

Planning Committee

Town Hall, Colchester
20 May 2010 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

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Have Your Say!

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Private Sessions

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Material Planning Considerations

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

- planning policy such as local and structure plans, other local planning policies, 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 **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, restrictive covenants, rights of way, ancient rights to light
- effects on property values
- loss of a private view
- identity of the applicant, their personality, or a developer's motives
- competition
- the possibility of a "better" site or "better" use
- anything covered by other types of 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 in relation to gender disability, sexual orientation, religion or belief, age, race or ethnicity. The legal context for this framework is for the most part set out in the Race Relations (RRA) and Disability Discrimination (DDA) legislation.

COLCHESTER BOROUGH COUNCIL

PLANNING COMMITTEE

20 May 2010 at 6:00pm

Members

Chairman : Councillor Ray Gamble.
Deputy Chairman : Councillor Theresa Higgins.
Councillors Andrew Ellis, Stephen Ford, Philip Oxford,
Peter Chillingworth, Helen Chuah, John Elliott,
Jackie Maclean, Jon Manning, Ann Quarrie and Laura Sykes.

Substitute Members

: All members of the Council who are not members of this Committee or the Local Development Framework Committee. The following members have undertaken planning training which meets the criteria:-
Councillors Christopher Arnold, Nick Barlow, Lyn Barton, Mary Blandon, John Bouckley, Nigel Chapman, Barrie Cook, Nick Cope, Wyn Foster, Bill Frame, Mike Hardy, Pauline Hazell, Peter Higgins, Martin Hunt, Michael Lilley, Sue Lissimore, Richard Martin, Nigel Offen, Beverley Oxford, Gerard Oxford, Lesley Scott-Boutell, Paul Smith, Terry Sutton, Jill Tod, Anne Turrell and Julie Young.

Agenda - Part A

(open to the public including the media)

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

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

Pages

1. Welcome and Announcements

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

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

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

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

2. Have Your Say!

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

3. Substitutions

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

4. Urgent Items

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

5. Declarations of Interest

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

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

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

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

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

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

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

public interest.

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

6. Minutes

1 - 9

To confirm as a correct record the minutes of the meeting held on 29 April 2010.

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. 100131 Land at rear of 1-18 Cherry Chase, Tiptree (Tiptree) **10 - 19**

Demolition of existing garages and construction of 7no. 1 bedroom and 1no. 2 bedroom bungalows and associated car ports for occupation by tenants of Wilkin & Sons Ltd.
2. 100553 Innisfree, De Vere Lane, Wivenhoe (Wivenhoe Quay) **20 - 30**

New one and a half storey house with vehicular access. Resubmission of 091158.
3. 100667 Westview Cottage, Long Road West, Dedham (Dedham and Langham) **31 - 39**

Demolition of existing house and outbuildings. Replacement five bedroom detached house and double garage.
4. 100484 Villa 7, Turner Road, Colchester (Mile End) **40 - 44**

Application for variation of Condition 10 of planning permission 090800 - removal of tree.

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
29 APRIL 2010

Present :- Councillor Ray Gamble* (Chairman)
Councillor Sonia Lewis* (Deputy Mayor)
Councillors Mary Blandon*, Mark Cory,
John Elliott*, Andrew Ellis, Stephen Ford,
Theresa Higgins*, Jackie Maclean and
Ann Quarrie*

Substitute Members :- Councillor Laura Sykes
for Councillor Helen Chuah*
Councillor Martin Hunt for Councillor Jon Manning*

Also in Attendance :- Councillor Julie Young

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

224. Minutes

The minutes of the meetings held on 1 April 2010 and 15 April 2010 were confirmed as a correct record.

225. 091357 Avon Way House, Avon Way, Colchester, CO4 3TZ

The Committee considered an application for a further two blocks, A and B, of new student accommodation forming a total of thirty-eight new student bedrooms in nine cluster flats. Each bedroom would be ensuite and would share kitchen and lounge facilities with other bedrooms within each cluster flat. The current proposal provides two blocks each of three storeys where they face the Avon Way House site and two storeys where they face the dwellings in Pickford Walk. The car parking provision was based on one space per five students. There would be 102 bedrooms in total giving a parking provision of twenty-one spaces which had been rounded up to thirty spaces. The Committee had before it a report in which all information was set out, see also Amendment Sheet.

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

Sue Jackson, Principal Planning Officer, attended to assist the Committee in its deliberations. Blocks C, D, E and F had already been granted permission at which time Blocks A and B had been withdrawn because of their close proximity to properties in Pickford Walk. Blocks A and B had now been

relocated further away from those properties; between 20 metres and 22 metres away which was greater than the minimum distance of 15 metres. In addition both blocks were now set slightly lower than in the previous scheme. The Amendment Sheet referred to additional matters to be included in the Section 106 Agreement.

Denis Groves addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in opposition to the application. He referred to Blocks A and B which were proposed to be built opposite his house, located at the bottom of the steps down from Avon Way into Pickford Walk. He asked that the application be rejected and if the developers were not satisfied with just Block B they should reach a compromise for Block A not to be erected as they already had permission for Blocks C to F.

Owain Thomas addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in support of the application. Their application for Blocks C to F was passed last August at which time they stated that they would put in a further application for Blocks A and B. They have tried to mitigate the concerns expressed by the Committee by dropping the height and moving them further away from properties on Pickford Walk. In doing so they consider they have gone further than simply complying with planning guidance. He appreciated that local residents may not wish to have students in the vicinity of their properties. However, they comply with all planning legislation and guidance and the proposal will be to a high standard for the students of Colchester. The site is sustainable with links to the cycle network; it is a secure development; and it is a residential use in a residential area.

Councillor Julie Young attended and, with the consent of the Chairman, addressed the Committee. She did not consider the increased distance between the new blocks and properties in Pickford Walk to be significantly different. The Mansion Group had not made it clear whether the ground level will be reduced so she considered the current proposal would still have the impact of three storeys because it would be built on a mound. The earlier suggestion for using infill space has not been taken up by the developer. The gates to the site had been locked since the application process started and existing students had been parking in the road. She was aware that the available on site parking had been reduced by 50% but she now believed that the number of parking spaces had been reduced further still even though a new parking standards policy had been adopted. She also believed that the existing 1,300 student flats agreed for Knowledge Gateway were sufficient particularly in view of the prospect of cuts in funding for further education with the likelihood that the numbers of students would also fall thus negating the necessity for these additional flats. She was also aware of a significant number of flats available to let in the Hythe area.

Members of the Committee remained concerned on a number of issues:- the lack of sufficient on site parking spaces leading to on street parking in surrounding roads and causing problems for residents; the impact on residents in Pickford Walk, specifically the difference in height and proximity to their properties; the loss of daylight and sunlight, and issues relating to overbearing and overshadowing; the possibility of the proposal being a source of noise nuisance for residents; the suitability and provision for disabled students; the possibility of the development being sold on for private occupation in the future; and the density being too high. Some members were of the view that whilst Block A was now acceptable Block B was not.

