

Planning Committee

Town Hall, Colchester
14 July 2011 at 6.00pm

This committee deals with

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

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

Information for Members of the Public

Access to information and meetings

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

Have Your Say!

The Council values contributions from members of the public. Under the Council's Have Your Say! policy you can ask questions or express a view to meetings, with the exception of Standards Committee meetings. If you wish to speak at a meeting or wish to find out more, please pick up the leaflet called "Have Your Say" at Council offices and at www.colchester.gov.uk

Private Sessions

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

Mobile phones, pagers, cameras, audio recorders

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

Access

There is wheelchair access to the Town Hall from 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 Angel Court Council offices, High Street, Colchester or telephone (01206) 282222 or textphone 18001 followed by the full number that you wish to call and we will try to provide a reading service, translation or other formats you may need.

Facilities

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Material Planning Considerations

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

- planning policy such as adopted Local Development Framework documents, for example the Core Strategy, Development Plan Documents (DPDs) and the Site Allocations DPD, Government guidance, case law, previous decisions of the Council
- design, appearance and layout
- impact on visual or residential amenity including potential loss of daylight or sunlight or overshadowing, loss of privacy, noise disturbance, smell or nuisance
- impact on trees, listed buildings or a conservation area
- highway safety and traffic
- health and safety
- crime and fear of crime
- economic impact – job creation, employment market and prosperity

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

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

Human Rights Implications

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

Community Safety Implications

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

Equality and Diversity Implications

All applications are considered against a background of the Council's 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. The legal context for this framework is for the most part set out in the Equality Act 2010.

COLCHESTER BOROUGH COUNCIL PLANNING COMMITTEE 14 July 2011 at 6:00pm

Members

Chairman : Councillor Ray Gamble.
Deputy Chairman : Councillor Theresa Higgins.
Councillors Christopher Arnold, Peter Chillingworth,
John Elliott, Stephen Ford, Peter Higgins, Sonia Lewis,
Jackie Maclean, Jon Manning, Philip Oxford and
Laura Sykes.

Substitute Members : All members of the Council who are not members of this Committee or the Local Development Framework Committee and who have undertaken the required planning skills workshop. The following members meet the criteria:-
Councillors Nick Barlow, Lyn Barton, Mary Blandon,
John Bouckley, Nigel Chapman, Barrie Cook, Nick Cope,
Annie Feltham, Bill Frame, Mike Hardy, Marcus Harrington,
Pauline Hazell, Michael Lilley, Sue Lissimore, Nigel Offen,
Ann Quarrie, Will Quince, Paul Smith, Terry Sutton,
Dennis Willetts and Julie Young.

Agenda - Part A

(open to the public including the media)

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

An Amendment Sheet is circulated at the meeting and is available on the council's website by 4.30pm on the day of the meeting (see Planning and Building, Planning Committee, Latest News). Members of the public should check that there are no amendments which affect the applications in which they are interested. Could members of the public please note that any further information which they wish the Committee to consider must be received by 5pm on the day before the meeting in order for it to be included on the Amendment Sheet. With the exception of a petition, no written or photographic material can be presented to the Committee during the meeting.

Pages

1. Welcome and Announcements

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

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

- action in the event of an emergency;
- mobile phones switched off or to silent;

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

2. Have Your Say!

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

3. Substitutions

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

4. Urgent Items

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

5. Declarations of Interest

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

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

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

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

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

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

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

public interest.

Councillors should consult paragraph 7 of the Meetings General Procedure Rules for further guidance.

6. Minutes

1 - 21

To confirm as a correct record the minutes of the meeting held on 26 May 2011 and 30 June 2011.

7. Planning Applications

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

1. 110736 Wyvern Farm, 274 London Road, Stanway
(Copford and West Stanway) **22 - 31**

Retrospective application to regularise unauthorised uses in respect of Units 17, 18, 25 and 29 for light industrial (B1c), storage use (B8), retention of existing portacabins for office use (B1a), together with storage of hardcore and occasional crushing.

2. 091563 Area S2, Colchester Garrison Urban Village, Berechurch
Hall Road, Colchester **32 - 52**
(Berechurch)

Erection of 21 no. residential dwellings.

3. 102598 Land rear of 53, 53A, 55 Lexden Road, Colchester
(Castle) **53 - 65**

Erection of new dwelling house with associated garage/parking facilities served via an existing access road/drive.

4. 110678 Greenways, St Fillan Road, Colchester
(St John's) **66 - 72**

Proposed amendments to change the approved activity rooms and staffroom into 5 additional bedrooms to the approved scheme for 66 bedroom care centre, making it a 71 bedroom care centre.

5. 111040 Junction of Eastwood Drive and Highclere Road,
Colchester **73 - 86**
(Highwoods)

Installation of a 17.5 metre high street works style telegraph pole

wood effect brown in colour with replica footpegs, supporting 6 antenna therein with a ground level cabinet measuring 1.9 metres x 0.8 metres x 1.65 metres plus ancillary apparatus to be shared by Vodaphone and O2.

6. 110451 Hill House Farm, Colchester Road, West Bergholt (West Bergholt and Eight Ash Green)

87 - 95

Construction of vehicular access and driveway.

8. Exclusion of the Public

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

**PLANNING COMMITTEE
26 MAY 2011**

Present :- Councillor Ray Gamble* (Chairman)
Councillors Christopher Arnold*, Peter Chillingworth*,
Stephen Ford*, Peter Higgins*, Theresa Higgins*,
Jackie Maclean*, Jon Manning* and Philip Oxford

Substitute Members :- Councillor Richard Martin for Councillor John Elliott*
Councillor Pauline Hazell for Councillor Sonia Lewis*
Councillor Bill Frame for Councillor Laura Sykes*

Also in Attendance :- Councillor Lyn Barton
Councillor Mary Blandon
Councillor Mike Hardy
Councillor Marcus Harrington
Councillor Will Quince

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

Councillor Ray Gamble (in respect of having met Kate Bunting at Rotary Club meetings) declared a personal interest in the following item pursuant to the provisions of Meetings General Procedure Rule 7(3)

Councillor Bill Frame (in respect of having met one of the applicant's family at a Rotary Club meeting) declared a personal interest in the following item pursuant to the provisions of Meetings General Procedure Rule 7(3)

Councillor Peter Chillingworth (in respect of his membership of CPRESsex which has made representations, but in which he took no part in the decision to do so) declared a personal interest in the following item pursuant to the provisions of Meetings General Procedure Rule 7(3)

Councillor Christopher Arnold (in respect of his membership of Great Horkesley Parish Council and the likelihood that he may know a number of people who were making representations, both in favour of and in opposition to the application) declared a personal interest in the following item pursuant to the provisions of Meetings General Procedure Rule 7(3)

11. 090231 Land and other property north of London Road and west of the A134 including The Chantry, The Chantry Lodge, Hillside and Nursery Site

The Committee considered an application for a change of use and redevelopment of land to form a heritage and conservation centre comprising a 40.89 hectare country park, art gallery and craft studios (The Chantry) public gardens, main building, Suffolk Punch breeding centre, farm barn, underground nature watch building (The Warren), rustic adventure playground and main and overflow car parks. The Committee had before it a report in which all information was set out, see also Amendment Sheet.

The Committee made a site visit in order to assess the impact of the proposal upon the locality and the suitability of the proposal for the site.

Alistair Day, Principal Planning Officer, attended to assist the Committee in its deliberations. He referred to the location of the site, the main designated areas and the main vehicular accesses into the site. He also referred to the extent of the site falling within the Area of Outstanding Natural Beauty (AONB), trees forming boundaries and groups, the public footpaths crossing the site and nearby listed buildings and the Conservation Areas. He described the proposed development including the Main Building, its dimensions and the uses of each of the zones within this building and the zones within the site but outside the Main Building, and the main and overflow car parks within the site as described in the report. He referred to the proposed highway improvement works including the upgrading of the road junctions, the footways and crossing points, and the proposed enhancements to the footpaths within the site which would be bounded by stock proof fencing and hedging to form a 6 metre wide path. The visitor numbers estimated by the applicant would be 485,000 per year, similar to those for Colchester Zoo.

The Planning Officer explained that the application had been advertised as a departure from the Local Plan and members of the Committee were advised to take account of all development plan policies and other material considerations in their deliberations. Regional Policy C2 related to large scale tourism proposals and permitted such development in the countryside, subject to defined criteria. He advised members of the Committee to consider whether this proposal would qualify as a regional attraction in terms of whether the proposal reflected the criteria for such an attraction, particularly with regard to sustainability and design. He drew attention to the fact that a proposal which provided for economic benefits did not automatically override other Local Plan policies.

He referred to other matters the Committee should take into account when formulating their decision:- sustainability, economic and environmental issues and the significance of the proposal in terms of whether all the elements were suitable for this particular location or whether they should comply with the location requirement as described in PPS4: Planning for Sustainable Economic Growth. They were also advised to consider the following matters:- did the PPS4 elements constitute enabling development and/or were they ancillary to the leisure components; was the design was appropriate for this countryside location; was there any impact on the AONB; the weight to be afforded to job creation; the increase in tourism and the measure to safeguard the Suffolk Punch horse.

The following speakers addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in opposition to the application:-

Dr John Constable, representing the Dedham Vale Society. He was a great, great, great, grandson of John Constable, the painter, and he referred to the exceptional beauty of the Dedham Vale where he had been brought up. He had become aware of the project some 10 years ago and the applicant had shown him the proposal. He was, however, unable to support it. He believed some elements were misconceived and

would not have wide support from the art world. He believed it was a matter of balancing the proposal against the harm to the area and he was of the view that it contravened planning policies and that the layman would see a retail development which he believed was wrong for this location for reasons such as environmental damage. He asked the Committee to accept the recommendation and refuse the application.

Will Pavry, Chairman of the Stour Valley Action Group. He referred to a document sent to all councillors. His main concern was that the proposal would cause irreparable damage to the Dedham Vale AONB and he considered it should be assessed as a retail outlet rather than a heritage centre. He believed the proposal would not be commercially viable unless the predicted visitor numbers were achieved, but he believed the numbers would be nearer to 75,000, and the 155 additional jobs would not be created. He noted that the Spatial Policy team considered the employment effect was marginal because the council was on track to achieve and surpass its target without this development. He believed the petition in support of the proposal should be disallowed as it employed reply paid cards and he urged the Committee to refuse the application.

Bill Watson, Chairman of Little Horkesley Parish Council. Villagers had thought the site would be protected and questioned how such a large retail operation could be allowed there. He wondered what would prevent other sites along the A134 from becoming tourist sites if this application was granted approval. The applicants claimed they were regenerating a derelict site and that the buildings were sustainable, but they did not mention the emissions from the equivalent of 290,000 cars journeys every year visiting the site in the context of the ambition to halve carbon gases by 2025. He speculated they could sell the enterprise to another company, such as Tesco who own Dobies garden centres. Despite the applicant's reassurances, he believed the proposal would be predominantly retail sales which would not help the town centre. All of the elements had been registered as candidates for the Horkesley Park trade mark.

John Alexander, on behalf of the Nayland with Wissington Conservation Society. The Society had 250 members and was founded in 1974 in order to save a national collection of medieval timber framed buildings in Nayland and to protect the surrounding countryside from development. He believed this was the greatest danger in living memory and he endorsed the recommendation. There had been 200 letters of objection from Nayland and Wissington residents and only seven in support. He believed the application was contrary to local, national and regional guidelines. Many local and national organisations had objected because of the serious environmental and traffic impacts on Nayland. The Nayland altarpiece in the church may also become part of the tourist trail. If approved, the lives of thousands of people would be ruined. He asked the Committee to refuse the application.

Simon Cairns, representing the Suffolk Preservation Society. The Society was not against development and they were no strangers to tourist attractions. This scheme however, would be wholly damaging for this landscape of national importance around the site. The proposal was unjustified in the open countryside and significantly harmful to listed buildings and the AONB. 75% of the 117 acre site was within the AONB and at odds with the strategies in that document. The Society believed this was an

unsustainable location and would promote the use of the private car contrary to national guidance and policy. The large main building was within 150 metres of the listed church and Josselyns. A study found the proposed attraction was not of regional importance and did not satisfy exceptional status of a major development in the countryside. The proposal would harm heritage assets that it purports to support.

Rosemary Knox, representing Nayland and Wissington Parish Council. Hector Bunting sits on the parish council but had not been present when they were discussing this application. The parish council had tried to balance the benefits against the disbenefits. They acknowledged the opportunity for employment, the celebration of Constable country and the enjoyment of the Bunting site. She referred to the wonderful houses in Nayland which would become the gateway to the county from Horkesley Park. However, if there were 480,000 visitors they would overwhelm the narrow streets of Nayland and yet Essex County Council had confirmed there would be no effect on the roads. Local buses did not go into Nayland because of the traffic. Conversely, if the visitor numbers were not achieved the scheme may fail and only the retail development would remain, which would destroy the village shops. They asked the Committee to refuse the application.

Nigel Chapman, on behalf of the Stour Valley Project. The Project believed that evolution not revolution was the most appropriate approach in the AONB; as an organisation the Project were not opposed to business. The countryside did accept change and evolved. However, the harm that revolutionary change may do was hard to undo, and building work outside the AONB was a revolution the Project could not accept. The Project were concerned that the proposal was contrary to all it stood for. He referred to the sheer scale of the proposal which would be inflicted on the whole valley in respect of noise and light pollution, the visual intrusion and negative impact on the AONB. Horkesley Park would be inaccessible in a sustainable way and 25% of visitors would travel on to other locations.

Lesley Watson, local resident, asserted that the economic case for a new tourist development did not depend solely on the additional numbers of visitors to the area. She questioned the assumption that no-one would have driven for more than 30 minutes to visit Horkesley Park and also the basis for the stated proportion of visitors who might only visit the borough to go to Horkesley Park. If that proportion was 50% and not 75% as predicted, the number of extra jobs created by local business would reduce from 180 to 106. Neither she nor the developers knew the correct figure but in any case any estimate was an assumption not based on fact. If the Committee were minded to grant consent on the basis of the economic case they would need to be comfortable with these assumptions.

Roger Drury, speaking as a local resident, declared his interest as a Little Horkesley parish councillor. Sustainability was a key government policy and he was concerned that this proposal was unsustainable, particularly in terms of the target to reduce greenhouse gases by 50% by 2025. The application was not just about the sustainability of the buildings within Horkesley Park, but also the use of the car which should also be taken into account when considering claims of sustainability. The latest estimate was that 400,000 people would arrive by car and he doubted that a family of four would travel to Colchester by car and then take a bus to Horkesley Park. He was

also concerned that the application had not addressed the noise generated by visitors which would roll down the hill causing disturbance to people and wildlife; a single car door closing could be heard right across the valley. He believed the proposal was totally inappropriate and unsustainable and hoped the Committee would reject the proposal.

Georgina Harding, local resident: She and twenty other local farmers object to Horkesley Park, not just because of the traffic obstructing their farming activities, but they had witnessed the greenhouses being taken out of production and replaced by a scheme to generate huge profits out of the countryside. She had heard a claim that the countryside was dead because there were no shops, but there were a number of thriving local farms some selling their own produce, and some would be threatened by the traffic. Small communities wished to grow sustainably proportionate to their size; economy was a crucial argument. It was vital that the three criteria of sustainability be applied:- environmental, economic and social. Few local people stood to benefit from this scheme. Growth had to mean growth for local people not just money in someone's pocket.

David Green, on behalf of the Council for the Protection of Rural Essex. He was concerned about the scheme being unsustainable and its harm to the tranquillity of the Stour Valley area. The wonderful views across the valley can be enjoyed from quiet country lanes. The AONB designation recognises the unspoilt rural character of this landscape, free from the intrusion of modern development and from the pressure of tourism. Notwithstanding the benefits in terms of jobs and tourism, the heritage centre was not compatible with council policies to safeguard landscape and quality enjoyment. A major tourist destination would have a negative impact. The enjoyment of footpaths would be marred. The CPRE supports development in the countryside which supports the rural community with enjoyment for all; this application fails on all counts.

Charles Aldous, QC, Chairman of the Colne-Stour Countryside Association. He referred to Policy DP21 conferred on the AONB which meant it should receive the highest protection and demands that any development which has an adverse impact on the AONB will not be permitted. This development will have an adverse impact. He also referred to Policy DP22 which states that development in an area near an AONB will only be permitted if it maintains a positive contribution and supports objection because of the AONB. The Council's core policies stress the need to protect the countryside - large scale developments should never be allowed in open countryside other than in exceptional circumstances. This scheme was a miscellaneous tourist organisation tacked onto an out of town retail scheme; the development can be achieved on sites elsewhere and does not have to be in the AONB. He believed the development of this site has been put forward because the applicants want to commercialise the land which they happen to own.

Fred Grosch, local resident. He had been involved with Suffolk Punch horses both on a farm and involved with showing. He was always pleased to see new people who wanted to maintain the old breed. However, it did injustice to those past and present involved with cart horses at their own expense to hear Buntings and Sons say that they are saviours of the Suffolk Punch and try to get people to sign a petition to that effect; it

cannot be justified. 75% of Suffolk Punches are born in East Anglia but of those only two were produced from the Horkesley Park stud.

The following speakers addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in support of the application.

Stephen Bunting, Senior partner of Bunting and Sons. He referred to Bunting and Son being Colchester's oldest business, operated by the same family since 1820 and having been in the borough for 200 years. The partners were the sixth generation and the children would be the seventh generation. They employed a large number of local people and have a variety of apprenticeships. This scheme had evolved over the last 10 years since tomato production had become unprofitable and ceased. He referred to the new building being only 2% of what was being demolished. He explained that they had engaged with the public by holding exhibitions and consultations to seek their views on the scheme which had been redefined. An environmental impact assessment had been undertaken by independent consultants and had confirmed that the proposal would be beneficial to visitors with no adverse effects. Everything submitted can be fully substantiated whereas objectors to the scheme can state whatever they like without a requirement for it to be substantiated.

Sula Rayska, Rayska Heritage, an independent heritage consultant. Consultants had undertaken impartial research and reports including an interpretation plan and a development plan. This plan looked at these proposals by comparing it with other local sites. Horkesley Park would provide information to visitors with an understanding of the past and present rural area with exhibitions centring on food production. The centre would have green approval and would have major benefits. Currently there was nowhere visitors could see an interesting interpretation of the area, nor could they stop and look at the views. They want more people to have access to and enjoy their heritage. This fulfils environmental matters and acts as a bridge between town and country. Horkesley Park approach is long term.

Andy Sykes, Sykes Leisure Projects. A need for such an attraction had been determined as Colchester was under performing and visitor expectations were increasing. Colchester's strengths were local food and drink, attractive countryside and rural heritage. He referred to need for the attraction in terms of the East of England Plan acknowledged a flagship approach would stimulate investment. He also referred to the visitor attraction product in terms of the centre being a resource which would attract visitors through activities, interpretation, cooking, retail events and conferences. The need to generate alternative income streams had led to the concept of a new attraction with a need to appeal to a broader audience. Horkesley Park provided a comprehensive approach designed to appeal to different markets and ages. It was important to note all the elements on offer which provided experience with market appeal and ensured all year round operation. Attendance potential had been assessed according to the standard industry methodology and a viability study had determined that the projected visitor numbers were realistic.

Robert Leng on behalf of the Essex Chambers of Commerce. The Chamber supported the application because it created employment and tourism and revived the local economy. He referred to this scheme providing additional jobs in a contracting

job market and an expanding population. There was a need to look at other growth areas, particularly leisure and tourism. The Council had already recognised the importance of tourism which brought £7.2 billion to Essex and this was an opportunity to enhance Colchester as a tourist destination. He believed that in addition to the 270 direct jobs many more would be created in the surrounding villages. The Essex Chambers of Commerce were happy that the centre would have sales and hospitality areas as did Colchester Zoo and Colchester Castle. He urged the Committee to grant permission.

Luke Regan, Transport Planner. He had worked with the three relevant highway authorities to overcome the major issues of traffic generation and traffic impacts. Significant amounts of assessment work, including the impact on environmentally sensitive lanes in and around the AONB, had been undertaken to determine that the proposals were entirely acceptable. Any objection on the grounds of traffic impact were deemed to have no basis. Environmental assessments including air quality, noise impact and assessment of areas associated with traffic concluded that there was no significant impact from the proposals. In order to ensure the proposals were sustainable the applicants had delivered a substantial package including improvements to public transport, cycle and pedestrian facilities for existing and surrounding communities. The package of transport measures had enabled them to conclude that the destination was accessible by cycle, car or on foot.

Neil Mattinson, LDA Design. He considered it reassuring that the Council's Landscape Officer had accepted the landscape impact would be limited in the long term. Once the new scheme had developed it would have a beneficial effect with the majority of the site remaining undeveloped. The over-arching principle was to develop a scheme based on conservation principles. The proposal was a mosaic of woodlands, copses and hedgerows to strengthen and harmonise with the Stour Valley slopes. Turning arable farmland into wildlife meadows and ponds would enhance and avoid impacts on the AONB. Discussions with landscape officers had resulted in the poplar trees being pollarded and, after additional tree planting had achieved height, the poplars would be removed. Updated ecological surveys had just been completed including those for protected species and he asked that a decision be delayed to allow Natural England to respond.

Emma Owen, Director of Oakleigh Event Management. She spoke about her work with Horkesley Park over the last four years. She referred to the Suffolk Punch horses having been seen by many thousands of people but that they were in serious danger of dying out in the future if nothing is done. There were 300,000 at the start of First World War and now there were only 490 worldwide; the Bunting family have sixteen horses and two mares in foal. They were high on the endangered species category along with the panda. This scheme would bring wider knowledge of the countryside and provide activities for children. They would be able to see horses working in context. In terms of conservation and protection the team was vital but in terms of employment from the local community the organisation has an apprenticeship scheme in place; the team know their stuff and this is an extension of what the team do to inspire education.

John Spooner, local resident. He believed that in the last seven years the Buntings had done more for the area than anybody else. He referred to the disappearance of most

of the village facilities and believed the Buntings should be praised and not criticised. He was of the opinion that a heritage farm was a dream come true. It was good to see fields with rare breed cattle, sheep and the Suffolk Punches working. On behalf of one of the oldest families in England the Bunting family have worked hard.

Todd Powers, local resident. He had joined the job sector alliance. He had applied for many jobs before getting one with Bunting and Sons. The apprenticeship he has at Buntings was at level 2 which was unusual. One of their apprentices was now training with boars and animals. In regard to country fairs, he believed they gave visitors a chance to learn about the countryside. He has to speak to visitors and this has improved his communications skills. He believed that if this scheme went ahead there would be more apprenticeships.

Michael Roberts, Michael Roberts Associates. He had worked with the applicants for 30 years. The applicant's family was at the cutting edge, at the heart of which was an alternative to pesticides for which the company won the Queen's Award for Export Achievement. He believed that the countryside that everybody values only exists when it is a thriving economy in its own right and that all businesses must evolve to survive. The Buntings understood sustainability, land management and animal husbandry, demonstrating that they had made a positive contribution for the area; every member of the next generation was committed to the business. They were world class. They have one hundred years membership of the Chambers of Commerce Essex. He asked the members of the Committee to consider what a rejection says to those who have contributed so much for so long.

Joseph Greenhow, Edward Gittins & Associates. He acknowledged the significant level of local concern and believed that that local opinion should be considered alongside the conclusions of statutory consultees, studies and local policy context. He referred to the most controversial elements as traffic, visual harm and ecological considerations. Technical studies confirmed that no harm would arise from the scheme and Natural England confirmed that the proposal may not be detrimental to the AONB. He confirmed the government expectation to support the growth agenda and this was a material planning consideration, it also provided advice to local authorities that they consider the benefits of proposals including increased consumer choice, more vital communities and robust economies. This scheme would deliver a major boost to local sectors and secure delivery of 270 local jobs through supply chain opportunities.

