

Planning Committee Meeting

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

Thursday, 05 January 2017 at 18:00

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

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

Information for Members of the Public

Access to information and meetings

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

Have Your Say!

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

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

Access

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

Facilities

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

Evacuation Procedures

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www.colchester.gov.uk

Material Planning Considerations

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

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

The following approach should be taken in all planning decisions:

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

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

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

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

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

The above list is not exhaustive

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

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

- matters specifically controlled through other legislation

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

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

Planning Obligations

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

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

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

Human Rights, Community Safety and Equality and Diversity Implications

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

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

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

Using Planning Conditions or Refusing Planning Applications

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

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

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

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

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

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

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

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



Colchester Borough Council Development Management

Highway Safety Issues

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

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

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

Parking Standards

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

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

For residential schemes:

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

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



Colchester Borough Council Environmental Control

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

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

Best Practice for Construction Sites

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

Noise Control

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

Emission Control

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

Best Practice for Demolition Sites

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

Noise Control

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

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

Emission Control

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

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

Class A1. Shops

Use for all or any of the following purposes—

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

Class A2. Financial and professional services

Use for the provision of —

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

Class A3. Restaurants and cafes

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

Class A4. Drinking establishments

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

Class A5. Hot food takeaways

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

Class B1. Business

Use for all or any of the following purposes—

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

Class B2. General industrial

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

Class B8. Storage or distribution

Use for storage or as a distribution centre.

Class C1. Hotels

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

Class C2. Residential institutions

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

Use as a hospital or nursing home.

Use as a residential school, college or training centre.

Class C2A. Secure residential institutions

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

Class C3. Dwellinghouses

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

(a) a single person or by people to be regarded as forming a single household;

(b) not more than six residents living together as a single household where care is provided for residents; or

(c) not more than six residents living together as a single household where no care is provided to residents (other than a use within Class C4).

Class C4. Houses in multiple occupation

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

Class D1. Non-residential institutions

Any use not including a residential use —

(a) for the provision of any medical or health services except the use of premises attached to the residence of the consultant or practitioner,

(b) as a crèche, day nursery or day centre,

(c) for the provision of education,

(d) for the display of works of art (otherwise than for sale or hire),

(e) as a museum,

(f) as a public library or public reading room,

(g) as a public hall or exhibition hall,

(h) for, or in connection with, public worship or religious instruction, (i) as a law court.

Class D2. Assembly and leisure

Use as —

(a) a cinema,

(b) a concert hall, (c) a bingo hall or casino,

(d) a dance hall,

(e) a swimming bath, skating rink, gymnasium or area for other indoor or outdoor sports or recreations, not involving motorised vehicles or firearms.

Sui Generis Uses

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

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

Interpretation of Class C3

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

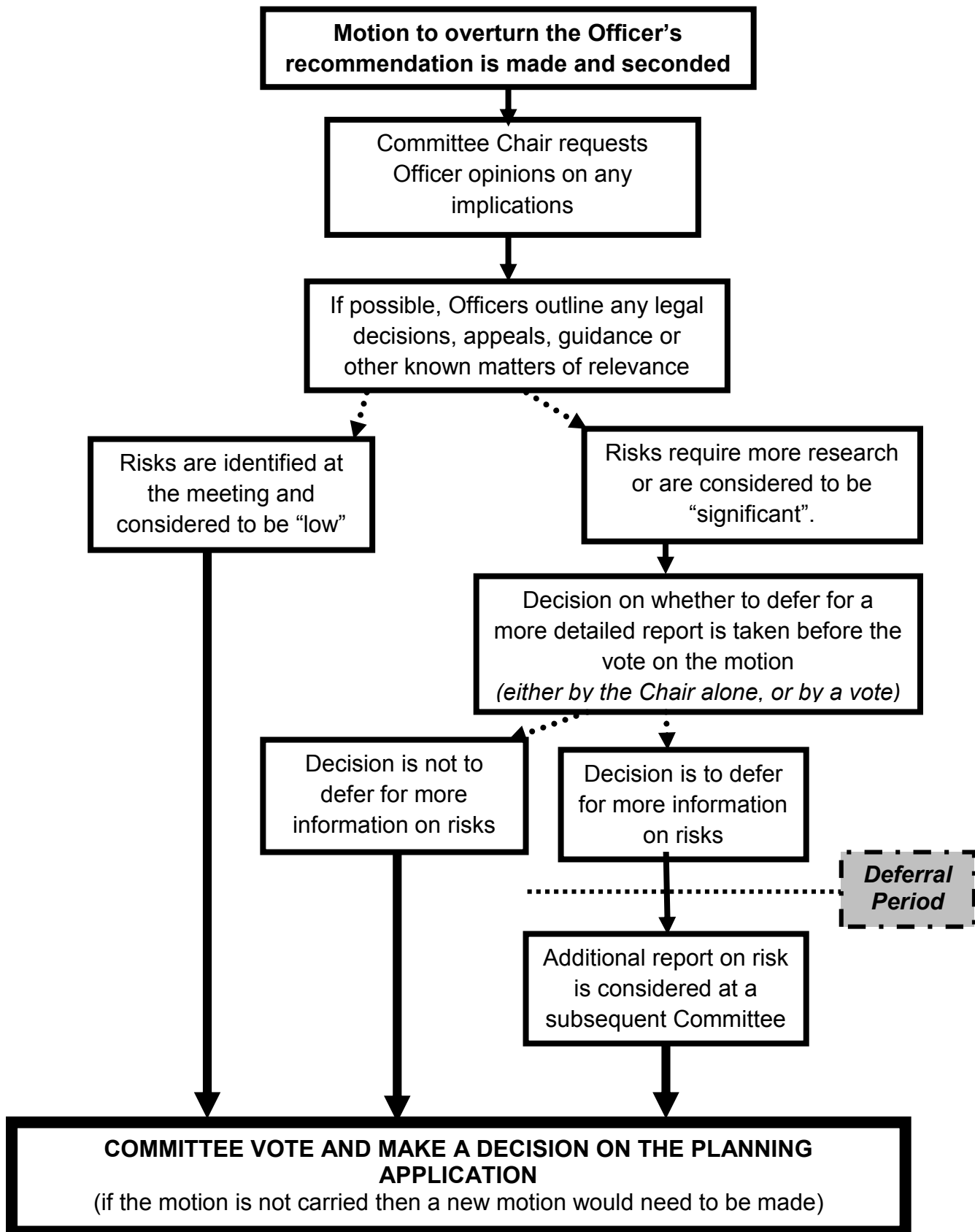
Interpretation of Class C4

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

Deferral and Recommendation Overturn Procedure (DROP) Flowchart

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

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



COLCHESTER BOROUGH COUNCIL
Planning Committee
Thursday, 05 January 2017 at 18:00

Member:

Councillor Theresa Higgins
Councillor Cyril Liddy
Councillor Lyn Barton
Councillor Helen Chuah
Councillor Pauline Hazell
Councillor Brian Jarvis
Councillor Derek Loveland
Councillor Jackie Maclean
Councillor Philip Oxford
Councillor Rosalind Scott

Chairman
Deputy Chairman

Substitues:

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

Councillors Christopher Arnold, Tina Bourne, Roger Buston, Karen Chaplin, Nigel Chapman, Peter Chillingworth, Phil Coleman, Nick Cope, Robert Davidson, Beverly Davies, John Elliott, Annie Feltham, Adam Fox, Martin Goss, Dominic Graham, Dave Harris, Darius Laws, Mike Lilley, Sue Lissimore, Fiona Maclean, Patricia Moore, Gerard Oxford, Chris Pearson, Lee Scordis, Jessica Scott-Boutell, Lesley Scott-Boutell, Paul Smith, Martyn Warnes, Dennis Willetts, Julie Young and Tim Young.

AGENDA - Part A
(open to the public including the press)

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

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

1 Welcome and Announcements

- a) The Chairman to welcome members of the public and Councillors and to remind all speakers of the requirement for microphones to be used at all times.
- (b) At the Chairman's discretion, to announce information on:
 - action in the event of an emergency;
 - mobile phones switched to silent;

- the audio-recording of meetings;
- location of toilets;
- introduction of members of the meeting.

2 Have Your Say! (Planning)

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

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

3 Substitutions

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

4 Urgent Items

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

5 Declarations of Interest

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

- Where a Councillor has a disclosable pecuniary interest, other pecuniary interest or a non-pecuniary interest in any business of the authority and he/she is present at a meeting of the authority at which the business is considered, the Councillor must disclose to that meeting the existence and nature of that interest, whether or not such interest is registered on his/her register of Interests or if he/she has made a pending notification.
- If a Councillor has a disclosable pecuniary interest in a matter being considered at a meeting, he/she must not participate in any discussion or vote on the matter at the meeting. The Councillor must withdraw from the room where the meeting is being held unless he/she has received a dispensation from the Monitoring Officer.
- Where a Councillor has another pecuniary interest in a matter being considered at a meeting and where the interest is one which a member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice the Councillor's judgement of the public interest,

the Councillor must disclose the existence and nature of the interest and withdraw from the room where the meeting is being held unless he/she has received a dispensation from the Monitoring Officer.

- Failure to comply with the arrangements regarding disclosable pecuniary interests without reasonable excuse is a criminal offence, with a penalty of up to £5,000 and disqualification from office for up to 5 years.

6.1	Minutes of 17 November 2016	17 - 22
6.2	Minutes of 24 November 2016	23 - 28
6.3	Minutes of 1 December 2016	29 - 32

7 **Planning Applications**

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

7.1	162467 Rowhedge Wharf, Former Rowhedge Port, Rowhedge Variation of condition 2 of application 144693 for revised plans and elevations to Plots 89-108.	33 - 64
7.2	162969 West Stockwell Street, Colchester Application for removal or variation of condition 2 following grant of planning permission 161912.	65 - 72
7.3	162647 23 Belle Vue Road, Wivenhoe Proposed rear extension and front garden landscaping works.	73 - 80
7.4	162722 Southview, The Heath, Layer de la Haye, Colchester Proposed garden pavilion.	81 - 86
7.5	162872 3 Egret Crescent, Colchester Single storey side infill extension (retrospective).	87 - 94
7.6	162327 18 Gladstone Road, Colchester Proposed garage in location of existing car parking space (no change to highway access).	95 - 102

8 **Exclusion of the Public (not Scrutiny or Executive)**

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

Government Act 1972).

Part B

(not open to the public including the press)

Planning Committee

Thursday, 17 November 2016

Attendees: Councillor Helen Chuah, Councillor Pauline Hazell, Councillor Brian Jarvis, Councillor Cyril Liddy, Councillor Derek Loveland, Councillor Jackie Maclean, Councillor Philip Oxford, Councillor Rosalind Scott

Substitutes: Councillor Karen Chaplin (for Councillor Lyn Barton), Councillor Phil Coleman (for Councillor Theresa Higgins)

407 Site Visits

Councillors Chuah, Hazell, Jarvis, Liddy, Loveland, J. Maclean attended the site visits.

408 Minutes of 20 October 2016

The minutes of the meeting held on 20 October were confirmed as a correct record.

409 Minutes of 3 November 2016

The minutes of the meeting held on 20 October were confirmed as a correct record.

410 160623 Land at Cuckoo Farm West, Off United Way and Via Urbis Romanae, Colchester

The Committee considered a reserved matters application following outline planning permission O/COL/01/1622 for the erection of Use Class A3 restaurant units (10,400sq m), erection of Use Class C1 hotel (80 beds), provision of a landscaped piazza and associated landscaped areas, erection of an ancillary multi-storey car park and the provision of separate drop off/parking areas on land at Cuckoo Farm West, off United Way and Via Urbis Romanae, Colchester. The application had been referred to the Committee because it was a major reserved matters application that had given rise to material planning objections. The Committee had before it a report and amendment sheet in which all the information was set out. The Committee made a site visit in order to assess the impact of the proposals upon the locality and the suitability of the proposals for the site.

Bradly Heffer, Principal Planning Officer, presented the report and, together with Simon Cairns, Major Developments and Projects Manager and Martin Mason, Essex County Council Strategic Development Engineer, assisted the Committee in its deliberations. He

explained that a further representation had been received from the owners of the Odeon Cinema, however, the proposals for an out of town cinema were part of a separate application to be considered by the Committee at a subsequent meeting. He further explained that Cushman and Wakefield Consultants were of the opinion that the two applications should be considered together but the Council had also been advised that there was no reason not to bring forward the applications separately. He also confirmed that members of the Committee had each received a letter from the applicants, Turnstone Estates.

Alistair Ingram, on behalf of the Barton Willmore for the Tollgate Partnership, addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in opposition to the application. He was of the view that the application was not complete and therefore was not viable for the Committee to give consideration to it. He was aware that there was an aspiration to include a cinema within the site and, as such, the proposal was incomplete. Given the fact that outline permission had been granted 10 years previously, it would be logical for the Committee to take a view on the undeveloped area in the middle of the site. He did not consider the scheme to be currently acceptable in anticipation of a wider application and urged the Committee not to approve it.

Chris Goldsmith on behalf of Turnstone Estates, addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in support of the application. He provided background context to the reserved matters application to development a new Quarter in Colchester. He was of the view that the application was the start of an exciting process which would secure a hotel, leisure, parking, open space and he was confident that an out of town cinema would be incorporated later. He confirmed that the proposals were ambitious and the elegant buildings proposed would set Colchester apart. He highlighted the location of the car parking spaces behind the buildings and the inclusion of proper public realm spaces which were of real quality and distinctive. He confirmed that retail was not part of the vision for the site which was intended to deliver an exciting leisure development for the town.

Whilst some members of the Committee questioned the consideration of the application without the inclusion of the cinema proposals, the quality and sustainability of the designs were generally welcomed. Further clarification was sought in relation to the potential impact on existing traffic congestion, the free flow of traffic in the area generally, access from the A12 at junction 28 and in relation to the provision of a pedestrian access from the site to the opposite side of United Way.

In response to comments raised, the Principal Planning Officer reiterated that there was no reason not to consider this application ahead of the application for a cinema and that the proposals did not include retail development. He also confirmed the cycle path proposals included provision for lighting along its entire route, the car park would consist of three storeys and a condition had been proposed to protect the use class allocation of

buildings on the site.

The Strategic Development Engineer confirmed that the Highway Authority was satisfied with the car parking arrangements for the site as well as the relationship with junction 28 to the A12. In addition Highways England had raised no objections in its capacity as responsible authority for trunk roads. He explained that negotiations were continuing with the applicant in relation to the package of highway improvements for the area however these would not be concluded until the full application was presented to the Committee. He acknowledged the benefit for pedestrians of providing a crossing at United Way but explained that all road users needed to be considered and the introduction of a crossing would require a full assessment in order to ensure highway safety criteria were met. He also confirmed that the highway authority were working closely with the local police to resolve the problems associated with on street parking in the area and it was likely that appropriate traffic regulation orders would need to be considered for this development to prevent similar parking issues. He went on to explain that parking accumulation studies had been submitted with the application to assess peak demand for parking together with experience obtained from developments elsewhere and an informed understanding of what works well in practice.

Members of the Committee welcomed the clarification provided about the highway issues but were of the very strong view that the proposal required the provision of a safe means of crossing United Way by pedestrians.

The Major Developments and Projects Manager acknowledged the concerns expressed by the members of the Committee in relation to pedestrian access across United Way and confirmed that it would therefore be appropriate to seek the positive consideration of the provision of a crossing or traffic calming measures to achieve a satisfactory means to deliver this. He also confirmed that, whilst the Section 106 contributions from the developer had already been agreed and could not therefore be amended, the enhanced pedestrian access would be subject to a Section 278 Highways Agreement at the cost of the developer.

RESOLVED (UNANIMOUSLY) that the application be approved subject to the conditions set out in the report and the amendment sheet and an additional condition requiring details of a pedestrian crossing of United Way to be agreed prior to commencement and implemented prior to initial beneficial occupation of the development.

411 162432 Eastwood Service Station, Ipswich Road, Colchester

The Committee considered an application for the installation of advertisements at Eastwood Service Station, Ipswich Road, Colchester. The application had been referred to the Committee because it had been called in by Councillor Gerard Oxford. The Committee had before it a report and amendment sheet of the in which all the information was set out. The Committee made a site visit in order to assess the impact

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

James Ryan, Principal Planning Officer, presented the report and, together with Simon Cairns, Major Developments and Projects Manager, assisted the Committee in its deliberations.