It was explained that the proposal exceeds the Essex Design Guide standards in respect of the minimum distance between the fronts of properties. Although the slab level of Block A shows a slight rise, overall the building is lower in height than in the original proposal. This scheme has been amended to overcome any overbearing impact. In respect of noise, the flats are small bed-sits and apart from a shared kitchen there is no other shared accommodation. In addition, the windows facing Pickford Walk on Blocks A and B will be either bedroom windows or windows serving the stairwells. There will be a full management team on site to ensure students do not cause problems for neighbouring residents, so applicants have already taken this issue into account and there is that facility for people to go direct to the Management Team. If the site was private residential accommodation there would need to be a garden area but that is not the case in this application. Condition 17 restricts the occupation of the buildings to students. The site is fairly high density comprising buildings, parking or accessway. The buildings will have to comply with the Disability Discrimination Act. The issue of flats available elsewhere was not a planning issue.

In respect of the parking provision it was explained that, the earlier approval provides 81 new student bedrooms in twenty flats and this proposal provides a further 38 new student bedrooms in nine flats, totalling 119 new student bedrooms. The total parking provision on the whole site will be thirty spaces. The new parking standard applies to the new blocks only and not to the blocks which are already built. The new parking standard requires one space for every five bedrooms which is 23 spaces for the new development; this leaves seven spaces for the existing blocks. Four of the thirty spaces will be available for students with disabilities. The applicant has agreed to a legally binding restrictive covenant whereby students will only be permitted to bring a car onto the site if they have a permit. To support this arrangement there will be a tenancy agreement relating to flats on the whole site preventing all students from having a car. Cycle parking is provided and students will be encouraged to walk and use public transport.

Members had been opposed to the original proposal but they recognised that the applicant had made some significant compromises. The buildings were lower and light studies have demonstrated that there is no overshadowing. The proposal complies with all the relevant policies. However, there was considerable dissatisfaction with the parking provision. The parking provision for the entire site did not allow sufficient for the pre-existing student bedrooms and members believed it was inadequate and would cause inappropriate on-street parking. It appeared that there were no grounds for refusing the application as the parking provision had not been raised previously, however the Committee remained very concerned and it was suggested that the application be deferred to examine the car parking situation alongside the new policy standard, but also to look at the existing blocks and whether it was reasonable to include them within the parking standard for the whole site; this could entail asking the applicant to reduce the density.

RESOLVED (MAJORITY voted FOR) that consideration of the application be deferred for further discussions in relation to increasing the parking provision to ensure it meets with current policy, but also to seek legal advice regarding the inclusion of the existing flats in the parking allocation.

Councillor Theresa Higgins (in respect of her husband being employed by the University of Essex) declared a personal interest in the following item pursuant to the provisions of Meetings General Procedure Rule 7(3)

226. 091662, 091663 and 091664 University of Essex, Wivenhoe Park, Colchester, CO4 3SQ

The Committee considered a suite of reserved matters applications as follows:-

(a) Application 091662 for a mixed use development to provide for an extension to the research park B1, residential development C3, student residences C2, hotel and public house/restaurant C1/A4, leisure development D2 and retail development A1, A2, A3, together with associated infrastructure works and car parks including new roundabout access and associated highway works upon the A133 and Elmstead Road. On the submitted plans this application relates to the part of the site identified as 'A'.

(b) Application 091663 for the layout of main estate roads and structural landscaping. On the submitted plans this application relates to the part of

the site identified as 'C'.

(c) Application 091664 for an extension to the research park buildings, roads and landscaping works for Use Classes A2 and B1. On the submitted plans this application relates to the part of the site identified as 'B'.

The Committee had before it a report for each application in which all information was set out, see also Amendment Sheet.

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

Sue Jackson, Principal Planning Officer, attended to assist the Committee in its deliberations.

Nick Davey addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in support of the application. The University were delighted at this prestigious scheme which helps to meet councillors' aspirations for the regeneration of the Hythe. He referred to the long history of the site and to the masterplan for the site which was approved in 2006 to provide a business and research park, student accommodation, two hundred dwellings, a hotel and a junction onto Clingo Hill. In every respect this application complied with existing permissions and the masterplan. There have been a few objections on matters of principle which are not relevant. The University hope the Committee approve the application to enable it to commence in the next two months.

Councillor Julie Young attended and, with the consent of the Chairman, addressed the Committee. This application will have an impact on residents of St Anne's ward. The consultation met the current guidelines. In respect of the cycle route network, she is concerned about the residents in the new residential properties and where their children will go to school. There is a split catchment area in St Andrew's between two schools and there appears to be no thought how the children will get to the schools. She anticipates that those attending the school in Wivenhoe will travel by car but there is no provision for a walking route through to Bromsgrove School. She was also concerned that a leisure use might be a nightclub.

Members of the Committee made a number of comments:- where joint cycle/foot paths were provided alongside a road, the cycle path should be closest to the road to assist people with sight difficulties, and all cycle paths should be consistent if they were to be linked up with the wider cycle path network across the bridge over the river; the point at which the private road begins; the shortage of school places in some year groups in Wivenhoe.

It was explained that this application contained no detail about the particular

leisure use. This level of detail would be set out in the reserved matters application at which stage there would be a further consultation process. In respect of the cycleway/footway comment, this could be added as a note to the Highway Authority. In respect of the private road, the roads within the residential area will have to be adopted as public highway and the borough council will be consulted at that stage.

RESOLVED (UNANIMOUSLY) that –

- (a) Application 091662 be approved with conditions and informatives as set out in the report and on the Amendment Sheet.
- (b) Application 091663 be approved with conditions and informatives as set out in the report and on the Amendment Sheet.
- (c) Application 091664 be approved with conditions and informatives as set out in the report and on the Amendment Sheet.
- (d) A note be sent to the Highway Authority to advise that the Planning Committee would like confirmation that any joint cycleway/footpaths the cycleway to be adjacent to the road and this arrangement to be consistent throughout the development.

227. 072523, 072522 and 071786 The Old Oyster Sheds, Coast Road, West Mersea, CO5 8PA

These applications were withdrawn from consideration at this meeting in order to carry out consultations with the Marine Management Organisation regarding development above the high water mark.

Councillor Martin Hunt (in respect of being a Governor of the Colchester Hospital University NHS Foundation Trust) declared a personal interest in the following item which is also a prejudicial interest pursuant to the provisions of Meetings General Procedure Rule 7(10) and he left the meeting during consideration and determination of the application

228. 081778 Essex County Hospital, Lexden Road, Colchester, CO3 3NB

The Committee considered an application for the installation of new gates at both entrances onto Gray Road and at the southernmost entrance onto Hospital Road. The westernmost new gates onto Gray Road to be set amongst 15.5 metres of metal railings. The Committee had before it a report

in which all information was set out, see also Amendment Sheet.

