

Planning Committee Meeting

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

Thursday, 17 August 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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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

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Evacuation Procedures

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Material Planning Considerations

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

Where our Development Plan is absent, silent or the relevant policies are out of date, paragraph 14 of the National Planning Policy Framework requires the application to be determined in accordance with the presumption in favour of sustainable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

The following approach should be taken in all planning decisions:

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

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

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

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

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

The above list is not exhaustive

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

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

- matters specifically controlled through other legislation

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

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

Planning Obligations

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

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

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

Human Rights, Community Safety and Equality and Diversity Implications

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

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

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

Using Planning Conditions or Refusing Planning Applications

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

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

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

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

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

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

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

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



Colchester Borough Council Development Management

Highway Safety Issues

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

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

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

Parking Standards

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

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

For residential schemes:

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

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



Colchester Borough Council Environmental Control

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

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

Best Practice for Construction Sites

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

Noise Control

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

Emission Control

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

Best Practice for Demolition Sites

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

Noise Control

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

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

Emission Control

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

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

Class A1. Shops

Use for all or any of the following purposes—

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

Class A2. Financial and professional services

Use for the provision of —

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

Class A3. Restaurants and cafes

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

Class A4. Drinking establishments

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

Class A5. Hot food takeaways

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

Class B1. Business

Use for all or any of the following purposes—

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

Class B2. General industrial

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

Class B8. Storage or distribution

Use for storage or as a distribution centre.

Class C1. Hotels

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

Class C2. Residential institutions

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

Use as a hospital or nursing home.

Use as a residential school, college or training centre.

Class C2A. Secure residential institutions

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

Class C3. Dwellinghouses

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

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

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

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

Class C4. Houses in multiple occupation

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

Class D1. Non-residential institutions

Any use not including a residential use —

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

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

(c) for the provision of education,

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

(e) as a museum,

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

(g) as a public hall or exhibition hall,

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

Class D2. Assembly and leisure

Use as —

(a) a cinema,

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

(d) a dance hall,

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

Sui Generis Uses

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

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

Interpretation of Class C3

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

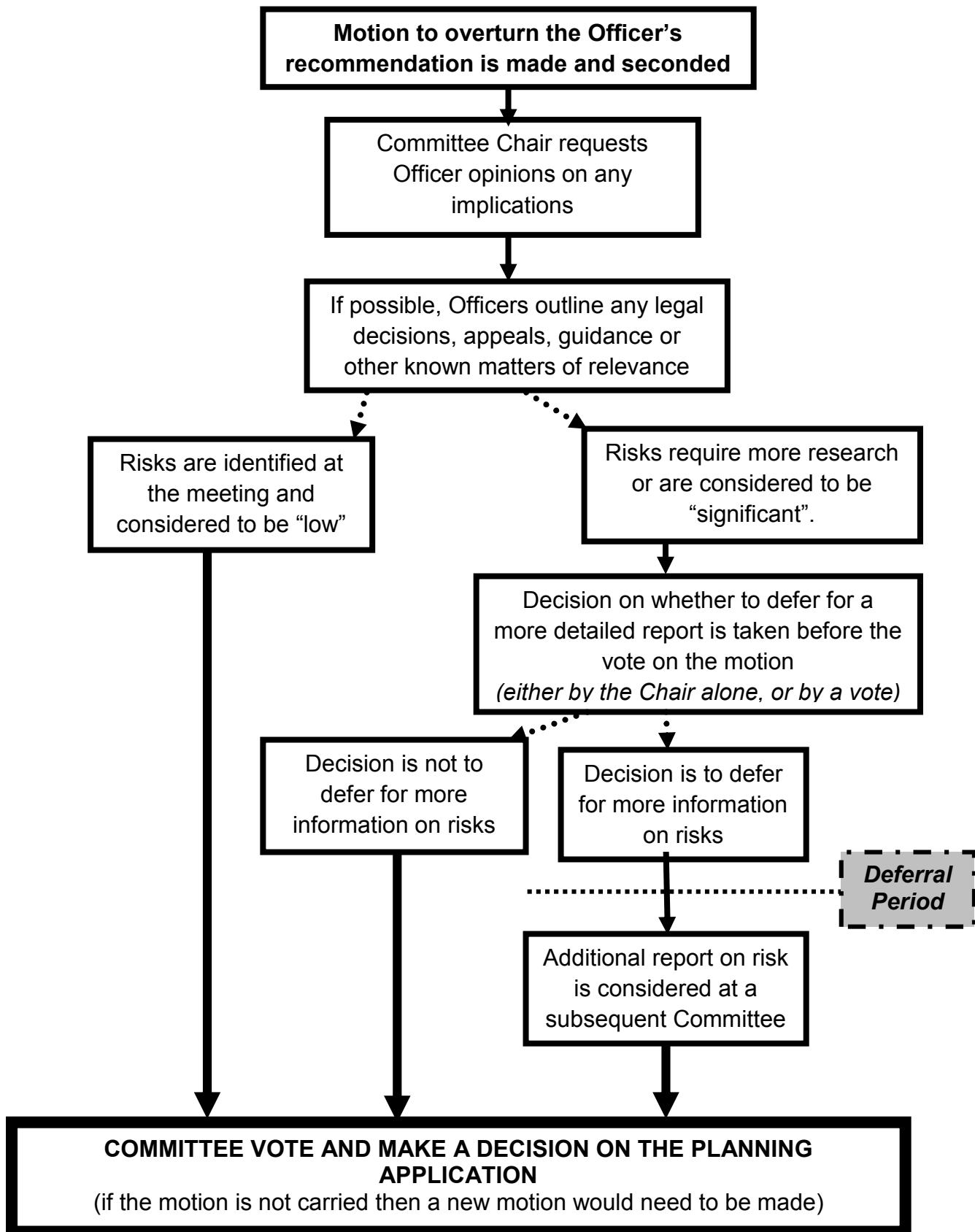
Interpretation of Class C4

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

Deferral and Recommendation Overturn Procedure (DROP) Flowchart

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

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



COLCHESTER BOROUGH COUNCIL
Planning Committee
Thursday, 17 August 2017 at 18:00

Members:

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 Chris Pearson

Chairman
Deputy Chairman

Substitutes:

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

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

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

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

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

1 Welcome and Announcements

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

- location of toilets;
- introduction of members of the meeting.

2 Have Your Say! (Planning)

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

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

3 Substitutions

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

4 Urgent Items

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

5 Declarations of Interest

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

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

interest and withdraw from the room where the meeting is being held unless he/she has received a dispensation from the Monitoring Officer.

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

6.1	Minutes of 13 July 2017	17 - 22
	To confirm as a correct record the minutes of the meeting held on 13 July 2017.	
6.2	Minutes of 27 July 2017	23 - 28
	To confirm as a correct record the minutes of the meeting held on 27 July 2017.	
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	170621 Land off Butt Road, Colchester	29 - 66
	Mixed Used Development comprising the Erection of Assisted Living Extra Care (Use Class C2) accommodation for the frail elderly including communal facilities and car parking and Retail unit (Use Class A1).	
7.2	171137 Mersea Island Holiday Park, Fen Lane, East Mersea, Colchester	67 - 74
	Regularisation of three lighting columns and three bollard lights.	
7.3	171768 Balkerne Hill, Colchester	75 - 82
	Non-illuminated information lectern.	
7.4	171679 21 Glisson Square, Colchester	83 - 88
	Proposed disabled bathroom.	
7.5	171125 Ferndown, Greyhound Hill, Langham, Colchester	89 - 96
	NOTE: THIS ITEM HAS BEEN WITHDRAWN FROM CONSIDERATION AT THE MEETING.	
	Proposed loft conversion and side extension, relocated garage and internal alterations.	
7.6	171482 3 Oak Tree Cottages, Brook Road, Aldham, Colchester	97 - 102
	Two storey side extension and single storey rear extension following demolition of existing workshop/store.	
8	Affordable Housing on the Chesterwell development and use of Brook Street, Colchester allowance	103 - 106
	See report by the Assistant Director Policy and Corporate.	

9 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, 13 July 2017

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

Substitutes: Councillor John Elliott (for Councillor Brian Jarvis)

Also Present:

488 Site Visits

Councillors Barton, Chuah, Elliott, Hazell, Higgins, Liddy, Loveland and J. Maclean attended the site visits.

489 Minutes

There were no minutes for confirmation at the meeting.

490 160825 Colchester Northern Gateway, Land at Cuckoo Farm West, off United Way and Via Urbis Romanae, Colchester

Councillor J. Maclean (by reason of her business acquaintance with the applicant) 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 erection of use class A3/A5 restaurant/hot food takeaway units (in the alternative), erection of use class C1 hotel, erection of use class D2 multiplex cinema, erection of use class D2 leisure units, erection of a use class A3/D2 restaurant/leisure uses (in the alternative), provision of a landscaped piazza that shall include associated landscaped areas, erection of an ancillary multi-storey car park, provision of separate drop-off/parking areas, the provision of cycle/pedestrian link to Tower Lane and associated works including the erection of substations and associated infrastructure apparatus at Colchester Northern Gateway, Land at Cuckoo Farm West, off United Way and Via Urbis Romanae, Colchester. The application had been referred to the Committee because it was a major, full planning application, elements of which were a departure from the Adopted Local Plan, on an area of land that was currently owned by Colchester Borough Council, that had received objections and which was recommended for permission, furthermore, in the event that the officer recommendation was agreed, it would also be necessary to secure a Section

106 Agreement to mitigate impacts of the development. The Committee had before it a report and amendment sheet in which all 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.

Simon Cairns, Major Developments and Planning Projects Manager, presented the report and together with Paul Wilkinson, Transport Manager and Martin Mason, Essex County Council's Strategic Development Engineer, assisted the Committee in its deliberations. The Major Developments and Planning Projects Manager explained that, under the Town and Country Planning (Consultation) (England) Direction 2009, as the application was partly a departure from the Adopted Local Plan, if the recommendation of approval was accepted by the Committee, it would be necessary to refer the application to the Secretary of State in order that a decision could be made with regard to whether the application would be called in for determination. He also reminded the Committee members that they must consider the application entirely on its planning merits, affording no weight to any issues relating to the ownership of the site by the Council and any financial benefits accruing to the Council as well as the outline / reserved matters planning permission previously granted for a similar application on the site which was not held to be a material consideration in this instance. He further advised the members of the Committee, in their deliberation on the application, to substitute the wording of the paragraphs set out in the amendment sheet for those within the report published within the agenda for the meeting and to take these into consideration in the Committee's determination of the application. He confirmed that planning officers had drawn their conclusions in accordance with the provisions of section 38(6) of the Planning and Compulsory Purchase Act 2004 and had not relied on paragraph 14 of the National Planning Policy Framework (NPPF) but had given full consideration to the need for flexibility as set out at paragraph 24 of the NPPF. Accordingly planning officers had concluded that the proposals satisfied the Sequential Test for reasons which were detailed in the report and the amendment sheet.

Jayne Gee addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in opposition to the application. She considered there were considerable flaws in the advice given to the Committee members by the planning officers. These had been highlighted in correspondence from Barton Willmore and she was further of the view that the planning officers' advice was unlawful and was likely to be the subject of judicial review. She considered the officers had been inconsistent in their dealings with this application compared to the dealings in relation to the application at Tollgate Village and the subsequent public inquiry, in particular in relation to the assessments of impact of the proposed multiplex cinema at each location. She sought an explanation for the inconsistent approach and considered the application should be refused.

Chris Goldsmith, on behalf of Turnstone Estates, addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in support of the application. He

referred to the exciting vision associated with the Northern Gateway development which would deliver a major leisure destination to the Colchester area. He referred to commitments to the development secured with Cineworld for an Imax scheme, Paradise Island, Travelodge for the hotel as well as an eclectic mix of restaurants. He considered the application was very different to that proposed for Tollgate Village and was of the view that Northern Gateway would be a catalyst for a wider vision for the area, including major transport improvements and an economic boost.

Councillor Graham attended and with the consent of the Chairman addressed the Committee. He explained that he was representing the people of Mile End and wished to encourage support for the proposal. He was of the view that it would be fantastic for Colchester as a whole, as well as for Mile End and that it was not something which was available anywhere nearby. He asked the Committee to endorse the application.

The Major Developments and Planning Projects Manager confirmed that the issues raised by Barton Willmore had been given important consideration and the evidence base had been completely revised as a result. The matters raised had revolved largely around the Sequential Test and a key piece of case law which had been referred to the council's consultants, Lichfields, for advice. Lichfields had provided expert advice that had been incorporated into the committee report and confirmed that the Council's conclusions were sound. He did not consider there had been any inconsistency in the Council's consideration of the Tollgate Village proposals, in that these were for a retail development with a leisure element, involving very significant expansion and the scheme was seen to be in conflict with both national and local planning policies. He was conscious of the need for rigour and transparency in the Council's deliberations. In terms of the impact of the Northern Gateway, this had been scrutinised at length and it had been concluded that there would be an adverse impact but that it would be at an acceptable level, in part, due to it being a leisure-led scheme. He also confirmed that Lichfields had advised that they had found no evidence to support the contention that the Northern Gateway development would be likely to lead to the closure of the Odeon Cinema in the town centre.

In discussion, members of the Committee generally welcomed the application as an exciting leisure proposal for Colchester as a whole and considered that the scheme would work well with little detrimental effect on the town centre. Clarification was sought on total parking provision; leisure retail sales which would be permitted; access and parking arrangements for take-away sales; what measure was applied in relation to an 'acceptable' level of impact on the town centre cinema; connectivity for cyclists and pedestrians from the neighbouring David Lloyd site through the current site, northwards and beyond; potential leisure uses of the proposed lake; provision of electric charging points for cars and measures to protect the designation of disabled parking bays. Councillors were particularly supportive of the installation of solar panels to the roof structures of the hotel and cinema in order to fully exploit the development's sustainable energy credentials.

Some Committee members welcomed the opportunity to provide a pedestrian crossing on United Way which also permitted cyclists, such as a Tiger crossing, but were concerned about the proposal for a shared cycle and pedestrian routes through the site. One member of the Committee acknowledged the need to consider the current application on its merits and welcomed its calibre but expressed regret regarding the way the Tollgate Village application had been dealt with.

The Major Developments and Planning Projects Manager explained that the sale of ancillary elements of a small scale nature would be permitted on the site but the application did not include leisure retail sales specifically which would need to be subject to a subsequent application, if required in the future. He explained that Lichfields had concluded that the Odeon cinema in the town centre was currently trading very healthily, above the current national average and that there was no evidence that the current development would lead to the Odeon's closure. He confirmed that there was a shared footway / cycleway link to the south of United Way to Tower Lane, the current application included a proposal for a crossing at United Way, the details of which were subject to agreement with the applicant, and that connectivity to the north and beyond would be secured as developments came forward in the future. He confirmed that the Tollgate Village application had been the subject of a public inquiry, the outcome of which was still awaited. He explained that, in relation to the suggestion for solar panels, it would be possible to add a clause to the proposed BREEAM (Building Research Establishment Environmental Assessment Method) condition seeking the submission of a scheme of renewable energy generation. He further explained that it was appropriate to seek a reduced level of car parking and to encourage alternative means of transport given the need to encourage sustainable transport to serve the site. In addition, the Highway Authority had confirmed that there was no reason to indicate there would be an adverse effect on the strategic highway network or on highway safety. He was therefore of the view that the number of car parking spaces proposed was acceptable and would be adequate to accommodate the level of takeaway sales proposed. He confirmed that the formation of the water features on site would be the subject of detailed consideration with the applicant, however any proposed leisure activities associated with them were not matters for the planning authority. He further confirmed that the proposed conditions included provision for electric car charging points whilst the protection of disabled parking bays for this purpose would be a matter for the car parking management arrangements.

The Transport Policy Manager explained that the cycleway / footway proposals within the current application were similar to many in the town, in that they provided for a three metre wide unsegregated shared use route which was in accordance with the Council's Cycling Supplementary planning Guidance as well as national guidance. He explained that unsegregated routes required greater width and, evidence suggested that they tended to lead to cycling at increased speeds. He further explained that the development provided 114 cycle parking spaces, the location of which would be the subject of

discussions with the applicant with a view to securing provision at the perimeter of the development in order to discourage use of cycles through the site.

The Strategic Development Engineer confirmed that the Highway Authority was content with the proposed parking facilities for the site, that there would be no adverse impact on nearby on-street parking and, in any event, United Way was already designated as a Clearway which precluded the stopping of vehicles. He also confirmed that an assessment had been made of the capacity of the exit and entry off junction 28 of the A12 which had been reviewed by both Highways England and the Highway Authority, both of which were content that there would be no adverse impact.