Edward Gittins, Edward Gittins & Associates. He commented that the officer's report referred to a whole host of policies but they had not been ranked in order of importance which was essential. He referred to a number of planning policies including EC6 Planning for economic development in rural areas, DP10 Tourism, Leisure and Culture, which enables large scale projects to be considered, DP22 Dedham Vale Area of Outstanding Natural Beauty, SD1 Sustainable Development Locations and ENV1 Environment. He believed the scheme was in close conformity with the policies to which he referred and was in accord with the Development Plan. He referred to the planning officer's statement that these were important policies to prove the scheme was a departure from the Local Plan. He considered the report to be confusing in many matters and that it was legally unsafe and did not follow the correct process. He also

considered the members of the Committee should be provided with a sound explanation of the planning policy underlying the recommendation. He requested that members be given sufficient time to allow the approach to be reviewed in order to avoid an error of process.

Kate Bunting, Bunting and Sons. She referred to the countryside being shaped by agriculture and land use. However, economic factors and land use had changed. She stated that this was an opportunity to reinvigorate the Stour Valley in a way which made sense economically and environmentally. She believed the scheme would provide a unique flagship attraction which was economically viable and appropriate for existing and future demand and would increase overnight stays; it would provide an exciting range of facilities and an extensive programme linked into schools syllabuses to aid the understanding of food production and resources; it would provide a safe traffic free environment alongside sustainable facilities and be accessible for all; it would be an asset to the community giving open access and providing hundreds of jobs. There were benefits across the board with no significant adverse effects. It would be environmentally sustainable helping the borough to become a greener place.

The Spatial Policy Manager referred to the Spatial Policy Team's comments in the report which comprised a summary of seventeen pages demonstrating consideration of the development plan as a whole. She also referred to other policies which Mr Gittins had not mentioned, including Policy SS2 of the Regional Spatial Strategy which states that most strategically significant growth will be directed to the regions major urban areas where strategic networks connect, public transport is best and there is greatest potential to build on existing activities. She confirmed that the report was fair and balanced. The recent submissions by the applicant stated that the scheme was not a scheme promoted in the Local Development Framework because the application was not submitted until 2009. Whereas in fact the proposal had been evolving since 2001 and despite claims that it was a regional scale facility it had not been promoted through the Regional Spatial Strategy.

She referred to the ministerial statement on Planning for Growth. In this case the Council considered the proposal would compromise key sustainable development principles as set out in various national statements. In addition the Government had removed targets on previously developed land but this did not affect a commitment to maintaining the AONB and other environmental destinations.

She further reminded members of the Committee that the Council had a full set of locally adopted Local Development Framework documents which would guide development across the whole Borough. The Horkesley Park development did not comply with the Local Development Framework or national policy. The Council had acted positively by setting out ambitious plans for growth. The ministerial statement continued by referring to the need to have regard to all relevant considerations, ensuring that appropriate weight was given to the need to support economic recovery and that applications that secure sustainable growth were considered favourably (consistent with PPS4: Planning for Sustainable Economic Growth) and that reasons are given. The Spatial Policy Manager stated that the Council's ambitious plans for economic growth were coming to fruition and there was no need to use unallocated land; she referred to new development at Stanway and the Knowledge Gateway at the

University of Essex. In addition the new A12 junction had opened up another area of economic development land adjacent to Cuckoo Farm. The historic town centre and cultural and economic heart of the town were intended to be enhanced through regeneration. The isolated location of Horkesley Park would not support the Council's focussed approach to employment growth in sustainably located central areas. Furthermore to allow an additional proposal would detract from achieving the Council's adopted objectives. In respect of the assertion that retail capacity would help the Borough, she believed that regeneration in the town centre could be compromised by a transfer to an unsustainable location out of town. There was only so much spare retail capacity and this should be directed to allocated sites. The Secretary of State would take the principles of his statement into account when determining applications which come before him.

The Planning Service Manager advised the Committee to think about the merits of the proposal. It was true that Essex County Council and Suffolk County Council and the Highways Agency had not raised objections in this case. Their response to consultation was in regard to highway capacity and highway safety but the Council also has to consider sustainability. He questioned whether this was the right place for a car dominated operation. He acknowledged that bus services would be laid on and transport supplied, but members of the Committee would need to consider whether this was a sustainable location in the terms in which they understood; at the edge of the AONB and with the great regard given to the impact on the AONB. The Landscape Officer was satisfied that in time the development would blend in, but the poplar trees were to be pollarded and this did not form part of the landscape assessment; members of the Committee would need to consider the implications of the visual impact of the development in the short to medium term.

The Committee were advised to look at the scheme and decide whether they considered the retail elements constituted enabling development, and whether the scheme was justified in terms of the applicants aim to save the Suffolk Punch as a breed. He referred to the current sixteen horses which the breeding facility would boost to twenty-one horses. He referred to the key element of tranquillity and what were the key components that made the AONB special; they could be the views and that the area was almost unpopulated. He asked the Committee to consider whether the scheme was acceptable in view of the impact of large numbers of visitors to the site. The Committee should also take into consideration the jobs that the applicant was offering to produce, the built form of the development and the effect of the proposed screening. The existing glasshouses were not attractive but they were acceptable in the countryside.

The Chairman of the Committee referred to a letter from the applicant dated 23 May 2011 asking that the application be deferred on the grounds that the report contained inaccuracies which must be corrected. He stated that the question of invertebrates had been covered in the statement that there was no issue or impact that could not be mitigated. The Planning Service Manager stated that the officer's report covers the issue of protected species and, if additional information was submitted that satisfied the council and Natural England. The council would not seek to defend that reason at an appeal. In terms of inaccuracies the council was satisfied that the process had been robust. Members of the Committee had received an enormous amount of

information from both sides including a full report.

Members of the Committee congratulated all the speakers for their very good presentations. They commented that they had received a great deal of information and considered the report to be very thorough. The application presented an extremely difficult balance.

Several members of the Committee considered that the scheme had potential benefits with a lot of boxes ticked. Mention was made of the potential for increasing employment and the development of the local/rural economy; the provision of apprenticeships and educational opportunities; increasing tourism; and benefits to ecology, conservation and biodiversity. Particular elements of the proposal mentioned were the Warren, the reserves centre and the Suffolk Punch breeding centre. One member referred to the initiative some years ago for farmers to diversify and find other uses for land and buildings but this did not appear to be mentioned in the report. He also made reference to the inward investment and at no cost to the public purse, the provision of new jobs and additional spending gained from visitors to Colchester.

However, members highlighted a number of concerns in respect of the impact on the AONB, the impact of traffic, economic factors, and the size of the main building.

Members were very concerned about the impact on the AONB by the predicted 485,000 visitors a year. The AONB was considered to be very special and particular mention was made of the views and the tranquillity of the area. They referred to the Committee site visit when they walked around much of the site and appreciated the views. They had also driven around the area and had seen the sloping fields from Little Horkesley which, if the proposal went ahead, would have many thousands of people walking about and generating noise. The Committee were aware that the AONB was an outstanding site, and that the Government was committed to protecting and enhancing historic, rural and urban areas. They were concerned that a national and international designation such as this should receive the highest level of protection. Not only was it necessary to demonstrate that there was a need for such a scheme, it was also necessary to demonstrate beyond doubt that the scheme would not harm the AONB. The Committee believed there would be damage to the tranquillity of the AONB and they were also concerned about the damage that would be done to the setting of the of the Grade 1 listed All Saints Church immediately adjacent to the site and which had been there for over 700 years.

The Committee did not believe this was a sustainable development next to an AONB in the countryside because the majority of people would arrive by car. They had noted that traffic issues appeared to be the concern expressed more than any other issue. Whilst there was a view that there were no problems with the ability of the A134 to carry traffic safely, there were concerns about the surrounding lanes which were very small and formed part of the character of the AONB. The Committee had concerns that a significant proportion of the 485,000 visitors would travel to other honey pots or they may want to explore the area around the country park using the lanes and this would constitute a traffic amenity problem for local residents. There were also related concerns about sustainability in terms of the environment if most of the journeys to the site were undertaken by car.

Members of the Committee did not believe that the case for economic benefits had been made. They were disappointed that a proposal such as this had not been accompanied by a business plan which was considered to be essential. There were also concerns about what might happen in the future if this proposal ceased to be viable, for example if the numbers of tourists did not reach the level predicted; the concern was that other activities or uses might follow. It was noted that the proposal had only been made sustainable by a very burdensome set of requirements from the Highway Authority whereas at another location it could be more sustainable. They referred to comments from the Spatial Policy Manager regarding this proposal detracting from identified regeneration sites.

The size of the main building was an issue of great concern for some members. They believed it would appear as a massive block in the open countryside and although landscape planting was planned, it would be seen from the south because of its height. In respect of the landscaping measures, it was mentioned that some of them would take some years before they would be effective. Other members had issues with the retail elements within the main building and with the 787 covers in the cafes and restaurants in various locations throughout the site.

Members had taken account of the Regional Spatial Strategy which they were required to do. It was believed that the scheme was not of regional significance and was out of proportion within the locality. They recognised that there were some benefits but these did not outweigh the considerable harm that would be the outcome; it would not protect and enhance the countryside. The Council had gone through the process of the Local Development Framework and it was clear from the report that much of this proposal did not comply with the policies. It was considered that it was a departure from the Development Plan. There had been serious objections from statutory bodies and there was a view that the potential benefits did not outweigh the possible damage. Members believed the scale and nature of the application was such that it would permanently change the character of the countryside and having seen the site and heard everything during the week it was considered it would be better if it did not go ahead.

One member remarked that he generally found the report to be very negative and too big and bulky. He believed the policies were a little out of date and needed reviewing. He considered it had been split up into very small parts and to his mind the planning officer had started with a view that it was going to be turned down, he considered it was not a balanced report.

The Planning Service Manager responded to these latter comments. He assured members that over the last two years the planning service had sought to find all benefits and disadvantages, giving the applicant the opportunity to provide further information and clarify issues, and that the report had not been written with the conclusion already in mind. It was a major scheme and can offer much to the borough. The planning service had spent time to ensure that everything was covered and that nothing had escaped their attention.

The Spatial Policy Manager clarified that the local policies, in particular that the Development Policies Development Plan Document and Site Allocations Development

Plan Document had only recently been adopted following the examination in 2010. At that time the Inspector had found the documents appropriate to the circumstances that exist in Colchester. Policy DP8 looked at agricultural diversification and states that development would be supported if it formed part of an otherwise comprehensive scheme, existing buildings were re-used where possible and development was secondary to the main agricultural use of the farm. In this case the development was not a secondary use of the farm and therefore would not comply with the meaning of diversification. Colchester's policies reflected national policy in PPS4 (Sustainable Economic Growth), Policy EC6 sets out the criteria for consideration of proposals, and there are positives and negatives within the policy itself. The first paragraph stated that the countryside should be protected for its intrinsic character and beauty, diversity of landscape etc. and Local Planning Authorities should ensure it may be enjoyed by all. She explained that the process of reviewing policies would start in 2012, and that the Local Development Scheme sets out expected review timescales but did not state that documents would be reviewed every three years.

The Chairman stated that he had chaired a number of meetings with hundreds of people in the hall and he had never known such a courteous audience. He thanked everyone present for being such a considerate audience. He reiterated the proposal for refusal as set out in the report which had been seconded.

RESOLVED (ELEVEN voted FOR, ONE voted AGAINST) that the application be refused for the reasons set out in the report.

PLANNING COMMITTEE 30 JUNE 2011

Present :- Councillor Ray Gamble* (Chairman)
Councillors Peter Chillingworth*, Stephen Ford,
Peter Higgins*, Theresa Higgins*, Sonia Lewis*,
Jackie Maclean, Jon Manning, Philip Oxford and
Laura Sykes*

Substitute Members :- Councillor Will Quince
for Councillor Christopher Arnold*
Councillor Marcus Harrington for Councillor John Elliott*

Also in Attendance :- Councillor Nick Barlow
Councillor Bill Frame
Councillor Paul Smith

(* Committee members who attended the formal site visit.
Minute no. 23, Councillor Quince was not present for this
site visit.)

18. Minutes

The minutes of the meeting held on 16 June 2011 were confirmed as a correct record.

Councillor Marcus Harrington (in respect of a member of his close family being a resident of Welshwood Park) declared a personal interest in the following item pursuant to the provisions of Meetings General Procedure Rule 7(3)

19. 110981 Corner of Parsons Heath and Welshwood Park, Colchester

The Committee considered an application to determine whether prior approval was required for the installation of a new street works pole of 12.5 metres to the top with three antenna located with the GRP shroud at the top of the pole, along with one ground level streetworks cabinet measuring 1.89 metres x 0.79 metres x 1.65 metres in the location indicated on plan nos. 100, 200a, 300a and 400a. The Committee had before it a report in which all information was set out, see also Amendment Sheet.

Simon Osborn, Planning Officer, attended to assist the Committee in its deliberations. He referred to the application having been considered on 17 March 2011 and that, as the Committee had requested, the company had re-sited the equipment cabinet at the edge of the grass verge close to the boundary with no. 2 Welshwood Park Road. He confirmed that the application included an ICNIRP Certificate which took into account the cumulative effect of all base stations.

John Peartree addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in opposition to the application. As at the meeting on 17

March, he referred to his medical condition having been diagnosed in 2003 and his consequent avoidance of radiation. His condition had not worsened since that time. Recently, he had understood from a Mr Stephenson at Vodaphone that the company were not progressing this site but would be reconfiguring the Parsons Heath site instead. To his great dismay, he had since learned of this application and when he attempted to contact Mr Stephenson he discovered that he had left the company. He had contacted Vodaphone and whilst they did not deny he had been given an assurance, they did not give him the reassurance he sought. Since the March meeting the World Health Organisation had moved mobile phone emissions up the danger list and they were now classified as possible carcinogens. He understood the only matters on which a mobile phone station could be refused – siting, design and human rights. He urged the council to refuse the application on the grounds of siting, because it was close to an Area of Special Character. The equipment was for 3G traffic and he did not think he should suffer in order that visiting trades people could check their emails.

Councillor Smith attended and, with the consent of the Chairman, addressed the Committee. He referred to Mr Peartree's condition affecting only 1 in 100,000 of the population. He believed this was a very exceptional circumstance and it was unfortunate that his property was the most affected by the mast. PPG8 Telecommunications was concerned with general matters not matters specific to the individual. He asked the Committee to look at this situation very carefully and following the change in personnel the company had not acted in the best manner. This was a serious situation for one individual and it would have a significant impact on his health and the fear is a serious concern on his human rights. He also urged the Committee to take up the interests of this individual in this rare set of circumstances where commonsense should prevail.

Members of the Committee were very sympathetic towards Mr Peartree's circumstances which put them in a difficult position. It appeared that Mr Peartree did not have a written medical statement from a practitioner to say there was a danger of his health deteriorating because of the mast. If the Council refused the application the applicant would undoubtedly appeal which would be successful, if the Council did not respond within the 56 days permission would be deemed to be granted. There did not appear to be enough time to ask the company to consider other sites. Challenging the mast on health grounds would be difficult given that a Declaration of Conformity with the ICNIRP requirements had been submitted. They considered that they could not refuse this application on the grounds of siting, of being out of character with the area, nor on health grounds.

The planning officer explained that the company had looked at a number of alternative sites but none were available that would provide the coverage they required. Several members of the Committee wanted the planning officers to ask the company to reconsider the site. However, the Council was required to determine the application on its own merits and it could not delay the decision to assist the phone company to find an alternative site. The mast would have the trees as a backdrop and there would not be a great deal of street clutter. The situation regarding health issues was clear and appeal inspectors would follow the guidance. The World Health Organisation report related to the use of handsets not masts and base stations.

RESOLVED (SIX voted FOR, FIVE voted AGAINST and TWO ABSTAINED from voting, the Chairman having exercised his casting vote FOR) that prior approval be granted in full accordance with the application and specification dated 19 May 2011 submitted, which includes the Arboricultural Implications Assessment dated 10 January 2011.

20. 101541 and 101543 Lower Park, Colchester Road, Dedham, CO7 6HG

These applications were withdrawn by the Head of Environmental and Protective Services following comments from English Heritage that planning permission should not be granted for the application as submitted, pending further consideration on the siting and design of the proposal.

21. 102598 Land rear of 53, 53A and 55 Lexden Road, Colchester, CO3 3PZ

This application was withdrawn by the Head of Environmental and Protective Services so that all the relevant planning history can be reported to the Committee to enable it to make a properly informed decision.

22. 110818 and 110820 33-35 Manor Road and 1A Rawstorn Road, Colchester

The Committee considered an application for Conservation Area Consent, 110818, a resubmission of 102618, and a planning application, 110820, a resubmission of 102601, for the proposed demolition of disused office accommodation at 33-35 Manor Road and the construction of a new residential development consisting of four one-bedroom flats and one two-bedroom flat and associated car parking and private amenity area, and the conversion and extension of the existing residential office development at 1A Rawstorn Road to form one three-bedroom house and two two-bedroom flats and associated car parking and private amenity space. The Committee had before it a report in which all information was set out, see also Amendment Sheet.

The Committee made a site visit in order to assess the impact of the proposal upon the locality and the suitability of the proposal for the site.

David Whybrow, Principal Planning Officer, attended to assist the Committee in its deliberations.

Mr Potter addressed the Committee on behalf of St Mary's Residents Association pursuant to the provisions of Planning Committee Procedure Rule 8 in opposition to the application. He would have welcomed a sympathetic development within the mostly Victorian terrace housing in the area, but he considered the proposal to be overdevelopment within the Conservation Area. He also considered parking to be a problem. He referred to the gain of five or six parking spaces last year within the residents parking scheme but this development would make the situation worse than

before with a potential demand for another seventeen parking spaces. He believed the Rawstorn Road development would have no amenity space, and parking had been sacrificed for bedrooms. All thirteen new residents could all have cars which were likely to park in the street, as were visitors and second car owners in the family. He acknowledged that the current building in Manor Road had outlived its useful life but considered that the new development would dominate the road because it filled the entire site. Also construction may cause obstruction to business premises and some of the shops in Crouch Street. There were only five parking spaces in the undercroft which, for twelve residents, would cause problems.

Joseph Greenhow, Edward Gittins & Associates, addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in support of the application. From Rawstorn Road the existing building jars with the character of the surrounding buildings. From Manor Road the vacant building was less intrusive but was dated and uninspiring. This development represented an opportunity to secure a marked improvement and increase the housing stock. Residential uses were in keeping with surrounding use. A dozen local objections were noted. However, the scale of the new building generally follows the height, mass and bulk of the existing building. In Manor Road, the penthouse was recessed back by six metres. The development would normally require 12 car parking spaces plus 2 visitor spaces, but it had been possible to relax the standards because the development was in close proximity to services. The nine spaces represented a net gain. In respect of daylight and amenity, a small number of residents were concerned about the patio area and overlooking. However this area had been removed so there would be no material harm caused. This development represented a unique opportunity to remove a sub-standard development and it fits in with properties in the Conservation Area.

Councillor Frame attended and, with the consent of the Chairman, addressed the Committee. The developer had replicated the design in Manor Road which was incongruous in that area. The parking provision was deficient. From Rawstorn Road the development did not raise too many issues and the overlooking window could be resolved. He was concerned about the Manor Road frontage and its mass and incompatibility with the street scene. He understood that flats were appropriate in this area but he would have preferred a development more sympathetic to the two storey Victorian houses in the area. The Design and Heritage team were ambivalent about whether or not this was a good scheme, but he did not believe this was a correct interpretation with the way St Mary's should be developed in the future. The amenity provision reaching minimum standards was just about sufficient, but it could have been improved. The development from Manor Road was not a suitable way of developing that plot. He wanted the Committee to try for a better scheme.

Members of the Committee raised some minor issues in respect of there not being sufficient cycle parking spaces, one space per dwelling and one visitor space was preferred, and there was insufficient amenity space for drying washing. One member considered that the development was one flat too many and there was also a concern that some elements of the development were not tolerable and that it could create a chronic parking problem. However, most members of the Committee were reasonably content with the scheme and it was recognised that there had been an attempt to improve the visual appearance. From Manor Road the development reflected a similar

terrace and it was considered that it did not have any ill effect on the Conservation Area. The penthouse was set back and would probably not be visible from Manor Road. There was one window in Rawstorn Road that required a condition to ensure that the lower part of the window should be obscured glazed to prevent overlooking but as it served a bedroom the upper pane should be clear glazed. The development was considered to be satisfactory for town living. It was considered that visitors should not be permitted to apply for a residents parking permit, but it was explained that it would be possible to add this as an informative only. There was a request that the development should include clearing up the footpath from Rawstorn Road, but it was explained that this would not be possible because the footpath was outside the red line area of the site, although it was hoped that this development would be a catalyst for improvement in the area.

The planning officer explained that in respect of the parking provision, this was an area where reduced levels of parking were acceptable because of the proximity to all amenities in the town, and the character of the area was a discouragement for people to own cars. The development team had been involved in negotiations on this scheme and had considered that the pastiche style was appropriate. The amenity space provision was not far short of the required 200 square metres which included the balconies, each of which was nearly five square metres. It was agreed that more cycle racks would be a useful addition to ensure residents kept their car use to a minimum. Other amendments mentioned were in respect of obscure glazing provided in the lower pane of the first floor window of the development on Rawstorn Road and it was suggested that to achieve a sustainability accreditation, the development should be required to achieve Code Level 3.

RESOLVED (MAJORITY voted FOR) that –

(a) In respect of application 110820 for planning permission:

(i) Consideration of the application be deferred for confirmation from the agent that the second floor roof terrace facing Manor Road would be omitted and for a Unilateral Undertaking to be signed to provide for contributions towards Open Space, Sport and Recreational Facilities, and Community Facilities in accordance with the Council's Supplementary Planning Documents.

(ii) Upon receipt of confirmation from the agent as indicated above, and a satisfactory signed Unilateral Undertaking, the Head of Environmental and Protective Services be authorised to grant consent with conditions and informatives as set out in the report and on the Amendment Sheet, together with the following additional conditions:-

- additional cycle racks provided;
- the north facing bedroom window in the Rawstorn Road property to be non-openable and the lower pane to be obscure glazed;
- the development to comply with Code Level 3 of the Sustainable Design and Construction SPD.

and an additional informative requesting residents not to apply for residents parking

permits.

(b) In respect of Conservation Area application 110818, Conservation Area consent be granted with conditions and informatives as set out in the report, see also Amendment Sheet.

23. 101901 Powerplus Engineering Limited, School Farm Buildings, School Road, Langham, CO4 5PA

The Committee considered an application for the provision of thirteen car parking spaces including two disabled spaces and associated hedgerow. 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 proposal upon the locality and the suitability of the proposal for the site.

David Whybrow, Principal Planning Officer, attended to assist the Committee in its deliberations.

Tony Ellis, Chairman of Planning Committee of the Langham Parish Council, addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in opposition to the application. He referred to the Core Strategy and two Appeal Inspectors which show a clear rationale why this proposal should not be supported. The Inspector said that it should not be extended into the countryside and this view was also supported by the Council's Spatial Policy Team and residents of Langham. He made reference to a survey of the 150 properties in this area, which had established that one third of residents objected to a plan to expand the site. There were already two employment zones and three other business centres in the village and the parish council was trying to protect the village from further incursions into the countryside. He referred to Powerplus Engineering not employing local residents whilst the Borough Council wanted to reduce car travel. He considered that while this application may seem modest both Powerplus Engineering and another company which shared the site, had fenced off large areas for expansion without planning permission; neither had there been any enforcement action. He did not understand how two Government Inspectors and the Spatial Policy Team were being ignored and he hoped this was an opportunity to correct matters.

Ted Gittins, Edward Gittins and Associates, addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in support of the application. He referred to a car parking survey being produced professionally which demonstrated a shortfall of twenty-two parking spaces on this site. The figure was not challenged by any objectors or Spatial Policy. A travel plan had been produced which showed a marginal opportunity to reduce the need for car parking with a target of only 3 car sharing over the next 5 years. A crucial policy issue was DPD9 Employment Uses in the Countryside. Contrary to the previous speaker, the Local Development Framework Development Policy Inspector said that, whilst rejecting a larger site, minor proposals such as this could reasonably be accepted against DPD9 to make provision for car parking to enable firms to expand. This was a Local Employment Zone (LEZ) allocated

in the plan and sits reasonably in these circumstances having regard to the wording of DPD9 to resolve some of the undisputed problems on site. The Committee was requested to help local businesses.

