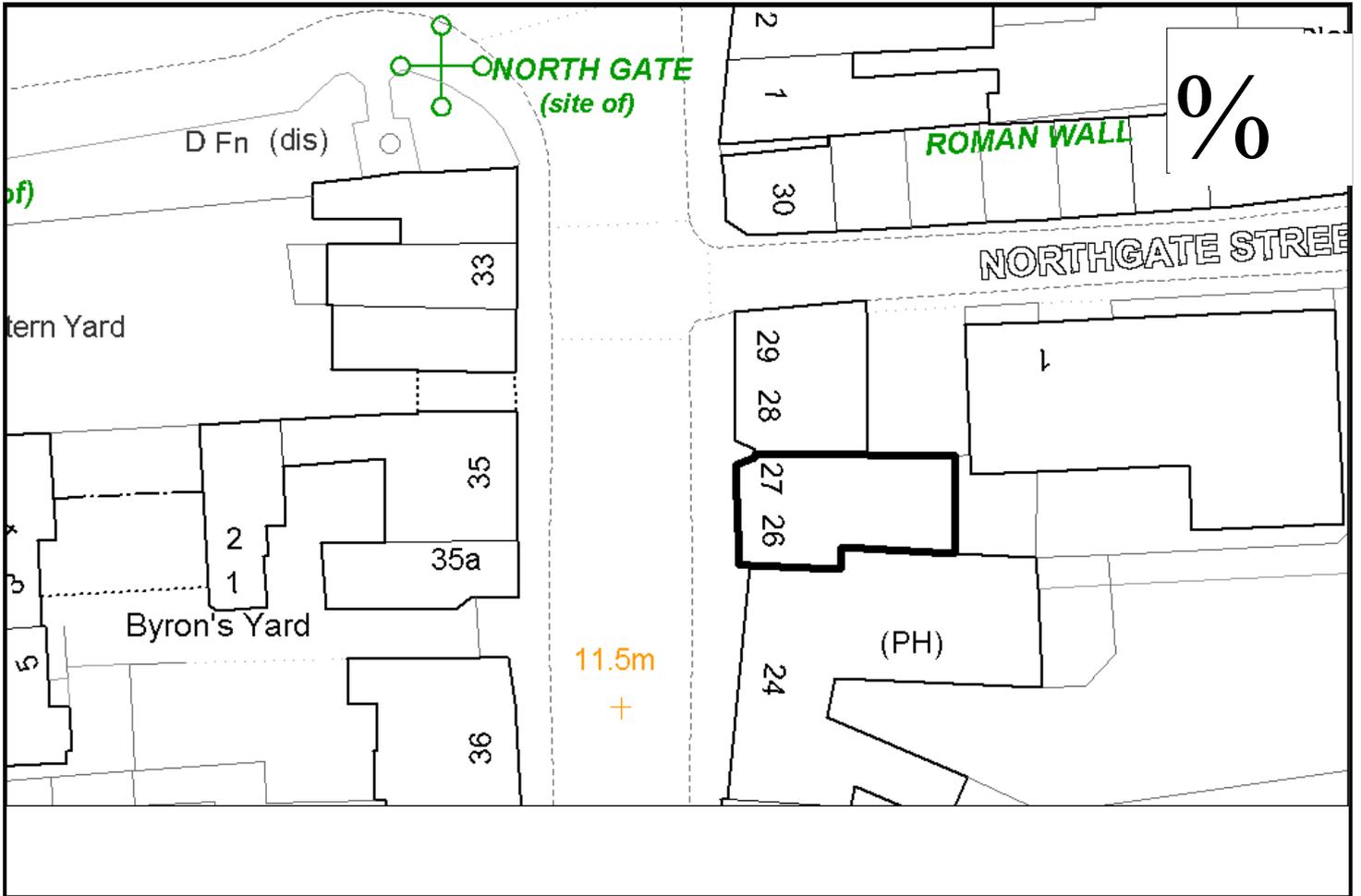
Prior to the first use of the access hereby permitted, the parking and turning layout shall be set out and made available for use unless otherwise agreed, in writing by the Local Planning Authority. The parking and turning areas shall be retained in the approved form and for these sole uses thereafter.

Reason: To provide adequate inter-visibility between the pedestrians and users of the access and the existing public highway for the safety and convenience of users of the highway and of the access.

Informatives

PLEASE NOTE that the dwelling shown on the indicative plans is not considered to meet current design standards. The Local Planning Authority strongly advises the applicant to seek discussions with them as to suitable amendments to the Reserved Matters in order to agree the dwellings design and appearance, the site layout, and the landscaping requirements prior to any such application being submitted.

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.



Application No: 090833

Location: Indian Ocean, 26 North Hill, Colchester, CO1 1EG

Scale (approx): 1:1250

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7.6 Case Officer: Mark Russell

EXPIRY DATE: 24/08/2009

OTHER

Site: 26 North Hill, Colchester, CO1 1EG

Application No: 090833

Date Received: 29 June 2009

Applicant: Mr Gulam Mostafa

Development: New signage to restaurant, including fascia sign and hanging sign

Ward: Castle

Summary of Recommendation: Listed Building Consent

7.7 Case Officer: Mark Russell

EXPIRY DATE: 19/08/2009

OTHER

Site: 26 North Hill, Colchester, CO1 1EG

Application No: 090834

Date Received: 24 June 2009

Applicant: Mr Gulam Mostafa

Development: New signage to restaurant, including fascia sign and hanging sign

Ward: Castle

Summary of Recommendation: Advertisement Consent

1.0 Planning Report Introduction

1.1 Application 090833 is a Listed Building application which is before Committee due to receipt of an objection. Application 090834 is an advertisement application, which under Colchester Borough Council's scheme of delegation does not normally need to come to Committee, but it would be inappropriate to allow this without the accompanying Listed Building Consent.

2.0 Site Description

2.1 26 North Hill is a Grade II Listed Building, forming a series (26 to 29) of probably late 15th century origin, which have been considerably altered, and recently refurbished following a fire in 2007. It is timber framed and plastered, with a tiled roof and a principle front-facing gable. The main fascia advertisement which is subject to this application is placed on a front addition to the building which was permitted in the early 1960s in association with a car salesroom use.

3.0 Description of Proposal

- 3.1 The current orange signage and swan-neck lighting brackets are unauthorised. This application offers to recolour this to a more sober “ocean blue” with gold lettering contained inside a white ellipse outline. The treatment (minus the ellipse) is repeated on the sides of the structure.
- 3.2 Whilst the applications are described as “fascia sign and hanging sign” no information regarding this latter element has been provided, this is therefore excluded from any consent.
- 3.3 Similarly, the information regarding the lighting is unclear. The applicant has submitted some brochure pages, with a range of products from “Insight Sign Systems” but it is unclear which product they are proposing. Similarly, the proposed positioning of the lighting is not clearly annotated. For this reason the lighting also needs to be excluded from any consent, and the applicant will be invited to submit another application to clear these matters up.

4.0 Land Use Allocation

- 4.1 Mixed use area B, Listed Building within Colchester Conservation Area 1.

5.0 Relevant Planning History

- 5.1 90/0066 - Change of use to licensed restaurant. Approved 4th June 1990.
- 5.2 080454 - Reconstruction of 26-29 North Hill following fire damage on 18th October 2007. Approved 15th May 2008;

6.0 Principal Policies

- 6.1 Adopted Review Colchester Local Plan:
DC1- Development Control considerations;
UEA1 – Conservation Areas;
UEA2 – Buildings in Conservation Areas;
UEA5 – Listed Buildings;
UEA16 – Advertisements Within Conservation Areas.
- 6.2 Core Strategy:
UR2 – Built Design and Character

7.0 Consultations

- 7.1 None

8.0 Representations

8.1 Two letters of objection have been received as follows:

- 1) Colchester Civic Society considers the proposed sign to be garish and unduly intrusive.
- 2) The second objection is limited to the choice of colours. The repeat use of a timber frame and plywood fascia, with a plastic sign sheet is noted. Also, the design of lettering seems acceptable (as is the current sign being replaced). This app is thus less unacceptable than the original and unauthorised Wine Me Up opposite (which is unfortunately still in place awaiting replacement by an authorised sign).

