

Planning Committee Meeting

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

Thursday, 19 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

Evacuate the building using the nearest available exit. Make your way to the assembly area in the car park in St Runwald Street behind the Town Hall. Do not re-enter the building until the Town Hall staff advise you that it is safe to do so.

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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 scrapyards or the breaking of motor vehicles, hostels, retail warehouse clubs (where goods are sold, or displayed for sale, only to persons who are members of that club), night-clubs, or casinos.

Interpretation of Class C3

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

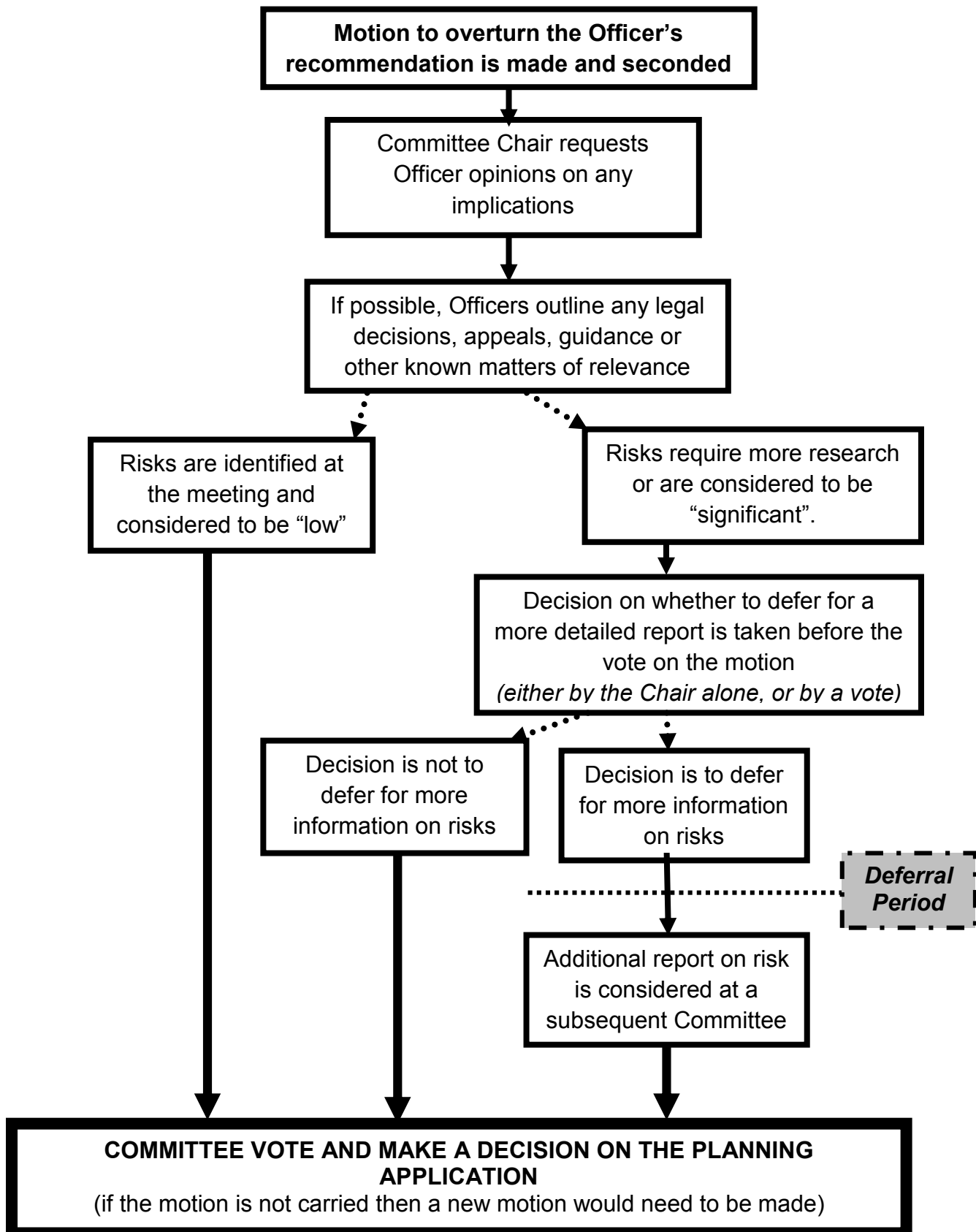
Interpretation of Class C4

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

Deferral and Recommendation Overturn Procedure (DROP) Flowchart

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

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



COLCHESTER BOROUGH COUNCIL
Planning Committee
Thursday, 19 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 **Minutes of 5 January 2017** 17 - 22

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 **162790 Dunelm, Unit 1, Turner Rise Retail Park, Petrolea Close, Colchester** 23 - 34

Application to vary Condition 12 following grant of planning permission 91/0887.

7.2 **161380 Land north of Wyvern Farm, London Road, Stanway** 35 - 56

Revised development to provide 176 one, two, three and four bedroom houses and apartments, plus associated road and parking, public open space, landscaped buffers and drainage works.

7.3 **163132 Sheepen Road, Colchester** 57 - 62

Advert consent for one vehicle direction sign and one pedestrian direction sign.

7.4 **162639 White Lodge, Roundbush Road, Layer Marney, Colchester** 63 - 74

Change of use and alterations to rural outbuilding to form one dwelling with new access - Resubmission of 160537 (additional plans received).

7.5 **162723 Colchester Leisure World, Cowdray Avenue, Colchester** 75 - 80

Construction of a single storey, 246 m2 extension to the current fitness suite (Gymnasium) located at Leisure World, Colchester.

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, 05 January 2017

Attendees: Councillor Lyn Barton, 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 Jessica Scott-Boutell (for Councillor Helen Chuah)

419 Site Visits

Councillors Barton, Hazell, Higgins, Jarvis, Liddy, Loveland, J. Maclean and J. Scott-Boutell attended the site visits.

420 Minutes of 17 November 2016

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

421 Minutes of 24 November 2016

The minutes of the meeting held on 24 November were confirmed as a correct record.

422 Minutes of 1 December 2016

The minutes of the meeting held on 1 December were confirmed as a correct record.

423 162467 Rowhedge Wharf, Former Rowhedge Port, Rowhedge

The Committee considered an application for the variation of condition 2 of application 144693 for revised plans and elevations to Plots 89-108 at Rowhedge Wharf, Former Rowhedge Port, Rowhedge. The application had been referred to the Committee because it was a major application and objections had been received. The Committee had before it a report and amendment sheet in which all the information was set out.

RESOLVED (UNANIMOUSLY) that the Head of Commercial Services be authorised to approve the planning application subject to the signing of a linking agreement under Section 106 of the Town and Country Planning Act 1990 within six months from the date of the Committee meeting, in the event that the linking agreement is not signed within six months, authority be delegated to the Head of Commercial 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, subject to the conditions set out in the report and the amendment sheet.

424 162969 West Stockwell Street, Colchester

Councillor Liddy (in respect of his Directorship of Colchester Borough Homes) declared a non-pecuniary interest in the following item pursuant to the provisions of Meetings General Procedure Rule 7(5).

The Committee considered an application for the removal or variation of condition 2 following grant of planning permission 161912 at West Stockwell Street, Colchester. The application had been referred to the Committee because the applicant was Colchester Borough Homes. The Committee had before it a report in which all the information was set out.

RESOLVED (UNANIMOUSLY) that the application be approved and a new planning permission be issued under Section 73 of the Town and Country Planning Act 1990 subject to the same conditions as approved previously and the additional conditions set out in the report.

425 162647 23 Belle Vue Road, Wivenhoe

The Committee considered an application for a proposed rear extension and front garden landscaping works at 23 Belle Vue Road, Wivenhoe. The application had been referred to the Committee because it had been called in by Councillor Cory. The Committee had before it a report 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.

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

426 162722 Southview, The Heath, Layer de la Haye, Colchester

The Committee considered an application a proposed garden pavilion at Southview, The Heath, Layer de la Haye, Colchester. The application had been referred to the Committee because the agent undertakes work for the Borough 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.

427 162872 3 Egret Crescent, Colchester

The Committee considered an application for a single storey side infill extension (retrospective) at 3 Egret Crescent, Colchester. The application had been referred to the Committee because it had been called in by Councillor J. Young. The Committee had before it a report 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.

Chris Harden, Planning Officer, presented the report and, together with Andrew Tyrrell, Planning Manager, assisted the Committee in its deliberations.

Liam Ryan, addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in support of the application. He explained that the application was for a small infill extension to link the garage to the house which was similar to two extensions which had received planning approval in the neighbourhood. The extension had been sympathetically designed to improve the internal flow of the house. He considered allegations about the use of the house were not relevant to the application and he confirmed that he had worked with council officers to submit the application which complied with all necessary policies.

Councillor J. Young attended and, with the consent of the Chairman, addressed the Committee. She confirmed that she had called in the application due to the problematic history associated with the site and the previous attempts to create an 8 bedroom House in Multiple Occupation. She was disappointed that the application had been submitted after the work had commenced and considered it not usual for applications to be submitted retrospectively. As such, she was of the view that the application should not be considered to be entirely compliant with Council policies. She was concerned about the number of occupants likely to be residing at the dwelling as well as the applicant's commitment to create additional off road parking which had not materialised.

Councillor T. Young attended and, with the consent of the Chairman, addressed the Committee. He also voiced his disappointment regarding the retrospective nature of the application and the loss of amenity to the surrounding area due to the blocking off of the parking area to the front of the dwelling. He explained that local neighbours had considered that rules had been flouted by the applicant and asked the Committee to consider refusing the application in order to send a message that this practice should not be encouraged.

In response to comments raised, the Planning Officer explained that the applicant was permitted to convert the garage to a gym and to alter the inside of the dwelling without consent, existing parking provision for a four bedroom dwelling had not been reduced so existing parking problems were not exacerbated and the application was not for a House in Multiple Occupation (HMO) but, in any event, a conversion to a six bed HMO was

possible without consent. He also confirmed that permission was required only due to the four metre height of the extension and, whilst it was unfortunate that building work had continued, the applicant did have a right to apply retrospectively for permission.

Some members of the Committee were concerned about the similarity of the application drawings with those previously submitted for the HMO application and were of the view that the refusal of that previous application should be maintained on this occasion also. The accuracy of the drawings in terms of the front and rear surface treatments was also questioned in terms of the validity of the application.

Other members of the Committee, whilst sympathising with the views expressed by the visiting Councillors, not welcoming the retrospective nature of the application, were of the view that there was no material planning justification to refuse the application. Reference was also made to the suitability of the shingle surface applied to the front and rear of the property and the inability of the spaces at the front of the property to be used for car parking purposes as well as safety concerns in relation to some of the building works and the potential to refer the work for Buildings Regulations review.

The Planning Manager reminded the Committee members that the application was for an extension to the dwelling which they were required to consider entirely on its own merits. He confirmed that inconsistency of the existing surface treatment with the information contained in the application drawings was not a suitable ground for refusal of the application and explained to the Committee members that the risks associated with a decision to refuse the application were very high and he strongly advised the Committee members against this course or to consider invoking the Deferral and Recommendation Overturn Procedure if this course was likely.

RESOLVED (SIX voted FOR and FOUR voted AGAINST) that the application be approved subject to the conditions set out in the report.

428 162327 18 Gladstone Road, Colchester

The Committee considered an application proposed garage in location of existing car parking space (no change to highway access) at 18 Gladstone Road, Colchester. The application had been referred to the Committee because it had been called in by Councillor Feltham. The Committee had before it a report 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.

Chris Harden, Planning Officer, presented the report and, together with Andrew Tyrrell, Planning Manager, assisted the Committee in its deliberations.

Mike Bowler addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in support of the application. He explained that the site of

the garage building reflected the requirements of the Essex County Council Supplementary Planning Guidance and confirmed that it would be used for the sole use and enjoyment of the occupier of the dwelling. He was of the view that the garage was in-keeping with the street scene and the design had been considered acceptable by the Conservation Officer with no detriment to residential amenity. He welcomed the planning officer's recommendation for approval and hoped this would be acceptable to the Committee.