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

Councillor Theresa Higgins (in respect of her church being mentioned in the officer's report) declared a personal interest in the following item pursuant to the provisions of Meetings General Procedure Rule 7(3)

229. 081938 3 Priory Street, Colchester, CO1 2PY

The Committee considered an application for the continued use of the building and rear amenity area for worship. The Committee had before it a report in which all information was set out.

Mark Russell, Planning Officer, attended to assist the Committee in its deliberations. He noted that this was a non-residential use in a residential area and that the outside area being used included the former garden area of no.3a Priory Street. He referred to an earlier proposal and the need to resolve the impact upon residents privacy at no.4 Priory Street. He explained the proposed means of separating the garden area of no.4 Priory Street from the site which comprised a two metre high wall along the boundary between nos.3 and 3a Priory Street together with an area of planting behind no.3a Priory Street. Residents at no. 4 would have a view of an area of soft landscape planting with a fence behind. It was also proposed to restrict parking on the site to the former garden area of no.2 Priory Street. The property at no.2 Priory Street had been used as a mosque for 18 years and many people use the mosque on Fridays which is the chief day of prayer. He had observed the site in use as a mosque and up to 200 people were observed as being present. The activity was quiet and whilst the call of the Imam could be heard there did not seem to be much disturbance. There is no call to prayer using amplification equipment.

Theresa Whiting addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in opposition to the application. Her objections were to the proposal and not on religious grounds, specifically to the use of land to the rear of properties which resulted in up to 200 people being present with attendant noise including children using the rear for recreation. Any screening would overshadow the view from their garden. Prayers were carried out daily with increased numbers on Fridays and children visiting on Saturday and Sunday. The noise levels match that of any school playground and not a garden or playground. They had not received any feedback from a meeting five months ago. The car park was

used daily for twenty vehicles. She asked that the use be restricted to operate from 8am to 10.30pm. She urged the Committee to consider the overbearing and detrimental impact on their back garden.

Mr Choudhury addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in support of the application. They have been there for twenty years and have a prayer meeting with not much disturbance. They are not a minority in Colchester. They had held prayer meetings on Tuesdays for five to six months and then five months of silence. It will not cause a problem to anyone as they try to make as little noise as possible. Some children attend for educational purposes. There is much noise with people who get drunk. Everyone has a right to worship and he invited the committee to see what they do. There is no chanting, just silent prayer. He asked that the Committee consider their needs in the community. They go to a lot of effort and host community activities there. People arrive and depart slowly.

Members of the Committee were concerned that the present use seems to have outgrown the premises. The proposed screen of planting was supported but there were concerns that the yew proposed may be poisonous. It was recognised that no.2 Priory Street had a permission from 1992 but not no.3 Priory Street. Members supported a temporary permission to enable monitoring of the situation to take place.

Planning officers expressed difficulty with imposing a condition to prevent children from using the rear garden but there is an environmental control condition to limit the hours of use. A temporary permission would enable the site to be monitored for two years.

RESOLVED (MAJORITY voted FOR) that the application be approved for a temporary period of two years with conditions and informatives as set out in the report and on the Amendment Sheet.

230. 100244 18 Victory Road, West Mersea, CO5 8LX

The Committee considered an application for a variation of Condition 04 attached to planning permission 090123 requiring the provision of obscure windows. The Committee had before it a report in which all information was set out, see also Amendment Sheet.

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

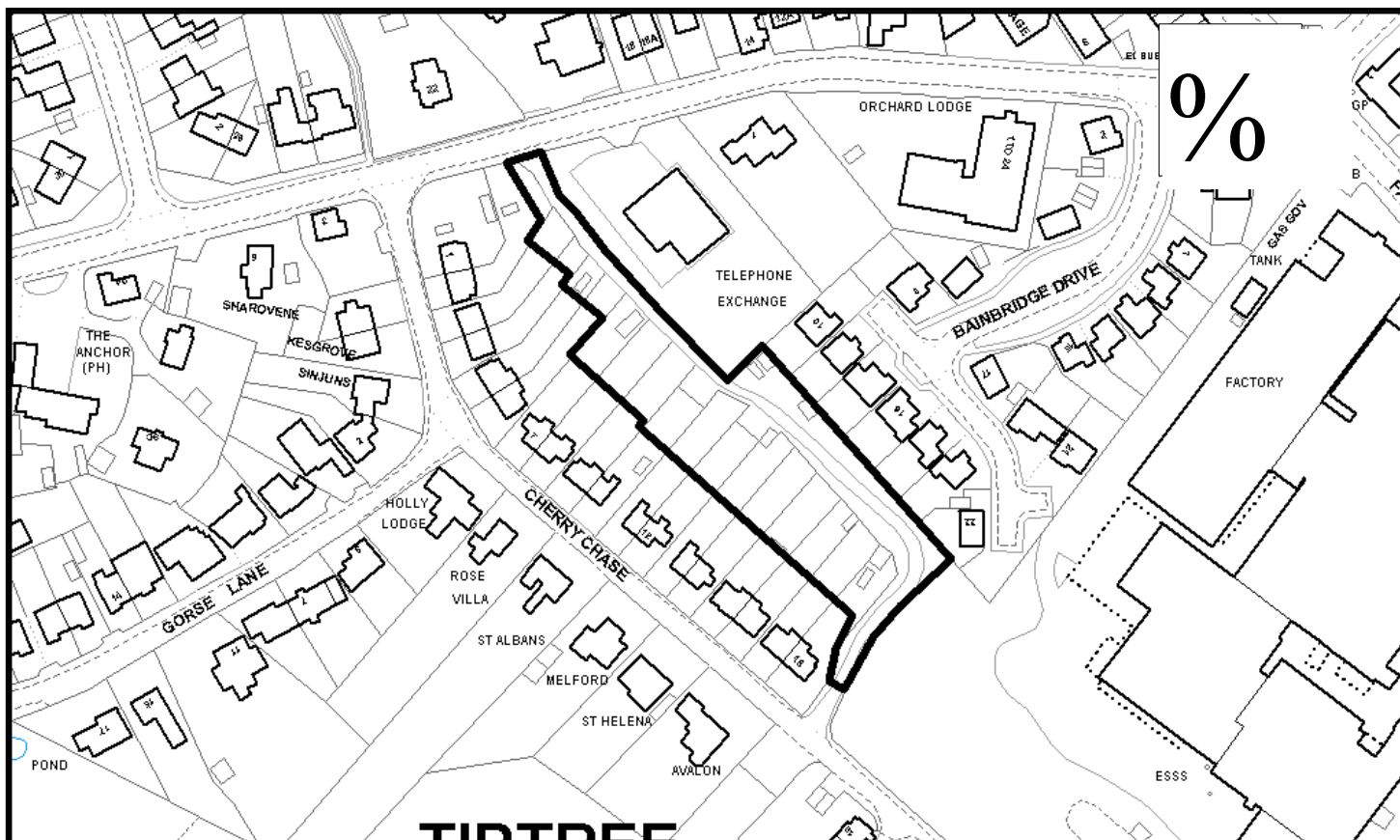
RESOLVED (UNANIMOUSLY) that the application be approved with

conditions and informatives as set out in the report and on the Amendment Sheet.

