

Planning Committee

Council Chamber, Town Hall
13 February 2014 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.

Material Planning Considerations

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

The following approach should be taken:

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

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

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

- Planning policies, including the NPPF and Colchester’s own Local Plan documents
- Government guidance, case law, appeal decisions, planning history, “fallback” positions
- Design, scale, bulk, mass, appearance and layout
- Protection of residential amenities (light, privacy, outlook, noise or fumes)
- Highway safety and traffic issues, including parking provisions
- Heritage considerations such as archaeology, listed buildings or a conservation areas
- Environmental issues such as impacts on biodiversity, trees and landscape, flooding
- Economic issues such as regeneration, job creation, tourism
- Social issues such as affordable housing, accessibility, inclusion, education, recreation
- The ability to use planning conditions or obligations to overcome concerns

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

- land ownership issues including private property rights, boundary disputes and covenants
- effects on property values
- loss of a private view
- identity of the applicant, their character, previous history, or possible motives
- moral objections to a development, such as may include gambling or drinking etc
- competition between commercial uses
- matters specifically controlled through other legislation
- unless they are “exceptional”, personal circumstances, including hardship

Strong opposition to a particular proposal is a common feature of the planning process. However, in the absence of substantial evidence of harm or support from the Development Plan is unlikely to carry much weight. The same principles apply in reverse where there is strong support for a proposal that is contrary to the Development Plan and there is harm (or lack of substantially evidenced benefit).

Inspectors and Courts (see *North Wiltshire DC V SoS & Clover, 1992*) have established that precedent can be a legitimate consideration, but it is not enough to have a “general anxiety” and there has to be evidence of a real likelihood that similar applications (in all respects) will be submitted.

Human Rights, Community Safety and Equality and Diversity Implications

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

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

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

Using Planning Conditions and Considering Reasons for Refusing Applications

The Planning System is designed to manage development, facilitating (not obstructing) sustainable development of a satisfactory standard. The National Planning Policy Framework reinforces this by stating that “*Planning should operate to encourage and not act as an impediment to sustainable growth*”. Therefore, development should be considered with a positive approach. However, not all development is acceptable and almost every permission will require planning conditions in order to make them acceptable. Some will remain unacceptable and should therefore be refused. Circular 11/95 (The Use of Conditions in Planning Permissions) and Circular 03/2009 (Costs Awards In Appeals And Other Planning Proceedings) set out advice on the government’s policy regarding the appropriate use of planning conditions and when decision makers may make themselves vulnerable to costs being awarded against them at appeal due to “unreasonable” behaviour. They derive from an interpretation of court judgments over the years and, although not planning law, are important material considerations. A decision to set them aside would therefore need to be well-reasoned and justified.

In terms of the Planning Committee, Circular 03/2009 makes it clear that “*Planning authorities are not bound to accept the recommendations of their officers. However, if officers’ professional or technical advice is not followed, authorities will need to show reasonable planning grounds for taking a contrary decision and produce relevant evidence on appeal to support the decision in all respects. If they fail to do so, costs may be awarded against the authority*”.

The power to impose conditions is an important material consideration in any determination. Circular 03/2009 states that “*Whenever appropriate, planning authorities will be expected to show that they have considered the possibility of imposing relevant planning conditions to allow development to proceed*”. Therefore, before refusing any application the Planning Committee should consider whether it is possible to resolve any concerns by use of conditions before refusing permission. *The Circular adds that “A planning authority refusing planning permission on a planning ground capable of being dealt with by conditions risks an award of costs where it is concluded on appeal that suitable conditions would enable the proposed development to go ahead.”* Advice on the need to consider whether conditions may make a proposal acceptable which would be otherwise unacceptable is also to be found in Circular 11/95.

Any planning condition imposed on a development must be necessary, relevant to planning, relevant to the development to be permitted, reasonable, precise and enforceable. Unless conditions fulfil these criteria, which are set out in Circular 11/95, they are challengeable at appeal as *ultra vires* (i.e. their imposition is beyond the powers of local authorities). If no suitable condition exists that can satisfy these tests a refusal of planning permission may then be warranted.

In considering the reasons for that refusal, Circular 03/2009 makes it clear that planning authorities must “*properly exercise their development control responsibilities, rely only on reasons for refusal which stand up to scrutiny and do not add to development costs through avoidable delay or refusal without good reason*”. In all matters relating to an application it is critically important for decision makers to be aware that the courts will extend the common law principle of natural justice to any decision upon which they are called to adjudicate. The general effect of this is to seek to ensure that public authorities act fairly and reasonably in executing their decision making functions, and that it is evident to all that they so do.

**COLCHESTER BOROUGH COUNCIL
PLANNING COMMITTEE
13 February 2014 at 6:00pm**

Members

Chairman : Councillor Theresa Higgins.
Deputy Chairman : Councillor Helen Chuah.
Councillors Peter Chillingworth, Stephen Ford, Sonia Lewis, Cyril Liddy, 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 Plan Committee and who have undertaken the required planning skills workshop. The following members meet the criteria:-
Councillors Christopher Arnold, Nick Barlow, Lyn Barton, Kevin Bentley, Mary Blandon, Mark Cable, Nigel Chapman, Barrie Cook, Nick Cope, Beverly Davies, John Elliott, Andrew Ellis, Annie Feltham, Bill Frame, Ray Gamble, Marcus Harrington, Dave Harris, Julia Havis, Jo Hayes, Pauline Hazell, Peter Higgins, Brian Jarvis, Margaret Kimberley, Michael Lilley, Sue Lissimore, Colin Mudie, Nigel Offen, Gerard Oxford, Will Quince, Lesley Scott-Boutell, Peter Sheane, Paul Smith, Terry Sutton, Colin Sykes, Anne Turrell, 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 available on the council's website by 4:30pm on the day before the meeting (see Planning and Building, Planning Committee, Planning Committee Latest News). Members of the public should check that there are no amendments which affect the application in which they are interested. Could members of the public please note that any further information which they wish the Committee to consider must be received by 5pm two days before the meeting in order for it to be included on the Amendment Sheet. With the exception of a petition, no written or photographic material can be presented to the Committee during the meeting.

Pages

1. Welcome and Announcements

1

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

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

- action in the event of an emergency;
- mobile phones switched to silent;
- the audio-recording of meetings;
- location of toilets;
- introduction of members of the meeting.

2. Have Your Say!

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

- Where a Councillor has a disclosable pecuniary interest, other pecuniary interest or a non-pecuniary interest in any business of the authority and he/she is present at a meeting of the authority at which the business is considered, the Councillor must disclose to that meeting the existence and nature of that interest, whether or not such interest is registered on his/her register of Interests or if he/she has made a pending notification.
- If a Councillor has a disclosable pecuniary interest in a matter being considered at a meeting, he/she must not participate in any discussion or vote on the matter at the meeting. The Councillor must withdraw from the room where the meeting is being held unless he/she has received a dispensation from the Monitoring Officer.

- Where a Councillor has another pecuniary interest in a matter being considered at a meeting and where the interest is one which a member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice the Councillor's judgment of the public interest, the Councillor must disclose the existence and nature of the interest and withdraw from the room where the meeting is being held unless he/she has received a dispensation from the Monitoring Officer.
- Failure to comply with the arrangements regarding disclosable pecuniary interests without reasonable excuse is a criminal offence, with a penalty of up to £5,000 and disqualification from office for up to 5 years.

6. Minutes

2 - 6

To confirm as a correct record the Minutes of the meetings held on 16 January 2014 and 30 January 2014.

7. Planning Applications

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

1. 131538 - Hunters Rough, 18 Chitts Hill, Colchester
(Lexden)

7 - 19

Demolition of two residential units and erection of 16 detached dwellings, garages and access road.

2. 131463 - Proposed Footbridge, Cowdray Avenue / Castle Park, Colchester
(Castle)

20 - 30

Construction of a new foot/cycle bridge over River Colne in Castle Park Demolition of existing footbridge located 10m to the west of proposed bridge. Change the alignment of the existing footpaths/cycleways and construct new ramps to connect them to the new bridge. Existing footbridge is about 20m long and 1.7m wide and has 1m high parapets which is suitable for pedestrians use only. The proposed new bridge is 23.3m long, 4m wide and has 1.4m high parapets and can be used by pedestrians and cyclists. The new bridge will also be designed to accommodate vehicles weighing up to 3 Tonnes. The new bridge is proposed to create a safe foot/cycle path.

3. 132031 - 2 Portland Road, Colchester
(New Town) **31 - 38**

Change of use from doctors surgery to single residential dwelling.

8. Amendment Sheet **39 - 40**

See Amendment Sheet (attached).

9. 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).

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. 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.