Members of the Committee considered this to be an on balance decision. The Spatial Policy team had submitted a strong objection to this proposal because it may set a precedent. There was also some sympathy with the parish council's view of the situation. On the other hand there was a need for an established company to provide more parking. Parking in School Road was a problem which had to be addressed. The principle of extending this LEZ should be resisted wherever possible, and only allowed in exceptional circumstances. A possible compromise might be to give a temporary consent personal to the applicant for 5 years. It would provide the company with an opportunity to determine if this was the right site in the long term or whether they should consider relocating to a larger site. There was a view that the Committee should be mindful of the current economic climate and support the application with a review of the situation in five years. Some members preferred a 'green' surface treatment to the area.

The planning officer reminded the Committee of the cost of surfacing, removal of the existing fencing together with suitable planting around the reduced area. If members were looking for a temporary permission, it would be necessary to go back to the applicant and if they were agreeable with the temporary period, it would be possible for permission to be granted on a delegated approval. On the other hand if the applicant was not willing to accede to the request, the matter could come back to Committee. If the parish council were concerned about creeping development beyond the boundary of the site they should notify the borough council about unauthorised storage on the site.

RESOLVED (MAJORITY voted FOR) that –

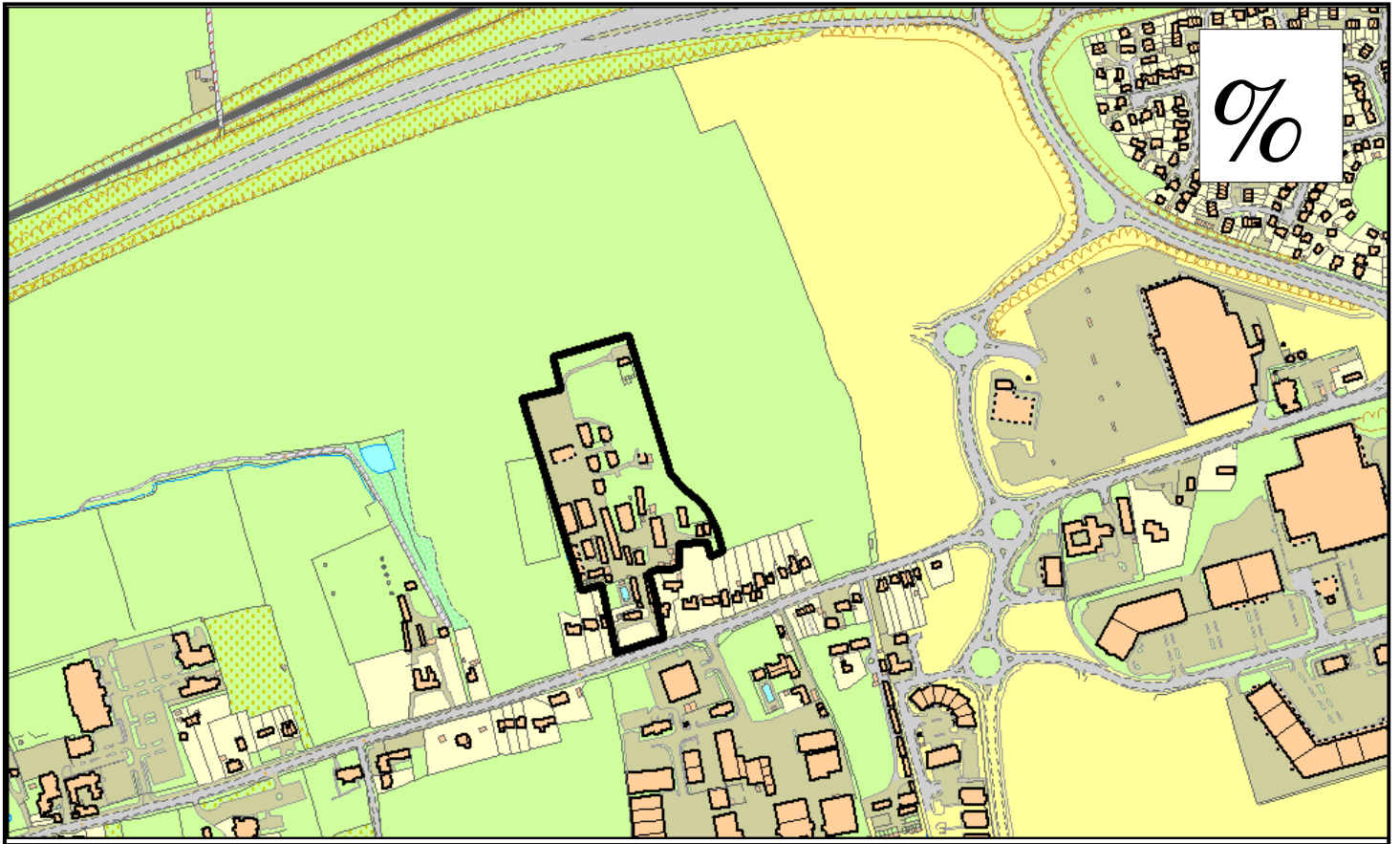
- (a) Consideration of the application be deferred for negotiations with the agent on the basis of a personal permission for a temporary period of five years.
- (b) Subject to the agent's agreement to a personal permission for a temporary period of five years, the Head of Environmental and Protective Services be authorised to grant consent with any conditions and informatives considered appropriate including Condition 10, 'green' surface treatment to be provided, as set out in the report.
- (c) If the agent did not agree, the application to come back to Committee.

24. 110666 Mill House, Mill Road, Marks Tey, CO6 1EA

The Committee considered an application for the provision of a residential annex to an existing dwelling by conversion of an existing garage. The application is a resubmission of 110404. The Committee had before it a report in which all information was set out, see also Amendment Sheet.

RESOLVED (UNANIMOUSLY) that the application be approved with conditions and

informatives as set out in the report.



Application No: 110736

Location: Wyvern Farm, 274 London Road, Stanway, Colchester, CO3 8PB

Scale (approx): 1:1250

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Committee Report

Agenda item

7

To the meeting of **Planning Committee**
on: **14 July 2011**
Report of: **Head of Environmental and Protective Services**
Title: **Planning Applications**

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

7.1 Case Officer: Mark Russell

Due Date: 28/07/2011

MAJOR

Site: Wyvern Farm, 274 London Road, Stanway, Colchester, CO3 8PB

Application No: 110736

Date Received: 28 April 2011

Agent: The Johnson Dennehy Planning Partnership

Applicant: Mr J.I.S Mason

Development: Retrospective application to regularise unauthorised uses in respect of Units 17, 18, 25 and 29 for light industrial (B1c) storage use (B8), retention of existing portacabins for office use (B1a) together with storage of hardcore and occasional crushing.

Ward: Copford & West Stanway

Summary of Recommendation: Conditional Approval

1.0 Introduction

1.1 This application is referred to the Planning Committee because of a call in by Councillor McLean who is concerned about the hours of concrete crushing.

1.2 This application was deferred by Members at the Committee of 16th June 2011 in order to acquire the following information:

- **Details of the method of screening and dust control that Environmental Control would apply.**
- **The tonnage involved.**
- **Number of vehicle movements each day.**
- **The noise generated by the crushing operation in decibels.**
- **Measures of storage and crushing area.**

Your Officer was asked to negotiate with the applicant to see if an alternative location on the site was possible (further away from residential properties).

1.3 In response to these requests, the following information has been provided:

- **As regards the dust control this is dealt with by a water suppression system fitted to the mobile crusher.**
- **The tonnage of material that would be crushed over a period of 12 days in four 3 day periods would be approximately 850 tonnes per day (working capacity of machine) giving a total of 10,200 tonnes per year.**
- **The number of vehicle movements per day would average 4 vehicles out – 4 vehicles in (i.e. total of 8 movements).**
- **In terms of the noise generation, your Environmental Control Officer has replied as follows: ‘On Monday 20 June at around 12:00 I visited Wyvern Farm to subjectively assess the noise from the operation of a concrete crushing unit. On entering the site I drove around to the right and got out of my car to listen from the rear boundary of the first residential property adjoining the site (by the area marked as silos on the map). The crusher was in operation approximately 130 metres away. It was a dry sunny day with little wind. The noise from the crusher was clearly audible at the boundary of the garden, but not excessively loud. I would compare it to the drone from the engine of a light aircraft flying overhead on a hot still day. Audibility was much reduced from inside my car with a window partially open. The noise levels inside the nearest residential properties were not assessed on this occasion, but I would assume they would be reduced owing to the increased separation between source and receiver and the attenuation afforded by the building fabric. Potential for nuisance in the residential gardens during fine weather is dependent upon hours of operation and duration.’**
- **The area currently used for storage and crushing measures approximately 40m x 30m and is marked out on the submitted plans. Whilst it appears that the activity may have strayed from this area, the additional waste material stored to the rear is soil rather than hardcore and is apparently outside of the site.**

- 1.4 Regarding the request for the activities to be relocated, given the limited noise issue any gain would appear to be marginal. Currently the activity is 150 – 200 metres away from residential properties. It could be located approximately 75 metres further back. The effect of this would not be universally positive; dwellings such as 250 – 254 London Road, for example, would be opened up to any noise which currently is muffled by intervening farm buildings. The applicant has been asked, however, to consider moving the activities to the extreme rear.
- 1.5 In response to this, the applicant has stated: ‘Further to your earlier Email regarding the possible relocation of the crushing/storage area further towards the A12 we would suggest a condition could be suitably worded for the precise location of the new crushing/storage area to be agreed on site between the operator and representatives of both Planning and Environmental Control and thereafter maintained for the duration of the consent.’
- 1.6 Thus, the option is open to Members to delegate authority to officers to relocate the site should they wish to. As mentioned above, it is not felt that this would be of enormous benefit, but Members may decide to add this condition if they feel it to be appropriate.
- 1.7 In conclusion to the above, as a result of our Environmental Control Officer’s findings, it is proposed that the permitted hours of use be slightly modified to 09:00 – 17:00 (two hours less).
- 1.8 In addition to the above, condition 2 now ties the life of the crushing permission to that of the vehicle operating centre (2013). An extra condition now requires the applicants to give five days notice prior to crushing. Both of these amendments were requested by Members. For information, Environmental Control is already advised when the crushing machine is moved on to the site.
- 1.9 Other than the above points, the remainder of the report reads as previously.
- 2.0 **Synopsis**
- 2.1 The following report details the proposal for retrospective Planning permission for light industrial and storage use at four former farm buildings, the retention of portakabins for office use and the storage and occasional crushing of hardcore. Objections, relating mainly to noise from the crushing activities, are described as are consultation responses involving Environmental Control and the Highway Authority. These lead to the Local Planning Authority’s conclusion that the proposal is acceptable with conditions – limiting hours of work and in particular limiting the crushing to 12 days a year (Monday to Friday only) and between 8am and 6pm.

3.0 Site Description and Context

3.1 Wyvern Farm is an agricultural holding with a large farmhouse and an extensive range of former agricultural buildings. This is located on the main east-west distributor London Road. The holding is approximately 48.5 hectares, some of which is still in agricultural use. The part of the site relevant to the application is no longer involved with agricultural activities, and comprises a range of buildings in various states of disrepair. To the north is farmland, to either side are residential dwellings. The buildings also wrap around to the rear of some of these properties.

4.0 Description of the Proposal

4.1 The proposal seeks to regularise a clutch of existing, unauthorised uses, namely:

- Units 17 and 18: Storage use;
- Unit 25: Storage of, and occasional repair of, tractors;
- Unit 29 (the rear section of): Light industrial use by a joinery company;
- Office use in three portakabins;
- Storage of earth and hardcore, and the occasional crushing of the same.

5.0 Land Use Allocation

5.1 Predominantly Residential

6.0 Relevant Planning History

85/1131	Heavy lorry service area, parking, overnight accommodation, restaurant and ancillary facilities.	REFUSED	09-06-1986
93/0639	Outline planning application to develop a comprehensive facility for the lorry/commercial driver, HGV operator and emergency services following the incidental reduction of ground level by 6 metres	REFUSED	17-02-1994
93/0639/1	Outline planning application to develop a comprehensive facility for the lorry/commercial driver, HGV operator and emergency services following the incidental reduction of ground level by 6 metres	NON-DETERMINATION/NO DECISION	17-02-1994
93/0639/2	Outline planning application to develop a comprehensive facility for the lorry/commercial driver, HGV operator and emergency services following the incidental reduction of ground level by 6 metres	NON-DETERMINATION/NO DECISION	17-02-1994

97/1154	Resubmission of COL/97/0216 for retrospective change of use of land and buildings for the dismantling of motor cars, storage and retailing of car parts to trade customers including alteration to existing access to highway	REFUSED		06-11-1997
C/COL/03/0539	Change of use and development of land and buildings from agriculture to rural business site (limitation of use to office use within Class B1 (a)).	APPROVED CONDITIONS	WITH	02/07/2008
101256		APPROVED CONDITIONS	WITH	20-08-2010

7.0 Principal Policies

- 7.1 The following national policies are relevant to this application:
 Planning Policy Statement 1: Delivering Sustainable Development
 Planning Policy Statement 7: Sustainable Development in Rural Areas
 Planning Policy Guidance 24: Planning and Noise
- 7.2 In addition to the above national policies, the following policies from the adopted Colchester Borough Core Strategy (December 2008) are relevant:
 SD1 - Sustainable Development Locations
 CE1 - Centres and Employment Classification and Hierarchy
 CE3 - Employment Zones
 UR2 - Built Design and Character
 TA4 - Roads and Traffic
 ENV2 - Rural Communities
- 7.3 In addition, the following are relevant adopted Colchester Borough Development Policies (October 2010):
 DP1 Design and Amenity
 DP5 Appropriate Employment Uses and Protection of Employment Land and Existing Businesses
 DP8 Agricultural Development and Diversification
 DP9 Employment Uses in the Countryside

8.0 Consultations

- 8.1 The Highway Authority did not object, but asked for measures to control mud and debris and sought assurances that sufficient car parking was provided.
- 8.2 Environmental Control has visited the site with particular concerns about the crushing. It has not objected but has asked for strict limitations on the timings and amount of occasions that the crusher is in operation. A full response is awaited.
- 8.3 Environmental Policy had not responded at the time of writing.

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

9.0 Parish Council Response

9.1 At the time of writing, Stanway Parish Council's comments were awaited.

10.0 Representations

10.1 Four letters of objection have been received from nearby residents, the full text of these is available on the Council's website, but the salient points are as follow:

- Concern about the crushing activity, and the fact that few details of this have been supplied;
- There could be a serious increase in the movements of heavily loaded vehicles importing materials;
- No details regarding the screening of operations to minimise noise and dust pollution to protect the amenity of local residents;

11.0 Parking Provision

11.1 This is not a key consideration for the application, but the submitted documents show that the site has 50 parking spaces with no proposed change. Parking has not been raised as an issue.

12.0 Open Space Provisions

12.1 Not applicable

13.0 Report

Background

13.1 Wyvern Farm has previously been granted Planning permission under C/COL/03/0539 for a business park for B1 (office) use amounting to 5,200m². This permission will run out on 2nd July 2011. The site (excluding the farmland to the west) is zoned in the Site Allocations document (2010) as "predominantly residential."

13.2 The site, therefore, is not likely to remain in its present form beyond the near future. Any permissions, therefore, will be granted on a temporary basis.

Impact on the Surrounding Area

13.3 The chief visual impact is the portakabin arrangement which is partially visible from some public aspects, and also from some of the neighbouring gardens. The height, of two modules stacked upon each other is not, however, held to be visually damaging.

Impacts on Neighbouring Properties

13.4 The physical form of the portakabins is not an issue. The apparent intensification, however, is. Several residents have cited noise issues, and in one case a recent increase in noise has been mentioned.

- 13.5 Your Environmental Control Officers visited the site on 1st June this year and discussed the proposal with the applicants. It is apparent that the proposed level of usage is quite low in terms of the crushing. The applicant has agreed, in writing, to limit the incidence of crushing to four times per year for three days for each episode. Further, this shall take place solely within the hours of 8am to 6pm on Mondays to Fridays.
- 13.6 In terms of the general noise climate at Wyvern Farm, complaints were received by your Environmental Control team on 28th February and 1st March, apparently relating to the same matter. There had been scraping and banging noises at 07.30am on a Sunday, with a large digging machine moving material around. Apparently the noise related to the urgent removal of cables from a roof. The cables had become tangled following the fall of a wooden pole from a barn roof.
- 13.7 Whilst there has been at least one previous complaints about noise (18th May 2010), this issue does not appear to have been a serious ongoing matter.
- 13.8 Our Environmental Control Manager has stated that a limited amount of crushing would be acceptable, especially as this is covered by Environmental Control legislation, and the company using the crusher is duty bound to inform the Environmental Control team about methods of screening, dust control and so on.
- 13.9 In terms of vehicle movements, when the retrospective application for a vehicle operating centre and office was submitted last year (101256) by the Mason group of companies, they had advised that there were 5 or 6 lorry movements per day. This incorporated all activities. The movements relating to the bringing in of concrete/rubble are not extra to this. The proposal does not, therefore, represent an intensification of existing vehicular activity.

Highway Matters

- 13.10 The Highway Authority has not raised any concerns, other than requesting measures to control the deposit of mud on to the Highway. This does not appear to have been an issue, but nevertheless a condition requesting more information from the applicants has been appended to this report.

14.0 Conclusion

- 14.1 In conclusion, given what should be the temporary nature of the units on this site, and also given that Environmental Control feels that the uses would not be unacceptable, temporary permission is recommended.

15.0 Recommendation - APPROVE subject to the following conditions (new or reworded conditions are shown in bold)

Conditions

1 – Non-Standard Condition

The permission hereby granted is for the continued use of units 17, 18, 25 and the rear section of 29, as identified in the submitted application documents, for the purposes of light industrial and storage use, for the retention of portakabins for B1(a) use and the storage of hardcore and occasional crushing.

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

2 – Non-Standard Condition

The permission hereby granted shall expire on 28th July 2014, at which point the above activities shall cease, with the exception of the storage and crushing of hardcore which shall cease on 20th August 2013.

Reason: For avoidance of doubt as to the scope of this permission as Colchester Borough Council would wish to control the use of this land and building long-term.

3 - Non-Standard Condition

With the exception of the concrete crushing, the hours of use are restricted to 06:00 – 18:00 (Monday to Friday), 07:00 – 13:00 (Saturday) and at no time on Sundays or Public/Bank Holidays.

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

4 - Non-Standard Condition

The crushing shall take place no more than 4 times per year for 3 days for each episode. This shall take place solely within the hours of 9am to 5pm on Mondays to Fridays, and at no time during weekends or Bank/Public holidays.

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

5 - Non-Standard Condition

The development hereby approved shall comply fully with the submitted OS Plan dated 23rd May 2011, and drawing 120 dated April 2011 unless otherwise agreed in writing by the Council and storage and crushing shall be restricted to the specific areas shown on the drawing.

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

6 - Non-Standard Condition

Within 28 days of this permission, the applicant shall provide details of measures to ensure no mud/debris is deposited on the public highway by any vehicle associated with the proposal. Such details shall be agreed in writing by the Local Planning Authority and shall be implemented at all times thereafter.

Reason: To ensure that no mud/debris is deposited on the public highway in the interests of Highway safety.

7 – Non Standard Condition

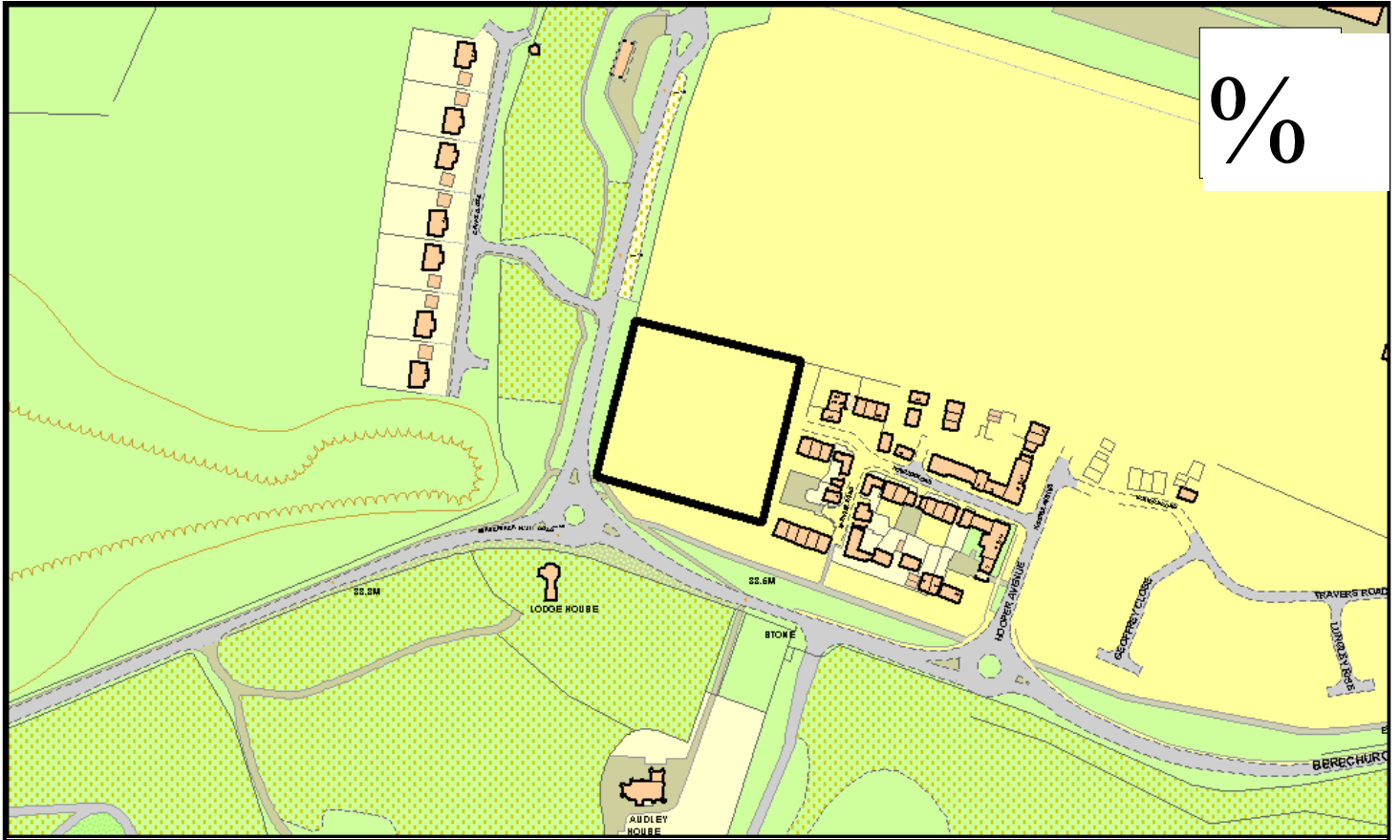
The applicant shall give the Local Planning Authority, Parish Councils, Ward Councillors and residents 5 working days notice prior to all crushing operations.

Reason: In the interests of residential amenity and so that the Council can monitor activities.

Informatives

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

(2) All works affecting the highway should be carried out by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority and application for the necessary works should be made by initially telephoning 01206 838600.



Application No: 091563

Location: Area S2, Colchester Garrison Urban Village, Berechurch Hall Road, Colchester

Scale (approx): 1:1250

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7.2 Case Officer: Alistair Day

MAJOR

Site: Area S2, Colchester Garrison Urban Village, Berechurch Hall Road, Colchester

Application No: 091563

Date Received: 7 December 2009

Agent: Bdg Design (South) Ltd

Applicant: Taylor Wimpey

Development: Erection of 21no.residential dwellings.