231. 100358 Henrys Villas, 4 Nayland Road, Colchester, CO4 5EG

The Committee considered an application for a variation of Condition 15 of planning approval F/COL/06/1038 to allow for the provision of a new bedroom to Plot 3. The Committee had before it a report in which all information was set out, see also Amendment Sheet.

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



Application No: 100131

Location: Land At Rear Of, 1-18 Cherry Chase, Tiptree, Colchester, CO5 0AE

Scale (approx): 1:1250

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Committee Report

Agenda item

7

To the meeting of **Planning Committee**
on: **20 May 2010**
Report of: **Head of Environmental and Protective Services**
Title: **Planning Applications**

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

7.1 Case Officer: Simon Osborn

EXPIRY DATE: 01/06/2010

MINOR

Site: 1-18 Cherry Chase, Tiptree, Colchester, CO5 0AE

Application No: 100131

Date Received: 6 April 2010

Agent: Vaughan & Blyth (Construction) Ltd

Applicant: Wilkin & Sons Ltd

Development: Demolition of existing garages and construction of 7no. 1 bedroom and 1no. 2 bedroom bungalows and associated car ports for occupation by tenants of Wilkin & Sons Ltd.

Ward: Tiptree

Summary of Recommendation: Conditional Approval subject to no objections being raised by the Council's Tree Officer

1.0 Planning Report Introduction

1.1 The application is brought before the Committee as representations have been made against the proposal by residents of Bainbridge Drive. The proposal makes an appropriate and efficient use of this parcel of land within the settlement limits of Tiptree. It is considered to be compliant with the Council's adopted policies and is recommended for approval.

2.0 Site Description

2.1 The application site comprises a long broadly rectangular parcel of land between a row of houses (1-18 Cherry Chase) to the south west and a newer row of detached houses (10-22 even nos., Bainbridge Drive) and the BT Exchange (fronting Station Road) to the north east. The site is generally level in nature and comprises part of the long rear gardens of nos. 1-18 Cherry Chase, together with rear parking for these properties.

3.0 Description of Proposal

3.1 The application involves the construction of 7 nos. 1-bedroom and 1 no. 2-bedroom bungalows. The DAS states they are to be occupied by existing elderly tenants that currently occupy larger properties owned by Wilkin and Sons Ltd, allowing the larger vacated properties to be occupied by other tenants and families. The DAS states it is not intended to release the properties to the open market. The proposed development will create an L-shaped building, with a formal communal garden area to the front and a more private area to the rear. A series of small parking areas with some car ports are to be provided between the L-shaped building and Station Road. These will serve both the proposed development and those existing houses in Cherry Chase that do not have existing parking facilities fronting Cherry Chase. A new vehicular access serving this proposed parking is to be created onto Station Road, and an existing vehicular access at the south eastern end of Cherry Chase is to be closed off and turned into a pedestrian access only. The proposal also requires the demolition of a number of prefab garages to the rear of the houses in Cherry Chase.

3.2 The plans originally proposed have been amended by the agent following comments from various parties in Bainbridge Drive. The amended plans move the proposed building 2 metres further away from the boundary with the Bainbridge Drive properties and some new planting adjacent to this boundary.

3.3 The plans originally showed a private communal area to the rear with small patios separated by privacy screens. A further amendment shows each bungalow with its own separate rear garden area.

4.0 Land Use Allocation

4.1 Residential

5.0 Relevant Planning History

5.1 None

6.0 Principal Policies

- 6.1 Adopted Review Colchester Borough Local Plan Saved Policies-March 2004
DC1- Development Control considerations
UEA11 - Design
UEA 12 - Backland development
UEA13 - Development, including Extensions, Adjoining Existing or Proposed Residential Property
CF1 - Infrastructure and Community Facilities Provision
- 6.2 Adopted LDF Core Strategy- December 2008
SD1 - Sustainable Development Locations
H1 - Housing Delivery
H2 - Housing Density
H3 - Housing Diversity
UR2 - Built Design and Character
PR1 - Open Space
PR2 - People-friendly Streets
TA1 - Accessibility and Changing Travel Behaviour
TA5 - Parking

7.0 Consultations

- 7.1 The Highways Authority raise no objection subject to conditions.
- 7.2 The Council's Urban Design Team made a number of comments:

"The garden spaces to the north could be provided with private full boundary divisions. The car parking could be rearranged to remove some of the spaces adjacent to the proposed retirement bungalows with tandem parking (to the rear of 10 Bainbridge Drive). The units appear squat with an overly dominant roof: a slacker roof pitch with 3 additional courses above the windows may remedy this issue."
- 7.3 Comments from the Council's Tree Officer and Landscape Officer are awaited.

The full text of all consultations and representations are available to view on the Council's web-site.

8.0 Parish Council's Views

- 8.1 Tiptree Parish Council stated no objection to this application, however it is requested that consideration is giving to moving the development further away from the existing properties in Bainbridge Drive.
- 8.2 Feering Parish Council objected to the application on the grounds of concerns at the potentially increased traffic from Tiptree through Feering and Kelvedon.

9.0 Representations

9.1 Ten representations were received from residents in Bainbridge Drive. The following matters were raised:

1. By reason of its size and position the proposal will unacceptably affect properties in Bainbridge Drive through overlooking, loss of privacy and overbearing impact.
2. Additional trees will overshadow existing properties.
3. Potential increase in noise from communal gardens and car park.
4. Bungalows should be moved further away from Bainbridge Drive properties
5. Proposed access insufficient.
6. Noise from building works.
7. Will the bungalows stay as retirement homes?

The full text of all consultations and representations are available to view on the Council's web-site.

10.0 Report

10.1 The main issues in this application are considered to be as follows:

- design and layout
- amenity
- other material consideration.

Design and layout

- 10.2 The proposal is a form of backland development, but represents a comprehensive proposal in line with the newly adopted SPD. The parcel of land is generally enclosed by existing residential properties and the proposal will not have a significant visual impact seen from a public perspective.
- 10.3 The proposal had been put forward as a scheme of bungalows with a communal garden to the front and a generally communal garden to the rear, with privacy barriers rather than individual gardens. It has since been decided to provide each bungalow with its own rear garden with full boundary division. The garden sizes of 90 square metres are well above the minimum standard for 1 bed dwellings.
- 10.4 Urban Design suggested some minor alterations to the proposal in terms of removing the parking immediately adjacent to the proposed bungalows and providing tandem parking to the rear of 10 Bainbridge Drive. However, this area of parking is intended to serve the proposed bungalows and tandem parking would not be appropriate. As the dwellings are of 1-bedroom size the provision of 1 space per dwelling is acceptable.