RESOLVED (NINE vote FOR and ONE ABSTAINED) that –

(i) The Assistant Director Policy and Corporate be authorised to approve the planning application subject to the conditions set out in the report and the amendment sheet together with an additional condition seeking a scheme of renewable energy to be submitted, agreed and implemented prior to the first occupation of the development, with delegated authority to revise as may be necessary, and subject to the signing of a legal 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 legal agreement is not signed within six months, authority be delegated to the Assistant Director Policy and Corporate to refuse the application, or otherwise to be authorised to complete the agreement to provide for the following:

- A Bus Service Level criteria (or variation that is agreed by Essex County Council and Colchester Borough Council) that achieves -
 - (a) Duration of service: 9:30hrs to 23:30hrs, Sunday – Thursday including Public Bank Holidays and to 00:30hrs Fridays and Saturdays, for clarity, the first buses should arrive at the site no later than 09:30hrs and the last departures should be at or after 23:30hrs or 00:30hrs respectively,
 - (b) Frequency of service at least every 30 minutes throughout the day, 7 days per week,
 - (c) Buses to call at stops within 400m actual walking distance (equivalent to a walk of about 5 minutes) to the centre of the site,
 - (d) Bus service to provide connection with Colchester town centre, Colchester railway station, and residential areas near the site,
 - (e) Ability for integrated bus ticketing to allow for onward travel on other bus services in Colchester,
 - (f) Real time information on bus services to be displayed at prominent locations within Colchester Northern Gateway development site;
- Agreement with regard to target a training and recruitment strategy including a number of job opportunities in leisure and hospitality aimed at jobseekers/returners/college leavers in the Borough;
- Funding to provide three wireless CCTV cameras to cover the site, if the applicant is to provide cameras, agreement would be sought to agree real time monitoring;
- Contribution to ensure litter from the site does not impact upon amenity outside of

the site;

- Inclusion of a 'no poaching' agreement that will prevent relocations of food and beverage uses from the town centre to the application development.

(ii) It be noted that under the under the Town and Country Planning (Consultation) (England) Direction 2009, as the application was partly a departure from the Adopted Local Plan, as a consequence of the approval of the application in (i) above, it is necessary to refer the application to the Secretary of State in order that a decision can be made as to whether the application will be called in for determination.

Planning Committee

Thursday, 27 July 2017

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

Substitutes: Councillor Nick Cope (for Councillor Theresa Higgins)

Also Present:

491 Site Visits

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

492 Minutes of 6 July 2017

The minutes of the meeting held on 6 July 2017 were confirmed as a correct record.

493 162925 57 Dunthorne Road, Colchester

The Committee considered an application for a proposed dwelling at 57 Dunthorne Road, Colchester. The application previously been considered by the Committee and that consideration had been deferred to enable further discussions to take place with a view to the proposed dwelling being amended to a bungalow. The Committee had before it a report in which all 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.

Eleanor Moss, Planning Officer, presented the report and together with Andrew Tyrrell, Planning Manager, assisted the Committee in its deliberations. It was explained that, if the application was approved, it would be necessary to amend Conditions 4 and 5 to provide for the removal of Permitted Development rights for windows to the dwellings.

Derek Gearing, on behalf of the residents of Green Lane, addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in opposition to the application. He was of the view that the application did not meet the requirements asked for by the Committee when it previously considered the application. He acknowledged the proposed roof pitch had been lowered but it was still a two storey dwelling situated forward of the building line and at the narrowest part of Green Lane. He considered the

area contained predominantly single storey dwellings which meant the proposal was out of keeping with the neighbourhood. He welcomed the proposed condition in relation to parking provision but was concerned about potential non-compliance, particularly given access requirements for emergency vehicles and the popularity of the Lane with pedestrians notwithstanding the lack of footway. He was of the view that the potential negative impact on the neighbourhood should not be encouraged. He also explained his concerns regarding the impact of the construction works and the potential for subsidence in the area. He considered the application would inconvenience the majority of the existing residents who were not being listened to.

John Spencer addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in support of the application. He explained that the proposed ridge height of the dwelling had been lowered in accordance with the aspirations of the Committee members when the application was considered previously. He observed that the proposal was now of a lower height than the chalet opposite, accordingly, he asked the Committee members to approve the application.

Councillor Smith attended and with the consent of the Chairman addressed the Committee. He was of the view that the Committee members had sought further negotiations with the applicant to secure a bungalow on the site, not a two storey property. He considered that a bungalow would be more suitable in the neighbourhood and he also referred to the application for a bungalow on the site, submitted in 2002 and refused at an Appeal. He asked the Committee members to remain true to their previous aspiration to achieve a bungalow on the site.

The Planning Officer explained that there was a number of two storey properties in the Green Lane area, which had an eclectic mix of properties. There were also examples of different sized gardens and the proposed amenity space in the current application was in accordance with the approved standards. She further explained the Highway Authority had not objected to the proposals and the proposed parking provision complied with the approved parking standards. In addition, hours of construction work would be controlled by means of a proposed condition should approval be granted. She confirmed that in negotiation with the applicant, planning officers had tried to accommodate a bungalow on the site but it had not been possible to do so without impacting on the amount of amenity space such that this element would not meet the approved standards. She finally confirmed that the amended application, as now submitted, fully complied with all necessary standards.

Some Committee members considered there were no material grounds on which to refuse the application. Other Committee members, whilst acknowledging the application's compliance with approved standards, were concerned at the sub-division of the application site and were disappointed that it had not been possible, through further negotiation, to achieve a compliant application based around a bungalow. There was concern that the proposal was not in-keeping with the neighbourhood.

The Planning Officer further explained that since the previous application had been refused at Appeal significant policy changes had taken place which meant that this decision could not be considered as a material consideration in relation to the current application. These policy changes were in relation to the introduction of the National Planning Policy Framework in 2012, which provided for a presumption in favour of sustainable development, and a revised policy which reduced amenity space standards. She further explained that the application the subject of the Appeal had been refused on the grounds of a lack of division between the proposed dwellings, which the current application had adequately addressed.

As the discussion suggested that the Committee may be minded to refuse the application contrary to the officer's recommendation in the report on grounds of over-development and not in-keeping with the neighbourhood, in accordance with the Committee's procedures in these circumstances, the Chairman invited the Planning Manager to indicate the significance of the associated risks should the Committee overturn the Officer's recommendation. The Planning Manager explained the difficulty of refusing on grounds of being over development and not in-keeping as the application accorded with amenity space standards and he had identified at least four chalet type and other two storey dwellings in Green Lane whilst attending the site visit. He also reminded the Committee members that they had been advised during their previous consideration that a bungalow was likely to lead to a sub-standard amenity area due to the increase in footprint size required for a bungalow but that negotiation may be able to achieve a lower ridge height for the proposed dwelling. The Planning Manager added that it may be possible for officers to consider the unsuitability of the site development as potential grounds for refusal if the Committee was so minded as, with the constraints and issues under debate, this would effectively be what was suggested if the application was refused.

A proposal, which was seconded, to refuse the application was lost (FOUR vote FOR, FOUR voted AGAINST and TWO ABSTAINED and the Chairman having used his casting vote AGAINST).

RESOLVED (FOUR vote FOR, THREE voted AGAINST and THREE ABSTAINED) that the application be approved subject to the conditions set out in the report and the amendment of Conditions 4 and 5 to provide for the removal of Permitted Development rights for windows to the dwellings.

494 162526 St Mary's Church, High Street, Wivenhoe, Colchester

The Committee considered an application for the demolition of the existing south porch and erection of a new extension for meeting room and ancillary facilities at St Mary's Church, High Street, Wivenhoe, Colchester. The application had been referred to the Committee because it had been called in by Councillor Scott. The Committee had before

it a report and amendment sheet in which all 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.

495 171456 208 Harwich Road, Colchester

The Committee considered a retrospective application for a replacement garden wall at 208 Harwich Road, Colchester. The application had been referred to the Committee because it had been called in by Councillor Smith. The Committee had before it a report in which all 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.

Mark Russell, Principal Planning Officer, presented the report and assisted the Committee in its deliberations.

Daniel Coe addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in support of the application. He explained that he had been born and spent the majority of his life in Ipswich, however, he had decided to set up home in Colchester as he liked the town so much. With the help of family and friends he had worked to improve his property from one which had been in an uninhabitable condition. His father was a builder and he had helped with the boundary work and driveway and, as there had been gates previously at the property, they had made the presumption that they could replace like with like. He acknowledged he did not live in the best area of the town but he wanted to improve the house which he shared with his partner. They had put all their savings into the property and confirmed they still intended to apply to move the dropped kerb to align with the current entrance to the drive

Councillor Smith attended and with the consent of the Chairman addressed the Committee. He considered the property had been considerably improved by the new owner and he was sorry that the officer's recommendation to refuse the application may be considered to be penalising them. He considered there were similar height walls in the locality of the property and noted that the house was set back considerably from the wall. He confirmed that he was aware of gates being in place at the property previously and considered they could be accommodated again, so long as any advice from the Highway Authority was followed. He struggled to see why the application could not be approved given the only representations submitted had been in support of the application.

The Principal Planning Officer confirmed the existence of gates at the property previously and sincerely refuted the suggestion that the applicant was being penalised.

He confirmed that the addition of gates to the property would require a separate planning application to be submitted, if they were greater than one metre in height.

In discussion, members of the Committee generally welcomed the proposal on the basis that the works were of high standard, an enhancement for the area generally and no objections had been received from neighbours. It was acknowledged that the dropped kerb would need to be realigned to correspond with the current driveway and that any subsequent installation of gates to the property would need to comply with any requirements sought by the Highway Authority.

RESOLVED (UNANIMOUSLY) that the application be approved subject to appropriately worded conditions to provide for no loose materials, the dropped kerb to the footway to be realigned and for the permission not to include the installation of gates.

496 171687 Colchester Business Centre, 1 George Williams Way, Colchester

Councillor Liddy (by reason of his directorship of the 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 to raise the height of the existing masonry parapet and gable walls to roofs including replacing stone copings and flashings, installing a stone cill below bullseye louvre vents (5no) and canopy over the entrance door at Colchester Business Centre, 1 George Williams Way, Colchester. The application had been referred to the Committee because Colchester Borough Council was the applicant. The Committee had before it a report and amendment sheet in which all information was set out.

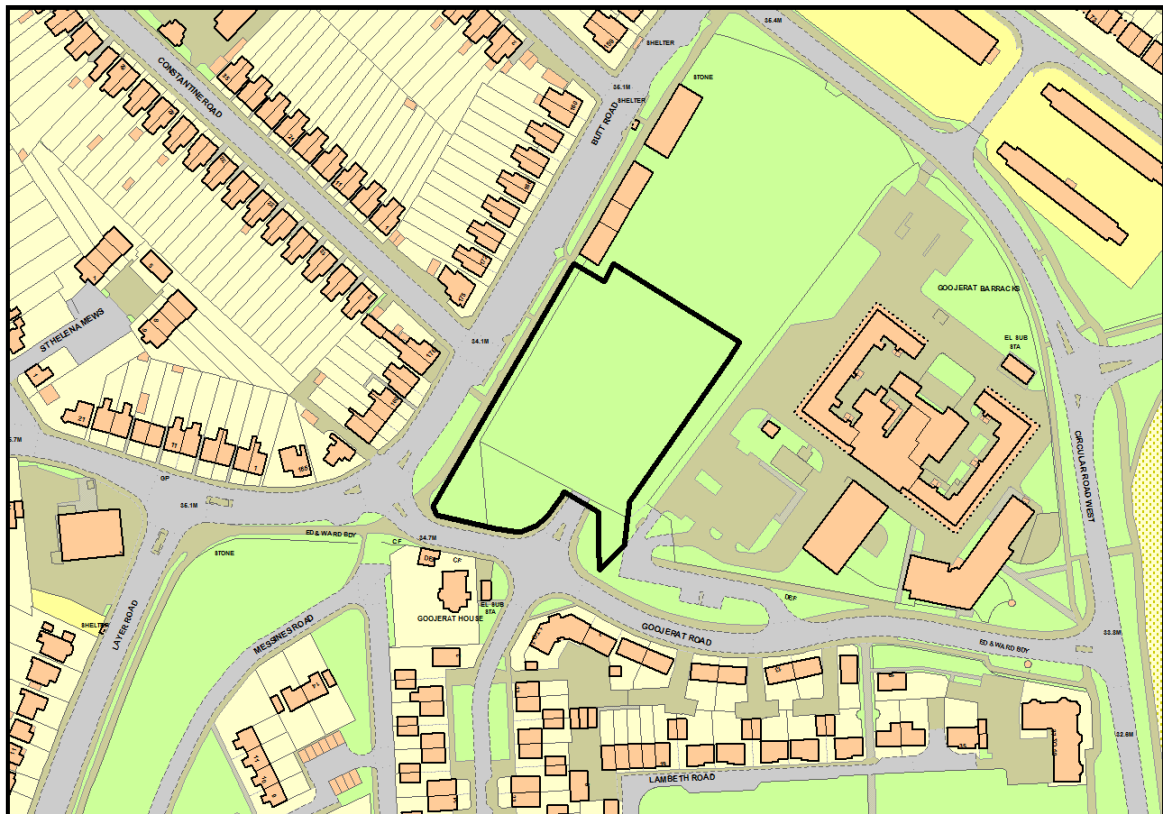
RESOLVED (UNANIMOUSLY) that the application be approved subject to the conditions set out in the report.

497 Appeal Decisions

The Committee considered a report by the Assistant Director Policy and Corporate giving details of three Appeal decisions which had been received in the last month for applications in the Borough or in neighbouring Local Authority areas, the intention being to enable the Committee members to remain up to date with outcomes, trends and changes so they could further understand how Inspectors were presiding over decisions.

Andrew Tyrrell, Planning Manager, presented the report and assisted the Committee in its deliberations. Members of the Committee welcomed the information provided in the report.

RESOLVED that the contents of the report be noted.



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Item No: 7.1

Application: 170621

Applicant: Your Life Management Services Ltd

Agent: Mrs Kim Rickards

Proposal: Mixed Used Development comprising the Erection of Assisted Living Extra Care (Use Class C2) accommodation for the frail elderly including communal facilities and car parking and Retail unit (Use Class A1)

Location: Land off, Butt Road, Colchester

Ward: New Town & Christ Church

Officer: Sue Jackson/Simon Cairns

Recommendation: Conditional Approval subject to signing of Section 106 Agreement

1.0 Reason for Referral to the Planning Committee

- 1.1 This application is referred to the Planning Committee because it is a major application, material objections have been received and a conditional planning permission is recommended subject to a legal agreement.

2.0 Synopsis

- 2.1 The key issues for consideration are the site's planning history and policy, traffic generation and parking provision, neighbour representations, design and heritage issues.
- 2.2 The application is subsequently recommended for a conditional planning permission subject to the signing of a legal agreement.

3.0 Site Description and Context

- 3.1 The application site at Butt Road is known as Area K2 in the Garrison Urban Village Development Master Plan. The site has an area of 0.62 hectares and is located approximately 0.8 km to the south of the town centre.
- 3.2 It is a corner site with a dual frontage to Butt Road and Goojerat Road. It is separated from Goojerat Road by a fenced grassed area containing a group of lime trees protected by a Tree Preservation Order. Vehicular access to the site is established as provision was made when a new roundabout along Goojerat Road was constructed. The roundabout provides access to residential development on part of the former garrison and includes an access stub to the application site. The rear east boundary is adjacent to the Military Police Station but separated from it by a buffer security strip of land where development is prohibited.
- 3.3 The north boundary abuts undeveloped land also included in the Garrison Urban Village Development Master Plan known as Area K1; it is anticipated this area will be developed for residential purposes. Much of the planning history relates to applications which include both Area K1 and K2. Area K1 includes two locally listed buildings on the Butt Road frontage. The boundary of the Garrison Conservation Area generally follows the boundary between K1 and K2 but a small slither of the application site is within the Conservation Area.
- 3.4 The site is currently enclosed by security fencing, and previously contained a multi storey office building occupied by the Property Services Agency (PSA) a Government Department; the building was demolished several years ago. It is generally flat and contains one preserved tree of poor condition.

- 3.5 On the opposite side of Butt Road are a number of parallel roads which extend to Maldon Road. These residential roads, Errington, Constantine, Hamilton and St Helena, comprise predominantly 2 storey semi-detached pairs of red brick slate roofed Victorian houses. Hamilton Road School has a frontage to both Hamilton and Constantine Roads. Butt Road comprises houses of a similar age and design and includes a small number of shops on corner sites.
- 3.6 On the same side of Butt Road as the application but closer to the town centre, sections of the historic, and new, Garrison boundary wall abut the footway. Recent residential development, in this location is predominantly 3 storeys in height, and is either set behind the Garrison wall or abuts the footway. This development is traditional in both design and use of materials.
- 3.7 New residential development close to the site off Goojerat Road is of a contemporary style including coloured boarding, cream brick and render with some mono-pitched roofs, building heights are generally 2 or 3 storey, with a 3 storey building facing the site across the roundabout.

4.0 Description of the Proposal

- 4.1 This full planning application proposes mixed use comprising a retail unit of approximately 511 square metres, (gross) and a 48 unit “Assisted Living” Extra Care apartment block in linked buildings 3 and 4 storeys high.
- 4.2 The retail unit is contained in part of the ground floor with a sales area of 320 square metres, warehouse area of 130 square metres and back of house office of 35.6 square metres. There is also a small storage area of 21 square metres plus an open yard of 56 square metres. The pedestrian entrance to the store is from Butt Road. Vehicular access is as described above and leads to the rear car park. There is a pedestrian path from the car park to the store entrance.
- 4.3 The “Assisted Living” block comprises 23 one bedroom and 25 two bedroom units. It includes an estates managers’ office, staff sleepover accommodation to allow for 24 hour assistance, communal facilities such as a residents’ lounge, restaurant with catering kitchen, heavy duty laundry, electric buggy store and emergency call/ alarms. Landscaped gardens are proposed which will be managed by Yourlife Management Services Ltd.
- 4.4 The application involves linked buildings fronting the principle roads. The part of the building closest to the road junction and overlooking the new public amenity space is 4 storey and abuts the Butt Road frontage. The ground floor comprises the retail unit with 3 storeys of assisted living apartments above. A small 3 storey glazed link containing stairs and lifts connects this to a 3 storey building containing further assisted living apartments and communal facilities. These buildings are set back from the road frontage behind a new Garrison wall with pedestrian access points to the living accommodation. Landscaped courtyard gardens are indicated to the rear of the building. A separate car park is shown beyond the retail car park using the same vehicular access off the Goojerat roundabout.