Ward: Berechurch

Summary of Recommendation: Conditional Approval subject to completion of legal agreement

1.0 Introduction

1.1 This application is referred to the Planning Committee because Members are required to endorse the proposed S106 legal agreement.

2.0 Synopsis

2.1 The application is for the erection of 21 residential units on land formerly identified for employment purposes as a part of the Garrison Urban Village Development. Taylor Wimpey has advised the Council that the viability of redeveloping Area S2(South) is in the balance and for this reason wish to build housing on land identified for employment with the resultant increase in land value being used to cross-subsidise the 'main' Garrison development. The application provides a 'reduced' S106 package, and, subject to Members' endorsement, will include a pilot scheme for the delivery of 5 affordable houses.

3.0 Site Description and Context

3.1 The application site is a square shaped parcel of land of 0.7624 hectares and forms part of Area S2(South) of the Garrison Urban Village Development. The site [known as Area S2(SW)] is bounded by Berechurch Hall Road to the south and by Roman Way to the west. To the east of the site is a residential development (currently under construction) known as The Quarters. The land to the north of the site is identified in the Garrison master plan for residential / employment development but is not currently developed.

4.0 Description of the Proposal

- 4.1 The application seeks planning permission for the erection of 21 residential units (1 x bed flat; 1 x 2-bedhouse, 13 x 3-bedhouse and 6 x 4 bed houses) with associated access, parking and landscaping. A S106 agreement is also proposed in relation to affordable housing.

5.0 Land Use Allocation

- 5.1 Garrison Regeneration Area – including residential development and up to 5000sqm of B1 floor space, off Berechurch Hall Road

6.0 Relevant Planning History

- 6.1 O/COL/01/0009 - A new 'Urban Village' comprising residential development (up to approx 2600 dwellings) mixed uses including retail, leisure and employment, public open space, community facilities, landscaping, new highways, transport improvements and associated and ancillary development in accordance with and subject to the provisions of the master plan drawing reference 98.018/42d – Approved 30 June 2003
- 6.2 072928 - Reserved Matters application for residential development of 146no. dwellings. Resubmission of 072312. – Approved 27 February 2008
- 6.3 091604 - Formal request for Environmental Impact Assessment screening opinion

7.0 Principal Policies

- 7.1 The following national policies are relevant to this application:
Planning Policy Statement 1: Delivering Sustainable Development
Planning Policy Statement 3: Housing
Planning Policy Statement 4: Planning for Sustainable Economic Growth
Planning Policy Statement 5: Planning for the Historic Environment
Planning Policy Guidance 13: Transport
Planning Policy Guidance 17: Planning for Open Space, Sport and Recreation
Planning Policy Statement 22: Renewable Energy
Planning Policy Statement 23: Planning and Pollution Control
Planning Policy Guidance 24: Planning and Noise
Planning Policy Statement 25: Development and Flood Risk
- 7.2 In addition to the above national policies, the following policies from the adopted Colchester Borough Core Strategy (December 2008) are relevant:
SD1 - Sustainable Development Locations
SD2 - Delivering Facilities and Infrastructure
CE1 – Centres and Employment Classification and Hierarchy
H1 - Housing Delivery
H2 - Housing Density
H3 - Housing Diversity
H4 - Affordable Housing
UR1 - Regeneration Areas
UR2 - Built Design and Character
PR1 - Open Space

PR2 - People-friendly Streets
TA1 - Accessibility and Changing Travel Behaviour
TA2 - Walking and Cycling
TA3 - Public Transport
TA4 - Roads and Traffic
TA5 - Parking
ENV1 - Environment
ER1 - Energy, Resources, Waste, Water and Recycling

7.3 The following are relevant adopted Colchester Borough Development Policies (October 2010):

DP1 Design and Amenity
DP3 Planning Obligations and the Community Infrastructure Levy
DP4 Community Facilities
DP12 Dwelling Standards
DP16 Private Amenity Space and Open Space Provision for New Residential Development
DP17 Accessibility and Access
DP19 Parking Standards
DP20 Flood Risk and Management of Surface Water Drainage
DP25 Renewable Energy

7.4 In addition, the following are relevant adopted Colchester Borough Site Allocations (October 2010):

SA GAR1 – Development in the Garrison Area

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

Community Facilities
Vehicle Parking Standards
Sustainable Construction
Open Space, Sport and Recreation
The Essex Design Guide
External Materials in New Developments
Affordable Housing

8.0 Consultations

8.1 Spatial Policy

The Spatial Policy Team has confirmed that they do not have an objection to this application. They note that the land is allocated for employment purposes, but was always intended for the relocation of ABRO which will no longer take place. Given this, the proposed residential use seems appropriate. The Spatial Policy Team also note that the additional revenue generated by this scheme will allow the overall Garrison development to continue and given the exceptional circumstances surrounding this application it is accepted that 35% affordable housing should not be sought as it might delay/jeopardise the affordable housing provision on the adjacent development site [Area S2(South)].

8.2 Housing

The Housing Team initially raised a number of issues for consideration in respect of the proposed affordable housing pilot scheme. These can be summarized as follows:

- The figures used in the financial modelling by HCA (Home and Communities Agency) to illustrate the affordability of the shared equity proposal exclude other real, additional housing costs which, if included, would make the proposal less affordable. The HCA uses an illustration where a 67% share of a 2 bed home valued at £154,000 (ordinary market value) is purchased. This would require a family income of approximately £29,000 p.a. to service a mortgage of £103,500 (discounted price) on a fixed 4% interest only basis over 25 years; costs of £347 per calendar month are indicated. These costs do not however include a financial vehicle needed to pay off the capital sum at the end of the 25 year period or the cost of life or buildings insurance cover; these additional factors would raise the cost per calendar year to about £522.
- The Housing Team raise the question as to whether it would be possible to obtain an interest only mortgage, fixed at a 4% interest rate for 25 years. If the average mortgage rate is a more realistic 6% this would add a further £2,052 to the total annual housing costs, increasing them to £8,316 p.a. which would then be £2,076 above the estimated annual affordable rent.
- The Council's Strategic Housing Market Assessment (SHMA) shows a median average annual household income as being £23,874 p.a. Mortgage income requirements for both the 2 bedroom and 3 bedroom homes exceed this level. The CLG guidance relating to the maximum expenditure level of household income to be spent on housing costs is 25%. Accordingly, 25% of the annual average median family income (£5,968) represents what should be regarded as the maximum level of household expenditure that should be spent on housing. The median annual average family income for Colchester would provide a maximum borrowing capacity of £83,559 if using an income multiplier of x 3.5 whatever the property type or size being purchased. This raises the question of whether these units are genuinely affordable.
- Assuming the success of any pilot scheme it seems reasonable to assume that the HCA and property developers will want to see use of this tenure form extended to their own schemes and to count as affordable housing in relation to s106 contributions. Amongst the schemes likely to feature it will be likely that CBC will be asked to consider this tenure for significant numbers of the affordable housing units to be provided on the Severalls Hospital site (approx 375 units) and the remaining (approx' 400) affordable units to be delivered at the Garrison. It should be noted that in accepting this tenure format on a large scale there will be very little diminution in the total number of applicants on the council's waiting list who mostly need affordable rented tenure products. Also, there are unlikely to be large numbers of applicants in housing need, who will want to enter into home ownership at the real cost levels shown, and who can meet the requirements for securing a mortgage. This would raise the question of what to do with unsold units? To insist on a 'reversion' clause in any agreement that will require tenure reversion to affordable rent in the case of

unsold units will probably work on smaller numbers of units but on a larger scale this could have a significant adverse impact on the scheme finances.

Following further discussions, the Housing Team has confirmed that they do not wish to raise an objection to the proposed pilot scheme, as a one off scheme and provided that this is accepted without prejudice to Council's normal stated planning policy or negotiations on other sites.

8.3 Estates Team

The Estates Team have stated that the submitted financial appraisal work indicates that even at Existing Use Value for the site, the project is unviable at 7.65%. The Estate Team comment that the submission uses build cost rates that are higher than others received by the Council in the second half of last year and the reason for this has not been adequately demonstrated. Notwithstanding this comment, the Estate Team note that the current proposal relates to a pilot project for the provision of affordable housing and state that it is considered appropriate to accept the submitted financial appraisal work.

8.4 Development Team

The Development Team noted that this application relates to a small site on the Garrison that was originally allocated for employment use (specifically for ABRO) for which the developer is now seeking consent for residential use. The Development Team noted that this is a pilot scheme in terms of the mechanism for delivering affordable housing and that the provision of affordable housing will be the only planning obligation secured as a part of this proposal. Other contributions that are elemental to the redevelopment of this site will be provided in accordance with that set out in the main Garrison legal agreement.

The Development Team raised no objection to the S106 package being offered by the developer in respect of this planning application.

8.5 Design and Heritage Unit

The Council's Urban Design Officer considers the layout to be satisfactory and made some minor design comments; revised drawing that address the concerns expressed should be submitted prior to the application being considered by the Planning Committee.

8.6 Landscape Officer

The Council's Landscape Planning Officer has confirmed that he is satisfied with the landscape content of the proposal and does not wish to raise an objection to this application subject to attachment of appropriate conditions.

8.7 Environmental Control

The submitted contamination report concludes that there are no unacceptable risks from contamination. A remediation Method Statement and a subsequent validation and certification of the remedial works will be required. It is also suggested that a condition is attached to cover the possibility of the discovery of previously unidentified contamination.

8.8 Highway Authority

The Highway Authority has confirmed that they do not wish to raise an objection to this application subject to the attachment of appropriate conditions.

8.9 Anglian Water

No objection subject to appropriate conditions and informative

8.10 Environment Agency

The Environment Agency made the following comments;

We understand that drainage from the adoptable areas has been designed to accommodate the 1 in 100 year storm and this is acceptable. It is however noted that no confirmation has been provided from the Highway Authority that they will accept flows up to the 1 in 100 year storm and the maintenance.

We note that the soakaways will be maintained by a proposed management company. A management plan or the soakaways should be provided which can be passed to the management company so that it is clear how they should manage the soakaways to ensure that they offer maximum efficiency for the lifetime of the development.

Officer Comment: The Highway Authority have confirmed that they have agreed to the drainage strategy for the S2 site and will be accepting the infrastructure to support 1:100 year storm intensity, which includes the swales and a 'balancing pond' to be maintained by CBC as open space.

8.11 Natural England

Based on the information provided, Natural England has no objection to the proposed development in respect of legally protected breeding birds provided the mitigation as outlined in the report is incorporated into a suitably worded condition.

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

9.0 Representations

9.1 None received at the time of writing this report.

10.0 Parking Provision??

10.1 Parking matters are considered in detail at paragraphs 12.19-22.

11.0 Open space provision????

11.1 Amenity and Open Space Provision are considered in detail at paragraphs 12.23-28.

12.0 Report

Principle of the development

- 12.1 Core Strategy Policy SD1 and Policy UR1 state that the Council will promote sustainable development and high quality design, focusing on the town centre, the regeneration areas and key gateways to Colchester. The application site is located within the Garrison Regeneration area and therefore conforms to this policy. Policy SA GAR1 of the Site Allocations DPD identifies the western sector of Area S2 for employment uses (up to 5000sqm) and reflects the historic proposal for ABRO (now DSG) to be relocated from their current location off Flagstaff Road, to this site.
- 12.2 The Garrison Urban Village Development was granted outline planning permission in 2003. The Master Layout Plan (as required by condition 1 of the outline planning permission) was approved in July 2004 and sets out the broad strategic position in terms of major linkages and distribution of land uses on the Garrison development. A Design Code and Landscape Design Brief (as required by conditions 3 and 4 of the outline planning permission) have been approved for Area S1 and Areas S2 (North and South). These documents are intended to inform and guide development in terms of the principles and details that are to be incorporated into scheme to ensure that there is a consistency in terms of the character and quality of the environment created.
- 12.3 The west sector of Area S2 is identified in the approved Master Layout Plan as a site to include employment use. The approved Design Code for Area S2 identifies the area as providing a minimum of 270 dwellings with an element of employment fronting the access road to the new Garrison. The Design Code states that the employment use could be serviced incubator units and will be a minimum of 50% of the hatched area.
- 12.4 As noted above, in the early stages of master planning the redevelopment of the Garrison site, it was 'proposed' to relocate ABRO from their existing site in Flagstaff Road to Berechurch Hall Road. This site was chosen principally due to its location adjacent to one of the access points into the new Garrison. While the relocation of ABRO was 'master planned' as a part of the redevelopment of the Garrison, they were never formally part of this development proposal and they have since made it known that they do not wish to relocate to the Berechurch Hall Road site. Other employment uses have been considered for this site; however the Council has been advised that the site's location does not lend itself to general commercial development.
- 12.5 Planning permission has been granted for 309 units on Area S2 (excluding the land identified for employment) and this is composed of 146 units on Area S2(South) and 163 units on Area S2(North). The Garrison legal agreement requires 49 affordable houses on Area S2(South) and 46 affordable units on Area S2(North);

- 12.6 Area S2(South) is currently under construction and the affordable housing is being provided by Chelmer Housing Partnership with a grant of £1.1m from the HCA. Notwithstanding the award of grant, Taylor Wimpey have stated that the redevelopment of Area S2(South) - and the Garrison development in general - is not economically viable. As a consequence of this, it is proposed by Taylor Wimpey to generate additional revenue to support the continued implementation of Area S2(South) by redeveloping the land identified for employment uses, for housing.
- 12.7 The Spatial Policy Team have confirmed that given that this site was intended for the relocation of ABRO, and that this will no longer take place, the proposal to use this land for residential development seems appropriate. Moreover, the Spatial Policy Team also note that the additional revenue generated by the proposed scheme will allow the overall Garrison development to continue to proceed, and in particular the provision of affordable housing on Area S2(South), which is a key priority for the Council.

Design and Layout

- 12.8 Core Strategy Policy UR2 seeks to promote and secure high quality design. Encouragement is given to creative design and innovative sustainable construction methods. The Policy states that developments that are discordant with their context and fail to enhance the character and quality of the area will not be supported. Core Strategy Policy ENV1 also requires development proposals to be appropriate in terms of their 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 their detailed design and respecting and enhancing their surroundings.
- 12.9 The application has been submitted for a total of 21 dwellings comprising 1 x 2 bed flat; 1 x 2-bedhouse, 13 x 3-bedhouse and 6 x 4 bed houses. The approved Design Code for Area S states that a family of building types will be used and that the development will typically be between 2 and 3 storeys in height, although Area S2 will include fewer taller buildings. The Design Code also requires new residential development to adopt traditional domestic forms and materials. The general design and layout of the proposed development reflects the pattern of development established (or approved but not implemented) to the east of the application site.

Sustainability

- 12.10 Core Strategy policy ER1 and Development Plan Policy DP25 seeks to promote sustainable construction techniques in tandem with high quality design and materials to reduce energy demand, waste and the use of natural resources. The Council's Supplementary Guidance Document "Sustainable Construction" (adopted 2011) provides further guidance on sustainability matters, requiring housing development to achieve a minimum of Code Level 3. The development plan policies and SPD were adopted by this Council during the currency of this application.

- 12.11 The current application provides limited information in respect of sustainable construction techniques; this is in part due to the fact that Development Plan Policy and the Council's guidance note on Sustainable Development were adopted during the course of the consideration of this application. Notwithstanding this, this application has to be determined in accordance with current adopted planning policy, as such, the Development Plan Policy DP25 and the Council's Sustainable SPD are applicable to this application.
- 12.12 In order to comply with the aforementioned policies, it is proposed to attach a condition to the grant of any planning permission requiring the development to be constructed to a minimum of Code Level 3. (Members may wish to note that Taylor Wimpey have accepted a similar condition on planning approvals that relate to other parts of the Garrison development and predate the adoption of the Development Plan Policies and SPD).

Impact on Neighbouring Properties

- 12.13 Development Plan Policy DP1 requires all new development to be designed to a high standard and 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 between buildings, acceptable levels of daylight and acceptable levels of privacy for rear facing habitable rooms and sitting out areas.
- 12.14 The principle issue arising from the layout submitted is the potential impact that the proposed development would have on the recently constructed residential development that is immediate to the east of this site. The current application has been designed as a continuation of the existing development and the proposed properties are sited / oriented to avoid having an adverse impact on existing dwellings.

Highway and Accessibility Issues

- 12.15 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 PR1 aims to provide a network of public open spaces that meet local community needs within walking distances of people's homes and work.
- 12.16 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 as well as protection for the public rights of way network.
- 12.17 Access to the site is provided via the estate from Area S2(South); there will be no vehicular access to the site from either Berechurch Hall Road or Roman Way. The submitted drawings show a highway link to the north of the site.

12.18 The current application has been designed to integrate with existing pedestrian and cycle routes that have been proposed / secured as a part of the Garrison development and, as such, the current proposal is considered to conform to Core Strategy Policies TA1, TA2 and PR2. As a part of the main Garrison development, highway and public transport improvements have previously been secured, along with travel packs for new residential occupiers.

Parking

12.19 Development Plan Policy DP19 refers to the adoption and application of parking standards in a Supplementary Planning Document adopted in November 2009. This policy notes that the level of parking provision required will depend on location, type and intensity of use. For residential uses, the guidance states that two parking spaces should be provided for each dwelling of 2 or more bedrooms, in addition to 0.25 spaces per dwelling for visitors.

12.20 The proposed dwellings have 2 private parking spaces each (which accords with the adopted standards) and five visitor parking spaces ($21 \times 0.25 = 5.25$ spaces).

12.21 The adopted parking standards state that the preferred bay size for cars is 5.5m x 2.9m, although in exceptional circumstance (as determined by the Local Planning Authority) a minimum bay size of 5.0m x 2.5m can be accepted. With regard to garage parking the minimum size required by the Parking Standards is 7.0m x 3.0m (internal dimensions). This dimension is considered large enough for the average sized family car and cycles as well as some storage space.

12.22 The parking arrangements proposed as a part of this development scheme generally conform to the described standards. The notable exception to this is the garaging with the two beds flat over (plot 417) where the internal dimensions of the garage measure 2.6m by 5.4m. While it is accepted that the dimensions of the three garages within this unit do not comply with the adopted standards, each of the houses that are allocated a parking space within this building are also allocated a second parking space that complies with the adopted standards and will be provided with a shed for the safe storage of cycles etc. In view of this, and given the context of the site, it is considered appropriate to accept a reduced garage in this instance. It should also be noted that neither the Council's Urban Design Officer nor the Highway Authority have raised an objection in respect of the size of these three garages.

Private Amenity Space and Open Space Provision

12.23 Development Plan Policy DP16 states that all new residential development shall provide private amenity space to a high standard and that is appropriate to its context. This policy requires the following standards to be applied to new development: 50 square metres for 1 or 2 bedroom properties; 60 square metres for 3-bedroom properties; and 100 square metres for 4 bedroom houses.

12.24 The proposed dwellings are provided with a private garden which are compatible with the size of the gardens in the adjacent development site. The proposed 2 bedroom flat (over the garaging) is not provided with private amenity space, which is typical of this unit type.

- 12.25 In addition to private amenity, policy DP16 states that all new residential developments will be expected to provide new public areas of accessible open space.
- 12.26 The approved Master Layout Plan requires the provision of a landscape buffer (approximately 30m wide) between the new development and Berechurch Hall Road, which forms an integral part of the Green Links and landscape structure that was agreed as a part of the overall Garrison development.
- 12.27 The current application provides for the continuation of the landscape treatment to Berechurch Hall Road and the same principles have been extended to the west boundary of the site (adjacent to Roman Way), although the landscape buffer is slightly narrower at 20m. Both these landscape areas act to screen, soften and blend the residential built form into the wider surrounding landscape structure. The open space provision has been planned in conjunction with the western sector of Area S2(North) and will constitute 10% of the overall site area. It is proposed that half of the required open space (5%) is included in the landscape buffer fronting Roman Way with the remaining area of open space to be added to the open space provision that will be provided as a part of the redevelopment of Area S2(NW).
- 12.28 The proposed private amenity and public open space provision is considered compatible with the guidance set out in Development Plan Policy DP16.

S106 Matter

- 12.29 Adopted planning policies and supplementary guidance documents set the framework for the provision of planning obligations associated with development proposals. Policy SD2 requires new development to provide necessary community facilities, open space, transport infrastructure and other requirements to meet the community needs. Policy H4 of the Core Strategy states that the Council seek to secure 35% of new dwellings to be provided as affordable housing. Adopted supplementary planning guidance / documents also seek to secure contributions in respect of open space and community facilities.
- 12.30 As noted above, Taylor Wimpey have advised the Council that the viability of redeveloping AreaS2 (South) is in the balance and for this reason wish to build housing on the land identified for employment with the resultant increase in land value being used to cross-subsidise the 'main' Garrison development.
- 12.31 The application as originally submitted for the redevelopment of Area S2(SW) proposed two affordable units (for rent) with other contributions (highways, education and open space) being provided as per that allocated in the main Garrison legal agreement. A financial appraisal was submitted in support of this proposal, which along with additional information requested, was accepted by the Council's Estate Officer in January 2011.
- 12.32 In December 2010, the HCA approached the Council with a request to consider a pilot project for the delivery of a shared equity affordable housing scheme; this application was selected because the HCA were aware that Taylor Wimpey had raised issues regarding the viability of delivering affordable housing on the Garrison site.

- 12.33 Following the approach from HCA, a meeting with the relevant Council staff (including one of the Executive Directors), HCA and Taylor Wimpey was held and it was agreed (subject to member approval) that this scheme would be appropriate as a pilot project to trial the proposed mechanism for delivering affordable housing.
- 12.34 Under the proposed pilot scheme, the developer (Taylor Wimpey) is responsible for constructing the proposed affordable housing and these are to be sold at a discounted rate to persons on the housing register nominated by the Council. The remaining equity in the property (the discounted rate minus the open market value of the house) is transferred to the Council along with the freehold of the land (the properties are sold on a long lease basis). Should the owner of property decide to move (sell), the Council has first nomination rights (i.e. to another person on the housing register) and the Council's equity stake in the property rolls-on. If nobody on the register expresses an interest in purchasing the property, the house can be sold on the open market and the Council receives its equity stake in the property. It is suggested that any capital receipt received under this scheme is ring-fenced for future affordable housing schemes. This is to be the first time that this mechanism for delivering affordable housing has been tried in the country and, if successful, the HCA intends to promote the scheme nationally.
- 12.35 Taylor Wimpey has agreed to assist the Council with the marketing of the proposal and with advice on the mortgage availability. In addition, in order to ensure that that all parties have full commitment to this proposal, it is recommended that the affordable housing is made available prior to the 15 open market dwelling being completed; the shared equity share is defined (67% purchased under a long lease with rent to pay on the outstanding equity of 33%); the timeframe for nomination for the affordable housing is defined and if for any reason the affordable housing dwellings are not sold to Council nominees within an agreed time period (it is suggested six months) the developer is able to dispose of the unsold affordable housing to a Housing Association as social rent without recourse to any other public funding or grant.
- 12.36 Under the current application Taylor Wimpey are providing 5 affordable units (which equates to about 23% of the overall development) together with the financial contribution identified in the main Garrison legal agreement that are relevant to this site. (These include highway improvement works, contributions towards public transport, travel plans, open space and commuted maintenance sums; there will however be no additional contribution to education over and above that agreed for 2558 dwellings approved under the outline planning permission). It is recommended that this application is linked to the main Garrison agreement to ensure that the previously agreed contributions are provided in conjunction with the implementation of this proposal.
- 12.37 The current application does not provide a S106 package that would normally be sought in respect of a development of this size and scale. Government advice set out in Circular 05/2005 states that in some instances it may not be feasible for the proposed development to meet all the requirements set out in planning policies and still be economically viable. In such cases, and where the development is needed to meet the aims of the development, it is for the local authority to decide what is to be the balance of contributions made by the developer. In a written Ministerial Statement – "Planning for Growth" dated 23 March 2011, the Minister of State for Decentralisation (Mr Greg Clark) advised local planning authorities that they should make every effort

to identify and meet the housing, business and other development needs if their area and respond positively to wider opportunities for growth, taking full account of relevant economic signals such as land prices. The statement goes on to advise that in determining planning application, local authorities are obliged to have regard to all relevant considerations and ensure that they give appropriate weight to the need to support economic recovery.