Douglas Fleming addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in opposition to the application. He considered that the public amenity of the neighbourhood and the previous comments of a Planning Inspector had been disregarded. He was of the view that public safety requirements had been overlooked, was concerned that illuminated price signs were being added which hadn't been included before and he referred to enforcement action which had been taken to remove illegal signs in the past. He considered that the advertisements, which would be a permanent feature for residents, would be very prominent without the need for illumination. He was also disappointed that this was the fourth application which had been submitted in close succession which was becoming difficult to cope with. Mr Fleming also submitted a petition opposing the application for signage at the site and requesting the Committee to refuse the application.

Hannah Thomas-Davies addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in support of the application. She explained that this application for signage was one which followed from the recent grant of planning permission for the site. She was grateful that the officer had recommended the proposals for approval as this had followed detailed working up of a design scheme with residents being fully consulted and meetings arranged to discuss matters of concern. These had prompted revisions to the designs in response to residents' comments such as the removal of a flank wall and canopy signage designed without illumination. In addition, the totem sign had been amended so that it was only partially illuminated to protect the visual amenity of residents. She further commented that the Highway Authority had raised no objections in relation to safety.

The Principal Planning Officer acknowledged that the objectors were not happy with the proposals but many other filling stations had been granted permission for much greater illumination, as such, the application was not considered to be visually harmful and was a reasonable one. He also confirmed that it was not possible for signage to form part of general planning applications and, as such, had to be submitted as a separate application in its own right.

One member of the Committee sought clarification regarding the recent removal of trees at the site and the extent of illumination in this restricted location. Members of the Committee were of the view that the application accorded with all necessary planning policies.

Other members of the Committee considered that the applicants had been respectful of

the local residents in that the illumination elements of the application had been reduced and were only in operation whilst the filling station was trading and the site had been cleaned up considerably

RESOLVED (SEVEN voted FOR, ONE voted AGAINST and TWO ABSTAINED) that the application be approved subject to the conditions set out in the report and the amendment sheet.

412 162426 7 Gunfleet Close, West Mersea, Colchester

The Committee considered an application for a single storey extension to the front of the house, resubmission of 161426 at 7 Gunfleet Close, West Mersea, Colchester. The application had been referred to the Committee because the applicant was a member of staff. The Committee had before it a report in which all the information was set out.

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

413 Tree Preservation Order - Lisle Road / Hyderabad Close / Brigade Close, Colchester

The Committee considered a report by the Head of Commercial Services giving details of a Tree Preservation Order to protect six Copper Beech, four Beech, seven Norway Maple and one Sycamore within the rear gardens of Hyderabad Close and Brigade Grove, Colchester and within the public open space between the two roads and previously marked the boundary of Hyderabad Barracks. The application had been referred to the Committee because an objection had been received regarding the confirmation of the Order.

Liam McKarry, Arboricultural Officer, presented the report and assisted members in their discussions. He explained that the trees were thought to be over 100 years old, formed a pleasant back drop to the new development adding age, differing texture and colour to the development now in place and provided a pleasant screen between Lisle Road and the new development. Some of the trees individually were of limited value but, given their age and size, were considered to be of high value as a group.

Gary McMurray addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in opposition to the recommendation in the report. He explained that he was making representations on behalf of his daughter and son in law whose garden contained one of the trees the subject of the Tree Preservation Order. He explained that the inclusion of the tree in his family's back garden had caused them considerable concern, referring to an enquiry made in 2014 by his family members to the Council about the status of the tree. He alleged that they had been informed at that time

that it would be possible for the tree to be removed. He considered the inclusion of the tree in the Tree Preservation Order was a subjective decision as individually the tree had little value and it was not possible to get an adequate view of it from outside the garden. He explained that the tree totally dominated the garden in which it was growing and, on behalf of his family, he sought its removal from the Order being proposed.

The Arboricultural Officer confirmed that the Tree Preservation Order had been made and served correctly and in accordance with the legislation. He considered that there were numerous points from which most of the trees included in the proposed Order could be observed and reiterated their value in terms of age and screening. He confirmed that the existence of a Tree Preservation Order would not prevent future management of the trees, particularly in circumstances when they may become dangerous.

Members of the Committee considered it was desirable to protect trees so far as was possible, particularly those which were old and long established and were of the view that the trees, as a group, enhanced the character of the area

RESOLVED (UNANIMOUSLY) that Tree Preservation Order No 02/16 be confirmed.

Planning Committee

Thursday, 24 November 2016

Attendees: Councillor Lyn Barton, Councillor Helen Chuah, Councillor Pauline Hazell, Councillor Theresa Higgins, Councillor Brian Jarvis, Councillor Cyril Liddy, Councillor Derek Loveland, Councillor Jackie Maclean, Councillor Philip Oxford

Substitutes: Councillor Chris Pearson (for Councillor Rosalind Scott)

414 Site Visits

Councillors Barton, Chuah, Hazell, Higgins, Jarvis, Liddy, Loveland and J. Maclean attended the site visit.

415 160868 Tollgate Village, Land north and south of Tollgate West, Stanway

The Committee considered an outline application for mixed-use development comprising leisure uses (use class D2) including a cinema and retail (use classes A1, A2, A3, A4 and A5), with associated parking including a multi-storey car park, public realm improvements, access, highways, landscaping and associated works (Re submission) at land north and south of Tollgate West, Stanway. The application had been referred to the Committee because it was a significant departure from the Adopted Development Plan, the recommendation was for refusal, the application included a Section 106 Agreement, an identical application (reference 150239) was subject to an appeal and considerations in the report may have relevance to the Council's case at appeal, the previous application had proved highly controversial, it raised the issue of prematurity in the context of the current Local Plan process and the proposal fell within the category of development which could require referral to the Secretary of State. The Committee had before it a report and amendment sheet in which all the information was set out. The Committee made a site visit in order to assess the impact of the proposals upon the locality and the suitability of the proposals for the site.

Vincent Pearce, Major Developments Specialist, presented the report and, together with Simon Cairns, Major Developments and Planning Projects Manager, and Karen Syrett, Place Strategy Manager, assisted the Committee in its deliberations.

The Chairman reported that a letter of representation had been received from Priti Patel MP. The Chairman further indicated her displeasure that the representation had not been submitted until immediately prior to commencement of the meeting. The letter was

in support of the application on the following grounds:

- Jobs and growth were welcomed;
- Loss of employment land had been acknowledged as a non-substantive reason for the refusal of the application and had been withdrawn;
- Harm to the retail hierarchy and failure to satisfy the sequential test was not evidenced;
- Harm to planned investment in the town centre had not been substantiated;
- The Tollgate Village proposal complements the town centre;
- Tollgate Village would attract retail spend that would otherwise be lost to competing centres;
- The risks of harm had been exaggerated;
- A refusal of the application would send out a message that Colchester was closed to business.

Alistair Ingram, on behalf of Tollgate Partnership, addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in opposition to the application. He referred to the unprecedented level of public support given to the application which he considered was unsurprising, given the benefits the proposals would deliver including investment, leisure facilities, jobs, and highway improvements. He considered that arguments against the application on the basis of prematurity were unfounded and he welcomed the Council's recommendation to withdraw the loss of employment land grounds for refusal of the previous application. He also referred to the change in retail consultants being used by the Council in the assessment of the application which had led to a new reason for refusal being put forward. He referred to the sequential test arguments made against the application whilst, by comparison the, the consideration of the forthcoming Northern Gateway application had been deemed to meet the sequential test. He was of the view that inconsistent advice was being given to the Committee members by its officers and he advocated approval of the application in order to give the public what they wanted.

Daniel Watts, on behalf of Tollgate Partnership, addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in opposition to the application. He acknowledged that the Committee members may be wary of determining applications contrary to officers' advice but he considered that the officers' advice in relation to the Stane Park application had been shown, at appeal, to be incorrect and, as such, could not be relied upon. He referred to the strong support from residents for the application, the many jobs which would be created, additional investment, the ability to retain consumer spending in Colchester and the attraction of visitors to the Borough. He referred to the alleged negative impact on the town centre and the Northern Gateway but he considered that the town had much to offer in terms of leisure, culture and history such that all these aspects should work together to enhance the town.

Marcus Harrington addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in opposition to the application. He was of the view that the

many benefits referred to within the proposals should be welcomed for the town. He aspired to Colchester being a beacon of excellence, he wanted the best for the town as a whole and considered the application to represent a fantastic opportunity. He was of the view that the Tollgate proposal and the town centre were mutually beneficial and that competition between the two would be good thing. He urged the Committee members to view the application favourably.

Councillor Bentley attended and, with the consent of the Chairman, addressed the Committee. He explained his concern regarding economic development. The applicants had been informed that their proposals were contrary to the Council's planning policies but he speculated as to whether the policies remained fit for purpose. He referred to the Garden Community proposals which would bring many more people to the area who would require more retail choices in the area. He acknowledged the quality of the town centre High Street but considered this was not the only answer. He questioned the cost of the consultants who had provided opinions not in support of the proposals but was of the view that forecasts into the future were very likely to be inaccurate. He agreed that the determination of the application would be an 'on balance' decision but he urges careful consideration bearing in mind what was best for Colchester in the future with increased numbers of people and cars and the need for additional places to shop. He referred to the opportunity to set the agenda for Colchester, for the wishes of large numbers of residents to be heeded and he urged the Committee members to approve the application.

Councillor Lissimore attended and, with the consent of the Chairman, addressed the Committee. She referred to the petition, signed by 2,269 people, which she had presented to the Committee when it considered the previous application. She reminded the Committee members of the additional comments which accompanied the petition, many of which were critical in terms of residents being listened to, the need for jobs to be considered, the impact on the town centre being exaggerated. She had offered to present the petition as she felt the consideration needed to be balanced and she wanted a full discussion of the merits of the proposal. She referred to the numbers of new houses being built in Stanway which she felt would be enough on their own to sustain the development. She regretted the numbers of residents who opted to travel to cinemas in Braintree and Ipswich. She did not consider there to be retail units of adequate size in the town centre to accommodate the proposals and, as such, there was not an alternative town centre location for the applicants to consider. She urges approval of the application for the sake of the residents of Stanway and the signatories of the petition.

Councillor F. Maclean attended and, with the consent of the Chairman, addressed the Committee. She was representing the residents of Stanway and Stanway Parish Council who both strongly supported the proposals. She considered the Council should be 100% behind the developers. Many new houses were being built in the area and these residents would need places to work and shop. The development would be well served by improved bus links. She considered the alleged negative impact on the town centre to

be guesswork and was of the view that both the town centre and the Tollgate Village application could be supported and promoted. She considered the town centre to be used as a selling point to highlight the town and considered it could be retained at the top of the retail hierarchy with residents continuing to travel there to shop. She was of the view that the Local Plan should not be used as a reason to refuse the application on the basis that it was similar to the application at Stane Park and may well be referred to an Inspector to determine at appeal. She referred to the recent approval of proposals at Northern Gateway and the possible perception of bias. She also highlighted the changes in the way people now shopped and urged the Committee members to bear in mind these changes and the need to move forward.

Councillor J. Scott-Boutell attended and, with the consent of the Chairman, addressed the Committee. She spoke on behalf of local residents who overwhelmingly wanted more shops in the area. She considered the Parish Plan continued to be relevant and was of the view that consideration needed to be given to the additional traffic generated as a result of the development. Residents had already expressed concerns about traffic congestion around Tollgate and, as a consequence, residential roads being used as short-cuts. She welcomed the inclusion of additional pedestrian crossings and the emphasis being placed more on pedestrians rather than cars. Some roads were also subject to on-street parking problems and questioned the capacity of the proposed multi-storey car park and whether it would be possible for it to be used on a long-term parking basis. She referred to the need for a balance between leisure and retail uses as well as business uses. She welcomed the inclusion in the proposed Section 106 Agreement of measures to address litter problems and sought an assurance regarding the security of the parking areas at night time.

Councillor L. Scott-Boutell attended and, with the consent of the Chairman, addressed the Committee. She welcomed the proposal and the associated investment in the area and, whilst acknowledging the outline nature of the application, she commented that no information was available as to who or what would be occupying the units. She supported the clarifications sought by Councillor Jessica Scott-Boutell and the need to ensure conditions were adequately enforced. She sought additional assurances regarding potential litter picking arrangements, confirmed the need for the local highway network to be of sufficient capacity to cope with additional traffic and suggested the imposition of an additional condition providing for future highway improvements at the expense of the applicants in the event of significant adverse traffic implications. She further sought agreement to an additional pedestrian crossing, agreement to a recruitment scheme to benefit local residents within walking distance of the development as well as adequate parking provision for drivers with disabilities.

In response to comments raised, the Major Developments Specialist confirmed that the evidence provided by Cushman and Wakefield, the Council's retail consultants, had confirmed that the application would not be considered complementary to town centre. He did not consider that the issues relating to Stane Park, which was for A3, A4 and A5

uses, were similar to Tollgate Village, which was predominantly for A1 use. He was of the view that it was important for the Committee to take a view on this application as it reinforced the ability of the Council to make the major strategic decisions affecting the borough as a whole. He explained that it was not within the authority of the Committee to require the applicants to enter into conditions to address matters which may occur in the future and, in any event, Essex County Council, as the Highway Authority, had provided comments as to what measures were considered to be necessary to make the proposals acceptable on highway grounds.

Some members of the Committee were of the view that the case to refuse the application had not been made adequately and that it was misleading to compare the proposed development with the town centre. Additionally, recent and future planned investments in the town centre were a reflection of its ongoing sustainability whilst the shopping experiences at Tollgate and in the town centre were very different, would complement each other and provide greater choice. Further, the extent of house building in Stanway needed to be matched with local jobs and retail facilities, particularly given the views expressed by many Stanway residents. The proposals represented an opportunity for considerable investment in the Stanway area, for the existing retail offering at Tollgate to be enhanced and should be supported

Other members of the Committee considered that the allocation of land within the Local Plan remained the overriding consideration and, whilst acknowledging the benefits to be derived from the application, in terms of jobs, highway improvements, enhanced bus services and retail choice, were of the view that the scale and size of the proposals were too great and would have a significant detrimental impact on the town centre and the need to protect it. Concern was also expressed regarding the impact of the development on local infrastructure, in particular, traffic congestion in the area whilst the views of residents in the Stanway area needed to be weighed against what was of greatest benefit for the Borough as a whole. Reference was also made to the emerging new Local Plan and the need to support this ongoing process.

RESOLVED (SIX voted FOR and FOUR voted AGAINST):

- (i) That the application be refused for the reasons set out in the report relating to conflict with retail hierarchy policy, urban district centre policy and the National Planning Policy Framework, prematurity and sustainable development and
- (ii) That the Head of Commercial Services be authorised to contact in writing as soon as is practically possible the Planning Inspectorate and the applicants/appellants, Tollgate Partnership, in respect of application reference 150239 to advise them that, at the forthcoming Public Inquiry set to commence on 10 January 2017, the Council :-
 - Is formally withdrawing the ground of refusal 1 (loss of employment land) from its decision and will not be defending that particular reason for refusal for the reasons described in this report and

- Is formally expanding its ground of refusal 2 (significant adverse impact on the Town Centre and retail hierarchy) and will now defend those additional aspects of significant adverse impact agreed in respect of application reference 160868 for the reasons described in this report and
- Will continue to defend reason for refusal 3 (prematurity) with wording amended to reflect ongoing progress with the Local Plan process and
- Will continue to defend reason for refusal 4 (sustainability).

Planning Committee

Thursday, 01 December 2016

Attendees: Councillor Helen Chuah, Councillor Pauline Hazell, Councillor Theresa Higgins, Councillor Brian Jarvis, Councillor Cyril Liddy, Councillor Derek Loveland, Councillor Jackie Maclean, Councillor Philip Oxford, Councillor Rosalind Scott

Substitutes: Councillor Nick Cope (for Councillor Lyn Barton)

416 162302 Land adjacent to Axial Way, Colchester

The Committee considered an application for residential development to provide 88 no. residential dwellings (Use Class C3), comprising 62 houses (2 - 2.5 storeys) and three buildings containing 26 apartments (3 to 4 storeys), associated car parking, cycle parking, public open space and pedestrian/cycle infrastructure, formation of pedestrian and cycle only link to public footpath 162302 land adjacent to axial way Colchester/bridleway and other associated works and improvements at land adjacent to Axial Way, Colchester. The application had been referred to the Committee because it was a major application, material planning objections have been received and a legal agreement was required. The Committee had before it a report and amendment sheet in which all the information was set out.

Sue Jackson, Principal Planning Officer, presented the report and, together with Simon Cairns, Major Developments and Planning Projects Manager, assisted the Committee in its deliberations.