Councillor Feltham attended and, with the consent of the Chairman, addressed the Committee. She had called in the application in order to defend the Conservation Area on behalf of the local residents. She explained that Gladstone Road looked very similar today to when it was first designed in 1881 and that it was important to preserve its architectural merits. She was concerned that the garage building would stand out within the street scene because of its height and sought assurances that the conditions attached to any decision to approve the application, particularly in relation to archaeology, would be adhered to.

In response to comments raised, the Planning Officer explained that the height of the proposed garage was considered to be in-keeping with the street scene and that a lower height would create a shallower pitch which would have a more contemporary and undesirable appearance in this context. He acknowledged the importance of correct detail within a Conservation Area and confirmed that the necessary conditions would be applied to any approval.

RESOLVED (NINE voted FOR and ONE voted AGAINST) that the application be approved subject to the conditions set out in the report.



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Item No: 7.1

Application: 162790

Applicant: Dunelm (Soft Furnishings) Ltd

Agent: Mrs Lucy Turner, Montagu Evans LLP

Proposal: Application to vary condition 12 following grant of planning permission 91/0887.

Location: Dunelm, Unit 1, Turner Rise Retail Park, Petrolea Close, Colchester, CO4 5TU

Ward: Mile End

Officer: Sue Jackson

1.0 Reason for Referral to the Planning Committee

- 1.1 This application is referred to the Planning Committee because it seeks to vary a condition on a major application and objections have been received.
- 1.2 Councillor Goss also sought to call-in the application for the following reasons “This application will potentially cause disturbance to local residents as it is proposed to build for 24 hours a day. This is not acceptable. There is also an issue with dumped trolleys which will get worse with even more people using the store. All of this has an impact on local residents and our local community. The response from the store on these issues has been poor and woeful. I want to see Trolleywise employed to pick up the trolleys like Asda have done”.

2.0 Synopsis

- 2.1 The key issues for consideration are policy matters, the impact of the construction works on the amenity of residents in Peto Close and how any adverse impacts can be mitigated by working practises and/or planning conditions.
- 2.2 The application is subsequently recommended for approval.

3.0 Site Description and Context

- 3.1 Turner Rise Retail Park is located just to the north of the town centre close to Colchester North Station. The Retail Park comprises nine retail and restaurant units, including Go Outdoors, Home Bargains, Pizza Hut and Bensons. Asda Supermarket is located immediately to the west of the site. The application site, Unit 1, is occupied by Dunelm. The buildings on the Retail Park are approximately “U” shaped with a central car park. There is a service yard to the rear separated from residential properties by an embankment. Access is via Petrolea Close which is in turn accessed from the North Station roundabout and thereafter runs parallel to the railway line.

4.0 Description of the Proposal

- 4.1 This application relates to Unit 1 and seeks to vary the wording of a condition on the original planning permissions to permit the existing mezzanine floor space to be accessed by the general public and used for retail sales. The application also seeks to extend the mezzanine floor area.
- 4.2 The application proposes that the area of the mezzanine will be increased from 1,307 sq. m to 1,484 sq. m (177sq. m) with approximately 829 sq. m will be used for retail sales, with the remainder continuing to be used for storage, offices and staff areas. A new central staircase to provide access for the public to the mezzanine will reduce the retail floor area of the ground floor by approximately 73 sq. leading to an overall increase to the net sales area of the unit of 784 sq. m.

- 4.3 Outline planning application COL/91/0887 provides the original planning permission for the Retail Park approved in September 1993. Condition 12 of this permission restricted the gross floor area at the development to 13,006 sq. m. Application COL/98/0004 approved in February 2008 allowed the creation of additional mezzanine floorspace within three of the units, including Unit 1 through the variation of Condition 12. The application also reduced the maximum level of gross non- food retail at the site from 13,006 sq. m to 11,261 sq.m.
- 4.4 Condition 12 reads as follows: “The retail floorspace hereby approved is restricted in the following manner:
- a) A maximum 82,000 sq. ft. (7617.8 sq. m.) gross floor area to include a maximum of 45,000 sq. ft. (4180.5 sq. m.) net retail sales area - foodstore only. In particular:-The food retail unit shall be retained as a single unit and shall be used principally for the purposes of a foodstore and for no other purpose (unless the entire unit is used for non-food retailing purposes as set out below). This restriction upon use precludes any other retail use which might otherwise be permitted by virtue of Class A1 of the Schedule of the Town and Country Planning (Use Classes) Order 1987 - or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order.
 - b) A maximum 121,225 sq. ft. (11,261.8 sq. m.) gross floor area (excluding mezzanine floors hereby approved) - non-food retailing only. In particular:-The non-food retail units shall be retained as not more than 7 units and only used for the sale of furniture, carpets, electrical white goods, home improvement products, D.I.Y. goods and materials, garden and associated products or similar goods as may be agreed by the Local Planning Authority in writing that are of a weight and bulk which would impose inconvenience to the public if located in conventional centres and for no other purpose including any other purpose within Class A1 of the Schedule of the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order. **The mezzanine floors hereby permitted shall be used only for storage and office purposes ancillary to the use of the associated units for the purposes set out above and for no other purpose without the prior written approval of the Local Planning Authority (including any other purpose within Class A1 of the Schedule of the Town and Country Planning (Use Classes) Order 1987 or in any statutory instrument revoking and re-enacting that Order). The mezzanine floor shall not be accessible to the general public”.**

- 4.5 The application proposes to amend the wording of the highlighted text above as follows; The mezzanine floor within Unit 1, as shown on plan ref. 900-102-A, may be used for retail sales in accordance with the restrictions set out in this condition (as amended by Permission Ref. F/COL/05/196). Except for Unit 1, the mezzanine floors hereby permitted shall be used only for storage and office purposes ancillary to the use of the associated units for the purposes set out above and for no other purpose without the prior written approval of the Local Planning Authority (including any other purpose within Class A1 of the Schedule of the Town and Country Planning (Use Classes) Order 1987 or in any statutory instrument revoking and re-enacting that Order). Except for the approved mezzanine floor within Unit 1, the mezzanine floor shall not be accessible to the general public”
- 4.6 Whilst the application is to vary a condition to allow part of the mezzanine to be used for retail sales this involves internal works which include excavating the floor slab to provide a pit for a lift and installing a lift.

5.0 Land Use Allocation

- 5.1 Urban District Centre, Regeneration Area

6.0 Relevant Planning History

- 6.1 The original applications for the Retail Park, including Unit 1, are detailed in the “Description of Proposal” application references COL/91/0887 and COL/98/0004.
- 6.2 F/COL/05/196 approved on 30 October 2006 varied the range of goods that can be sold from Unit 1 to include kitchenware, tableware and other products to enable Dunelm to trade from the unit.
- 6.3 Similar permissions have also been granted at the Retail Park to vary the range of goods that could be sold from individual units.
- 6.4 Application 144667 was approved on 09 September 2014 for the development of two Class A1 retail units at the Turner Rise site, plus two food and drink pods (Use Class A1 and / or A3), and other associated works.

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
CE1 - Centres and Employment Classification and Hierarchy
CE2b - District Centres
UR1 - Regeneration Areas
UR2 - Built Design and Character
TA5 - Parking
ENV1 - Environment

- 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
DP7 Local Centres and Individual Shops
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:

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

- 7.5 The Neighbourhood Plan for Boxted / Myland & Braiswick is also relevant. This forms part of the Development Plan in this area of the Borough.

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

EPOA Vehicle Parking Standards
Affordable Housing
Sustainable Construction
North Colchester Growth Area
Myland Parish Plan AND Myland Design Statement

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 does not object to the proposals as submitted but recommends an informative.

- 8.3 Environmental Protection originally raised concerns due to the close proximity of residential premises located at the rear of the application. A meeting was arranged at the premises attended by an Environmental Protection Officer representatives from the applicant company, the agent and the planning case officer. The meeting included an inspection internally and externally, specifically the rear service yard, and clarification on the internal works, their duration and machinery/equipment.
- 8.4 Following the meeting and the receipt of further information Environmental Protection has raised no objection subject to conditions requiring the submission of a Construction Method Statement, restricting access to the rear service yard, requiring the roller door on the rear elevation to be kept closed at specific times and imposing a limit on noise.

9.0 Parish Council Response

- 9.1 The Parish Council have stated that Myland Community Council support this application.
MCC do not believe the work will affect car parking or significantly increase footfall to the store. The application is supported by ward councillors although they have opposed night work due to the proximity of housing. However, MCC would note Environmental Health's view that such work may have to be done outside store hours due to customer safety.
MCC would recommend that the mezzanine level's area is no more than 50% of the area of the ground floor level due to the height of the store.

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 Goss initially supported the application and commented as follows; "No issues with the internal extension as this store is already a destination store for many Colchester residents as well as being a local employer. Car parking is now becoming a premium at the Turner Rise car park so anything that can be done to alleviate congestion issues as part of this application need to be considered if any funding can be provided".
Subsequently Councillor Goss raised the following concerns "I've heard that Dunelm plan to undertake the work at night which would be totally unacceptable as local residents back onto the building. I still support the internal works to be undertaken but I do not support this being undertaken at night. If necessary I will call this application in so the planning committee can ensure this does not happen. Work must be carried out during standard agreed hours as per all building in Colchester. Local residents must suffer no disturbances. Another issue currently on the increase is the amount of dumped trolleys from Dunelm Mill. They are not good at collecting them. Can they please sign a contract with Trolleywise

to collect the trolleys in the same way Asda has done and also look to put in a trolley locking system or a £1 token for the trolleys. This needs to happen as part of this planning application so please pass to the developers for this scheme please”.

- 10.3 Two Residents have raised concerns that the work involved to achieve the proposal could result in noise and disturbance to nearby residents in Peto Avenue. The noise and disturbance will have an adverse effect on residents if carried out at certain times. Nearby residents have been subject to noise and disturbance in the past, such as severe lack of sleep, from activities undertaken at night and at weekends by other retailers. If the council is minded to grant this proposal, there should be a condition attached to the planning permission to restrict the times during which the building operations would take place and work must NOT be undertaken overnight.

11.0 Parking Provision

- 11.1 The Retail Park currently provides approximately 475 car parking spaces, including 388 spaces in the main car park of which 28 are disabled bays and 10 for parents with small children, and 87 staff spaces, which are located in the service yards. The customer car park sites in the centre of the site, with the retail and restaurant units facing onto the car park.

12.0 Open Space Provisions

- 12.1 Open Space is not a relevant issue.

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 As a “Major” application, there was a requirement for this proposal to be considered by the Development Team. It was considered that no Planning Obligations should be sought.

15.0 Report

- 15.1 The main issues in this case are:

Principle

- 15.2 The site is in an Urban District Centre. Core Strategy Policy CE2b confirms that new retail proposals in the Urban District Centres, including change of use to retail, will be supported, where they meet identified local needs and do not compete with Colchester Town Centre. The Policy also states that intensification within Urban District Centres will be supported

where the quality of the public realm and the built character is improved. Finally, the policy advocates that development will be encouraged to make more efficient use of land including alternatives to surface car parking.