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Access

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Facilities

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Colchester, CO1 1JB
telephone (01206) 282222 or textphone 18001 followed by the full number you wish
to call
e-mail: democratic.services@colchester.gov.uk
www.colchester.gov.uk

**PLANNING COMMITTEE
16 JANUARY 2014**

Present :- Councillor Helen Chuah* (Chairman)
Councillors Peter Chillingworth*, Sonia Lewis*,
Cyril Liddy*, Jon Manning, Philip Oxford and
Laura Sykes*

Substitute Members :- Councillor Michael Lilley for Councillor Stephen Ford
Councillor Peter Higgins for Councillor Theresa Higgins
Councillor Marcus Harrington
for Councillor Jackie Maclean

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

**106. 131484 - Grass Reasons Farm, Newbridge Road, Layer Marney and 131488
- Layer Wood Farm, Maldon Road, Layer Marney**

Councillor Chillingworth (in respect of his membership of the Campaign for the Protection of Rural England Essex Branch) declared a non-pecuniary interest in this item pursuant to the provisions of Meetings General Procedure Rule 7(5).

The Committee considered an application for the upgrading of existing poultry units on Grass Reasons Farm, including the demolition of four poultry sheds and the erection of two poultry sheds. Another application was also considered for the redevelopment of poultry units on Layer Wood Farm, including the demolition of two existing poultry sheds and the erection of two replacement poultry sheds and a services building with associated equipment. The Committee had before it a report and amendment sheet in which all the information was set out.

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

RESOLVED (UNANIMOUSLY) that the applications be approved, subject to the conditions set out in the report and amendment sheet.

107. 131974 - Land rear of Laurel Cottage, Layer Breton

Councillor Chillingworth (in respect of his consultancy's firm previous work with the agent) declared a non-pecuniary interest in this item pursuant to the provisions of Meetings General Procedure Rule 7(5).

Councillor Lewis (in respect of her involvement in an ongoing business matter with the agent) declared a pecuniary interest in this item pursuant to the provisions of Meetings General Procedure Rule 7(10) and left the meeting during its consideration and determination.

The Committee considered an application for a new dwelling house on the land to the rear of Laurel Cottage. The Committee had before it a report in which all the information was set out.

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

Mr Carl Allen, Planning Officer, presented the report and assisted the Committee in its deliberations. He advised the Committee that the Arboricultural Officer had recently made an area Tree Preservation Order (TPO) on the site, however the officer's concern related only the larger trees on the site, not the trees proposed for removal.

Mr Peter Le Grys addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in support of the application. He suggested that concern relating to the infringement of the countryside was unfounded, as the site was enclosed by walled gardens and neighbouring properties on all sides. He believed that the development boundary was a misnomer and bore no relevance to current development. He addressed the matter of the recent TPO and stated that the applicant had no intention of removing any of the larger trees, only the self-seeded trees. He believed that any disturbance created from the driveway would be no more than those of neighbouring properties. He believed that development on this site was not inappropriate and did not negatively impact neighbouring sites. He suggested that the dwelling could be re-designed further into the site, over the development boundary, if the Committee considered that to be more agreeable.

The Committee questioned the thought behind the development boundary and asked for clarification on the rules that applied to it.

The Planning Officer explained that although the development boundary may not superficially seem logical, it was placed there for policy reasons to ensure that in fill development was only carried out where appropriate. It would be for the Local Plan Committee to consider, not the Planning Committee. If the proposal was moved further outside the development boundary, it may improve the design of the proposal, but would be out of keeping with the character of the area, where most dwellings had a frontage on to the street.

He went on to explain that, although the presence of driveways near other dwellings was not uncommon in the area, the curved nature of the proposed driveway meant that amenity would be more significantly impacted. Amenity would also be impacted, in the Planning Officer's opinion, by the potential use of the Sun Room all year.

The Committee was sympathetic to the applicant but recognised that the development boundary needed to be adhered to. The policies the Council had in place for backland development were good. It was the Committee's opinion that the amenity of the neighbouring properties would be affected by the proposal.

A member of the Committee questioned whether the angle of the dwelling on the site could be altered to improve the design. The Planning Officer advised that, at any angle, overlooking would occur and that it would be hard to find an acceptable design

on the site, which did not affect amenity or cross the development boundary.

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

PLANNING COMMITTEE

30 January 2014

Present:- Councillor T. Higgins* (Chairman)

Councillors Chillingworth*, Lewis*, Liddy*, Maclean,
Manning, P. Oxford and L. Sykes*.

Substitute Members:- Councillor P. Higgins for Councillor Chuah, and
Councillor Lilley for Councillor Ford.

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

108. Minutes

The minutes of the meeting held on 2 January 2014 were confirmed as a correct record.

109. 132184 – Co-operative Superstore, 118 Abbots Road, Colchester

The Committee considered an application to vary condition 14 of planning permission 97/0648 to allow the Co-operative Superstore, 118 Abbots Road to trade between 7:00am – 11:00pm Monday to Saturday, 7:00am – 11:00pm Sundays and 7:00am – 9:00pm Bank Holidays. The Committee had before it a report in which all the information was set out.

Ms Sue Jackson, Principal Planning Officer, presented the report and assisted the Committee in its deliberations. She explained that the applicant had submitted a late amendment to the application, proposing that the Sunday opening hours remain as 10.00 am - 4.00 pm as in the existing permission

Stuart Willsher, East of England Co-Operative Society, addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in support of the application. Since the supermarket had opened in 1997 it had become a valued and successful local supermarket. It was looking to extend its opening hours in order to continue to provide a high level of service to its local customers and in order to compete with other local stores, which had longer opening hours. For example, the Tesco's store on Magdalen Street had opening hours of 7.00am-midnight daily. He confirmed that the application had been amended to keep Sunday opening hours as 10.00am – 4.00 pm and that the applicants were happy to accept a temporary permission. Environmental Control had no objections. The issues about anti-social behaviour in the car park raised by objectors were no longer an issue as the applicant had taken appropriate action to resolve them.

Councillor Blandon attended and, with the consent of the Chairman, addressed the Committee. Local residents had concerns about the extended opening hours. When permission was originally granted, the store had permission to open until 10.00 pm. However, as a consequence of anti-social behaviour in the car park, the Co-op had agreed to an earlier closing time of 9.00pm. Local residents were concerned that extended opening hours could lead to a recurrence of these problems. The site also had an entrance from Dorchester End

and residents of Dorchester End were concerned that their amenity would be disturbed by customers travelling to and from the store in the evening. She asked the Committee to consider amending the hours of operation so that the store would close at 10.00pm on weekdays and Saturdays and so that Bank Holiday hours matched the hours now proposed for Sundays.

Whilst the Committee appreciated the concerns expressed on behalf of residents, it also recognised the desire of the applicant to extend its opening hours so they were in line with similar stores in the area. The Committee also felt that extended opening hours would help accommodate different shopping habits and requirements among local residents. The Committee considered that a temporary permission as proposed would help balance residential amenity and customer need. In addition the Co-Operative Society had proved itself to be responsible in its approach and in its relationships with residents. The Committee was confident that it would act to deal appropriately with any issues impacting on residential amenity that may arise.

RESOLVED (UNANIMOUSLY) that the application be approved, subject to the conditions and informatives set out in the report with condition 1 being amended to read as follows:-

1 - Non-Standard Condition/Reason

Retail sales shall not be carried out at any time outside of the hours of

7:00am - 11:00pm Monday to Saturday,

10:00am - 4:00pm Sundays, and

7:00am - 9:00pm Bank Holidays.

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

110. 132801 & 132802 – Town Hall, High Street, Colchester

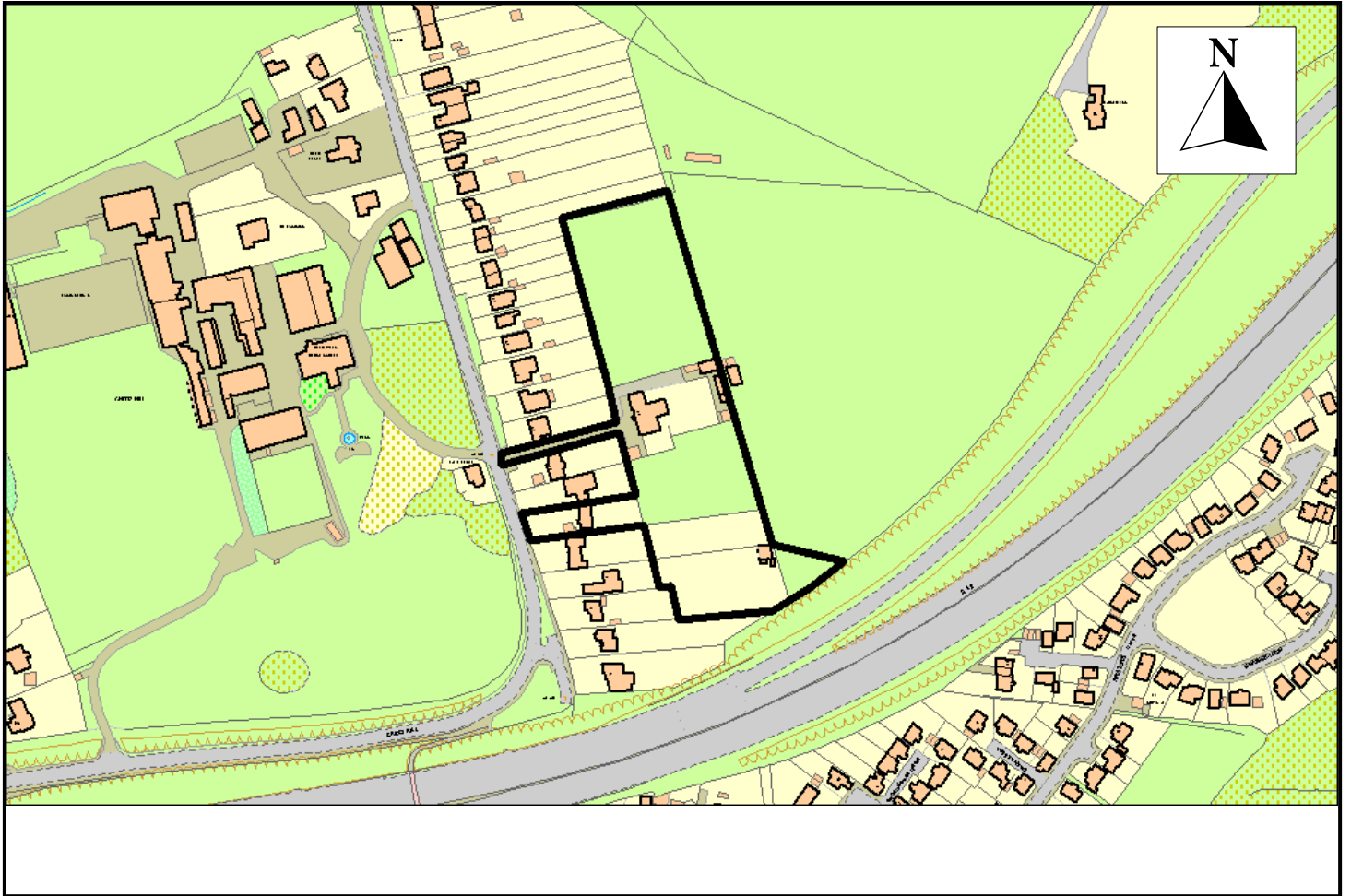
The Committee considered applications for alterations to the lower ground floor of the Town Hall, High Street to relocate the Colchester Borough Council CCTV monitoring centre. The application also included the relocation of the emergency generator into the external courtyard at the basement floor and the installation of a new exhaust flue from the generator and the air con duct. The Committee had before it a report in which all the information was set out.