This new sign also continues external illumination and I see little visual difference from the existing spotlights. The issue I think is the garish and harsh shade of blue which is no improvement on the equally garish existing orange. This recently damaged and renewed (inevitably devalued) LB deserves a quieter and richer shade, aimed at conforming to the general standard on this historic CA street rather than to the usual taste of the Indian restaurant trade. The applicant should consult the approved sign for Wine Me Up as well as alternative suppliers of fascia signs. This objection to colours also applies, of course, to the proposed hanging sign.

9.0 Report

- 9.1 Undoubtedly the existing orange fascia and swan neck lights are unacceptable on this Listed Building in this Conservation Area setting. North Hill is regarded as being one of Colchester's most attractive streets, and has been largely untouched by insensitive advertising. This restaurant, and a retail unit mentioned by one of the objectors are out of context, and thus any improvement is welcomed.
- 9.2 In terms of the integrity of this Listed Building, this was undermined when the changes to the frontage were made, presumably under permission 14374/1 in 1960. The existing fascia has been in place under various guises for a number of years, Colchester Borough Council's own archives showing it to be there in 1997 – if not earlier.
- 9.3 The principle then seems to apply to the colour and design of the signage. Whilst these matters are always subjective, the stylised ellipse outline is, in your Officer's opinion acceptable, and the style of lettering also. Members are reminded that these matters are normally deemed consent (not requiring of advertisement or Listed Building consent) in any case.
- 9.4 Regarding the colour, it is difficult to agree with the objectors' statement that these are "garish and harsh." The ocean blue colour is, in fact, very similar to that which was on the "Simla-Balti House" for several years at these same premises.
- 9.5 The side facing advertisements, similarly, do not appear to raise any issues of visual amenity.

9.6 Sensitively placed lighting and hanging signs will also, eventually, help to enhance the building, and therefore the Conservation Area.

10.0 Conclusion

10.1 In conclusion the new proposed fascia signage is acceptable in terms of visual amenity and its effect on the Listed Building and wider Conservation Area. The submitted details of the proposed lighting and hanging signs are insufficient and non-existent respectively, and these matters are therefore excluded from any consents.

11.0 Background Papers

11.1 ADRBLP; Core Strategy; NLR

Recommendation for 090833 - Listed Building Consent

Conditions

1 - Non-Standard Condition

The works to which this consent relates shall be begun before the expiration of three years from the date of this consent.

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 consent hereby granted relates only to the fascia signage, and not to any hanging signs or illumination.

Reason: For avoidance of doubt as to the scope of this consent, because the submitted information was inadequate to judge the effect on the Listed Building.

Recommendation for 090834 – Advertisement Consent

Conditions

1 - Non-Standard Condition

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) Regulations 1992.

2 - Non-Standard Condition

The signs hereby permitted shall not be illuminated without advertisement consent.

Reason: For avoidance of doubt as to the scope of this consent as insufficient information has been provided with this application.

3 - Non-Standard Condition

Notwithstanding the details of the first photograph labelled "proposed new signage" the positioning of the two smaller signs is not taken to be literal, and is merely to clarify how they would appear to each side. These signs shall not, therefore, be placed along the frontage, but wrapped around the sides of the front element of this building.

Reason: For avoidance of doubt as to the scope of this consent, and in the interests of visual amenity.

4 - Non-Standard Condition

The "hanging signage" which is referred to in the application is hereby excluded.

Reason: : For avoidance of doubt as to the scope of this consent as insufficient information has been provided with this application.

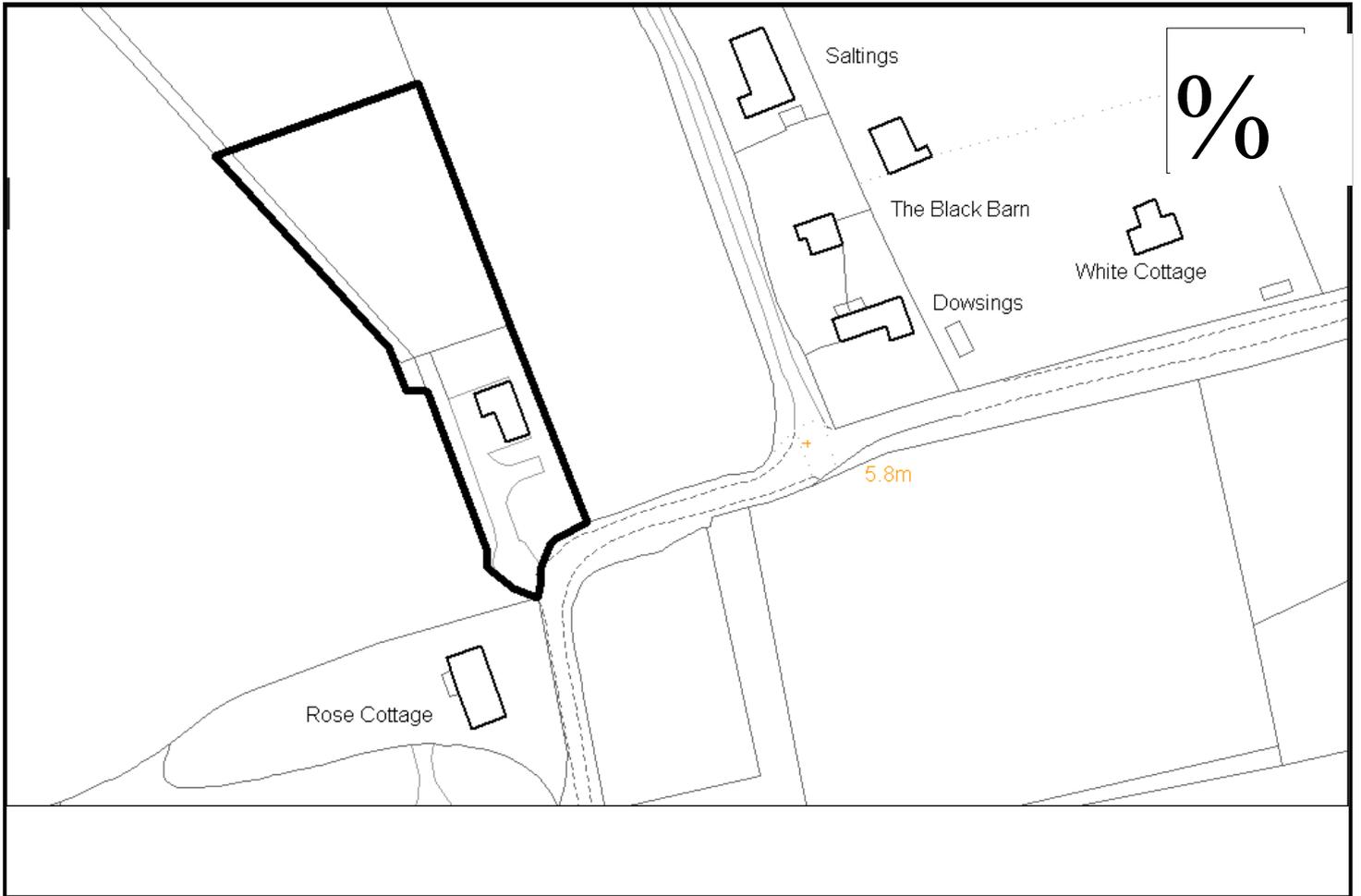
5 – Non Standard Condition

Prior to the commencement of development, the applicant shall provide full details of proposed colours – including RAL reference. All blue sections shall match, notwithstanding the colour differential on the submitted plans. Development shall accord with the agreed colours and remain as such at all times.

Reason: For avoidance of doubt as to the scope of this consent, and in the interests of visual amenity.

Informatives

The applicant is advised to appoint a Planning agent to resolve the matters relating to hanging signs and illuminations.