Ian Morehouse, Managing Director of Flakt Woods, addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in opposition to the application. He explained that the Flakt Woods factory in Colchester had relocated from Tufnell Way about 10 years previously which had been undertaken in accordance with the land allocation set out in the Local Plan at that time. He confirmed that multiple meetings had taken place with the company, Persimmon Homes and the Council in the lead in to the consideration of this application. Of critical consideration for the company was its ability to respond flexibly to orders, to respond to short lead in times and to operate both late and early shifts, as necessary. He welcomed the improvements made to the application since the Committee's previous consideration but he remained concerned about the potential for future residents to find some aspects of the operation of the company unacceptable and, as such, the future vulnerability of the company to complaints which may jeopardise its viability. He remained of the view that the site was

not appropriate for residential development, nevertheless that an additional acoustic screen to address noise from the factory's waste management facility would be required if the application was implemented but that the cost be met by the developer. He was proud of the company's long standing connection with Colchester and regretted his inability to be supportive of the development.

David Moseley, on behalf of Persimmon Homes, addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in support of the application. He explained that the site had been allocated for residential development in the 2010 Local Plan which post-dated the relocation of the Flakt Woods factory. Following the Committee's previous consideration of the application the proposals had been reviewed in terms of layout and design. As a consequence, the application now included screening and measures to ensure both internal and external noise would be acceptable. The dwellings closest to the boundary with the factory would include windows located away from the factory so that noise levels would be acceptable when the windows were open and window vents would be provided to allow adequate ventilation when the windows were closed. The modelling which had been undertaken had demonstrated that the proposals would provide acceptable residential living amenity. He welcomed Councillor Goss' support for the revised proposals and that the application was recommended for approval and confirmed the intention for the holding objection to the refusal of the application to be withdrawn.

Some members of the Committee sought further clarification regarding the method of acoustic testing and, given the many significant revisions to the original application, questioned the justification for the previous recommendations that the noise levels would be acceptable.

In response to comments raised, the Principal Planning Officer explained that acoustic standard had a lower levels of acceptability at night time compared to the daytime, bearing in mind ambient noise levels, the acoustic assessments which had confirmed the acceptability of the noise levels on the application site had taken account of the operation of the waste management facility as well as other noisy operations, such as fork lift truck movements and fan testing. She also confirmed that the assessments had been undertaken at different times of day and at different heights across the site. She also explained that the acoustic standard did provide for a tolerance of 5 decibels in certain environmental circumstances.

Some members of the Committee continued to voice their concerns regarding the proximity of the residential development to the factory site, the noise tolerances deemed to be acceptable for the site and also questioned the location of a group of affordable housing units close to the boundary with the factory to act as an apparent barrier for the remainder of the site. Views were also expressed regarding the future negative impact on the operations of the Flakt Woods factory and the potential for future residents' complaints being used to restrict the viability of an established employer in the Borough.

The Major Developments and Planning Projects Manager explained that the acoustic assessment would have been required to take into account the contextual nature of the site, in that it was in a very urban environment, in close proximity to the A12 where the background noise levels are relatively high and the noise generated from the factory would generally not be discernible. He was of the view that a robust mitigation strategy had been formulated by the applicants in response to the Committee's concerns following the previous consideration of the proposals which delivered 100% compliance with the various standards required for the residential development of the site. He also confirmed that restrictions on the operation of the factory would only be able to be imposed if a statutory nuisance existed.

In the light of Committee members' continued concerns the Major Developments and Planning Projects Manager further reported that there may be potential to explore with the applicants the establishment of a mitigation fund from which claims could be made to cover the cost of additional measures which may be found to be needed following implementation of the proposals and to avoid adverse costs being incurred fully by Flakt Woods.

RESOLVED (UNANIMOUSLY) that consideration of the application be deferred to allow negotiations with the applicants to take place with a view to securing a mitigation fund to address any costs attributable to changes to the Flakt Woods factory operations potentially arising from possible noise complaints from future residents and to clarify the location of the proposed affordable housing units.

417 160825 Land at Cuckoo Farm West, Off United Way and Via Urbis Romanae, Colchester

Prior to the commencement of the meeting and following receipt of a late representation, consideration of the application was deferred to allow consideration of the matters raised.

418 162422 83 Ernest Road, Wivenhoe

The Committee considered an application for the erection of replacement an ancillary outbuilding for storage at 83 Ernest Road, Wivenhoe. The application had been referred to the Committee because the applicant was an employee of the Council. The Committee had before it a report in which all the information was set out.

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

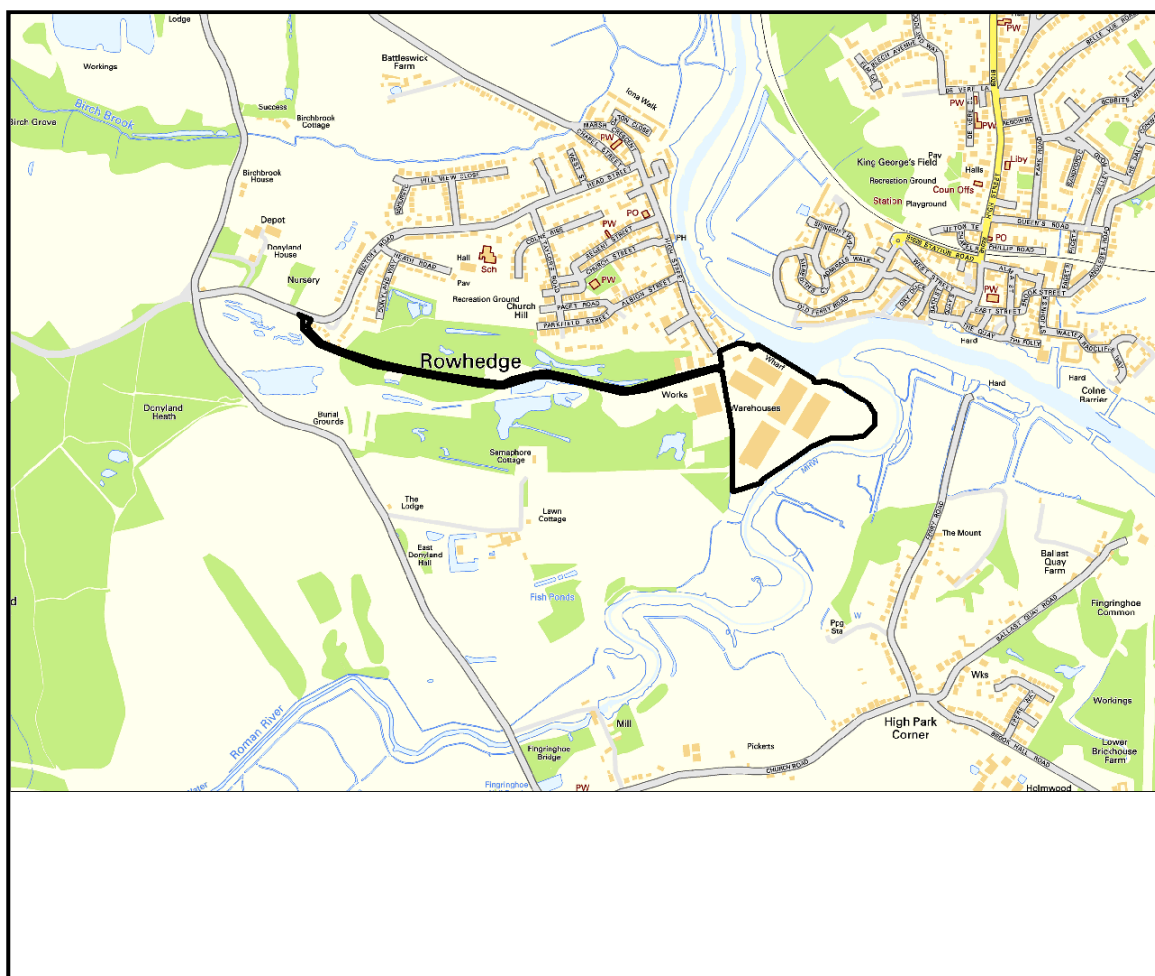


Committee Report

Agenda item

7

To the meeting of **Planning Committee**
on: **5th January 2017**
Report of: **Head of Professional/Commercial Services**
Title: **Planning Applications**



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Item No: 7.1

Application: 162467

Proposal: Variation of condition 2 of application 144693 for revised plans and elevations to Plots 89-108

Location: Rowhedge Wharf, Former Rowhedge Port, Rowhedge, Colchester, Essex

Ward: East Donyland

Officer: Sue Jackson

1.0 Reason for Referral to the Planning Committee

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

2.0 Synopsis

- 2.1 The key issue explored below is a comparison of the approved design and the proposed amendments.

3.0 Site Description and Context

- 3.1 The application site forms part of a larger area located at the southern end of Rowhedge village and comprises land that formed part of the site of Rowhedge Wharf.
- 3.2 The larger site is flat, roughly triangular in shape has an area of approximately 4.9 hectares and occupies a prominent position within the estuarine landscape, it has a frontage onto the River Colne facing Wivenhoe and also fronts the Roman River at its confluence with the Colne and overlooks part of the Roman River Valley. The larger site shares a short boundary with Rowhedge High Street where there is an existing vehicular access and PROW. The west boundary faces land previously used for industrial purposes including concrete block making and beyond this is an area of former pits where the extraction of gravel took place.
- 3.3 The port activity, involving the loading and unloading of boats, took place along the River Colne frontage. This edge of the site is retained by a raised sheet piled river wall which forms a hard edge to the river. Beyond the concrete working area there is a softer edge to the Roman River comprising small self-seeded trees, grass, salt marsh and mud flats.
- 3.4 Vehicular access to the site is via the haul road which extends from the top end of Rowhedge village at Rectory Road through the pits woodland.
- 3.5 A public rights of way (PROW) extends from the end of the High Street around the river frontages of the site. The PROW at the confluence of the 2 rivers is on a raised earth bank forming the “sea wall” at this point the application site includes a natural grass area containing some small trees approximately 8 metres in width which separates the proposed build development from the PROW. The river side of the PROW includes a promontory of land extending into the salt marsh and mud flat.
- 3.6 The former pits woodland links to a much larger area of woodland known as Donyland Woods. The southeast and east boundaries face the Roman River, salt marsh and mud flats designated as a SSSI.
- 3.7 This application relates to a small part of the Rowhedge Wharf frontage; the specific location is the confluence of the Roman River with the Colne.

4.0 Description of the Proposal

- 4.1 The approved layout for the residential development includes a series of streets radiating out from a central open space leading towards the river frontages. The design concept includes several character areas each with its own distinct architectural approach, features and massing of buildings.
- 4.2 The Rowhedge Zone provides an extension to the High Street. It comprises small linked units using traditional materials and architectural features and reflects the small domestic scale of the houses in Rowhedge. These houses front the river Colne and a public realm space of between 10-30 metres. The Rowhedge character zone includes a community building which is located next to the north boundary. The contemporary zone is proposed at the confluence of the two rivers and provides a transition from the Rowhedge and Roman river zones. The Roman River zone as the name implies fronts the Roman River this character area is arcadian with detached houses, increased space between the buildings and the landscape dominating the public views. The central zone is designed around the central area of open space this space is framed by a 4 storey apartment building and linked 3 storey houses.
- 4.3 Construction on the residential units has commenced and work on the haul road is nearing completion. Planning permission has recently been granted for the erection of 86 dwellings on the site of the commercial buildings adjacent to the wharf land.
- 4.4 This application proposes amendment to the design of 20 units forming the contemporary zone, plots 89 – 108. All other matters including the layout of the units, access, parking and amenity space is unaffected by these amendments.

5.0 Land Use Allocation

- 5.1 The site is within an area shown for predominantly residential purposes on the Proposals Map. The land on the opposite side of the Roman River is within a Site of Special Scientific Interest (SSSI). The pits woodland is protected by a TPO and is identified as a Local Wildlife site.

6.0 Relevant Planning History

- 6.1 Application 144693 Redevelopment of part of former Rowhedge Port to provide 170 dwellings, a potential community facility building (use classes A1, A3, A4, B1, C3, D1), public waterfront area incorporating dinghy park, car park, viewing platform, public facilities, new river walland new slipway, upgrade to access road from Rectory Road, new footpath from access road to existing recreation ground, internal roads, open spaces, drainage, landscaping and all ancillary works. Planning permission was granted on 3rd August 2015.

- 6.2 Application 142437 Proposed modified junction and upgraded access road for the former Hall Road, Road off Rectory Road Rowhedge. Approved 24 June 2014.
- 6.3 Application 160551 Demolition of vacant commercial units and redevelopment to comprise 86 residential units. Approved 16 November 2016.

7.0 Principal Policies

- 7.1 Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. The National planning Policy Framework (NPPF) must also be taken into account in planning decisions and sets out the Government's planning policies are to be applied. The NPPF makes clear that the purpose of the planning system is to contribute to the achievement of sustainable development. There are three dimensions to sustainable development: economic, social and environmental.
- 7.2 Continuing the themes of the NPPF, the adopted Colchester Borough Core Strategy (adopted 2008, amended 2014) adds detail through local strategic policies. Particular to this application, the following policies are most relevant:
- H1 - Housing Delivery
 - H2 - Housing Density
 - H3 - Housing Diversity
 - UR1 - Regeneration Areas
 - UR2 - Built Design and Character
- 7.3 In addition, the following are relevant adopted Colchester Borough Development Policies (adopted 2010, amended 2014):
- DP1 Design and Amenity
 - DP3 Planning Obligations and the Community Infrastructure Levy
 - DP12 Dwelling Standards
 - DP14 Historic Environment Assets
 - DP16 Private Amenity Space and Open Space Provision for New Residential Development
- 7.4 Further to the above, the adopted Site Allocations (adopted 2010) policies set out below should also be taken into account in the decision making process:
- SA H1 Housing Allocations

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

The Essex Design Guide
External Materials in New Developments
Rowhedge Port Development Brief adopted in 2004

8.0 Consultations

- 8.1 Historic England has been consulted and responded to say they do not wish to offer any comments.

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

9.0 Parish Council Response

- 9.1 East Donyland PC has not responded
- 9.2 Wivenhoe Town Council has stated "This represents an insipid design that instead of paying tribute to and celebrating the local vernacular is precariously balanced between a Disney style faux sail loft and yet another middle England estate build. It is not impossible to build cost effective houses with character, and we would ask the developer to invest more time and effort in good design rather than regurgitating tried uninspired pedestrian housing stock".

10.0 Representations

- 10.1 One letter of objection has been received "The original designs look much better than the replacements to them, these are just copy paste and add nothing to the area. They look like a cost cutting exercise. Hardly conducive to enhancing an area. Since CBC has a policy to encourage good design perhaps this should go before a regional independent design panel for review.

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

11.0 Parking Provision

- 11.1 Parking provision is unaffected by this application.

12.0 Open Space Provisions

- 12.1 The provision of open space is not affected by this application

13.0 Air Quality

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

14.0 Development Team and Planning Obligations

- 14.1 This application is classed as a “Major” application and therefore there was a requirement for it to be considered by the Development Team. It was considered that an agreement was required to link this application to application 144693 and its section 106 agreement to secure the same Planning Obligations.

15.0 Report

- 15.1 The only issue to be considered is design. The number of units, layout, scale, height and massing are unaffected. There is no adverse impact on either the surrounding area or neighbouring properties and no amenity or highway issues are raised.

Design

- 15.2 Wivenhoe Town Council were notified of the application as the site faces Wivenhoe across the river Colne. Members will note Wivenhoe Town Council has objected to the design of the dwellings and a resident of Rowhedge has raised similar concerns.
- 15.3 The application relates to part of the Rowhedge Wharf site frontage where the two rivers join and it faces the estuarine landscape of the Roman river. This part of the approved development is described as the “contemporary zone” designs include steep mono pitched roofs elevations have large expanses of glass and materials comprise a range of coloured render and timber weather boarding. The approved scheme was rather frenetic and the revised designs sought a simpler form and a revised palette of materials. The scheme as originally submitted was considered unacceptable and improvements have been negotiated. The amended scheme proposes units with an industrial warehouse feel with an asymmetric roof form large areas of glazing and balconies. The units will be predominantly 3-storey with brick elevations with lower timber clad link buildings.
- 15.4 English Heritage has not commented on the revised design. In fact the revisions which have a warehouse form reflect their comment to the original application suggesting buildings should include simple non domestic forms reflecting the industrial heritage of the site.

16.0 Conclusion

- 16.1 The revisions are considered acceptable the units will have a distinct character in their own right and also complement the development as a whole and adjacent character areas.