- 15.3 The site also forms part of the wider Town Centre and North Station Regeneration Area allocated under Policy SATC1 of the Colchester Site Allocations DPD (2010). This allocation covers a large area, including Turner Rise, Colchester Station, Colchester Town Centre, and the land in-between the Town Centre and the Station. The wording of Policy SATC1 encourages a mix of residential and commercial uses at Turner Rise, and confirms that proposals for new development at Turner Rise should be in accordance with Core Strategy Policy CE2b, and should provide an improved public realm, urban character and a more diverse mix of uses.
- 15.4 It is considered that the scale of the development is commensurate with the role of Turner Rise as an Urban District Centre and will not impact on the town centre. The application proposes an increase of just 177 sq. m which represents less than 1.2% of the overall approved floorspace at the Retail Park. The applicant has undertaken a review of potential sites within Colchester Town Centre and has concluded there is no suitable or viable site available and that Turner Rise is a preferable location outside of the Town Centre itself.
- 15.5 The application proposes no external works and no design issues and there will be no impact on the surrounding area

Impacts on Neighbouring Properties

- 15.6 Whilst the proposed development will not impact on neighbouring properties the works required to enable the general public to access the mezzanine area could have an impact particularly as the intention is to carry out these works when the store is closed. Environmental Protection are aware that internal works carried out at adjacent premises have caused disturbance to residents. A site meeting was arranged so officers could fully appreciate the internal works involved. Following the site visit and the submission of further information it was established the main works involve the breaking out of the floor for the installation of a lift, forming the lift shaft and the installation of the lift. Noise issues could also arise if the rear service yard is used and there could be noise from the construction work if the rear service door is opened. Other works include fitting new shelves and decoration.
- 15.7 The works include forming a lift pit by cutting the slab floor and excavating material and bagging the excavated material and installing the lift. A spreadsheet of the project programme for the installation of a similar lift at the Dunstable store and photographs of this work will be included in the presentation to Members. It was confirmed “the floor slab is cut into manageable chunks for removal cut sections are put into tonne bags and kept within the store ready for removal to the service yard and into skips after 7am, materials would be bought into the store before 9pm”. The

applicant has also indicated there will be a dedicated mobile phone so any noise could be reported and actioned immediately. The supporting information indicates “Operatives will park in the front car park as the service yard gates are locked at night by the landlord and Dunelm propose to open the fire door at the front left corner of our building to allow operatives to go outside and smoke at night in the alley between Dunelm and Greggs. This will avoid the need for persons being out in the service yard, closer to people’s homes”.

- 15.8 The applicant is aware of Councillor Goss’s comments regarding trolleys a contact email address has been provided for the Street Warden and will be ensuring that the trolleys are locked up at night in the trolley bay to prevent theft going forward”.
- 15.9 Environmental Control having visited the site and discussed the proposed works with the applicant, is satisfied the potential impact of these works can be satisfactorily controlled by conditions.
- 15.10 The application raises no amenity, landscape or highway issues.

16.0 Conclusions

- 16.1 In conclusion the application raises no substantive policy issues. Subject to appropriate conditions it is considered that resident’s amenity will be protected during the course of construction works.

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. ZAA - 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. ZAM - 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 102 rev A.

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

3. ZAW - *Removal/Variation of Condition(s) Approval*

With the exception of condition 12 of Planning Permission COL/91/0887 and Condition 12 of Planning Permission COL/98/0004 which are hereby varied, the requirements of all other conditions imposed upon planning permissions COL/91/0887 & COL/98/0004 remain in force and shall continue to apply to this permission, including the details and provisions of any approved matters discharging any condition(s) of that permission.

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

4 – Non Standard condition – Restricts amount of retail floorspace, the size of the food store, the amount of non-food retail and use of mezzanine

“The retail floorspace hereby approved is restricted in the following manner:

- a) A maximum 82,000 sq. ft. (7617.8 sq. m.) gross floor area to include a maximum of 45,000 sq. ft. (4180.5 sq. m.) net retail sales area – food store only. In particular:-The food retail unit shall be retained as a single unit and shall be used principally for the purposes of a foodstore and for no other purpose (unless the entire unit is used for non-food retailing purposes as set out below). This restriction upon use precludes any other retail use which might otherwise be permitted by virtue of Class A1 of the Schedule of the Town and Country Planning (Use Classes) Order 1987 - or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order.
- b) A maximum 121,225 sq. ft. (11,261.8 sq. m.) gross floor area (excluding mezzanine floors hereby approved) - non-food retailing only. In particular:- The non-food retail units shall be retained as not more than 7 units and only used for the sale of furniture, carpets, electrical white goods, home improvement products, D.I.Y. goods and materials, garden and associated products or similar goods as may be agreed by the Local Planning Authority in writing that are of a weight and bulk which would impose inconvenience to the public if located in conventional centres and for no other purpose including any other purpose within Class A1 of the Schedule of the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order. The mezzanine floor within Unit 1, as shown on plan ref. 900-102-A, may be used for retail sales in accordance with the restrictions set out in this condition (as amended by Permission Ref. F/COL/05/196). Except for Unit 1, the mezzanine floors hereby permitted shall be used only for storage and office purposes ancillary to the use of the associated units for the purposes set out above and for no other purpose without the prior written approval of the Local Planning Authority {including any other purpose within Class A1 of the Schedule of the Town

and Country Planning (Use Classes) Order 1987 or in any statutory instrument revoking and re-enacting that Order). Except for the approved mezzanine floor within Unit 1, the mezzanine floor shall not be accessible to the general public”.

Reason: For the avoidance of doubt as to the scope of this permission. Unrestricted retail use would not be appropriate on this site.

5 – Non Standard Condition – Construction Method Statement

No works shall take place, until a Construction Method Statement has been submitted to and approved, in writing, by the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period and shall provide details for, but not be limited to, the following

- 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
- bringing construction material and plant/ machinery into the building
- removal of waste/construction materials from the building
- details of a smoking shelter

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.

6 – Non Standard Condition – Restriction of use of rear yard

No access to the rear yard shall be permitted outside of the following times: Monday to Sunday: 07.00 – 21.00.

Reason: To safeguard the amenities of nearby residential properties.

7- Non Standard Condition – Restricts use of the roller door

The roller door on the rear elevation shall be kept closed at all times between the hours of 21.00 to 07.00 the following day Monday to Sunday.

Reason: To safeguard the amenities of nearby residential properties.

8- Non Standard Condition – Noise Limit

Noise emitted from the construction work required for the development shall not exceed 15 dB(A) above the background levels determined at all boundaries near to noise-sensitive premises.

Reason: To ensure that the construction of the development hereby permitted is not detrimental to the amenity of the surrounding area by reason of undue noise emission and/or unacceptable disturbance.

9 – Non Standard Condition – Requirement to notify residents

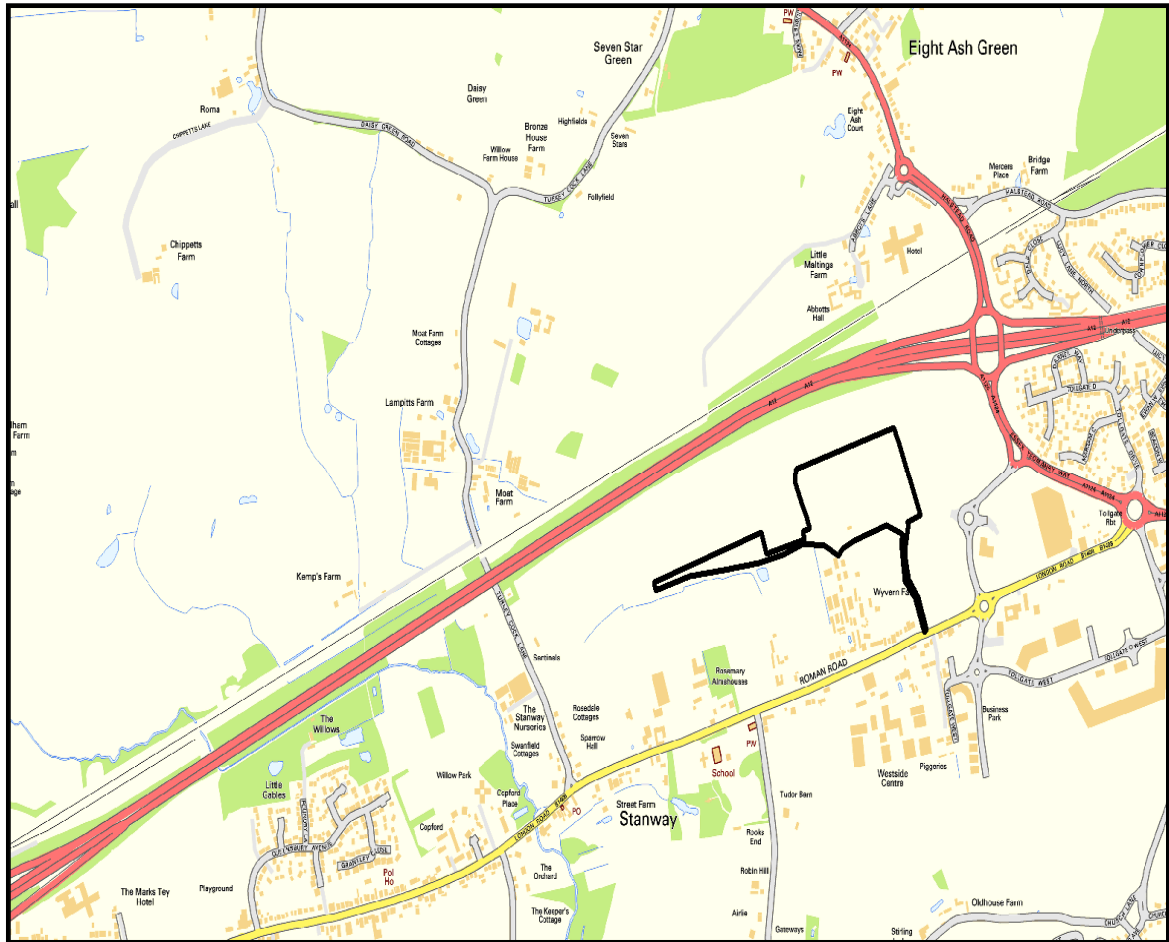
Prior to commencement of development residents at 2- 54A (even) Peto Avenue and 1-9 (odd) Braithwaite Drive shall be given written details of the date of the commencement of the building works, their duration and contact details including a mobile phone number of the site manager or other personnel at the premises during the construction works.

Reason: To ensure residents are kept informed of the construction and have a point of contact should any issues arise during the construction period.

10 – Non Standard Condition – Scheme for trolleys

No works whatsoever shall commence until a scheme to deter the removal of trolleys from the site has been submitted to and approved, in writing, by the Local Planning Authority. The scheme shall then be implemented as approved prior to the commencement of the first use of the development hereby permitted and retained as such thereafter.

Reason: To retain trolleys on site and deter the unnecessary displacement of any trolley from the site that may lead to abandonment elsewhere, in order to avoid any detrimental impacts on the neighbouring areas.



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Item No: 7.2

Application: 161380

Applicant: Mr William Vote

Proposal: Revised development to provide 176 no. one, two, three and four bedroom houses and apartments, plus associated road and parking, public open space, landscaped buffers and drainage works.

Location: Land North of, Wyvern Farm, London Road, Stanway, Colchester

Ward: Marks Tey & Layer

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 which are material planning considerations.

2.0 Synopsis

- 2.1 This full application essentially seeks to substitute house types for an approved residential scheme. The key issues for consideration are the approved development and the proposed amendments. The other key consideration is that, whilst objections have been received which are material planning considerations, the objections are not relevant to this application which proposes a change to the approved house types. However the scheme of delegation requires all major applications where a material planning objection is received to be reported to the Planning Committee
- 2.2 The application is subsequently recommended for approval

3.0 Site Description and Context

- 3.1 The Wyvern Farm site is 12.6ha it has limited frontage to London Road between existing residential premises at 276 and 274 and 254 and the electrical sub-station opposite 179 London Road. The site backs onto nos. 278 to 254 London Road. The eastern boundary runs north- south and adjoins the site known as Stane Park. The northern boundary runs parallel with the line of the A12 but is significantly set back from the carriageway by land which is currently allocated for employment purposes. The western boundary overlooks open countryside. The site is largely flat and the majority comprised agricultural land although a parcel behind nos. 278 and 268 London Road contains former agricultural buildings which have seen alternative uses over the years. These buildings will be demolished to facilitate development of the entire site. The eastern boundary of the site is characterised by established ancient hedgerow and the southern edge is less well defined by sporadic hedgerow to the rear of established residential properties.
- 3.2 This application relates to a part of the Wyvern Farm site specifically that part closest to the A12. It has a boundary to the employment land, Stane Park, open countryside and new residential development forming part of the larger Wyvern Farm development.

4.0 Description of the Proposal

- 4.1 The application proposes a revised set of house types for 176 units which were granted full planning permission in 2014 under application reference 145494. The reason for these revisions is that Charles |Church now propose to build out this part of the site not Persimmon Homes. The revised house types have resulted in very minor changes to the layout.
- 4.2 The 2014 application granted planning permission for 358 units and indicated 170 on the current application site.