Application No: 090668

Location: Fishponds Field, Shop Lane, East Mersea, Colchester

Scale (approx): 1:1250

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7.8 Case Officer: Andrew Tyrrell

OTHER

Site: Fishponds Field, Shop Lane, East Mersea, Colchester

Application No: 090668

Date Received: 19 May 2009

Agent: Edward Gittins & Associates

Applicant: Mrs. H Hoy

Development: Alterations and extensions to existing stable block and erection of manege.

Ward: Pyefleet

Summary of Recommendation: Conditional Approval

1.0 Planning Report Introduction

1.1 The application is referred to the Planning Committee as there are unresolved objections and the application is recommended for approval. Other objections have been resolved; however the outstanding objection issues are that all previous conditions should be repeated on any permission herein, that there will be an adverse visual impact from the rubber ménage, and that there will be an increase of 50% in the stabling capacity over the original approval for this stable.

2.0 Site Description

2.1 The site is in the countryside on Shop Lane, a narrow country road. The access point is on a tight bend in the road, however traffic frequency is low. There is also a public footpath (no. 11) nearby.

2.2 The site contains an existing stable block, approved in August 2004 (F/COL/04/1082). This accommodates 2 horses. There is also a field attached to the stable block, which is marked by a hedge and gates.

3.0 Description of the Proposal

3.1 The proposal is to increase the stable block to 3 stable rooms. This would be completed by adding one room to the end of the existing building. A storage room would be added to the other end. Additionally, the field is to be turned into a ménage, with fencing and a rubber surfacing material.

4.0 Land Use Allocation

4.1 The land is allocated as Countryside Conservation Area.

5.0 Relevant Planning History

5.1 As stated above, the existing stables were approved in 2004. This permission included several conditions, many of which are carried forward herein. Some are not, but this is explained below.

6.0 Principal Policies

6.1 The following Local Plan policies are relevant:

DC1 – Development Control Considerations

CO3 – Countryside Conservation Areas

CO4 – Landscape features

CO12 – New Stables or Extensions to Existing Stables

UEA11 – Design

P1 – Pollution (General)

P2 – Light Pollution

6.2 The following Core Strategy policies are also relevant:

SD1 – Sustainable Development

ENV1 – Environment

7.0 Consultations

7.1 Environmental Control have no objections subject to a scheme for manure storage and removal.

8.0 Parish Council's Views

8.1 The Parish Council have no objections.

9.0 Representations

9.1 2 responses have been received. The first states that the author would expect all previous conditions to be repeated on any new permission. They also ask that any lighting be constructed in a manner that avoids any harm outside the site.

9.2 The second response raises objections on the grounds of light pollution, the increase in the stabling capacity, and the visual impact of tall lighting columns, the rubber surface of the ménage and a 1.8m high fence.

10.0 Report

Issues Raised by Objections

10.1 The main issue with the application seems to be lighting. However, none is proposed. Therefore, this is not a material planning consideration that would warrant a refusal. If any new lighting is proposed in the future then it will require a separate planning application, this is secured by a recommended condition.

- 10.2 Additionally, there is some confusion in the belief that all of the previous conditions are relevant. The previous conditions related to a new stable, subsequently being quite concise. However, as the development is established now, some conditions are not necessary and therefore fail the conditions tests. The conditions should relate to this proposal (an extension and ménage). Additionally, the personal condition is unreasonable given that it would make no difference who the owner of the stable was in terms of its impact, as the use would be the same. Additionally, the private use condition already states that the site can only be used by the site owner, therefore the necessary precautions are in place to avoid commercial or multiple users. This is more appropriate.
- 10.3 There is no 1.8m fence proposed. Thus, comments about such matters are considered to be down to a misinterpretation of the plans. The plans are to scale and show the ménage fence as being an open post and rail fence of 1.37m in height above ground. There is also a subterranean length of fence, which might be where the belief that the fence would be 1.8m stems from. This height can also be conditioned for the avoidance of doubt.
- 10.4 There has been one objection to a 50% increase in the number of stables. However, this still only results in 3 horses which is not a significant number. The question is what harm a third horse makes over the existing 2 horses, which is considered not to be significant enough to warrant a refusal. 3 Horses would still not be enough to begin to raise an argument for a dwelling if that is a concern.

Other Matters Not Subject to Objection

- 10.5 The design of the extension is complimentary to the existing building and would blend in from distance views. The impact on the wider countryside is minimal, with the landscaping secured as part of the previous permission now establishing. This screens the ménage area. The rubber surface is essentially a common surface, used because it has better drainage than chippings. From photographs of other rubber surfaced ménages found on the internet, the appearance seems similar from distance. The rubber is usually in small strips similar to chippings.

11.0 Conclusion

- 11.1 In conclusion, there have been no matters raised by objectors that are considered significant enough to warrant the refusal of planning permission for this application. The application is relatively minor in terms of its impact on the wider area.

12.0 Background Papers

- 12.1 ARC; Core Strategy; HH; PTC; NLR

Recommendation - Conditional Approval

Conditions

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

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

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

2 - 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 unless otherwise agreed in writing by the Local Planning Authority.

Reason: To harmonise with the character of existing development in the area.

3 - Non-Standard Condition

No external lighting whatsoever shall be constructed or installed unless otherwise agreed, in writing, by the local planning authority at a subsequent date.

Reason: For the avoidance of doubt as to the scope of this permission, as this is the basis upon which the application has been submitted and determined, to allow future consideration of lighting at any time as such a proposal may come forward, and in the interests of preserving the character of the countryside and avoiding harm from light pollution to the countryside and neighbouring residents.

4 - Non-Standard Condition

The development hereby permitted shall be used solely for the stabling of horses and storage of associated equipment and foodstuffs in connection with and for the private and personal enjoyment of the owners of the application property. No commercial uses including a livery, riding school, industrial or other storage uses shall take place whatsoever.

Reason: For the avoidance of doubt as to the scope of this permission, as this is the basis on which the application has been submitted and the traffic generation of additional users would need further consideration, to ensure that the use does not cause harm to the amenity of the surrounding area.

5 - A4.5 Stables - Scheme for Manure Storage and Disposal

Prior to the commencement of any work on site a detailed scheme for the storage of manure within the site and its subsequent disposal shall be submitted to and approved by the Local Planning Authority. The storage and disposal of manure shall be carried out in accordance with the approved scheme.

Reason: To ensure satisfactory provision is made for the storage and disposal of manure as there is insufficient detail within the application to clarify the method of storage or disposal.

6 - 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.

7 -C10.18 Tree and Hedgerow Protection: General

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

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

8 - C11.14 Tree / Shrub Planting

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

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

9 - Non-Standard Condition

Any new fencing and planting shall be entirely clear of the route of Public Footpath No. 11 (East Mersea) and the public's right of ease of passage over this public footpath shall be maintained unobstructed at all times.

Reason: In the interests of highway safety.

