

Planning Committee

Town Hall, Colchester
30 August 2012 at 6.00pm

This committee deals with

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

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

Information for Members of the Public

Access to information and meetings

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

Have Your Say!

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

Private Sessions

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

Mobile phones, pagers, cameras, audio recorders

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

Access

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

Facilities

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

Evacuation Procedures

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

Colchester Borough Council, Angel Court, High Street, Colchester
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

Material Planning Considerations

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

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

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

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

Human Rights Implications

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

Community Safety Implications

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

Equality and Diversity Implications

All applications are considered against a background of the Council's Equality Impact Assessment (EIA) Framework in order that we provide a flexible service that recognises people's diverse needs and provides for them in a reasonable and proportional way without discrimination. The legal context for this framework is for the most part set out in the Equality Act 2010.

**COLCHESTER BOROUGH COUNCIL
PLANNING COMMITTEE
30 August 2012 at 6:00pm**

Members

Chairman : Councillor Theresa Higgins.
Deputy Chairman : Councillor Helen Chuah.
Councillors Nick Barlow, Nigel Chapman, Peter Chillingworth, John Elliott, Stephen Ford, Sonia Lewis, Cyril Liddy, Jackie Maclean, Jon Manning, Nigel Offen, 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 Lyn Barton, Mary Blandon, Mark Cable, Barrie Cook, Beverly Davies, Annie Feltham, Marcus Harrington, Jo Hayes, Pauline Hazell, Peter Higgins, Brian Jarvis, Michael Lilley, Sue Lissimore, Colin Mudie, Will Quince, Terry Sutton, 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 circulated at the meeting and is available on the council's website by 4.30pm on the day of the meeting (see Planning and Building, Planning Committee, Planning Committee Latest News). Members of the public should check that there are no amendments which affect the applications in which they are interested. Could members of the public please note that any further information which they wish the Committee to consider must be received by 5pm on the day before the meeting in order for it to be included on the Amendment Sheet. With the exception of a petition, no written or photographic material can be presented to the Committee during the meeting.

Pages

1. Welcome and Announcements

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

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

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

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

2. Have Your Say!

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

3. Substitutions

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

4. Urgent Items

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

5. Declarations of Interest

The Chairman to invite Councillors to declare individually any 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

1

To confirm as a correct record the minutes of the meeting held on 16 August 2012.

7. Planning Applications

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

1. 121125 20 Davey Close, Colchester, CO1 2XL
(St Anne's)

2 - 10

Change of use of unit from B1 (light industrial) use to A1 (retail) and D2 (leisure) use. Installation of mezzanine floor.

2. 121195 21 Gladwin Road, Colchester, CO2 7HW
(Shrub End)

11 - 15

Single storey rear and side extensions.

8. Exclusion of the Public

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

**PLANNING COMMITTEE
16 AUGUST 2012**

Present :- Councillor Theresa Higgins (Chairman)
Councillors Nigel Chapman, Peter Chillingworth,
Helen Chuah, John Elliott, Stephen Ford, Sonia Lewis,
Michael Lilley, Jackie Maclean, Jon Manning,
Nigel Offen, Philip Oxford and Laura Sykes

Substitute Member :- Councillor Jo Hayes for Councillor Nick Barlow

(No formal site visits were undertaken for this meeting.)

37. Minutes

The minutes of the meetings held on 5 July 2012 and 2 August 2012 were confirmed as a correct record.

38. 121099 Ransomes, Wigborough Road, Peldon, CO5 7RA

Councillors Chapman, Chillingworth, Elliott, Lewis and Maclean (in respect of their acquaintance with the land owner who is a member of their political group) each 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 association with the applicant's agent, Mark Perkins) declared an other pecuniary interest in this item pursuant to the provisions of Meetings General Procedure Rule 7(12) and left the meeting during its consideration and determination.