12.38 A financial appraisal for the proposed shared equity scheme comprising five affordable units has been assessed by the Council's Estate Officer and he has confirmed that he is broadly in agreement with its conclusions regarding the viability of this proposal. Given the context of this particular development proposal the Spatial Policy Team has accepted a reduced provision of affordable housing as a part of this application. The comments made by the Housing Team in respect of affordability are noted and while it is accepted that the proposal may not address the Council's identified priority need, the proposed affordable houses will nevertheless address a housing need within the Borough. Moreover, notwithstanding the points raised for consideration by the Housing Team, it should be noted that they are content to proceed with the implementation with the proposed pilot project. The Council's Development Team has also endorsed the current application and the proposal for reduced S106 contributions.

13.0 Conclusion

13.1 The design and layout of the submitted application is considered appropriate to the local context and for the reasons described above it is recommended that Members endorse the proposed pilot project and forego the S106 contributions that would normally be associated with a development of this scale.

14.0 Background Papers

14.1 PPS; Core Strategy; CBDP; Colchester Borough Site Allocations; SPG; PP; HO; Estates; Development Team; DHU; TL; HH; HA; NR; AW; NE

15.0 Recommendation

It is recommended that on completion of the legal agreement, the Head of Environmental and Protective Services be authorised to grant planning permission subject to the following conditions:

Conditions

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

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

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

2 - Non-Standard Condition

The development hereby permitted shall be implemented in all respects strictly in accordance with the approved plans returned stamped approved with this decision.

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

3 - Non-Standard Condition

Notwithstanding the details submitted, a schedule of all types and colours of external materials to be used on each individual dwelling shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. The development shall be carried out in accordance with the approved schedule.

Reason: The application has insufficient detail for approval to be given to the external materials; and to ensure that the development has a satisfactory appearance in order to protect and enhance the visual amenity of the area.

4 - Non-Standard Condition

The walls of the building hereby approved, where they are to be rendered, shall have a smooth finish the colour of which shall be agreed in writing by the Local Planning Authority prior to the commencement of works.

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

5 - Non-Standard Condition

All external boarding to the development hereby approved shall be featheredged weatherboarding with a painted finish, the colour of which shall be previously agreed in writing with the Local Planning Authority.

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

6 - Non-Standard Condition

Additional drawings of all architectural details including door cases, windows (including depth of recess), cills, arches, eaves, verges, barge boards, string courses, plinths, copings, chimney stacks, cupolas (roof features), recessed or projecting brick work, projecting features, dormers, porches and railings to be used, at a scale between 1:20 and 1:1 as appropriate shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. The development shall be implemented in accordance with the approved additional drawings.

Reason: Insufficient detail has been submitted to ensure that the character and appearance of the area is not compromised by poor quality architectural detailing.

7 - Non-Standard Condition

All external joinery shall be coloured white and where glazing bars are to be used they shall be affixed to the external face of the glass unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the proposed development has a visually satisfactory appearance appropriate to the architectural character of the buildings.

8 - Non-Standard Condition

All new rainwater goods shall be coloured black, unless otherwise agreed in writing by the Local Planning Authority.

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

9 - C11.11 Landscape Design Proposals

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

Existing and proposed finished contours and levels.

Means of enclosure.

Car parking layout.

Other vehicle and pedestrian access and circulation areas.

Hard surfacing materials.

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

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

Retained historic landscape features and proposals for restoration.

Soft landscape details shall include:

Planting plans.

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

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

Planting area protection or decompaction proposals.

Implementation timetables.

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

10 - C11.12 Landscape Works Implementation

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

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

11 - C11.17 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.

12 - Non-Standard Condition

Unless otherwise agreed in writing by the Local Planning Authority no residential development shall commence until:

(a) evidence that the development is registered with an accreditation body under the Code for Sustainable Homes and a Design Stage/Interim Report showing that the development will achieve Code level 3 for all residential units have been submitted to the Local Planning Authority; and

(b) a Design Stage/Interim Code for Sustainable Homes Certificate demonstrating that the development will achieve Code level 3 for all residential units has been submitted to, and approved in writing by, the Local Planning Authority.

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

13 - Non-Standard Condition

Unless otherwise agreed in writing by the Local Planning Authority, none of the residential units hereby approved shall be occupied until a Final/Post Construction Code Certificate issued by an accreditation body confirming that each residential unit built has achieved a Code for Sustainable Homes rating of Code level 3 has been submitted to, and approved in writing by, the Local Planning Authority.

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

14 - Non-Standard Condition

Prior to the commencement of development full details of the proposed garages and car ports indicated layout plan shall be submitted and approved in writing by the Local Planning Authority. The garages and car ports shall be provided in accordance with the agreed details prior to the occupation of the units.

Reason: Insufficient detail has been submitted to ensure that the character and appearance of the area is not compromised by poor quality architectural detailing.

15 - Non-Standard Condition

The units allocated garage spaces that forms part of plot 417 space be allocated one parking that conforms to the adopted parking standard and be provided with securing cycle parking and storage facilities, the detail of which shall be agreed in writing prior to the commencement of works. The agreed cycle and storage facilities shall be provided prior to the occupation of the respective properties.

Reason: To ensure that the properties are provided with an appropriate level of parking (both vehicular and cycle) and in the interest of securing a satisfactory standard of development.

16 - Non-Standard Condition

In the event that contamination is found that was not previously identified it shall be reported immediately to the Local Planning Authority and works must cease. An investigation and risk assessment must be undertaken, and where remediation is necessary a Remediation Strategy shall be submitted and agreed in writing with the Local Planning Authority. The agreed scheme shall be completed before work recommences unless otherwise agreed in writing by the Local Planning Authority. Following completion of measures identified in the approved Remediation Strategy a validation report and certificate shall be submitted and agreed with the Local Planning Authority.

Reason: To ensure that the health and safety of future users of the site is not prejudiced and to protect the health and safety of local residents.

17 - Non-Standard Condition

Prior to the occupation of the dwellings hereby permitted foul and surface water drainage works shall be carried out in accordance with a scheme which shall have previously been submitted to and approved in writing by the local planning authority.

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

18 - Non-Standard Condition

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

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

19 - Non-Standard Condition

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order with or without modification), no extensions shall be constructed (other than any expressly authorised by this permission or any other grant of express planning permission) on any part of the site without the prior written permission of the local planning authority.

Reason: In the interests of residential amenity and to secure the privacy of adjoining occupiers.

20 - Non-Standard Condition

No new window or other openings shall be inserted above ground floor level in the elevations or roof slopes of the proposed buildings without the prior approval in writing of the Local Planning Authority.

Reason: In the interests of residential amenity and to secure the privacy of adjoining occupiers.

21 - Non-Standard Condition

Any garage hereby permitted shall be retained as such at all times and shall at no time be physically altered in a manner which would prevent its use as a car parking space.

Reason: To ensure adequate parking and garage space is provided within the site in accordance with the adopted standards of the local planning authority.

22 - Non-Standard Condition

Notwithstanding the details submitted, all boundary enclosures that front a public or semi-public area (including parking courtyards) shall be formed in brick unless otherwise agreed in writing by the Local Planning Authority.

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

23 - Non-Standard Condition

All boundary walls to be erected on this site shall be finished with a brick on edge coping and terminated at each end by either a pier or return. Where changes in the height of walls occur, the higher wall shall be raked smoothly downwards to the level of the lower wall.

Reason: To ensure that these walls, which will be prominent features within this housing area, have a satisfactory appearance, in the interest of visual amenity.

24 - Non-Standard Condition

A 1.5 metre x 1.5 metre pedestrian visibility sight splay, free of obstruction above a height of 600mm, and relative to the back of the footway / overhang margin, shall be provided on both sides of all vehicular accesses prior to their operational use and thereafter retained.

Reason: To provide adequate visibility for drivers and to ensure the safety of pedestrians and vehicles.

25 - Non-Standard Condition

The first six metres of any private access way as measured from the proposed highway boundary, shall be treated with a bound surface dressing as approved in writing by the Local Planning Authority prior to the development to which it relates being brought into use and thereafter retained in that form.

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

26 - Non-Standard Condition

The footpath link between the foot/cycleway located to the south of the proposal site (along the northern side of Berechurch Hall Road) and the end of the proposed road which will serve plot number 29, shall be a minimum 3m wide foot/cycleway.

Reason: In the interest of highway safety and to secure a satisfactory standard of development.

27 - Non-Standard Condition

The footpath link between the foot/cycleway located to the south of the proposal site (along the northern side of Berechurch Hall Road), plot 401 and plot 411, shall be a minimum 3 metre wide foot/cycleway.

Reason: In the interest of highway safety and to secure a satisfactory standard of development.

28 - Non-Standard Condition

No occupation of the development shall take place until such time as Travel Packs have been provided to the satisfaction of the Highway Authority.

Reason: In the interest reducing car dependency and to ensure a consistent approach between the redevelopment of this part of the Garrison site and that permitted under O/COL/01/0009.

29 - Non-Standard Condition

The resident units hereby permitted shall not be occupied until the car parking spaces and turning areas shown on the approved plans have been laid out in accordance with the agreed details. The car parking and associated turning areas shall thereafter be retained for these purposes only.

Reason: In the interest of highway safety and to secure a satisfactory form of development.

30 - Non-Standard Condition

No development shall take place, including any works of 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. The Statement shall provide for:

- i. the parking of vehicles of site operatives and visitors
- ii. loading and unloading of plant and materials
- iii. access arrangements to the site by construction traffic
- iv. storage of plant and materials used in constructing the development
- v. the erection and maintenance of security hoarding
- vi. wheel washing facilities
- vii. measures to control the emission of dust and dirt during construction and the transit of materials to / from the site
- viii. a scheme for recycling/disposing of waste resulting from demolition and construction works.

Reason: In order to protect local amenity and ensure a consistent approach between the redevelopment of this part of the Garrison site and that permitted under O/COL/01/0009.

31 - Non-Standard Condition

No burning of refuse, waste materials or vegetation shall be undertaken on the application site in connection with the site clearance or construction of the development.

Reason: In order to protect local amenity and ensure a consistent approach between the redevelopment of this part of the Garrison site and that permitted under O/COL/01/0009.

32 - Non-Standard Condition

Any lighting of the development shall be located, designed and directed or screened so that it does not cause avoidable intrusion to adjacent residential properties/ constitute a traffic hazard/cause unnecessary light pollution outside the site boundary. "Avoidable intrusion" means contrary to the Guidance Notes for the Reduction of Light Pollution issued by the Institute of Lighting Engineers published 2000.

Reason: In order to protect local amenity and ensure a consistent approach between the redevelopment of this part of the Garrison site and that permitted under O/COL/01/0009.

33 - Non-Standard Condition

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

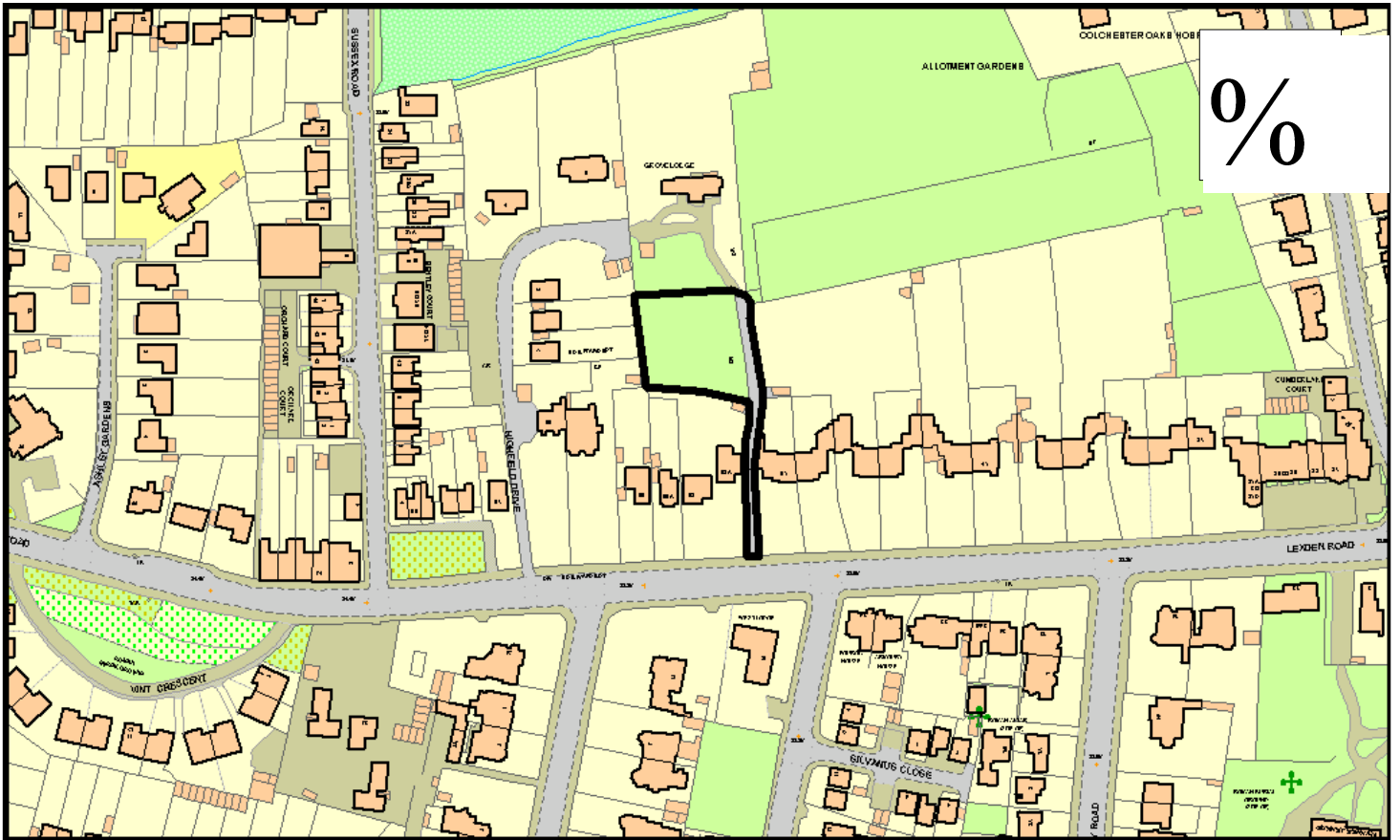
Reason: In order to protect local amenity and ensure a consistent approach between the redevelopment of this part of the Garrison site and that permitted under O/COL/01/0009.

Informatives

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

(2) Highway Informative:

- All residential developments in Essex which would result in the creation of a new street (more than five dwelling units communally served by a single all purpose access) will be subject to the Advance Payments Code, Highways Act 1980. The developer will be served with an appropriate notice within 6 weeks of building regulations approval being granted and prior to commencement of development must provide guaranteed deposits, which will ensure the new street is constructed in accordance with a specification sufficient to ensure future maintenance as highway by the Highway Authority
- Prior to any works taking place in the highway the developer shall enter into an agreement with the Highway Authority under the Highways Act 1980 to regulate the construction of the highway works
- All highway related details shall be agreed with the Highway Authority
- Any proposed traffic calming shall be laid out and constructed having consulted the emergency services and bus operators.



Application No: 102598

Location: Land Rear of, 53, 53A, 55 Lenden Road, Colchester, CO3 3PZ

Scale (approx): 1:1250

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7.3 Case Officer: Mark Russell

MINOR

Site: Land rear of 53, 53A, 55 Lexden Road, Colchester, CO3 3PZ

Application No: 102598

Date Received: 11 January 2011

Agent: Mr Steve Norman

Applicant: Kmc Management

Development: Erection of new dwelling house with associated garage/parking facilities served via an existing access road/drive

Ward: Castle

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

1.0 Introduction

1.1 This application has been called in to the Planning Committee by Councillor Bill Frame for the following reason:

'This is at least the fifth application to develop this site all of which have been refused and there have also been appeals which have been refused by the Planning Inspectorate. This application is a resubmission of F/COL/05/1521 apart from a slightly amended dwelling. Previous applications have been refused on Highway grounds and nothing has changed in that respect. The existing access is considered unsuitable to cater in safety for the proposed development. The proposal is contrary to the interests of highway safety.'

2.0 Synopsis

2.1 The following report sets out the proposal for a four bedroom house. The consultation replies are then considered. These largely relate to highways and amenity issues as well as the effect on the character of the area. Reference is made to the previously refused schemes and Public Inquiry dismissals from 1988 to 2005. It is explained that issues of highway safety and the setting of the Conservation Area have been overcome. Approval is recommended.

3.0 Site Description and Context

3.1 The site is to the rear of 53, 53a and 55 Lexden Road, and is just outside of Colchester Conservation Area 2. It comprises part of the former garden of Grove Lodge which is a large house to the north. To the west are the gardens of 57 Lexden Road and 1 and 2 Highfield Drive; to the east is an unmade track locally known as 'The Chase' which leads to allotment gardens further north. Across The Chase is the extensive garden of 47 Lexden Road.

3.2 The site is 1,300m² and is fringed with trees on all sides five of which are under Tree Preservation Orders, either individually or in groups. The middle of the site is an open space which was once lawn and has now turned to scrub.

4.0 Description of the Proposal

4.1 The proposal is for a four-bedroom house in a 'period pastiche' style with a single storey element to the left and a triple bay garage to the right. The plot frontage would be defined by a brick wall with some additional planting.

5.0 Land Use Allocation

5.1 Residential

6.0 Relevant Planning History

6.1 **88/0726** - Part Of Garden To Grove Lodge, Highfield Drive, Lexden Road, Colchester Outline application for the erection of two detached dwellings Refused and **dismissed at Public Inquiry**.

6.2 **92/0798** - Outline application for the erection of two dwellings – Refused and **dismissed at Public Inquiry**.

6.3 **95/1105** - Outline application for residential development - Refused

6.4 **96/1299** - Outline application for residential development - Refused

6.5 **97/0626** - Outline application for residential development for 1 No. four bedroom detached dwelling with garage. Refused and **dismissed at Public Inquiry**.

6.6 **F/COL/05/1258** - Erection of dwelling with improved access. Recommended for refusal, but withdrawn 6th September 2005.

6.7 **F/COL/05/1521** - Erection of detached dwelling. Refused 8th November 2005.

7.0 Principal Policies

7.1 The following national policies are relevant to this application:
Planning Policy Statement 1: Delivering Sustainable Development
Planning Policy Statement 3: Housing
Planning Policy Statement 5: Planning for the Historic Environment
Planning Policy Statement 9: Biodiversity and Geological Conservation

7.2 In addition to the above national policies, the following policies from the adopted Colchester Borough Core Strategy (December 2008) are relevant:
SD1 - Sustainable Development Locations
H1 - Housing Delivery
UR2 - Built Design and Character
TA4 - Roads and Traffic
TA5 - Parking
ENV1 - Environment

- 7.3 In addition, the following are relevant adopted Colchester Borough Development Policies (October 2010):
 DP1 Design and Amenity
 DP3 Planning Obligations and the Community Infrastructure Levy
 DP12 Dwelling Standards
 DP14 Historic Environment Assets
 DP16 Private Amenity Space and Open Space Provision for New Residential Development
 DP19 Parking Standards
- 7.4 Regard should also be given to the following Supplementary Planning Guidance/Documents:
 Backland and Infill
 Community Facilities
 Vehicle Parking Standards
 The Essex Design Guide
 External Materials in New Developments

8.0 Consultations

- 8.1 The Arboricultural Planning Officer makes the following comments:

‘Regarding the Tree Survey & Arboricultural Implication Assessment:

Generally I am in agreement with the conclusions and recommendations made within the report. However, during the construction process the following will be required:

A full schedule of implementation and monitoring needs to be submitted as part of the arboricultural report. This programme (reporting to the Council’s Planning and Arboricultural Officers) should (as applicable):

- Confirm that the setting out and maintenance of tree protection will be regularly monitored by the relevant qualified professional, i.e. the Arboricultural Consultant.
- Include full contact information (e.g. the developer) for inspecting arboricultural consultants and a site specific inspection programme
- Confirm that a pre-commencement site meeting between all relevant parties including the, arboricultural consultant, site manager, tree surgeon, and engineer to clarify responsibilities will take place prior to works starting.
- Confirm that appropriate protective fencing is in place before any works commence on site (including soil stripping and demolition) in accordance with BS 5837:2005 point 3.1.2 and part 9. Any subsequent reports should confirm all landscape & tree protection is still accordance with these recommendations.
- Agree to notify the Council of development start date
- Agree timetable monitoring of tree feature protection by the relevant professional (arboricultural consultant), e.g. monthly.
- Notify the Council through written report any arboricultural issues/compromises that occur during development
- Agree areas of no-dig construction and/or decompaction treatment will be signed off by the inspecting professional as implemented in accordance with agreed methodology and the Councils Planning and Arboricultural Officers accordingly notified on completion of any such works (on completion of site or by phase).

In conclusion, I am satisfied with the arboricultural content of the proposal subject to the above.’

Conditions are listed at the foot of this report.

8.2 The Urban Design Team made the following comments:

‘The main element of this backland house is well proportioned and of merit as a period pastiche. The wings are somewhat problematical however and make the application unacceptable as a design concept.

The summer house is visually competing with the front elevation of the house. The gable and large glazed areas are crude and unsympathetic to the main part of the house. The fully glazed gable should face the garden on the rear of the room and the front should be simply fenestrated with two small sash windows. The roof would benefit from being hipped, tying the style of the wing to the style of the house.

The garage block is most unsatisfactory having a totally inappropriate scale and mass to read as a wing to the main element. As there is sufficient car parking space in front of the building the garages do not need to be built to the 7m depth required by our adopted parking standards. This element of the building should be reduced to two smaller garages spaces under a much smaller scaled roof. The ideal would be to create symmetry with the garden room wing in size and proportion, this would complement the strong and considered symmetry of the main building.’

8.3 The Highway Authority makes the following comments:

‘This proposal has been the subject of recent discussion with regard to the access drive and its potential use. This Authority has been advised that the previous right of access controlled by Grove Lodge has been removed and as such this proposal does not materially affect the level of traffic using the drive. In this regard the Highway Authority would not wish to raise an objection to the above’

This stance was challenged by an objector, and the Highway Authority responded as follows:

‘The documents I have seen regarding this issue were the deeds of sale of the land which retained a pedestrian right only for Grove Lodge along The Chase, thus meaning all Grove Lodge vehicles were confined to Highfields Drive.

I am content therefore that any right of access by vehicle has been removed as stated in my recommendation. ‘

Your Officer has subsequently contacted the Highway Authority to confirm its position, and the following reply was received on 1st June 2011:

‘There are so many historical issues with this site, both for and against development.

However, having regard to; 1) Previous applications for multiple properties for which we recommended refusal, 2) Previous applications for single dwellings for which we recommended conditions, 3) Documents which show Grove Lodge's access rights being altered, or conversely the age of these documents, 4) Existing users and traffic associated with the other properties along the lane including the allotments, and 5) Whether or not there is actually intensification, I really do not feel that, in this case and

for this application for one dwelling, a recommendation of refusal could be sustained were the applicant to appeal to the planning inspectorate.'

The Highway Authority also requested conditions relating to turning and parking, and informatives relating to loading. These are included at the foot of this report.

- 8.4 The Archaeological Officer recommends the standard Watching Brief Condition be attached to any permission granted.