10 - Non-Standard Condition

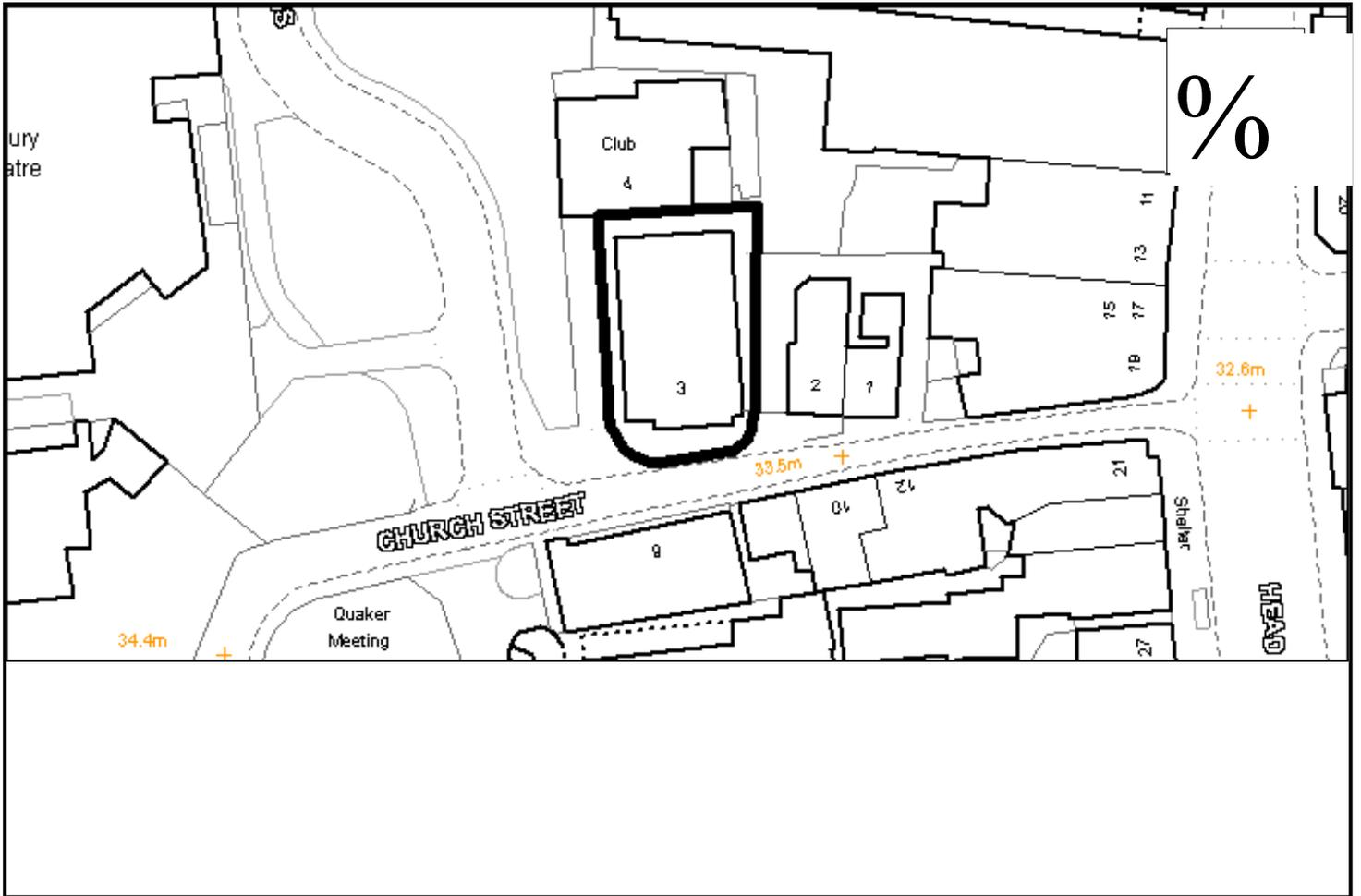
Notwithstanding any detail shown on the submitted drawings, the screens and fencing shall not include any closed-boarded or solid panel fencing and shall be a maximum height of 1.37m above ground level unless otherwise agreed, in writing, by the Local Planning Authority.

Reason: For the avoidance of doubt, as it is unclear from the plans whether or not sections of the fence might be closed-boarded, which would be out of character in this rural location.

Informatives

All works affecting the highway including footpath number 11 (East Mersea) shall be carried out by prior arrangement with and to the requirements and satisfaction of the Highway Authority and application for the necessary works should be made initially by telephoning 01206 838600.

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 Colchester Borough Council's Environmental Control Team prior to the commencement of any works.



Application No: 090699

Location: 3 Church Street, Colchester, CO1 1NF

Scale (approx): 1:1250

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7.9 Case Officer: Andrew Huntley

OTHER

Site: 3 Church Street, Colchester, CO1 1NF

Application No: 090699

Date Received: 22 May 2009

Agent: Mr S Plowright

Applicant: Darrose Limited

Development: Change of use from A2 (Professional Services) to a mixed use of A3/A4 Mixed Use (Restaurant and Bar). Demolition of unsightly 20th Century rear flat roofed extension and reconstruction of new extension. Minor associated works to interior of original building. (Resubmission of application 081552)

Ward: Castle

Summary of Recommendation: Conditional Approval

1.0 Site Description

1.1 The area is at the edge of the town centre and is mixed use in nature. 3 Church Walk dates from the mid C19 and has a gault brick front façade with side walls in red brick. The building is designed in a classical style with a central regimented bay flanked by recessed wings. To the rear of the building is a modern extension of no architectural merit. Internally the building has been altered but still retains many original features. The building is listed grade II for its special architectural or historic interest and is situated within the Town Centre Conservation Area.

2.0 Description of Proposal

2.1 The proposal is for a change of use from A2 (Professional Office) to A3/A4 mixed use (Restaurant/Bar) and the demolition of existing 20th Century rear flat roofed extension and reconstruction of new extension. Minor associated works to interior of original building.

3.0 Land Use Allocation

3.1 Mixed Use
Town Centre

4.0 Relevant Planning History

4.1 081555 – Change of use from A2 to A3/A4 and alterations. Withdrawn.

4.2 081552 – Change of use from A2 to A3/A4 and alterations. Withdrawn.

4.3 080904 – Change of use from A2 to A3/A4 and alterations. Withdrawn.

5.0 Principal Policies

5.1 Adopted Review Borough Local Plan
DC1 – Development Control considerations
UEA2 – Building within Conservation Areas
UEA3 – Demolitions within Conservation Areas
UEA5 – Altering Listed Buildings
UEA11 – Design
UEA13 – Development
TCS10 – Proposal's for Leisure, Entertainment and Food and Drink Uses.

5.2 Adopted Core Strategy
SD1 – Sustainable Development Locations
UR2 – Built Design and Character
CE2 – Mixed Use Centres
CE2a – Town Centre
ENV1 - Environment

5.3 East of England Plan
ENV6 - Historic

5.4 Planning Policy Statement 1
Planning Policy Statement 6
Planning Policy Guidance 15

6.0 Consultations

6.1 The Highway Authority comments as follows:-

The Highway Authority raises no objection subject to a condition for the provision of parking for powered two wheelers and bicycles.

6.2 Environmental Control comments as follows:-

Recommends that any permission should be subject to conditions relating to refuse storage and removal.

6.3 English Heritage comments as follows:-

Do not want to comment in detail but offer the following general observations which state that the Council should consider whether the proposed losses of some of the historic fabric are necessary to the success of the scheme and whether what is proposed is the optimum viable use to which reference is made within PPG15.

6.4 Design and Heritage Unit comments as follows:-

No objections subject to conditions.

6.5 Licensing Authority comments as follows:-

Welcomes the provision of additional restaurant and dining facilities within the town centre and the proposed operating hours do not appear excessive, given the flexibility of hours that the Licensing Act 2003 can allow.

7.0 Representations

7.1 Three letters of objection have been received, which includes one from the Civic Society. Their objections are summarised as follows:

- Loss of historic fabric and design.
- There are enough bars, restaurants clubs in Colchester, which has affected her trade.
- Already enough drinks lorries damaging and blocking Church Street.

7.2 The Civic Society has objected stating that they would not object to a restaurant but do not wish to see the premises used as a drinking establishment. There are already four large drinking establishments nearby and one smaller one. Dual use could easily slip into sole use and the Council does not appear to have the resources or inclination to monitor joint use effectively. This in an area with sheltered housing close by and further drinking establishments would be to the detriment of the quality of life of residents. If change of use is to be permitted there should be binding undertakings required in respect of the availability of food, hours of operations and absence of live music.

8.0 Report

Introduction

8.1 The main considerations within this application are:

- Principle
- Design and Character
- Highway Considerations
- Other Considerations

Principle

8.2 The site lies within an edge of town centre location. Local plan policy and national guidance support a mix of uses in this type of location, which includes A3 and A4 uses. As such, there can be no objection in principle to the change of use of these premises. The acceptability of the scheme will depend on detailed considerations of the proposal in terms of design, impact on the historic fabric of the building and the character of the Conservation Area.