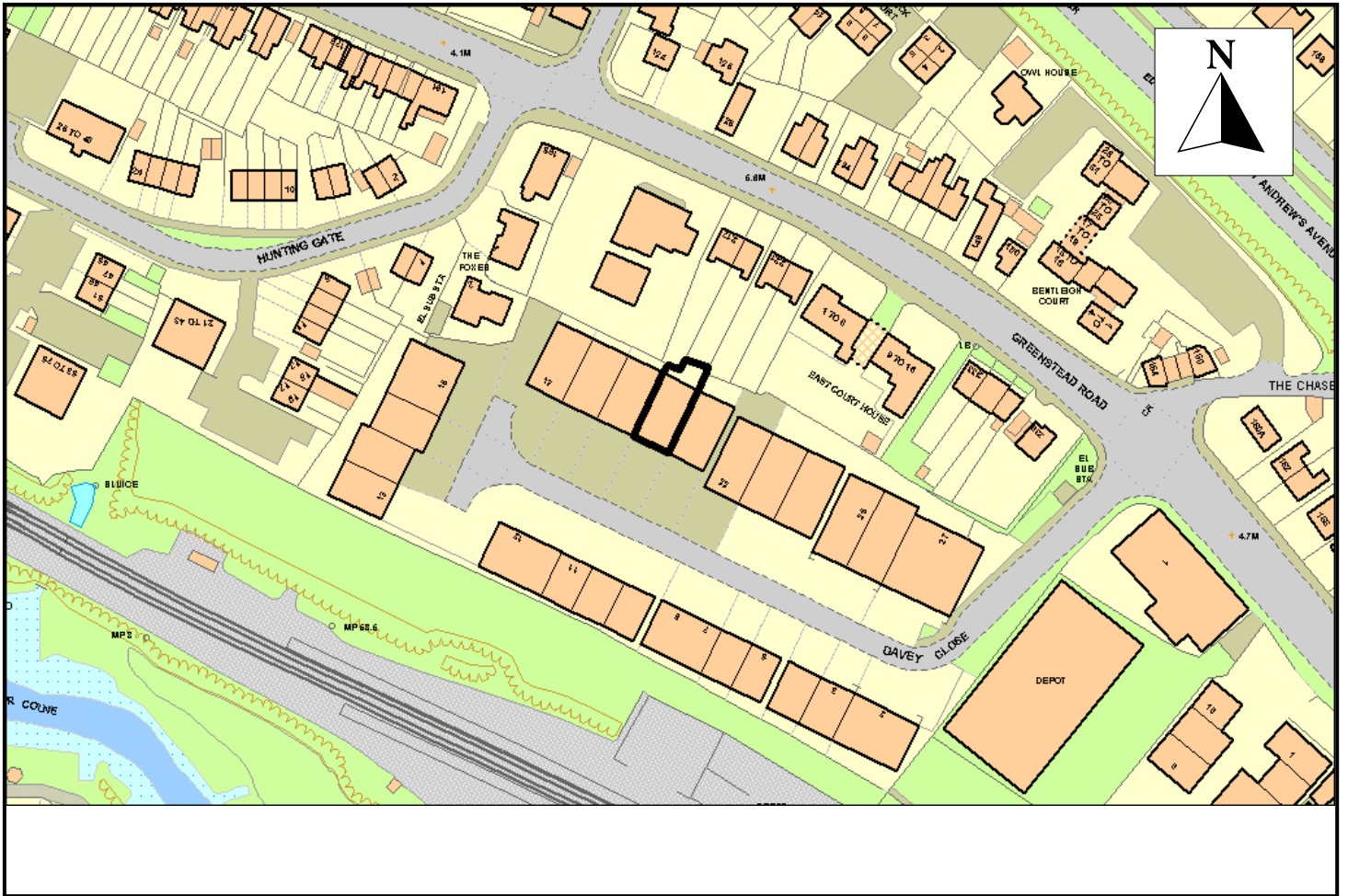
The Committee considered an application for a proposed replacement three bedroom dwelling and detached car port, reference COL/1397/81. The Committee had before it a report in which all information was set out.

RESOLVED (UNANIMOUSLY) that the application be approved with conditions and informatives as set out in the report.

39. 121116 Open Space, Bergholt Road, Colchester, CO4 5AQ

The Committee considered an application for the erection of one 6 metre high lamp column to illuminate a new pedestrian and cycle path linking an existing path to Colchester Station. The Committee had before it a report in which all information was set out.