17.0 Recommendation

- 17.1 APPROVE subject to the signing of a linking agreement under Section 106 of the Town and Country Planning Act 1990 within 6 months from the date of the Committee meeting. In the event that the linking agreement is not signed within 6 months, to delegate authority to the Head of Environmental and Protective Services to refuse the application, or otherwise to be authorised to complete the agreement to link this application to the legal agreement for application 144693.
- 17.2 On completion of the legal agreement, the Head of Service be authorised to grant planning permission subject to the following conditions:

18.0 Conditions

1 - Time Limit for Full Permissions

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

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

2 - *Development to Accord With Approved Plans

The development hereby permitted shall be carried out in accordance with the details shown on the submitted drawings.

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

3 - Non-Standard Condition/Reason – Submission of Flood Response Plan

No works shall take place until a Flood Response Plan including an emergency plan, temporary refuge and rescue or evacuation arrangements has been submitted to and approved in writing by the local planning authority. The approved Plan shall remain in place thereafter. The development shall take place in accordance with the details approved on 5 July 2016.

Reason: To ensure appropriate flood response measures are put in place and thereafter retained.

4 - Non-Standard Condition/Reason – Retention of trees

The trees adjacent to the PROW on the north boundary of the site with the High Street shall be retained during the construction period and shall be removed only with the prior consent of the Local Planning Authority.

Reason: To protect residential amenity during the construction period.

5 - Non-Standard Condition/Reason – Scheme of street lighting to Roman Review

A scheme of street lighting to the Roman River frontage shall be submitted to and approved in writing by the local planning authority prior to installation. The development shall thereafter be completed in accordance with the approved scheme.

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

6 - Non-Standard Condition/Reason – Details of Cross Section

No works shall take place until detailed scale drawings by cross section and elevation that show the development in relation to adjacent property, and illustrating the existing and proposed levels of the site, finished floor levels and identifying all areas of cut or fill, have been submitted and agreed, in writing, by the Local Planning Authority. The development shall thereafter be completed in accordance with the agreed scheme before the development is first occupied.

Reason: In order to allow more detailed consideration of any changes in site levels where it is possible that these may be uncertain and open to interpretation at present and where there is scope that any difference in such interpretation could have an adverse impact of the surrounding area.

7 - Non-Standard Condition/Reason – Submission of external materials

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

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

8 - Non-Standard Condition/Reason – Sustainability Statement

Within 3 months of commencement, a Sustainability Statement shall be submitted to and approved in writing by the Local Planning Authority, setting out how the residential units will be constructed in accordance with the requirements for Energy, Water Efficiency and Sustainable Construction as set out in CSH level 3 documentation.

Reason: To ensure that the development is designed to be sustainable and will make efficient use of energy, water and materials.

9 - Non-Standard Condition/Reason – Confirmation of Sustainability⁶

Within 3 months of the first occupation of any dwelling hereby approved, written confirmation that the measures set out in the Sustainability Statement have been implemented shall be submitted to the Local Planning Authority.

Reason: To ensure that the completed development is sustainable and makes efficient use of energy, water and materials.

10 - Non-Standard Condition/Reason – Bream Certificate

No works shall take place, to the community building, until evidence that the development is registered with a BREEAM certification body and a pre-assessment report (or design stage certificate with interim rating if available) has been submitted indicating that the community building can achieve a final BREEAM rating level of at least Very Good.

Reason: To ensure that the completed development is sustainable and makes efficient use of energy, water and materials.

11 - Non-Standard Condition/Reason – Confirmation of Bream rating

Within 3 months of the occupation of the community building, a final Certificate shall have been submitted to the Local Planning Authority certifying that BREEAM rating Very Good has been achieved for this development.

Reason: To ensure that the completed development is sustainable and makes efficient use of energy, water and materials

12 - Non-Standard Condition/Reason – Refuse and recycling facilities

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

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

13 - Non-Standard Condition/Reason – Management Company

Prior to the first occupation of the development hereby permitted, details of the Management Company responsible for the maintenance of communal storage areas and for their maintenance of such areas, shall be submitted to, and agreed in writing by, the Local Planning Authority. Such detail as shall have been agreed shall thereafter continue.

Reason: The application contains insufficient information to ensure that the communal storage areas will be maintained to a satisfactory condition and there is a potential adverse impact on the quality of the surrounding environment.

14 - Non-Standard Condition/Reason – Removal of permitted development

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no fences, gates or walls shall be erected within the curtilage of any dwellinghouse forward of any wall of that dwellinghouse where it fronts onto a public area.

Reason: In the interest of visual amenity and to avoid the site acquiring a cluttered appearance.

15 - Non-Standard Condition/Reason – Details of hard and soft landscaping

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

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

The Landscape Strategy and Landscape Concept Plan includes elements which are not acceptable and these documents are not approved in their entirety.

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

16 - Non-Standard Condition/Reason – Landscape Management Plan

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

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

17 - Non-Standard Condition/Reason – Safeguard trees

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

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

18 - Non-Standard Condition/Reason – Lighting details

Prior to the first occupation/use of the development hereby permitted, a validation report undertaken by competent persons that demonstrates that all lighting of the development (including resultant sky glow, light trespass, source intensity and building luminance) fully complies with the figures and advice specified in the CBC External Artificial Lighting Planning Guidance Note for Zone EZ2 (rural, small village or dark urban areas) shall be submitted to, and agreed in writing by, the Local Planning Authority. Any installation shall thereafter be retained and maintained as agreed therein.

Reason: In order to allow a more detailed technical consideration of the lighting at the site, as there is insufficient information submitted within the application to ensure adequate safeguarding of the amenity of nearby properties and prevent the undesirable, disruptive and disturbing effects of light pollution.

19 - Non-Standard Condition/Reason – Vehicle parking area

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

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

20 - Non-Standard Condition/Reason – Cycle parking facilities

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

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

21 - Non-Standard Condition/Reason – Construction Method Statement

No works shall take place, including any demolition, until a Construction Method Statement has been submitted to and approved, in writing, by the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period and shall provide details for: the parking of vehicles of site operatives and visitors; hours of deliveries and hours of work; loading and unloading of plant and materials; storage of plant and materials used in constructing the development; the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate; wheel washing facilities; measures to control the emission of dust and dirt during construction; and a scheme for recycling/disposing of waste resulting from demolition and construction works. The development shall take place in accordance with the details approved on 21 March 2016.

Reason: In order to ensure that the construction takes place in a suitable manner and to ensure that amenities of existing residents are protected as far as reasonable and to ensure that the development, as submitted, will not impact upon the features of special interest for which the Upper Colne Marshes SSSI is notified.

22 - Non-Standard Condition/Reason – Investigation and Risk Assessment

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

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

(iii) an appraisal of remedial options, and proposal of the preferred option(s)
This must be conducted in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Land Contamination, CLR 11" and the Essex Contaminated Land Consortium's "Land Affected by Contamination: Technical Guidance for Applicants and Developers". The development shall be carried out in accordance with the details approved on 9 February 2016.

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

23 - Non-Standard Condition/Reason – Detailed Remediation Scheme

No works shall take place until a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment has been prepared and then submitted to and agreed, in writing, by the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation. The development shall be carried out in accordance with the details approved on 9 February 2016.

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

24 - Non-Standard Condition/Reason – Remediation Scheme

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

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

25 - Non-Standard Condition/Reason – Investigation and Risk Assessment

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 22 and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of Condition 23, 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 24.

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

26 - Non-Standard Condition/Reason – Signed certificate to confirm that remediation works have been completed

Prior to the first occupation/use of the development, 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 25.

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

27 - Non-Standard Condition/Reason – Large scale drawing of architectural features

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

Reason: There is insufficient detail with regard to this to protect the special character of the area and the architectural interest and integrity of the buildings.

28 - Non-Standard Condition/Reason – Details of rooflights

The rooflights hereby approved shall be mounted flush with the roof plane.

Reason: In the interests of preserving the character and appearance of the area.

29 - Non-Standard Condition/Reason – Method of piling and timing

No works shall commence until a detailed scheme of the method of piling and timing of these operations has been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure an acceptable method of piling is used to minimise impacts on residential amenities.

30 - Non-Standard Condition/Reason – Scheme of habitat enhancement

No works shall take place until a scheme of habitat enhancement has been submitted to and agreed, in writing, by the Local Planning Authority. The development shall thereafter be carried out in accordance with such agreed details.

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

31 - Non-Standard Condition/Reason – Flood Risk Assessment

The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment and the following mitigation measures detailed: - Finished first floor levels are set at or above 5.4m above Ordnance Datum (AOD). - A scheme for the provision of ground raising shall be submitted and agreed with the Local Council prior to development.

Reason: To reduce the risk of flooding to the proposed development and future occupants.

32 - Non-Standard Condition/Reason – Surface water drainage scheme

Development shall not begin until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme shall include:

- A drainage plan for the site including the proposed location/size of any infiltration/attenuation device.
- Attenuation storage shall be provided to cater for the 1 in 100 year critical storm plus allowance for climate change.
- Calculations of the piped network performance in the 1 in 30 year and 1 in 100 year rainfall events, including climate change

- Details of the pipe system performance during a range of tide locking events.
- Details of any exceedance and conveyance routes
- Details of the future adoption and maintenance of the proposed surface water
- scheme for the lifetime of the proposed development.

Reason: To ensure the risk of flooding is not increased on site or elsewhere.

33 - Non-Standard Condition/Reason – Surface Water Mitigation Measures

The surface water mitigation measures approved in discharge to condition 32 shall be fully implemented prior to occupation and subsequently in accordance with the timing/phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the Local Planning Authority.

Reason: To ensure the risk of flooding is not increased on site or elsewhere.

34 - Non-Standard Condition/Reason – Contamination Scheme

Prior to each phase of development (or such other date or stage in development as may be agreed in writing with the Local Planning Authority) shall take place until a scheme that includes the following components to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the Local Planning Authority:

1) A preliminary risk assessment which has identified: all previous uses ♦ potential contaminants associated with those uses ♦ a conceptual model of the site indicating sources, pathways and receptors ♦ potentially unacceptable risks arising from contamination at the site.

2) A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

3) The results of the site investigation and detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

4) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action. Any changes to these components require the express written consent of the local planning authority. The scheme shall be implemented as approved.

Reason: To protect and prevent the pollution of the water environment (Alluvium and River Terrace Deposits directly underlying the site and the River Colne adjacent to the site) from potential pollutants associated with current and previous land uses (including the presence of a landfill and former industrial uses as identified in submitted documents) in line with the NPPF (paragraphs 109 and 121), EU Water Framework Directive, Anglian River Basin Management Plan and Environment Agency Groundwater Protection: Principles and Practice (GP3 v.1.1, 2013) position statements A4 - A6, J1 - J7 and N7.

35 - Non-Standard Condition/Reason – Remediation Strategy

No occupation of any part or phase of the permitted development shall take place until a verification report demonstrating completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a long-term monitoring and maintenance plan) for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan. The long-term monitoring and maintenance plan shall be implemented as approved.

Reason: To protect and prevent the pollution of the water environment (Alluvium and River Terrace Deposits directly underlying the site and the River Colne adjacent to the site) from potential pollutants associated with current and previous land uses (including the presence of a landfill and former industrial uses as identified in submitted documents) in line with the NPPF (paragraphs 109 and 121), EU Water Framework Directive, Anglian River Basin Management Plan and Environment Agency Groundwater Protection: Principles and Practice (GP3 v.1.1, 2013) position statements A4 - A6, J1 - J7 and N7.

36 - Non-Standard Condition/Reason – Long term monitoring and maintenance plan

No development should take place until a long-term monitoring and maintenance plan in respect of contamination including a timetable of monitoring and submission of reports to the Local Planning Authority, shall be submitted to and approved in writing by the Local Planning Authority. Reports as specified in the approved plan, including details of any necessary contingency action arising from the monitoring, shall be submitted to and approved in writing by the Local Planning Authority. Any necessary contingency measures shall be carried out in accordance with the details in the approved reports. On completion of the monitoring specified in the plan a final report demonstrating that all long-term remediation works have been carried out and confirming that remedial targets have been achieved shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To protect and prevent the pollution of the water environment (Alluvium and River Terrace Deposits directly underlying the site and the River Colne adjacent to the site) from potential pollutants associated with current and previous land uses (including the presence of a landfill and former industrial uses as identified in submitted documents) in line with the NPPF (paragraphs 109 and 121), EU Water Framework Directive, Anglian River Basin Management Plan and Environment Agency Groundwater Protection: Principles and Practice (GP3 v.1.1, 2013) position statements A4 - A6, J1 - J7 and N7.

37 - Non-Standard Condition/Reason – Unsuspected contamination

If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted a remediation strategy to the Local Planning Authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the Local Planning Authority. The remediation strategy shall be implemented as approved.

Reason: To protect and prevent the pollution of the water environment (Alluvium and River Terrace Deposits directly underlying the site and the River Colne adjacent to the site) from potential pollutants associated with current and previous land uses (including the presence of a landfill and former industrial uses as identified in submitted documents) in line with the NPPF (paragraphs 109 and 121), EU Water Framework Directive, Anglian River Basin Management Plan and Environment Agency Groundwater Protection: Principles and Practice (GP3 v.1.1, 2013) position statements A4 - A6, J1 - J7 and N7.

38 - Non-Standard Condition/Reason – Piling

Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.

Reason: To ensure that the proposed development does not cause pollution of the water environment and that development complies with approved details in the interests of protection of Controlled Waters.

39 - Non-Standard Condition/Reason – Foul water strategy

No development shall commence until a foul water strategy has been submitted to and approved in writing by the Local Planning Authority. No dwellings shall be occupied until the works have been carried out in accordance with the foul water strategy so approved unless otherwise approved in writing by the Local Planning Authority.

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

40 - Non-Standard Condition/Reason – Construction works

No construction works (especially noisy works such as piling etc) to be undertaken between October and March (inclusive), to avoid disturbance to overwintering birds unless an alternative construction works programme has been submitted to and agreed in writing with the Local Planning Authority in consultation with Natural England.

Reason: To ensure that the development, as submitted, will not impact upon the features of special interest for which the Upper Colne Marshes SSSI is notified.

41 - Non-Standard Condition/Reason – New slipway

The proposed new slipway should only be used by non-motorised watercraft, and should not be used during the winter months (October - March inclusive) to minimise disturbance to over-wintering birds. The terms of use of the slipway should be clearly set out within a management plan, which should include details of method to gate and lock the slipway.

Reason: To ensure that the development, as submitted, will not impact upon the features of special interest for which the Upper Colne Marshes SSSI is notified.

42 - Non-Standard Condition/Reason – Environment Agency Pollution Prevention Guidelines

The development shall adhere to Environment Agency Pollution Prevention Guidelines, to avoid pollution of adjacent sensitive habitats, during construction and operation.

Reason: To ensure that the development, as submitted, will not impact upon the features of special interest for which the Upper Colne Marshes SSSI is notified.

43 - Non-Standard Condition/Reason – Wheel cleaning facility

Prior to commencement of the development details of a wheel cleaning facility within the site and adjacent to the egress onto the highway shall be submitted to and approved in writing by the local planning authority. The wheel cleaning facility shall be provided prior to commencement and during construction of the development.

Reason: To protect highway efficiency of movement and safety in accordance with policy DM1 of the Highway Authority's Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

44 - Non-Standard Condition/Reason – Highway amendments

Prior to commencement of the development the planning application drawings shall be revised and submitted to and approved in writing by the Local Planning Authority to show the following:

- a) A tabled entrance to the road between plots 120 and 168.
- b) A size 3 turning head adjacent plots 31, 32, 45 and 68.
- c) A tabled entrance to the road between plots 36 and 63, 84 and 122 and 128 and 140.
- d) A clear distance of 6 metres between any parking space which abuts the highway and the opposite edge of the carriageway (parking spaces for plots 89, 123, 124 and 125 and visitor spaces outside plots 31, 87, 89 and 108 do not conform to this requirement).
- e) 1.5 metre x 1.5 metre pedestrian visibility splays at all egresses onto the highway.
- f) All houses, walls and/or other solid obstructions located at the edge of the carriageway set back 500 mm to prevent any windows or doors opening onto the adoptable carriageway and to prevent any overflow pipes, single storey eaves, etc. projecting over the net adoptable area of the highway (plots 31, 36, 45, 57, 62, 63, 80, 86, 89, 109, 120, 122 and 129 do not conform to this requirement).
- g) All garages positioned such that the doors do not overhang the highway at any point. The development shall be carried out in accordance with the approved

drawings.