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

RESOLVED (UNANIMOUSLY) that:

(a) in respect of application 132801, the application be approved, subject to the conditions and informatives set out in the report.

(b) in respect of application 132802, that subject to confirmation from the Secretary of State that Colchester Borough Council can determine the application, the Head of Commercial Services be authorised to issue a delegated permission subject to the conditions set out in the report.



Application No: 131538

Location: Hunters Rough, 18 Chitts Hill, Colchester, CO3 9ST

Scale (approx): 1:2500

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Committee Report

Agenda item

7

To the meeting of **Planning Committee**
on: **13 February 2014**
Report of: **Head of Professional/Commercial Services**
Title: **Planning Applications**

7.1 Case Officer: Mr David Whybrow

MAJOR

Site: Hunters Rough, 18 Chitts Hill, Colchester, CO3 9ST

Application No: 131538

Date Received: 5 August 2013

Agent: Mr Robert Pomery

Applicant: Chitts Hill Llp

Development: Demolition of two residential units and erection of 16 detached dwellings, garages and access road.

Ward: Lexden

Summary of Application: Conditional Approval subject to signing of Legal Agreement

1.0 Reason for Referral to the Planning Committee

1.1 This application is referred to the Planning Committee having been called in by Cllr Mrs Lewis because of the following concerns:-

- Site extends outside the existing settlement area into open countryside.
- Not an allocated site in the Local Plan
- Landscape concerns
- Highway safety concerns.

1.2 It is also a major scheme that has attracted a number of material objections.

2.0 Synopsis

- 2.1 The following report will provide a description of the site, its surroundings and the proposal itself. It will consider the reasons for the Member call in, the representations received and responses by statutory consultees and will conclude, on balance, that a conditional planning permission should be granted with appropriate mitigation in the form of S106 contributions.

3.0 Site Description and Context

- 3.1 The application site comprises 1.3ha of garden land, much of it the curtilage of the 2 properties to be demolished. These are largely open sites having a north and western boundary with gardens of Chitts Hill properties. The southern part of the site has a more wooded character and the entire eastern boundary consists of a strong hedge-line with trees, beyond which lies open meadowland. There are also a number of mature trees just outside the site at its northern end.

4.0 Description of the Proposal

- 4.1 Demolition of 2 dwellings and erection of 16 new detached dwellings of 3 and 4 bedrooms with garages at a density of 21 units per hectare. Access is proposed by way of a new cul de sac with entrance off the east side of Chitts Hill between existing dwellings.
- 4.2 The application is accompanied by Design & Access Statement, Acoustic Report, Archaeological Report, Contamination Report and Tree, Habitat & Bat Surveys, full details of which may be viewed on-line.
- 4.3 Individual dwellings are well proportioned and of traditional detailing with walls in red brick, smooth render and weatherboarding and roofs in a mix of plain tiles, pantiles and artificial slates.

5.0 Land Use Allocation

- 5.1 Within settlement boundary; predominantly residential. Area of High Archaeological Potential.

6.0 Relevant Planning History

- 6.1 None of direct relevance to this proposal

7.0 Principal Policies

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

- 7.2 Continuing the themes of the NPPF, the adopted Colchester Borough Core Strategy (December 2008) adds detail through local strategic policies. Particular to this application, the following policies are most relevant:
- SD1 - Sustainable Development Locations
 - H1 - Housing Delivery
 - H2 - Housing Density
 - H3 - Housing Diversity
 - H4 - Affordable Housing
 - UR2 - Built Design and Character
 - PR1 - Open Space
 - TA5 - Parking
 - ENV1 - Environment
 - ER1 - Energy, Resources, Waste, Water and Recycling
- 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
 - DP25 Renewable Energy
- 7.4 Regard should also be given to the following adopted 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
 - Affordable Housing

8.0 Consultations

- 8.1 The Archaeological Officer has confirmed the developer has commissioned an archaeological field evaluation of this site which revealed nothing of interest. The southern part of the site was not available for evaluation at this time. As the site is in an area of archaeological potential I would recommend that a watching brief be conducted on the southern area of the site. To secure this I would recommend that standard archaeological condition (ZNN) be imposed if consent is granted.

- 8.2 The Highway Authority recommend approval with conditions and informatives and add the following note :

All housing 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 the commencement of any development must provide guaranteed deposits which will ensure that the new street is constructed in accordance with acceptable specification sufficient to ensure future maintenance as a public highway.

- 8.3 Members should also note that the highway authority have responded separately to local residents and councillors in respect of traffic conditions in Chitts Hill, especially with reference to safety considerations, flooding, deterioration of road surface and removal of vegetation overgrowing footways. Key points in that response are :

- visibility splays can be provided to the site entrance/egress compatible with prevailing traffic speeds, even when taking account of the position of a nearby mature oak tree.
- accident records show that existing traffic conditions are not the source of accidents. Any increase in traffic levels resulting from the proposed development are unlikely to materially change the situation.
- the highway maintenance team would investigate, and if necessary clear, vegetation encroaching onto footway & similarly take appropriate action over flooding at the nearby bend. The development would not exacerbate the existing conditions and would not be grounds for the refusal of the application.

- 8.4 Environmental Control Team have no objection but recommend conditions to cover construction method statement and external noise.

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

9.0 Parish Council Response

- 9.1 n/a

10.0 Representations

- 10.1 Colchester Cycling campaign make the following comment :

“Motor vehicle movements over the shared-use cycle route already endanger cyclists and pedestrians, especially at night. We oppose any change of use that would lead to more traffic crossing this route”.

10.2 The local group of CPREssex object for the following reasons :

“The Colne valley is a much valued landscape as it reaches the built up area of Colchester. It helps to define the town’s form and character. Inappropriate development can harm the town’s setting by urbanising the valley edge. The ribbon of development along Chitts Hill is generally well screened from the valley. There are trees and hedges to soften the town’s edge.

What is proposed would extend the built up area into the valley side. Some trees and hedges will be removed. This is bound to create a more urban feel to the edge of Colchester hereabouts. There is also the danger that having granted this approval, it would be difficult to resist other backland schemes, utilising the long gardens of other properties in the road. (One can see the unfortunate impact of such a scenario when viewing St John’s from the road to Ardleigh.) Apart from its wider adverse impact, we are concerned with the loss of trees and hedges on local residents’ amenity”.

10.3 In addition representations have been received from Lexden Conservation Group and 15 local residents. The following is a summary of the matters raised :

- Access point is too close to a blind corner in Chitts Hill, a busy route with school traffic, which will be made busier and more hazardous.
- The pavement terminates outside 10 Chitts Hill, obliging pedestrians to cross the road near the blind bend with attendant dangers.
- Drainage problems at adjacent bend will be exacerbated.
- Increased traffic noise in an area already affected by A12 and rush hour traffic. Dwellings themselves will increase background noise levels.
- The development is not needed. The Council can already demonstrate an adequate 5 and 10 year housing land supply in accordance with Government requirements.
- This is not a brownfield site; the open aspect of existing residents will be lost with excessive loss of trees and no proposal to replace or restore lost greenery in order to safeguard visual amenity and also views from Colne Valley.
- Loss of privacy.
- Frogs, toads and newts breed locally and there is a wide range of flora & fauna in the locality to be protected.
- Potential contamination of water extraction source to east of site?
- What are proposals for the strip of land currently providing access to Hunters Rough? It could encourage fly-tipping and other anti-social behaviour.