5.0 Land Use Allocation

- 5.1 Residential

6.0 Relevant Planning History

- 6.1 145494: Demolition of the existing buildings, the construction of two entrances from London Road and the creation of 358 no. one, two, three and four bedroom houses and apartments, plus associated roads and parking, public open space, landscaped buffers and drainage works. Approved July 2015.
- 6.2 151884 & 152421: These applications varied condition 22 on the 2014 planning permission which restricts development to as shown on specific plans. Bellway having acquired part of the wider Wyvern Farm site from Persimmon wished to introduce house type substitutions to differentiate their product from that of Persimmon.

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
SD2 - Delivering Facilities and Infrastructure
SD3 - Community Facilities
H1 - Housing Delivery
H2 - Housing Density
H3 - Housing Diversity
H4 - Affordable Housing

- UR1 - Regeneration Areas
- UR2 - Built Design and Character
- PR1 - Open Space
- PR2 - People-friendly Streets
- TA1 - Accessibility and Changing Travel Behaviour
- TA2 - Walking and Cycling
- TA3 - Public Transport
- TA4 - Roads and Traffic
- TA5 - Parking
- ENV1 - Environment
- ER1 - Energy, Resources, Waste, Water and Recycling

- 7.3 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
- DP2 Health Assessments
- DP3 Planning Obligations and the Community Infrastructure Levy
- DP4 Community Facilities
- DP12 Dwelling Standards
- DP13 Dwelling Alterations, Extensions and Replacement Dwellings
- DP16 Private Amenity Space and Open Space Provision for New Residential Development
- DP17 Accessibility and Access
- DP18 Transport Infrastructure Proposals
- DP19 Parking Standards
- DP20 Flood Risk and Management of Surface Water Drainage

- 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:

- SA H1 Housing Allocations
- SA STA1 Appropriate Uses within the Stanway Growth Area
- SA STA2 Phasing of Greenfield sites in Stanway Growth Area

- 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
- Backland and Infill
- Affordable Housing
- Community Facilities
- Open Space, Sport and Recreation
- Sustainable Construction
- Urban Place Supplement
- Sustainable Drainage Systems Design Guide

Street Services Delivery Strategy
Planning for Broadband 2016
Managing Archaeology in Development.
ECC's Development & Public Rights of Way
Planning Out Crime
Stanway Joint Design Statement and Parish Plan

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 Natural England

The Wildlife and Countryside Act 1981 (as amended)
The Conservation of Habitats and Species Regulations 2010 (as amended)
Natural England's comments in relation to this application are provided in the following sections.

Statutory nature conservation sites – no objection

Based upon the information provided, Natural England advises the Council that the proposal is unlikely to affect any statutorily protected sites or landscapes.

Impacts to Invertebrates and their Habitats

Natural England does not provide bespoke advice to local planning authorities on habitats and species listed as being of principal importance for the purpose of conserving biodiversity, under section 41 of the Natural Environment and Rural Communities Act 2006. These are capable of being material considerations in the determination of planning applications, and this proposed development may affect s41 invertebrate species, and / or the s41 habitat "open mosaic habitat on previously developed land". We have not assessed the application for impacts on these habitats and species, and our lack of comment should not be taken to imply that there are no impacts on them arising from the proposed development.

Protected Species

We have not assessed this application and associated documents for impacts on protected species. Natural England has published Standing

Advice on protected species.

You should apply our Standing Advice to this application as it is a material consideration in the determination of applications in the same way as any individual response received from Natural England following consultation.

The Standing Advice should not be treated as giving any indication or providing any assurance in respect of European Protected Species (EPS) that the proposed development is unlikely to affect the EPS present on the site; nor should it be interpreted as meaning that Natural England Has

reached any views as to whether a licence is needed (which is the developer's responsibility) or may be granted.

If you have any specific questions on aspects that are not covered by our Standing Advice for European Protected Species or have difficulty in applying it to this application please contact us with details at consultations@naturalengland.org.uk

Local sites

If the proposal site is on or adjacent to a local site, e.g. Local Wildlife Site, Regionally Important Geological/Geomorphological Site (RIGS) or Local Nature Reserve (LNR) the authority should ensure it has sufficient information to fully understand the impact of the proposal on the local site before it determines the application.

Biodiversity enhancements

This application may provide opportunities to incorporate features into the design which are beneficial to wildlife, such as the incorporation of roosting opportunities for bats or the installation of bird nest boxes. The authority should consider securing measures to enhance the biodiversity of the site from the applicant, if it is minded to grant permission for this application. This is in accordance with Paragraph 118 of the National Planning Policy Framework.

Additionally, we would draw your attention to Section 40 of the Natural Environment and Rural Communities Act (2006) which states that 'Every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity'. Section 40(3) of the same Act also states that 'conserving biodiversity includes, in relation to a living organism or type of habitat, restoring or enhancing a population or habitat'.

Landscape enhancements

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

Sites of Special Scientific Interest Impact Risk Zones

The Town and Country Planning (Development Management Procedure) (England) Order 2015 requires local planning authorities to consult Natural England on "Development in or likely to affect a Site of Special Scientific Interest" (Schedule 4, w). Our SSSI Impact Risk Zones are a GIS dataset designed to be used during the planning application validation process to help local planning authorities decide when to consult Natural England on developments likely to affect a SSSI.

OFFICER COMMENT: This application proposes revised house types and relates to a part of the site which already benefits from a full planning permission. This proposal raises no new ecological issues and conditions will be imposed as per the 2014 application.

8.3 Environmental Protection raises no objection subject to conditions.

8.4 Contaminated Land Officer raises no objection subject to conditions.

8.5 ECC Lead Local Flood Authority

In the absence of a flood risk assessment (FRA), we object to this application and recommend refusal of planning permission until a satisfactory FRA has been submitted. Reason the proposed scale of development may present risks of flooding on-site and/or off-site if surface water run-off is not effectively managed. Footnote 20 of paragraph 103 of the NPPF requires applicants for planning permission to submit an FRA when development on this scale is proposed in such locations.

An FRA is vital if the local planning authority is to make informed planning decisions.

In the absence of an FRA, the flood risks resulting from the proposed development are unknown. The absence of an FRA is therefore sufficient reason in itself for a refusal of planning permission.

OFFICER COMMENT it is noted ECC object to the development however this application proposes revised house types, the plots comprising this application already benefit from planning permission and therefore no new drainage issues are raised. The Environment Agency considered flood risk issues when the Agency was consulted on the 2014 application they required the surface water drainage scheme as detailed in the approved Flood Risk Assessment to be implemented. A condition was imposed on the 2014 planning permission to secure the drainage scheme and the same condition will be imposed on this permission. The development includes the creation of an on-site SuDS system which is likely to also improve biodiversity by creating a new intermittently water-based habitat currently not found on the site.

8.6 North East Essex Badger Group

There is a badger sett along the hedgerow near to the north east corner of the site - TL94365 24990 which the North East Essex Badger Group has been monitoring for the last six years or so.

During that time the sett has fluctuated quite considerably with badgers moving between this hedgerow and Turkey Cock Lane. At the moment it is reasonably quiet.

May we suggest that the location of this sett is borne in mind with regard to heavy plant being parked off site in that area and also due thought be given to the nocturnal wanderings of these badgers i.e. open excavations, which they may fall into and be unable to get out. Should you require further information, please do not hesitate to get in touch

OFFICER COMMENT this application proposes revised house types on plots which already have planning permission the application raises no new issues in respect of badgers or badger setts and conditions will be imposed as per the 2014 application.

- 8.7 The Ramblers - A future parcel of this site contains public right of way footpath 27 Stanway. This route leads to the dead end at the A12 at present but the plan for the A12 to become expressway will create new forward routes for it and allowance should be made to use it as part of the green connective route network through the site.

OFFICER COMMENT this application proposes revised house types and raises no new issues in respect of footpath 27 which is outside the application site.

9.0 Parish Council Response

- 9.1 The Parish Council have stated that "After discussion it was RESOLVED that Stanway Parish Council OBJECTS to this proposal as the two new exits on to the London Road will impact on the traffic. The roads on the development are very narrow with no footpaths and there is no legislation to enforce a safe 'shared space/area'. There is no visitor parking provision and the housing density is too high. The existing infrastructure is inadequate especially in relation to highways, drainage and local schools. There are also serious concerns over the lack of amenity space in the central area, especially for children. Finally there is a footpath that runs from the London Road to the railway which has not been mentioned in the plans. Stanway Parish Council request that all the recommendations in the reports be completed i.e. geophysical, archaeological and bat survey.

Also that site construction vehicles access the development from the A12 and are to be parked 'on site'. Stanway Parish Council is also disappointed that the majority of the 10% of public open space is on the periphery of the development and not in the middle, leaving no safe children's play area. Also, that not enough consideration has been given to the disabled, pedestrians, mothers and children in the areas where there are no pavements.

OFFICER COMMENT the issues raised by the parish council relate to matters of detail in respect of roads, infrastructure, amenity space open space and traffic which all formed part of the consideration of the 2014 application. Open space, roads, road layout, access and access for construction vehicles are all unaltered. Visitor parking is proposed and the housing density at 34.1 dwellings per hectare is considered acceptable.

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 One resident has commented "Having read the application and not fully understanding what is being submitted I telephoned Charles Church to ask them to explain to me, as a concerned resident, what the application was about. Charles Church said they would call me back and they didn't. I called them again today and they refused to tell me anything about the application. Rather disgusted at their attitude, they just don't care about existing residents

Officer comment: Whilst this is unfortunate it does not raise issues relevant to the consideration of the application.

11.0 Parking Provision

11.1 A total of 376 parking spaces are proposed. This is slightly below the number required to meet the adopted parking standards but it is anticipated amended plans will be received prior to the committee meeting showing compliance with parking standards.

12.0 Open Space Provisions

12.1 The provision of open space is unaffected by this application 10% open space is provided as required by policy

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 A legal agreement is required to link this application to the section 106 agreement under application 145494 to ensure all the obligations are secured.

15.1 Report

15.1 The main issues in this case are:

Principle

15.2 The site is allocated on the Adopted Colchester Inset Proposals Map (October 2010) and in policy SA STA 1 of the Adopted Site Allocations Document (October 2010) for residential purposes. On this basis the principle of residential use is acceptable as it accords with adopted land use policy. Residential development has already been secured by application reference 145494 granted full planning permission for 358 units in 2015. This application seeks to amend the house types which also result in very minor revisions to the layout

Design and Layout

15.3 The layout is virtually identical to that approved the changes are to accommodate the revised house types. The units are predominantly detached with some semi-detached, terraced units and apartments.

15.4 The layout and designs retain the original character areas, Parkland Edge, the Lanes and the Avenues. A treed boulevard is proposed along the southern edge with trees set in a grassed strip and the foot path behind. The Boulevard connects to the eastern and western access points from London Road. The layout includes landscape buffers on the north, east and west boundaries. The Parkland Edge has a more rural feel with landscaping, wider street and avenue of trees. The Avenues comprise dwellings of red brick and grey roofs which provides uniformity in the formal character area, the Lanes have more varied materials including boarding, render and exposed brickwork.

15.5 Amendments to the revised house types have been negotiated and their fenestration and detailing is now considered to be acceptable. The revisions will result in a range of dwellings with greater variety of traditional detailing and fenestration than those previously approved.

Scale, Height and Massing

15.6 The dwellings are predominantly detached or semi-detached but include a few terraced units, four apartment buildings are now proposed. The majority of the buildings are 2 storeys with some dwellings 2.5 storey. The apartments are 3 storey. The approved development included 2 and 2.5 storey buildings with no 3 storey units. However this increase in height is considered acceptable as it relates to the rear part of the Wyvern Farm site facing an area of open space separating the site from Stane Park.

Impact on the Surrounding Area

- 15.7 This application raises no issues not considered as part of the 2014 application.

Impacts on Neighbouring Properties

- 15.8 There are no impacts on residential amenity

Amenity Provisions

- 15.9 This application secures the same public open space provision as the 2014 Application.