Design and Character

- 8.3 The main consideration is the desirability of the proposed changes in enhancing the existing building and preserving its historic integrity. Policies DC1, UEA5 and UEA11 are relevant to this application. Planning Policy Statement 1 (2005) and Planning Policy Guidance 15 (1994) also provide direction. Planning Policy Guidance 15 (1994) states that development proposals will not harm the historic fabric or character/setting of a listed building. In addition proposals which do not enhance or preserve the character and appearance of a conservation area will not be permitted.
- 8.4 The above mentioned policies seek to protect and enhance the integrity of listed buildings and ensure that the alterations respect and preserve the character of the building and the surrounding streetscene. PPG15 states that particular attention should be given to the physical features of the building, including features of design and materials that may be intrinsic to its listing. Section 16 of PPG15 states that planning authorities should have “special regard to the desirability of preserving the building and any special architectural or historic interest, which it possess”. PPG15 also adds that proposals should be sensitive alterations and that even seemingly minor works can be destructive to a buildings character.
- 8.5 3 Church Walk dates from the mid C19 and has a gault brick front façade with side walls in red brick. The building is designed in a classical style with a central regimented bay flanked by recessed wings. To the rear of the building is a modern extension of no architectural merit. Internally the building has been altered but still retains many original features. The building is listed grade II for its special architectural or historic interest and is situated within town centre conservation area.
- 8.6 The current application proposes the demolition and rebuilding of the rear extension and internal alterations to facilitate the re-use of this building as a bar / restaurant (A3/A4).
- 8.7 The main conservation issues raised by this application is the effect that the proposed development would have on the special interest of this grade II listed building and the character and appearance of this part of Colchester Conservation Area No.1
- 8.8 When assessing proposals for the change of use of a building, it is necessary to consider the economic viability of possible uses against the effect of any changes they entail in the special architectural and historic interest of the building. In principle, the aim should be to identify the optimum viable use that is compatible with the fabric, interior and setting of the historic building. Alterations to listed buildings must be based on a proper understanding of the structure; modern extensions should not dominate the existing building in either scale, material or situation and new works should be fitted to the old to ensure the survival of as much historic fabric as possible – old work should not a scarified to accommodate new.

- 8.9 As previously stated, the existing rear extension is not considered to be of special interest and is considered to have a detrimental impact on the character and appearance of the surrounding area. The proposed replacement extension represents a considerable improvement on the existing. It is however important to ensure that the detailing of the new extension is appropriate; conditions are to be attached regarding brickwork (type, bond, mortar, joint profile), window cills, arches, recesses etc, should match the original detailing of the historic building; details of string course, eaves, rain water goods, roof materials etc will all need to be agreed.
- 8.10 Regarding the proposed internal works, the reinstatement of the staircase to its original alignment is welcomed; a condition will need to be attached to ensure that its detailing etc is satisfactory. In the main, the proposed internal layout appears to work with historic fabric reusing existing openings / removing modern partitions etc. This approach is welcomed. The Design Officer has no objection subject to the following changes:-
- The formation of new doorways in the position of the window opening to the rear of the original building requires further assessment. Advise that these openings are subject to a condition, that requires the opening up of the fabric and, if the original windows / shuttering remains in-situ, these feature are retained / restore - i.e. the consent for the proposed door opening should only be granted if no historic window fabric remains in these locations.
 - The existing door to the proposed first floor lounge should be retained and reused rather than being re positioned as currently proposed.
 - The size of the proposed opening between the lounge and the ante room on the first floor should be reduced. Cross section drawings of the proposed opening will also need to be submitted.
 - No part of the extract equipment should be visible externally.
- 8.11 That these issues can be satisfactorily resolved by suitably worded conditions attached to the listed building consent application.
- 8.12 Therefore, no objections are raised in terms of the proposal in terms of its design, impact on the character of the Conservation Area and the Grade II listed building.

Highway Considerations

- 8.13 The Highway Authority has raised no objections to this proposal subject to a condition to ensure parking for powered two wheelers and bicycles. However, it is considered that such a condition is unnecessary and superfluous as this is an edge of town centre site and therefore in a sustainable location. In addition, there is no real curtilage to this building where such parking facilities could be located. The only position would be to the front of the listed building in a highly visible location. Such facilities would be likely to harm the character and appearance of the Conservation Area and the setting of the listed building. Therefore, it is recommended that such a condition is not necessary.

Other Considerations

- 8.14 As previously stated, 3 objections have been received. Most of the issues raised have already been considered. The fact that there are other establishments nearby and this proposal may affect trade to established businesses is not a reason to refuse this application as this is not a material planning consideration. Such a reason could be deemed as unreasonable and result in a costs award if appealed. Nor is the fact that deliveries will occur a reason to refuse this application as this already occurs as it is an edge of town centre location. Overall, the objections raised do not outweigh development plan policy and do not warrant the refusal of planning permission.
- 8.15 As Environmental Control has raised no objections, no objections can be raised in terms of the impact on residential amenity. In addition, they have recommended a condition regarding waste removal. This is unnecessary as this can be controlled through Environmental Health regulations.

9.0 Conclusion

- 9.1 The proposed change of use is acceptable in principle in this edge of centre location. The alterations to the building are also acceptable subject to conditions.

10.0 Background Papers

- 1.01 ADRBLP; Core Strategy; East of England Plan; EH; DHU; Licensing HA; HH; NLR

Recommendation - Conditional Approval

Conditions

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

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

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

- 2 - Non-Standard Condition

The use hereby permitted shall not be open to customers outside the following times:

Monday to Saturday - 10:00 am till midnight.

Sunday and Bank Holidays - 11:00 am till 23:00 pm.

Reason: To protect the amenities of neighbouring properties.

- 3 - Non-Standard Condition

No development shall take place until there has been submitted to and approved in writing by the local planning authority (in consultation with the Director of Environmental Services) full details of equipment to be installed for the extraction and control of fumes and odours together with a code of practice for the future operation of that equipment. The use hereby permitted shall not take place other than in accordance with these approved details.

Reason: To ensure that the permitted development does not harm the local environment and the amenities of the area by reason of air pollution, odours and smell.