- 4.5 The applicant is YourLife Management Services Ltd (a joint venture between McCarthy and Stone Retirement Lifestyles and Somerset Care). The supporting information states “McCarthy and Stone are the market leaders in the provision of specialist accommodation for elder people” and “The application site offers the opportunity of introducing a purpose built self-contained residential unit for the elderly at a significant focal point at a visually key location that better relates to the character of the area”. The applicant has confirmed they are discussing heads of terms with a well know retailer regarding the future occupancy of the retail unit.
- 4.6 Members are advised that since the submission of the original application your officers have sought amendments to the application. These amendments were to address concerns raised by the Urban Design Officer and Historic England relating particularly to the relationship of the retail element to the living accommodation, fenestration and detailed design, to negotiate an increase in the number of parking spaces in particular for the retail store and to design-out potential overlooking into Area K1 which is likely to be developed for residential purposes. The amendments have resulted in a slightly different footprint but with buildings of a traditional character and better reflecting the appearance of Garrison buildings; part of the building has increased to 4 storey, originally all the buildings were 3 storey. On the boundary with Area K1 a stepped form is now proposed and windows replaced with “dummy windows” removing the potential for overlooking and/or an overbearing impact. The number of parking spaces to serve the retail store has increased from 10 to 22.
- 4.7 The application includes the following supporting documents Planning Statement, Design and Access Statement, Flood Risk Assessment, Tree Survey, Tree Constraints Plan, Landscape Strategy, Archaeology Desk Based Assessment, Ecology Survey Report, Energy Statement, Site Investigation, Statement of Community Involvement, Transport Statement and a Travel Plan.

5.0 Land Use Allocation

- 5.1 Garrison Regeneration Area, Growth Area, Neighbourhood Centre (retail and/or other uses) Approved 8.07.2004 Colchester Garrison Urban Village – Master Layout Plan. The site is located within an area that was allocated as a Neighbourhood Centre in the Garrison Master Plan in 2001. This allocation was subsequently carried forward by the 2010 adopted Site Allocations DPD. Policy GAR1 provides for a 1000sqm (foodstore and three small shops); this policy does however note that ‘the levels of development [set out on policy GAR1] should not be considered prescriptive but a guide to inform development proposals’.

6.0 Relevant Planning History

- 6.1 120412 Local centre comprising a supermarket, 6 no retail units, affordable housing and car parking. The site of this application includes Areas K1 and K2. Planning permission granted but has now expired. The proposal exceeded the guideline figures, in that the proposed foodstore was 1,328sqm (net), and six retail units were approved rather than three.
- 6.2 100981 - Application for change of use and conservation of former MOD occupied single storey buildings (Blocks A, B C D1 & D2) to create 535m2 (A1 Retail and A2 Financial and Professional services) accommodation, along with associated works – Approved
- 6.3 100982 - Reserved matters application (O/COL/01/0009) for the erection of two buildings to create 1080m2 A1 Retail and A2 Financial and Professional Services (Block E & Ground Floor of Block F) Accommodation and 14no. Affordable units (Block F) with associated works – Approved
- 6.4 100983 – Reserved matters application (O/COL/01/0009) for the erection of two buildings to create 1080m2 A1 Retail and A2 Financial and Professional Services (Block E & Ground Floor of Block F) Accommodation and 14no. Affordable units (Block F) with associated works – Approved
- 6.5 102537 - Extant permission to extend time limit for implementation of reserved matters application under outline consent O/COL/06/0783; siting; design; external appearance, means of access and landscaping for the erection of food store and shops with associated parking. (Reserved matters reference 090905) - Approved
- 6.6 090905 - Reserved matters application under outline consent O/COL/06/0783; siting; design; external appearance, means of access and landscaping for the erection of food store and shops with associated parking.
- 6.7 O/COL/06/0783 - Demolition of existing offices and construction of food store and shops with associated parking
- 6.8 F/COL/04/0716 Variation of condition 02 of planning permission O/COL/01/0692 to further extend the period for a further two years in which to submit a reserved matters application - Approved.
- 6.9 F/COL/01/0692 Application to vary condition 1 of planning permission COL/98/0947 to further extend the period (for a further 3 years) in which to submit a reserved matters application - Approved.

- 6.10 O/COL/01/0009 A new urban village comprising residential development (up to approx 2600), mixed uses including retail, leisure and employment, public open space, community facilities, landscaping, new highway & transportation improvements associated and ancillary development in accordance and subject to the provisions of the master plan
- 6.11 98/0947 – Outline application for the erection of food store and shop units (Renewal of Application COL/94/1423).
- 6.12 95/1432 - Outline application for the erection of food store and flats with ancillary car parking and highway works - Refused 7 March 1996.
- 6.13 94/1423 - Outline application for erection of food store and shop units Approved 7 March 1996

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
- CE2b - District Centres
- CE2c - Local Centres
- 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

- 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
DP7 Local Centres and Individual Shops
DP11 Flat Conversions
DP12 Dwelling Standards
DP14 Historic Environment Assets
DP16 Private Amenity Space and Open Space Provision for New Residential Development
DP17 Accessibility and Access
DP18 Transport Infrastructure Proposals
DP19 Parking Standards
DP20 Flood Risk and Management of Surface Water Drainage
DP21 Nature Conservation and Protected Lanes

- 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 GAR1 Development in the Garrison 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
Shopfront Design Guide
Cycling Delivery Strategy
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

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 Anglian Water state:
- There are no assets owned by AW or those subject to an adoption agreement within the development site boundary
 - foul water drainage is in the catchment of Colchester Water Recycling Centre that will have available capacity for these flows
 - the sewerage system at present has available capacity for these flows
 - condition requiring a drainage strategy to be submitted and agreed
 - condition requiring a foul water strategy to be submitted and agreed
 - condition requiring a surface water management strategy to be submitted and agreed
 - Informatives required
- 8.3 Highway Authority raised no objection to the original application subject to conditions these include, a Construction Method Statement to include a HGV Routing Plan, service and delivery parking and turning facilities, provision of car parking, bin refuse storage facilities and a Travel Plan. Consultation response on revised scheme awaited and will be reported at committee or via amendments sheet.
- 8.4 Historic England commented on the original application as follows:-

Summary

This application proposes the development of a large residential building with associated retail space on the ground floor at the edge of the conservation area. While we accept the principle of developing the site we are concerned that the design details of the building and retail unit could have a negative impact on the historic significance of the conservation area and should be amended.

Historic England Advice

The application proposes the erection of a three storey building for mixed use development including assisted living, car parking and retail space at land off Butt Lane, Colchester. The site is adjacent to the Colchester Garrison Conservation Area with 19th century two storey red brick terraced housing across the street. There is a three storey unlisted barracks to the west of the site.

The proposed development is a three storey L-shaped building in red brick with slate roof. This design has used details of surrounding buildings such as the unlisted barrack block, which is welcomed. It is of a scale and form suitable for the location using materials that are traditional to the area. We would not oppose the development in principal. However, there are some areas of detail which could be improved.

It is welcomed that there would be boundary wall along the front part of the street frontage which is in keeping with the character of the adjacent

barracks. However, the retail unit also fronts onto the street with large glazed panels creating a sense of a glass wall which is alien to the area. This large scale introduction of glazed fenestration on the street front is not in keeping with the local character of the area and would have a detrimental impact on the conservation area. To reduce the impact on the conservation area the retail unit could be set back so it is fully underneath the new building, rather than projecting forward from it. Masonry columns could also be added between glazed panels and a larger brick plinth introduced so that the amount of glazing would be reduced and would be more appropriate to the area.

The areas between the pedimented bays on the principal elevations are over-fenestrated. Windows with the vertical proportions of traditional sash windows are used, but are so close together they appear as almost continuous vertical glass columns, resulting in a lack of masonry relative to glazing. If the windows were reduced in size the effect of over-fenestration would be improved. This would also match architectural features used elsewhere in the building and in the area. The northern end of the new building facing Butt Road is a largely blind elevation with no fenestration. This is an unattractive part of the building which could be improved by adding windows. It is important that good quality brick and slate are used and that the fenestration and other detailing is of a high standard if the building is to be a positive addition to the area.

The National Planning Policy Framework identifies protection and enhancement of the historic environment as an important element of sustainable development and establishes a presumption in favor of sustainable development in the planning system (paragraphs 6, 7 & 14). The conservation of heritage assets is a core principle of the planning system (paragraphs 17 and 132). Clear and convincing justification should be made for any harm to the significance of heritage assets (paragraph 132).

While accepting the principle of the proposed development and would not wish to object to the application however, some areas of details could be addressed in order to minimise any harm to the conservation area. The Council should therefore consider conditions of any permission so that high quality materials and detailing can be achieved and amendments to the plans to the boundary wall and north end of the main building as described above.

Recommendation

Historic England has concerns regarding the application on heritage grounds. We consider that the issues and safeguards outlined in our advice need to be addressed in order for the application to meet the requirements of paragraphs 6, 7, 14, 132, 134 and 137 of the NPPF. In determining this application you should bear in mind the statutory duty of section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas.

Your authority should take these representations into account and seek amendments, safeguards or further information as set out in our advice.

Consultation response on revised scheme awaited and will be reported at committee or via amendments sheet.

- 8.5 ECC SUDS have issued a holding objection. A revised Flood Risk Assessment has been forwarded to ECC. The site is located in Flood Zone 1 – where the risk of flooding is lowest. A condition is suggested to require submission of a scheme of SUDs compliant drainage. If ECC SUDS team comments are received in advance of committee then an update will be provided via the amendments sheet or a verbal update will be provided.
- 8.6 Environment Protection raise no objection subject to conditions these include a construction method statement, control of lighting, restrictions of delivery and opening times.
- 8.7 Urban Design Officer has been involved in discussions to secure amendments to the original development and has commented that the “Proposals are now much improved, with generally a good mixing of contemporary and historic influences which integrate well with the neighbourhood centre as a community asset, has design integrity, the building is broken down into distinct well-formed elements, the fenestration has a logical structure, and the layout cleverly integrates parking, servicing and private amenity space” Further refinements to the detailing have been requested and revised drawings have been submitted.
- 8.8 Arboricultural Officer has considered the Tree Survey and Tree Constraints Plan no objection is raised subject to conditions.
- 8.9 Landscape Officer raises no objection to the concept landscape proposals subject to conditions to ensure a detailed scheme with appropriate management.
- 8.10 Archaeologist - No material harm will be caused to the significance of below-ground archaeological remains by the proposed development. There will be no requirement for any archaeological investigation.

9.0 Parish Council Response

- 9.1 Unparished area.

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 Lyn Barton: “I have spoken to residents of Blenheim Park opposite the proposed development and given details of the proposals on my Facebook site. I have received no negative feedback from anyone. After

such a long wait for the site to be developed residents are in favour of the proposal. The only concern is the mini roundabout leading to the site. There have been serious incidents around it and ECC promised improvements to safety once the site was developed. Can you confirm such improvements will be forthcoming please?

Officer comment: The Highway Authority has been consulted and responded that "This refers to possible works to help vehicles leaving the residential development accessed off the mini roundabout on the opposite side to the application. As discussed, if the applicant was to provide a zebra crossing to the east of the mini roundabout, this may help the situation, but there are currently no highway schemes for works to the roundabout".

- 10.3 41 representations objecting to the original application have been received the majority raising concerns regarding the additional traffic using the nearby residential streets and the lack of parking spaces putting further pressure on the already oversubscribed parking spaces. The objections are summarised below

Traffic /lack of parking

- The road system is not set up for increased traffic. There is already pressure on the roads on Butt Road in the morning and evening
- There is a primary school nearby where children are encouraged to walk to school and increased traffic would be a health and safety risk. The school crossing patrol officers have already been removed and this proposal would endanger the primary children even more
- Colchester Borough Council must give an assurance that they will NOT issue any further parking permits for the Constantine Road area etc to any of the residents or staff from either the apartment block or the retail unit.
- The development will cause additional parking issues and additional traffic problems which would be a danger to the school children crossing the road etc causing further traffic congestion
- Residents cannot get out of roads in the mornings and evenings due to the existing traffic congestion around school times with parents regularly blocking the streets to drop of their children or trying to park.
- Where would the intended customers and employees park?
- Are the council to look to making more money by allowing more parking permits to be sold? Residents of Constantine Road feel we are already penalised by being the main parking choice for both the school and the nursery school, as well as having to contend with parents also thinking they have a right to park as and when they wish.
- As residents parking only ceases after 6 pm will we now also have to contend with visitors to the care home staff It seems the current plans fail to address the additional parking needs of both staff and visitors to this site. With this in mind we can envisage an additional demand for parking being placed B2 parking zone generally, and particularly Constantine Road.
- Too many paid permits have already been issued historically. This has resulted in parking in Constantine Road being totally inadequate. Adding to this is the burden from the majority of Hamilton School staff choosing

to park in Constantine Road for the duration of their working day (approx. 8:00am - 5:00pm). Many residents are currently unable to park near their own homes, or indeed in the length of the road. This is a continuous problem and particularly difficult when residents have shopping etc. to unload from vehicles. Residents with children (and the elderly) are also significantly inconvenienced; particularly in bad weather conditions. Further issues are experienced with Constantine Road being temporarily blocked by parcel drop offs, and home deliveries.

- An additional problem is parents parking to drop and collect children from the school, often parking 30 minutes prior to school finish times. With the aforementioned issues already being experienced we would like to see the parking needs of both staff and visitors to this proposed site fully addressed within the development plan..
- The application does not provide any detailed analysis of the impact on the local area of deliveries and services which will service the retail outlets. There is also a lack of any detail in relation to parking of customers it staff to those units and the residential accommodation. The travel plan is very high level and provides no detailed analysis based on specific research carried out on and around the local area and the impact this development would bring by reference to similar such developments. It is labelled a plan but it
- The parking provision for this mixed use development is inadequate for the 48 unit Assisted Living apartment block and the 3,000 + sq ft retail unit. The provision of just 10 spaces for the retail unit is far too few. I would also like to know if the developer has an 'end user' for the retail store, as we already have a Sainsbury's local and a Budgens which serves the needs of the local community already - as identified in the developers design and access statement. Do we really need yet another food provision store or if an end user hasn't been identified, will this unit then remain empty due to its size
- Residents are now faced with more traffic passing through their road at all times of day and night; visitors to the care home (of which I am sure there will be many on a daily basis) seeking to park their vehicles; an increase in the traffic of delivery HGV lorries Class 1 and 2 also passing through the residential streets posing an ever increasing danger.
- The retail unit would be accessed by car for many people, there are already problems with parking at the Sainsbury's on the corner.
- There are proposed a number of 15 residents which if every resident had a car would equate to 15 car spaces required. Where would there visitors park. If every resident had a visitor at one point that would equate to 30 car spaces before any of the care home staff or retail staff or visitors are considered. What if care home residents had more than 2 visitors with a car at any one point then this could lead to 45 cars without car home staff - carers, managers, cleaners, and maintenance staff. Retail unit staff and visitors to the retail unit.
- The Shop workers will require parking spaces as will the visitors to the retail use, where is there parking? The Sainsburys retail unit around the corner has around 20 spaces alone for their stores visitors.
- Where will the care staff park? Providing 24 hour care will be problematic for parking and will certainly impose on the surrounding area as it is not

permitted in the evening and overnight. Depending on staffing levels, this could see numbers of around 80 staff using the oversubscribed surrounding areas such as Constantine and Hamilton for parking spaces as it is not permitted after 6pm.

- This planning application is ill thought out and will impact on the surrounding area and the amenities of residents.
- Parking difficulties in school term time are exacerbated by teachers and staff of the school having permits to park in Constantine Road, quite simply we have already passed saturation point and cannot cope with the council issuing further category B2 permits to allow vehicles using the proposed development to park in either Constantine road or indeed in any of the other adjacent roads.
- The 4-way traffic at the roundabout is going to be a nightmare!
- Visiting vehicles will overspill parking on Kensington Road, directly opposite, causing congestion, inconvenience for residents of Kensington Road, increased danger for pedestrians young and old navigating the one main street to the estate
- There are also no plans to change the current roundabout which is an issue with multiple incidents and is a nightmare getting out of so with the extra traffic this would not work.
- The land upon which the developer wishes to situate the development used to be MOD land. When used by the MOD it was self-contained. There were controls into and out of the land. Parking in surrounding roads outside of MOD property was never a problem. This development, the nature of which I do not object to, will not be self-contained as those operating the proposed businesses will not be able to control the number of visitors to their premises; will not in turn be able to control the flow of traffic to and from those premises; and, thereby not be able to control the extent to which visitors will usurp the existing and available space to park their vehicles
- On street parking restrictions should be extended to 24/7 to prevent displacement of parking from the retail unit or care home onto the street.
- Parking remains substandard in amended scheme and store should be replaced by parking or proposed landscaping areas converted to further parking.
- Plenty of greenspace surrounds site
- Buildings too tall should be two storeys only and would prefer greenspace
- No need for further store given existing local facilities
- Will exacerbate parking shortfall and increase noise, pollution, prejudice air quality and mitigation is required;
- Construction traffic needs to be routed away from residential streets with traffic calming required on Errington Road.