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

11.0 Parking Provision

11.1 The garaging and parking spaces proposed amply satisfy your adopted standards for 3 and 4 bedroom dwellings which require a minimum of 2 spaces per dwelling plus facilities for cycles.

12.0 Open Space Provisions

12.1 All gardens comfortably exceed the minimum required area of 60 sq.m for 3 bedroom and 100 sq.m for 4 bedroom houses. See also para 14.0 for open space & recreation provision.

13.0 Air Quality

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

14.0 Development Team and Planning Obligations

14.1 This application is classed as a “Major” application and therefore there was a requirement for it to be considered by the Development Team. It was considered that there was no basic planning objection to the scheme which falls within the settlement boundary in the LDF proposals map and is considered to be at a reasonable density, well related to adjacent development with good sized plots.

14.2 The submitted Viability Report indicated that with no affordable housing, 20% developer return and a notional (other than affordable housing) would enable a s106 contribution of £194,260 to be made, broken down as: Education - £88,138; Community Facilities - £18,126; and Open Space - £87,996. This report was independently tested at the Development Team’s request and found to be substantially correct in its assumptions and conclusions.

14.3 The Development Team considered, on the balance of priorities, that the entire £194,260 contribution should be directed to affordable housing provision, off site.

15.0 Report

15.1 As indicated at para 14.0 there can be no basic land use objection to the development of the site which lies within the settlement boundary and comprises established garden curtilage, with a strong hedgerow on the eastern side providing a distinct boundary between the developable area and the countryside beyond. The report will continue to assess the proposals under the following sub-headings :

- a) Design and Layout, inc Scale, Height and Massing – this has evolved through discussions with planning officers and the planning projects team. The resulting scheme is considered to be well related to the character of established housing in Chitts Hill with a range of sympathetically designed houses and good sized gardens.
- b) Impact on the Surrounding Area – the character of the area derives considerably from the trees on and around the site. A tree survey and AIA is submitted with the application while the Design & Access Statement indicates :

The application site contains a number of trees and other landscape feature the majority of which are on the site’s boundaries, however some are randomly positioned within the site. Many of the trees within the site will need to be cleared to accommodate the scheme. Of these trees, a number are of low quality, which require removal regardless of whether planning proposals follow. Inevitably, some trees, which are in reasonable health, will need to be felled to accommodate the development. However, these are relatively few in number and none are TPOs. The eventual scheme will include more new trees than are to be felled and overall the character and appearance of the area will be maintained.

Your Tree Protection Officer is in agreement with these conclusions and recommends approval with conditions. It should be noted that although thinned, the eastern boundary hedgerow will be retained as a strong landscape feature and buffer between the development and the wider countryside of the Colne Valley.

- c) Impacts on Neighbouring Properties/Amenity Provisions – the properties potentially affected by these proposals are those in Chitts Hill whose rear gardens back onto the site or lie adjacent to the vehicular access. Back to back distances in excess of 40m are achieved relative to Chitts Hill properties where your standards require 25m. Furthermore the rear elevations of the new dwellings are at least 12.5m from the shared boundary, ensuring adequate privacy is maintained to existing gardens

Where the side boundaries of the gardens of 10 and 14, Chitts Hill are opened up to the new access road, a combination of screen fencing & soft landscaping is proposed to safeguard their privacy and amenity.

- d) Highway Issues – these have been discussed at length at paras 8.2 and 8.3 and no objections are raised from a highway safety point of view.
- e) Nature Conservation Issues – the submitted Habitat Survey concludes that the existing gardens do not provide significant areas of wildlife habitat being dominated by amenity grassland. The survey has had particular regard to reptiles, amphibians & bats. A European Protected Species Mitigation licence will be required prior to the demolition of the existing bungalow as a small number of roosting bats may be present.

16.0 Conclusion

- 16.1 The foregoing report has demonstrated that this is a sustainably located site within the defined settlement boundary where no objection can be raised to the development proposed in land use terms. The proposal has the backing of the main consultees. The scheme is laid out so that it causes no material harm to either the character of the area or the amenities of existing residents and it must be concluded that a conditional planning approval can be granted.

17.0 Recommendation

- 17.1 APPROVE subject to the signing of a legal agreement under Section 106 of the Town and Country Planning Act 1990 within 6 months from the date of the Committee meeting. In the event that the legal agreement is not signed within 6 months, to delegate authority to the Head of Environmental and Protective Services to refuse the application, or otherwise to be authorised to complete the agreement to provide the following:

- Index-linked contribution towards off-site affordable housing provision as indicated at para 14.3.

- 17.2 On completion of the legal agreement, the Head of Environmental and Protective Services be authorised to grant planning permission subject to the conditions set out at para 19.0.

18.0 Positivity Statement

18.1 The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

19.0 Conditions

1 - Time Limit for Full Permissions

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

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

2 - *Development to Accord With Approved Plans

The development hereby permitted shall be carried out in accordance with the details shown on the approved Drawing Numbers 567/1A, 3, 5, 11 – 35.

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

3 - Non-Standard Condition/Reason

The development hereby permitted shall be carried out wholly in accordance with the submitted Extended Phase 1 Habitat Survey and Bat Survey dated 13/6/13.

Reason: In the interests of safeguarding wildlife habitats and protecting nature conservation interests.

4 - Archaeological Watching Brief TBA

Prior to commencement of development, details of a watching brief to be carried out by a suitably qualified archaeologist (during construction works) shall be submitted to and agreed in writing by the Local Planning Authority. The development shall thereafter be carried out in strict accordance with these agreed details. In the event that any significant archaeological features or remains are discovered which are beyond the scope of the watching brief (and require fuller rescue excavation) the construction work shall cease immediately and shall not recommence until a revised programme of archaeological work including a scheme of investigation has been submitted to, and approved in writing, by the Local Planning Authority.

Reason: To enable the inspection and recording of any items of archaeological importance.

5 - Removal of PD for All Residential Extensions & Outbuildings

Notwithstanding the provisions of Classes A, B, C, D and E of Part 1 Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 (or the equivalent provisions of any order revoking and re-enacting that Order), no extensions, ancillary buildings or structures shall be erected unless otherwise subsequently approved, in writing, by the Local Planning Authority.

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

6 - Materials to be Agreed

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

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

7 -Construction Method Statement

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

Reason: In order to ensure that the construction takes place in a suitable manner and to ensure that amenities of existing residents are protected as far as reasonable.

8 - *External Noise

No works shall take place until a noise survey for proposed residential properties that are in the vicinity of the Trunk Road shall have been submitted to and approved, in writing, by the Local Planning Authority. The survey shall have been undertaken by a competent person, shall include periods for daytime as 0700-2300 hours and night-time as 2300-0700 hours, and identify appropriate noise mitigation measures. All residential units shall thereafter be designed so as not to exceed the noise criteria based on current figures by the World Health Authority Community Noise Guideline Values/BS8233 "good" conditions given below:

- Dwellings indoors in daytime: 35 dB LAeq,16 hours
- Outdoor living area in day time: 55 dB LAeq,16 hours
- Inside bedrooms at night-time: 30 dB LAeq,8 hours (45 dB LAmax)
- Outside bedrooms at night-time: 45 dB LAeq,8 hours (60 dB LAmax).

Such detail and appropriate consequential noise mitigation measures as shall have been agreed, in writing, by the Local Planning Authority shall be implemented prior to occupation of any building on the site and shall be maintained as agreed thereafter.

Reason: To ensure that the development hereby permitted is not detrimental to the amenity of the future residents by reason of undue external noise where there is insufficient information within the submitted application.

9 - Non-Standard Condition/Reason

Prior to occupation of the development, the road junction at its centre line shall be provided with a clear to ground visibility splay with dimensions of 2.4 metres by 43 metres to the north and 2.4 metres by 43 metres to the south, as measured from and along the nearside edge of the carriageway. Such vehicular visibility splays shall be provided before the road junction is first used by vehicular traffic and retained free of any obstruction at all times.

Reason: To provide adequate inter-visibility between vehicles using the road junction and those in the existing public highway in the interest of highway safety in accordance with policy DM1 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011, and condition ZID in Colchester Borough Council's Model Planning Conditions document dated July 2012.

(Note: The acceptability of interruption to vehicular visibility splays by trees, lamp-columns, telegraph poles etc. will be considered on a case by a case basis. In this location, having regard to the size, age, and amenity value of the Oak tree to the north of the access, the Highway Authority is happy to retain this as a limitation in the visibility splay).

10 - Non-Standard Condition/Reason

Prior to commencement/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 inter-visibility between the users of the access and pedestrians in the adjoining public highway in the interest of highway safety in accordance with policy DM1 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011 and condition ZIC in Colchester Borough Council's Model Planning Conditions document dated July 2012.

11 - Non-Standard Condition/Reason

Prior to occupation of the development the vehicular parking and turning facilities 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 in accordance with policy DM1 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011 and condition ZIE in Colchester Borough Council's Model Planning Conditions document dated July 2012.