Reason: To protect highway efficiency of movement and safety and to ensure the proposal site is accessible by more sustainable modes of transport such as public transport, cycling and walking, in accordance with policy DM1, DM9 and DM10 of the Highway Authority's Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

45 - Non-Standard Condition/Reason – Highway Improvements

No occupation of the development shall take place until the following have been provided or completed:

a) Improvements to the existing site access off Rectory Road and carriageway/footway improvements in Rectory Road in the vicinity of the site access and immediately to the east/north-east of it, as shown in principle on the planning application drawings.

b) An access road between Rectory Road and plot 24 as per planning permission reference 142437.

c) A detailed scheme to demonstrate whether or not it is possible to provide a minimum 3 metre wide footpath/cyclepath between the access road and existing recreation ground taking account the constraints of the site.

Reason: To protect highway efficiency of movement and safety and to ensure the proposal site is accessible by more sustainable modes of transport such as public transport, cycling and walking, in accordance with policy DM1, DM9 and DM10 of the Highway Authority's Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

46 - Non-Standard Condition/Reason – In accordance with the information in the documents accompanying the application

The development shall take place in accordance with the information in the documents accompanying the application including the Environmental Statement, Energy Statement, Foul Sewerage Assessment, Heritage Statement, Open Space Assessment, Planning Statement, River Wall Assessment, Landscape Strategy (as amended), Site Waste Management Plan Transport Statement, Travel Plan, Badger Report and Mitigation, Dormouse Survey, Extended Phase 1 Habitat Survey, Affordable Housing Statement, Great Crested Newt Survey, Hazel Dormouse Method Statement, Statement of Community Involvement, Woodland Management Plan, Street Lighting Assessment, Geo Environmental Assessment, Flood Risk Assessment, Landscape Strategy and Concept Plan (as amended), Refuse Strategy, Health Impact Assessment including any recommendations and mitigations.

Reason: To ensure a satisfactory form of development and to ensure the development takes place in accordance with the submitted information to mitigate any adverse impacts.

47 - Non-Standard Condition/Reason – Travel Pack

Prior to the first occupation of the development, the developer shall be responsible for the provision of a Travel Pack to each dwelling the content of which shall have been previously submitted to and approved, in writing, by the Local Planning Authority.

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

A3 Restaurant Café

48 - Non-Standard Condition/Reason – level of noise

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

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

49 - Non-Standard Condition/Reason – Sound Insulation

Prior to the first use or occupation of the development as hereby permitted, the building shall have been constructed or modified to provide sound insulation against internally generated noise in accordance with a scheme devised by a competent person and agreed, in writing, by the Local Planning Authority. The insulation shall be maintained as agreed thereafter.

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

50 - Non-Standard Condition/Reason – Control of fumes, smells and odours

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

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

51 - Non-Standard Condition/Reason – External lighting fixtures

No external lighting fixtures shall be constructed, installed or illuminated until details of all external lighting proposals have been submitted to and approved, in writing, by the Local Planning Authority. Thereafter, no lighting shall be constructed or installed other than in accordance with those approved details. Reason: To reduce the risks of any undesirable effects of light pollution.

52 - Non-Standard Condition/Reason – Grease traps

Prior to the first use of the development hereby permitted, any foul water drains serving the kitchen shall be fitted with grease traps that shall at all times thereafter be retained and maintained in good working order in accordance with the manufacturer's instructions.

Reason: To prevent unnecessary pollution of the groundwater environment quality in the area and/or blocking of the drainage system.

53 - Non-Standard Condition/Reason – Refuse and re-cycling storage facilities

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

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

54 - Non-Standard Condition/Reason – Disposal and litter collection

Prior to the first occupation of the development hereby permitted, equipment, facilities and other appropriate arrangements for the disposal and collection of litter resulting from the development shall be provided in accordance with details that shall have previously been submitted to, and agreed in writing by, the Local Planning Authority. Any such equipment, facilities and arrangements as shall have been agreed shall thereafter be retained and maintained in good order. Reason: In order to ensure that there is satisfactory provision in place for the storage and collection of litter within the public environment where the application lacks sufficient information.

55 - Non-Standard Condition/Reason - Deliveries

No deliveries shall be received at, or despatched from, the site outside of the following times:

Weekdays: 07.30 - 20.00

Saturdays: 07.30 - 20.00

Sundays and Public Holidays: None at all

Reason: To ensure that the development hereby permitted is not detrimental to the amenity of the area and/or nearby residents by reason of undue noise including from delivery vehicles entering or leaving the site, as there is insufficient information within the submitted application, and for the avoidance of doubt as to the scope of this permission.

A1 – Shops

56 - Non-Standard Condition/Reason – Level of Noise

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

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

57 - Non-Standard Condition/Reason – Refuse and recycling storage facilities

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

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

58 - Non-Standard Condition/Reason – Disposal and collection of litter

Prior to the first occupation of the development hereby permitted, equipment, facilities and other appropriate arrangements for the disposal and collection of litter resulting from the development shall be provided in accordance with details that shall have previously been submitted to, and agreed in writing by, the Local Planning Authority. Any such equipment, facilities and arrangements as shall have been agreed shall thereafter be retained and maintained in good order.

Reason: In order to ensure that there is satisfactory provision in place for the storage and collection of litter within the public environment where the application lacks sufficient information.

59 - Non-Standard Condition/Reason – Externally illuminated sign

Any externally illuminated sign shall comply with the guidelines in the current "Institution of Lighting Engineers Guidance TR5 Brightness of Illuminated Advertisements".

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

60 - Non-Standard Condition/Reason – Deliveries

No deliveries shall be received at, or despatched from, the site outside of the following times:

Weekdays: 07.30 - 20.00

Saturdays: 07.30 - 20.00

Sundays and Public Holidays: None at all

Reason: To ensure that the development hereby permitted is not detrimental to the amenity of the area and/or nearby residents by reason of undue noise including from delivery vehicles entering or leaving the site, as there is insufficient information within the submitted application, and for the avoidance of doubt as to the scope of this permission.

A4 Use

61 – Non Standard Condition/Reason – Rating level of noise

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

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

62 – Non Standard Condition/Reason – Refuse and recycling storage facilities

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

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

63 – Non Standard Condition/Reason – Refuse and recycling storage facilities

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

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

64 – Non Standard Condition/Reason – External lighting fixtures

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

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

65 – Non Standard Condition/Reason – Externally illuminated sign

Any externally illuminated sign shall comply with the guidelines in the current “Institution of Lighting Engineers Guidance TR5 Brightness of Illuminated Advertisements”.

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

66 – Non Standard Condition/Reason – Deliveries

No deliveries shall be received at, or despatched from, the site outside of the following times:

Weekdays: 07.30 - 20.00

Saturdays: 07.30 - 20.00

Sundays and Public Holidays: None at all

Reason: To ensure that the development hereby permitted is not detrimental to the amenity of the area and/or nearby residents by reason of undue noise including from delivery vehicles entering or leaving the site, as there is insufficient information within the submitted application, and for the avoidance of doubt as to the scope of this permission.

67 – Non Standard Condition/Reason – Internal amplified sound

Prior to the first use or occupation of the development hereby permitted, the level of internal amplified sound shall be restricted by the installation and use of a noise limiting device that complies with details that shall have been submitted to and agreed, in writing, by the Local Planning Authority. Thereafter, such devices shall be retained and operated in accordance with the approved specification and working order at all times.

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

68 – Non Standard Condition/Reason – Self closing doors

Prior to the first use or occupation of the development hereby permitted, all doors allowing access and egress to the premises shall be self-closing doors and shall be maintained as such, and kept free from obstruction, at all times thereafter.

Reason: To ensure that the development hereby permitted is not detrimental to the amenity of the area and/or nearby residents by reason of undue noise including from people entering or leaving the site, as there is insufficient information within the submitted application, and for the avoidance of doubt as to the scope of this permission.

69 – Non Standard Condition/Reason – Control of fumes, smells and odours

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

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

B1 – Use

70 – Non Standard Condition/Reason – Rating level of noise

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

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

71 – Non Standard condition/Reason – Rating level of noise emitted

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

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

72 – Non Standard Condition/Reason – Sound Insulation

Prior to the first use or occupation of the development as hereby permitted, the building shall have been constructed or modified to provide sound insulation against internally generated noise in accordance with a scheme devised by a competent person and agreed, in writing, by the Local Planning Authority. The insulation shall be maintained as agreed thereafter.

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

73 – Non Standard Condition/Reason – Control of fumes, smells and odours

Prior to the first use of the development hereby permitted, control measures shall be installed in accordance with a scheme devised by a competent person for the control of fumes, smells and odours, and dust that shall have been previously submitted to, and agreed in writing by, the Local Planning Authority. The control measures shall thereafter be retained and maintained to the agreed specification and working order.

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

74 – Non Standard Condition/Reason – Refuse and recycling storage facilities

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

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

D1 Use

75 – Non Standard Condition/Reason – rating level of noise

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

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

76 – Non Standard Condition/Reason – Sound Insulation

Prior to the first use or occupation of the development as hereby permitted, the building shall have been constructed or modified to provide sound insulation against internally generated noise in accordance with a scheme devised by a competent person and agreed, in writing, by the Local Planning Authority. The insulation shall be maintained as agreed thereafter.

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

77 – Non Standard Condition/Reason – Refuse and recycling storage facilities

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

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

78 – Non Standard Condition/Reason – Lighting of any Public Highway

The lighting of any public highway within the development site shall be agreed in writing with the Local Planning Authority in consultation with the Highway Authority prior to its installation. The lighting shall be LED lighting or an acceptable alternative agreed in writing with the Local Planning Authority in consultation with the Highway Authority.

Reason: In the interests of sustainable development and to reduce the impact of the street lighting within the development site and the adjacent protected landscape.

19.0 Informatives

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

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

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

(4)Highway Informatives All residential developments in Essex which would result in the creation of a new street (more than five dwelling units communally served by a single all-purpose access) will be subject to the Advance Payments Code, Highways Act 1980. The developer will be served with an appropriate notice within 6 weeks of building regulations approval being granted and prior to commencement of the development must provide guaranteed deposits, which will ensure the new street is constructed in accordance with a specification sufficient to ensure future maintenance as highway by the Highway Authority.

Prior to any works taking place in the highway the developer should enter into an agreement with the Highway Authority under the Highways Act 1980 to regulate the construction of the highway works.

All or some of the above requirements may attract the need for a commuted sum towards their future maintenance (details should be agreed with the Highway Authority as soon as possible).

All highway related details should be agreed with the Highway Authority.

The proposal should be in accordance with the Parking Standards Design and Good Practice Supplementary Planning Document dated September 2009.

Under Section 23 of the Land Drainage Act 1991, prior written consent from the Lead Local Flood Authority (Essex County Council) is required to construct any culvert (pipe) or structure (such as a dam or weir) to control or alter the flow of water within an ordinary watercourse. Ordinary watercourses include ditches, drains and any other networks of water which are not classed as Main River. If the applicant believes they need to apply for consent, further information and the required application forms can be found at www.essex.gov.uk/flooding. Alternatively they can email any queries to Essex County Council via watercourse.regulation@essex.gov.uk Planning permission does not negate the requirement for consent and full details of the proposed works will be required at least two months before the intended start date

(5)PLEASE NOTE: This application is the subject of a Section 106 legal agreement and this decision should only be read in conjunction with this agreement.

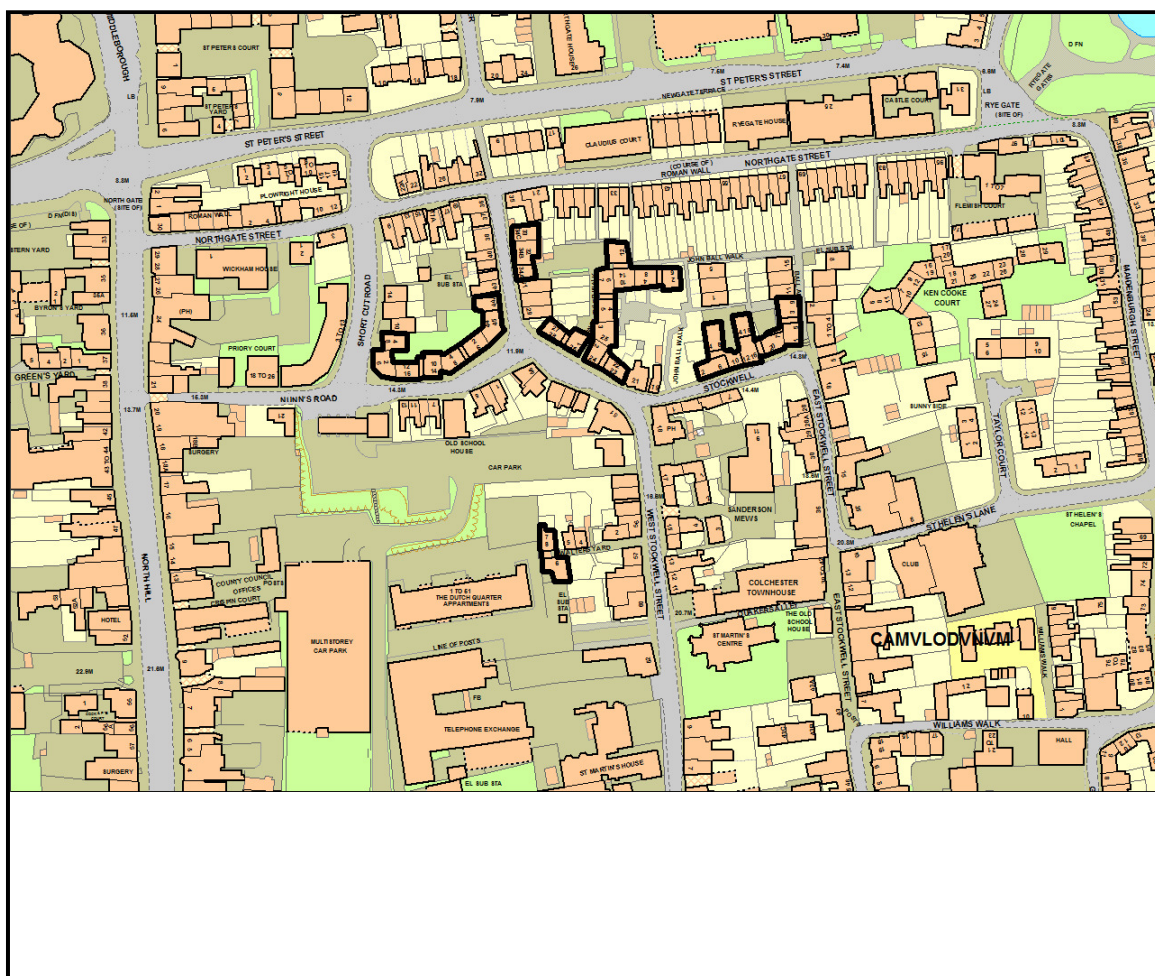
(6)PLEASE NOTE: The applicant/developer is advised that the application site is, or appears to be, affected by the existence of a public right of way. It should be noted that:

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

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

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

(7)PLEASE NOTE: a site notice was erected in a publicly visible location at the site. Colchester Borough Council would appreciate your co- operation in taking the site notice down and disposing of it.



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Item 7.2

Application: 162969
Proposal: Application for removal or variation of condition 2 following grant of planning permission 161912.
Location: West Stockwell Street, Colchester
Ward: Castle
Officer: Daniel Cameron

1.0 Reason for Referral to the Planning Committee

- 1.1 This application is referred to the Planning Committee because the applicant is Colchester Borough Homes (CBH).

2.0 Synopsis

- 2.1 The key issues explored below are the impact of the amended window design on the affected properties and upon the character of the Colchester Conservations Area 1.

3.0 Site Description and Context

- 3.1 This application affects several unlisted buildings within the Dutch Quarter. All are of modern construction dating from between the mid 1950's to the 1970's and formed part of a series of infill developments built in the vernacular style to mimic the historic buildings and streetscapes exhibited within the Dutch Quarter.

4.0 Description of the Proposal

- 4.1 Planning application 161912 was approved by Planning Committee in October 2016. This application gave permission for the replacement of windows and doors to the affected properties within the Dutch Quarter.
- 4.2 This application seeks to alter the approved plans which formed part of condition 2 of the previous planning application. This is to allow trickle vents to be added to the windows. This detail was left out of the previously approved application and the applicant would like to add it.

5.0 Land Use Allocation

- 5.1 The existing land use allocation within the current local plan is predominantly residential.