Lack of Publicity

- This application doesn't seem to have been well publicised bearing in mind its scale and potential impact on the local neighbourhood and surrounding streets.
- The council should check that all local residents are aware of this application as many residents in the roads between Maldon Road

and Butt Road seem to be in the dark about this - which has been brought to light by one of the local residents. *Officer comment: the application has been published in the local newspaper, three site notices were displayed at the site and more than 150 residents were notified of the application. All those originally notified plus those who made representations on the original proposal have been notified that amended plans have been received.*

- 10.4 In addition to the above the applicant undertook a scheme of community engagement prior to the submission of the application. The Executive Summary from their Statement of Community Engagement is set out below

“McCarthy & Stone is committed to consulting the local community regarding its proposals to redevelop land off Butt Road, Colchester.

Residents and stakeholders were given the opportunity to provide their feedback on the proposals at all stages of the public consultation via a number of different channels. A freephone information line was made available throughout the planning process for interested parties to receive further information and provide their feedback to the project team.

The consultation process included offering early one-to-one meetings with local residents, third party groups and key stakeholders to view the proposals prior to them being displayed to the wider community. These meetings were held on Friday 18 March 2016 at Colchester Quaker Meeting House, 6 Church Street, Colchester, Essex CO1 1NF. A public exhibition was also held on Wednesday 25 January 2017 at Christ Church Colchester, Ireton Road, Colchester, CO3 3AT, which is 0.4 miles from the proposed redevelopment site. Approximately 2,000 local households and businesses were invited to attend, alongside key stakeholders who were offered a dedicated preview session prior to the public exhibition. Approximately 65 people attended on the day, including four local stakeholders, with feedback forms available for attendees to record their views. To date 16 feedback responses have been received, while a total of 39 responses were received prior to the submission of the planning application, when all feedback is taken into account. Residents and stakeholders were given the opportunity to provide their feedback at all stages of the public consultation and, where possible, these comments are addressed in the application submitted. McCarthy & Stone is committed to engaging with the local community and, following the submission of the application, will ensure that interested parties and key stakeholders remain informed and updated regarding the proposals”. The Statement of Community Involvement document provides a chronological account of the pre-application consultation undertaken and a review of the feedback received.”

- 10.5 Other comments

- Such a large block of bricks is completely at odds with the pretty Victorian properties that make this area one of Colchester's most desirable locations in which to live. It would completely dominate and in doing so, entirely change the look and feel of the area as well as sacrifice some of our heritage.
- The design of the proposed building does not fit into the area. It is not sympathetic to the older 1930s buildings that are already there.

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- There is a piece of land on the corner of Butt Road and Circular Road which no one seems to take care of. Will the new owners of the site look after it please? When I've enquired about the ownership no one takes responsibility for it and when the grass is cut nearby this gets left.
- I do not agree with the frontage on to Butt Road which resembles a wall of glass and is in no way in keeping with the area
- Initial plans showed landscaping
- This is a greedy attempt by the developer/care home company to maximise the land with little or no thought for the impact that such a large building would have.
- A single or double story development with individual properties spaced around gardens would be much more in keeping with both the renovations towards Abbey Fields, the newer homes here and the Victoria properties on Butt Road, Hamilton and Constantine etc. And would probably also allow for additional parking too.
- When individual homeowners have to jump through hoops to get planning permission in the area to ensure renovations are 'in-keeping', it would be disgusting if these plans were allowed to progress.

10.6 11 objections have been received to the revised application

The comments generally reiterate the objections in respect of parking provision, and traffic generation and are summarised below:

- The buildings are tall and not in keeping with the local Edwardian buildings.
- Parking will be needed for residential home staff including night staff. Visitor parking - considering that visitors will all visit at the same time which will be out of permit time for the surrounding roads.
- As with most of Colchester, this area is overdeveloped and with no real changes in the infrastructure to meet the demands, further development will result in over capacity of roads, schools and other amenities.
- Historically there appears to have been little if any co-ordination between Colchester Planning and Essex County Council regarding the impact on the indigenous population of continued development in Colchester in general and in this area in particular. The above proposed development is an opportunity of remedying this oversight delivering road safety measures and restriction which will be of benefit to us all. The financing of such an endeavour could perhaps come from the new build grants available to the local Council, to use within the community which will be affected from such development.
- What measures are going to be put into place to limit the increased traffic from this development along Errington Road?

- What assurances are going to be put into place to limit or eliminate construction traffic using this and other so – called ladder roads?
- How are the County and local Cllrs going to ensure that pollution levels in this area do not continue to rise?
- What assurances are in place to limit or eliminate commercial vehicles using Errington road when delivering goods /equipment to the assisted living accommodation and planned stores?
- What measures are to be put into place to mitigate noise and light pollution from this development?
- Is there an assurance that the buildings will not be built high enough to block the landscape and oversee our gardens?
- What landscaping will take place, i.e., trees, bushes, to encourage wildlife and mitigate the effects of building materials?
- There needs to be an awareness of the considerable concern about the effects of these developments on our local community.
- It still does not meet the minimum parking requirements for the area for both retail and residential and would, like the other two schemes, cause congestion and parking problems. I have taken the opportunity of suggesting where further parking could be incorporated into the scheme.
- Local residents do not see the need for further retail as we have two thriving shops within close walking distance as it is. Part of the selling of the scheme was to consider retail for the residents but, if by providing such retail puts a strain on parking in the area, we do not wish for it and the retail space would be better used as a parking area for the residents/staff - this would be much more in favour with the local residents.
- I would suggest that the potential extra traffic and parking needed for the proposed retail would not make it viable.
- Residents of the surrounding areas would also wish for 24/7 residents only parking and for no parking permits to be granted to residents of the scheme as overflow parking as the site should be self sufficient in that respect.

11.0 Parking Provision

11.1 Parking matters are discussed in the main body of the report below.

12.0 Open Space Provisions

- 12.1 The application is for a C2 “extra care” use not a C3 residential dwelling use. There is not an open space requirement for C2 uses. However a green space currently not accessible to the public will be enhanced for public use. This is a prominent green space with mature preserved trees which will enhance the amenity of the wider area.

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 Planning Obligations should be sought. The Obligations that would be agreed as part of any planning permission would be:

- NHS England contribution of £3,795
- Cycleway contribution of £22,000
- Open Space Sport & Recreation – enhancements to the local environment should be included. Seating and appropriate planting to the treed area on the corner of the site is recommended.
- Highway Authority request the following mitigation a) Upgrading of the two bus stops in Butt Road adjacent to the proposal site to include but may not be limited to real time passenger information b) A zebra crossing in Goojerat Road, east of the proposal site access roundabout c) If 50 or more employees, a travel plan to include but shall not be limited to a £3,000 contribution to cover the Highway Authority’s costs to approve, review and monitor the Travel Plan.

15.0 Report

- 15.1 The main issues in this case are:

The Principle of Development and planning history

- 15.2 There is a long standing planning history for a food store and retail units planning permission was first granted in 1994. The Garrison Masterplan was published in 2001 and followed by an outline planning permission in 2003 application reference O/COL/01/0009. This application comprises residential development (of 2600 units) and mixed uses including retail, leisure and employment, public open space, community facilities, landscaping and highway & transportation improvements.

- 15.3 The Garrison Masterplan is referred to in Colchester Development Plan. The 2010 Adopted Site Allocations DPD includes Policy GAR1 which states, inter alia, when setting out acceptable uses;

Retail

- Butt Road – 1000sqm retail - foodstore and three small shops

The policy also notes that ‘the levels of development [set out in policy GAR1] should not be considered prescriptive but a guide to inform development proposals’

The whole application site is identified as a Neighbourhood Centre in the Garrison Master Plan in 2001. This allocation was subsequently carried forward by the 2010 adopted Site Allocations DPD. The principle of a foodstore is therefore acceptable and in accordance with adopted policy GAR1 and the site allocation.

Design/Heritage issues

- 15.4 The majority of the site lies outside the Garrison Conservation Area but officers have nevertheless given careful consideration to the detailed design of the proposed building and its impact on the character and appearance of the wider area. The application site was previously occupied by a post war office block that did not respect the distinctive character of the Garrison. This brownfield site now presents an opportunity to reinforce this character through the creation of a robust built form that echoes the character and scale of the many surviving former military buildings. In particular, the extensive use of brick walling, slate roofing and simple linear plan forms articulated by brick pilasters and modulated by sash proportioned window openings.
- 15.5 The NPPF places great importance in the achievement of high quality and inclusive design in all developments. In respect of design, the NPPF states that development should: establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit; optimise the potential of the site to create and sustain an appropriate mix of uses; respond to local character and history, and reflect the identity of local surroundings and materials. Core Strategy Policy UR2 seeks to promote and secure high quality design. Core Strategy Policy ENV1 also requires development to be appropriate in terms of its scale, siting and design. Development Plan Policy DP1 sets out design criteria that new development must meet. These require new developments to respect the character of the site and its context in terms of detailed design. Policy DP14 seeks to protect the historic environment and states that development will not be permitted that would adversely affect the setting of a listed building or a conservation area.
- 15.6 The site occupies an important focal point in the street, it is on the edge of the Conservation Area and the edge of the historic Garrison. The layout of the proposed development is influenced by corner location, the need to address two road frontages and the public space, the historic boundary treatment to Butt Road, the location of the existing vehicular access and the

need to safeguard the retained trees. The architectural and historic interest within this part of the conservation area is derived from the continuity of the boundary wall to Butt Road, the relationship of buildings to the wall and a consistent use of quality facing materials. The proposed development has been negotiated with these considerations in mind.

- 15.7 The proposal provides a continuation of the traditional red brickwork along the Butt Road frontage, thus retaining and reinforcing the historic Garrison boundary to this street. The new foodstore will abut Butt Road with the other buildings set behind the new wall. The whole is designed as a single cohesive composition in a style that reflects the simplicity of buildings across the Garrison without excessive decoration in an institutional inspired style.
- 15.8 Officers have negotiated significant amendments to the proposal and it is now considered that the revised scheme represents a potentially high quality development that will reinforce local distinctiveness. The proposals are consequently considered to be in conformity with relevant local plan policies including UR1, UR2, DP1 and DP14.

Highway Issues

- 15.9 The NPPF focuses on the importance of providing new development in accessible and sustainable locations so that it minimises reliance on the private car. The NPPF advises that development proposals should only be refused on transport grounds where the residual cumulative impacts of development are severe. Core Strategy Policies TA1, TA2, TA3 and TA4 address transport strategy and promote accessibility and changing travel behaviour. These policies seek to strike a balance between improving accessibility through land-use planning, managing traffic flows and growth and seek to encourage a change in travel behaviour and where appropriate give priority to walking, cycling and public transport. These policies are closely linked to Core Strategy policies PR2 (People Friendly Streets) and UR1 (Urban Regeneration). Policy DP17 provides guidance on ensuring accessibility for sustainable modes of transport as well as requirements for Travel Plans and Transport Assessment and the requirements for incorporation of satisfactory and appropriate provision for pedestrians and cyclists.
- 15.10 Access to the application site is via the recently constructed roundabout on Goojerat Road; this roundabout also serves the adjacent residential development site. In addition to the new access, other highway infrastructure has already been improved on Butt Road, Circular Road West and Goojerat Road as a part of the Garrison development. Public transport options for the site are good, with several bus services stopping close to the site. Two bus services 64 and 64A run close to the site along Butt Road with bus stops outside the site and on the opposite side of the road. In addition to the services on Butt Road, there is an additional service, 63, which runs along Circular Road West.
- 15.11 The footway along Butt Road includes a segregated cycle path. It is possible to walk to the heart of the town centre in 10 minutes. There is a public car

park a 5 minute walk away in Butt Road and another on the corner of Napier Road with Mersea Road a 10 minute walk.

- 15.12 A key objection expressed by many local residents is that this development will create an unacceptable increase in traffic with resultant problems of congestion, parking and accidents. Residents are also concerned that the customers, staff and delivery vehicles will use the residential streets between Maldon Road and Butt Road.
- 15.13 A Transport Statement (TS) accompanies the application which has been informed by pre-application discussions with Essex County Highways. The scope of TS includes a review of site accessibility, Local Road Network including Personal Injury Accident (PIA) data, car and cycle parking requirements, visibility and access arrangements, servicing arrangements, trip assessments and traffic impact on the local road network.
- 15.14 The PIA investigation identified 4 accidents, one resulting in serious injuries that occurred at the Butt Road / Goojerat Road roundabout. Two of these accidents involved vehicle collisions while the other two involved cyclists. The serious accident on Butt Road involved a pedestrian failing to look for traffic, whilst stepping into the road. The data indicates that all accidents involved human error and road layout was not a contributory factor. The PIA data therefore does not indicate any specific highways concern that would worsen as a result of the development, or pose a highways safety concern for future site users.
- 15.15 The submitted drawings show a turning facility for delivery and refuse vehicles, this requires 9 of the customer parking spaces to be temporarily coned off when deliveries take place.
- 15.16 To determine the highways impacts of the proposal, trip generation modelling has been undertaken for both proposed land uses.
- 15.17 The TS states that “McCarthy & Stone Assisted Living schemes generate unique trip rates that are not directly comparable to traditional rest home /

care home, with the proposed development designed to meet the needs of elderly residents who require some degree of support to allow them to live a relatively independent life. In order to provide an appropriate trip rate for the proposed development, traffic count surveys have been commissioned at comparable McCarthy & Stone sites, with the resulting data providing more representative trip rates than available TRICS data sets. McCarthy & Stone traffic counts and associated trip rates are summarised below:

Assisted Living (48 units)	Trip Rate	Trip Generation
08-09hours	0.11	5
17-18hours	0.08	4
12hour	1.97	95

15.18 The number of trips that likely would be attracted to the food store is set out below. The TS states “that it should be noted that the majority of trips attracted to the store are already on the highway network, particularly in the AM and PM Peak hour as it is considered unlikely that many people would drive to the local convenience store when the road network is at its busiest unless they were already travelling from or to another destination. It is therefore assumed that a certain proportion of vehicle trips to the food store during the network peaks will be trips that are already on the wider road network the document also indicates the Previous research on pass-by trips, as summarised in the TRICS Research Report 95/2, suggests that “if the site feeds onto a major arterial road then pass-by [trips] will be the major component” and “that, for retail land uses “in most circumstances 10% or less of the total trips are completely new”.

Foodstore (494sqmGFA)		Trip Rate	Trip Generation
AM	In	9.476	48
	Out	9.167	45
PM	In	13.479	67
	Out	11.893	59
12 H	In	137.461	679
	Out	137.196	678

15.19 The TS indicates the site will generate 773 vehicle movements (386 trips to the site), mostly attributed to the convenience store although, a large proportion will be pass-by trips. The TS also notes that the number of trips

is significantly lower than the trips associated with the previously consented 2,755m² supermarket which was expected to add 4,011 two-way trips onto the local highway network on a daily basis. This reference is to the 2012 application which although the planning permission has expired is a material planning consideration.

- 15.20 It is appreciated that the traffic implications of this proposal are contentious for many local residents. However the Highway Authority has considered the TS and other information and has not raised any objection on highway capacity and safety grounds.
- 15.21 It is accepted that the proposed scheme will generate additional traffic and that this will have an impact on the surrounding roads, however this is a brownfield site in a highly sustainable location allocated for development in the adopted local plan.
- 15.22 The concerns raised concerning the use of side roads by construction and service vehicles are appreciated and conditions are suggested so a route for construction vehicles and delivery service to be agreed. The applicant has indicate delivery vehicles to the store will be 18 tonne (a vehicle in the low to medium range) and delivery vehicles will be restricted to this maximum size.
- 15.23 As a part of the Garrison development, significant improvement works have already been undertaken to the surrounding highway network. In addition to the works already undertaken, a number of additional highway and transportation improvements are proposed as a part of this scheme. These include: a zebra crossing in Goojerat Road (east of the proposal site access roundabout); the upgrading of the nearby bus stops (including the provision of real time information).

Parking Provision

- 15.24 The Councils' adopted parking standards for a C2 care home use and retail use are set out below. Members should note that unlike the parking standards for C3 dwellings which are a minimum standard; parking standards for C2 and A1 uses are a maximum standard for provision.
- 15.25 The Adopted Parking Standards require a maximum of 1 space per 14sqm for foodstores, based on these standards, the parking requirements for the foodstore is 37 spaces. While the number of spaces proposed is under the maximum level indicated by the Parking Standards a lower provision of vehicle parking in urban areas where there is good access to alternative forms of transport. This site is considered to constitute such a location. The supporting text to Adopted Core Strategy policy TA5 states that "*car parking should be minimised in accessible locations where high quality alternatives are available*". A lower provision of vehicle parking may therefore be appropriate in urban areas (including town centre locations) where there is good access to alternative forms of transport and existing car parking facilities.

- 15.26 The TS includes Trip Rate Information Computer System Database (TRICS) has been used to demonstrate the average number of car parking spaces for convenience stores the database demonstrates that, on average, convenience stores have 2.17 spaces per 100m². This means that 10.7 car parking spaces would be the average for a 494m² store. The TS indicated that the original parking provision of 10 spaces was therefore considered to be appropriate for the nature of the convenience store.
- 15.27 Your officers were concerned at the low level of parking, a concern echoed by the comments from neighbours. An increase in the number of parking spaces from 10 to 22 has been negotiated and this is considered acceptable. Furthermore the proposal is for a small neighbourhood store which will not carry the full range of goods for a weekly shop and dwell time will be short with a quick turnover of parking spaces. Officers consider the number of parking spaces being proposed is consequently acceptable to serve this size of store.
- 15.28 The Adopted Parking Standards for a C2 (residential care facility) use require a maximum of 1 space per full time equivalent staff plus 1 visitor space per 3 beds, based on this standard a maximum of 29 parking spaces are required. Within the scheme as revised some 26 spaces are proposed to serve this element. Officers consider the number of parking spaces being proposed is acceptable to serve this use.
- 15.29 Residents are concerned that traffic generated by both uses will increase pressure in the adjacent residential streets. Whilst there is a Residents Only Parking scheme this does not operate 24 hours a day. Residents have requested the existing scheme which only prevents non permit holders parking between certain hours should be extended to allow permit holder parking for 24 hours. This change is however outside the remit of the Planning Committee. The North Essex Parking Partnership has however confirmed that residents cannot apply for a residents parking permit if they do not live in a street included in a residents 'only parking area.