12 - Non-Standard Condition/Reason

No unbound material shall be used in the surface treatment of the vehicular access within 6 metres of the highway boundary.

Reason: To avoid displacement of loose material onto the highway in the interests of highway safety in accordance with policy DM1 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011 and condition ZIF in Colchester Borough Council's Model Planning Conditions document dated July 2012.

13 - Non-Standard Condition/Reason

The carriageway of the proposed estate road shall be constructed up to and including at least road base level, prior to the commencement of the erection of any dwelling intended to take access from that road. The carriageways and footways shall be constructed up to and including base course surfacing to ensure that each dwelling prior to occupation has a properly consolidated and surfaced carriageway and footway, between the dwelling and the existing highway. Until final surfacing is completed, the footway base course shall be provided in a manner to avoid any upstands to gullies, covers, kerbs or other such obstructions within or bordering the footway. The carriageways, footways and footpaths in front of each dwelling shall be completed with final surfacing within twelve months (or three months in the case of a shared surface road or a mews) from the occupation of such dwelling.

Reason: To ensure roads/footways are constructed to an appropriate standard in the interests of highway safety in accordance with Policy DM7 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011 and condition ZJW in Colchester Borough Council's Model Planning Conditions document dated July 2012.

14 - Non-Standard Condition/Reason

Any vehicular hardstanding shall have minimum dimensions of 2.9 metres x 5.5 metres for each individual parking space, retained in perpetuity.

Reason: To ensure adequate space for parking off the highway is provided in the interest of highway safety in accordance with Policy DM8 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011 and condition ZIS in Colchester Borough Council's Model Planning Conditions document dated July 2012.

15 - Non-Standard Condition/Reason

All single garages should have a minimum internal measurement of 7m x 3m, all double garages should have a minimum internal measurement of 7m x 5.5m and any tandem garage should have minimum internal measurements of 12m x 3m.

Reason: To encourage the use of garages for their intended purpose and to discourage on-street parking, in the interests of highway safety and in accordance with Policy DM8 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011 and condition ZIW/X/Y in Colchester Borough Council's Model Planning Conditions document dated July 2012.

16 - Non-Standard Condition/Reason

Prior to occupation of the proposed development, the Developer shall be responsible for the provision and implementation of a Residential Travel Information Pack for sustainable transport approved by Essex County Council, to include six one day travel vouchers for use with the relevant local public transport operator.

Reason: In the interests of reducing the need to travel by car and promoting sustainable development and transport in accordance with policies DM9 and DM10 of the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011 and condition ZJD in Colchester Borough Council's Model Planning Conditions document dated July 2012

17 - Non-Standard Condition/Reason

Notwithstanding the details of the dwellings on plots 16 and 18 as shown on dwg no 567/20, the window to bedroom 2 shall be amended so as to avoid overlooking of the established gardens to the west in accordance with further details which shall be submitted to and agreed in writing by the Local Planning Authority before the development is commenced.

Reason. To safeguard the privacy and amenity of adjoining householders.

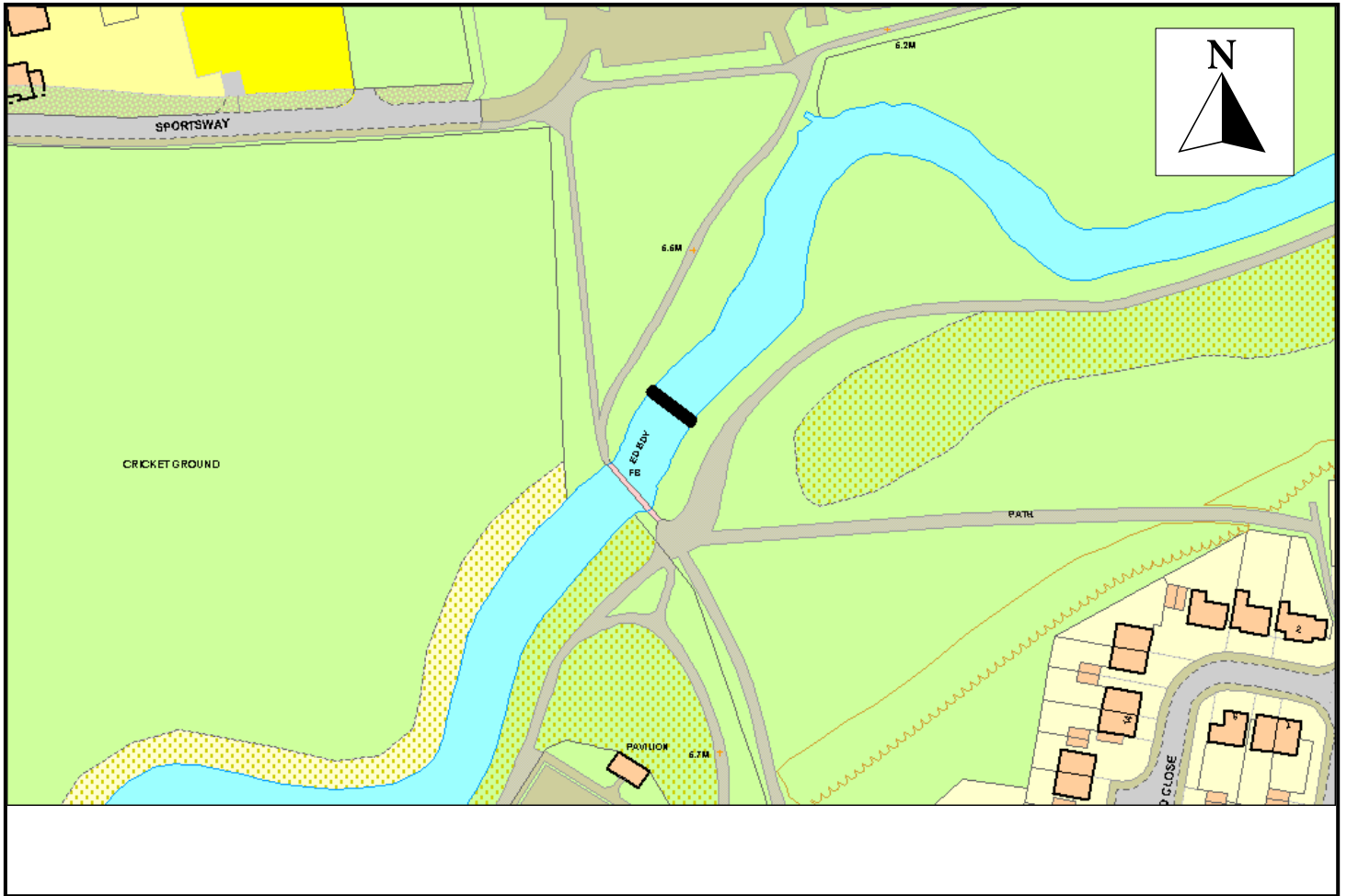
20.0 Informatives

(1) **ZT0 – Advisory Note on Construction & Demolition** The developer is referred to the attached advisory note Advisory Notes for the Control of Pollution during Construction & Demolition Works for the avoidance of pollution during the demolition and construction works. Should the applicant require any further guidance they should contact Environmental Control prior to the commencement of the works.

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

(3) PLEASE NOTE that this permission contains a condition precedent that requires details to be agreed and/or activity to be undertaken either before you commence the development or before you occupy the development. This is of critical importance. If you do not comply with the condition precedent you may invalidate this permission. Please pay particular attention to these requirements.

(4) 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.



Application No: 131463

Location: Proposed Footbridge, Cowdray Avenue/Castle Park, Colchester

Scale (approx): 1:1250

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7.2 Case Officer: Carl Allen

Due Date: 27/02/2014

MINOR

Site: Proposed Footbridge, Cowdray Avenue/Castle Park, Colchester

Application No: 131463

Date Received: 2 January 2014

Applicant: Mr Clive Woodruff

Development: Construction of a new foot/cycle bridge over River Colne in Castle Park Demolition of existing footbridge located 10m to the west of proposed bridge. Change the alignment of the existing footpaths/cycleways and construct new ramps to connect them to the new bridge. Existing footbridge is about 20m long and 1.7m wide and has 1m high parapets which is suitable for pedestrians use only. The proposed new bridge is 23.3m long, 4m wide and has 1.4m high parapets and can be used by pedestrians and cyclists. The new bridge will also be designed to accommodate vehicles weighing up to 3 Tonnes. The new bridge is proposed to create a safe foot/cycle path

Ward: Castle

1.0 Reason for Referral to the Planning Committee

1.1 This application is referred to the Planning Committee because Colchester Borough Council owns the land, although Essex Highways is the applicant.

2.0 Synopsis

2.1 The key issues explored below are those of the design, amenity and the setting of the Castle Park – which is an Historic Park and Garden. The proposal is considered acceptable in these regards (although subject to discussion, with the applicant to revise the proposed handrails) and would support the Councils walking and cycling policy. Approval is recommended.

3.0 Site Description and Context

3.1 The site is adjacent to the Lower Castle Park. A bridge - known as The Pageant Bridge – currently links the south bank (Riverside) of the River Colne to the north bank (which leads to Kings Meadow) and is a shared space for both pedestrians and cyclists. It is the bridge that is closest to Leisure World as well as the ten pin bowling and allotments, and is the route over the river for a number of footpaths and cycle ways.