6.0 Relevant Planning History

- 6.1 Prior to the previous application (161912) the most recent planning applications on CBH properties within the Dutch Quarter were a pair of retrospective planning applications for the retention of a pair of timber framed sash windows. Both applications were approved by Planning Committee in 2014.

7.0 Principal Policies

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

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

UR2 - Built Design and Character
ENV1 - Environment

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

DP1 Design and Amenity
DP14 Historic Environment Assets

8.0 Consultations

8.1 Consultation was undertaken as to the impact of the proposed changes to the windows upon the character of the conservation area. It was concluded that trickle vents, as a modern addition to windows are not commonly seen within the area. Individually the trickle vents would have little impact upon the character of the conservation area, although taken together their cumulative impact would be far greater.

8.2 To that end it was requested that on those windows that faced out into the surrounding Dutch Quarter a beading detail be added to screen the trickle vents, allowing them to function normally, but maintaining the surrounding character. Generally it was accepted that if this detail were to be provided, the harm to the character of the area would be small and not of sufficient weight to override the benefit of better ventilation to the residents of those properties affected.

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

9.0 Parish Council Response

9.1 N/A. The application site lies within an unparished town centre ward.

10.0 Representations

- 10.1 This application was put out to public consultation until the 22nd December 2016. It was advertised through site notice, press advert and on the Council's website. At the time of writing no public representations have been received.

11.0 Parking Provision

- 11.1 N/A.

12.0 Open Space Provisions

- 12.1 N/A.

13.0 Air Quality

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

14.0 Development Team and Planning Obligations

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

15.0 Report

- 15.1 As this application is made pursuant to Section 73 of the Town and Country Planning Act 1990 the only question to consider is whether the change to condition 2 is acceptable. The amended drawing is identical to that previously approved under application 161912 with the exception of the additional trickle ventilation to be added to the windows. These vents would allow for a moderate amount of air flow to enter the affected properties, with the hope that this would aid in preventing any future issues with damp and rot.
- 15.2 Under current Building Regulations trickle vents are required for all windows on new build properties. Existing properties are only required to provide trickle vents on their windows if the windows being replaced previously contained them. Where the windows being replaced did not contain trickle vents, there is no obligation to provide them. However, it should be noted that Building Regulations do advise that some kind of alternative means of passive ventilation should be provided to the property.

- 15.3 Given the aluminium windows being replaced through this application did not previously contain trickle vents, there is no requirement to add them now. However, the applicant feels that their addition would deal with any future damp or rot issues which may occur at these properties which have been reported in the past. This measure would offer their tenants a more pleasant environment in which to live and should also mean that future maintenance costs at these properties are reduced.
- 15.4 While other methods of passive ventilation are open to the applicants, through the installation of air bricks or core drill vents, they feel that the harm caused to the visual character of the conservation area and the financial cost of installing the measures make them unattractive.
- 15.5 The design and material construction of the windows will remain unchanged by this application. A single trickle vent would be added to the single paned windows while two would be added to the triple paned bay windows. Individually, there is little harm which is likely to be caused by the addition of trickle vents to these windows, despite these being modern features not being additions typically seen within the conservation area. The cumulative impact of the feature, however, is likely to have an appreciable impact upon the wider character of the conservation area which is likely to cause some slight harm.
- 15.6 Given that the NPPF allows for this slight harm can be offset through the wider public benefits of the scheme and given the improvement in living conditions that this application will bring the CBH tenants within the affected properties, and also to CBH through reduced maintenance costs, there is a clear public benefit to alleviate some of the harm.
- 15.7 In an attempt to eliminate all harm from the project, the developer is prepared to offer a beading or baton detail to those windows facing out into the Dutch Quarter. This will cover the trickle vent, hiding the vent itself while still allowing it to function normally. This will be secured by condition.

16.0 Conclusion

- 16.1 On the basis of the report presented and bearing in mind that the alterations to the windows are of insufficient weight to greatly impact upon the character of the conservation area, while providing a much improved living environment for the tenants of these CBH properties, it is recommended that Planning Committee approve the application subject to no material objections being received regarding the application and subject to the conditions below.

17.0 Recommendation

- 17.1 APPROVE subject to the following conditions. Please note that approval of an application made under Section 73 of the Town and Country Planning Act 1990 results in a new planning permission being issued. As the previous permission continues alongside this one, the same conditions as approved previously should be imposed. The alteration from the previous conditions list is highlighted in **bold**.

18.0 Conditions

1 - Time Limit for Full Permissions

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

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

2 - *Development to Accord With Approved Plans

The development hereby permitted shall be carried out in accordance with the details shown on the submitted Drawing Numbers A-1516-PL-01 Revision A, A-1516-PL-04, **A-1516-PL-06 Revision A**, A-1516-PL-07 Revision A and A-1516-PL-09.

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

3 - Materials as Stated in Application

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

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

4 - Non-Standard Condition/Reason – Finishes of Doors

The replacement doors hereby approved shall each be finished in one of the colours shown on drawing number A-1516-PL-09 and retained as such hereafter.

Reason: To ensure the colour of the doors appropriately reflect the traditional character of the conservation area.

5 - Non-Standard Condition/Reason – Window Frame Colours

Prior to the installation of the windows hereby approved, the outer frames of the windows shall be repainted in a colour, to be submitted to and agreed in writing with the Local Planning Authority. Once agreed, the outer window frames shall be painted according to the submitted details and thereafter maintained in accordance with the agreed details.

Reason: To preserve the historic character of the conservation area.

6 - Non-Standard Condition/Reason – Beading or Baton Details

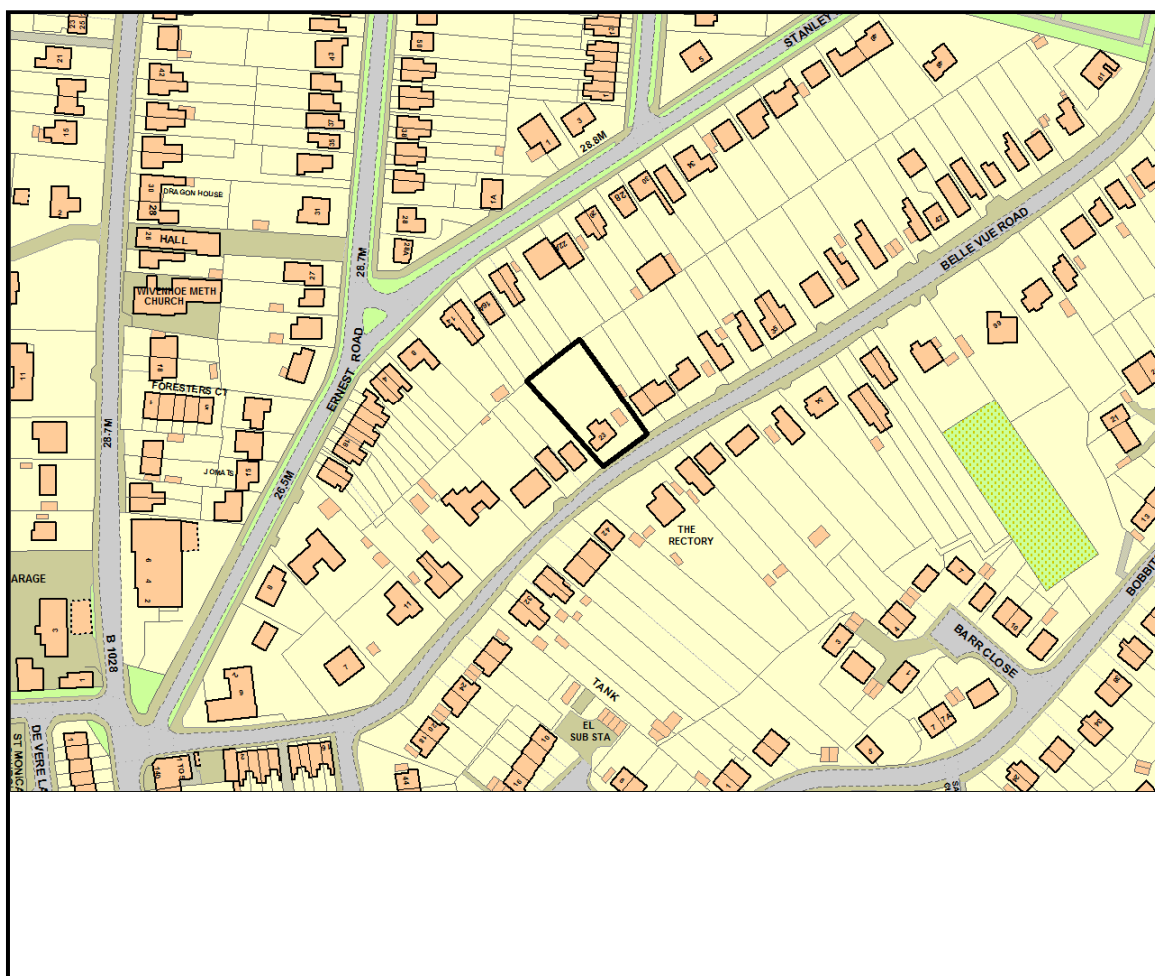
The windows hereby approved that address public street frontages and face out into the wider Dutch Quarter shall be fitted with an external beading or baton detail such that the trickle vents are suitably screened from public view.

Reason: To preserve the historic character of the conservation area.

19.0 Informatives

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

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



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Item No: 7.3

Application: 162647

Proposal: Proposed rear extension and front garden landscaping works.

Location: 23 Belle Vue Road, Wivenhoe, Colchester, CO7 9LD

Ward: Wivenhoe

Officer: Chris Harden

1.0 Reason for Referral to the Planning Committee

- 1.1 This application is referred to the Planning Committee because it has been called in by Cllr Cory who has raised concern that the proposal represents an overdevelopment of the site.

2.0 Synopsis

- 2.1 The key issues for consideration are the design, scale and form of the rear extension works and the visual impact of the garden landscaping works. The adequacy of the car parking spaces to be provided also needs to be assessed. Any impact upon neighbouring residential amenity also needs to be considered. In this case, the design, scale and form of the rear extension is considered to be acceptable and would not detract from the character of the existing dwelling or from the street scene. The proposal would not represent an overdevelopment of the site and would not detract from neighbouring residential amenity.
- 2.2 The front landscaping works would be visually acceptable and the parking space provision would be acceptable and not detrimental to highway safety. The application is subsequently recommended for approval.

3.0 Site Description and Context

- 3.1 The site lies within the physical limits of Wivenhoe and is a detached, red bricked house. There are neighbouring properties either side and also dwellings to the rear.

4.0 Description of the Proposal

- 4.1 The proposal involves the erection of a single storey rear extension, first floor rear extension and garden landscaping works to the front of the site.

5.0 Land Use Allocation

- 5.1 Predominantly residential within the settlement limit of Wivenhoe.

6.0 Relevant Planning History

- 6.1 Outline Planning Permission was recently granted for the erection of a dwelling on part of the side garden of number 23 Belle Vue Road. A Reserved Matters application for the dwelling is currently under consideration.

7.0 Principal Policies

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

7.2 The adopted Colchester Borough Core Strategy (adopted 2008, reviewed 2014) contains local strategic policies. Particular to this application, the following policies are most relevant:

SD1 - Sustainable Development Locations
UR2 - Built Design and Character

7.3 The adopted Colchester Borough Development Policies (adopted 2010, reviewed 2014) sets out policies that apply to new development. Specific to this application are policies:

DP1 Design and Amenity
DP13 Dwelling Alterations, Extensions and Replacement Dwellings
DP14 Historic Environment Assets
DP16 Private Amenity Space and Open Space Provision for New Residential Development
DP19 Parking Standards

7.4 Some "allocated sites" also have specific policies applicable to them. The adopted Site Allocations (adopted 2010) policies set out below should also be taken into account in the decision making process:

N/A

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

The Essex Design Guide
External Materials in New Developments
EPOA Vehicle Parking Standards
Sustainable Construction
Wivenhoe Town Plan and Executive Summary

8.0 Consultations

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

8.2 The Highway Authority has no objections subject to conditions relating to vehicular access and surface materials.

8.3 The Landscape Planner has no objections in principle but recommends a landscaping condition and that either the proposed driveway surface will need to be changed to a free-draining material, or a drainage system proposed to intercept any outflow before it reaches the highway.

9.0 Parish Council Response

9.1 Wivenhoe Town Council has stated: “The development is overbearing to the streetscape. Clauses 3.2, 3.6, 5.4 of the CBC’s SPD ‘ Backland and Infill Development’ refer. In particular 5.4 which states that “a backland or infill development should make a positive contribution to the character of the existing locality” and 3.2 which states “In some areas large gardens will be the defining character and in these areas backland and infill development will normally be resisted”

“On-street car parking will also be an issue of concern as this will need to be compliant. It should also be noted that houses built by in-filling cannot be taken off the Wivenhoe Neighbourhood Plan’s housing allocation.”

OFFICER’S NOTE – THIS APPLICATION IS FOR EXTENSIONS, SO REFERENCES TO THE BACKLAND AND INFILL GUIDE AND TO INFILL IN GENERAL ARE NOT RELEVANT TO THIS PROPOSAL.

10.0 Representations from Notified Parties

10.1 The application resulted in a number of notifications to interested third parties including neighbouring properties. The full text of all of the representations received is available to view on the Council’s website. However, a summary of the material considerations is given below.

10.2 Councillor Cory has called in the application and has concerns about overdevelopment.

10.3 Two letters of objection have been received which make the following points:

- I would be adversely affected by the proposed rear extension to the house at 23 Belle Vue Road along with the proposed new house on the same site, since together they would have a considerable impact on the appearance and tranquility of the vicinity and the quality of life of its residents.
- My dining room and sitting room would be overlooked.

11.0 Parking Provision

11.1 Two car spaces will remain, as per the parking standards.

12.0 Open Space Provisions

12.1 N/A

13.0 Air Quality

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

14.0 Planning Obligations

14.1 This application is not classed as a “Major” application and therefore there was no requirement for it to be considered by the Development Team and it is considered that no Planning Obligations should be sought via Section

15.0 Report

Design, Scale and Form of the Extension Works:

- 15.1 The designs, scales and forms of the rear flat roofed extension and rear first-floor extension are considered to be acceptable. The extension works would not detract from the character of the existing dwelling, and, being located unobtrusively to the rear, would not detract visually from the character of the street scene.
- 15.2 The design detailing also blends in well with the existing house. The plot is sizeable, even taking into account the potential for a dwelling to be sited on part of the garden. The extension works are therefore not considered to represent an overdevelopment of the plot. Adequate amenity space would be retained to the rear. The proposal does not conflict with the Wivenhoe Village Design Statement.

Impact upon neighbouring residential amenity from the extension:

- 15.3 It is not considered the rear extensions would be detrimental to neighbouring residential amenity. Owing to their size and distance from neighbouring properties, there would not be any significant loss of light or overbearing impact. Owing to the lengthy back garden, it is also not considered that there would be any overlooking of the property to the rear from rear-facing windows. The relationship to any dwelling that might be built in future on the side garden is also considered to be acceptable in terms of residential amenity impact.

Front garden landscaping works:

- 15.4 Subject to compliance with a landscaping condition which can be applied, the front garden landscaping works would be visually acceptable and would not detract from the character of the street scene. Part of the wall would be removed but this is not considered to have any particular historic value.
- 15.5 A condition can be applied in respect of surface water drainage to ensure there is no unacceptable outflow onto the highway.
- 15.6 The submitted proposal shows that two car parking spaces can be satisfactorily accommodated on the front garden area. Subject to compliance with the conditions suggested by the Highway Authority, it is therefore not considered there would be any detriment to highway safety.
- 15.7 Other Matters:
- 15.7 The extension works and frontage landscaping would not have any significant impact upon important vegetation.

16.0 Conclusion

- 16.1 In conclusion, the extension works and front garden landscaping works are considered to be visually acceptable and would not detract from the character of the existing dwelling or streetscene. There would be no significant impact upon neighbouring residential amenity and no impact upon highway safety.

17.0 Recommendation

- 17.1 The recommendation is therefore:

APPROVAL of planning permission subject to the following conditions set out below.

18.0 Conditions

1 - Time Limit for Full Permissions

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

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

2 - *Development to Accord With Approved Plans

The development hereby permitted shall be carried out in accordance with the details shown on the submitted Drawing Numbers 23BVR_004 received 28/10/16 and 23BVR_003 received 6/12/16.

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

3 - Non-Standard Condition/Reason – Vehicular access

The proposed vehicular access shall be constructed at right angles to the highway boundary and to a width of 4.8 metres and shall be provided with an appropriate dropped kerb vehicular crossing of the footway/highway verge to the specifications of the Highway Authority.