Private Amenity Space

- 15.30 The development is not a C3 residential use and therefore the amenity standard for dwellings is not applicable. Each of the units has either a small balcony or patio garden, in addition there are communal garden areas to the rear of the buildings. In this case, although these areas are modest, they do provide a usable, safe and secure environment for residents in conformity with policy DP1 and DP12 (dwellings).

Impact on Neighbouring Properties

- 15.31 Development Plan Policy DP1 requires all new development to be designed to avoid unacceptable impacts on the residential amenity, particularly with regard to privacy and overlooking. Development Plan Policy DP12 states in considering new development proposals the Council will have regard to avoidance of adverse overshadowing, acceptable levels of daylight and acceptable levels of privacy for rear facing habitable rooms and sitting out

areas. In this case members will note that the loss of privacy is not an issue that has been specifically raised by local residents.

- 15.32 Whilst the amended proposals do contain a four storey element (corner block) with the remainder comprising a maximum of three storeys having regard to the objective tests set out in the Essex Design Guide and the urban context of the development bounded by significantly-scaled streets officers consider there will be no adverse impacts on the amenities of the nearest residential properties. The four storey element is also considered acceptable in the context of the Butt Road junction providing a focal point which has been supported by the Urban Designer and this would also be softened in the streetscene by the proximity of existing tall trees.

Landscape/Ecology

- 15.33 The retention of the existing group of trees (covered by a TPO) at the south western corner and the proposal for enhanced planting will mean this area forms a key landscape feature within the existing street scene and an attractive area of public amenity.
- 15.34 The proposal involves the removal of two trees within the site; one is protected by a tree preservation order. The Council's Tree Officer has advised that these trees are not of high quality (Category 'C') due to its general physiological condition and that there is no objection to their removal. The loss of this tree would be mitigated by new planting within the site.
- 15.35 In terms of protected species, none have been identified within the site that require direct mitigation. However in accordance with the provisions of the NERC Act 2006 opportunities should be taken to enhance biodiversity and a condition is suggested to secure enhancement of habitats generally within the site and specifically to provide but bird roosting opportunities.

Drainage and Flood Risk Assessment

- 15.36 A Flood Risk Assessment has been submitted which shows that the site is situated within Flood Zone 1 – i.e. little to no risk of flooding. As this is a major application ECC Suds team are consulted regarding Suds and surface water drainage they have submitted a holding refusal as further details are required. A revised report has been submitted which is being considered by the SUDs team it is anticipated their comments will be available for the committee meeting.

16.0 Conclusion

- 16.1 This is a brownfield site in a highly sustainable location which has a planning history of permission for a more intensive form of retail development. The current proposal would provide a small neighbourhood store in accordance with the 2010 adopted Site Allocations DPD Policy GAR1. It is considered that the proposal accords with policy CE2C Local Centres and would meet the needs of the local community whilst minimising trip generation. The proposed assisted living extra care facility is well designed and responds to its context in a positive manner. The proposed car parking and serving provision is considered acceptable as it is evidence based.

17.0 Recommendation to the Committee

- 17.1 The Officer recommendation to the Committee is for:

APPROVAL of planning permission subject to the prior signing of a legal agreement under Section 106 of the Town and Country Planning Act 1990, within 6 months from the date of the Committee meeting. In the event that the legal agreement is not signed within 6 months, to delegate authority to the Head of Service to refuse the application, or otherwise to be authorised to complete the agreement.

Legal agreement to secure:

- NHS England contribution of £3,795
- Cycleway contribution of £22,000
- Open Space Sport & Recreation – enhancements to the local environment should be included. Seating and appropriate planting to the treed area on the corner of the site is recommended.
- Highway Authority request the following mitigation a) Upgrading of the two bus stops in Butt Road adjacent to the proposal site to include but may not be limited to real time passenger information b) A zebra crossing in Goojerat Road, east of the proposal site access roundabout c) If 50 or more employees, a travel plan to include but shall not be limited to a £3,000 contribution to cover the Highway Authority's costs to approve, review and monitor the Travel Plan

- 17.2 The Planning Permission will also be subject to the following 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 List of approved drawings

Approved drawings – to add final drawing nos .when known.

3 - ZMM Large scale architectural drawings

Prior to the commencement of any works, additional drawings that show details of any proposed new glazed screens, chimneys, flue and extract terminals, ridges, shopfronts and associated facias, boundary walling including height, brick bond, coping detail and detail of associated piers, windows, reveals, doors, eaves, verges, cills and arches to be used, by section and elevation, at scales between 1:20 and 1:1, as appropriate, shall be submitted to and approved, in writing, by the Local Planning Authority. The development shall thereafter be implemented in accordance with the approved additional drawings.

Reason: Inadequate details have been submitted as part of the application having regard to the prominence of the site and scale of the proposed built form adjacent to the Garrison Conservation Area.

4 - ZMW Rainwater goods

All rainwater goods (gutters, downpipes, hopperheads and soil pipes) shall be finished in cast metal and painted black and shall be of ogee section unless an alternative has been submitted to and approved in writing by the local planning authority.

Reason: Inadequate details have been submitted as part of the application having regard to the prominence of the site and scale of the proposed built form adjacent to the Garrison Conservation Area.

5 - ZBF Surfacing materials to be agreed

Prior to the laying down of any surface materials for private, non-adoptable access-ways, driveways, footpaths, courtyards, parking areas and forecourts, full details of these materials 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.

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

6 - ZCE Refuse & recycling facilities

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

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

7 - ZFQ Tree and natural feature protection

No works shall take place until all trees, shrubs and other natural features not scheduled for removal on the approved plans have been safeguarded behind protective fencing to a standard that will have previously been submitted to and agreed, in writing, by the Local Planning Authority (see BS 5837). All agreed protective fencing shall thereafter be maintained during the course of all works on site and no access, works or placement of

materials or soil shall take place within the protected area(s) without prior written consent from the Local Planning Authority.

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

8 – Non Standard Condition - Restriction on size of service vehicles

The vehicles servicing the retail store hereby approved shall not exceed 18 tonnes.in weight.

Reason: The development is located in a predominantly residential area and the servicing areas within the site are restricted and incapable of accommodating larger vehicles. The use of larger vehicles could prejudice the interests of highway safety and the amenities enjoyed by surrounding dwellings and there is no capacity for safe on-street servicing on this corner site.

9 – Non Standard condition - Adverts not consented

Notwithstanding the details shown on the approved drawings, no consent is granted nor implied for any signage and a subsequent application for advertisement consent to display any advertisements on the buildings or within the application site area.

Reason: For the avoidance of doubt as to the scope of this planning permission in accordance with the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

10 – Non Standard condition - Restriction on age of occupants

The Assisted Living Extra Care (Use Class C2) accommodation for the frail elderly shall not be used otherwise than as a private place of residence for a person or persons of whom at least one must be a “qualified person” (defined below) at the date of his or her first occupation of the unit in question’. For the purposes of this schedule “a qualified person” means a person who is or has attained the age of 70 years and thereby in need of personal care by reason of old age or by reason of disablement. (whether or not such person suffers from a registered disability under the terms of the Chronically Sick and Disabled Persons Act 1970). An occupier of one of the individual units of residential accommodation who is not a “qualified person” but who shares or previously shared the accommodation with a “qualified person” (e.g. a spouse or surviving spouse) must have attained the age of at least 60 years.’

Reason: The proposed development is unsuited to use as unrestricted residential dwellings (Use Class C3) as the amenity space and parking provision would be inadequate for such a use in accordance with adopted Colchester local plan (2008,2010, 2014) policiies PR1, TA5, DP12, DP16.

11 - Non Standard Condition - Restriction on Uses within Use classes order

The proposed retail unit shall be restricted to a foodstore selling convenience goods only within Use Class A1 and the Assisted Living Extra Care accommodation to uses within Class C2 only as defined in the Use Class Order and for no other purpose (including any other purpose in Class C2 of the Schedule to the Town and Country Planning (Use Classes) (Amendment) Order 2005, or in any provision equivalent to that class in any statutory instrument revoking or re-enacting that Order, with or without modification.

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

12 – Non Standard Condition - Habitat enhancement scheme

No development shall commence until a scheme of habitat enhancement within the application site including but not limited to provision for nesting and roosting opportunities for birds has been submitted to and agreed in writing by local planning authority. The scheme shall include details of the proposed measures together with a programme for implementation. Prior to the beneficial occupancy of any of the development the agreed scheme shall be implemented and thereafter so maintained.

Reason: To ensure that the biodiversity of the site is maintained and enhanced in accordance with the NERC Act 2006 and policy ENV1 of the Adopted Colchester Local Plan.

13 - Non-Standard Condition/Reason - Foul Water Strategy

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

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

14 - Non-Standard Condition/Reason - Surface Water Drainage Scheme

No works shall take place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro-geological context of the development, has been submitted to and approved in writing by the Local Planning Authority.

Reason: To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site To ensure the effective operation of SuDS over the lifetime of the development To provide mitigation of any environmental harm which may be caused to the local water environment.

15 - Non-Standard Condition/Reason - Surface Water Maintenance Plan

No works shall take place until a Maintenance Plan detailing the maintenance arrangements including who is responsible for different elements of the surface water drainage system and the maintenance activities/frequencies, has been submitted to and agreed in writing by the Local Planning Authority.

Reason: To ensure appropriate management arrangements are put in place to enable the surface water drainage system to function as intended to ensure mitigation against flood risk.

16 - Non-Standard Condition/Reason - Yearly Maintenance Logs

The applicant or any successor in title must maintain yearly logs of maintenance of the drainage system which should be carried out in accordance with any approved Maintenance Plan. These must be available for inspection upon a request by the Local Planning Authority.

Reason: To ensure the SuDS are maintained for the lifetime of the development as outlined in any Maintenance Plan so that they continue to function as intended to ensure mitigation against flood risk.

17 - Non-Standard Condition – Ensuring active shop frontage.

The shopfront glazing system and entrance lobby to the foodstore shall not be obscured by film or any other materials applied to or immediately behind the windows unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the store provides an active frontage to the public realm of the Neighbourhood Centre.

18 - Non-Standard condition – Preventing extension of the retail unit

The floor area of the foodstore hereby permitted shall not be extended either by the extension and/or other alteration of the building.

Reason: The Local Planning Authority wishes to retain control over any subsequent increase in the size of the foodstore to ensure it does not have an adverse impact on the amenity of the surrounding residential area.

19 – Non Standard Condition - Tree Protection

No work shall commence on site until all trees, shrubs and other natural features shown to be retained on the approved plans, are safeguarded behind protective fencing to a standard to be agreed by the Local Planning Authority (see BS 5837). All agreed protective fencing shall be maintained during the course of all works on site. No access, works or placement of materials or soil shall take place within the protected area(s) without prior written consent from the Local Planning Authority.

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

20 – Non Standard Condition - Tree Protection

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

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

21 – Non Standard Condition - Tree Protection

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

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

22 – Non Standard condition - Details of Landscape Scheme to be Submitted

No works or development shall take place until full details of both hard and soft landscape proposals have been submitted to and approved in writing by the Local Planning Authority (see BS 1192: part 4). These details shall include, as appropriate: Existing and proposed finished contours and levels. Means of enclosure (including position, height, design and material). Car parking layout. Other vehicle and pedestrian access and circulation areas. Hard surfacing materials. Minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signage, lighting). Proposed and existing functional services above and below ground (e.g. drainage, power, communication cables, pipelines, etc. indicating lines, manholes, supports etc.). Retained historic landscape features and proposals for restoration. Soft landscape details shall include: Planting plans. Written specifications (including cultivation and other operations associated with plant and grass establishment). Schedules of plants, noting species, plant size and proposed numbers/densities. Planting area protection or decompaction proposals. Implementation timetables.

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

23 – Non Standard Condition - Implementation and Monitoring Programme required for Landscape

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

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

24 – Non Standard condition - Landscape Management Plan

A landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, other than privately owned domestic gardens, shall be submitted to and approved by the Local Planning Authority prior to any occupation of the development (or any relevant phase of the development) for its permitted use.

Reason: To ensure that due regard is paid to the continuing enhancement and maintenance of amenity afforded by the landscape.

25 – Non Standard Condition - Cycle Storage/Stands

No development shall take place until details of secure cycle storage/stands (including those suitable for cycle buggies) for the occupants of, and visitors to, the development hereby approved have been submitted to and approved in writing by the Local Planning Authority. These facilities shall be fully implemented and made available for use prior to the occupation of the development hereby permitted and shall thereafter be retained for use at all times.

Reason: To ensure that satisfactory facilities for the parking of cycles are provided and to encourage travel by means other than private motor vehicles.

26 – Non Standard Condition - Parking of Powered Two Wheelers

Prior to commencement of the proposed development, details of the provision for parking of powered two wheelers of a design which shall be approved in writing with the Local Planning Authority, shall be provided within the site and shall be maintained free from obstruction at all times for that sole purpose.

Reason: To ensure that satisfactory facilities for powered two wheelers.

27 - ZGX - Contaminated Land Part 1 of 4 (Site Characterisation)

No works shall take place until an investigation and risk assessment, in addition to any assessment provided with the planning application, has been

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completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval, in writing, of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

(i) a survey of the extent, scale and nature of contamination, including contamination by soil gas and asbestos;

(ii) an assessment of the potential risks to:

- human health,
- property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
- adjoining land,
- groundwaters and surface waters,
- ecological systems,
- archaeological sites and ancient monuments;

(iii) an appraisal of remedial options, and proposal of the preferred option(s). This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and the Essex Contaminated Land Consortium's 'Land Affected by Contamination: Technical Guidance for Applicants and Developers'.

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

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

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

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

29 - ZGZ - Contaminated Land Part 3 of 4 (Implementation of Approved Remediation Scheme)

No works shall take place other than that required to carry out remediation, the approved remediation scheme must be carried out in accordance with the details approved. The Local Planning Authority must be given two weeks

written notification of commencement of the remediation scheme works. Following completion of measures identified in the approved remediation scheme, a verification/validation report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

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

30 - ZG0 - Contaminated Land Part 4 of 4 (Reporting of Unexpected Contamination)

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition 27, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 28, 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 29.

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.

31 - ZG3 - *Validation Certificate

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 27.

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.

32 – Construction Method Statement

No development shall take place, including any ground works or works of demolition, until a Construction Method Statement (CMS) has been submitted to, and approved in writing by, the local planning authority. The

approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

- i. the parking of vehicles of site operatives and visitors
- ii. loading and unloading of plant and materials
- iii. storage of plant and materials used in constructing the development
- iv. wheel and under body washing facilities
- v. HGV Routing plan

Reason: To ensure that on-street parking of these vehicles in the adjoining streets does not occur, in the interests of highway safety and Policy DM 1 of the Highway Authority's Development Management Policies February 2011.

33 - Service and Delivery Parking and Turning Facilities

Prior to commencement of the proposed development, service and delivery parking and turning facilities in accordance with a scheme to be approved in writing by the Local Planning Authority shall be provided and maintained for that sole purpose in perpetuity.

Reason: To ensure that on-street parking of vehicles in the adjoining streets does not occur, in the interests of highway safety and in accordance with Policy DM 1 and 8 of the Highway Authority's Development Management Policies February 2011.

34 – Car Parking Area

The development shall not be occupied until such time as the car parking area, indicated on the approved plans, including any spaces for the mobility impaired has been hard surfaced, sealed and marked out in parking bays. The car parking area shall be retained in this form at all times and shall not be used for any purpose other than the parking of vehicles related to the use of the development.

Reason: To ensure that on-street parking of vehicles in the adjoining streets does not occur, in the interests of highway safety and in accordance with Policy DM 1 and 8 of the Highway Authority's Development Management Policies February 2011.

35 - Communal Bin/Refuse/Recycling Storage Facility

Prior to the occupation of the proposed development a communal bin/refuse/recycling storage facility shall be provided within 25m of the highway boundary for each proposed use classes.

Reason: To minimise the obstruction caused in the highway by refuse vehicles, in the interests of highway safety and in accordance with Policy DM 1 and 8 of the Highway Authority's Development Management Policies February 2011.

36 – Non Standard Condition - Construction Method Statement

No works shall take place, including any demolition, until a Construction Method Statement has been submitted to and approved, in writing, by the

Local Planning Authority. The approved Statement shall be adhered to throughout the construction period and shall provide details for:
the parking of vehicles of site operatives and visitors;
hours of deliveries and hours of work;
loading and unloading of plant and materials;
storage of plant and materials used in constructing the development;
the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
wheel washing facilities;
measures to control the emission of dust and dirt during construction; and
a scheme for recycling/disposing of waste resulting from demolition and construction works.

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.

37 - 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.