4 - Non-Standard Condition

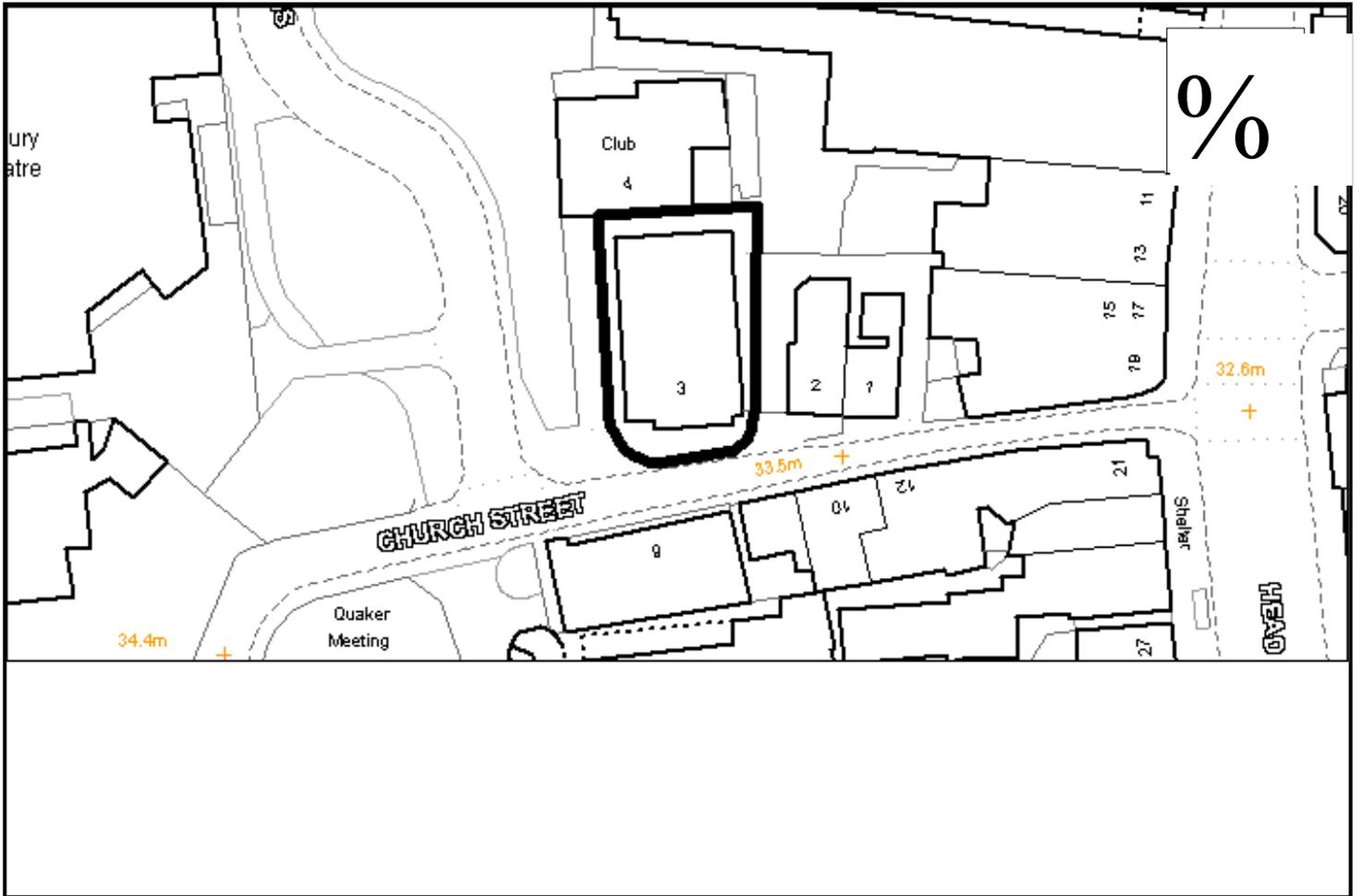
Prior to the development hereby approved being brought into use, refuse storage facilities shall be provided in a visually satisfactory manner and in accordance with a scheme which shall have previously been submitted to and approved in writing by the Local Planning Authority. Such facilities shall thereafter be retained to serve the development.

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

5 - Non-Standard Condition

Prior to the development hereby approved being brought into use, facilities for the collection of recyclable materials shall be provided on the site and thereafter retained in accordance with a scheme submitted to and agreed by the Local Planning Authority.

Reason: To ensure that adequate facilities are provided for the collection of recyclable materials.



Application No: 090700

Location: 3 Church Street, Colchester, CO1 1NF

Scale (approx): 1:1250

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7.10 Case Officer: Andrew Huntley**OTHER****Site:** 3 Church Street, Colchester, CO1 1NF**Application No:** 090700**Date Received:** 22 May 2009**Agent:** Mr S Plowright**Applicant:** Darrose Limited**Development:** Change of use from A2 (Professional Office) to A3/A4 mixed use (Restaurant/Bar). Demolition of existing unsightly 20th Century rear flat roofed extension and reconstruction of new extension. Minor associated works to interior of original building.(Resubmission of application 081555)**Ward:** Castle**Summary of Recommendation:** Listed Building Consent**1.0 Site Description**

1.1 The area is at the edge of the town centre and is mixed use in nature. 3 Church Walk dates from the mid C19 and has a gault brick front façade with side walls in red brick. The building is designed in a classical style with a central regimented bay flanked by recessed wings. To the rear of the building is a modern extension of no architectural merit. Internally the building has been altered but still retains many original features. The building is listed grade II for its special architectural or historic interest and is situated within town centre conservation area.

2.0 Description of Proposal

2.1 The proposal is for a change of use from A2 (Professional Office) to A3/A4 mixed use (Restaurant/Bar) and the demolition of existing 20th Century rear flat roofed extension and reconstruction of new extension. Minor associated works to interior of original building.

3.0 Land Use Allocation

3.1 Mixed Use
Town Centre

4.0 Relevant Planning History

4.1 081555 – Change of use from A2 to A3/A4 and alterations. Withdrawn.

4.2 081552 – Change of use from A2 to A3/A4 and alterations. Withdrawn.

4.3 080904 – Change of use from A2 to A3/A4 and alterations. Withdrawn.

5.0 Principal Policies

5.1 Adopted Review Borough Local Plan
DC1 – Development Control considerations
UEA2 – Building within Conservation Areas
UEA3 – Demolitions within Conservation Areas
UEA5 – Altering Listed Buildings
UEA11 – Design
UEA13 – Development
TCS10 – Proposal's for Leisure, Entertainment and Food and Drink Uses.

5.2 Adopted Core Strategy
SD1 – Sustainable Development Locations
UR2 – Built Design and Character
CE2 – Mixed Use Centres
CE2a – Town Centre
ENV1 - Environment

5.3 East of England Plan
ENV6 - Historic

5.4 Planning Policy Statement 1
Planning Policy Statement 6
Planning Policy Guidance 15

5.0 Consultations

5.1 English Heritage comments as follows:-

Do not want to comment in detail but offer the following general observations which state that the Council should consider whether the proposed losses of some of the historic fabric are necessary to the success of the scheme and whether what is proposed is the optimum viable use to which reference is made within PPG15.

5.2 Design and Heritage Unit comments as follows:-

No objections subject to conditions.

6.0 Representations

6.1 Three letters of objection have been received to both this application and application 090700, which includes one from the Civic Society. Their objections are summarised as follows:

- Loss of historic fabric and design.
- There are enough bars, restaurants clubs in Colchester, which has affected her trade.
- Already enough drinks lorries damaging and blocking Church Street.

- 6.2 The Civic Society has objected stating that they would not object to a restaurant but do not wish to see the premises used as a drinking establishment. There are already four large drinking establishments nearby and one smaller one. Dual use could easily slip into sole use and the Council does not appear to have the resources or inclination to monitor joint use effectively. This in an area with sheltered housing close by and further drinking establishments would be to the detriment of the quality of life of residents. If change of use is to be permitted there should be binding undertakings required in respect of the availability of food, hours of operations and absence of live music.

7.0 Report

Introduction

- 7.1 The main considerations within this application is the impact of the proposal on the historic fabric of the listed building, its setting and the impact on the character and appearance of the Conservation Area. Objections relating to the change of use have been included within the report for application 090700 and are not material planning considerations for a Listed Building Consent Application.

Appraisal

- 7.2 The main consideration is the desirability of the proposed changes in enhancing the existing building and preserving its historic integrity. Policies DC1, UEA2, UEA5 and UEA11 are relevant to this application. Planning Policy Statement 1 (2005) and Planning Policy Guidance 15 (1994) also provide direction. Planning Policy Guidance 15 (1994) states that development proposals will not harm the historic fabric or character/setting of a listed building. In addition proposals which do not enhance or preserve the character and appearance of a conservation area will not be permitted.
- 7.3 The above mentioned policies seek to protect and enhance the integrity of listed buildings and ensure that the alterations respect and preserve the character of the building and the surrounding streetscene. PPG15 states that particular attention should be given to the physical features of the building, including features of design and materials that may be intrinsic to its listing. Section 16 of PPG15 states that planning authorities should have “special regard to the desirability of preserving the building and any special architectural or historic interest, which it possess”. PPG15 also adds that proposals should be sensitive alterations and that even seemingly minor works can be destructive to a buildings character.
- 7.4 3 Church Walk dates from the mid C19 and has a gault brick front façade with side walls in red brick. The building is designed in a classical style with a central regimented bay flanked by recessed wings. To the rear of the building is a modern extension of no architectural merit. Internally the building has been altered but still retains many original features. The building is listed grade II for its special architectural or historic interest and is situated within town centre conservation area.
- 7.5 The current application proposes the demolition and rebuilding of the rear extension and internal alterations to facilitate the re-use of this building as a bar / restaurant (A3/A4).