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

9.0 Representations

- 9.1 8 letters of objection have been received. The planning reasons for objecting can be summarised thus:

- Loss of privacy to dwelling/overlooking of rear garden
- Harm to the rural character of Highfield Drive
- The Highway Authority's opinion is based on inaccurate information. The former access to Grove Lodge was probably never used, therefore the proposed dwelling would increase vehicle movements in The Chase.
- Harm to highway safety due to lack of sight lines onto Lexden Road and the narrowness of the drive.
- The Chase is narrow and vehicle cannot pass. This could lead to vehicles reversing out onto Lexden Road.
- Resurfacing of The Chase would be unsightly and harm the Conservation Area. It would also increase surface water runoff onto Lexden Road and neighbouring properties.
- Proposed dwelling is too big and a pretentious style.
- Increase build density close to nature reserve.
- The site is a wildlife haven.
- Disturbance of tranquil character of allotment site.
- Should be refused as it was in 2005.
- Increased noise and disturbance in general and from traffic using The Chase.
- Large construction vehicles would experience problems accessing the site and could damage neighbouring properties.
- Emergency vehicles may be able to turn in the proposed driveway but they would struggle to get that far up The Chase without damaging neighbouring properties.
- Proposed tree planting could impede visibility at access and lead to overshadowing of neighbouring gardens.
- Access to the allotments could be impeded during the construction process.
- The proposal would increase the use of the access during the hours of darkness when allotment holders would not be on site, thereby causing an unexpected danger to users of the footpath on Lexden Road.
- Impact on the setting of the Conservation Area.
- Overbearing impact on rear garden.
- The proposed development has been refused and dismissed at appeal a number of times.

10.0 Parking Provision

10.1 Five spaces are proposed which is far in excess of adopted standards.

11.0 Open Space Provisions

11.1 A standard unilateral undertaking in respect of open space and recreation accompanies the application.

12.0 Report

History

12.1 There have been seven previous applications for backland development, the five most recent have been for a single dwelling, earlier applications were for two. All of the applications have been refused (although one was withdrawn before the final decision was made) and three have been dismissed at Public Inquiry. The first and second of these dismissals (88/0726 and 92/0798) were for two dwellings. 88/0726 was dismissed chiefly for Highways concerns, 92/0798 because of the effect on the Conservation Area (removal of wall and widening the track to overcome Highways concerns forming part of the proposal).

12.2 Of more pertinence to the application at hand is 97/0626. Identical to the current application, this was for a single dwelling and was refused and the appeal dismissed on Highways grounds.

12.3 At that time, the appellants held that the introduction of a single dwelling would not intensify use of The Chase because of, amongst other things, the closure of the Lexden Road access to Grove Lodge. The Highway Authority did not object (as it had not objected to the applications in 1995 and 1996).

12.4 The Inspector considered this, and disagreed with the Highway Authority, concluding in paragraph 7 of the appeal decision, as follows:

‘In my view, this proposal must be assessed in the context of the situation as it now exists. There is no longer any vehicular access via this track to Grove Lodge. Although the access could physically be re-opened, I accept the evidence of the owners of Grove Lodge, which you do not challenge, that they do not have a vehicular right of way along the track. In any event they have a more convenient access onto Highfield Drive. So there is no real prospect of the track being again used by Grove Lodge, irrespective of the outcome of this appeal. It follows that this proposal should not be seen as a replacement for such use, but as a development that would lead to an increase in the present usage of the track.’

12.5 In relation to the question of one dwelling as opposed to two, the Inspector held at paragraph 8:

‘The problems identified by the Inspectors who dismissed the two previous appeals, and by the Council in their refusals, are reduced only in degree by this being a smaller proposal. Improvements to Lexden Road, insofar as they have increased vehicular flow and encouraged cyclists, do not make additional use of this access with its poor visibility any less hazardous.’

12.6 Finally, the Inspector even considered issues around the construction phase as being reasons for refusal.

‘The length and narrowness of the drive make it unsuitable for use by delivery and other large vehicles serving a house here, while access by construction vehicles would be so difficult as to be almost impracticable.’

12.7 Whilst a previous Inspector’s decision is not binding on the Council, it is a material consideration. Had the ruling been recent, it would have held greater weight. However, given the time that has elapsed this is not held to be significant enough to warrant refusal given the Highway Authority’s lack of objection.

The full Inspector’s decision, together with those from 1988 and 1992 are included on file should Members wish to inspect them.

12.8 Thus, all previous applications have been refused, and on three occasions dismissed at appeal.

12.9 In terms of single dwelling proposals, despite no objections from the Highway Authority and consequent recommendation for approval by your Officers, the proposal has been refused four times, and the Inspector has dismissed an appeal in 1997.

Design and Layout.

12.10 Your Urban Designer has highlighted some failings in the scheme. However, it must be noted that the site is discreetly located, and this design has previously been presented and was not refused. The garage has had to be increased in size, and thus its roof increased in height, to comply with current standards. The applicant has agreed to amend the garage element to introduce some fenestration to improve visual interest, but the scheme as presented is largely satisfactory.

Scale, Height and Massing

12.11 The proposal, at 8.7 metres in height largely complies with the scale of development around it. The length of the proposed house, at 25 metres, is similar to the host dwelling Grove Lodge, but considerably greater than the houses fronting Lexden Road.

Impact on the Surrounding Area.

- 12.12 In terms of visual impact, the proposal is not seen from a public aspect, other than from any passing traffic and pedestrians visiting the allotments. Due to the Highway Authority's revised view on the scheme (having accepted that it could not be deemed to be an intensification of the access due to Grove Lodge having rescinded its right of passage) no removal of the front wall would be required to improve splay vision. Therefore the negative impact on the Conservation Area, which was a secondary reason for refusal in 2005, can no longer be used as a reason for refusal.

Impacts on Neighbouring Properties.

- 12.13 The proposal would chiefly be visible from the gardens of Grove Lodge, 53, 53a and 57 Lexden Road as well as 1 and 2 Highfield Drive, although it would also be glimpsed from other aspects.
- 12.14 In terms of privacy, the rear of the house (with first floor windows) would be 12 metres from the thickly-planted rear boundary, with the dwellings 1 and 2 Highfield Drive set approximately 25 metres away from the boundary. This is within the usual tolerances in the Essex Design Guide, and in addition the presence of so many trees on both sides of the boundary, means that the loss of privacy to gardens is not a sustainable argument, even when the trees are not in leaf. To the sides, no first floor windows are proposed towards Grove Lodge, whilst only an obscured en-suite window is proposed facing south towards Lexden Road.

Amenity Provisions

- 12.15 Due to the spaces around the proposed building, as well as the existing tree cover, the building cannot be said to create any overshadowing, or be overbearing in any way.
- 12.16 The plot is generous, with much garden space to the front (about 500m²). However, in terms of private rear amenity space, an area of about 400m² (including the trees) is available. This is more than adequate and compares favourably with those at neighbouring properties on Lexden Road and Highfield Drive (about 250 – 300m²) although those at 4 and 5 Highfield Drive, and especially at Grove Lodge are considerably larger.

Highway Issues

- 12.17 Concerns over highway safety informed an earlier decision by Colchester Borough Council to refuse the application. The track was deemed too narrow to allow for two passing vehicles, and insufficient visibility splays were available.
- 12.18 The owners of Grove Lodge have rescinded their former vehicular right of way over The Chase, using Highfield Drive instead. Thus it is argued that the net effect of the new dwelling would be neutral.

12.19 Much has been said about whether the true effect is neutral, given that the owners of Grove Lodge do not appear to have used the chase for many years anyway. The Highway Authority, however, has not recommended refusal. When asked very specifically to confirm its view on this point, a very clear response was given in its email of 1st June 2011 (as detailed in the consultations section above):

13.0 Conclusion

13.1 In conclusion, whilst similar schemes have been refused previously, this has been against the advice of the Highway Authority. Whilst the proposal in 1997 was dismissed at appeal, this was fourteen years ago. The proposal is seen as acceptable and approval is recommended.

14.0 Background Papers

14.1 PPG, Core Strategy; CBDP; SPG; A; DHU; HA; AT; NLR

15.0 Recommendation

APPROVE subject to the prior completion of a legal agreement under Section 106 of the Town and Country Planning Act 1990. The Head of Environmental and Protective Services to be authorised to complete the agreement to provide the following:

- Open space, sport and leisure and community infrastructure.

On completion of the legal agreement, the Head of Environmental and Protective Services be authorised to grant planning permission subject to the following conditions:

Conditions

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

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

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

2 - Non-Standard Condition

With the exception of the matters covered by condition 03, the development shall fully comply with the submitted drawings as hereby approved unless otherwise agreed in writing by the Local Planning Authority.

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

3 - Non-Standard Condition

Notwithstanding the details of the drawings hereby approved, the applicant shall, prior to the commencement of development, submit amended drawings showing an improved design for the garage block incorporating fenestration. The details of this shall be agreed in writing by the Local Planning Authority and shall be implemented as such.

Reason: In the interests of the visual amenity of the area.

4 - C6.4 Removal of Permitted Devel Rights

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order with or without modification), no extension/alteration shall be constructed to either this mast or the ancillary structures without the prior written permission of the Local Planning Authority.

Reason: In the interest of visual amenity given the special quality of the environment in [this locality/ AONB/Conservation Area].

5 - C10.15 Tree & Natural Feature Protection: Protected

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

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

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

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

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

7 -C10.18 Tree and Hedgerow Protection: General

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

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

8 - Non-Standard Condition

The construction shall take place solely in accordance with the terms of the Methodology Statement received, which forms part of this permission, and no other works shall take place that would effect the trees unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of the long-term health of the protected trees on and near the site.

9 - Non-Standard Condition

Prior to occupation of the development the vehicular parking and turning facilities, as shown on the submitted plans shall be constructed, surfaced and maintained free from obstruction within the site at all times for that sole purpose.

Reason: To ensure that vehicles can enter and leave the highway in a forward gear in the interest of highway safety to ensure accordance with Policy 1.1 of the Highways and Transportation Development Control policies.

10 - Non-Standard Condition

The vehicular hardstanding shall have minimum dimensions of 2.9 metres x 5.5 metres for each individual parking space.

Reason: To ensure adequate space for parking off the highway is provided in the interest of highway safety in accordance with Policy 7 of the Highways and Transportation Development Control policies.

11 - C2.1 Watching Brief

The applicant shall commission a professional archaeological contractor to observe the excavations and show sufficient time for the recording of any features and finds of interest.

Reason: In the interests of recording any archaeological remains found on site.

12 – Non Standard Condition

With the addition of the information required by the following condition 13, The construction shall take place solely in accordance with the terms of the Methodology Statement received, which forms part of this permission, and no other works shall take place that would effect the trees unless otherwise agreed in writing by the Local Planning Authority.

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

13 – Non Standard Condition

Prior to the commencement of development, the applicant shall provide additional information as requested by our Arboricultural Officer in his response of 2nd February 2011. These additional requirements shall then be complied with in all respects.

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

14 – Non Standard Condition

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). The development shall comply with these details in all respects. These details shall include, as appropriate:

- Existing and proposed finished contours and levels.
- Means of enclosure.
- Car parking layout.
- Hard surfacing materials.
- Proposed and existing functional services above and below ground (e.g. drainage, power, communication cables, pipelines, etc. indicating lines, manholes, supports etc.).

Planting plans.

- Written specifications (including cultivation and other operations associated with
- plant and grass establishment).
- Schedules of plants, noting species, plant size and proposed numbers/densities.
- Planting area protection or decompaction proposals.
- Implementation timetables.

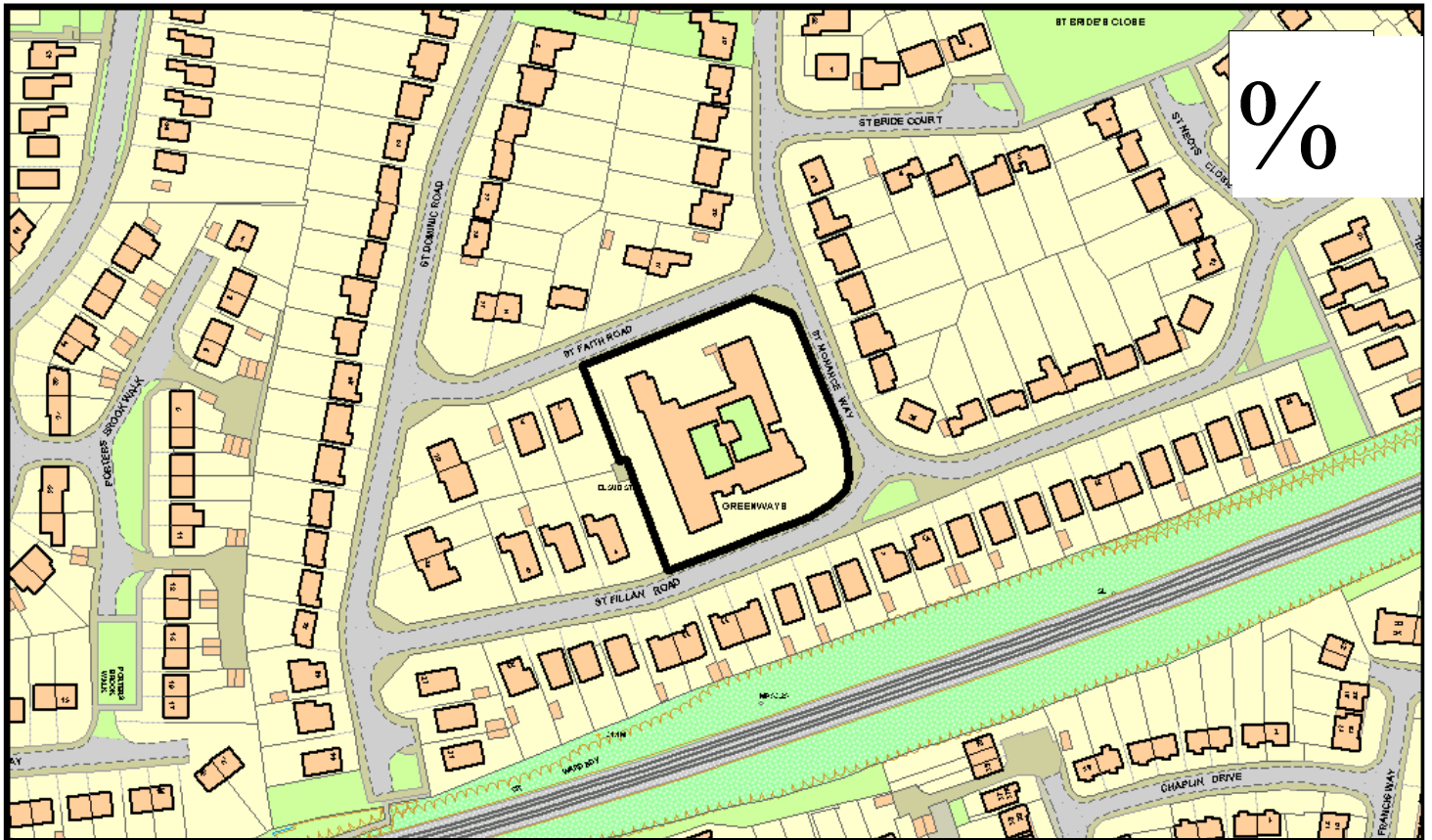
Reason: To safeguard the provision of amenity afforded by appropriate landscape design.

Informatives

(1) Steps should be taken to ensure that the Developer provides sufficient turning and off loading facilities for delivery vehicles, within the limits of the site together with an adequate parking area for those employed in developing the site.

(2) 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.

(3) All works affecting the highway should be carried out by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority and application for the necessary works should be made by initially telephoning 01206 838600.



Application No: 110678

Location: Greenways, St. Fillan Road, Colchester, CO4 0PT

Scale (approx): 1:1250

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7.4 Case Officer: Nick McKeever

MINOR

Site: Greenways, St. Fillan Road, Colchester, CO4 0PT

Application No: 110678

Date Received: 27 April 2011

Agent: Mr Casey Willson-Owusu

Development: Proposed amendments to change the approved activity rooms and Staffroom into 5 additional bedrooms to the approved scheme for 66 bedroom care centre, making it a 71 bedroom care centre

Ward: St Johns

Summary of Recommendation: Conditional Approval

1.0 Introduction

1.1 This application is referred to the Planning Committee because the application includes the provision of two additional parking spaces but both of these spaces are below the recommended minimum size set out in the Council's adopted parking standards (September 2009).

2.0 Synopsis

2.1 Apart from the aforementioned parking spaces, all of the changes associated with the increase in the number of bedrooms are internal. In this respect the increase in the number of bedrooms does not in itself have any significant impact upon visual or residential amenity. The report will consider the changes to the parking provision in the context of the approved development and conclude that in this particular context the increase in the number of bedrooms is considered to be acceptable.

3.0 Site Description and Context

3.1 The site identified as 'Greenways' is an area of land bounded by St Faith Road to the north, St. Monance Road to the east and St. Fillan Road to the south. To the west lies established residential development. The given area of the application site is 0.41 hectares. The site was originally occupied by a series of single and two story buildings, utilised as a care centre for elderly persons. A key feature on the site is the established vegetation on the boundaries. The wider area consists of established residential development that comprises part of the estate of St. Johns.

4.0 Description of the Proposal

4.1 Planning permission for the new care home on this site, construction of which is well advanced, was granted under reference 090843. For members information an extract of the previous Committee Report is reproduced as follows:-

“The proposed development is to replace the existing buildings on the site with a new care centre for elderly persons. The building would incorporate 66 no. bedrooms, and would consist of a two storey development of four ranges, each facing a boundary of the site. The submitted plans include two vehicular accesses (off St. Monance Way and St. Fillan Road) serving a total of 22 parking spaces.

The proposed building would be constructed using a combination of brick, render, re-constituted stone and a tiled roof. The boundaries of the site would be defined by a series of brick walling and railings (on the north, east and south boundaries) and fencing (on the western boundary).

Members may recall that a recently submitted scheme has been approved on this site under ref. 090215. This current proposal varies from the previous approval as follows:

- Kitchenettes are added to each bedroom, requiring that the useable space within each bedroom is widened by 337 mm.
- A basement (of 398 square metres net area) would be provided in order to move the kitchen, laundry, plant room, staff changing rooms, staff resource room, storage and cinema into this space.
- Minor revisions to include relocation of the ground floor fire escape door, relocation of the service lift, provision of a ramped access to the basement and reduction of the northern wing by 1 metre to accommodate the ramp”.

4.2 The application now before the Planning Committee is for an increase in the number of bedrooms from 66 in the approved development to a total of 71. These bedrooms are to replace the previously approved resource rooms, staffroom and a cinema.

4.3 There are no conditions on the two previous approvals that restrict the number of bedrooms to that applied for.

4.4 Two additional car parking spaces are to be provided; one on the parking area adjacent to the St, Faith Road site entrance, the other on the car parking area adjacent to the St. Fillian site entrance.

5.0 Land Use Allocation

5.1 Residential

6.0 Relevant Planning History

6.1 090215 - Demolition of existing drop-in daycare centre and non-operational 36 bed care centre. Replace with 66 bedroom care centre. Application approved at the Committee meeting held on 27th May 2009

6.2 09043 - Proposed additional partial basement and other minor amendments to previous scheme for a 66 bedroom care centre approved under application number 090215. Approved 3 September

7.0 Principal Policies

- 7.1 The following national policies are relevant to this application:
Planning Policy Statement 1: Delivering Sustainable Development
Planning Policy Statement 3: Housing
- 7.2 In addition to the above national policies, the following policies from the adopted Colchester Borough Core Strategy (December 2008) are relevant:
SD1 - Sustainable Development Locations
SD2 - Delivering Facilities and Infrastructure
SD3 - Community Facilities
H1 - Housing Delivery
H2 - Housing Density
H3 - Housing Diversity
UR2 - Built Design and Character
TA5 - Parking
- 7.3 In addition, the following are relevant adopted Colchester Borough Development Policies (October 2010):
DP1 Design and Amenity
DP4 Community Facilities
DP12 Dwelling Standards
DP13 Dwelling Alterations, Extensions and Replacement Dwellings
DP16 Private Amenity Space and Open Space Provision for New Residential Development
DP17 Accessibility and Access
DP19 Parking Standards
- 7.4 Regard should also be given to the following Supplementary Planning Guidance/Documents:
Backland and Infill
Community Facilities
Vehicle Parking Standards
Sustainable Construction Open Space, Sport and Recreation
Extending your House
The Essex Design Guide
External Materials in New Developments

8.0 Consultations

- 8.1 None

9.0 Representations

9.1 Three objections have been received. These are summarised as follows:-

- Having increased room capacity will there be a need for additional staffing level? Vehicle parking at the finished site will be minimal, compared with what the staffing level might be. The roads around the site including St. Faith Road, are already well used by people who are staff at the St. Christopher Road shops, and of course shop and bank customers. There will be visitors to the residents who will also need parking levels far beyond the residential road capacity, and that increasing bedroom capacity should be reconsidered as unacceptable. St Faith Road is quite narrow and delivery vehicles will need space to turn, so I would suggest double yellow lines on both sides of the road to control correct usage.
- The proposal to increase the bedroom quota from 66 to 71, will be at the cost of activity rooms and staff room, to the detriment of the residents and staff. It is an unwelcome proposal on these grounds. Many elderly residents need and should have activity in their daily life. To remove the rooms in which to provide activities will not serve in providing them with much needed forms of stimulation, let alone the pleasure and enjoyment they derive from activities. The staff room is a place for the staff team to relax and take a break from working in what can be a challenging and demanding area of care. It would be a sad loss for the clients of the facilities, including the cinema, in the cause of shoehorning in yet another 5 bedrooms. More patients - Poorer facilities.

10.0 Parking Provision

10.1 The provision of on-site car parking was an issue that was considered and addressed in the previous application. The issue was previously reported to members as follows:-

“Members will recall that the issue of parking provision was a main concern when the original planning application was submitted. It is noted that the number of parking spaces proposed under this scheme is the same as the previously-approved development i.e. 22 spaces. This number accords with the adopted standards for this type of use which equates to 1 space per resident staff and 1 space per three bedrooms. Members should note that the use would not involve staff being resident on site. Rather a shift system of staffing would be in place”.

The Council’s adopted standard is for 1 space per full time equivalent staff and 1 visitor space per 3 bedrooms. On this basis 2 additional spaces are required. The current proposal is acceptable on the basis that it provides for an additional two spaces. The applicant has confirmed that the staff situation has not changed from that reported previously.

These standards recommend that the minimum size of a parking space should be 5.5m x 2.9. In this particular case the spaces are to the previously adopted standard of 5m x 2.5. The parking standards do accept that this may be acceptable in exceptional circumstances. In the case of the approved development on this site all of the approved parking spaces are to the old standard. As such the two additional spaces are considered to be acceptable. In this context it is considered that a refusal of permission solely on the basis of the size of these two additional spaces could not be sustained.

11.0 Open Space Provisions

11.1 Not applicable on the basis that there is no change to the layout or the size of the building as previously approved and currently under construction.

12.0 Report

12.1 The provision of the five additional bedrooms by its self does not have any impact upon the external appearance of the building that has been approved and which is at an advanced state of construction.

12.2 With regard to the objections submitted by local residents, the loss of the facilities that were to be provided for the residents is not a matter that can be addressed via the planning system.

12.3 On the basis that the provision of the additional bedrooms only manifests itself in the internal layout and the provision of two additional parking spaces within the approved parking areas, it is considered that the proposal is acceptable in terms of its impact upon visual and residential amenity. The provision or loss of facilities within the care home is a matter for the proprietors of this community facility.

12.4 The two additional spaces, whilst being below the current recommended size, are the same as the other 22 approved parking spaces serving this development. It is only on this basis that they are deemed to be acceptable.

13.0 Background Papers

13.1 PPS; Core Strategy; CBDP; SPG; NLR

15.0 Recommendation – Approve subject to conditions

Conditions

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

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

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

2 - Non-Standard Condition

The development shall be carried out in accordance with the approved drawings numbers 081002 - 03D,04E, 05D and 06A, unless otherwise agreed in writing by the Local Planning Authority.

Reason: For the avoidance of doubt and in the interests of proper planning

3 - Non-Standard Condition

The parking provision shown on the approved drawings, to include the two additional spaces shown on the approved drawing as 13 and 24, shall be provided prior to the occupation of the approved development.

Reason: To ensure the provision of a satisfactory level of on-site car parking in the interests of the amenity of nearby residential properties and the interests of highway safety.