38 - ZGQ - *Light Pollution for Major Development* (for car park)

Prior to the first OCCUPATION/USE of the development hereby permitted, a validation report undertaken by competent persons that demonstrates that all lighting of the development (including resultant sky glow, light trespass, source intensity and building luminance) fully complies with the figures and advice specified in the CBC External Artificial Lighting Planning Guidance Note for zone EZ2 RURAL, SMALL VILLAGE OR DARK URBAN AREAS shall be submitted to, and agreed in writing by, the Local Planning Authority. Any installation shall thereafter be retained and maintained as agreed therein.

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

39 - ZGG - Site Boundary Noise Levels (for any fixed external plant)

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

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

A1 Use

40 - ZGA - *Restriction of Hours of Operation*

The use hereby permitted shall not OPERATE/BE OPEN TO CUSTOMERS outside of the following times:

Weekdays: 07:00-22:00

Saturdays: 07:00-22:00

Sundays and Public Holidays: 07:00-22:00

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

41 - ZGB - *Restricted Hours of Delivery*

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

Weekdays: 07:00-19:00

Saturdays: 07:00-19:00

Sundays and Public Holidays: No deliveries.

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

42 - ZBC - 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.

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

18.0 Informatives

18.1 The following informatives are also recommended:

1 - ZT0 – Advisory Note on Construction & Demolition

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

2 - ZTA - Informative on Conditions Stating Prior to Commencement/Occupation

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

3 - ZTB - Informative on Any Application With a Site Notice

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

Informative 4: The applicant should be advised to contact the Essex County Council travel plan team on travelplanteam@essex.gov.uk to make the necessary arrangements for the provision of the Travel Plan.

Informative 5: 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.

6 - ZTG s.106 Informative

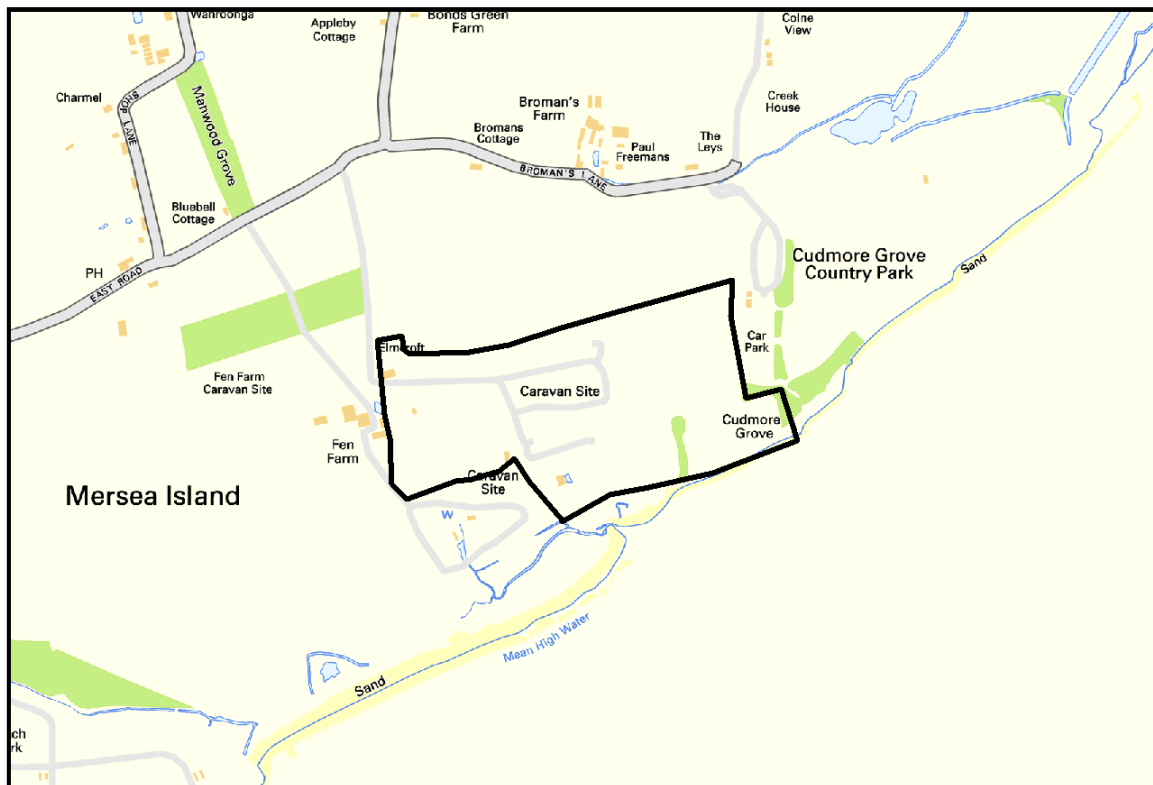
PLEASE NOTE: This application is the subject of a Section 106 legal agreement and this decision should only be read in conjunction with this agreement.

7- Anglian Water Informatives

An application to discharge trade effluent must be made to Anglian Water and must have been obtained before any discharge of trade effluent can be made to the public sewer.

It is recommended that petrol/oil interceptors be fitted in all car park areas.

It is recommended that properly maintained fat traps are fitted are installed on all catering establishments.



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Item No:	7.2
Application:	171137
Applicant:	Mr Greg Lashley
Agent:	Mr James Wells
Proposal:	Regularisation of three lighting columns and three bollard lights.
Location:	Mersea Island Holiday Park, Fen Lane, East Mersea, Colchester
Ward:	Mersea & Pyefleet
Officer:	Chris Harden
Recommendation:	Approval

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 Moore who states: "Light pollution affecting the rural nature of East Mersea. Against policy no.6.229. All coastal developments must be sensitive to and integrate with the sensitive coastal environment and surrounding rural landscape. It also goes against the dark skies policy being adopted by East Mersea Parish Council." A site visit is requested to appreciate the rural nature of the area and proximity to SSSI.

2.0 Synopsis

- 2.1 The key issues for consideration are the visual impact of the lighting upon the surrounding environment, impact upon neighbouring residential amenity and any impact upon wildlife.
- 2.2 The application is subsequently recommended for approval. It is considered that the retention of the three column lights (to be revised with additional hooding and lower light wattage) and three bollard lights would not have a significant detriment to the character of the area or its surroundings, would not detract from neighbouring residential amenity or have an adverse impact upon wildlife.

3.0 Site Description and Context

- 3.1 The site is an existing caravan site that lies within the countryside and within the Coastal Protection Belt zone. The caravan site lies adjacent to the Colne Estuary Ramsar site, the Colne Estuary Special Area of Conservation and the Colne Estuary Special Protection Area and the Site of Special Scientific Interest. Further eastwards lies Cudmore Country Park.

4.0 Description of the Proposal

- 4.1 The proposal is for the retention of three lighting columns and three bollards that have been erected within the Easterly area of the site. The lighting columns measure five metres in height and the bollards are 1.1 metres in height. The agent has agreed to amend the column lights so that bulbs would be 20 Watts rather than the current 35 Watts and a hood would be added to on the landward side to cover half of each of the three column lights.
- 4.2 The agent states that the six lights were installed in the course of implementing planning permissions 13/2233 granted in 2013 and 151231 (modified) to station additional static holiday caravans at the park. The agent states that "the lights are to ensure the safety of visitors to the park and allow the new phase of accommodation to remain consistent in this respect with the rest of the park. Normally the provision of such lights would be permitted development as a requirement of the Caravan Site Licence and were installed on that understanding. However, it appears that rather exceptionally, in this case there is no such requirement in the current Site Licence."

- 4.3 The agent also confirms that the other existing lighting across the park predates the applicant's ownership and is also five metres in height, although of a different design.

5.0 Land Use Allocation

- 5.1 Coastal Protection Zone.

6.0 Relevant Planning History

- 6.1 132233 Use of land for the stationing of static holiday caravans and children's play area – Approved 7/1/2014
- 6.2 151231 Application for removal or variation of condition 02 of planning permission 132233 - variation of approved layout plan. Approved 4/8/15

7.0 Principal Policies

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

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

SD1 - Sustainable Development Locations
UR2 - Built Design and Character
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
DP9 Employment Uses in the Countryside
DP10 Tourism, Leisure and Culture
DP14 Historic Environment Assets
DP21 Nature Conservation and Protected Lanes
DP23 Coastal Areas

- 7.4 There are no adopted Site Allocations (adopted 2010) policies that are specifically relevant to this case.

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

Sustainable Construction
East Mersea Village Design Statement

- 7.6 In addition, the CBC Artificial Lighting Guidance Note 2012 has relevance, although this is not a formally adopted document.

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 Head of Environmental Protection does not object and suggests the following condition: Light Pollution for Minor Development:

Any lighting of the development (including resultant sky glow, light trespass, source intensity and building luminance) shall fully comply with the figures and advice specified in the CBC External Artificial Lighting Planning Guidance Note for zone EZ1 AONB. Note:

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

Advisory note

We suggest that the new column lights are shielded on the landward side in order to reduce any residential impact.

- 8.3 Highway Authority - no objections.

- 8.4 Natural England “has no comments to make on this application...this does not imply there are no impacts upon the Natural Environment..the application is not likely to result in significant impacts on statutory designated nature conservation sites or landscapes.”

Standing advice is referred to.

9.0 Parish Council Response

- 9.1 East Mersea Parish Council “strongly objects to part of planning application no. 171137. The low level bollard lighting is probably essential for safe and secure circulation around the site, whilst Stalag III type flood lighting would be unnecessary, intrusive to the surrounding properties (as well as, one would think, to the Mersea Island Holiday Park residents themselves) and ecologically unfriendly.

10.0 Representations from Notified Parties

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

10.2 Three letters of objection have been received which make the following points:

- (i) understand security need but current high level lights are totally out of kilter with the landscape. Piercing white, and visible due to their height across the village. Diagrammatic representation does not show that they are on high ground and the village is on low ground. High level lights are visible from a long distance over 1 mile or so from the site. Cause huge glow.
- (ii) Living in Bromans Lane the nearest light is under 400m from us and forces us to close curtains at night - especially as they seem to be on 24 hours a day, which is certainly not needed.
- (iii) Close proximity of Cudmore Grove, the rural village of East Mersea (recognised by CBC as a special location and rural village – Zone 3) and Ramsar site, which these lights have a direct effect upon.
- (iv) Current high level street lighting at Cosways (Away Holiday Park) is causing a complete nuisance and is in direct contravention to CBC Planning Guidance note 2012 _ External Artificial Lighting.
- (v) The Clean Neighbourhood and Environment Act 2005: As no planning permission was granted for them, this is in direct contrast with planning guidance.
- (vi) Failure in park's governance when submitting applications or indeed following policy.
- (vii) Policy DP10 contravened - agents statements not supported by Planning Guidance. High rise lights proposed are in direct contravention of the policy and do not meet NPPF guidelines.
- (viii) CBC policy states that: glare and insensitive lighting can have serious implications ... Bright or inappropriate lighting in the countryside can also have severe ecological implications. Obtrusive light in rural locations can affect the natural diurnal rhythms amongst a wide range of animals and plants.
- (ix) High lights contrary to DP1.
- (x) EZ 1: Intrinsically dark landscapes – argument can be made that no lighting should be encouraged across the site, certainly not high level.
- (xi) EZ 2: Low district brightness areas. High level not appropriate, low level lighting may be required.
- (xi) high level lighting should be removed.
- (xii) Lights have caused concern for a while- no effort made by owners to communicate with community.
- (xiii) Dark peaceful rural areas need to be protected.
- (xiv) CBC needs to take holistic view of all proposals on the site.
- (xv) No technical reason why columns can't be designed sensitively.
- (xvi) If approved will set incremental precedent.

- 10.3 Mersea Island Society state: Tall lighting at other locations has been applied for and so far they have always been refused. Because of the close proximity of Cudmore Grove and the disturbance to wild life this application should be refused.

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 the visual impact of the lighting upon the surrounding environment, impact upon neighbouring residential amenity and any impact upon wildlife.

Visual Impact and Neighbouring Residential Amenity

- 15.2 With regard to the visual impact of the column lighting, there was concern that the lights would be viewed from a considerable distance, causing an unacceptable light glowing impact at dawn, dusk and during the night. The agent, therefore, agreed to amend the scheme to reduce the wattage of the lights in the column lights from 35 W to 20 W and to have a hood around the lighting on the landward side (which would cover half of the light). This would then reduce the glow emanating from the lights and also would minimise the amount of light source visible by neighbours.
- 15.3 The Head of Environmental Protection has raised no objections and has referred to the environmental zones outlined in the Artificial Lighting Guidance Note against which impacts of lighting should be judged. Having discussed the case further with Environmental Protection it is considered that the site falls in-between the two zones shown below as it is adjacent, but not within the nature conservation areas, is in a countryside location but also on a site where there is already existing lighting:

EZ 1: Intrinsically dark landscapes. Lighting proposals that are near enough to significantly affect areas of nature conservation importance, e.g. Sites of Special Scientific Interest, National Nature Reserves and County Wildlife Sites, will only be permitted in exceptional circumstances. External artificial lighting can have severe implications for the natural diurnal rhythms in a range of animals and plants and therefore sites which are deemed important in terms of their provision of wildlife should not be affected.

EZ 2: Low district brightness areas. Significant lighting proposals within the open countryside and small villages will only be permitted if the applicant can demonstrate to the LPA that the scheme proposed is the minimum needed for security and/or working purposes and that it reduces the potential for obtrusive light from glare, light trespass and sky glow to an acceptable level. Artificial lighting in the open countryside can have a demonstrable effect on 'dark skies', one of the special qualities of the rural landscape.

- 15.4 The applicant has outlined why the lighting is needed and this need is considered reasonable. Environmental Protection has confirmed that the proposal complies with the guidance relating to EZ.1 and with the associated 'Obtrusive Light Limitations for Exterior Lighting Installations'. The light levels have been measured from Broman's Lane using a light meter (before hooding that is to be added.) A condition can be applied, as outlined earlier, in order to safeguard the amenity of the surrounding area by preventing the undesirable, disruptive and disturbing effects of light pollution.
- 15.5 Overall, subject to compliance with this condition, and the additional hooding and lower light wattage, it is considered that the three column lights would not have a significant visual detriment to the surroundings, including this part of the countryside and Coastal Protection Zone, or detract in any significant way from neighbouring residential amenity. There are already a number of column lights on the site and it is not considered these additional three columns would make such a significant difference to warrant a recommendation of refusal.
- 15.6 Similarly, the low level bollard lighting would be well hidden in the site from outside views and would not have any visual impact upon the wider surroundings outside the site or upon neighbouring residential amenity.
- 15.7 The 'dark skies' policy adopted by East Mersea Parish Council is noted. However, given the fact that the lighting will be partly hooded, the wattage reduced and there are already other existing light columns on site, it is not considered a refusal can be justified in this respect.

Impact Upon Wildlife

- 15.8 With regard to impact upon wildlife, Natural England has raised no objections - confirming that the application is not likely to result in significant impacts on statutorily designated nature conservation sites or landscapes. Accordingly, it is concluded that all of the lighting proposed to be retained within this application would not have any significant impact upon the Colne Estuary Ramsar site, the Colne Estuary Special Area of Conservation and the Colne Estuary Special

Protection Area and the Site of Special Scientific Interest. Similarly, it is too far from Cudmore Country Park to have any significant impact.

- 15.9 It is not considered that there would be any significant impact upon the general natural environment either. The lighting lies well within the existing caravan site.

16.0 Conclusion

- 16.1 To summarise, it is considered that the retention of the three column lights and three bollard lights would not have a significant detriment to the character of the area or its surroundings, would not detract from neighbouring residential amenity or have an adverse impact upon wildlife.

17.0 Recommendation to the Committee

- 17.1 The Officer recommendation to the Committee is for:

APPROVAL of planning permission subject to the following conditions:

1. 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 3904-121 received 9/5/17 and hooding and lamp wattage details received 5/7/17.

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

2. Z00 – Hooding and Lamp Wattage Installation

The additional hooding and reduced wattage lamps (20W) as outlined in the submitted details received 5/7/17 shall be installed on the three column lights the subject of this application within one month of the date of this approval and shall thereafter be retained as such.

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

3. Z00 – Light Specification

The lighting hereby approved (including resultant sky glow, light trespass, source intensity and building luminance) shall fully comply with the figures and advice specified in the Colchester Borough Council External Artificial Lighting Planning Guidance Note for zone EZ1 AONB.

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

18.0 Informatives

- 18.1 For any future lighting, the applicant is advised to consult Colchester Borough Council's External Artificial Lighting Planning Guidance Note.



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Item No: 7.3

Application: 171768

Applicant: Mr Henry Spyvee

Agent: --

Proposal: Non-illuminated information lectern

Location: Balcerne Hill, Colchester, CO7 9RZ

Ward: Colchester

Officer: Chris Harden

Recommendation: Approval

1.0 Reason for Referral to the Planning Committee

- 1.1 This application is referred to the Planning Committee because the applicant is an Alderman.

2.0 Synopsis

- 2.1 As this is an application for consent to display an advertisement the key issues that can be considered are impact upon amenity and public safety. Amenity can cover a number of issues such as visual amenity, and subsequent visual impact on its surroundings and residential amenity. Impact upon Heritage Assets can also be considered as these can be a public amenity. Public safety can include highway safety considerations.
- 2.2 The application is subsequently recommended for approval. It is not considered the non-illuminated information lectern would result in any significant visual detriment to the character of the area, including upon the Conservation Area or to the setting of the nearby Roman Wall which is a Scheduled Ancient Monument and Grade 1 Listed. It is of modest size and follows the standard heritage format for such signs. A condition can ensure that any archaeological finds are recorded. There would not be any detriment to residential amenity. It is not considered that there would be any impact upon public safety including highway safety such as impact upon visibility splays, distraction of drivers or causing a trip hazard.