4.0 Description of the Proposal

- 4.1 The proposal is to construct a new bridge approximately 10 metres east/downstream of the existing bridge. The bridge would be 4 metres wide and would be shared by both pedestrians and cyclists with droppable bollards at both ends. Handrails are proposed at either end. Materials would be reinforced concrete abutments and wingwall, steel beams painted olive green, ekki deck planks and ekki hardwood parapets.

5.0 Land Use Allocation

- 5.1 Public open space.

6.0 Relevant Planning History

- 6.1 None.

7.0 Principal Policies

- 7.1 Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. The National planning Policy Framework (NPPF) must also be taken into account in planning decisions and sets out the Government's planning policies are to be applied. The NPPF makes clear that the purpose of the planning system is to contribute to the achievement of sustainable development. There are three dimensions to sustainable development: economic, social and environmental.
- 7.2 Continuing the themes of the NPPF, the adopted Colchester Borough Core Strategy (December 2008) adds detail through local strategic policies. Particular to this application, the following policies are most relevant:
UR2 - Built Design and Character
TA2 - Walking and Cycling
- 7.3 In addition, the following are relevant adopted Colchester Borough Development Policies (October 2010):
DP1 Design and Amenity
DP14 Historic Environment Assets
DP20 Flood Risk and Management of Surface Water Drainage
DP21 Nature Conservation and Protected Lanes
- 7.4 Further to the above, the adopted Site Allocations (2010) policies set out below should also be taken into account in the decision making process:
n/a
- 7.5 Regard should also be given to the following adopted Supplementary Planning Guidance/Documents:
Community Facilities
External Materials in New Developments
Cycling Delivery Strategy

8.0 Consultations

8.1 Colchester Cycling Campaign – make the following observations:

- Key part of Colchester’s cycling network.
- Cyclists either dismount or ride across using the handrail.
- Had asked Essex County Council to consider a full bridge with separate cyclist/pedestrian provision.
- Colchester should demand full and separate provision for cyclists to reduce traffic, improve air quality and promote good health without intimidating pedestrians.

8.2 Natural England – No objection raised.

8.3 Archaeology – No objection.

8.4 Parks and Recreation – make the following comments:

- Demolition arrangements for the original bridge. We would require all concrete support pads etc to be removed and the river bank regraded to blend with surrounding levels and contours
- There is reference to an area north of the river being filled and regraded to account for the bridge access. The Council has developed proposals for an outdoor gym being located on the area and so any soil movement needs to be discussed and agreed with Castle Park representatives.
- Bin and benches that are moved as part of the construction works are to be relocated in positions agreed with Castle Park representatives
- Has contact been made with the Colchester Canoe Club as this stretch of river is used by them and clearance seems limited?

8.5 Spatial Policy – comments:

‘Spatial Policy welcomes the proposal to construct a new bridge across the River Colne suitable for pedestrians and cyclists.

The proposal is to replace the existing bridge, which is considered too narrow to comfortably allow pedestrians and cyclists to use safely, with a new 4 meter wide bridge with suitable pedestrian and cycle access paths and signing. The existing bridge is to be removed.

The bridge forms part of a popular walking and cycling route from north Colchester and Leisure World to the Castle Park and the town centre. The bridge is also on the route from the new Parkside Quarter residential development in Cowdray Avenue, to the town centre. Funding has been secured from this development to improve walking and cycling routes in the area.

The bridge is located at the junction of National Cycle Network routes. The bridge links:

- NCN route 1 to the north of Colchester to the town centre and to west Colchester, Tiptree and beyond
- NCN route 51 to east Colchester, the University, Wivenhoe and beyond.

A priority for the Strategic Plan is to promote sustainability and help reduce congestion. Introducing more and better cycle routes linking communities with major destinations should encourage cycling, thereby reducing congestion and sustainable travel.

The relevant Council's adopted Local Plan policies include:

Core Strategy (adopted December 2008)

Policy TA1 - Accessibility and Changing Travel Behaviour and Core Strategy
'...improve accessibility and change travel behavior by enhancing sustainable transport links..'

This proposal enhances sustainable transport links.

Policy TA2 - Walking and Cycling

'...regional and rural links will be improved and better connected with local destinations. The design and construction will be improved to make walking and cycling more attractive, direct and safe. Walking and cycling improvements will be focused on centers, schools, workplaces and public transport interchanges... The council will seek to provide excellent walking and cycling connections into and through the town centre. Development shall contribute towards these connections and quality cycle parking where appropriate.'

The proposal improves the links between residential areas, a major leisure facility and the town centre. The widened bridge meets the standards for a shared use facility (the current bridge being sub standard). Funding has been secured from the Parkside Quarter development to deliver this bridge and this bridge forms part of the route from this new development to the town centre and park.

Colchester Cycling Delivery Strategy (adopted as SPD January 2012)

The Colchester Cycling Delivery Strategy seeks to promote cycling by helping to overcome barriers to cycling. This is possible through a range of measures including enabling the provision of quality off road cycle routes.

The proposal helps enhance a traffic free walking and cycling route.

Policy DP14 - Historic Environment Assets

The bridge is located adjacent to Lower Castle Park and the existing bridge is on the boundary of an area designated Historic Park and Gardens which is covered by policy DP14. To assess the visual impact it would be helpful if a graphic setting the proposed bridge and railing within the context of the area be provided. A comparison would need to be made with the existing bridge which is to be removed.

Policy DP20 – Flood Risk and Management

The bridge crosses the River Colne and this area of the river is categorised as Flood Zone 3. The applicant needs to satisfy the planning authority that the implications of flooding have been considered and make available the view of the Environment Agency.

Detailed Design

Signing – please request a signing plan as the junctions and approaches change from the existing layout. We understand that the bridge will be shared use, as with the existing bridge. Current signing requests that cyclists give way to pedestrians – this message needs to be continued across the new bridge.

A seat and bin are currently located in the area that will form the new paths. Can the applicant be asked to show where they propose to relocate them.

Decking – please confirm that the Ekki Decking is non slip when wet.

Conclusion

The application accords with adopted spatial policies and is appropriate use of developer funding. However further information needs to be provided to satisfy the planning authority on those matters covered by DP14 and DP20. There are a small number of detail issues we are seeking confirmation on’.

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

9.0 Parish Council Response

9.1 n/a

10.0 Representations

10.1 Two comments have been received, one from the Riverside Residents’ Association and one from a local resident.

10.2 The Riverside Residents’ Association commented:-

Riverside Residents Association – object due to:

- The existing bridge is adequate and the expenditure is unnecessary.
- The financial advantage to Parks and Recreation should be in the public domain.
- The current bridge is structurally sound and fit for purpose. If funded by S106 money the local authority could spend this money on projects which better improve and enhance the community.
- The three ton weight restriction is not created by pedestrians or cyclists and results in additional costs.
- Could form part of highway network for motor vehicles.
- A wider bridge will enhance egress options for burglars.
- The bridge could allow travellers onto the meadow.
- Users of the bridge get along fine.
- New bridge will encourage faster speeds of cyclists and could lead to accidents.
- Any data to support the need?
- Bridge should remain and this reflects the view of the majority of Riverside Estate residents.

The Residents Association should have been consulted well in advance so to influence things.

10.3 The local resident commented:-

“This 'footbridge' is designed to take vehicles up to 3 tons. This may not be the intention but the bridge would likely to be used by vehicles as a 1.5 mile short cut for access to or from the Riverside estate or to other destinations in or around the town. There is a danger that at some time this usage could be formalised. The Riverside estate was carefully designed as a cul-de-sac. This should not be jeopardised. If it is desired to improve cycling links, the best way to do so is to retain the existing footbridge as pedestrian only and place beside it a purpose built cyclists only bridge. I would have no objection to this.”

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

11.0 Parking Provision

11.1 n/a

12.0 Open Space Provisions

12.1 n/a

13.0 Air Quality

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

14.0 Development Team and Planning Obligations

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

15.0 Report

15.1 The proposed new bridge would be wider than the existing foot bridge and would allow for a greater ease of passing for pedestrians, wheelchairs, mobility scooters and cyclists. The current bridge has a rather awkward arrangement where it is difficult for mixed users of the bridge to pass and usually results in one type of user waiting at one end whilst the other crosses. Whilst it has been suggested that the two bridges could co-exist together - with one dedicated for pedestrians and one for cyclists, it would not be desirable aesthetically to have two bridges so close together, especially as the new bridge would serve all users effectively. It is considered that the proposal would be an improvement to both pedestrians and cyclists and is in line with Policy TA2 which promotes walking and cycling in the Borough.