4 - Non-Standard Condition

The permission hereby granted relates only to the change of the approved activity rooms and staffroom into 5 additional bedrooms and the provision of two additional parking spaces to serve the additional bed spaces.

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

5 - Non-Standard Condition

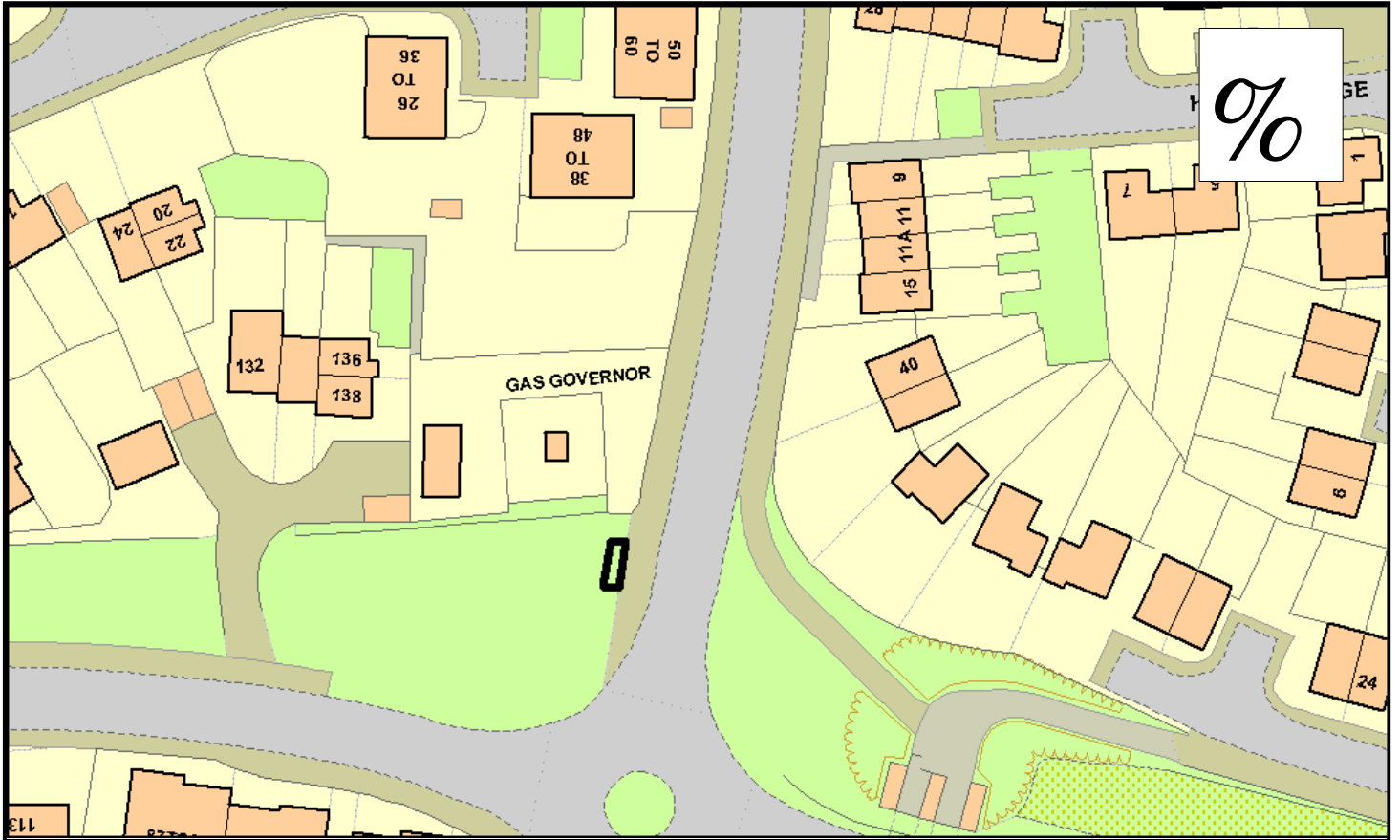
Notwithstanding the detail shown on the approved plans, all hard and soft landscaping of the site shall be carried out in accordance with the details that have previously been submitted to and agreed in writing by the Local Planning Authority, unless otherwise approved in writing by the Local Planning Authority.

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

Informatives

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

(2) All works affecting the highway should be carried out by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority and application for the necessary works should be made by initially telephoning 01206 838600.



Application No: 111040

Location: Junction of Eastwood Drive &, Highclere Road, Colchester, CO4 9TJ

Scale (approx): Not to scale

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7.5 Case Officer: Sue Jackson

Due Date: 29/07/2011

Site: Junction of Eastwood Drive and Highclere Road, Colchester, CO4 9TJ

Application No: 111040

Date Received: 3 June 2011

Agent: Mr Peter Hickson

Applicant: Vodafone Ltd

Development: Installation of a 17.5m high street works style telegraph pole wood effect brown in colour with replica footpegs, supporting 6 antenna therein with a ground level cabinet measuring 1.9m x 0.8m x 1.65m plus ancillary apparatus to be shared by Vodafone and O2.

Ward: Highwoods

Summary of Recommendation: Refusal

Introduction

1.1 The application has been called-in by Councillor Gerard Oxford, because whilst the recommendation is to refuse planning permission on visual amenity grounds he wishes Members to be aware of health concerns and the proximity of the proposed mast to schools and a play group. Councillor Oxford comments "This location is less than 200 mtrs from the Highwoods Community Primary School and the location is on the main thoroughfare from other schools and also the Community Centre, Squirells Pre-School and the local shops. Many residential properties are located close to the proposed site and pre school aged children would be at risk. In recent weeks fresh medical data has made its way into the press. The location and size of the proposal are out of keeping. 17.5 metre mast with 6 antenna is ill thought out.

I contacted the school. The Head and the Governorship are vehemently opposed to this application as is Cllr Beverley Oxford".

2.0 Synopsis

2.1 The application proposes the erection of a telecommunications mast and equipment cabinet. The mast will be 17.5m high and requires planning permission. The proposed site is close to mature trees on a wide grass highway verge close to a roundabout on a main route through the residential area of Highwoods.

3.0 Site Description and Context

- 3.1 The application site concerns highway verge land close to the roundabout junction of Eastwood Drive, Highwoods Approach and Highclere Road. The area is predominantly residential in character. Trees on the verge are stated as a maximum height of 13 metres and a lamp column is 7.5 metres.

4.0 Description of the Proposal

- 4.1 The application relates to a 17.5m high telecommunications mast, and an associated equipment cabinet (which is 1.9m x 0.8m and 1.65m in height). The mast seeks to imitate a telegraph pole in appearance, being constructed of steel with a wood effect finish and footholds on the upper section of the pole. The cabinet will be constructed of steel with a fir green colour finish.

5.0 Land Use Allocation

- 5.1 Predominantly Residential

6.0 Relevant Planning History

- 6.1 None

7.0 Principal Policies

- 7.1 The following national policies are relevant to this application:
Planning Policy Guidance 8: Telecommunications
- 7.2 In addition to the above national policies, the following policies from the adopted Colchester Borough Core Strategy (December 2008) are relevant:
UR2 - Built Design and Character
- 7.3 In addition, the following are relevant adopted Colchester Borough Development Policies (October 2010):
DP1 Design and Amenity

8.0 Consultations

- 8.1 The Highway Authority has recommended refusal The Highway Authority would wish to raise an objection to the above application for the following reasons:

“The proposal shows the cabinet doors opening out over the footway. At times when works are being undertaken this would lead to an obstruction of the footway and could lead to pedestrians stepping into the carriageway of this busy roundabout. In this area, where at times there are large quantities of pedestrian movements due to the proximity of the school, this would be detrimental to highway user safety and contrary to the following policy;

A) Safety - Policy DM1 of the Highway Authority's Development Management Policies February 2011.”.

- 8.2 The Arboricultural Officer has been consulted on the application and his comments will be reported on the amendment sheet.

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

9.0 Representations

- 9.1 Over 700 residents have been notified of the application. In addition a notice has been displayed near the site and in a local newspaper.

- 9.2 At the time of drafting this report over 150 objection letters/emails have been received. The following objections have been raised:

1. The siting, design and height of the proposed mast (17.5m) would detract from and adversely affect the visual amenity of this attractive residential area. Highwoods is a particularly scenic area and this location can be seen from several vantage points. There are mature trees in close proximity to the site which the mast would tower over. I therefore urge your authority to reject the application.
2. Damage may be caused to the existing established trees (which are protected by a Tree Preservation Order) that would be in close proximity to the proposed site.
3. As you will be aware, there are a large number of conflicting academic reports on the dangers of RF radiation emitted from base stations. With this in mind I urge you to follow the recommendations of the Independent Expert Group on Mobile Phones (the Stewart Report) and adopt a **precautionary approach** (*see paragraph 1.19 of that report below*) in deciding applications such as this. **"We conclude therefore that it is not possible at present to say that exposure to RF radiation, even at levels below national guidelines, is totally without potential adverse health effects, and that the gaps in knowledge are sufficient to justify a precautionary approach."**
I am very concerned that the biological effects and RF radiation emitted from the proposed development may affect not only my own health, but that of my family, and those visiting my home. These fears and concerns are, and will in my opinion, affect the quality of local life and therefore have a detrimental effect upon the amenity of the area.
4. There is, as you will be aware, an obligation contained within Planning Policy Guidelines – PPG8 for operators to hold talks with local authorities. It also recommends that these discussions should include other organizations such as local residents groups and schools in the vicinity prior to any planning applications. We have not been asked for our input and therefore object.
5. Adverse impact on property values.
6. An industrial location would be more appropriate.
7. O2 have adequate cover so the mast is not needed.
8. Tesco would be a more suitable site and if there was no mast sharing the mast could be lower and less conspicuous.

9.3 Squirrels Pre-School supervisor comments as follows:-

"I am writing to express my objection to the above proposal. I am the Supervisor of Squirells Pre-School which is situated in St Johns & Highwoods Community Centre, Highwoods Square, Colchester CO4 9SR. We currently have a register of 45 children aged between 2.5 and 5 years attending our setting. The pre-school is open from Monday to Friday between 9am and 4pm. The children play each day in the outside area which is very close to where the proposed mast is to be erected. I am concerned about the health of such young children being put at risk as I have recently read studies which appear to dispute the safety guidelines currently being used. Not enough is known about the effects of such masts on the developing brains and bodies of very young children. This is a highly populated area with flats, sheltered accommodation, schools and nurseries all in close proximity.

I am seriously concerned about the effects it could have on so many vulnerable people so would urge you to locate it somewhere away from homes and schools."

9.4 The Chair of Governors at Highwoods CP School comments as follows:-

I very strongly oppose this application. I believe it is within the 200m guidelines and, as such, is way too close to the school. There is also Squirrels pre school just across the road as well as being in a prime position for all the children going to and from both Highwoods School and the Gilbert.

I have advised my Governing Body to also oppose this application and we will be writing to all parents of our school"

9.5 In addition residents have carried out a survey of pedestrian footfall past the site and this is produced in Appendix 1.

10.0 Parking Provision

10.1 Not applicable

11.0 Open Space Provisions

11.1 Not applicable

12.0 Report

12.1 Government advice to Local Planning Authorities in respect of telecommunications is set out in PPG8. The government seeks to facilitate the growth of new and existing telecommunications systems whilst keeping the environmental impact to a minimum. The PPG encourages sharing of masts where practicable. The operator has identified a need to improve its 3G coverage within the central Highwoods area.

12.2 The proposed mast and equipment cabin is proposed to be sited on the roundabout junction of Eastwood Drive, Highwoods Approach and Highclere Road. This section of the road is characterised by wide grass highway verges. There is other street furniture in the vicinity of the proposed site including a lamp column of 7.5metres.

- 12.3 The relevant policies in the LDF include Policy UR2 in the Core Strategy, which promotes high quality design in all developments. Policy DP1 in the Development Policies requires that all development respects and enhances the character of the site, its context and surroundings. The proposed mast and cabinet will be clearly visible from a public perspective. The proposed mast is considerably taller than other highway structures and, whilst it will have a mock-effect telegraph pole appearance, it will be taller and chunkier than real telegraph poles and will look out of place in its surroundings. This part of Colchester certainly has a pleasant treed appearance and whilst views of the proposed mast and cabinet will be viewed against mature trees it will extend above the tallest trees by approx 4.5 metres.

Other Sites Considered

- 12.4 Whilst all preliminary enquiries are normally confidential the applicant has made public an enquiry they made and your Officer's response. Earlier this year your officer was asked to comment on a proposed public telecom monopole of 14.6m and cabinet close to current application site. The response was the proposal was unacceptable due to the height of the mast and bulky design of the antenna and supporting structure (this is the applicant's preferred option 1)
- 12.5 Option 2 pole approx 17.5 m -20m adjacent to the bus stop and lamppost on Highwoods Approach. Due to the proximity of tree line to south the radio signal would be restricted unless a considerably taller pole were utilised.
- 12.6 Option 3 pole 17.5 m- 20m at Tesco roundabout due to proximity of surrounding trees radio signal would be restricted unless a considerably taller pole was utilised.
- 12.7 Other discounted sites include Chanterelle, St Helena Hospice, St John's and Highwoods Community Centre, Tesco's and Highwoods School.

Health Issues

- 12.8 PPG8 advises that Local Planning Authorities should not consider health implications if a Declaration of Conformity with the ICNIRP requirements is submitted with the application. The application includes this certificate.
- 12.9 The applicant has included the following comments.

"We recognise that the growth in mobile technology has led in some cases to public concern about perceived health effects of mobile technology and its deployment, in particular about siting masts close to local communities. Quite naturally the public seeks re-assurance that they are not in any way harmful or dangerous. We take these public concerns seriously and are committed to providing the latest independent peer-reviewed research findings, information, advice and guidance from national and international agencies on radio frequency (RF) electromagnetic fields. Vodafone and O2 ensure that our radio base stations are designed and operated so that the public are not exposed to radio frequency fields above guidelines set by the International Commission on Non- Ionizing Radiation Protection (ICNIRP). In fact radio base stations operate at low power and emit low levels of radiofrequency fields typically hundreds to thousands of times lower than the ICNIRP general public guidelines".

12.9 Residents comment that the precautionary approach recommended in the Stewart report should be adopted. This report did recommend a precautionary approach and recommended the guidelines for exposure to radio frequency fields set by the International Commission on Non- Ionizing Radiation Protection (ICNIRP) should be adopted. These guidelines have been adopted by the industry and they impose more stringent limits than previously applied.

12.10 PPG8 states

“Independent Expert Group on Mobile Phones

88. In 1999, the Government asked the NRPB to set up the Independent Expert Group on Mobile Phones (IEGMP). This Group, under the chairmanship of Sir William Stewart FRS FRSE, considered concerns about health effects from the use of mobile phones, base stations and transmitters. They conducted a rigorous and comprehensive assessment of existing research and gathered a wide range of views. The Group published its report on 11 May 2000.

89. In respect of base stations, the report concludes that "the balance of evidence indicates that there is no general risk to the health of people living near to base stations on the basis that exposures are expected to be small fractions of the guidelines. However, there can be indirect adverse effects on their well-being in some cases". They also say that the possibility of harm cannot be ruled out with confidence and that the gaps in knowledge are sufficient to justify a precautionary approach.

90. The Independent Expert Group recommended a precautionary approach, comprising a series of specific measures, to the use of mobile phone technologies until we have more detailed and scientifically robust information on any health effects.

91. In its response to the Group's report, the Government indicated that it accepted the precautionary approach advised by the group. The Government's acceptance of this precautionary approach is limited to the specific recommendations in the Group's report and the Government's response to them. These include:

- The emissions from mobile phone base stations should meet the ICNIRP guidelines for public exposure. Most mobile phone base stations already meet the ICNIRP guidelines. However, the mobile phone operators are assessing and adjusting, where necessary, all their existing sites to ensure that they meet the ICNIRP guidelines. All new mobile phone base stations will do so.
- That a national database be set up by Government giving details of all base stations and their emissions. The Government has accepted this recommendation. The database will be developed and maintained by the Radio Communications Agency (RA) and should be available in the later part of 2001. Information about the database is on the RA website.
- An independent audit of emissions should be established to give the public confidence that base stations do not exceed approved guidelines. The RA is carrying out this audit and, in line with the recommendations of the Stewart Report, is currently focused on base stations located on school premises. It is planned that after 100 surveys have been undertaken the results will be analysed to identify any emerging trends and decisions will then be taken on how to progress the audit. The results from the surveys are published on the RA website.

- Clear exclusion zones should be in place around all mobile phone base station antennas to prevent the public from exposure to radio frequency radiation above ICNIRP guidelines. (These exclusion zones relate to an area directly in front of and at the height of the antenna). Clear warning signs should be on microcells and picocells to minimise the risk of undue exposure to radiation from being opened during use.
- A substantial research programme, overseen by a demonstrably independent panel, should be financed by the mobile phone companies and the public sector. The Government has launched a joint Government/industry research programme, costing around £7 million and with an independent programme management committee led by Sir William Stewart. It will carry out research into the effects of mobile phone technology on health. This will ensure that this area is kept under review and that Government and the public are kept up to date with new research findings.
- The NRPB to review further research in this area and to report on progress in three years time or whenever significant new information becomes available.
- The Department of Health has published leaflets on mobile phone hand sets and base stations. These are available on their website at www.doh.gov.uk or copies can be obtained from the NHS Response line on 0541 555 455.

92. The Government shall continue to keep the whole area of mobile phone technologies under review in the light of further research.”

12.11 PPG8 does not include a minimum distance for consultation with schools and school governors but states:

“Schools

62. Where the operator submits an application to the local planning authority for planning permission or prior approval for the installation, alteration or replacement of a mobile phone base station either on or near a school or college, it is important that operators discuss the proposed development with the relevant body of the school or further education (FE) college concerned *before* submitting any such application to the local planning authority. When making the application the operator should provide evidence to the local planning authority that they have consulted the relevant body of the school or college (e.g. the school’s governing body or the corporation of the FE college).

63. When an application has been submitted to the local planning authority for planning permission or prior approval for the installation, alteration or replacement of a mobile phone base station either on or near a school or college, the local planning authority should consult the relevant bodies, and should take into account any relevant views expressed. Consultation should be in the form of written notification to the school’s governing body or the corporation of the FE college, inviting their comments by a specified date”.

12.12 PPG8 further states:-

“However, it is the Government’s firm view that the planning system is not the place for determining health safeguards. It remains central Government’s responsibility to decide what measures are necessary to protect public health. In the Government’s view, if a proposed mobile phone base station meets the ICNIRP guidelines for public exposure it should not be necessary for a local planning authority, in processing an application for planning permission or prior approval, to consider further the health aspects and concerns about them”.

“The Government’s acceptance of the precautionary approach recommended by the Stewart Groups report "mobile phones and health" is limited to the specific recommendations in the Groups report and the Government’s response to them. The report does not provide any basis for precautionary actions beyond those already proposed. In the Government’s view, local planning authorities should not implement their own precautionary policies e.g. by way of imposing a ban or moratorium on new telecommunications development or insisting on minimum distances between new telecommunications development and existing development.”

13.0 Conclusion

- 13.1 Government advice to local planning authorities is very clear “that the planning system is not the place for determining health safeguards”.
- 13.2 The proposed mast and cabinet are sited on a wide well-treed highway verge within a residential area. It is considered that the proposal is unacceptable due to the height of the mast and its adverse impact on the character of the area.
- 13.3 The Highway Authority has recommended refusal due to the doors opening over the public highway. However, whilst the number of occasions and length of time the doors would be open is unknown, it is considered they would not be so frequent or of a duration that this reason could be substantiated at appeal.

14.0 Background Papers

- 14.1 PPG; Core Strategy; CBDP; HA AO; NLR

15.0 Recommendation - Refusal

Reason for Refusal

The proposed mast is designed to have the appearance of a “mock telegraph pole” however at a height of 17.5 metres it would be considerably higher than adjacent street furniture and also project above trees on the highway verge. As a consequence the mast would be detrimental to the visual amenity of the area and to residential amenity and contrary to policy UR2 in the adopted Colchester Borough Core Strategy (December 2008) and policy DP1 in the adopted Colchester Borough Development Policies (October 2010).

**THE PROPOSED 3G PHONE MAST
INSTALLATION IN HIGHWOODS – AND
ITS IMPACT ON THE LOCAL
COMMUNITY.**

Planning application no. 111040

**Compiled by Sophie & Neil Beech, 111 Eastwood Drive, Highwoods, Colchester CO4 9EB
using data supplied by local residents.
June 2011**

Introduction:

Re: Application no. 111040 – phone mast installation at the junction of Eastwood Drive and Highclere Road.

The purpose of this report is to illustrate the effect that the proposed mobile phone mast installation above would have on the Highwoods Community.

The Highwoods Community:

Highwoods is a sought after development in which to live. When it was built, the planners sympathetically incorporated existing mature trees and vegetation into the landscaping to give the whole development an attractive leafy feel. All services, telephone and cable were incorporated underground. This makes for a very pleasant place to live and helps to give people a feeling of pride in their surroundings and build a sense of social cohesion.

The proposed mast would be sited at the heart of the Highwoods Community. It is in the middle of a residential area and is less than 100m from the Community Centre, which houses many groups including Squirrels Pre-School and the local church. The Highwoods Community Primary School (which is also the venue for numerous after school and evening events, both for children and adults) is just 150m away as is the Doctors' surgery, Tesco's supermarket, local cafe, newsagent, dentist, hairdresser and bus terminal. The Gilberd secondary school is approx. 300m away.

The proposed site:

The junction where the proposed mast site is planned is one of the busiest junctions on Highwoods. The four routes into the junction (Eastwood Drive, Highclere Road, Highwoods Approach and Highwoods Square) are the main access routes for many of the Community's services including the local schools.

Over a working week, local residents undertook a study to show how many people actually use the junction as an access route. We conducted the survey between the various school and pre-school rush hour times (08.15 - 09.30 and 14.45 – 16.00) and analysed the number of pedestrians approaching the junction from the four different main access routes (*see diag. 1*).

The results are shown in *appendix i*. They show that during just 2 ½ hours of each working day, over 1,200 journeys by foot are made using the junction as a main access route (*see also diag 2*). Each journey would bring the person into close proximity to the proposed mast.

Main objections:

The main objections that local residents have cited are:

- The height of the mast, at 17.5m, is far higher and completely out of character with the trees and buildings around it. It would be clearly seen from long distances in all directions and would be visually detrimental from many vantage points.
- Damage may be caused to the existing established trees (which are protected by a Tree Preservation Order) that would be in close proximity to the proposed site.
- Despite the Code of Best Practice on Mobile Phone Network Development, Vodafone have not consulted with any of the interested parties, who would be affected by the proposed mast, including Highwoods Primary School and Squirrels pre-school.
- Concerns about health have been raised by many of the local residents.

Health concerns:

We realise that, under current legislation, councils are not allowed to refuse planning applications for mobile phone masts on health grounds.

However, such is the feeling about the potential health effects among the local residents, which if the mast were to go ahead could adversely effect the wellbeing of the whole Community, we urge you to bear in mind the following:

".. the working group classified RF-EMF (radiofrequency electromagnetic fields) as 'possibly carcinogenic to humans'."

International Agency for Research on Cancer, on behalf of the World Health Organisation (WHO), June 2011

"..we have only been using mobile phones widely for the last decade or so and we need more research to look at the situation (regarding the harm caused), particularly in the long term."

Dept. of Health 'Mobile phone and base stations' leaflet March 2011

"..as the situation for long term exposure (to mobile phone mast radio waves) is less clear, the HPA (Health Protection Agency) continues to monitor the scientific evidence."

Dept. of Health 'Mobile phone and base stations' leaflet March 2011.

"We conclude therefore that it is not possible at present to say that exposure to RF radiation, even at levels below national guidelines, is totally without potential adverse health effects, and that the gaps in knowledge are sufficient to justify a precautionary approach."