3.0 Site Description and Context

- 3.1 The site lies within the Conservation Area, within an Area of High Archaeological potential and is currently a small grassed area adjacent to the Roman Wall and pavement. The Roman Wall is a Scheduled Ancient Monument (Essex No.7) and is a Grade 1 Listed Building.

4.0 Description of the Proposal

- 4.1 The proposal is an application for consent to display an advertisement in front of the wall. The advertisement is in the form of a non-illuminated information lectern which describes the Balcerne Gate. The bottom of the lectern would be 0.9 metres above ground level, attached to a supporting post and would measure 0.92 metres by 0.67 metres.
- 4.2 The applicant has confirmed that Scheduled Monument Consent for the proposed works was obtained from the Secretary of State for Culture, Media and Sport on 17th February 2016 (ref.S00128447.)

5.0 Land Use Allocation

5.1 Physical limits.

6.0 Relevant Planning History

6.1 No relevant planning history.

7.0 Principal Policies

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

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

SD1 - Sustainable Development Locations
UR2 - Built Design and Character
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
DP10 Tourism, Leisure and Culture
DP14 Historic Environment Assets

7.4 There are no adopted Site Allocations (adopted 2010) policies relevant to the application.

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

Open Space, Sport and Recreation
Managing Archaeology in Development.

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 Archaeology: The Council's Archaeologist states that "The proposed development is situated within the area of high archaeological interest that has been defined in the Colchester Historic Environment Record, adjacent to the Town Wall. The Town Wall is a designated heritage asset of national importance, recorded on the National Heritage List for England (NHLE) and statutorily protected as a Scheduled Monument under the [Ancient Monuments and Archaeological Areas Act 1979](#) (NHLE no. 1003772). Groundworks relating to the application would cause ground disturbance that has potential to damage any archaeological deposits that exist.

There are no grounds to consider refusal of permission in order to achieve preservation *in situ* of any important heritage assets. However, in accordance with the *National Planning Policy Framework* (Paragraph 141), any permission granted should be the subject of a planning condition to record and advance understanding of the significance of any heritage asset before it is damaged or destroyed."

An archaeological programme of works condition is therefore recommended.

9.0 Parish Council Response

- 9.1 N/A

10.0 Representations from Notified Parties

- 10.1 No observations 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 As this is an application for consent to display an advertisement, the key issues that can be considered are impact upon amenity and public safety. As outlined earlier, amenity can cover a number of issues such as visual amenity, and subsequent visual impact on its surroundings and residential amenity. Impact upon Heritage Assets can also be considered as these can be a public amenity. Public safety can include highway safety considerations.
- 15.2 It is not considered the non-illuminated information lectern would have any significant visual detriment to the character of the area, including upon the character of the Conservation Area or to the setting of the nearby Roman Wall which is a Scheduled Ancient Monument and Grade 1 Listed. It is of modest size and follows the standard heritage format for such signs. It serves an important function in outlining the historic significance of the Balke Gate which is a Roman monumental arch to mark the foundation of Roman Colchester.
- 15.3 With regard to the impact upon archaeology, the Council's archaeologist has confirmed that an archaeological programme of works is required as the site lies within an area of high archaeological interest that has been defined in the Colchester Historic Environment Record, adjacent to the Town Wall. Whilst the disturbance to the ground would be in a very small area, there would still be the potential to damage archaeological deposits. The condition can ensure that any archaeological finds are recorded.
- 15.4 There would not be any detriment to residential amenity as no dwellings are nearby. It is not considered there would be any impact upon public safety including highway safety such as impact upon visibility splays, distraction of drivers or causing a trip hazard.

16.0 Conclusion

- 16.1 To summarise, the advertisement in the form of a lectern is considered acceptable from an amenity and public safety point of view. There would not be a detrimental impact upon the character of the Conservation Area or on the setting of the Roman wall. A condition can ensure that any archaeological finds are recorded. There would be no detriment to residential amenity or to public safety.

17.0 Recommendation to the Committee

17.1 The Officer recommendation to the Committee is for:

APPROVAL of planning permission subject to the following condition:

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: Location plan, Information on pedestal, Concept Drawing and Multi Interpretation Panels received 6/7/17

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

3.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.

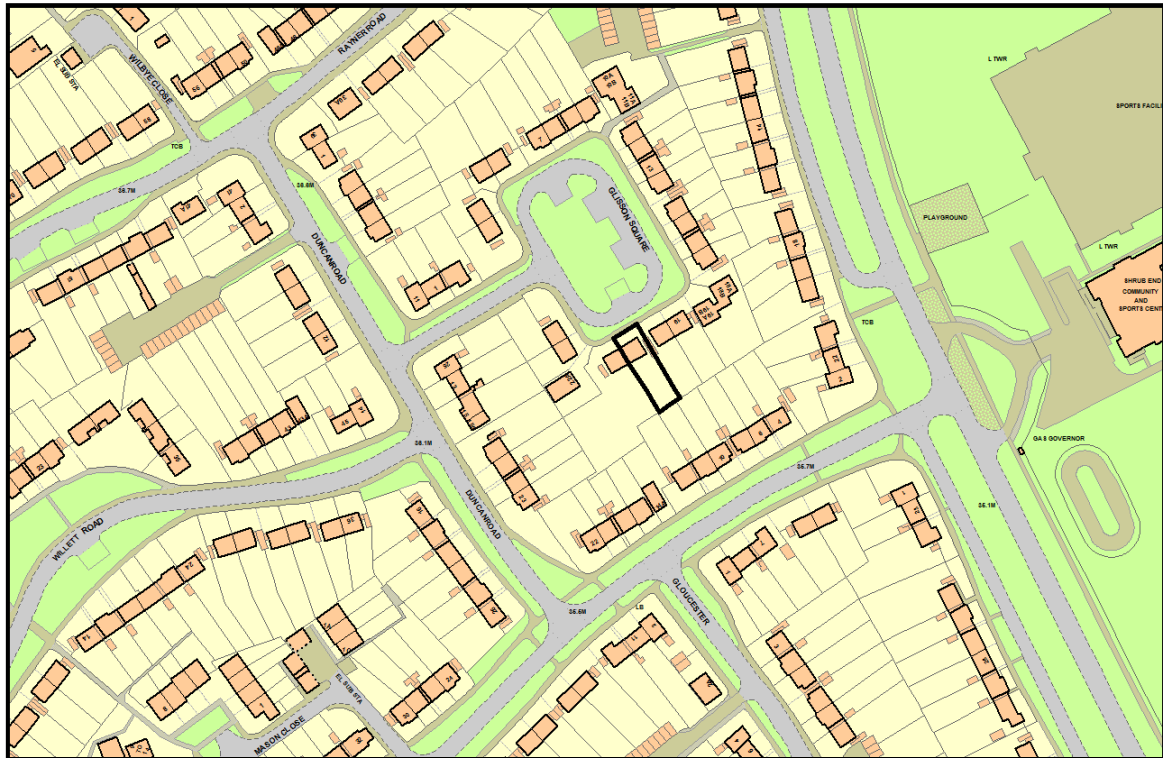
Reason: To safeguard archaeological assets within the approved development boundary from impacts relating to any groundworks associated with the development scheme and to ensure the proper and timely investigation, recording, reporting and presentation of archaeological assets affected by this development, in accordance with Policy SD1 and ENV1 of Colchester Borough Council's Core Strategy (2008).

18.0 Informatives

18.1 The following informatives are also recommended:

1. ZTA - Informative on Conditions Stating Prior to Commencement/Occupation

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



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Item No: 7.4

Application: 171679

Applicant: Mr Gary Pamment

Agent: Mr Gary Pamment

Proposal: Proposed disabled bathroom

Location: 21 Glisson Square, Colchester, CO2 9AJ

Ward: Shrub End

Officer: Daniel Cameron

Recommendation: Approval subject to conditions.

1.0 Reason for Referral to the Planning Committee

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

2.0 Synopsis

- 2.1 The key issue for consideration is the impact of the proposed extension on the neighbouring properties.
- 2.2 The application is subsequently recommended for approval subject to the conditions given at the conclusion of this report.

3.0 Site Description and Context

- 3.1 Glisson Square is located within Shrub End ward to the immediate west of Shrub End Sports ground and can be accessed from either Boadicea Way or Duncan Road. The area predominantly consists of two storey, semi-detached properties built of red brick. The rear gardens of semi-detached houses are separated by a large fence.

4.0 Description of the Proposal

- 4.1 The application seeks permission for the erection of a rear extension to the property to provide the tenant with a disabled accessible bathroom. The extension is single storey in height, extends some 2.7 metres from the original rear wall of the property and close to the boundary with the neighbouring property.

5.0 Land Use Allocation

- 5.1 The current local plan allocates the area as predominantly residential.

6.0 Relevant Planning History

- 6.1 There is no relevant planning history.

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:

UR2 - Built Design and Character
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
DP13 Dwelling Alterations, Extensions and Replacement Dwellings
DP16 Private Amenity Space and Open Space Provision for New Residential Development

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

The Essex Design Guide
Managing Archaeology in Development.

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 Council's Archaeological Advisor commented that the proposed works would result in no material harm to below ground remains and has stated that no conditions would be required.

9.0 Parish Council Response

- 9.1 The application is located within an unparished town centre ward.

10.0 Representations from Notified Parties

- 10.1 The application resulted in a number of notifications to interested third parties including neighbouring properties. No representations have been received.

11.0 Parking Provision

- 11.1 The application will not affect the current level of parking currently available at the property, nor will it result in additional parking need.

12.0 Open Space Provisions

12.1 While the proposed extension will reduce the level of existing garden to the rear of the property, the remaining garden will still be above the standard required by policy DP16.

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:

- The Principle of Development
- Design and Layout
- Scale, Height and Massing
- Impacts on Neighbouring Properties

15.2 Planning permission is required for the proposed development as it is located within 2 metres of the boundary and the height of the extension exceeds that allowed under permitted development.

15.3 Local policies DP1 and DP13 are directly applicable to the development being considered. These policies seek to protect existing residential amenity, particularly in regard to privacy, overlooking, and shadowing. Further guidance is set out in the adopted Essex Design Guide.

15.4 In terms of design, the proposed development is acceptable and would fit with the wider aesthetic of the area. The siting of the extension has been determined by the need of the tenant to access the bathroom from their bedroom. Its single storey height ensures that any impact upon the surrounding area is minimal. Materials have been selected to match those exhibited by the existing property.

15.5 The neighbouring semi-detached property is separated from the application site by a fence which runs the length of the rear gardens. A conservatory serving the neighbouring dwelling (adjacent to the proposed extension) sits a good distance away from the boundary. The single storey nature of the proposed extension ensures that any issues of impact upon neighbouring privacy are negligible; no overlooking would be possible from the extension and no windows would face out onto the neighbours residence. In terms of existing light, there would be little impact upon the neighbour’s property as good levels of light would still reach the rear of both properties especially considering they face south.

Some shadowing would be inevitable, especially in the early mornings, however, this would not impinge upon the neighbour's enjoyment of the conservatory and would not be sufficient to result in pronounced harm to their amenity.

- 15.6 For the reasons given above, the proposed is not considered to conflict with Local Plan policies UR2, ENV1, DP1 and DP13, the advice of the Essex Design Guide or the guidance set out in the NPPF.

16.0 Conclusion

- 16.1 To summarise, the application is proposing a modest rear extension to an existing property in Shrub End. The proposal is acceptable in principle and is of an acceptable design. Impacts upon neighbouring properties will be slight and no material objections have been received regarding the application. Based on arguments raised within this report, the recommendation to committee is to approve the application subject to the conditions below.

17.0 Recommendation to the Committee

- 17.1 The Officer recommendation to the Committee is for APPROVAL of planning permission subject to the following 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 drawings numbered 10 and 02.

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.

18.0 Informatives

18.1 The following informatives are also recommended:

1. ZT0 – Advisory Note on Construction & Demolition

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

2. ZTA - Informative on Conditions Stating Prior to Commencement/Occupation

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

3. ZTB - Informative on Any Application With a Site Notice

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



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Item No: 7.5

Application: 171125

Applicant: Mr David James

Agent: Mr Jason Parker

Proposal: Proposed loft conversion and side extension. Relocated garage and internal alterations

Location: Ferndown, Greyhound Hill, Langham, CO4 5QF

Ward: Rural North

Officer: Benjy Firth

Recommendation: Approval

1.0 Reason for Referral to the Planning Committee

- 1.1 This application is referred to the Planning Committee by an elected member on the following basis:

“There is a real mix of styles along Greyhound Hill and any development of this property would be a great opportunity to complement the area; part of the Dedham Vale AONB's Project Area. This design does not do that. The materials suggested are not reflected in nearby properties and appear quite stark on a building that is highly visible and close to the road. It could be argued this is over development on a small site and it is, therefore, difficult to envisage any planting that could be incorporated in mitigation.

Policy SD1 states 'The Council will seek to sustain the character and vitality of...villages and the countryside and development will be expected to achieve a high standard of design, sustainability and compatibility with local character'.

Policy DP1 states that a proposal must 'respect and enhance the character of the site, its context and surroundings'. It must 'respect or enhance the landscape and other assets that contribute to the site and surrounding area'.

This development will not satisfy these policies.”

2.0 Synopsis

- 2.1 The key issues explored below are the design of the proposal and its impact on the amenity of the neighbours, both of which are considered to be acceptable. The primary matters of contention are the design of the property and its impact upon neighbouring and public amenity, considered against the reasonable approach proposed for extending the property in comparison to what could be achieved under permitted development rights.
- 2.2 The application is subsequently recommended for approval.

3.0 Site Description and Context

- 3.1 The application site on the east side of Greyhound Hill amongst a cluster of residential properties to the north of the defined settlement. The application site contains a detached bungalow and sits adjacent to the highway to the west. To the north and south are residential properties and to the east is an area of land containing an access track to a Listed residential property. Ground levels at the site vary significantly, sloping down south to north and west to east

4.0 Description of the Proposal

- 4.1 The proposal seeks permission for; a small increase to the footprint of the property, including front and side extensions; alterations to the roof of the property including an increase in height, to accommodate a loft conversion; and a detached garage.

5.0 Land Use Allocation

- 5.1 The site is beyond the defined settlement boundary, but has an established residential use and no other relevant allocation.

6.0 Relevant Planning History

- 6.1 There is no planning history relevant to this application.

7.0 Principal Policies

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

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

SD1 - Sustainable Development Locations
UR2 - Built Design and Character

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

DP1 Design and Amenity
DP12 Dwelling Standards
DP13 Dwelling Alterations, Extensions and Replacement Dwellings
DP16 Private Amenity Space and Open Space Provision for New Residential
DP19 Parking Standards

- 7.4 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
Langham Village Design Statement

8.0 Consultations

- 8.1 None received

9.0 Parish Council Response

9.1 The Parish Council made the following comments:

- 9.1.1 National Planning Practice Guidance clearly states at Paragraph 4: "Local planning authorities are required to take design into consideration and should refuse permission for development of poor design." Policy SD1 also states that 'The Council will also seek to sustain the character and vitality of small towns, villages and the countryside, and development will be expected to achieve a high standard of design, sustainability and compatibility with local character.' Development Policy DP1 states that a proposal must demonstrate that it will: 'Respect and enhance the character of the site, its context and surroundings' and 'Respect or enhance the landscape and other assets that contribute positively to the site and the surrounding area.' This property is located within the AONB project area and within sight of the AONB itself. Secondly, any major development on this site would be harmful to the setting of the Dedham Vale Area of Outstanding Natural Beauty project area. Adopted Core Strategy Policy ENV2 states that developments that have an adverse impact on Natura 2000 sites or the Dedham Vale Area of Outstanding Natural Beauty will not be supported. This is carried through into adopted Policy DP22: Dedham Vale Area of Outstanding Natural Beauty Development which states that development will only be supported in or near to the Dedham Vale Area of Outstanding Natural Beauty (AONB) that: (i) Makes a positive contribution to the special landscape character and qualities of the AONB; (ii) Does not adversely affect the character, quality views and distinctiveness of the AONB or threaten public enjoyment of these areas, including by increased vehicle movement; and, (iii) Supports the wider environmental, social and economic objectives as set out in the Dedham Vale AONB & Stour Valley Management Plan. This dwelling is situated within the sensitive landscape of the Black Brook valley and additionally outside the village Settlement Boundary.
- 9.1.2 Adopted Core Strategy Policy ENV1 states: The Borough Council will conserve and enhance Colchester's natural and historic environment, countryside and coastline. This is carried through into Development Policy 21: Nature Conservation and Protected Lanes which states (inter alia): For all proposals, development will only be supported where it: (i) Is supported with acceptable ecological surveys where appropriate. Where there is reason to suspect the presence of protected species, applications should be accompanied by a survey assessing their presence and, if present, the proposal must be sensitive to, and make provision for, their needs. This application represents significant over-development on a small plot, impacting upon neighbouring properties, including three 16th century (or earlier) thatched properties, one of which (Mount Pleasant) will have its view adversely affected.