- 15.2 As part of the proposal the existing bridge would be removed. The bridge offers no design interest and its removal would not have any detrimental impact on the setting of the Castle Park - which is a Historical Park and Garden. Likewise, the replacement bridge is considered acceptable in design terms – although the hand railings that are proposed to lead up to the bridge are considered somewhat excessive (for example the two rails on the south bank would be 20m and 24m long respectively) and would be the only physical barrier between the river and the public in the whole park area. The applicant states that this is to ensure that cyclists do not crash into the river, however this would be out of character with the open nature of the area and seems to be an over-engineered solution for the small risk involved. Other solutions (such as planting or benches as a barrier) are being discussed with the applicant. With this change the proposal would have a neutral impact on the setting of the Historic Park and Garden and would accord with DP1, DP14 and UR2.
- 15.3 The four trees that are proposed to be removed are all either category B or C trees and their removal is required to reconfigure the footpaths and cycle lanes to the proposed bridge. The Council's Arboriculturist has not raised any objection to their removal. However, it is recommended that replacement trees are planted via a planning condition.
- 15.4 The Riverside Residents Association had voiced some concern to the scheme – mostly concerning the funding of the bridge. With regards to this matter, how the bridge is financed/which organisation(s) are paying for it is not a planning matter. It should be noted that the existing bridge – whilst close to the Riverside Estate – has a wide range of users, including those accessing Leisure World and cyclists (both leisure and commuters), so the proposal would improve/enhance a facility for the wider community of Colchester, not just the residents of the Riverside Estate.
- 15.5 Comment has been made that the bridge has been designed to take up to three tonnes in weight and that this over-provides for pedestrians and cyclists and that it could be used as a vehicle route. Whilst this would allow the bridge to be used by vehicles of the Parks and Recreation Service to maintain the opposite side of the river bank from their base in the Upper Castle Park, the droppable bollards at each end of the bridge would ensure that the bridge had a strict control on the vehicles that could use it and that unauthorised use would not occur. This would also address the concerns about potential use by travellers and burglars that have been expressed by the Riverside Residents Association.
- 15.6 The proposed bridge would offer a lower clearance for water users such as kayaks and canoes. The existing bridge has approximately (depending on the flow of the river) 1.2 metres between the surface of the river and the bridge whilst the proposal would have approximately 1 metre clearance.
- 15.7 The bridge is obviously in a Flood Zone, but the bridge is an acceptable structure to be in a Flood Zone and would not increase the flood risk. In fact, the proposed bridge would have no structures in the river that could trap flood debris, compared to the existing bridge that has two supports in the river. Therefore the proposal would actually allow the clear flow of water in a flood event. It is noted that the applicant has Consent from the Environment Agency to undertake the work. It is considered that the proposal accords with Policy DP20.

15.8 The 'Paxman Private Fishing' sign that is currently located next to the existing bridge would be repositioned near the proposed bridge, thereby retaining a small part of Colchester's industrial and social heritage.

16.0 Conclusion

16.1 The proposal is considered acceptable in regards to design (subject to discussion on the handrails), amenity and the setting of the Castle Park and would support the Councils walking and cycling policy.

17.0 Recommendation

17.1 APPROVE subject to the following conditions

18.0 Positivity Statement

18.1 The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

19.0 Conditions

1 - Time Limit for Full Permissions

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

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

2 - *Development to Accord With Approved Plans

With the exception of the provisions of Condition 9, the development hereby permitted shall be carried out in accordance with the details shown on the submitted Drawing Numbers CA/00 and CA/201 Rev A unless otherwise subsequently agreed, in writing, by the Local Planning Authority.

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

3 - Non-Standard Condition/Reason

The external materials to be used shall be those specified on the submitted application form and drawings, unless otherwise agreed, in writing, by the Local Planning Authority.

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

4 - Non-Standard Condition/Reason

Prior to the commencement of development, a schedule of all colours of external materials to be used shall have been submitted to and approved, in writing, by the Local Planning Authority and the development shall thereafter be carried out in accordance with the approved schedule.

Reason: This is a prominent site where the colour of external materials to be used should be polite to their surroundings in order to avoid any detrimental visual impact.

5 - Non-Standard Condition/Reason

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

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

6 - Non-Standard Condition/Reason

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

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

7 -Non-Standard Condition/Reason

Within three months of the first beneficial use of the hereby approved bridge, the existing bridge (and all associated structures) shall have been fully removed and the site reinstated to its former condition, unless otherwise agreed in writing with the Local Planning Authority.

Reason: To safeguard the visual amenity of the area and the setting of the Historic Park and Garden.

8 - Non-Standard Condition/Reason

Prior to the commencement of development full details (including the position) of all new signage to the bridge, footpath and cycle way, the repositioning of the 'Paxman's Private Fishing' sign and any new or repositioned bins and benches shall be submitted to and approved, in writing, by the Local Planning Authority and the development shall thereafter be carried out in accordance with the approved schedule.

Reason: To safeguard the visual amenity of the area and the setting of the Historic Park and Garden.

9 – Non Standard Condition/Reason

Notwithstanding the details of the approved drawing CA/201 Rev A, the applicant shall, prior to the commencement of the development, provide the Local Planning Authority with amended drawings showing the “Twin height continuous handrails” one fence to be excluded. The development shall comply with these drawings.

Reason: In the interest of visual amenity in this sensitive setting as the original proposal is unacceptable.

20.0 Informatives

(1) **ZT0 – Advisory Note on Construction & Demolition** The developer is referred to the attached advisory note Advisory Notes for the Control of Pollution during Construction & Demolition Works for the avoidance of pollution during the demolition and construction works. Should the applicant require any further guidance they should contact Environmental Control prior to the commencement of the works.

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

(3) PLEASE NOTE that this permission contains a condition precedent that requires details to be agreed and/or activity to be undertaken either before you commence the development or before you occupy the development. This is of critical importance. If you do not comply with the condition precedent you may invalidate this permission. Please pay particular attention to these requirements.



Application No: 132031

Location: The Surgery, 2 Portland Road, Colchester, CO2 7EH

Scale (approx): 1:1250

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7.3 Case Officer: James Ryan

Due Date: 14/02/2014

OTHER

Site: 2 Portland Road, Colchester, CO2 7EH

Application No: 132031

Date Received: 20 December 2013

Applicant: Colchester Borough Council

Development: Change of use from doctors surgery to single residential dwelling

Ward: New Town

Summary of Recommendation: Conditional Approval

1.0 Reason for Referral to the Planning Committee

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

2.0 Synopsis

2.1 The key issues explored below are the impact on neighbouring amenity, the loss of employment land, the on site amenity space provision and the parking provision.

3.0 Site Description and Context

3.1 The site is located the northern end of Portland Road, close to St Botolph's Circus roundabout. There is a footpath link under the roundabout to the north of the site providing access to the town centre.

3.2 The site houses an interesting building that is in a very tired state. On the front elevation there are two first floor sash windows either side of a large first floor door. There are three sash windows on the rear at first floor level. The building has flat roofed front and rear elements that run the full width of the site. The building is L-shaped and wraps around the connected neighbour at 2A. It was previously used as a doctor's surgery and before that was used for other commercial uses. It forms the end of a Victorian terrace of residential dwellings.

3.3 On street parking is controlled in Portland Road via double yellow lines and a residents' parking scheme.

4.0 Description of the Proposal

4.1 This application proposes the change of use of the building to a single residential dwelling. The intention is to have four bedrooms, however as there is currently no access to the first floor it is not currently possible for the Council to confirm that this is the case.

5.0 Land Use Allocation

- 5.1 The site sits within the defined settlement limits where development such as that proposed is acceptable in principle.

6.0 Relevant Planning History

- 6.1 There is no planning history that is particularly relevant to this scheme.

7.0 Principal Policies

- 7.1 Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. The National planning Policy Framework (NPPF) must also be taken into account in planning decisions and sets out the Government's planning policies are to be applied. The NPPF makes clear that the purpose of the planning system is to contribute to the achievement of sustainable development. There are three dimensions to sustainable development: economic, social and environmental.
- 7.2 Continuing the themes of the NPPF, the adopted Colchester Borough Core Strategy (December 2008) adds detail through local strategic policies. Particular to this application, the following policies are most relevant:
SD1 - Sustainable Development Locations
SD3 - Community Facilities
CE1 - Centres and Employment Classification and Hierarchy
CE2 - Mixed Use Centres
CE2a - Town Centre
H2 - Housing Density
H3 - Housing Diversity
UR1 - Regeneration Areas
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
DP3 Planning Obligations and the Community Infrastructure Levy
DP5 Appropriate Employment Uses and Protection of Employment Land and Existing Businesses
DP6 Colchester Town Centre Uses
DP12 Dwelling Standards
DP13 Dwelling Alterations, Extensions and Replacement Dwellings
DP19 Parking Standards
- 7.4 Regard should also be given to the following adopted Supplementary Planning Guidance/Documents:
Backland and Infill
Vehicle Parking Standards
Extending Your House?
The Essex Design Guide
External Materials in New Developments
Cycling Delivery Strategy

8.0 Consultations

- 8.1 Highways – Whilst it is recognised that the property does not provide parking facilities in accordance with current parking standards, the current use similarly does not provide these facilities. Having regard to the fact that the traffic associated with the site is likely to reduce under the proposal the Highway Authority raises no objection to this proposal.
- 8.2 Environmental Control – No objection subject to a condition requiring the prior approval of sound insulation from traffic to protect the new residents' amenity.

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

9.0 Parish Council Response

- 9.1 N/a

10.0 Representations

- 10.1 No representations have been received.