Amenity

- 10.5 A number of representations were received relating to the impact of the proposal on the properties in Bainbridge Drive. After these comments had been made, the agents submitted revised plans showing the position of the proposed bungalows moved 2 metres further away from the boundary with these properties. The backs of the proposed properties are now approx 11m from the rear boundary fence and 22m from the backs of the dwellings in Bainbridge Drive. Concerns have also been expressed with regard to the dominant roof form. However, whilst the roof form will be visible from the rear gardens of neighbouring properties, the distance between these properties is sufficient to meet the guidance in the Essex Design Guide with regard to the avoidance of overshadowing zones. Their single storey nature means that overlooking will not be an issue.

Other material considerations

- 10.6 The Highway Authority raised no objection to the proposal subject to conditions. A Tree Report has been submitted by Haydens as there are a number of mature trees, close to the boundary of the site with the BT Exchange. The Tree Report concluded that the proposed development will have no detrimental impact on any trees to be retained and existing boundary fencing will ensure the retained trees are adequately protected during the development. The comments of the Council's Tree Officer are currently awaited.
- 10.7 The proposed scheme generates a requirement for planning contributions in accordance with adopted SPD. A unilateral undertaking has been submitted towards public open space, sports and recreation facilities in accordance with this SPD. As the application and UU were originally, submitted before the Community Facilities SPD was adopted, the Legal Officer has accepted that a community facilities contribution is not payable in this case.

11.0 Conclusions

- 11.1 The proposal represents a comprehensive form of development that makes an appropriate and efficient use of this parcel of land within the settlement limits of Tiptree. The proposed bungalows will not have a significant impact on existing residential amenity. The application is recommended for approval.

12.0 Background Papers

- 12.1 ARC; Core Strategy; HA; Urban Design Team; TL; PTC; NLR

Recommendation

Conditions

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

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

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

2 - C3.4 Samples of Traditional Materials

Samples of all materials to be used in the external construction and finishes of all parts of the proposed development, shall be selected from the local range of traditional vernacular building and finishing materials and shall be submitted to and agreed in writing by the Local Planning Authority before the development commences. The development shall be implemented in accordance with agreed details.

Reason: To harmonise with the character of existing development in the area.

3 - A7.4 Removal of ALL Perm Devel Rights (residential

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 as amended by the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 (or any Order revoking and re-enacting that Order with or without modification), no development within Classes A to E of Part 1 of the Schedule of the Order (any extension, outbuilding, garage or enclosure) shall take place without the prior written permission of the Local Planning Authority.

Reason: To safeguard the visual amenity of the area, to protect the amenity of adjoining residents and to prevent the overdevelopment of the site by controlling future extensions, alterations and associated development. Furthermore, extensions would potentially require a higher level of parking provision than one space per dwelling.

4 - Non-Standard Condition

Prior to the occupation of any of the proposed dwellings, vehicular visibility splays of 43m by 2.4m by 43m, as measured along, from and along the nearside edge of the carriageway, shall be provided on both sides of the centre line of the access and shall be maintained in perpetuity free from obstruction exceeding a height of 600mm.

Reason: To ensure adequate intervisibility between drivers of vehicles using the proposed access and those in the adjoining highway, in the interests of highway safety.

5 - Non-Standard Condition

Prior to the occupation of any of the proposed dwellings being submitted, a 1.5m x 1.5m pedestrian visibility splay, relative to the highway boundary, shall be provided on both sides of that access and shall be maintained in perpetuity free from obstruction exceeding a height of 600mm. These splays must not form part of the vehicular surface of the access.

Reason: To ensure adequate intervisibility between drivers of vehicles using the proposed access and those in the adjoining highway, in the interests of highway safety.

6 - Non-Standard Condition

Prior to the occupation of any of the proposed dwellings, the existing private drive shall be constructed to a width of 5.5m for at least the first 6m tapering down one sided to any lesser width thereafter and shall be provided with an appropriate dropped kerb vehicular crossing of the footway/highway verge.

Reason: To ensure that all vehicles using the private drive access do so in a controlled manner and to ensure that opposing vehicles may pass clear of the limits of the highway, in the interests of highway safety.

7 -Non-Standard Condition

No unbound materials shall be used in the surface treatment of the proposed vehicular access within 6m of the highway boundary.

Reason: To ensure that loose materials are not brought out onto the highway, in the interests of highway safety.

8 - Non-Standard Condition

Prior to commencement of the proposed development, a vehicular turning facility, of a design which shall be approved in writing by the Local Planning Authority, shall be provided within the site and shall be maintained free from obstruction at all times for that sole purpose.

Reason: To ensure that vehicles using the site access may enter and leave the highway in a forward gear, in the interests of highway safety.

9 - Non-Standard Condition

Prior to the first occupation of the development hereby permitted, the existing vehicular access from Cherry Chase, shall permanently be closed to vehicles, in accordance with a scheme which shall first have been submitted to and agreed by the Local Planning Authority.

Reason: In the interest of amenity.

10 - Non-Standard Condition

Prior to the commencement of the development hereby permitted, details of the proposed means of access onto Station Road, including surfacing and means of enclosure, shall be submitted to and agreed in writing by the Local Planning Authority, and shall be fully implemented prior to first occupation.

Reason: In the interest of visual and residential amenity.

11 - C11.11 Landscape Design Proposals

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

Existing and proposed finished contours and levels.

Means of enclosure.

Car parking layout.

Other vehicle and pedestrian access and circulation areas. Hard surfacing materials.

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

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

Retained historic landscape features and proposals for restoration.

Soft landscape details shall include:

Planting plans.

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

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

Planting area protection or decompaction proposals.

Implementation timetables.

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

12 - C11.12 Landscape Works Implementation

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

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

13 - B9.1 Refuse Bins

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

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

14 - C12.2 Details of Walls or Fences

Prior to the commencement of the development details of [screen walls/fences/railings /means of enclosure etc] shall be submitted to and approved in writing by the Local Planning Authority. The details shall include [the position/height/design and materials] to be used. The [fences/walls] shall be provided as approved prior to the [occupation of any building/commencement of the use hereby approved] and shall be retained thereafter.

Reason: To ensure a satisfactory form of development and in the interests of visual amenity.