- 7.6 The main conservation issues raised by this application is the effect that the proposed development would have on the special interest of this grade II listed building and the character and appearance of this part of Colchester Conservation Area No.1
- 7.7 When assessing proposals for the change of use of a building, it is necessary to consider the economic viability of possible uses against the effect of any changes they entail in the special architectural and historic interest of the building. In principle, the aim should be to identify the optimum viable use that is compatible with the fabric, interior and setting of the historic building. Alterations to listed buildings must be based on a proper understanding of the structure; modern extensions should not dominate the existing building in either scale, material or situation and new works should be fitted to the old to ensure the survival of as much historic fabric as possible – old work should not a scarified to accommodate new.
- 7.8 As previously stated, the existing rear extension is not considered to be of special interest and is considered to have a detrimental impact on the character and appearance of the surrounding area. The proposed replacement extension represents a considerable improvement on the existing. It is however important to ensure that the detailing of the new extension is appropriate; conditions are to be attached regarding brickwork (type, bond, mortar, joint profile), window cills, arches, recesses etc, should match the original detailing of the historic building; details of string course, eaves, rain water goods, roof materials etc will all need to be agreed.
- 7.9 Regarding the proposed internal works, the reinstatement of the staircase to its original alignment is welcomed; a condition will need to be attached to ensure that its detailing etc is satisfactory. In the main, the proposed internal layout appears to work with historic fabric reusing existing openings / removing modern partitions etc. This approach is welcomed. The Design Officer has no objection subject to the following changes:-
- The formation of new doorways in the position of the window opening to the rear of the original building requires further assessment. Advise that these openings are subject to a condition, that requires the opening up of the fabric and, if the original windows / shuttering remains in-situ, these feature are retained / restore - i.e. the consent for the proposed door opening should only be granted if no historic window fabric remains in these locations.
 - The existing door to the proposed first floor lounge should be retained and reused rather than being re positioned as currently proposed.
 - The size of the proposed opening between the lounge and the ante room on the first floor should be reduced. Cross section drawings of the proposed opening will also need to be submitted.
 - No part of the extract equipment should be visible externally.
- 7.10 That these issues can be satisfactorily resolved by suitably worded conditions attached to the listed building consent application.
- 7.11 Therefore, no objections are raised in terms of the proposal in terms of its design, impact on the character of the Conservation Area and the Grade II listed building.

Other Considerations

- 7.12 One objection related to the impact of the works to the historic fabric of the building. This has already been considered within the report.

8.0 Conclusion

- 8.1 The proposed change of use is acceptable in principle in this edge of centre location. The alterations to the building are also acceptable subject to conditions.

9.0 Background Papers

- 9.1 ADRBLP; Core Strategy; East of England Plan; EH; DHU; NLR

Recommendation - Listed Building Consent

Conditions

- 1 - A1.6 LBs & Con Area Consents-time lim for comm of development

The works to which this consent relates shall be begun before the expiration of three years from the date of this consent.

Reason: In order to comply with the requirements of Section 18(1) of the Planning (Listed Buildings & Conservation Areas) Act 1990, as amended by the Planning & Compulsory Purchase Act 2004.

- 2 - Non-Standard Condition

Samples of all materials to be used in the external construction and finishes of all parts of the proposed development, shall be selected from the local range of traditional vernacular building and finishing materials and shall be submitted to and agreed in writing by the Local Planning Authority before the development commences. The development shall be implemented in accordance with agreed details

Reason: To ensure that the special architectural and historic character of the Grade II listed building and its setting is safeguarded and that it contributes to the character and appearance of conservation area.

- 3 - Non-Standard Condition

Prior to the commencement of the development, full details of all new brickwork, including the bond, mortar mix and joint profile shall be submitted to and agreed in writing by the Local Planning Authority. The development shall be constructed in accordance with the agreed details.

Reason: To ensure that the special architectural and historic character of the Grade II listed building and its setting is safeguarded and that it contributes to the character and appearance of conservation area.

4 - Non-Standard Condition

Additional drawings that show details of proposed new windows, doors, eaves, recesses, verges and cills to be used, by section and elevation, at scales of between 1:20 and 1:1 as appropriate, shall be submitted to and approved by the local planning authority in writing, prior to commencement of any works. The development shall be implemented in accordance with the approved additional drawings.

Reason: To ensure that the special architectural and historic character of the Grade II listed building and its setting is safeguarded and that it contributes to the character and appearance of conservation area.

5 - Non-Standard Condition

All external rainwater goods and other pipes shall be of a similar design to the existing and shall be formed in cast iron or cast aluminium] and shall be finished in black oil based paint.

Reason: To ensure that the special architectural and historic character of the Grade II listed building and its setting is safeguarded and that it contributes to the character and appearance of conservation area.

Informatives

The applicant's attention is drawn to the requirement for listed building consent to be obtained for any of the following works which do not form part of this application or permission.

Fixing electricity gas or water meter boxes.

Fixing satellite dishes or other aerials.

Fixing burglar alarm systems or video security.

Installation of central heating or boiler flues. Installation of secondary double glazing.

Replacement of fixed floor surfaces.



Planning Committee

Item

8

6 August 2009

Report of	Head of Environmental and Protective Services	Author	Sarah Hayes ☎ 01206 282445
Title	Buffalo Tradings, 12 Barrack Street, Colchester		
Wards affected	New Town		

This report concerns the installation of external shutters and housing at a shop at 12 Barrack Street

1.0 Decision(s) Required

- 1.1 Members are requested to authorise the service of an enforcement notice requiring the removal of the shutters at 12 Barrack Street, with a compliance period of three months.

2.0 Reasons for Decision

- 2.1 The shutters are of a poor boxy appearance, and the security shutter itself, which is of a perforated design, is both visually unacceptable and also presents a 'deadening' appearance when fully operational in the streetscene. Policy DC1(b) of the Adopted Review Colchester Borough Local Plan requires that development will be well designed, having regard to local building traditions. These shutters appear incongruous and are contrary to the aims of this policy. It is therefore considered expedient to take enforcement action.

3.0 Alternative Options

- 3.1 If no action is taken, after a period of four years, the development will become lawful and no action could be taken. The shutters have been installed for between two and three years, so would become lawful in less than two years time.

4.0 Supporting Information

- 4.1 In January 2008 a complaint was received that two businesses had installed roller shutters near the Wimpole Road/Magdalen Street crossroads. The complainant said:

"In my opinion these types of shutters are out of keeping with the area and the council's plans for regeneration of the area down to the Hythe. They make the street more intimidating, particularly after dark, and while it is only a couple of businesses at the moment, if others were to follow suit, I feel that it would make the street as a whole a more unpleasant place to be at night. If you visit any street in the suburbs of London or any other Town or City you will understand how these shutters make the streets seem more closed in and give a general feeling that the area is unsafe.

Other businesses on Barrack Street have got open type grills which, while providing

additional security, still allow a view inside the shop, it is the blocking of this entirely that has the effect of closing in of the street for pedestrians.”