RESOLVED (UNANIMOUSLY) that the application be approved with conditions and informatives as set out in the report.



Application No: 121125

Location: 20 Davey Close, Colchester, CO1 2XL

Scale (approx): 1:1250

The Ordnance Survey map data included within this publication is provided by Colchester Borough Council of PO Box 884, Town Hall, Colchester CO1 1FR under licence from the Ordnance Survey in order to fulfil its public function to act as a planning authority. Persons viewing this mapping should contact Ordnance Survey copyright for advice where they wish to licence Ordnance Survey map data for their own use.

This map is reproduced from Ordnance Survey Material with the permission of Ordnance Survey on behalf of the Controller Of Her Majesty's Stationery Office © Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. Crown Copyright 100023706 2012



Committee Report

Agenda item

7

To the meeting of **Planning Committee**
on: **30 August 2012**
Report of: **Head of Environmental and Protective Services**
Title: **Planning Applications**

7.1 Case Officer: Simon Osborn

OTHER

Site: 20 Davey Close, Colchester, CO1 2XL

Application No: 121125

Date Received: 28 June 2012

Applicant: Mr Andrew Smith – 4TK Gaming

Development: Change of use of unit from B1 (light industrial) use to A1 (retail) and D2 (leisure use). Installation of mezzanine floor.

Ward: St Annes

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 it has been “called-in” by Cllr. Helen Chuah on the grounds of noise disturbance and impact on the residential area.

2.0 Synopsis

- 2.1 The application seeks planning permission for change of use of the premises from light industrial use to a mixed leisure and retail use for a tabletop gaming club, which will also sell items associated with the use. The proposal is considered in the light of the comments received and the Council's adopted policies. The proposal seeks extended hours of use until 12.00 midnight and the amount of parking provision is a little short of the maximum standard referred to in policy guidance. However, the use is not inherently a noisy one and having regard to the location of the site within an employment zone and the specific nature of the use, the report recommends that planning permission is granted.

3.0 Site Description and Context

- 3.1 The application site relates to a relatively small purpose built industrial unit, one of 27 within the Davey Close Local Employment Zone. The unit has a footprint of 16.7m by 9.7m. The unit backs onto residential properties in Greenstead Road. The backs of these units are separated from the ends of the neighbouring gardens by a service strip between 2 and 5 metres wide, and a fire exit door from the back of the unit onto this service strip. There is forecourt parking for six cars to the front of the unit.

4.0 Description of the Proposal

- 4.1 The application seeks planning permission for change of use from B1 (light industrial) to a mixed use of D2 (leisure use) and A1 (retail use). The proposal includes the insertion of a mezzanine floor, measuring 9m x 9.7m, resulting in a total floor area of 250 square metres, and an additional entrance door in the front elevation. The proposed hours of use are Mondays to Fridays: 9.00am to 5.00pm and 7.00pm to 12.00midnight, Saturdays 9.00 am to 6.00pm and 7.00pm to 12.00midnight, Sundays 11.00am to 5.30pm.
- 4.2 The application submission indicates they are looking to run a tabletop gaming club where 2 players will battle each other over a gaming board (approximately 6 feet by 4 feet). These games can last from 1.5 to 3 hours, or longer depending on the scenarios being played out. Nights start at 7.00pm, as adults with family/work commitments cannot commit before then. On arrival at the club clients tend to chat for a while and sort out what they will be doing, with games starting around 8.00pm. A 3 hour game would last to around 11.00pm. To create a relaxed environment it is essential for the business to operate along the hours requested. The noise in the gaming club will be minimal with some background noise to help the atmosphere and chatting.
- 4.3 The majority of the space within the club is for table top gaming, but they also sell the products that the people who come to the club will use.

5.0 Land Use Allocation

- 5.1 Local Employment Zone
EA Floodzone 3

6.0 Relevant Planning History

- 6.1 81/0744 outline application for light industrial and warehouse units and new vehicular access, approved 1981 and 81/0744/A reserved matters approval, approved 1983. The approved layout for the units closest to Greenstead Road was superseded by the following application (in paragraph 6.2).
- 6.2 85/0313 13 factory units in 3 buildings approved 1985. This included conditions limiting the uses to class B1 (light industrial) and excluding wholesale or retail sales. The hours of use excluded activity taking place outside the hours of 7.00am to 10.00pm on Monday to Fridays and 7.00am to 5.00pm on Saturdays and at no time on Sundays and Bank Holidays.