Highway Safety and Parking Provisions (including Cycling)

- 15.10 The application involves no change to the approved access from London Road and retains the potential for bus connectivity to Stane Park.

16.0 Conclusion

- 16.1 In conclusion, the development is considered acceptable.

17.0 Recommendation

- 17.1 APPROVAL of planning permission subject to conditions as set out below and to the signing of a legal agreement under Section 106 of the Town and Country Planning Act 1990 within 6 months from the date of the Committee meeting to link this application to the legal agreement with application 145494. In the event that the legal agreement is not signed within 6 months, to delegate authority to the Head of Service to refuse the application, or otherwise to be authorised to complete the agreement

18.0 Conditions

1. ZAA - 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.

PRE-COMMENCEMENT CONDITIONS

2. - Materials to be agreed

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. This condition is discharged in part by drawing number P-128-004 rev B Materials Layout in respect of plots 103 -132, 146- 185, 268-278 only.

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

3. Surface materials to be agreed

Prior to commencement of the development hereby approved full details of the surfacing materials to be used for all private, non-adoptable accessways, driveways, footpaths, courtyards, parking areas and forecourts shall be submitted to and agreed, in writing, by the Local Planning Authority. The development shall thereafter be carried out in accordance with the agreed details. This condition is discharged in part by letter dated 9 June 2016 application 151870.

Reason: There is insufficient information within the submitted application to ensure that these details are satisfactory in relation to their context and where such detail are considered important to the character of the area.

4. Hard and soft landscape to be agreed

Notwithstanding such detail as may have been submitted no works shall take place until further 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;
- 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.);
- PLANTING PLANS;
- WRITTEN SPECIFICATIONS (INCLUDING CULTIVATION AND OTHER OPERATIONS ASSOCIATED WITH PLANT AND GRASS ESTABLISHMENT);
- SCHEDULES OF PLANTS, NOTING SPECIES, PLANT SIZES AND PROPOSED NUMBERS/DENSITIES WHERE APPROPRIATE; AND
- IMPLEMENTATION TIMETABLES AND MONITORING PROGRAMS.

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

5. Trees to be protected

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. This condition is discharged in part by letter dated 3 June 2016 application 160891.

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

6. Code of construction statement to be submitted

Prior to commencement of the development the developer shall submit a code of construction statement for approval to the local planning authority. That statement shall include details of the following:-

- Pre-adoption maintenance arrangements at the developer's expense for roads, kerbs, paths, street lights, dog and litter bins, open space (including litter picking), landscaping and the public realm generally.
- Arrangements for the prominent display in a publicly accessible location of the following:
 - Site manager contact details. (email and telephone)
 - Out of hours contact details for the reporting of problems during construction
 - The display of the planning permission and all associated conditions and an approved layout drawing
 - Summarised build programme
- Arrangements for the prominent display of a notice board in a publically accessible location within the area that will become the central open space providing information of the central open space with play facilities coming soon on that site.
- Compound location
- Overall build programme
- Site parking arrangements
- Delivery routing plan
- Construction hours limitations
- Concrete breaking methodology
- Dust suppression
- Tyre washing
- Concrete plant location
- Noise suppression (vehicles reversing alarms)
- Site manager contact details for residents
- Show house locations
- Top soil mound positions
- Recycled material storage areas
- Local newsletter arrangements and catchment
- Floodlighting
- Fuel storage arrangements
- Asbestos removal methodology

- Demolition methodology Development shall not proceed until such details have been agreed in writing by the local planning authority and thereafter the developer shall comply with such detail as shall have been agreed.

This condition is discharged in part by letter dated 2 June 2016 application 151870.

Reason: In order to safeguard the amenity of existing local residents living on adjacent plots.

7. Archaeological evaluation

Prior to commencement of the development an archaeological evaluation by trial-trenching shall be carried out in accordance with a written scheme of investigation to be agreed in writing by the local planning authority. This shall take the form of a 4% evaluation of the development area with 1% held in reserve should further investigation be needed. The results of this evaluation shall be set out in a report to be submitted to the local planning authority in order to inform whether there is any further need for archaeological mitigation. Until the local planning authority has confirmed the position no commencement, including any site clearance involving disturbance of the ground, shall occur. In the event that further investigation works are found to be necessary, the methodology and scope for these further works shall be agreed in writing by the local planning authority and the works executed fully in accordance with the agreed details prior to the commencement of development. A report setting out the findings of the investigative works shall thereafter be deposited with the Council's Historic Environment Record within 12 months of completion.

This condition is discharged in part by letter dated 2 June 2016 application 151870.

Reason: The site is known to be close to the ancient road between Verulamium and Camulodunum (St Albans and Colchester) as well as the ancient Iron Age - Romano British site at Gosbecks and therefore the Council wishes to ensure that appropriate steps are taken to identify and record heritage assets

8. 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'. This condition is discharged in part by letter dated 2 June 2016 application 160891.

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.

9. 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. This condition is discharged in part by letter dated 2 June 2016 application 160891.

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.

10. Approved remediation scheme to be carried out

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. This condition is discharged in part by letter dated 9 June 2016 application 160891.

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.

11. Drainage details to be submitted

Development shall not begin until drainage details, incorporating sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, have been submitted to and approved by the local planning authority, and the scheme shall subsequently be implemented in accordance with the approved details before the development is completed/occupied. The scheme shall include:

- A drainage plan for the site including the proposed location/size of any infiltration/attenuation device.
- The discharge rate to any watercourse will be at no greater than the Greenfield rate for the equivalent event for the 1 in 1, 1 in 30 and 1 in 100 year storm (without the addition of climate change allowance).

- 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 or 1 in 100 year rainfall events, including climate change.
- Details of any exceedance and conveyance routes.
- Consider localised flooding along London Road and design SuDS to cater for this.
- Details of the future adoption and maintenance of the proposed surface water scheme for the lifetime of the proposed development.
- Confirm that the receiving watercourse is in a condition to accept and pass on the flows from the discharge proposed.

The scheme shall be fully implemented and subsequently maintained, 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. This condition is discharged in part by letter dated 10 June 2016 application 160891.

Reason: To ensure that the site is adequately drained and does not result in flooding or pollution of watercourses.

12. Foul water strategy to be submitted

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. This condition is discharged in part by letter dated 9 June 2016 application 151870.

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

13. 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. This condition is discharged in part by letter dated 3 June 2016 application 151870.

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.

14. Revised highway details

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) The turning heads adjacent plots 20 & 38, 61 & 62, 74 & 150, 158 & 168, 189 & 196, 218 & 234 and 339 & 358 amended to ensure they comply with adoptable standards
- b) Instead of narrowing to 4.8 metres, the end of all shared surface cul-de-sacs to also be a minimum of 5.8 metres wide to ensure they comply with adoptable standards
- c) A minimum of 6 metres (clear of obstructions) in front of all parking spaces
- d) All traffic calming measures required to achieve a 20 mph zone

e) A minimum size 5 turning head to all private drives longer than 18 metres or fronting the proposal site spine road

f) The footpath located between plot 286 & 302 a minimum 3 metre wide shared footpath/cyclepath. 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.

15. Details of ownership and maintenance responsibilities to be submitted

Prior to the commencement of any development drawings clearly showing future intended ownership and maintenance responsibilities for every part of the site (including those parts comprising landscaping buffering and/or Sustainable Urban Drainage (SUDS) features on the periphery) shall be submitted to and approved by the local planning authority. This condition is discharged in part by letter dated 2 June 2016 application 160891.

Reason: In order that the local planning authority can be satisfied that responsibility for maintenance of every part of the site can easily be established in the future and that where appropriate untidy, damaged or non-operable components elements can where possible be resolved through appropriate channels in the interest of maintaining the quality of the environment and or public safety.

16. Bus gate design and arrangements to be submitted

Prior to the commencement of development drawing/s showing the detailed bus gate design and arrangements within the development site shall be submitted to and approved by the local planning authority. Such detail as shall have been agreed shall be implemented prior to the commencement of any residential development in the phase containing road within which the bus gate is located or at the time of construction of the adjacent section of road, whichever is the sooner. This condition is discharged in part by letter dated 9 June 2016 application 160891.

Reason: In order that the local planning authority is satisfied that appropriate detail has been agreed and is implemented to facilitate enhanced public transport connectivity through this estate to adjacent developments which will be similarly required to facilitate bus connectivity in a co-ordinated approach.

PRE-OCCUPATION CONDITIONS

17. Screening required to London Road

Prior to the first occupation of development, a 1.8 metre high screen boundary treatment that shall have previously have been approved, in writing, by the Local Planning Authority, shall be erected along the southern site boundary and adjacent to 276 London Road westside) and 254 London Road (eastside) The screen boundary treatment shall thereafter be retained as approved.

Reason: To protect the amenities and privacy of occupiers of the adjoining property.

18. Provision of central play area/open space

Prior to the first occupation of any part of the development within phase 4 of development the central play area/open space hereby permitted, and as shown on the approved plan shall have been laid out in full accordance with the details shown, and that area shall be maintained thereafter for use as a play area.

Reason: To ensure that the play area shown on the approved plans is available for use from the first occupation of the development and that adequate provision is subsequently retained in perpetuity.

19. Certificate re remediation works

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 10.

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.

20. Highway works to be completed

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

- a) Two priority junctions off London Road to provide access to the proposal site as shown in principle on the planning application drawings
- b) A £25,000 index-linked contribution towards improvements at the London Road/Stanway Western Bypass roundabout or such other improvement(s) in the vicinity of the proposal site as shall be agreed between the applicant and Local Planning Authority
- c) A £41,083 index-linked contribution towards upgrading the bus fleet on service number 70 to all double deck buses
- d) Upgrading of the two bus stops located west of the London Road/Stanway Western Bypass roundabout to current Essex County Council specification to include but not limited to real time passenger information
- e) A minimum 3 metre wide shared footway/cycleway along the length of the proposal site's eastern most frontage onto London Road
- f) Residential Travel Information Packs.

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

21. Highway/transportation works to be completed

Prior to the occupation of 75% percent of the dwellings the following infrastructure shall have been completed and available for use. Phase 1: the southern-most pedestrian cycle connection to the Stane Park boundary. Phase 3: the bus link section of highway to the Stane Park boundary and associated footwaays and cycle paths. And the northern most pedestrian cycle connection to the Stane Park boundary.

Reason: To ensure that planned permeability as envisaged in the Stanway Vision Document is delivered in parallel with adjacent tranches of development in the interest of securing excellent accessibility and connectivity for modes of travel other than the car.

RESTRICTIVE CONDITIONS

22. Approved drawings

The development hereby permitted shall be carried out in accordance with the details shown on the submitted Drawing Numbers. For the avoidance of doubt the approved drawings numbers in respect of application 161380 are P128-002B, 003B, 005B, 006, 007A, 008A, 009, 010, 011, 012, 013A, 014A, 015A, 016A, 017A, 018A, 019A, 020, 021, 022, 023, 024, 025, 026A, 027, 028, 029A, 030A, 031, 032A, 033, 034, 035A, 036A, 037A, 038, 039A, 040, 041, 042, 043, 044, 045, 046, 047A, 048A, 049A, 050, 051, 052, 053, 054A, 055, 056, 057A, 058, 059, 060, 061A, 062A, 063A, 064A, 065A, 066A, 068A, 069, 070, 071, 072 and 073.

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

23. This condition number is intentionally not used.

24. Removal of permitted development rights

Notwithstanding the provisions of Classes A, B, C, D and E of Part 1 Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or the equivalent provisions of any order revoking and re-enacting that Order), no extensions, ancillary buildings or structures shall be erected unless otherwise subsequently approved, in writing, by the Local Planning Authority.

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

25. Garages to be retained

The garage accommodation forming part of the development shall be retained for parking motor vehicles at all times and shall not be adapted to be used for any other purpose, including other uses ancillary to the residential use, unless otherwise subsequently approved, in writing, by the Local Planning Authority.

Reason: To retain adequate on-site parking provision in the interest of highway safety

26. Dimensions of garages

The single GARAGE(S) shall have a minimum internal measurement of 7m x 3m.

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

27.Unexpected contamination to be reported

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 8, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 9, 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 10.

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.