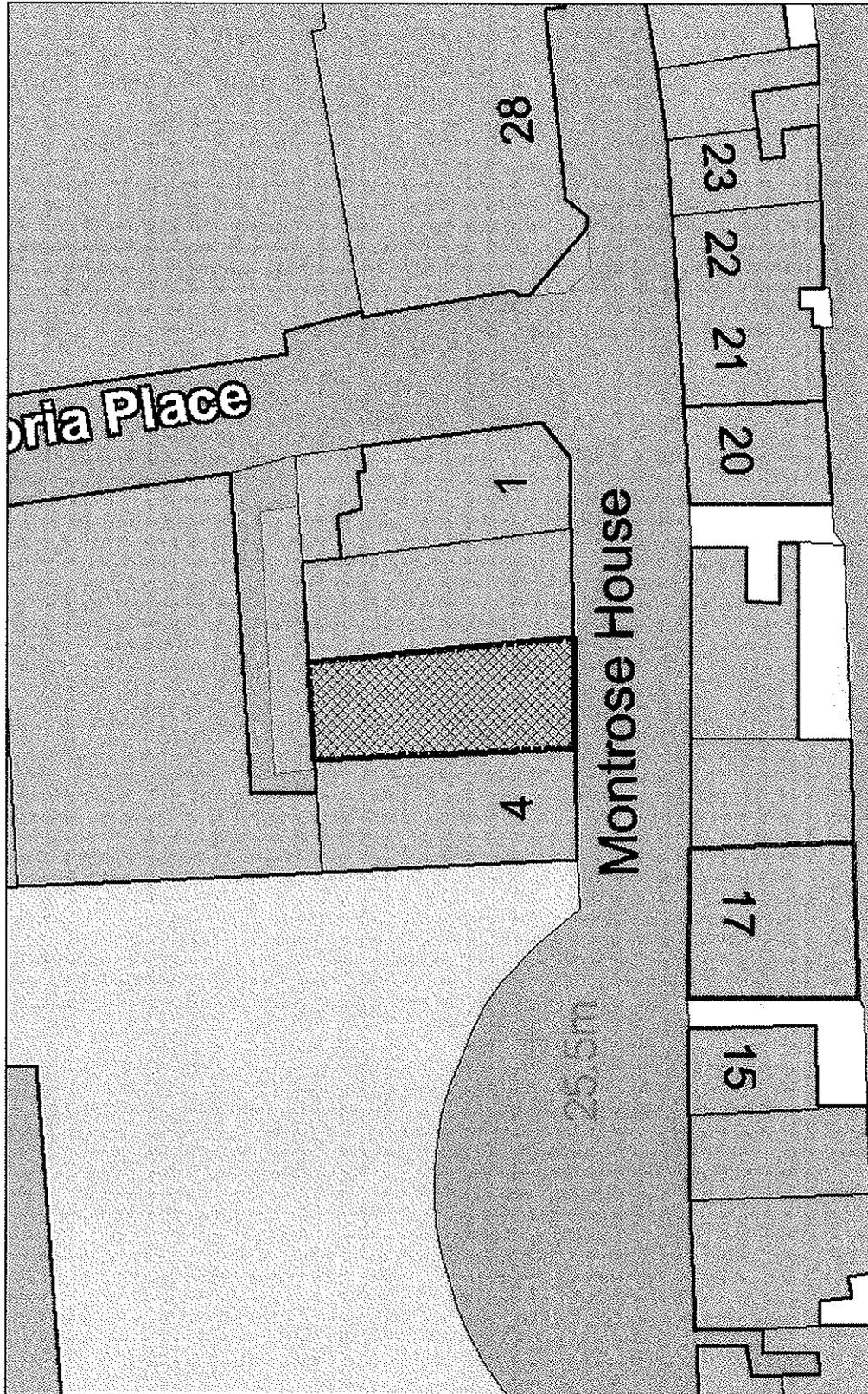
- 4.2 The details of this complaint echo government advice that solid shutters can result in a dead appearance and a hostile atmosphere.
- 4.3 Three local businesses were visited. One business had installed open mesh shutters with a slim housing. These shutters were considered appropriate in this location and an application was requested, which was submitted and approved. The second owner was not co-operative and Members may recall approving enforcement action to have the shutters removed. A notice was served and has now been complied with.
- 4.4 The third property is the subject of this report. The owner of the business agreed to install more appropriate shutters and government guidance is that it would not be appropriate to take enforcement action under these circumstances. Advice and assistance was provided both concerning the design of shutters and in completing the planning application form.
- 4.5 Seventeen months have elapsed since contact was first made with the shopkeeper and no further progress has been made. It is considered that this matter has stalled and it is now expedient to taken enforcement action.

5.0 Proposals

- 5.1 Members authorise the issue of an enforcement notice requiring the shutters to be removed.
- 5.2 Three months is considered a reasonable period of time to allow the removal of the shutters. This would allow time for an application to be submitted and determined following the service of the notice, or to install alternative security which does not require planning permission.

6.0 Strategic Plan References

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



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Site Location Address: 3 Montrose House, Eld Lane, Colchester



Planning Committee

Item
9

6 August 2009

Report of	Head of Environmental and Protective Services	Author	Sarah Hayes ☎ 01206 282445
Title	Hip Hop Heaven, 3 Montrose House, Eld Lane, Colchester		
Wards affected	Castle		

This report concerns installation of external shutters and housing at a shop in Eld Lane, Colchester

1.0 Decision(s) Required

- 1.1 Members are requested to authorise the service of an enforcement notice requiring the removal of the shutters and housing at 3 Montrose House, with a compliance period of three months.

2.0 Reasons for Decision

- 2.1 Within the Adopted Review Colchester Borough Local Plan, March 2004, policies UEA1 and UEA 2 state that Conservation Areas will be given special protection from development considered detrimental to their settings. In the case of a shop front, it should be of a high standard of design relating sympathetically to the character of the building and surrounding area. Materials should be sympathetic with the particular character of the area. Policy DC1(b) requires that development be well designed, having regard to local building traditions.
- 2.2 Policy UR2 of the Local Development Framework Core Strategy promotes high quality design and amongst other things provides natural surveillance to design out crime. The security shutter itself, which is of a perforated design will present a 'deadening' appearance when fully operational and prevent the benefit of passive surveillance to help prevent crime.
- 2.2 The Council have a duty to preserve or enhance the character of conservation areas.
- 2.3 Montrose House is a modern building in Colchester Conservation Area No 1. The ground floor units have well detailed shop windows with arched fascias. The shutter housing is of a poor boxy appearance. It is not designed for this building and cuts across this fascia. The overall design and appearance of the shutter, therefore, whether in operation or not, presents as an unduly obtrusive and unattractive feature out of keeping with the historic character and setting of the Conservation Area and contrary to the policies set out above. In such a location any alterations to shopfronts require high standards of design using traditional materials and finishes sympathetic to the historic character of the area.
- 2.4 For the above reasons it is considered it is expedient to take enforcement action.

3.0 Alternative Options

- 3.1 If no action is taken, after a period of four years, the development will become lawful and no action could be taken. The shutters have been installed since November 2007 and so would become lawful in a little over two years time.

4.0 Supporting Information

- 4.1 A complaint about the shutters was received in August 2008 at a time when investigations were being carried out into shutters installed at various premises, particularly in Colchester Conservation Area No. 1. The proprietor was advised that the shutters required planning permission, but this was unlikely to be granted. Advice was given on alternative security measures which would not require planning permission.
- 4.2 The proprietor advised that he considered replacing the shutters with removable grilles, which would not require planning permission, but following a period vandalism and an attempted break-in, decided to submit a planning application to retain the existing shutters.
- 4.3 In February 2009, planning application reference 090181, to retain the existing shutters was submitted. This was refused on 1 April 2009. The reason for refusal given is:

“The solid security shutter is an incongruous element on the building, concealing one of the shop windows which is an important, integral part of Montrose House, and forming a forbidding element in this narrow street, This is unacceptable in the street-scene of Eld Lane and the wider Colchester Conservation Area 1, and is contrary to policies DC1 (b), UEA1 and UEA2 of Adopted Review Colchester Borough Local Plan- March 2004 which seek to ensure that developments are well-designed and based on a proper assessment of the surrounding built environment, and to prevent developments which are detrimental to the character and appearance of the conservation area.”

- 4.4 No appeal has been received at the time of writing this report, although the period for submitting an appeal does not expire until 1 October 2009. If authority was given for enforcement action to be taken, an appeal against the enforcement notice could be run in with the planning appeal. Alternatively an appeal on ground (a) that planning permission should be granted, could be made against the enforcement notice.

5.0 Recommendation

- 5.1 Members authorise the issue of an enforcement notice requiring the shutters to be removed. It is considered that three months is a reasonable period of time to allow the removal of the shutters. It would allow alternative security which does not require planning permission to be installed.

6.0 Standard References

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

INDEX TO PLANNING APPLICATIONS CODES

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

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

INTERNAL CONSULTEES

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

REPRESENTATIONS ETC

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

EXTERNAL CONSULTEES (2 character codes)

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