7.0 Principal Policies

- 7.1 The following national policies are relevant to this application:

The National Planning Policy Framework (NPPF)

- 7.2 In addition to the above national policies, the following policies from the adopted Colchester Borough Core Strategy (December 2008) are relevant:

SD1 - Sustainable Development Locations
CE1 - Centres and Employment Classification and Hierarchy
CE3 - Employment Zones

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

DP1 Design and Amenity
DP5 Appropriate Employment Uses and Protection of Employment Land and Existing Businesses
DP19 Parking Standards

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

Vehicle Parking Standards

8.0 Consultations

- 8.1 Environmental Control advised no comments.
- 8.2 ECC Highways advised no objection to this proposal as it is not contrary to policies relating to safety, road hierarchy, parking standards, accessibility and efficiency/capacity.

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 representations were received, including one from the martial arts studio in the adjoining unit, in support of the application and one from 221 Greenstead Road objecting to the proposal on the basis that the hours of use would extend beyond normal working hours and concerns that the rear fire door will not be kept closed, resulting in noise and fire risk. Comments were also received from Cllr Chuah as reported in paragraph 1.1, and from Cllr Cook that noise caused by customers leaving (including banging car doors) could be heard by residents in Greenstead Road.

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 frontage forecourt was designed for six cars to park. The Council's adopted parking standards for both A1 and D2 uses are 1 vehicle space per 20 square metres expressed as a maximum standard. The unit with the proposed mezzanine will have a floor area of 240 square metres.

12.0 Open Space Provisions

12.1 There is no open space requirement for this use.

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 Report

Background

14.1 The applicant has carried out the proposed use for 5 years in retail premises on the corner of Nayland Road with Mill Road. These premises are immediately adjacent to residential premises. The use has operated with a small retail area at the front of the shop and a gaming area at the rear. As a larger part of the floorspace is for gaming, this cannot be considered ancillary to the retail use and they have been advised that in view of the very close proximity to residential property (including a flat above the premises) and their desire to operate until 12.00 midnight that change of use to include the gaming use (Class D2) for these hours was unlikely to be granted.

- 14.2 The concept of the business is to provide a “one-stop shop” for gamers/hobbyists, where they can purchase the products needed for the games, including army pieces and modelled terrain, tables for gaming, painting stations for painting and building the armies they have purchased, and a relaxation area. Whilst a retail area is needed, three quarters of the space is needed for the gaming/hobby use. The premises at Davey Close, together with the proposed mezzanine will enable the number of gaming tables to be increased from 7 tables at the Nayland Road premises to a projected twelve at these.

Policy Principle

- 14.3 The application site is within a Local Employment Zone comprising 27 units. Policy DP5 indicates that appropriate employment uses within such designated zones includes a number of uses other than the traditional B1, B2 and B8 uses, which includes indoor sports uses. A limited element of retailing is permitted where this is ancillary to another main use related to Classes B1, B2 and B8.
- 14.4 The total floor space of the premises including the proposed mezzanine is 250 square metres, of which approximately 25% will be allocated to retail sales. Retail sales will be limited to the gaming in the club, to fully support the whole hobby. This is not wholly consistent with Policy DP5 as the gaming use is Class D2 rather than B1, B2 or B8. Nonetheless, the change of use of premises to indoor sports uses is acceptable in principle within the employment zones and the retail sales will be ancillary to the proposed gaming use. It is considered therefore that there is no fundamental conflict with this policy.