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

4 - Non-Standard Condition/Reason – Unbound materials

No unbound materials shall be used in the surface treatment of the proposed vehicular access throughout.

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

5 - Non-Standard Condition/Reason – Vehicular parking spaces

Two vehicular parking spaces, 2.9 m by 5.5 m shall be provided in accordance with the submitted plans prior to first use of the front garden landscaped area and shall thereafter be retained as such.

Reason: To ensure adequate parking provision in the interests of highway safety.

6 - Non-Standard Condition/Reason – Hard and soft landscaping

No works shall take place until a scheme of hard and soft landscaping works for the publicly visible parts of the site has been submitted to and agreed, in writing, by the Local Planning Authority. This scheme shall accurately identify positions of all proposed shrubs on the site, as well as details of any hard surface finishes (including precise materials) and external works (including works to the wall), which shall comply with the recommendations set out in the relevant British Standards current at the time of submission. The approved hard surfacing and landscape scheme shall be carried out in full prior to the end of the first planting and seeding season following the first occupation of the development.

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

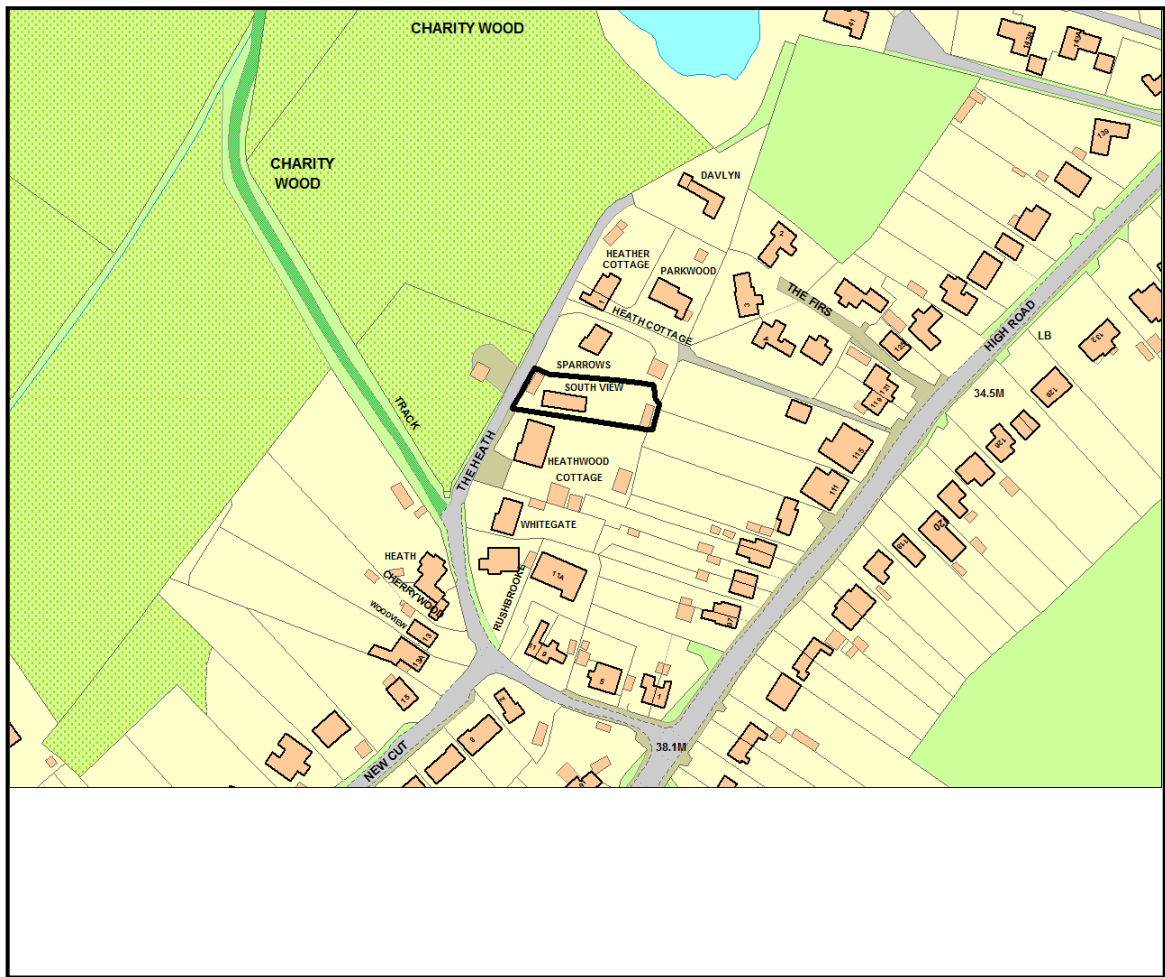
7 - Non-Standard Condition/Reason – Surface water drainage

No works shall take place until details of surface water drainage shall have been submitted to and approved, in writing, by the Local Planning Authority. No part of the development shall be brought into use until the agreed method of surface water drainage has been fully installed and is available for use.

Reason: To minimise the risk of flooding.

8 - Non-Standard Condition/Reason – Materials

No works shall take place until precise details of the manufacturer and types and colours of the external facing and roofing materials to be used in construction have been submitted to and approved, in writing, by the Local Planning Authority. Such materials as may be approved shall be those used in the development. Reason: In order to ensure that suitable materials are used on the development as there are insufficient details within the submitted planning application.



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Item No: 7.4

Application: 162722

Proposal: Proposed Garden Pavillion.

Location: Southview, The Heath, Layer-De-La-Haye, Colchester, CO2 0EE

Ward: Marks Tey & Layer

Officer: Chris Harden

1.0 Reason for Referral to the Planning Committee

- 1.1 This application is referred to the Planning Committee because the agent undertakes consultancy work for the Borough Council.

2.0 Synopsis

- 2.1 The key issues explored below are the design, scale and form of the garden pavilion and whether there is any detrimental impact upon the character of the street scene or neighbouring residential amenity.
- 2.2 The impact upon vegetation, including upon a nearby Spruce tree and Ash and Birch tree also needs to be assessed. In this case it is considered that the design, scale and form of the garden pavilion, which replaces an existing garden building, is visually acceptable and would not detract from the character of the area and street scene.
- 2.3 There would be no significant impact upon neighbouring amenity owing to the relatively small scale of the building and distance from neighbouring dwellings. It is not considered there would be any significant impact upon important trees and vegetation subject to tree protection conditions including foundations and protective fencing.

3.0 Site Description and Context

- 3.1 The site lies within the physical limits of Layer De La Haye and is within an Area of High Archaeological Protection. The property consists of a detached dwelling with existing garden building close to the rear boundary of the garden.
- 3.2 There are neighbouring properties either side and to the rear. There is a Spruce tree of modest size quite close to where the garden room is proposed and some vegetation beyond the boundary, including modestly-sized Ash and Birch trees.

4.0 Description of the Proposal

- 4.1 The proposal is for the erection of a single-storey garden pavilion finished in light hardie plank and red concrete tiles. It would measure 3.6 metres in height, 8.5 metres in length and 5.7 metres in width. These dimensions include a veranda area and a garden/gym, home office, garden store and toilet. The existing single storey garden building and a shed would be removed. An Arboricultural Impact Assessment has been submitted.

5.0 Land Use Allocation

- 5.1 Physical limits

6.0 Relevant Planning History

- 6.1 F/COL/03/0600
15/04/2003 - Full
Retention of single storey conservatory.
Approve Conditional - 12/05/2003

7.0 Principal Policies

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

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

SD1 - Sustainable Development Locations

UR2 - Built Design and Character

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

DP1 Design and Amenity

DP13 Dwelling Alterations, Extensions and Replacement Dwellings

DP14 Historic Environment Assets

DP16 Private Amenity Space and Open Space Provision for New Residential Development

DP19 Parking Standards

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

N/A

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

- Vehicle Parking Standards
- The Essex Design Guide
- External Materials in New Developments

8.0 Consultations

8.1 The Council's Archaeologist states:" No material harm will be caused to the significance of below-ground archaeological remains by the proposed development. There will be no requirement for any archaeological investigation.

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

9.0 Parish Council Response

9.1 The Parish Council "has no objections."

10.0 Representations

- 10.1 One letter has been received from a neighbour which makes the following comment: “We have no objection to this proposal on the understanding that the structure will be built at least 1 metre distance from our boundary chain link fence. Please confirm that this will be the case.”

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

11.0 Parking Provision

- 11.1 Existing parking spaces are unaffected.

12.0 Open Space Provisions

- 12.1 N/A

13.0 Air Quality

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

14.0 Development Team and Planning Obligations

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

15.0 Report

- 15.1 Design and Visual Impact: It is considered that the design, scale and form of the garden pavilion is visually acceptable in this location and would not detract from the character of the area or street-scene. As the pavilion would be to the rear of the property it would not be visually obtrusive. The finishes and materials would also be appropriate for the location. It should be noted that, as the height of the building has been reduced from 4.4 metres to 3.7 metres, at the request of the applicant, a building of this size and in this location would normally be permitted development and this now appears to be the case.
- 15.2 Impact upon neighbouring residential amenity: It is concluded that the garden pavilion would not be detrimental to neighbouring residential amenity. It is far enough from neighbouring dwellings to avoid causing an overbearing impact and also would not block out light to any significant degree. It is also not considered there would be any overlooking from the pavilion, including from the veranda, as the neighbouring fences are quite high and there is also some screening from vegetation.
- 15.3 Impact upon trees and vegetation: It is considered that the impact upon nearby trees and vegetation is acceptable. The submitted arboricultural report states that all trees nearby are Category C trees – i.e. desirable to retain in the short term but acceptable to be removed once new planting is established. They are not of the quality that would warrant a Tree Preservation Order and have limited public amenity value. All trees are proposed to be retained and conditions can

be applied in relation to foundations and protective fencing in order to minimise any impact. The arboricultural report also states that the surrounding soil has already previously been disturbed during the construction of the base for the existing summer house and from the further paving that was added. Overall, subject to conditions, it is not considered there would be any significant impact upon important trees and vegetation.

- 15.4 Adequate private amenity space and parking and manoeuvring areas would be retained. It is not considered that an archaeological condition is required. There would be no impact upon wildlife. Having regard to the neighbour's comment, the walls of the building are shown to be a minimum of a metre from the neighbouring boundaries. The building is considered to be a genuine garden pavilion and a condition can be applied to ensure it is used as a building ancillary to the existing dwelling.

16.0 Conclusion

- 16.1 In conclusion it is considered that the design, scale and form of the garden pavilion, which replaces an existing garden building, is visually acceptable and would not detract from the character of the area and street scene. There would be no significant impact upon neighbouring amenity owing to the relatively small scale of the building and distance from neighbouring dwellings. It is not considered there would be any significant impact upon important trees and vegetation subject to tree protection conditions including foundations and protective fencing. A condition about use of the building being ancillary to the existing dwelling can be applied.

17.0 Recommendation

- 17.1 APPROVE subject to the following conditions

18.0 Conditions

1 - Time Limit for Full Permissions

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

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

2 - *Development to Accord With Approved Plans

The development hereby permitted shall be carried out in accordance with the details shown on the submitted Drawing Numbers: 868- 1 and 868-3 received 1/11/16 and 868-2 received 28/11/16.

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

3 - Non-Standard Condition/Reason – Materials

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

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

4 - Non-Standard Condition/Reason – Existing trees and hedgerows

All existing trees and hedgerows shall be retained throughout the development construction phases, unless shown to be removed on the approved drawing and all trees and hedgerows on and immediately adjoining the site shall be protected from damage as a result of works on site in accordance with the protection and method statements outlined in the submitted Arboricultural Impact Assessment, including protective fencing (which shall be installed prior to commencement of development) and the foundation detail and shall be complied with during the lifetime of the development works. All existing trees and hedgerows shall then be monitored and recorded for at least five years following contractual practical completion of the development. In the event that any trees and/or hedgerows die, are removed, destroyed, fail to thrive or are otherwise defective during such a period, they shall be replaced during the first planting season thereafter to specifications agreed, in writing, with the Local Planning Authority. Any tree works agreed to shall be carried out in accordance with BS 3998.

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

5 - Non-Standard Condition/Reason – Occupation

The development hereby permitted shall not be occupied or used at any time other than for purposes ancillary to the residential use of the dwelling known as Southview, The Heath, Layer De La Haye.

Reason: For the avoidance of doubt as to the scope of the permission as this is the basis on which the application has been considered and any other use would need to be given further consideration at such a time as it were to be proposed.

19.0 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.

1.0 Reason for Referral to the Planning Committee

- 1.1 This application is referred to the Planning Committee because it has been called in by Cllr Young who considers this is a scheme to create a House In Multiple Occupation (HMO) by the back door. "They have persisted in building at this site despite officers' frequent interventions to stop building work continuing. This application needs to be considered by the planning committee to allow residents the opportunity to address the committee. Promises made to make alterations to the front of the property to provide additional room for cars to park have not been fulfilled."

2.0 Synopsis

- 2.1 The key issues for consideration are the design, scale and form of the side extension, together with consideration of any impact upon neighbouring residential amenity and the assessment of the extent of retained amenity space.
- 2.2 In this case the design, scale and form of the extension is considered acceptable and would not visually detract from the character of the street scene. There would be no impact upon neighbouring amenity and adequate private amenity space would be retained. The scheme has no implications for highway safety. The application is simply for the side extension and not for an HMO.
- 2.3 The application is subsequently recommended for approval

3.0 Site Description and Context

- 3.1 The detached four bedroom dwelling lies within a housing estate and has neighbouring properties on either side and to the rear. An extension has already been constructed between the dwelling and the garage and this is the subject of this retrospective application. A conservatory has also been recently constructed to the rear and this was Permitted Development.

4.0 Description of the Proposal

- 4.1 The proposal is a retrospective application for the retention of a small side extension that has linked the dwelling to the garage. The extension would comprise 3.25 sqm. The garage was previously detached and separated from the main house by a small private path.

5.0 Land Use Allocation

- 5.1 Predominantly residential.

6.0 Relevant Planning History

- 6.1 Application 162176: recently approved Lawful Development Certificate for a rear conservatory and works to the garage to form home gym. There was a recent refusal (161415) to convert the dwelling to an HMO with eight bedrooms on the grounds of over-intensification of use of the site, including a lack of parking.

7.0 Principal Policies

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

- 7.2 The adopted Colchester Borough Core Strategy (adopted 2008, reviewed 2014) contains local strategic policies. Particular to this application, the following policies are most relevant:

SD1 - Sustainable Development Locations
UR2 - Built Design and Character

- 7.3 The adopted Colchester Borough Development Policies (adopted 2010, reviewed 2014) sets out policies that apply to new development. Specific to this application are policies:

DP1 Design and Amenity
DP13 Dwelling Alterations, Extensions and Replacement Dwellings
DP14 Historic Environment Assets
DP16 Private Amenity Space and Open Space Provision for New Residential Development
DP19 Parking Standards

- 7.4 Some "allocated sites" also have specific policies applicable to them. The adopted Site Allocations (adopted 2010) policies set out below should also be taken into account in the decision making process:

N/A

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

The Essex Design Guide
External Materials in New Developments
EPOA Vehicle Parking Standards
Sustainable Construction

8.0 Consultations

- 8.1 The stakeholders who have been consulted and who have given consultation responses are as set out below. More information may be set out on our website.
- 8.2 Councillor Julie Young objects to the application and states: "This application needs to be rejected. The applicant has flouted planning law and is attempting to create an HMO by the back door. They have persisted in building at this site despite officers' frequent interventions to stop building work continuing. This application needs to be considered by the planning committee to allow residents the opportunity to address the committee.

Promises made to make alterations to the front of the property to provide additional room for cars to park have not been fulfilled necessitating on road parking which is causing a hazard as this is a busy road."

9.0 Parish Council Response

- 9.1 Non-parished.

10.0 Representations from Notified Parties

- 10.1 The application resulted in a number of notifications to interested third parties including neighbouring properties. The full text of all of the representations received is available to view on the Council's website. However, a summary of the material considerations is given below.
- 10.2 Three letters of objection have been received which make the following points:
- When the original plans were put in, it was refused at first because of the amount of cars that would be there. They said the cars would be parked at the front of the house. They have put shingle down with blocks around the edge so NO CARS ARE ABLE TO PARK THERE and as most of the residents expected they are parking along the road making it dangerous!!!
 - Owner said they would be digging all of the very high hedge out as the residents at number 5 cannot reverse out of their drive because the hedge is blocking their view.
 - This property has sight lines on the title deeds indicating that the boundary was not the full length of the front garden. These sight lines extended across the front garden of 3 Egret Crescent, but have currently been gravelled over and included within the entire front of the proposal. If parking is allowed or indicated across this, it is not in line with deeds or, in fact, the boundary of the property.