- 9.1.3 Development policy DP14 states that 'Development will not be permitted that will adversely affect a listed building, a conservation area, historic park or garden or important archaeological remains. It is therefore held that this proposal does not comply with the NPPF or this adopted policy. The proposal also therefore runs counter to the Langham Village Design Statement (adopted by Colchester Borough Council as a Supplementary Planning Document in November 2007). This dwelling abuts two 16th century properties on its southern boundary is located within close proximity of listed and other historic thatched property.
- 9.1.4 The property has a stream on its eastern boundary beneath which is the main sewerage pipe serving the Langham WRC. The WRC is already over capacity by 130 dwellings, tankage is being employed to support this facility and the inadequate sewage infrastructure is the subject of objections and representations by the Environment Agency and Langham Parish Council. The series of developments to this property would aggravate the lack of waste water recycling capacity already being experienced.
- 9.1.5 The series of extensions involved would have almost the same negative impact as a new build property on transport, sustainability and the sensitive landscape of the Black Brook. In addition, the property is sited on a narrow, rural road, indifferently maintained and with poor sight lines, especially to Ferndown.
- 9.1.6 Local knowledge asserts that a heating oil tank is sited underground below the terrace. We consider that this may well be in breach of current building and environmental regulations.
- 9.1.7 It is understood that the eastern boundary to Ferndown terminates at the stream and that the wooded area beyond is in the ownership of the Byfield family (Mount Pleasant).
- 9.1.8 The proposed extension suffers from excessive bulk and poor design. It has been described by a Colchester Borough Councillor as "ghastly".
- 9.1.9 For the above reasons, the Parish Council wishes to register its strong objection to this application and requests that all procedural and substantive policies and requirements are complied with by the Borough Council as the planning authority and that previous applications in the near proximity (e.g. Wybourne no. 162994 REFUSE) are also referred to.

10.0 Representations from Notified Parties

10.1 No comments were received.

11.0 Parking Provision

11.1 The proposal retains adequate parking provision to the front of the property to comply with policy.

12.0 Open Space Provisions

12.1 The proposal retains adequate private amenity space to comply with 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 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 has been amended since its original submission, following comments from the Council. The height of the proposal has been reduced and the front gable has been reduced in size, amongst other revisions.

15.2 The proposed alterations to the dwelling involve the squaring off of the footprint of the property, the raising of the roof, the construction of a gable to front and rear, the addition of dormers, and the conversion of the integral garage to habitable space.

15.3 The increase in the footprint of the property involves the squaring off of the properties footprint to the rear of the existing integral garage and a front addition accommodating an entrance hall. This increase is minimal and far less substantial than what could be achieved under permitted development rights.

15.4 The raising of the roof, construction of the two gables and addition of dormers accommodates first floor accommodation at the property. The increase in the ridge height has been reduced since the proposal was originally submitted and is considered appropriate. The heightened roof has been half hipped at both ends to reduce the new ridgelines impact upon neighbouring properties and the street scene. The other alterations to the roof are considered appropriate means of accommodating first floor accommodation. They each utilise dual pitched roofs and are well proportioned to the dwelling.

15.5 The proposed materials complement each other well. Within the immediate vicinity there is a mixture of materials used and as such there is no distinct or specific character to the area. Though they are not common in the immediate vicinity they are considered acceptable materials within this location.

15.6 The lack of distinct character within the area is also apparent in the design and size of surrounding properties. As such the alterations to the property would not impact upon any specific character within the area. It should also be noted that the application property remains relatively detached from surrounding built form and as such would not have a significant impact upon said properties.

- 15.7 In light of the above the design of the altered dwellinghouse is considered acceptable. It is well proportioned and the fenestration, additional roof elements and variations in materials ensure the massing is well articulated. The alterations are likely to mean that the property has a greater presence within the street scene, however it is not considered that this would be significant or detrimental to the character of the area.
- 15.8 The application property is set a reasonable distance from surrounding residential properties and as such would not have any significant impacts in terms of overlooking, privacy, loss of light, or being overbearing.
- 15.9 The proposed detached garage is not particularly well scaled in comparison to the host dwelling, but has been reduced in size and relocated to reduce its impact upon neighbouring properties. Its design is therefore considered acceptable. A structure of similar size could be constructed under permitted development rights.
- 15.10 The objection received concerning this proposal eludes to the fact that the proposal is not in keeping with the surrounding area, is excessive in size and is of poor design. As previously discussed the area has no overriding character. The size of the resulting dwelling is not considered excessive and is only marginally larger than the existing dwelling. Lastly, whilst the design of the proposal could not be considered exemplar it is of a good standard acceptable within such a setting as the application site.

16.0 Conclusion

- 16.1 To summarise, the proposal is not considered excessive and is of an satisfactory standard of design. Neither of which could be guaranteed were the property to be extended under permitted development rights. The applicants have co-operated with the Council in producing an acceptable proposal.

17.0 Recommendation to the Committee

- 17.1 The Officer recommendation to the Committee is for:

APPROVAL of planning permission subject to the following conditions:

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

Numbers 06, 05 and 07 (submitted June 2017).

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

3. The external facing and roofing materials to be used shall be those specified on the submitted application form and drawings.
Reason: To ensure that materials are of an acceptable quality appropriate to the area.
4. 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 the standard shown in the ABC Tree Solutions dated 16th May 2017. All agreed protective fencing shall thereafter be maintained during the course of all works on site and no access, works or placement of materials or soil shall take place within the protected area(s) without prior written consent from the Local Planning Authority.
Reason: To safeguard existing trees, shrubs and other natural features within and adjoining the site in the interest of amenity.
5. All existing trees and hedgerows shall be retained throughout the development construction phases, unless shown to be removed on the approved drawing and all trees and hedgerows on and immediately adjoining the site shall be protected from damage as a result of works on site in accordance with the Local Planning Authorities guidance notes and the relevant British Standard. All existing trees and hedgerows shall then be monitored and recorded for at least five years following contractual practical completion of the development. In the event that any trees and/or hedgerows die, are removed, destroyed, fail to thrive or are otherwise defective during such a period, they shall be replaced during the first planting season thereafter to specifications agreed, in writing, with the Local Planning Authority. Any tree works agreed to shall be carried out in accordance with BS 3998.
Reason: To safeguard the continuity of amenity afforded by existing trees and hedgerows.

18.1 **Informatives**

18.1 The following informatives are also recommended:

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.



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Item No: 7.6

Application: 171482

Applicant: Miss Rachel Nedwell

Agent: Mr Mark Fage

Proposal: Two storey side and single storey rear extension following demolition of existing workshop/store

Location: 3 Oak Tree Cottages, Brook Road, Aldham, Colchester, CO6 3RJ

Ward: Lexden & Braiswick

Officer: Ishita Sheth

Recommendation: Conditional Approval

1.0 Reason for Referral to the Planning Committee

- 1.1 This application is referred to the Planning Committee because the applicant is a Council employee.

2.0 Synopsis

- 2.1 The key issues for consideration are the design of the extension and the impact on the character of the area.
- 2.2 It is concluded that the scheme is acceptable and approval is recommended.

3.0 Site Description and Context

- 3.1 The site is located on the western side of Brook Road and occupied by a semi-detached house. Some of the dwellings in the streetscene have the provision of similar two storey side extensions.

4.0 Description of the Proposal

- 4.1 The proposal seeks to provide a two storey side extension and a single storey rear extension having a maximum width of some 4.2m, maximum depth of some 9.65m and a maximum height of some 7.8m. The proposed extension would provide TV room and a kitchen extension at ground floor level and a fourth bedroom at first floor level.

5.0 Land Use Allocation

- 5.1 Residential

6.0 Relevant Planning History

- 6.1 None

7.0 Principal Policies

- 7.1 Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. The National Planning Policy Framework (NPPF) must 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:

UR2 - Built Design and Character
PR1 - Open Space
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
DP13 Dwelling Alterations, Extensions and Replacement Dwellings
DP16 Private Amenity Space and Open Space Provision for New Residential Development
DP19 Parking Standards

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

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

8.0 Consultations

- 8.1 No statutory consultations were undertaken.

9.0 Parish Council Response

- 9.1 Non-parished.

10.0 Representations from Notified Parties

- 10.1 None received.

11.0 Parking Provision

- 11.1 There are no implications in respect of car parking provision.

12.0 Open Space Provisions

- 12.1 There are no implications in respect of Open Space provisions.

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 most significant planning issues are the design of the proposed development, as well as its impact on neighbouring amenity in terms of outlook, light and privacy.
- 15.2 The proposed single storey rear extension is of a mono-pitched roofed design. By virtue of its location to the rear, it is not considered that the proposal would result in any detriment to the character of the area or the streetscene.
- 15.3 The proposed two storey side extension is of an acceptable design providing a hipped roof which complies with the character of the existing dwelling. After negotiation the proposal has been set back by 150mm which helps provide a sense of subservience visually. Overall the design of the extension is considered to be acceptable and would not be detrimental to the character of the area.
- 15.4 The proposed development would not appear overbearing on the outlook of neighbours. The Council policy sets out that a 45 degree angle of outlook from the mid-point of the nearest neighbouring windows should be preserved and it is considered that this proposal satisfies this requirement.
- 15.5 Similarly, there are no concerns regarding loss of light. The combined plan and elevation tests are not breached and the proposal therefore satisfies the Councils standards for assessing this issue as set out in the Essex Design Guide.
- 15.6 Additionally, the proposal does not include any new windows at first floor level that would offer an unsatisfactory angle of overlooking that harmed the privacy of the neighbouring properties, including their protected sitting out areas as identified in the above SPD.
- 15.7 Finally, in terms of other planning considerations (e.g. damage to trees or highway matters), the proposed development does not raise any concerns.
- 15.8 The Council policy sets out that a 45 degree angle of outlook from the mid-point of the nearest neighbouring windows should be preserved and it is considered that this proposal satisfies this requirement.
- 15.9 Similarly, there are no concerns regarding loss of light. The combined plan and elevation tests are not breached and the proposal therefore satisfies the Councils standards for assessing this issue as set out in the Essex Design Guide.
- 15.10 Additionally, the proposal does not include any new windows at first floor level that would offer an unsatisfactory angle of overlooking that harmed the privacy of the neighbouring properties, including their protected sitting out areas as identified in the above SPD.
- 15.11 The proposed development would still retain a garden area of some 430m² and it is not considered that the proposal is an overdevelopment of the site.

15.12 Finally, in terms of other planning considerations (e.g. damage to trees or highway matters), the proposed development does not raise any concerns.

16.0 Conclusion

16.1 To summarise, the proposed development fully accords with the Council's policy requirements.

17.0 Recommendation to the Committee

17.1 The Officer recommendation to the Committee is for:

APPROVAL of planning permission subject to the following 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 NED/SK/04 B and NED/SK/05 B.

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

3. ZBA – Matching Materials

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

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

18.0 Informatives

18.1 The following informatives are also recommended:

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.

17th August 2017

Report of	Assistant Director Policy and Corporate	Author	Alistair Day 01206 282479
Title	Affordable Housing at the Chesterwell Development (formerly know as North Growth Area Urban Extension) and the use of the Brook Street Affordable Housing Allowance		
Wards affected	Mile End		

This report concerns Affordable Housing on Parcels R9 and R10 of the Chesterwell Development (formerly know as North Growth Area Urban Extension) and the use of the Brook Street Affordable Housing Allowance

1.0 Decision(s) Required

- 1.1 Members are asked to endorse the proposal from Mersea Homes that the affordable housing allowance agreed as a part of the Brook Street Development is used in-lieu of the rented affordable housing element scheduled for Phase 2 of the Chesterwell Development (Parcels R9 and R10). Members are also asked to approve the Affordable Housing Scheme for Parcels R9 and R10 of the Chesterwell Development.

2.0 Reasons for Decision(s)

- 2.1 The use of the Brook Street Affordable Housing Allowance was not specifically considered by Members at the time that they resolved to grant planning permission for the Chesterwell Development. As such, the Chesterwell legal agreement does not specifically make provision for the use of Brook Street Affordable Housing Allowance. For this reason, officers consider it prudent that there is a formal record of this proposal which is noted and endorsed by the Planning Committee.

3.0 Alternative Options

Members could refuse to endorse the current proposal. The legal agreement signed as a part of the Brook Street Development, to which the Council was party, states that the Council will not unreasonably withhold permission for the use of the Affordable Housing Allowance on alternative sites. Members would therefore need to provide sound reasons why the current proposal is not considered acceptable.

4.0 Background

- 4.1 In 2013 the Council was approached by Hills Residential Construction Ltd and Mersea Homes Limited in respect of a site at Brook Street to discuss an increase in the affordable housing provision. The site was subject to a planning approval (ref F/COL/04/1747) and a s106 agreement that secured four units of affordable housing on the site that comprised 110 units. As a result of the 2013 discussions, a further legal agreement was signed securing 72 affordable units at Brook Street Development site.

- 4.2 In recognition of the fact that the Brook Street Development was to provide 68 extra affordable houses, the Council agreed to give Mersea Homes and Hills Residential Construction a future “allowance” of 2046 square metres to be offset against the future provision of affordable housing on other development sites within the Borough. The ‘other’ sites are identified in the legal agreement as the Rowhedge Port site, the Stanway Growth Area or such alternative sites as may be nominated by the developers. The legal agreement states that the Borough Council will not unreasonably withhold approval for any development put forward by Mersea Homes and/or Hill Residential Construction and that any report relating to the use of the Allowance on alternative sites to Rowhedge or Stanway Growth Area shall include reference to the following:
- i) the existence of the Brook Street Affordable Housing Allowance legal agreement;
 - ii) that the allowance can be used on other sites in full or in part;
 - iii) authority for agreement to vary other s106 agreements in the event that the developers decide to use the allowance on other site; and
 - iv) it is the decision of the developer whether to use the allowance on another site.
- 4.3 Hills Residential Construction have 55% of the 2046sqm allowance i.e. 1125sqm and have used this allowance at their Rowhedge Wharf Development. This was set out to Members in the Planning Committee Report for planning application ref 160551.
- 4.4 Mersea Homes have 45% of the 2046sqm allowance which equates to 921sqm. Mersea Homes propose to use this allowance on Phase 2 of the Chesterwell Development (Parcels R9 and R10).
- 4.5 The Chesterwell Development was granted outline planning permission (ref 121272) in 2014 and is subject to various conditions and a s106 legal agreement. The Chesterwell legal agreement requires 15% of the residential units in each Phase to be provided as affordable accommodation. A reserved matters application for Parcels R9 and R10 was approved in October 2016 (ref 161593). This development comprises 146 houses and under the terms of the s106 agreement, 15% of these dwellings are to be provided as ‘affordable housing’ – i.e. 22 dwellings.
- 4.6 In accordance with the terms of the Chesterwell s106 agreement an Affordable Housing Scheme has been submitted and identifies the following affordable housing within Parcels R9 and R10. The details of the scheme are set out in the table below:

	Rented	Intermediate	Total
1 bed	4	0	4
2 bed	8	4	12
3 bed	1	4	5
4 bed	1	0	1
Total	14	8	22

- 4.7 On the 8th May 2017, Mersea Homes advised the Council that they wished to use the Brook Street Affordable Allowance in-lieu of the rented affordable housing required on Phase 2 (Parcels R9 and R10) of the Chesterwell Development. Table 2 below shows the plots against which the Brook Street Allowance is to be used, together with their size (sqm):

Plots	No. of Bed	Sqm
67	2 bed	68.7
68	2 bed	68.7
85	3 bed	102.2
91	3 bed	76.2
92	2 bed	68.7
93	2 bed	62.2
102	2 bed	62.2
103	2 bed	68.7
115	1 bed	51.1
116	1 bed	51.1
117	1 bed	51.1
118	1 bed	51.1
134	2 bed	68.7
135	2 bed	68.7
		Total 919.40sqm

- 4.8 The above proposal in effect uses all Mersea Homes Brook Street Affordable Housing Allowance (1.6sqm will remain unused) and Mersea Homes has confirmed that this proposal will close the arrangement provided by the 2013 legal agreement. It is recommended that a copy of this report is placed on the relevant planning files (s106 agreement) so that there is a record that the Mersea Homes Affordable Housing Allowance from the Brook Street Development has been used in-lieu of the affordable housing required on the Phase 2 (Parcels R9 and R10) of the Chesterwell Development.
- 4.9 Given the above, the Affordable Housing Scheme for Phase 2 (Parcels R9 and R10) of the Chesterwell Development will comprise 4 no. 2 bed units and 4 no. 3 bed units. The eight affordable units will be provided as intermediate tenure.
- 4.10 In the covering letter from Mersea Homes, a request is made that the additional income over and above the affordable housing values received on the above plots (Table 2) should not be taken into account as part of the viability assessment required under the Chesterwell legal agreement. Members are advised that any proposal to amend the viability review mechanism will need to be the subject of a formal Deed of Variation and therefore this request falls outside the scope of this report.

5. Strategic Plan References

- 5.1 The Strategic Plan seeks to provide opportunities to increase the number of homes available including those that are affordable for local people

6. Consultation

6.1 Affordable Housing Development Officer has advised the following:

I am supportive of the proposal for Mersea Homes to use the affordable housing allowance agreed as a part of the Brook Street Development in-lieu of the rented affordable housing element scheduled for Phase 2 of the Chesterwell Development (Parcels R9 and R10). As the additional affordable housing provided at the Brook Street Development was affordable rented tenure, it is fair and reasonable that this can be credited against affordable rented tenure in Phase 2 of Chesterwell as proposed.

7. Publicity Considerations

7.1 None directly arising from this report

8. Financial Implications

8.1 None directly arising from this report

9. Equality, Diversity and Human Rights Implications

9.1 None directly arising from this report

10. Community Safety Implications

10.1 None directly arising from this report

11. Health and Safety Implications

11.1 None directly arising from this report

12. Risk Management Implications

12.1 None directly arising from this report

Background Papers

121272 – Chesterwell Outline Planning Permission

161593 – Reserved matters Planning Permission for Parcels R9 and R10

F/COL/04/1747 – Brook Street Planning permission