15 - Non-Standard Condition

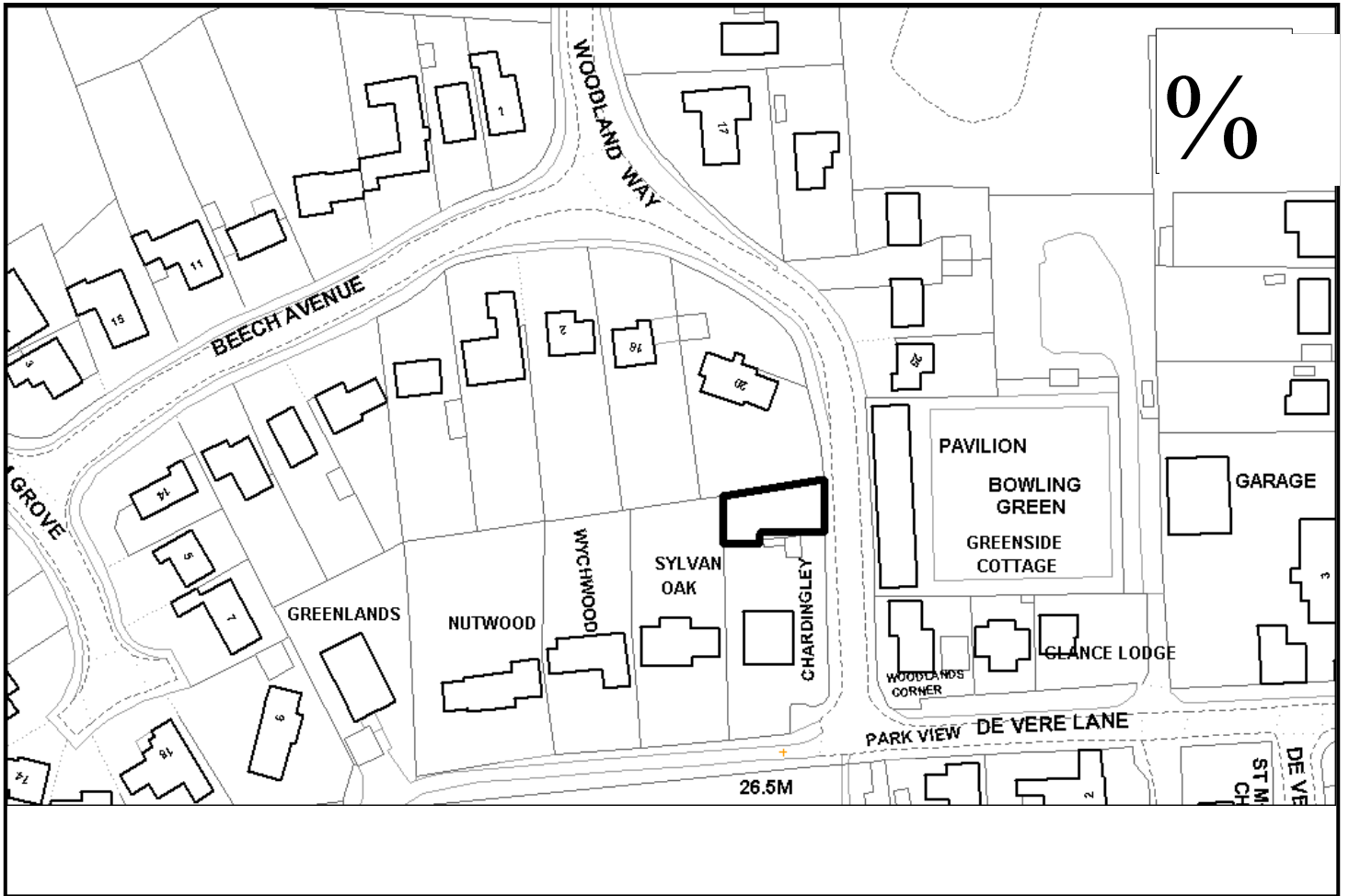
The parking spaced numbered 1 to 8 adjacent to the proposed bungalows shall be retained solely for the use of the occupants of the bungalows.

Reason: In the interest of highway safety and residential amenity.

Informatives

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.

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



Application No: 100553

Location: Innesfree, De Vere Lane, Wivenhoe, Colchester, CO7 9AS

Scale (approx): 1:1250

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7.2 Case Officer: Nick McKeever

EXPIRY DATE: 03/06/2010

MINOR

Site: Innisfree, De Vere Lane, Wivenhoe, Colchester, CO7 9AS

Application No: 100553

Date Received: 8 April 2010

Agent: Mr B Thomas

Applicant: Mrs Vanessa Keating-Baxter

Development: New one and a half storey house with vehicular access. Resubmission of 091158.

Ward: Wivenhoe Quay

Summary of Application: Refusal

1.0 Planning Report Introduction

- 1.1 Councillor Julie Young has asked for the application to be put before the Planning Committee should the application be recommended for refusal.
- 1.2 This application follows on from the previous submission 091158, which was withdrawn on 26 November 2009. The current application has been amended to provide for a slightly bigger plot with a frontage onto Woodland Way, Wivenhoe, of 12.4m. The floor area has been reduced to 58.5 sq. m and the design has been altered.

2.0 Site Description

- 2.1 The site forms part of the rear garden of Chardingley (now re-named 'Inisfree'). The existing dwelling is located on a corner plot with the principal elevation facing onto De Vere Lane and the rear garden adjoining Woodland Way. The boundary with Woodland Way is enclosed by a 1.8m closeboarded fence and a tall conifer hedge. Within the rear garden area is an existing detached garage building and a shed.
- 2.2 There are several trees within the site and a group of four trees on adjoining land, adjacent to the north- west corner of the site.
- 2.3 Inisfree is one of a group of five individually designed, detached dwellings fronting onto the western end of De Vere Lane (Sylvan Oak, Wychwood, Nutwood & Greenlands). To the south is King George V playing fields. To the east of Inisfree is the bowls club building and bowling green together with a small group of detached dwellings (Woodlands Corner, Greenside Cottage, Glance Lodge & New Cottage), some of which are recently approved infill schemes.

- 2.4 To the north of Innisfree are other existing residential dwellings in Beech Avenue and Woodland Way. The properties immediately to the north have a frontage onto Beech Avenue and their rear gardens adjoin the rear gardens of Innisfree and the other remaining four dwellings within this group at the western end of De Vere Lane.
- 2.5 The proposal is for the erection of a detached dwelling on a plot approximately 12.4m frontage and 21.5m depth. In order to provide this site area the existing garage/shed within the rear garden of Innisfree is to be reduced in size. The new dwelling is to be set back within the plot in line with this existing garage. Car parking spaces are to be provided within the front garden area. A private garden area of 100sq.m is to be provided to the rear of the new dwelling.
- 2.6 The new dwelling is to be a one and a half storey building constructed in facing brick, mineral fibre boarded cladding and roofed in clay plain tiles. It has two dormer windows in the front roof plane and two, above eye level velux rooflights within the rear facing roof plane. Within the ground floor area are a sitting area, a dining area and kitchen. Two bedrooms are to be provided within the roof void. A bathroom is provided within the rear part of the roof void, with one obscure glazed window facing west.
- 2.7 The new dwelling has a footprint of 58.5 sq. metres.
- 2.8 Full details of the proposed scheme, together with supporting information, are contained within the Design and Access Statement. The application also includes a Tree Survey, Arboricultural Implication Assessment & Method Statement. All of these documents can be viewed in full on the Council website.
- 2.9 The application includes a Unilateral Undertaking in respect of contributions towards the provision of Open Space and Community Facilities as required by the Council's adopted SPD.