Independent Expert Group on Mobile Phones (the Stewart Report) 2000

In short, no-one can really be sure about the long term risks involved, but the official advice is to err on the side of caution. This is even more pertinent with the comparably new 3G technology (which the proposed mast would house) which has to emit more data (and therefore more radiation) to achieve the required download speeds.

Many of the children at Highwoods Primary School and Squirrels Pre-school live within a 400m radius of the proposed site. That would mean that they spend 24 hours a day within range of the proposed mast and the risk to their future health that may entail.

Summary:

Highwoods is an attractive, leafy, friendly Community to live in. The proposed mast will tower over and be completely out of character with the surrounding buildings and vegetation. Established trees (which are protected) may have to be damaged in order for the mast to be erected.

The proposed site is one of the main access points to the heart of the Highwoods Community, with 1,200+ people walking within metres of the proposed mast location daily.

Local residents are worried about the health effects of mobile phone masts, particularly 3G masts, and urge the Planning Committee to bear in mind the severity of the potential risks associated with living in the shadow of a mobile phone mast.

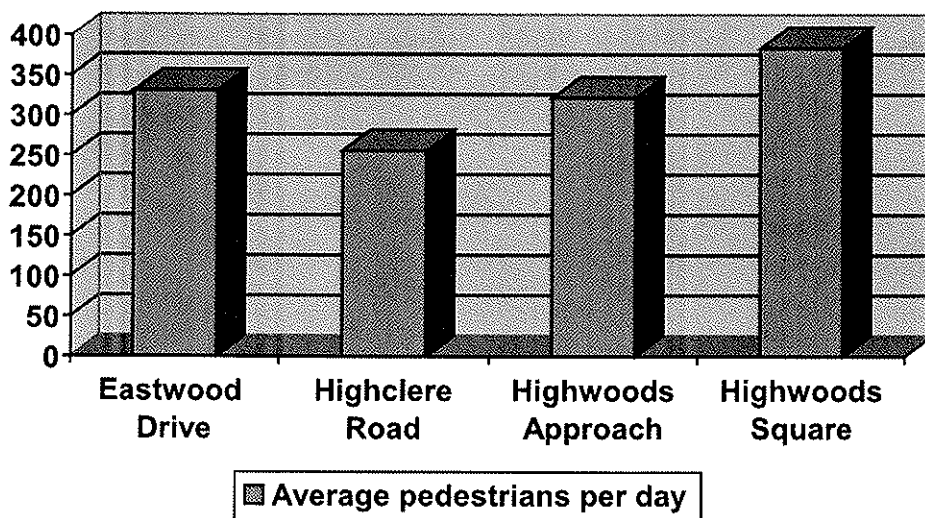
PEDESTRIAN TRAFFIC SURVEY - RESULTS

Data shows the number of pedestrians using the junction of Eastwood Drive and Highclere Road from the four main access routes.

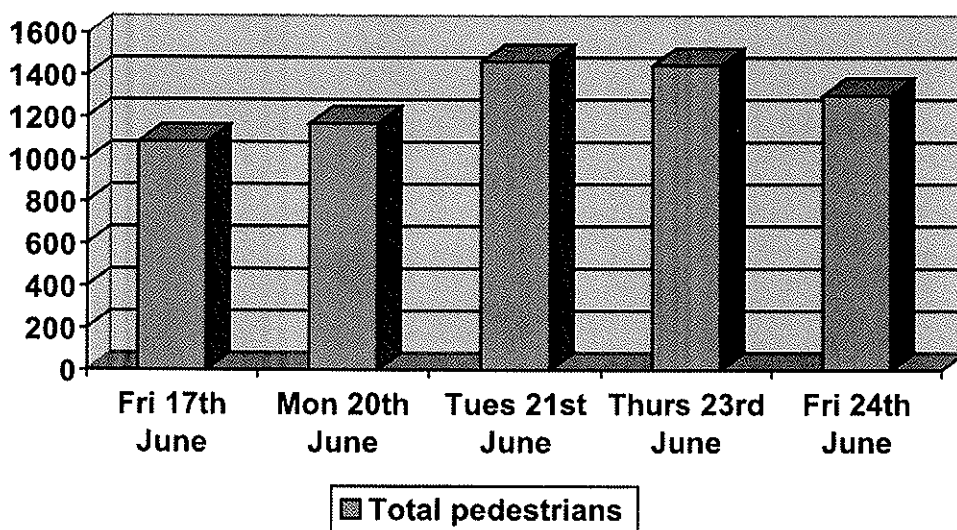
Date/time	Approaching from Eastwood Drive		Approaching from Highclere Rd.		Approaching from Highwoods Approach and Underpass		Approaching from Highwoods Sq. & Community Centre carpark		Total adults	Adults as % of total pedestrians	Total Children	Children as % of total pedestrians	Total pedestrians
	Adults	Children	Adults	Children	Adults	Children	Adults	Children					
Fri 17th June '11													
08.15 - 09.30	91	69	29	86	20	134	6	133	273	48%	295	52%	568
14.45 - 16.00	86	59	23	96	65	44	52	90	264	51%	251	49%	515
Total per day**	177	128	52	182	85	178	58	223	537	50%	546	50%	1,083
Mon 20th June '11													
08.15 - 09.30	89	81	35	61	67	73	89	76	267	47%	304	53%	571
14.45 - 16.00	101	95	33	124	63	49	61	72	269	45%	329	55%	598
Total per day**	190	176	68	185	130	122	150	148	536	46%	633	54%	1,169
Tue 21st June '11													
08.15 - 09.30	113	91	31	74	101	57	127	77	322	48%	349	52%	671
14.45 - 16.00	101	78	34	102	133	84	132	128	396	50%	396	50%	792
Total per day**	214	169	65	176	234	141	259	205	718	49%	745	51%	1,463
Thurs 23rd June '11													
08.15 - 09.30	109	71	38	72	91	109	120	162	400	52%	372	48%	772
14.45 - 16.00	66	62	22	115	77	83	104	144	309	46%	364	54%	673
Total per day**	175	133	60	187	168	192	224	306	709	49%	736	51%	1,445
Fri 24th June '11													
08.15 - 09.30	71	53	40	93	72	132	109	120	303	44%	387	56%	690
14.45 - 16.00	99	68	52	120	55	58	65	96	302	49%	311	51%	613
Total per day**	170	121	92	213	127	190	174	216	605	46%	698	54%	1,303
Total pedestrians by route	926	727	337	943	744	823	865	1098	3,105	48%	3,358	52%	6,463
													1,293
Summary:													
Total pedestrians (over 5 days**)													6,463
Average number of pedestrians per day**													1,293
Percentage adults													48%
Percentage children													52%

**between the hours of 08.15 - 09.30 and 14.45-16.00 (ie 2 1/2 hours)

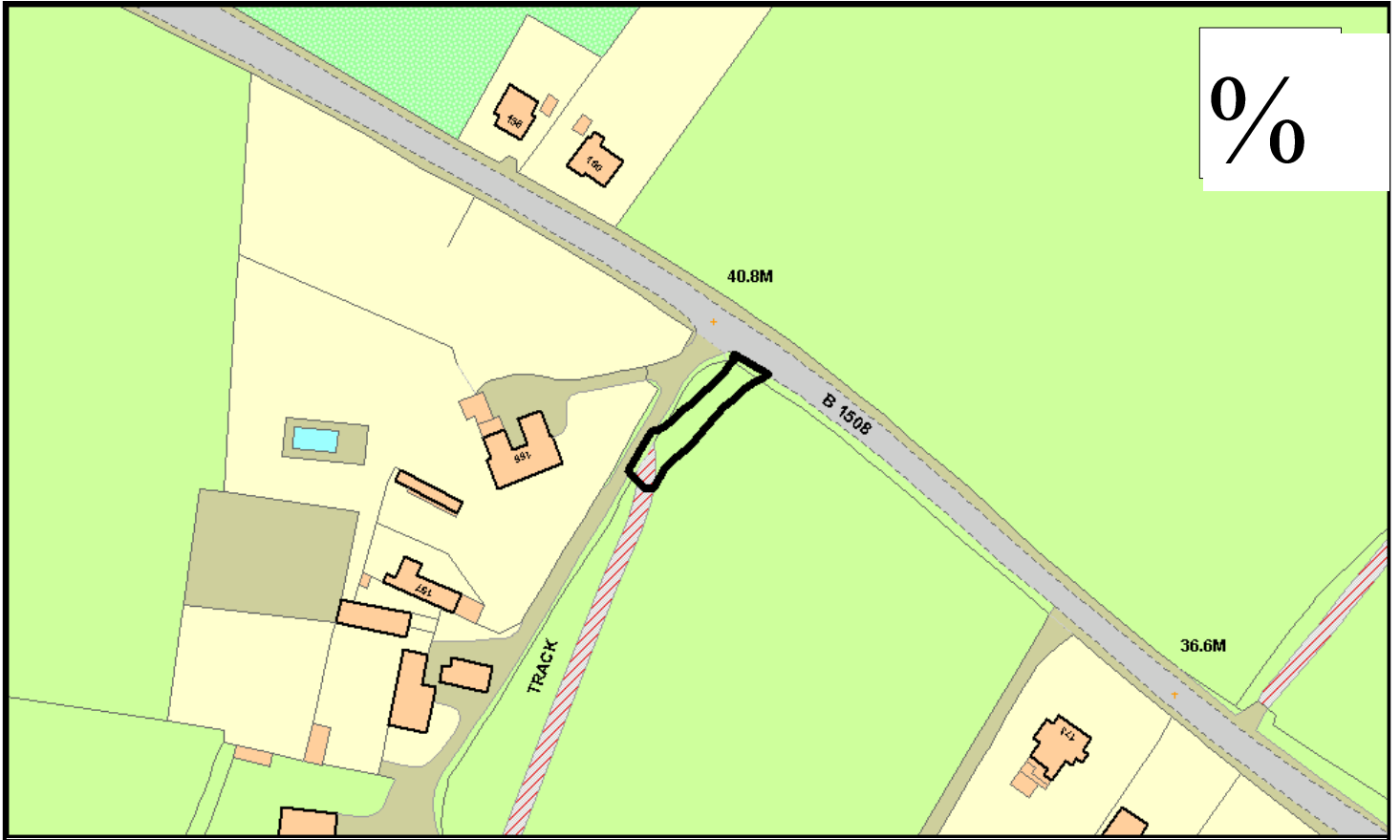
Diag 1: Average number of pedestrians per day** (passing through the junction of Eastwood Drive and Highclere Road) approaching from the four main access routes.



Diag 2: Total number of pedestrians, per day** passing through the junction of Eastwood Drive and Highclere Road.



** between the hours of 08.15-09.30 and 14.45-16.00 (ie 2 ½ hours)



Application No: 110451

Location: Hill House Farm, Colchester Road, West Bergholt, Colchester, CO6 3JQ

Scale (approx): 1:1250

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7.6 Case Officer: Mr David Whybrow

OTHER

Site: Hill House Farm, Colchester Road, West Bergholt, Colchester, CO6 3JQ

Application No: 110451

Date Received: 10 March 2011

Agent: Mr Peter Le Grys

Applicant: Mr S Pulford

Development: Construction of vehicular access and driveway.

Ward: W. Bergholt & Eight Ash Green

Summary of Recommendation: Conditional Approval provided that any response by the Cabinet Member for Highways and Transportation does not conflict with officer's recommendation

1.0 Introduction

1.1 This application is placed before Members as a result of the significant interest it has generated within the local community and its links with previous application 101011 which created comparable levels of interest.

2.0 Synopsis

2.1 The report gives consideration to the details of the scheme involving the construction of a vehicular access and driveway and the justification for it as indicated by the agent. An assessment of the consultation response by the Highway Authority will be made together with a summary of the representations, both in favour of an in opposition to the scheme. So long as Members accept that highways safety will not be compromised in the light of the Highway Authority's comments and visual impacts can be suitably mitigated by appropriate tree and shrub planting, your officers consider that this scheme should proceed.

3.0 Site Description and Context

3.1 Access is proposed to be formed onto arable land on the south west of Colchester Road, West Bergholt, the B15081, a short distance from an existing track currently serving Hill House Farm and a cluster of dwellings on its north-west side. This is a highly rural location, east of West Bergholt village on land that rises from the east. The remainder of the arable field onto which access is proposed is unenclosed and unscreened from the highway.

3.2 The proposed access lies outside the 30mph restricted area and this stretch of road is subject to the national speed limit of 60 mph.

4.0 Description of Proposal

4.1 The application is supported by a Planning Statement, full details of which may be viewed on the Council's website. It indicates that the need for the application arose following the granting of planning permission last year for use of Hill House Farm buildings as a trampoline centre for the disabled (101011 refers). In particular it states:-

“Mr Pulford has rights of access to the existing entrance and driveway for agricultural purposes, and he had reasonably expected to be able to use this access to serve the new use. Unfortunately this has been prevented by the owner. In addition, Mr Pulford has experienced some considerable difficulty in using the existing access driveway for some of his farm machinery, particularly his combine. The existing drive has a surfaced width of only 3.4m and an overall width including the grass verges of 4.6m. As a consequence, he has had to ‘bump’ over the mound direct from the B1508 Colchester Road in order to enable his larger farm vehicles access onto the farm land. The proposal is therefore to provide a new entrance immediately adjacent to the existing, with the formation of a new track to link with the existing farm track. The drive would be 9.6m in width constructed with 100mm Type 1 core, 200mm tarmac base and 40mm tarmac surface, which would have a consolidated finish for the first 12m as measured from the carriageway edge. The hedgerow between the track and driveway would be retained and the existing gap would be closed off with further hedgerow planting in indigenous species. This would allow all agricultural vehicles and the use by the trampoline centre to avoid the residents’ driveway”.

5.0 Land Use Allocation

5.1 Rural – no notation

6.0 Relevant Planning History

6.1 AG/COL/05/0992 – New agricultural building – Prior Approval required, details acceptable.

6.2 080896 – New agricultural building – Prior Approval not required.

6.3 100134 – Change of use of farm buildings to a trampoline activity centre for those with physical disabilities and special learning needs – Refused March 2010

6.4 101011 – Resubmission of 100134 – Approved July 2010

7.0 Principal Policies

7.1 The following national policies are relevant to this application:
Planning Policy Statement 1: Delivering Sustainable Development
Planning Policy Statement 7: Sustainable Development in Rural Areas

7.2 In addition to the above national policies, the following policies from the adopted Colchester Borough Core Strategy (December 2008) are relevant:
ENV1 – Environment
UR2 – Built Design and Character

- 7.3 In addition, the following are relevant adopted Colchester Borough Development Policies (October 2010):-
DP1 – Design and Amenity

8.0 Consultations

- 8.1 On 17th March the Highway Authority issued a recommendation for approval with conditions to cover visibility splays, surface treatment and closure of link to existing access. This was reviewed in the light of matters raised in representations and an amended recommendation was received on 20 June, with the following explanation:-

“The Highway Authority has received additional information regarding this proposal and would offer the following amended recommendation.

Whilst it is recognised that the new access point would be substandard by reason of insufficient visibility to the North West (measured at 2.4m x 57m on site) this is an improvement over the existing shared access (2.4m x 38m).

The Highway Authority is satisfied that the proposal would not intensify the use of the access point.

The existing access is not of sufficient width for large farm machinery and residential traffic to pass in the access and therefore there is a risk of conflict and potential for vehicles to reverse into the carriageway. By placing the farm traffic onto a formally constructed and widened dedicated access it; (i) allows vehicles to egress from the highway in a more efficient manner; (ii) removes the risk of conflict with the residential traffic, (iii) provides improved visibility to the North West.

Having regard to the above this Authority is satisfied that a recommendation of refusal could not be sustained were the applicant to submit an appeal to the Planning Inspectorate.”

9.0 Parish Council Response

- 9.1 West Bergholt Parish Council opposes the application for a number of reasons:-

“The very retrospective nature of this application is strongly opposed, as any problem of access was known at the time of the original application, to which the Parish Council objected. The Parish Council does not accept the reasons for this application, as it is far preferable for the existing access road to be used.

The new entrance will add to the access frontage already in situ, and in combination with the existing driveway will present an aesthetically unattractive length of some 25m (81 foot) of combined driveway frontage, which will detract from the Village Gateway.

There is a possible safety issue as the entrance is outside the 30mph limit and visibility towards Colchester (when turning right from the new driveway) is restricted.

The Parish Council questions whether this access is really necessary for a Combine Harvester used on an infrequent basis. We understand that there is another point to the field regularly used to access the Colchester Road by the A12 bridge. Finally, as this is an application to change part of the field away from agricultural use, shouldn't a change of use application, also be required?”

10.0 Representations

10.1 7 letters/emails of support have been received including letters from SCOPE, Headway Essex and Rosie Pulford of Bounceability. Their contents may be summarised as follows:-

- The existing entrance for tractors is dangerous and unable to cope with the size of modern farm vehicles. It is too narrow and restricted by hedges causing unnecessary slowing and manoeuvring of vehicles.
- SCOPE hope for quick resolution to these planning issues so that Bounceability can move forward as intended to the benefit of our client group. Headway Essex consider the service provided to be irreplaceable with proven benefits for people with brain injuries.
- Bounceability state there will never be an industrial estate at Hill House, as some objectors believe, just a quiet place trying to help those who need help or a little bit of enjoyment.
- Access needs to be widened so as to enable larger farm vehicles to turn onto the land in one smooth movement. This will also make it safer for the cars and minibuses wanting access to Bounceability.
- The proposal is consistent with the Fair Access to Colchester initiative which seeks to improve the quality of life for disabled and non-disabled people in the Borough.
- The Council should encourage and support local businesses especially primary industry like farming.

10.2 39 objections have been received in the form of letters, e-mails and on-line comments; the following is a summary of the chief concerns:-

- The B1508 is already very busy throughout the day and dangerous, with vehicles travelling at high speeds. Turning into and coming out of the existing entrance needs care and attention. A second access next to this will put lives at risk especially as slow moving, large vehicles will be using it.
- Why is an extra road needed? It is assumed larger scale development may be planned.
- Extra access means extra risk especially as the sight lines required are impossible to achieve due to their position on a bend and a hill.
- Traffic speeds in Colchester Road remain high despite the proximity to 30mph signs and there have been a number of fatalities on this stretch in the last few years.
- We are not aware that combine harvesters have had difficulty accessing this land in the past. Their use is in any event infrequent.
- No development should be allowed outside the village envelope. The new entrance would cause confusion and result in a not very pleasing and inappropriate approach to the village.
- Retrospective nature of this application is deplored.

10.3 Councillor Harrington considers the vehicular access to be grotesque and wholly disproportionate in size, would be a blight on the village and raises serious questions about safety and visibility. He has written to the applicant inviting him to a meeting to consider a negotiated settlement. Should this meeting take place it may obviate the need for the present application to be determined as the adjoining landowner has indicated a willingness to make the existing roadway available for use by Bounceability clients.

11.0 Parking Provision

11.1 Not applicable

12.0 Open Space Provisions

12.1 Not applicable

13.0 Report

13.1 The agent makes clear that the main reason for this application is that there is presently no viable access for the approved trampolining centre. He also indicates that an improved entrance will facilitate movement by ever larger farm machinery. In addition he has responded to certain matters raised in the representations – i.e.

- The application will not generate any additional traffic or alter the nature of vehicles that were to use the existing entrance. It will merely split the vehicles into those that will access the farm and farm buildings and those accessing the houses.
- The visibility splays required by the Highway Authority are readily achievable and will be much improved on those currently available in a northerly direction.
- Reference has been made to the applicant's previous statements concerning the immediate need to relocate the trampolining use from premises at Severalls Park. These statements were true and remain the case. Unfortunately, the applicant's daughter has only a limited period every 6 months to negotiate a break in the lease. As the previous application took longer to negotiate through the planning process, the date was missed last Autumn. Since then, the applicant received the letter from Mr Pollit's solicitor as referred to above, which has cast some doubt whether to cancel the existing lease during this Spring.
- The applicant remains committed to implementing the use of the building for trampolining purposes. At the present moment the building is being accessed by specialist thermal engineers prior to the submission of an application under the Building Regulations. This work has involved some considerable time and expense, further details of which can be provided if necessary. In addition, an application to discharge the outstanding planning conditions imposed upon planning permission 101011 are being submitted concurrently with this letter.
(Your officer can confirm that this condition has now been discharged)

- Finally, I should also point out that the new track has largely been constructed under the applicant's permitted development rights for farm access purposes. It is only the junction itself which requires planning permission. Ideally, if Mr Pollitt reconsiders his position, the need for the new access would be avoided.

13.2 The agent's comments regarding visibility are reflected in the Highway Authority's amended recommendation and their conclusion that the refusal of planning permission on highway safety grounds could not be justified in this case.

13.3 There are further concerns regarding the visual impact of the development on an open stretch of road on the approach to West Bergholt village. This situation could be mitigated by extra hedge planting in native species to the rear of the sight splays so as to provide enclosure to the highway which is presently absent.

14.0 Conclusion

14.1 Your officers have been advised that at least one of the objectors has written to the Cabinet Member for Highways and Transportation for her views on this matter. On the basis that these views are not at variance with the recommendation already received, the highway safety aspects of this case have been carefully considered by the Highway Authority. On the basis that any undue visual impact of this proposal can be mitigated by appropriate tree and hedge planting, it is recommended that permission be granted in this case.

15.0 Background Papers

15.1 ACS; DPDPD; HA: NLR; CBC; PTC

16.0 Recommendation

16.1 Provided that any response by the Cabinet Member for Highways and Transportation does not conflict with their officer's recommendation, it is recommended that permission be granted in this case, subject to the following conditions:-

Conditions

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

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

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

2 - C11.14 Tree / Shrub Planting

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

Reason: To ensure an appropriate level of visual amenity in this rural area and mitigate the visual impact of the proposed access road.

3 - Non-Standard Condition

Prior to occupation of the development, the access at its centre line shall be provided with a clear to ground level visibility splay with dimensions of 2.4 metres by 57 metres to the north west and 2.4 metres by 160 metres to the south, as measured from and along the nearside edge of the carriageway and as far as is achievable within the site. Such vehicular visibility splays shall be provided before the access is first used by vehicular traffic and retained free of any obstruction at all times.

Reason: To provide adequate intervisibility between vehicles using the access and those in the existing public highway in the interest of highway safety to accord with Policy DM1 of the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011.

4 - Non-Standard Condition

Prior to occupation of the development a 1.5 metre x 1.5 metre pedestrian visibility splay, as measured from and along the highway boundary, shall be provided on both sides of the vehicular access. Such visibility splays shall be retained free of any obstruction in perpetuity. These visibility splays must not form part of the vehicular surface of the access.

Reason: To provide adequate intervisibility between the users of the access and pedestrians in the adjoining public highway in the interest of highway safety to accord with Policy DM1 of the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011.

5 - Non-Standard Condition

No unbound material shall be used in the surface treatment of the vehicular access within 10 meters of the highway boundary.

Reason: To avoid displacement of loose materials onto the highway in the interests of highway safety to accord with Policy DM1 of the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011.

6 - Non-Standard Condition

Immediately the new access is occupied the link to the existing access shown on the site layout plan shall be suitable and permanently closed to the satisfaction of the Local Planning Authority.

Reason: To ensure the removal of an to preclude indiscriminate vehicle movements along the residential track and to control the movement of larger agricultural vehicles onto the highway in the interests of highway safety to accord with Policy DM1 of the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011.

Informatives

(1) All works affecting the highway shall be carried out by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority and application for the necessary works should be made to the Area Highways Manager (01206 838600).



Colchester Borough Council Development Control

Advisory Note on Parking Standards

The following information is intended as guidance for applicants/developers.

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.

A garage should have an internal space of 7 metres by 3 metres. Smaller garages do not count towards the parking allocation.

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. One visitor space must be provided for every four units.

Residential parking standards can be relaxed in areas suitable for higher density development.



Colchester Borough Council Environmental Control

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

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

Best Practice for Construction Sites

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

Noise Control

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

Emission Control

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

Best Practice for Demolition Sites

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

Noise Control

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

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

Emission Control

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