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

11.0 Parking Provision

- 11.1 This scheme does not provide any off street parking. The Council's adopted standards require two off street parking spaces for a four bedroom dwelling. The lawful use of the building is a doctor's surgery however. Doctor's surgeries cause significant on street parking demand and create multiple vehicle movements throughout the day. Therefore the replacement with a single residential dwelling will result in a significant reduction in the off street parking that the site will generate. Furthermore the dwelling is located in a very sustainable location a short walk to the town centre, the train station and bus station. Therefore on balance, this scheme is acceptable without off street parking.

12.0 Open Space Provisions

- 12.1 This scheme has come with a unilateral undertaking to provide a financial contribution towards public open space and community facilities.

13.0 Air Quality

- 13.1 The site is within an Air Quality Management Area. The conversion from doctor's surgery to residential dwelling will result in a significant reduction in associated vehicle movements and therefore this proposal will result in an improvement in air quality within the zone.

14.0 Development Team and Planning Obligations

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

15.0 Report

- Design and Layout
- Impacts on Neighbouring Properties
- Amenity Provisions
- Highway Issues
- Other Matters

Design and Layout

- 15.1 As a change of use this scheme does not propose any physical operations. The building sits in a very prominent position, so any works to tidy up the site that may come about as a result of this change of use would be welcome. A condition requiring the prior approval of the proposed floor plans is suggested so the Council has control of the final layout to ensure it does not cause material harm to neighbouring amenity.

Impacts on Neighbouring Properties

- 15.2 It is not considered that the conversion from a doctor’s surgery to a residential dwelling will result in material harm to neighbouring properties. In effect the change of use will result in a significant decrease in the number of visitors which should result in a reduction in disturbance to the neighbours.
- 15.3 No new windows are proposed. It is suggested that permitted development rights be removed by condition to ensure the Council has the control of any new windows, extensions or structures in the future to avoid a harmful impact on amenity.

Amenity Provision

- 15.4 The site has very little scope for useable outside amenity space. There is a two metre deep strip of land to the rear that runs the width of the site. It could be walled off and used for drying clothes and storing bikes but it is not large enough to realistically enjoy as amenity space.
- 15.5 In an edge of town centre location such as this where there are parks and other leisure facilities in walking distance, on balance, the very limited amenity provision does not warrant a refusal.
- 15.6 It is suggested that an attractive wall to form the boundary treatment to the rear should be secured by condition.

Highway Issues

- 15.7 Apart from the lack of parking provision addressed above, this scheme raises no highway issues. The Highway Authority has no objection to the scheme.

Other Issues

- 15.8 Policy DP5 seeks to protect employment land. As this application would extinguish a lawful commercial use it is important to assess the implications of this loss. In this context where the majority of the neighbours are residential, the conversion to residential will sit more comfortably and cause less noise and disturbance to other neighbours than most other commercial uses would. The Council has submitted this application to make the building as marketable as possible, however the building could still be used for commercial uses (subject to a change of use application if needed) if the market dictated that was a possibility. On that basis a refusal due to the small loss of employment land is not warranted.

16.0 Conclusion

- 16.1 The scheme is substandard in terms of amenity provision, provides no off street parking spaces and will also result in the loss of a commercial unit. It will however provide one family dwelling at the end of a row of residential properties. As the proposal will sit comfortably in its context and will make a small contribution to the Borough's housing provision, on balance an approval is warranted.

17.0 Recommendation

- 17.1 APPROVE subject to the following conditions

18.0 Positivity Statement

- 18.1 The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

19.0 Conditions

1 - Time Limit for Full Permissions

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

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

2 - *Development to Accord With Approved Plans

The development hereby permitted shall be carried out in accordance with the details shown on the submitted red lined plan unless otherwise subsequently agreed, in writing, by the Local Planning Authority.

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

3 - Non-Standard Condition/Reason

Prior to the commencement of development a set of floor plans showing the proposed layout of the single residential dwelling shall be submitted to and approved by the Local Planning Authority. The scheme must then be set out on site as shown on the plans and retained as such thereafter.

Reason: Due to the existing condition of the building the applicant is unclear as to how the dwelling will be set out internally. This condition will ensure that the layout of the proposed dwelling is acceptable and will not cause material harm to neighbouring amenity.

4 - Non-Standard Condition/Reason

The dwelling hereby granted shall contain no more than four bedrooms at any time.

Reason: The scheme was assessed on the basis of the proposed dwelling containing four bedrooms. The unilateral undertaking that accompanied the application was also drafted on that basis.

5 - Insulation From Traffic Noise

The proposed dwelling shall be insulated from traffic noise prior to occupation, in accordance with a scheme which shall have previously been submitted to and approved, in writing, by the Local Planning Authority.

Reason: The site is adjacent to a busy road and the dwellings need to be adequately insulated to protect the future residents from traffic noise.

6 - *General Removal of Residential PD Under Schedule 2 Part 1

Notwithstanding the provisions of Article 3, Schedule 2, Part 1 Classes A, B, C, D and E 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 enlargement, improvement or other alteration to the dwelling shall be erected or carried out except in accordance with drawings showing the siting and design of such enlargement, improvement or other alteration which shall previously have been submitted to and approved, in writing, by the Local Planning Authority.

Reason: The site is already heavily constrained and developed and any further development on the site would need to be considered at such a time as it were to be proposed.

7 - Smallscale Residential Boundary Treatments

No works shall take place until details of the provision, siting, design and materials of screen walls and fences have been submitted to and agreed, in writing, by the Local Planning Authority. The approved screen walls and fences shall then be erected prior to the first occupation of the dwelling to which they relate and shall thereafter be retained in the approved form.

Reason: There are insufficient details within the submitted application to ensure that the boundary treatments are satisfactory in relation to amenities and the surrounding context.

20.0 Informatives

- (1) **ZT0 – Advisory Note on Construction & Demolition** The developer is referred to the attached advisory note Advisory Notes for the Control of Pollution during Construction & Demolition Works for the avoidance of pollution during the demolition and construction works. Should the applicant require any further guidance they should contact Environmental Control prior to the commencement of the works.
- (2) All works affecting the highway should be carried out by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority and application for the necessary works should be made by initially telephoning 08456 037631.
- (3) PLEASE NOTE that this permission contains a condition precedent that requires details to be agreed and/or activity to be undertaken either before you commence the development or before you occupy the development. This is of critical importance. If you do not comply with the condition precedent you may invalidate this permission. Please pay particular attention to these requirements.
- (4) PLEASE NOTE: This application is the subject of a Unilateral Undertaking legal agreement and this decision should only be read in conjunction with this agreement.
- (5) It is suggested that the boundary treatment to the rear that will enclose the small area of private amenity land required in the condition above is an attractively detailed wall due the prominence of this location. The Council would not look to approve a close boarded fence.

AMENDMENT SHEET

Planning Committee
13 February 2014

AMENDMENTS OF CONDITIONS AND REPRESENTATIONS RECEIVED

7.1 131538 – Hunters Rough, 18 Chitts Hill, Colchester

The Landscape Planning Officer is satisfied with the landscape content of the application and recommends standard landscaping condition:-

ZFB - Full Landscape Proposals TBA

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

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

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

Further additional conditions also recommended:-

ZCA - Residential Code for Sustainable Homes (Part 1 of 2)

No works shall take place until evidence that the development is registered with an accreditation body under the Code for Sustainable Homes and a Design Stage or Interim Code Certificate demonstrating that the development will achieve Code Level 3 or higher for all dwellings have been submitted to and agreed, in writing, by the Local Planning Authority.

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

ZCB - Residential Code for Sustainable Homes (Part 2 of 2)

Within 3 months of the first occupation of any dwelling hereby approved, a post-construction Final Code Certificate issued by an accreditation body confirming that the dwelling has achieved a Code for Sustainable Homes rating of Code Level 3 or higher shall have been submitted to and agreed, in writing, by the Local Planning Authority.

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

NOTE – Condition 17 should read “Notwithstanding the details of the dwellings on Plots 13 and 16....”

7.2 131463 – Proposed Footbridge, Cowdray Avenue/Castle Park, Colchester

Consultations

The Garden History Society no longer has the capacity to respond to all applications.



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.

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

Class A1. Shops

Use for all or any of the following purposes—

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

Class A2. Financial and professional services

Use for the provision of —

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

Class A3. Restaurants and cafes

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

Class A4. Drinking establishments

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

Class A5. Hot food takeaways

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

Class B1. Business

Use for all or any of the following purposes—

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

Class B2. General industrial

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

Class B8. Storage or distribution

Use for storage or as a distribution centre.

Class C1. Hotels

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

Class C2. Residential institutions

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

Use as a hospital or nursing home.

Use as a residential school, college or training centre.

Class C2A. Secure residential institutions

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

Class C3. Dwellinghouses

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

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

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

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

Class C4. Houses in multiple occupation

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

Class D1. Non-residential institutions

Any use not including a residential use —

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

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

(c) for the provision of education,

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

(e) as a museum,

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

(g) as a public hall or exhibition hall,

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

Class D2. Assembly and leisure

Use as —

(a) a cinema,

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

(d) a dance hall,

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

Sui Generis Uses

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

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

Interpretation of Class C3

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

Interpretation of Class C4

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