Noise

- 14.5 Potential noise arising from the premises has been raised as a concern by the representations received to the proposal. The gaming activity is not by its nature a noisy one. Tabletop wargaming comprises of gamers – generally two per table – either standing up or sitting on a stool at the table and rolling dice and subsequently strategically moving their chosen army pieces. There will be conversation but at normal noise level. Others might be sat at painting stations. Loud music will not be played over speakers as the activity requires a degree of concentration.
- 14.6 Other potential noise will result from car movements outside the building, including starting of engines and car doors being opened and closed. The entrance to the unit is however on the far side of the building from residential properties in Greenstead Road. Therefore, even though the proposed hours of use are until midnight, any noise from people leaving the club will be concentrated within the employment zone rather than in a predominantly residential area. There is a fire exit door on the rear of the building, but this should be kept closed other than for emergencies. In common with other units on the site there is also a large roller shutter entrance on the front of the building. However, this will not be the main entrance for people entering the premises.
- 14.7 Environmental Control stated they had no objection to the proposal. Following upon the representations, they reconfirmed they had no objection on the basis that there were no plans for amplified music, the activities carried out are not noisy, and although the activity will be carried out in the evenings and weekends the shutter door will not be used as the entrance.

Parking

14.8 The Council's adopted parking standards for both A1 and D2 uses are 1 vehicle space per 20 square metres expressed as a maximum standard. The unit with the proposed mezzanine will result in a gross floor area of 240 square metres. This would require a maximum provision of 12 car parking spaces. The actual forecourt at the front of the premises is designed to hold six cars, although an additional two cars could in theory be accommodated in the access to the shutter door. It is recognised that this level of provision is short of the advisory standard. However, it is anticipated that much of the custom will be in evening hours when in reality parking space is more likely to be available within Davey Close. The possibility of not providing the mezzanine floor, at least on a temporary basis, was discussed; however the applicant advised that the additional space was essential to the operation of the business and, installation at a later date would involve disruption to customers later on. The policy standard is of course a maximum standard rather than a minimum standard. Regard has also been paid to the nature of Davey Close, which is industrial in nature rather than residential. On balance, it is considered therefore the proposal can be accepted on parking grounds.

15.0 Conclusion

15.1 The application seeks planning permission for change of use of the premises from light industrial use to a mixed leisure and retail use for a tabletop gaming club, which will also sell items associated with the use. The proposal has been considered in the light of the comments received and the Council's adopted policies. The proposal seeks extended hours of use until 12.00 midnight and the amount of parking provision is a little short of the maximum standard referred to in policy guidance. However, the use is not inherently a noisy one and having regard to the location of the site within an employment zone and the specific nature of the use, the report recommends that planning permission is granted.

16.0 Recommendation – Conditional Approval

Conditions

1 - Time Limit for Full Permissions

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

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

2 - *Development to Accord With Approved Plans

The development hereby permitted shall be carried out in accordance with the details shown on the submitted Drawing Numbers 10946 first floor layout and unnumbered ground floor layout 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 - *Removal of PD - Part 3 of Article 3, Schedule 2 Changes of Use

Notwithstanding the provisions of Article 3, Schedule 2 Part 3 of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order with or without modification), the building/site shall be used as a gaming club as set out in the email dated 6th August 2012 and for no other purpose including any other purpose in Class D2 or A1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (or in any provision equivalent to that Class in any Statutory instrument and re-enacting that Order with or without modification).

Reason: This is the basis on which the application was submitted and subsequently considered and the Local Planning Authority would need to give further consideration to the impacts of a different use at this site at such a time as any future change of use were to be proposed.

4 - Non-Standard Condition/Reason

No retail sales shall take place on the site at any time, with the exception of items that are directly related to the use the site as permitted by condition no. 3 above.

Reason: The site lies within an employment area where in accordance with Policy DP5 general retail sales are not normally permitted.

5 - Non-Standard Condition/Reason

No external alterations shall be carried out to the rear of the building unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interest of neighbouring residential amenity.

6 - *Restriction of Hours of Operation

The use hereby permitted shall not operate outside of the following times:

Weekdays: 09.00am to 24.00midnight

Saturdays: 09.00am to 24.00midnight

Sundays and Public Holidays: 11.00am to 17.30pm

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

7 -Non-Standard Condition/Reason

No amplified music shall be played from the site, unless prior details have been submitted to and agreed in writing by the local planning authority.

Reason: In the interest of neighbouring residential amenity.

8 - Non-Standard Condition/Reason

No more than 12 gaming tables shall be provided within the building, unless otherwise agreed in writing by the local planning authority.