28. Lighting to the perimeter path to be submitted

Notwithstanding such landscaping detail as shall have previously been submitted further details of lighting to the perimeter path shall be submitted to and approved by the local planning authority within three months of the date of this permission. Such lighting shall be low level (in terms of height above ground) and use LED technology. Such detail as shall have subsequently been agreed shall be implemented as part of the adjacent perimeter footpath/cycleway works and shall thereafter be retained and maintained in good working order. This condition is discharged by letter dated 2 June 2016 application 160891.

Reason: In the interest of enhancing the safety of users of the perimeter path/cycleway during hours of twilight and darkness and to optimise access, connectivity and wellbeing opportunities.

29.Provision of dog bins

Landscaping details required to be approved under condition 4 above shall include the provision of three dog bins within the development in locations to be agreed and shall also include provision for the regular emptying of the said bins within a maintenance agreement the details of which shall first be agreed in writing with the local planning authority prior to installation of the said bins. Such bins as shall have been agreed shall be installed and maintained in accordance with a timetable that shall be agreed at the time of discharging this condition. This condition is discharged in part by letter dated 3 June 2016 application 160891.

Reason: In order to ensure that the developer provides sufficient facilities within areas of open space around the development such that new residents with dogs can safely dispose of bagged waste in the interest of protecting public health, hygiene and the environment.

30. Removal of permitted development rights

Notwithstanding the provisions of Class A of Part 2 Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 (or the equivalent provisions of any order revoking and re-enacting that Order), no fences, walls, gates or other means of enclosure, other than any shown on the approved drawings, shall be erected in advance of any wall of the dwelling to which it relates (including a side or rear wall) which faces a highway (including a footpath or bridleway) unless otherwise subsequently approved, in writing, by the Local Planning Authority.

Reason: In the interests of visual amenity with regard to the context of the surrounding 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) 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. Please pay particular attention to these requirements.

(4) Erection of flow control structures or any culverting of an ordinary watercourse requires Consent from the Lead Local Flood Authority which in this instance is Essex County Council.

(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.

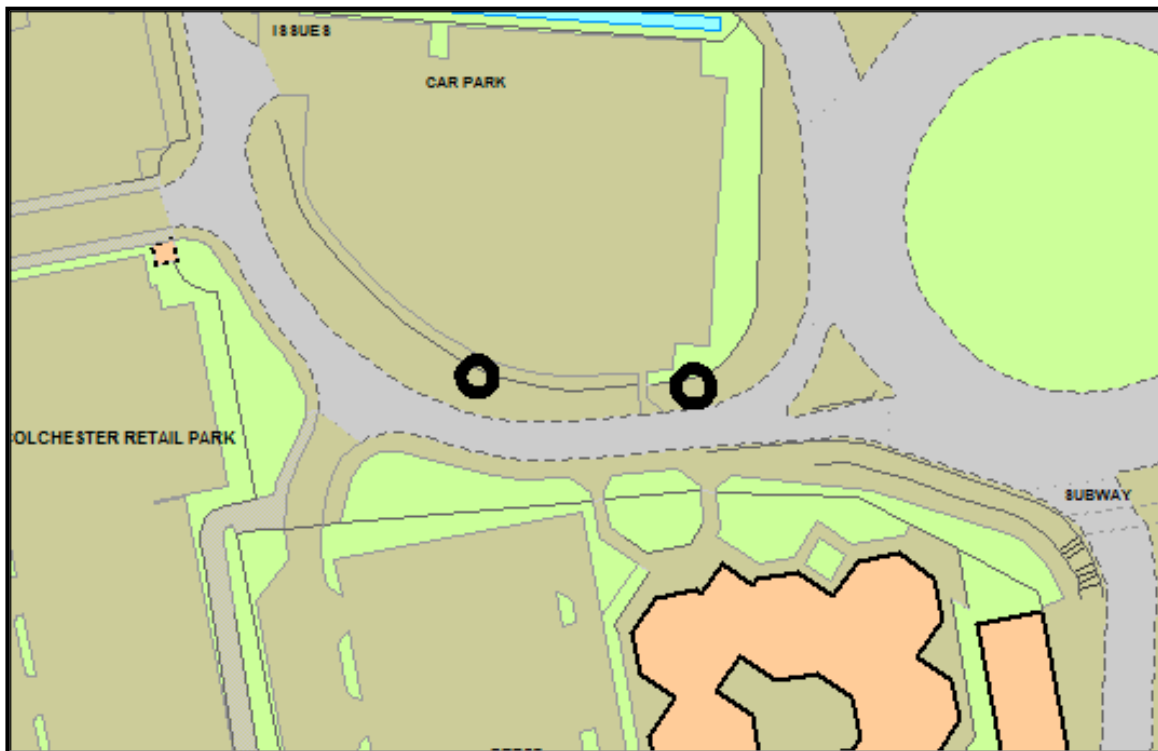
(6) PLEASE NOTE: The applicant/developer is advised that the application site is, or appears to be, affected by the existence of a public right of way. It should be noted that:

(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 that it is understood that bat roosts exist within the application site. Bats are a statutorily protected species, and it is the developer's responsibility to ensure the requirements of the Wildlife and Countryside Act 1981 which relate to the protection of bats and their roosts are fully complied with.
- (8) This Council asks Essex County Council as local highway authority to agree to the use of LED street lighting as part of the S38 process and to enable the installation of appropriate ducting under footpaths to accommodate future demand for high speed broadband cable without the need for significant civils. (9) In submitting wall/fencing (boundary treatment) detail to the local planning authority the developer is requested to pay particular attention to ensuring that the site's southern and western boundaries are carefully treated to ensure appropriate levels of screening, security and privacy to adjacent residential properties.



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Item No: 7.3

Application: 163132

Applicant: Ms Holly Brett, Colchester Borough Council

Agent: Mr Kevin Whyte, Barefoot & Gilles

Proposal: Advert consent for 1 no vehicle direction sign and 1 no pedestrian direction sign

Location: Sheepen Road, Colchester

Ward: Castle

Officer: Sue Jackson

1.0 Reason for Referral to the Planning Committee

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

2.0 Synopsis

- 2.1 The key issues for consideration are amenity and public safety these are the only material considerations for advertisements.
- 2.2 The application is subsequently recommended for consent

3.0 Site Description and Context

- 3.1 Planning permission was granted in November 2015 for two office buildings on Sheepen Road. One of the buildings is under construction and is to be occupied by Birkett Long. Hoardings have been erected around the site perimeter under permitted development rights which allow screening of development sites, signage on the hoardings has been granted consent for a temporary period.
- 3.2 The site is situated on the edge of Middleborough Roundabout on the west side of the roundabout. It is bordered to the south and west by Sheepen Road with Westway, a dual carriageway to the north. To the other side of Westway are the back gardens of houses in Sheepen Place. Office buildings face the site across the roundabout and Rowan House occupied by Colchester Borough Council faces the site along Sheepen Road; while to the west is Colchester Retail Park.

4.0 Description of the Proposal

- 4.1 The application proposes the installation of 2 signs one at the pedestrian entrance to the new office buildings off Sheepen Road and the other, a directional sign, on the edge of the roundabout on the Sheepen Road frontage. The sign near the pedestrian entrance will be 1.5m high, the upper half will have the Birkett Long logo and the words Birkett Long, the lower half will be blank and could be used by the tenant of the second office building. The directional sign will be 1.95m high, the upper part and lower parts will have the same information but the sign also includes a directional arrow. Each sign will be of printed aluminium and will be non- illuminated the logo will be pantone green with black lettering on a white background.

5.0 Land Use Allocation

- 5.1 The site is within a Mixed Use area on the Proposals Map.

6.0 Relevant Planning History

- 6.1 151825 erection of two office buildings - approved
151826 totem sign board to front of building - approved
161291 printed site hoarding – approved

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
CE2 - Mixed Use Centres
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

- 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:

SA CE1 Mixed Use Sites

- 7.5 The Neighbourhood Plan for Boxted / Myland & Braiswick is also relevant. This forms part of the Development Plan in this area of the Borough.

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

Shopfront Design Guide

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 Highway Authority does not object to the proposals as submitted.

9.0 Parish Council Response

9.1 N/A

10.0 Representations from Notified Parties

10.1 None 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 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 The main issues in this case are:

Principle

15.2 Local planning authorities are required “to exercise their powers under the Advertisement Regulations with regard to amenity and public safety, taking into account relevant development plan policies in so far as they relate to amenity and public safety, and any other relevant factors”.

Impact on the Surrounding Area and Neighbouring Properties

15.3 It is considered that the impact of the advertising on the surrounding area will be minimal. The signs will face the office building of Rowan House. The hoarding will be removed once the office building is occupied. Whilst Advertisement Consent has already been granted for a company sign it is not considered the additional signs will have an adverse impact on amenity in particular as there is no illumination proposed.

Highway Safety and Parking Provisions (including Cycling)

- 15.4 The Highway Authority has raised no objection on highway safety grounds. It is considered the signs will not have an adverse impact on public safety, especially given the size and location of the signs and as there is no illumination proposed.

16.0 Conclusions

- 16.1 In conclusion it is considered that the advertisement would result in no adverse impact upon the amenity of the area or upon public safety and it is recommended advertisement consent is granted subject to the conditions below.

17.0 Recommendation

- 17.1 APPROVAL of advertisement consent subject to the following conditions set out below.

18.0 Conditions

1. ZQA – Standard Advert Condition

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

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

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

2. ZAM – Development to Accord with Approved Plans

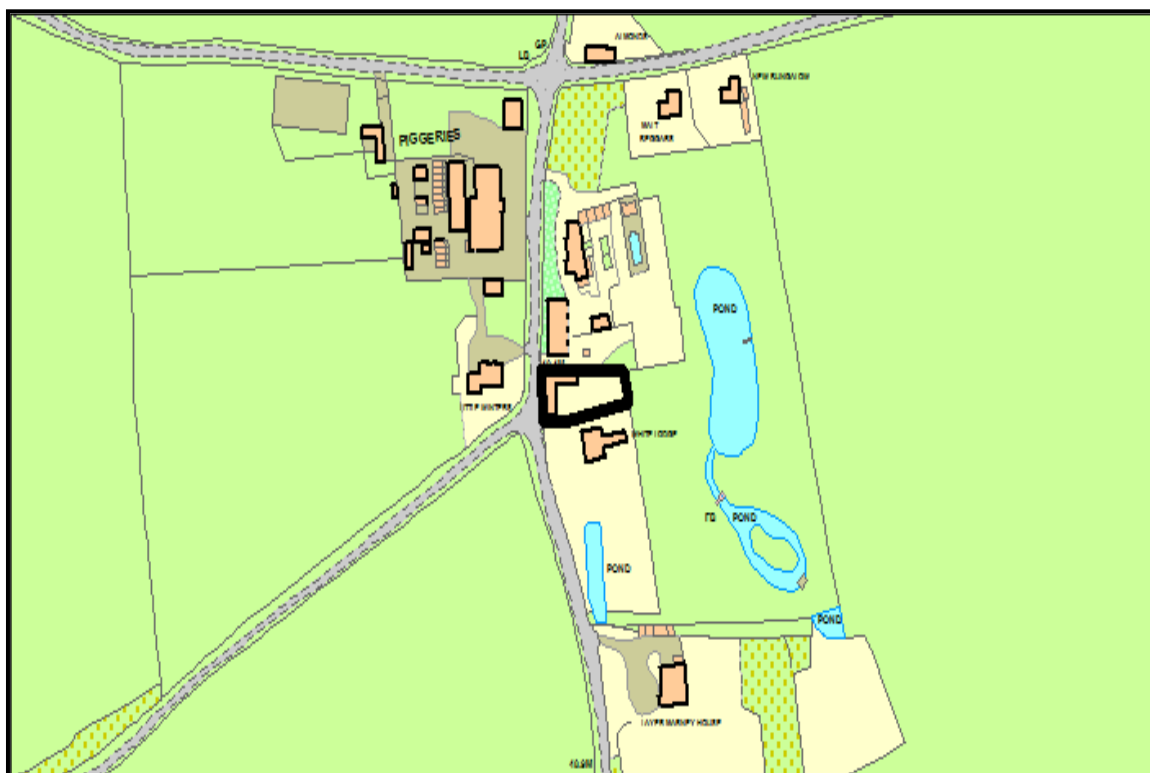
The development hereby permitted shall be carried out in accordance with the details shown on the submitted Drawing Numbers 1842 DE 90- 02A, PI 90-03B & DE 90-04A.