3.0 Land Use Allocation

- 3.1 Residential
TPO No.05/05 & 14/97
Landfill Site
SSSI Consultation Zone

4.0 Relevant Planning History

- 4.1 072152 – Conversion and enlargement of space and rear single storey extension. Approved 15/10/2007
- 4.2 091158 – New one and a half storey house. Withdrawn 26/11/2009

5.0 Principal Policies

- 5.1 Development Control Considerations - DC1
Design -UEA11
Infill & Backland Development - UEA12
Development Adjoining Existing Dwellings - UEA13
Contaminated land - P4

5.2 Core Strategy
Built Design & Character - UR2

6.0 Consultations

6.1 The Highway Authority has no objection subject to conditions

6.2 Environmental Control recommends conditions relating to contaminated land (submission of an investigation and risk assessment report).

6.3 The Landscape Officer is satisfied with the landscape content.

6.4 The Council's Arboricultural Officer is in agreement with the comments made in the Tree Survey and Assessment. This report, however, does not mention the impact on the replacement tree recently planted upon the proposed new building. This needs to be addressed.

7.0 Town Council's Views

7.1 Wivenhoe Town Council objects on the basis of overbearing to the streetscape, issued raised on the earlier application have not been addressed, contrary to the Council's adopted SPD on Backland and Infill Development (paragraphs 3.2,3.6, 5.4 & 6.3) and that on-street car parking will be a concern.

8.0 Representations

8.1 6 letters of objection have been received. The objections set out within 3 of these letters are summarised as follows:-

- Out of character with the area. Tandem development.
- The access onto Woodland Way is opposite the Bowls Club, where there are usually cars parked. These cars restrict the width of this road.
- The footpath in front of the site is narrow.
- Current development at the Park Hotel site and the approved development of the Cedric Coach site will increase traffic. The additional house will add to this traffic.
- Wivenhoe Town Plan sets out a strong case against the development of gardens where the overall local area is affected.
- The replacement tree planted within the garden of Innisfree will have a detrimental effect upon the new building in terms of shade and possibly root movement.
- Information provided about sewerage connection is incorrect. The existing connection is via a private drain and then into a private sewer before connecting to the public sewer. The owners of the private sewer will need to provide their permission for any connection to this private system. (A drawing of the private drain/sewerage system has been attached to the letter raising this objection).

8.2 The occupiers of Sylvan Oak, De Vere Lane have submitted a lengthy letter of objection. Whilst this letter can be viewed in full on the Council's website, the main objections are set out in this letter under the following headings:-

- The changes to the size of the plot and the footprint of the dwelling are largely inconsequential and do not overcome the fundamental issues
- Impact upon the character of the area. The size of the dwelling and the plot are very small and will appear cramped and out of character with this part of De Vere Lane/Woodland Way.
- Unacceptable overlooking. There is no reference as to whether the bathroom window can be opened. More glazing has been introduced at ground floor level. Given the difference in ground levels these windows will overlook their garden and rear lounge and the application does not address the difference in ground levels.
- Contrary to the Adopted Review Local Plan policies UEA12 (respect character of the area and loss of amenity), UEA13 (out of character, cramped appearance & overlooking), & UEA15 (protection of small incidental areas of open space). Contrary to the Council's adopted SPD "Backland and Infill Development". Contrary to the Core Strategy policy H2 (development must enhance local character). Wivenhoe Town Council has put forward a detailed objection citing the SPD "Backland and Infill Development".
- The Council's SPD "Extending your house" is not relevant as it relates to extensions and alterations.
- Reference to the Essex Design Guide should be applied with caution when assessing the effects of new development. The Essex Design Guide categorises housing proposals by density when dealing with overlooking. The criteria dealing with overlooking relates to development in excess of 20 houses per hectare. The density in Woodland Way, Beech Avenue and De Vere Lane is 11 houses per hectare. Consequently it is inappropriate to apply the Design Guide criteria in this case.
- Effect of TPO'd Tree. The replacement tree (fastigate Oak), whilst having a reduced canopy compared to the removed Holm Oak, is closer to their boundary and proper consideration should be given to the effects, particularly in terms of shading.
- Current Government guidance states that there is no presumption in favour of development in instances like this. It is for the Applicant to demonstrate that the proposal enhances the character of the area and adds to its amenity. This is not the case.

8.3 Three letters in support of the application have been received. The basis for this support are summarised as follows:-

- The development is on a large plot, which can comfortably accommodate another home.
- Sensitive design which is sympathetic to, and in keeping with, the character of the area.
- Positive effect on Woodland Way in that it would help eliminate anti-social behaviour in the area.
- The accommodation appears to be suitable for occupation by disabled or elderly people.

8.4 The Wivenhoe Society comment as follows:-

“We failed to spot the earlier version of this application last year and therefore did not object. The current application appears not very different to the earlier one which was refused and it should be refused also.

It could be seen as backland development. If on the other hand it is perceived as ‘infill’ then unfortunately government guidelines encourage planning authorities to approve. The Wivenhoe Society, however, is deeply concerned by the huge volume of such infill in recent years, probably equivalent to a fairly large housing estate over 20 or so years, without any improvement in basic infrastructure.

The proposed design appears out of keeping with the area.”

9.0 Report

9.1 The site lies within a predominantly residential area within Wivenhoe and as such the development of the site for an additional dwelling is clearly acceptable in terms of the land use.

9.2 The fundamental issue is, however, whether or not the development is acceptable in terms of the current Government guidance on sustainable development as set out Planning Policy Statement 1 – Delivering Sustainable Development, (PPS1) and PPS3 – Housing, or as set out in the Adopted Local Plan, the LDF Core Strategy and the adopted SPD “Infill and Backland Development”.

9.3 The other main issue is the impact of the development upon the protected trees in the vicinity of the site.

Government policy and guidance.

9.4 PPS1 states that sustainable development is the core principle underpinning planning and that planning should inter alia ensure high quality development through good and inclusive design, and the efficient use of resources. It promotes the more efficient use of land through higher density and the use of suitably located previously developed land and buildings.

9.5 This guidance requires that planning authorities should plan positively for the achievement of high quality and inclusive design for all development, including individual buildings, public and private spaces and wider area development schemes. Good design should contribute positively to making places better for people.

9.6 This approach is, however, balanced by the advice that design which is inappropriate in its context, or which fails to take the opportunities available for improving the character and quality of an area and the way it functions, should not be accepted.

9.7 In support of its objective of creating mixed and sustainable communities, PPS3 states that the Government’s policy is to ensure that housing is developed in suitable locations which offer a range of community facilities and with good access to jobs, key services and infrastructure. Amongst other considerations, this should be achieved by making effective use of land and the existing infrastructure. The priority for development should be previously developed land.