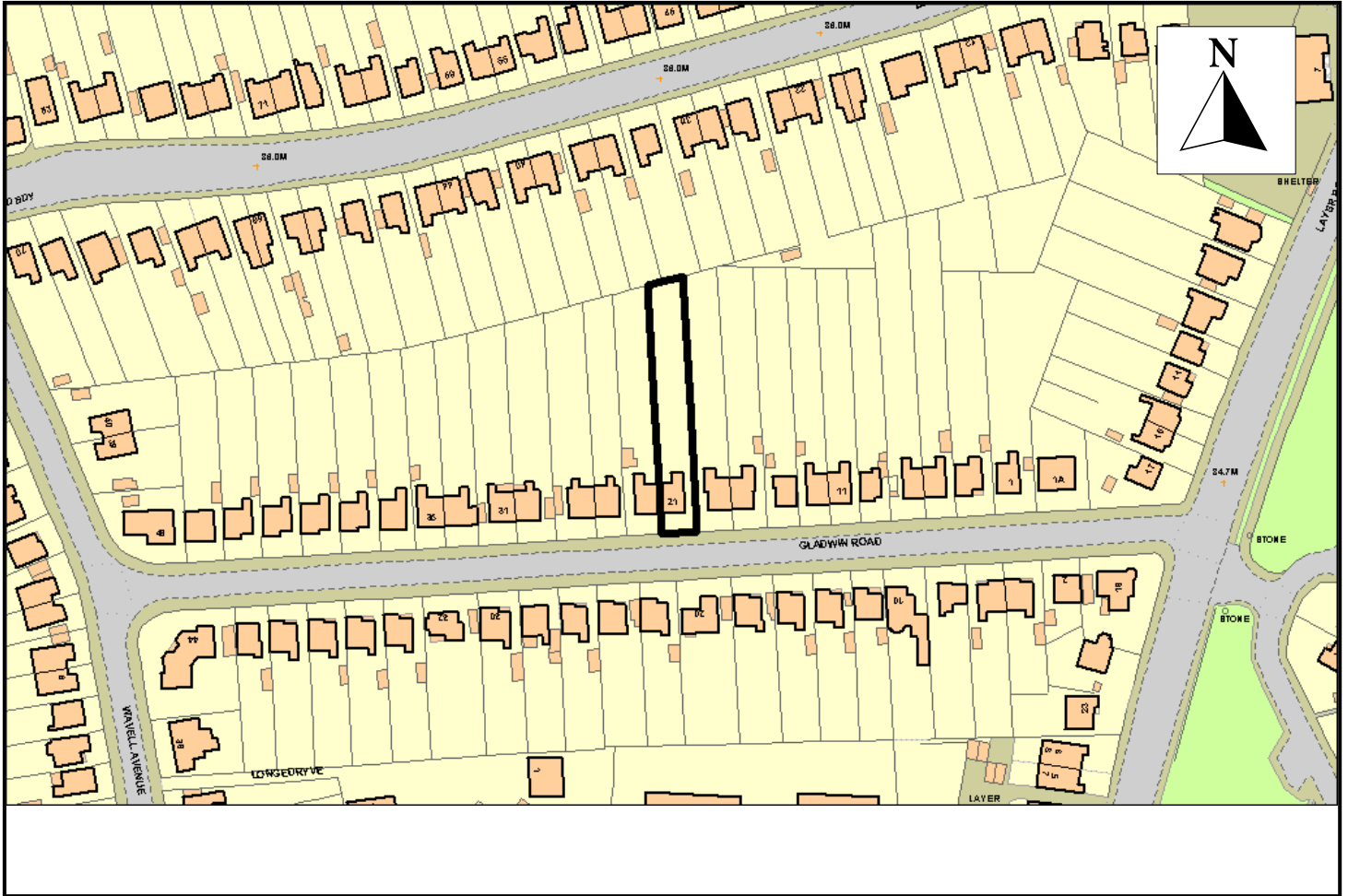
Reason: In accordance with the information submitted by email dated 6 August 2012 and to ensure that the numbers of people visiting the premises does not result in excessive on-street parking.