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

19.0 Informatives

All work within or affecting the highway is to be laid out and constructed by prior arrangement with and to the requirements and specifications of the Highway Authority; all details shall be agreed before the commencement of works. The applicants should be advised to contact the Development Management Team by email at development.management@essexhighways.org or by post to:

SMO1 – Essex Highways
Colchester Highways Depot,
653 The Crescent,
Colchester.
CO4 9YQ.



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Item No: 7.4

Application: 162639

Applicant: Mr P. Bentley

Agent: Mr Edward Gittins

Proposal: Change of use and alterations to rural outbuilding to form 1 No. dwelling with new access - Resubmission of 160537 (additional plans received)

Location: White Lodge, Roundbush Road, Layer Marney, Colchester, CO5 9UR

Ward: Marks Tey & Layer

Officer: Mark Russell

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 Ellis for the following reasons:

Outbuilding incorrectly treated as a heritage building in previous determination. The effect on the listed building is a value judgement which members can evaluate for themselves. Effectively a brownfield site, albeit in the countryside. It's important for small rural communities to be able to achieve limited growth and Layer Marney wish to do this. This conversion would cause no harm. Had this been an agricultural building, there would be no issue with its conversion, unlike some other authorities Colchester has no policy for on the conversion of rural buildings although para 55 of NPPF refers to redundant and disused buildings and could be interpreted favourably for this application.

- 1.2 OFFICER COMMENT – For the avoidance of doubt, the applicant believed that the building was curtilage listed and therefore submitted a Listed Building Application (ref: 160538) which accompanied Planning application 160537. The application was thus determined as such. The applicant is now stating that the building is not listed. The fact that it is not listed, further counts against the proposal.
- 1.3 Regarding the reference to agricultural buildings, this is of no relevance to this planning application.
- 1.4 Finally, in terms of the NPPF, Paragraph 55 contains much within it which militates against the proposal at hand. These points are explored in greater depth in the main report section.

2.0 Synopsis

- 2.1 The following report briefly describes the proposal site and its surroundings and explains what this application seeks to achieve. Consultation replies are reported which are largely neutral.
- 2.2 The main report section then explores the following issues:
- i) Background: Namely the refusal of a similar application in 2016. It is explained that this was refused under delegated powers and that the resubmitted scheme is little different;
 - ii) The Brownfield v Greenfield debate: It is explained that this issue has become confused, but that there is no policy encouragement for new dwellings in locations such as this;

- iii) Sustainable development: It is explained that the site is wholly unsustainable, being several kilometres away from all services (with the exception of a shop at Smythes Green 1200 metres away). A recently dismissed appeal at a nearby location is quoted, where similar matters were considered;
 - iv) Heritage issues: It is explained that the building, previously claimed to be listed, is not. The proposal is at best neutral and as currently submitted is negative to the wider setting of the host listed building and there are no heritage reasons to go against policy and approve this application;
 - v) Housing needs: It is explained that there is some demand for housing, but that Colchester Borough Council will not support any site in the parish as a preferred location for housing given its unsustainable location.
- 2.3 It is concluded that, because Colchester Borough Council has a five year housing supply and because the proposal is against policy, there is no overriding reason to approve this application. There is no heritage justification and no other supporting policy document either at a Borough or Parish level which supports this scheme.
- 2.4 Refusal is, therefore, recommended.

3.0 Site Description and Context

- 3.1 The site comprises a black weather-boarded and clay roof-tiled outbuilding within the curtilage of the early 19th century Grade II Listed Building White Lodge. It is post 1948 and, therefore, not curtilage listed. The land around the building is currently laid to hardstanding.
- 3.2 It is separated from White Lodge by a line of trees and has a hedge planted to the front to the Roundbush Road aspect.
- 3.3 To the north is a residential dwelling, whilst opposite the site is the dwelling "Little Winters".
- 3.4 The site is 600 metres as the crow flies (700 metres by any usable route) from the nearest part of any settlement boundary and is, therefore, classified as being in the countryside.

4.0 Description of the Proposal

- 4.1 It is proposed to demolish a section of the walls to the outbuilding to allow vehicular access to the rear of it and to introduce what is described as an "archway." It is also proposed to fenestrate the building (but not on the road-facing side).

- 4.2 It is then proposed to use the building as a separate residential dwellinghouse with its own garden and parking to the rear.

5.0 Land Use Allocation

- 5.1 Unallocated.

6.0 Relevant Planning History

- 6.1 160537 (and Listed Building application 160538) - Proposed partial demolition and conversion of Rural Outbuilding to a Dwelling and formation of new Access. Refused 16th May 2015.
- 6.2 89/1291 – Erection of detached garage. Approved 24th August 1989.

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
H1 - Housing Delivery
H3 - Housing Diversity
ENV2 - Rural Communities

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

DP1 Design and Amenity
DP12 Dwelling Standards
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:

n/a

8.0 Consultations

- 8.1 Historic Buildings Officer:

If, as asserted in the Heritage Statement, it was built in the second half of the 20th century, this outbuilding at White Lodge is not curtilage listed. Nor is it a building of historic interest or architectural importance, though of traditional appearance constructed of traditional materials. Although its footprint is quite large, it is a low building, and it does not have an adverse impact on the grade II listed White Lodge. The proposed residential conversion would involve few changes to the external appearance of the building. I have no objection to the conversion on the grounds of impact on the listed building, but I note that there is little information about the definition of boundaries and boundary treatments, and this matter should be covered by a condition were consent to be granted.

Note – These comments were first made before receipt of the drawings showing the proposed works. Following receipt of these, he has further commented:

To reduce its impact, the opening should be as narrow as reasonably possible, and should be framed by well defined posts with braces to the top plate

- 8.2 Highway Authority: No objections, but conditions. These include the provision of visibility splays of 2.4 metres x 43 metres as measured on the carriageway edge.
- 8.3 Environmental Control: Suggested standard demolition and construction advisory note.

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 not commented on the application.

10.0 Representations

- 10.1 No third party representations.

11.0 Parking Provision

- 11.1 Two spaces are shown, this complies with standards. The host dwelling would be deprived of its garaging, however there does appear to be ample space on the remainder of the site for the parking of vehicles.

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

Background:

- 15.1 Members are reminded that Planning application 160537 was refused at delegated Officer level, on fundamental reasons of principle (in addition to other reasons) without being called to Committee. With the exception of some physical works (detailed below) the application at hand is, in principle, the same as that already refused by your Officers. Therefore very little has changed.
- 15.2 Much of the early part of the Design and Access Statement reads as an appeal statement, indicating where the applicant believes there were flaws within the decision. As earlier stated, it was the applicant who erroneously described the building as being listed, that matter has now been resolved. It is also pointed out that the Council incorrectly used the phrase “erection of a new dwelling”, where the phrase “presence” would have been correct. This point is accepted (although, by way of clarification, the proposal was fully understood to be a conversion and was treated as such). Your Officers do not agree with the rest of the criticism within the statement and a court ruling on a case in Dartford, which is also used in the statement, is explored at length below.

- 15.3 To remind Members, the key paragraph of the previous refusal read: *“In this instance, the application site lies in a remote location, far removed from any settlement boundary where the erection of a new dwelling is opposed in principle in line with the above guidance and policies.”*
- 15.4 The recommendation for refusal, at the end of this report, will be reworded to avoid any doubt so that the applicant will not be able to use these arguments in any appeal.
- 15.5 Intuitively, it does not appear acceptable to create new units of residential accommodation in a location such as this. The applicant’s three main strands appear to be: i) The location is brownfield; ii) It *is* sustainable; iii) Heritage benefits (i.e. to the setting of the main listed building White Lodge).

Brownfield v Greenfield:

- 15.6 The issue of whether this is brownfield or greenfield is looked at first. The applicant has quoted a high court ruling (Dartford Borough Council v Secretary of State for Communities and Local Government 9CO4129/2015 – henceforward “the Dartford case”). In this case, the judge found that, as the definition of Previously Developed Land (PDL or “brownfield land”) has now been altered to explicitly exclude gardens within towns (i.e. “land in built-up areas, such as private residential gardens”), then gardens in rural areas had not been so excluded and, therefore, were still considered as being PDL. However counter-intuitive and contrary to the NPPF this may seem and whether this was a deliberate omission or was unintentional is not clear. However, the same judge felt there was a rational justification as “garden grabbing is a particular phenomenon of built-up areas” whilst rural gardens are already protected by a host of other guidance. His judgement was clear though, a site such as this is PDL.
- 15.7 It would be misleading, however, to presume that this has strengthened the case for housing on a site such as this. All this means is that sites such as that at hand, are still technically considered to be PDL (or brownfield) rather than greenfield and in that sense nothing has changed. The same considerations are at hand now as would have been at hand at any previous time since John Prescott’s announcement in 2000. The only point to consider is whether the encouragement to use PDL in a rural setting is now so fundamental to the NPPF that it outweighs all other considerations within that document and the policies of our adopted local plan – both of which have sustainable development as a central tenet. Your Officer will demonstrate below that it is not so fundamental and refusal is still strongly justified.
- 15.8 In fact, one is brought back to two fundamental truths in Planning guidance which must inform our every decision: i) **Sustainable Development** as the golden thread of Planning and ii) Proposals needing to comply with the **Development Plan** unless other material considerations dictate otherwise.

Sustainable Development:

- 15.9 As stated above, the NPPF supports sustainable development. Colchester Borough Council's Core Strategy policy SD1 (Sustainable Development) accords with this and policy H1 directs housing to sustainable locations. The site is, unquestionably, in an unsustainable location. The fact that it is near to some other buildings (some of them agricultural, or diversified from agriculture) does nothing to alter that fact. The application documents describe the site as being sustainably located as it is 1,000 metres from a bus stop. This is clearly an unusual interpretation of the word "sustainable" and without question, it is clear that all or most journeys to and from the proposed dwelling would be by motor vehicle.
- 15.10 Returning to the NPPF, this tells us that "Sustainable Development" has three strands: i) Economic, ii) Social and iii) Environmental.
- 15.11 Successive appeals have shown that Inspectors recognise an (if brief) economic benefit with the building of a house as it supplies work to a builder and also the social benefit of the provision of a house in providing somewhere for someone to live. This point could be made about any new house at any time, anywhere and only forms part of the consideration. It is worth recalling that this application is not even for a new build; thus any economic benefit would be somewhat less, as a conversion would be quicker and less profitable for a builder.
- 15.12 Regarding the supposed social benefit, it is accepted that in principle this might occur as the village of Layer Marney would be one house and, perhaps, a few people to the better. However, there is no supporting evidence from the applicant to suggest that the house would be of any social benefit and there is no supporting evidence from the Parish Council, nor is there any particular document one can turn to to support the claim that this would be of any social benefit. As will be seen below, the site is so far from any services it is difficult to muster any argument that the addition of a single dwelling would be socially beneficial to the village, or economically beneficial to any local businesses.
- 15.13 Inspectors have then also considered the environmental aspect. Whilst there has recently been a mixture of appeal decisions, most fall against promoting dwellings in locations such as this. The applicant may quote exceptions to this which support their case and may do so at appeal, but the general thrust is not in their favour. The geographical location is of importance in terms of the proximity (or lack of) of services and whether the future occupier would be likely to use anything other than a motor car.
- 15.14 The site in question is, undeniably, remote from any sort of services. The supporting statement contains an extraordinary claim that, as the site is "only about 1.0 km south" of the B1022 with its bus services, then the site cannot be described as remote. This is, in your Officer's opinion, one of the most remote parts of the borough and, without question, occupiers of

the dwelling would need to use motor vehicles for most, if not every, activity; which is against the interests of sustainable development.