- Previous owners of the property maintained an area of land beyond the sight lines and next to the path but land registry may show this to be beyond the boundary of the property, and potentially not belonging to the property.
- Regardless, the sight lines should be respected for the safety of traffic and measures put in place to ensure that they remain clear of obstruction, temporary or permanent.
- Extremely concerned by this proposal and fully endorse Councillor Young's comments. The original proposal to create a HMO was rejected. Despite this, building work continued and now retrospective permission is being sought. This is a clear breach of planning and cannot be allowed to stand. The front garden of this property has now been gravelled over (contained within a raised bed of concrete kerb stones) making it impossible for parking to occur. Any parking therefore has to occur on the road, which as many residents stated in the original plan is downright dangerous.
- It appears that there house is currently occupied. I would be very interested to see (and would not be surprised if) the property is indeed an unregistered HMO.
- I believe that the rooms inside have been converted for use as a HMO and would no longer be suitable as a family property. The only reason a side extension would be needed at this address is to create social living space for a house designed as a HMO. Allowing this application to proceed rides roughshod over the planning process and would make a mockery of it.

11.0 Parking Provision

- 11.1 There is a hard surfaced area that could accommodate 3-4 cars, plus a garage.

12.0 Open Space Provisions

- 12.1 N/A

13.0 Air Quality

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

14.0 Planning Obligations

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

15.0 Report

- 15.1 Principle: Firstly, having regard to the above comments received, it should be noted that this is not an application for a House in Multiple Occupation. (HMO). The application is for an extension to a four-bedroomed dwelling. Therefore, the proposal should be judged on the merits of the extension itself.
- 15.2 Design, Scale and Form of the extension: It is considered that the design, scale and form of the extension work is visually acceptable and would not detract from the character of the existing dwelling or street scene. The extension is very small in scale and is simply an infill between the dwelling and garage. A property nearby on the opposite side of the road has a similar extension so this extension would not be at odds with its surroundings. It is therefore considered the extension is visually acceptable in this context.
- 15.3 Highway Safety: There are three to four car parking spaces available at the front of the property plus a garage space. The extension does not create an additional bedroom and does not affect car parking provision or visibility splays. Therefore, there is no reason to object to the scheme on highway safety grounds.
- 15.4 Impact Upon Neighbouring Residential Amenity: The extension attaches the dwelling to the garage and therefore is within the site, well away from neighbouring properties. There is, therefore, no overbearing impact upon neighbouring properties and there would be no loss of light caused. There are no windows that would cause any overlooking issue. Overall there would therefore be no impact upon neighbouring residential amenity.
- 15.5 Other Matters: It is considered that the extension has had no significant impact upon the provision of private amenity space owing to its small size, including small extent of floor area. No vegetation was affected from its construction.

16.0 Conclusion

- 16.1 In conclusion, the design, scale and form of the extension is considered acceptable and would not visually detract from the character of the street scene. There would be no detriment to highway safety from the proposal. There would be no impact upon neighbouring amenity and adequate private amenity space would be retained. It should be noted that this application is simply for the retention of an extension and does not relate to the formation of an HMO.

17.0 Recommendation

- 17.1 The recommendation is therefore:

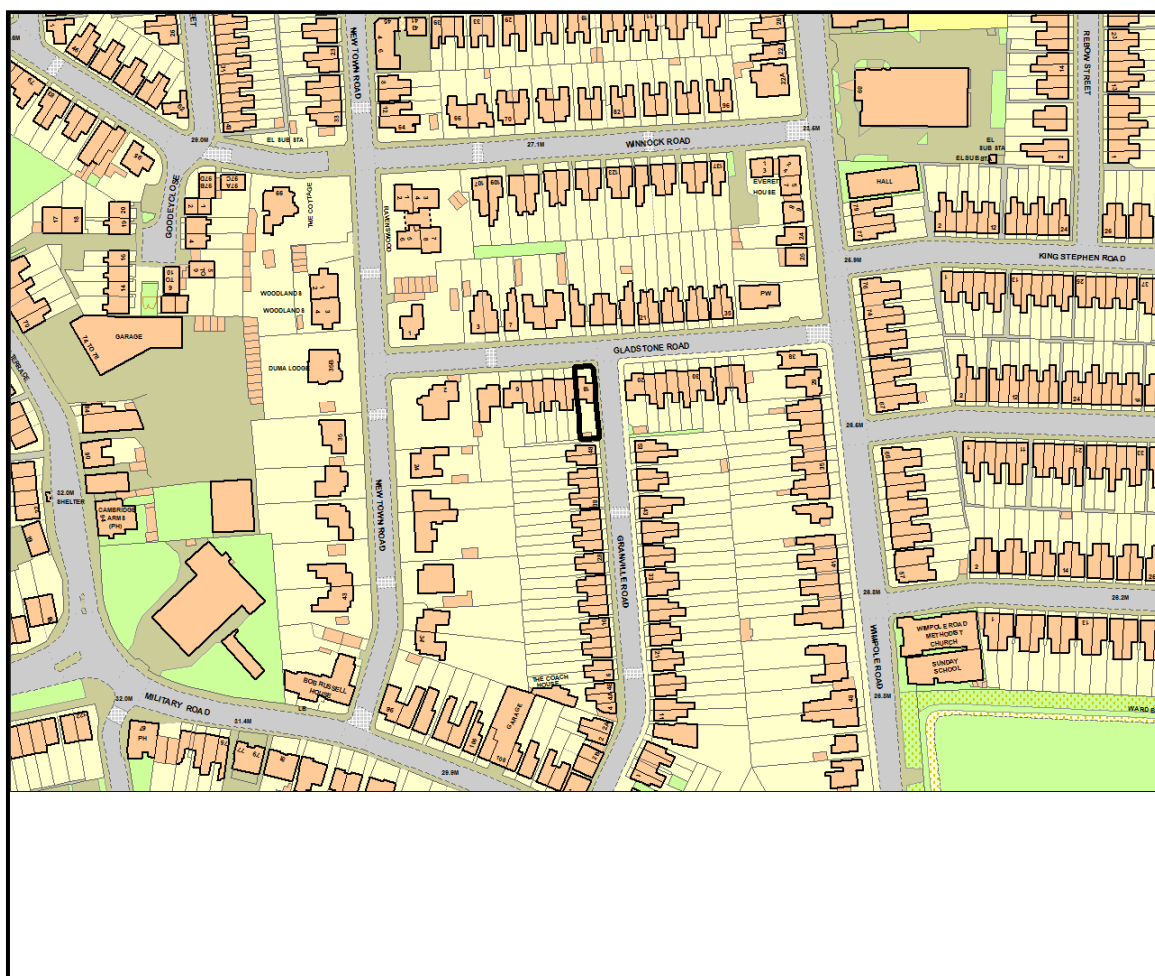
APPROVAL of planning permission subject to the following conditions set out below.

18.0 Conditions

(1) Development to Accord With Approved Plans

The development hereby permitted, which relates solely to the single storey side infill extension, is that shown on the submitted Drawing Numbers: C101, C102, C103, C104, C105, C106, C107, C108, C109, C110, C111, C112, C113, C114, C115 received 23/11/16.

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



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Item No: 7.6

Application: 162327

Proposal: Proposed garage in location of existing car parking space (no change to highway access).

Location: 18 Gladstone Road, Colchester, CO1 2EB

Ward: New Town & Christ Church

Officer: Chris Harden

1.0 Reason for Referral to the Planning Committee

- 1.1 This application is referred to the Planning Committee because it has been called in by Councillor Annie Feltham on the grounds that “The size of the proposed building, hard to justify as a garage, is out of kilter with the built environment in this Conservation Area. It is an overbearing structure which will negatively affect the street scape in Granville Rd and will further reduce the amenity for the household at 16 Gladstone Rd which has already been affected by the previous erection of a building, also on the same property.”

2.0 Synopsis

- 2.1 The key issues explored below are the visual impact upon the street scene and character of the Conservation Area and the impact upon neighbouring residential amenity. The scheme has been amended since its original submission, removing a 2 metre by 3.4 metre element. This reduces the extent of building alongside the neighbouring boundary. The proposal is considered to be acceptable in terms of its design, scale and form and would be in keeping with the character of the street scene and Conservation Area. Now that the size of the garage has been reduced, it is not considered there would be any detriment to neighbouring residential amenity from an overbearing effect. The proposal is therefore recommended for approval.

3.0 Site Description and Context

- 3.1 The site lies within the physical limits and Conservation Area and the red bricked, semi-detached dwelling on the site is a building of Local Interest.

4.0 Description of the Proposal

- 4.1 The proposal is for the erection of a single storey garage in the location of an existing car parking space. The single storey pitched roof garage would measure 6.7 metres in length, 3.4 metres in width and with a height to ridge of 3.5 metres. The garage would utilise the existing vehicular access and the existing sliding gate would be slightly increased in height.

5.0 Land Use Allocation

- 5.1 Predominantly residential, within the New Town Conservation Area, UAD Monument.

6.0 Relevant Planning History

- 6.1 Single storey rear extension constructed under Permitted Development.

7.0 Principal Policies

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

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

SD1 - Sustainable Development Locations
UR2 - Built Design and Character

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

DP1 Design and Amenity
DP13 Dwelling Alterations, Extensions and Replacement Dwellings
DP14 Historic Environment Assets
DP16 Private Amenity Space and Open Space Provision for New Residential Development
DP19 Parking Standards

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

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

8.0 Consultations

8.1 The Council's Archaeologist recommends an Archaeological Programme of Works condition.

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

9.0 Parish Council Response

9.1 Non parished.

10.0 Representations

10.1 Seven letters of objection have been received, making the following points (in relation to the originally submitted scheme):

- In 2014 there was an imposing extension added to the rear of 18 Gladstone road. This was built without seeking architectural, or LPA Guidance, was built as Permitted Development and subject to a CBC Enquiry. This extension has significantly impacted the skylight received into my living room window and has an overbearing presence both from within the living room, Kitchen and outside in the garden. This has relevance when considering the impact of the latest proposal.
- My garden measures 10.8 metres from the far rear of the house. The proposed structure of 5.325 metres will represent almost half of the length of the garden. With an extra 5.325 metres this will result in a large part (8.525 metres) of the left side of my garden being overshadowed by brick and pitched/hipped roof sections right next to the boundary. The outlook from my living room window will be reduced to roof slate and brick. This will result in a feeling of being hemmed in.
- The proposal measures 3.550 at ridge, the street scene drawing submitted shows this is higher than the rest of the ridge heights on the site. The ridge of the existing pitched slate roofed outhouse extension is 2.9 metres. Question the need for such a high ridge on the proposed building, especially considering this is an outbuilding that will take up close to half of the back garden. This will only add to the dominance this proposal has on not just the neighbouring garden, gardens but also the street scene.
- There is no reference on the proposed plans to style of eaves, closed, open, flush ? The design will affect the visual appearance. Can the architect confirm dimensions and eaves style.
- The street scene drawing negates to show the L section of the building 1900 x 3250 (A Significant part of the proposal) which will block the amenity from the street over the attractive foliage of the adjacent 4 gardens.
- Layout and siting both in itself and in relation to the adjoining buildings and gardens is unsympathetic and will end up looking imposing and unbalancing the street scene.
- Plot is in the centre of new town conservation area. This is an unsuitably large development and the visual prominence of the location (being a corner house) has a significant bearing over street scene.
- If the proposal were allowed it would set a precedent in the area.

- These houses on the South Side of Gladstone Road were recognised in 2011 for being largely unspoiled original examples and added to CBC Local Historic List.
- The houses were designed and built by the builder and architect Goodey in 1880-81 as workers cottages. (see plans 1.1) In designing this particular area of Newtown Goodey set about achieving a high density of housing, but did so in a way to make the area feel well designed and attractive.
- Concerned about the size of the proposed building. I support an application for a single storey garage with a door onto Granville Road but the drawings indicate an L shaped building covering a significant portion of the rear garden with French windows. The proposed building is not just intended for garaging but includes either office or dwelling space. In this case the proposal is misleading.
- Concerned about overdevelopment of properties in this area.

NB: No further objections have been received following a re-consultation on the amended plans.

- 10.2 One letter of support has been received which states “We are happy with the plans to go ahead.”

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

11.0 Parking Provision

- 11.1 One parking space, unchanged.

12.0 Open Space Provisions

- 12.1 N/A

13.0 Air Quality

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

14.0 Development Team and Planning Obligations

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

15.0 Report

Design, Scale, Form and Impact upon the Conservation Area:

- 15.1 Following submission of a revised plan, which has reduced the proposal to a single garage from an 'L' shaped building, the proposed building is now considered acceptable in terms of its design, scale and form. The building is now of traditional proportions and, subject to compliance with the submitted details, the design details would be appropriate for this location. Accordingly, the building would not detract from the character of the Conservation Area or detrimentally affect the setting of the Locally Listed Building. It would also be in keeping with the character of the streetscene, including in terms of its overall scale and size.

Impact upon neighbouring residential amenity:

- 15.2 Now that the building has been reduced in size, the extent of built form proposed to be adjacent to the neighbour's boundary has been significantly reduced. Accordingly, it is not considered there would be any significant overbearing impact upon the adjoining neighbour and there would not be any significant loss of light. The cumulative impact of this proposal and the previously constructed single storey extension has been considered and is deemed to be acceptable. It is not considered there would be any significant impact upon other neighbouring properties, including the dwelling to the South.

Other Matters

- 15.3 One parking space would be retained on site, as currently exists, so there would be no loss of parking and no impact upon highway safety as the existing access would be utilised. Adequate amenity space would be retained and there would be no impact upon any significant vegetation. There is a requirement for an archaeological condition.

16.0 Conclusion

- 16.1 The revised scheme is considered to be visually acceptable and in keeping with the character of the conservation area. It would not detract from the setting of the Locally Listed Building and would be in keeping with the character of the streetscene. There would be no significant impact upon neighbouring residential amenity following the reduction in size of the proposal. There would be no impact upon highway safety.

17.0 Recommendation

- 17.1 APPROVE subject to the following conditions

18.0 Conditions

1 - Time Limit for Full Permissions

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

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

2 - *Development to Accord With Approved Plans

The development hereby permitted shall be carried out in accordance with the details shown on the submitted Drawing Numbers location plan received 20/9/16 and 5475/16/1a & 5475/16/2C received 25/10/16

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

3 - Materials to be Agreed

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

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

4 - Non-Standard Condition/Reason – Floor levels

The floor level of the garage shall accord with the submitted details on drawing 5475/16/2c.

Reason: For the avoidance of doubt as to what has been considered and approved and the interests of visual and residential amenity.

5 - Non-Standard Condition/Reason – External Joinery

All external joinery shall be of timber with a painted finish and the bargeboards, brackets and other joinery detail shall accord with the submitted details shown on drawing 5475/16C.

Reason: In the interests of visual amenity.

6 - Non-Standard Condition/Reason – Programme of Archaeological Work

No works shall take place until the implementation of a programme of archaeological work has been secured, in accordance with a Written Scheme of Investigation that has been submitted to and approved, in writing, by the Local Planning Authority. The scheme shall include an assessment of significance and research questions; and:

- a. The programme and methodology of site investigation and recording.
- b. The programme for post investigation assessment.
- c. Provision to be made for analysis of the site investigation and recording.
- d. Provision to be made for publication and dissemination of the analysis and

records of the site investigation.

e. Provision to be made for archive deposition of the analysis and records of the site investigation.

f. Nomination of a competent person or persons/organisation to undertake the works.

The site investigation shall thereafter be completed prior to development, or in such other phased arrangement, as agreed, in writing, by the Local Planning Authority. The development shall not be occupied or brought into use until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.

Reason: To safeguard archaeological assets within the approved development boundary from impacts relating to any groundworks associated with the development scheme and to ensure the proper and timely investigation, recording, reporting and presentation of archaeological assets affected by this development, in accordance Colchester Borough Council's Core Strategy (2008).

(7) – Non Standard Condition – Fenestration Details

Prior to commencement of development precise details of the following (scale 1:20 where applicable), shall be submitted to and agreed in writing by the Local Planning Authority

(i) fenestration facing the road, including bargeboards and brackets

(ii) works to increase height of gate.

Only the approved details shall be implemented.

Reason: To ensure the satisfactory appearance of the development in the interests of visual amenity