Informatives

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

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

(3) The application seeks planning permission for change of use of the premises from light industrial use to a mixed leisure and retail use for a tabletop gaming club, which will also sell items associated with the use. The proposal has been considered in the light of the comments received and the Council's adopted policies. The proposal seeks extended hours of use until 12.00 midnight and the amount of parking provision is a little short of the maximum standard referred to in policy guidance. However, the use is not inherently a noisy one and having regard to the location of the site within an employment zone and the specific nature of the use, the Council consider that planning permission can be granted.



Application No: 121195

Location: 21 Gladwin Road, Colchester, CO2 7HW

Scale (approx): 1:1250

The Ordnance Survey map data included within this publication is provided by Colchester Borough Council of PO Box 884, Town Hall, Colchester CO1 1FR under licence from the Ordnance Survey in order to fulfil its public function to act as a planning authority. Persons viewing this mapping should contact Ordnance Survey copyright for advice where they wish to licence Ordnance Survey map data for their own use.

This map is reproduced from Ordnance Survey Material with the permission of Ordnance Survey on behalf of the Controller Of Her Majesty's Stationery Office © Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. Crown Copyright 100023706 2012

7.2 Case Officer: Carl Allen

HOUSEHOLDER

Site: 21 Gladwin Road, Colchester, CO2 7HW

Application No: 121195

Date Received: 28 June 2012

Agent: Mr Steve Dobbs

Applicant: Mr David Barham

Development: Single storey rear and side extensions

Ward: Shrub End

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 a former employee of Colchester Borough Council.

2.0 Synopsis

2.1 The proposal is for two extensions, to the side and to the rear of the dwelling. It is considered that there would be no amenity issues and that the design is acceptable. The recommendation is for approval with standard conditions.

3.0 Site Description and Context

3.1 21 Gladwin Road is a semi-detached dwelling with its attached neighbour (no.23) to the west, whilst to the east is a driveway and a brick wall forming the boundary with the neighbour of no.19. The rear elevation of no. 21 has a narrow lean-to element. The front and side of the dwelling have a brick exterior at ground floor and pebble dashed at the first floor.

4.0 Description of the Proposal

4.1 The proposal is for a small side extension to the east approximately 1.5m long, 1.3m wide and 2.5m high to provide a toilet. To the rear a single-storey extension is proposed and would be approximately 6m long, 3.6m wide and a maximum height of 3.3m with a catslide roof. Materials would match the existing.

5.0 Land Use Allocation

5.1 Residential.

6.0 Relevant Planning History

6.1 None.

7.0 Principal Policies

7.1 The following national policies are relevant to this application:
The National Planning Policy Framework (NPPF)

7.2 In addition to the above national policies, the following policies from the adopted Colchester Borough Core Strategy (December 2008) are relevant:

UR2 - Built Design and Character

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

DP1 Design and Amenity

DP13 Dwelling Alterations, Extensions and Replacement Dwellings

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

Extending your House

The Essex Design Guide

8.0 Consultations

8.1 None

9.0 Parish Council Response

9.1 N/A

10.0 Representations

10.1 None received.

11.0 Parking Provision

11.1 No change proposed.

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 Report

Design and Layout:

- 14.1 The proposed rear extension would match the rear extension (granted in 2009) of the neighbour at number 23 with regards to the overall size and height. Given this and the orientation and distance to the neighbours there would be no overshadowing nor any other amenity issue. The side extension would be very modest and low in height, and as a result would not cause any amenity issues. Neither extension would result in an overdevelopment, and would not appear to be cramped on the site. The materials would match the existing, which in the case of the side extension would be pebble dashed, whilst the rear extension would be brick with slate for the roof. The proposal is therefore considered acceptable and would not detract from the original dwelling and accords with policy.

Highway Issues:

- 14.2 The proposal would not result in any reduction of parking spaces and two off-road parking spaces would continue to be provided.

15.0 Conclusion

- 15.1 The proposed extensions are considered to result in no amenity issues and have an acceptable design, and therefore comply with the Council's policies.

16.0 Recommendation – Conditional Approval

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 Location Plan and Sheets 1, 2 & 3 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 - Materials as Stated in Application

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

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

Informatives

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

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



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.