- 15.15 In more detail, there are no schools or pubs in Layer Marney, there is a shop at McCreadie's garage about 1.2km away in Smythe's Green (wholly accessed by road, with no footpaths) and which has planning approval for residential redevelopment, the Hare and Hounds public house is 2km away in Layer Breton and the nearest school is about 3km distant in Birch. Realistically, any meaningful comprehensive services and facilities are 3-4km away in Tiptree. This cannot, therefore, be considered a sustainable location.
- 15.16 There are very few dwellings in Layer Marney outside of its tiny settlement boundary (Smythes Green), running to about twenty dwellings. Many are of a high standard of architecture and about a dozen are listed. Some of those which are listed have outbuildings which are also listed. It is logical to conclude that if the application at hand were granted permission, the owners of these other properties might wish to do likewise, effectively increasing the "outside the village envelope" housing stock by over 50 per cent.
- 15.17 Whilst it might be claimed by the applicant that the risk of precedent is not a material consideration, it is noted that two cases of precedent are indeed quoted in their supporting statement and if permission were to be granted at the site in hand, it would be quoted as precedent by subsequent applicants/appellants on other sites in the vicinity.
- 15.18 The most recent appeal precedent in the vicinity of Layer Marney was at Palmer's Farm on Blind Lane, Birch (our reference 151264). This sought permission for a dwelling (albeit a new build) in a location similarly remote to that at hand. Similarly, the nearest facility was the shop at Macreadies. The following paragraphs are of note:

"10. Layer Marney/Smythe's Green would not cater for the everyday needs of any future residents of the appeal proposal. For everyday needs, future residents of the proposal would likely need to travel to Tiptree, Birch Green and further afield. Access to Tiptree or Birch Green on foot or by bicycle would be along the B1022 for a considerable distance. There are few pavements and no dedicated cycle lane along this route and I observed that traffic moved at speed. As such, I would not describe the facilities available in these settlements as a convenient or comfortable walking or cycling distance from the appeal site and I have seen no substantive evidence to counter this view.

11. Layer Marney/Smythe's Green is located on a bus route. The Number 75 bus is a reasonably regular service connecting this settlement with Tiptree, Colchester and Maldon. However, there is no pavement connecting the appeal site with the bus stop and to access the bus stop it would be necessary to negotiate an 'S' bend in the B1022. Consequently, the walking route to the bus stop would be unattractive, especially to

vulnerable pedestrians (including parents with push chairs and children and those with mobility problems) and particularly in the evening as there is no street lighting. As such, I do not consider it likely that future occupants of the proposed dwelling would travel regularly by bus.

12. Given the distance, unattractive walking and cycle environment and the relative inaccessibility of the bus stop I consider it highly likely that future residents would be predisposed to rely on a private car to access necessary services and facilities. As such, I find that the proposed development would be functionally isolated from services and would be in an unsustainable location.

13. The isolated location would result in harm when considering the social and environmental dimensions of sustainable development. It would leave future occupants of the proposed dwelling largely reliant on a private vehicle with limited travel choices. It would also undermine the Framework's aims of locating new dwellings in rural areas close to local services and facilities. Moreover, the proposal would conflict with the Framework's aim of reducing unnecessary travel by car, with its associated carbon emissions, as a measure to cumulatively limit the effects of climate change."

- 15.19 The Inspector concluded that there were no special circumstances to justify a dwelling in this location and duly dismissed the appeal.

Heritage Matters:

- 15.20 Part of the applicant's case is based around a claim that the building is a "heritage asset", however the building in question is a 1980s garage block, described by the applicant as "of no particular historic or architectural merit." Your Officers do not fully agree with this appraisal; whilst of no outstanding quality, its form and choice of materials mean that it is sympathetic to its immediate setting and in its contribution to the wider rural setting.
- 15.21 Our Historic Buildings Officer has described a relationship between the subject building and the listed White Lodge which suggests that the proposed works would have little impact on that building. That being the case, the works can at best be described as neutral and therefore there is no overriding reason to go against policy, especially as there is no heritage asset requiring a viable use.
- 15.22 In fact, the works as currently proposed are, in your Officer's opinion, visually negative. The applicant's proposed treatment of what it describes as a "heritage asset" (i.e. a building near to a listed building) is to knock part of it down and form what is described as an "archway" through it. In fact, the proposal is not even an arch, it is just a missing section with a very thin support on the right-hand-side which looks structurally weak and is visually jarring.

- 15.23 Architecturally this is very poor in any context, let alone in a sensitive rural setting close to a listed building. It is acknowledged that, through negotiation, a more sensitive solution to this issue might be found, but, given that your Officers fundamentally oppose the scheme, it would not be profitable to spend time on it here. A condition for amendments can be appended to the Council's appeal statement should that be necessary.
- 15.24 Housing Needs: It is stated that the statement has been made: *"It is important for small rural communities to be able to achieve limited growth and Layer Marney wish to do this."* Layer Marney has not undertaken a Neighbourhood Plan. However, it did commission a Housing Needs Survey, with a report on this being published in October 2016.
- 15.25 The survey form was sent out to 86 households in Layer Marney, of which 37 (44 per cent) responded. Eleven of these indicated some form of housing need (of which only one would require it within the next two years and seven more within two to five years). Twenty seven stated that they would be in favour of "some form of small development" typically up to four dwellings. A similar number of respondents stated that they would be supportive if affordable units were included.
- 15.26 It is of note that none of the respondents is on the Local Authority or Housing Association waiting list.
- 15.27 Several sites were suggested by locals, but White Lodge was not one of them.
- 15.28 Our Policy section has confirmed that no sites in Layer Marney have been taken forward to Local Plan proposal sites as it would be contrary to our spatial strategy to do so.
- 15.29 There is, therefore, no policy or document which supports the principle of housing in this location.

Other Matters:

- 15.30 In their supporting statement, the applicant has quoted the Prior Notification process for the conversion of agricultural buildings to dwellings. The relevance of this is unclear. The building at hand is not agricultural, therefore it does not enjoy Permitted Development rights to convert in to a dwelling.
- 15.31 For Members' information, still very few agricultural buildings have been granted Approval for residential conversion in the Borough of Colchester – only nine in all. None of these have been in Layer Marney.

16.0 Conclusion

- 16.1 The application is hereby recommended for refusal on the grounds of sustainability. The application is against policy and there is no overriding reason to approve it. There is no heritage justification and no other supporting policy document either at a Borough or Parish level which supports this scheme. Colchester Borough Council has a five year housing supply and has no reason to go against its adopted policies, policies which stood up at appeal in May last year on a similar scheme in the vicinity.

17.0 Recommendation

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

18.0 Refusal Reasons

- 18.1 Paragraph 55 of the NPPF states that Local Planning Authorities should avoid new isolated homes in the countryside unless there are special circumstances. This informs Policy H1 of Colchester Borough Council's Core Strategy, adopted 2008 (revised 2014) which provides that the majority of housing development will be located within the urban areas of Colchester and indicates in table H1a a hierarchy of where new housing will be permitted. This does not include sites outside of village settlement boundaries. Further, policy SD1 of the Core Strategy provides that growth throughout the borough will be located at the most accessible and sustainable locations.

In this instance, the application site lies in a remote location, far removed from any settlement boundary where the presence of a new dwelling is opposed in principle in line with the above guidance and policies. As Colchester Borough Council has a five year housing supply and there are no overriding extenuating circumstances such as concerns over heritage matters, there is no cogent reason for approving this application.

Policies UR2 of the Core Strategy and DP1 of the Development Policies (adopted 2010, reviewed 2014) provide that all development must be of a high standard and respect and enhance the character of the site in terms of its design and respect its landscape setting and contribute to the surrounding area.

In this instance it is proposed to partly demolish a building close to a listed building in a sensitive rural area and erect a visually weak supporting flank wall and place a new entrance in an exposed position with the resultant loss of hedgerow. This, when combined with removal of hedgerow, required to obtain the desired vision splays, would add to the disappointment in this sensitive rural setting. For these reasons the application is hereby refused.



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Item No: 7.5
Application: 162723
Applicant: Mr M Wicks, Colchester Borough Homes
Agent: Mr B Gooch, Leisure World
Proposal: Construction of a single storey, 246m2 extension to the current fitness suite (Gymnasium) located at Leisure World Colchester.

Location: Colchester Leisure World, Cowdray Avenue, Colchester, CO1 1YH
Ward: Castle
Officer: Benjy Firth

1.0 Reason for Referral to the Planning Committee

- 1.1 This application is referred to the Planning Committee because it was considered prudent in the interests of transparency considering the Council's interests in the application site.

2.0 Synopsis

- 2.1 The key issues explored below are the design of the proposal and its impact on the surrounding area, both are considered to be acceptable.
- 2.2 The application is subsequently recommended for approval.

3.0 Site Description and Context

- 3.1 The application site is a sports centre located between Cowdray Avenue and the river Colne, to the north of the town centre.

4.0 Description of the Proposal

- 4.1 The application seeks a single storey extension to the rear of the sports centre building, to provide extended gym facilities. The reconfiguration of the first floor adjacent to the gym will also see an additional studio and facilities for staff created.

5.0 Land Use Allocation

- 5.1 The use of this site is already established and this proposal does not seek to alter the existing use.

6.0 Relevant Planning History

- 6.1 N/A

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
SD3 - Community Facilities
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
DP4 Community Facilities
DP10 Tourism, Leisure and Culture
DP19 Parking Standards
DP20 Flood Risk and Management of Surface Water Drainage

- 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):

Community Facilities
Open Space, Sport and Recreation
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 The Highways Authority made no objections to the proposal.
- 8.3 The Councils Environmental Protection service requested that informatives were added to any permission regarding Demolition and Construction, and hours of work.
- 8.4 The Council’s Archaeological Officer requested a standard archaeological condition is attached to any permission granted.

9.0 Parish Council Response

- 9.1 The Parish Council made no comment on the application.

10.0 Representations from Notified Parties

10.1 The application resulted in a number of notifications to interested third parties including neighboring 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 One member of the public commented that they welcomed additional gym facilities.

11.0 Parking Provision

11.1 Although the proposal will mean the removal of nine parking spaces it is considered that adequate parking provision in accordance with the adopted standards will remain.

12.0 Open Space Provisions

12.1 This scheme raises no issues in terms of open space.

13.0 Air Quality

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

14.0 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 The proposal seeks to extend existing community facilities within a mixed use area. As such the proposed use is already established and is considered acceptable.

15.2 The proposal seeks a modest extension in contrast to the existing built form at the site. The extension is to the rear of the site and as such has no impact on the street scene. The extension would be visible within the public realm, however it would be seen against a back drop of the existing building and as such its impact would be insignificant. The scale, height, massing and materials proposed are sympathetic of the host building and as such are in keeping. In light of the above the design of the proposal is considered acceptable.

16.0 Conclusion

16.1 In conclusion, this modest scheme is only before Members due to the Council's interest in the site. The scheme is acceptable in design terms and raises no issues in terms of its impact. An approval is warranted.

17.0 Recommendation

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

18.0 Conditions

1 - ZAA - 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 - ZAM - *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 LW278844–TD08, LW278844–TD03RevA, LW278844–TD04RevA, LW278844–TD06RevA and LW278844–TD07RevB.

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

3 - ZBB - 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, unless otherwise agreed, in writing, by the Local Planning Authority.

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

4 - ZNL - Full Archaeological Condition

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 with Policy SD1 and ENV1 of Colchester Borough Council's Core Strategy (2008).

5 - ZPD - *Limits to Hours of Work*

No demolition or construction work shall take outside of the following times;

Weekdays: 08:00-18:00

Saturdays: 08:00-13:00

Sundays and Bank Holidays: No working.

Reason: To ensure that the construction phase of the development hereby permitted is not detrimental to the amenity of the area and/or nearby residents by reason of undue noise at unreasonable hours.

19.0 Informatives

ZT0 – Advisory Note on Construction & Demolition

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

ZUJ - Informative on Archaeology

PLEASE NOTE The submitted scheme of archaeological investigation should be in accordance with an agreed brief. This can be procured beforehand by the developer from Colchester Borough Council. Please see the Council's website for further information:

<http://www.colchester.gov.uk/article/13595/Archaeology-and-the-planning-process>