9.8 Notwithstanding this, PPS3 reiterates the policy in PPS1 that design which is inappropriate in its context, or which fails to take the opportunities available for improving the character and quality of an area and the way it functions, should not be accepted.

Colchester Borough Local Plan, Core Strategy and adopted SPD

9.9 This approach is reflected in the Adopted Review Colchester Borough Local Plan policies UEA11 (Design), UEA12 (Infill and Backland Development), and in UEA13 (Development adjacent to existing residential development).

9.10 UEA11 requires that new development should comply with the Council's adopted standards and that buildings should be well designed and have adequate regard to their setting.

9.11 UEA12 states that, where the character of existing residential development makes a positive contribution to the appearance of the area infilling, including backland development shall reflect that character.

9.12 The supporting text to UEA13 advises that infill development in residential areas can provide as more efficient use of existing urban land. However this text is clear in its approach that the Council will not grant permission for development which will detract from the visual appearance of the property or street scene or which will result in a significant reduction in the amenity of neighbours.

9.13 The Core Strategy policy UR2 promotes secure high quality and inclusive design in all developments to make better places for both residents and visitors. In order to do so it states that developments that are discordant with their context and fail to enhance the character, quality and function of an area will not be supported.

9.14 The adopted SPD "Infill and Backland Development" (September 2009), expands and gives detailed and comprehensive guidance on the aforementioned policies. It covers Context (in terms of architectural features & materials), Plot size & Plot width, Daylight and Overshadowing, Layout & Street Scene, Access and Parking, Privacy, Amenity, Trees and hedgerows, and Garden Amenity.

9.15 In terms of Plot size and Plot width the SPD requires that the proposed building plot should be of similar dimensions in size and shape to the existing in the immediate locality. Proposals that would lead to over-development of a site or the appearance of cramming will be resisted.

9.16 The layout of the development should create a sense of place and integrate well with the existing development. The site layout should reflect the original development of the area. Respect for established building lines is a key consideration when assessing a development's impact upon the street scene.

The development considered in the context of this policy background

- 9.17 The proposed development clearly seeks to make efficient use of this plot of land within the existing built-up area. The site is convenient to the local bus route and to the facilities provided within the commercial area and the river frontage. In this respect the development is compliant with the concept of sustainable development. In accordance with the aforementioned policy background this has to be weighed-up against the acceptability of the development in terms of its context, its setting and impact upon the character and amenity of the area.
- 9.18 The property Innisfree is a relatively large dwelling which sits on a generous size plot. In this respect it is very similar to the other four detached dwellings fronting onto this part of De Vere Lane. Measurements taken from a 1:1250 scale map indicate that the plot is approximately 20m wide and in excess of 45m in depth. These other four dwellings are on plots of a comparable size.
- 9.19 The neighbouring dwellings in Beech Avenue, that back onto these five dwellings in De Vere Lane, also sit within generous sized plots, although they are generally slightly smaller than Innisfree or its neighbours Sylvan Oak, Wychwood and Nutwood.
- 9.20 The development in Woodland Way within the immediate vicinity of the site is more varied in terms of the size of the houses and the size of the plots upon which they sit. The existing houses numbers 21, 23 & 25 Woodland Way are examples. The supporting Design & Access Statement provides the following details for comparison:-
- No.21 Woodland Way – 14m width, 27.5m depth & 378 sq.m in area
No 23 Woodland Way - 15 m width, 32m depth & 425 sq.m in area
No.25 Woodland Way - 14m width, 27.5m depth & 378 sq.m in area.
- 9.21 The proposed plot in comparison is approximately 12m wide and just over 21m in depth. The overall site area is stated as being 266 sq.m.
- 9.22 On this basis the proposed plot is clearly smaller than the properties 21 – 25 Woodland Way and significantly smaller than the neighbouring dwellings in the west of De Vere Lane and within Beech Avenue.
- 9.23 On this basis the proposal would appear as a discordant and incongruous development out of character with the immediate dwellings to which this site would relate. The development would, therefore, fail to satisfy the policy requirement and the requirement of the adopted SPD “Infill and Backland Development” , which requires building plots to be of similar size and dimensions to the existing plots in the immediate vicinity.
- 9.24 The Applicant has made reference for comparative purposes to the development in De Vere Lane to the east of the site. It is considered that this part of De Vere Lane is different in terms of its density and overall character to the character of the development within Beech Avenue and Woodland Way. The Bowls Club building presents a completely developed elevation to Woodland Way behind which is the Bowling Green. Beyond that is the commercial site of Cedric’s Coaches. Opposite this site are three storey flats and a row of terraced properties fronting onto the main road.

9.25 This difference in character is reflected in the comparative details set out in the aforementioned Design and Access Statement:-

Woodland Corner – 21.5m width, 20m depth & 430 sq.m area
Greenside Cottage – 12m width, 19.5m depth & 234 sq.m area
Glance Lodge – 10.5m width, 19m depth & 200 sq.m area
New Cottage – 12.4m width, 18.5m depth & 49 sq.m area (estimated)

Out of these four dwellings, only Woodland Corner is of a size similar to the properties 21, 23 & 25 Woodland Way.

9.26 Whilst the proposed development is comparable to the above mentioned plots, it is considered that the development would be perceived as relating more to the development within which it sits and adjoins.

9.27 In terms of its context, the existing dwellings Innisfree, Sylvan Oak, Wychwood, Nutwood and Greenlands, all back onto the rear gardens of the neighbouring dwellings along the southern side of Beech Avenue. They have a readily discernible back-to-back relationship. The proposed development does not conform to this pattern.

9.28 Although the new dwelling is acceptable in terms of the design of the building and the use of the external materials, it is considered that this combination of a very small plot size and discordant relationship to the neighbouring properties would result in the proposed development being out of character, cramped in its setting and detrimental to the visual amenity. On this basis the development is contrary to PPS1, PPS3 and the Council's adopted policies and SPD.

9.29 Reference has been made in an objection to the Local Plan policy UEA15, which states that within urban areas all those small areas of open land which contribute to the character of the existing residential neighbourhoods will be safeguarded. There is no doubt that, as part of the rear garden of Innisfree, it contributes to the overall character of this part of De Vere Lane. In terms of the Local Plan Proposals Map and policy UEA15, it does not form part of a designated area of Open Space.

9.30 The occupiers of Sylvan Oak have raised objection to the development on the basis of overlooking and loss of privacy. The current proposal has attempted to address this issue by the revised design of the dwelling. The rear (west facing) elevation has only one window above ground floor level within the roof plane. This window serves a bathroom and is obscure glazed. Whilst it is not clear from the plans if this window can be opened, in terms of the Council's adopted policy UEA13, and the associated SPD "Extending your house", a bathroom is not considered to be a habitable room. On this basis any overlooking from this window would not be a sustainable objection.

9.31 The Local Plan policy UEA13 applies not only to extensions to dwellings but also to a new building adjoining existing or proposed residential buildings. It is criteria based. The application of these criteria is explained within the associated SPD "Extending your house?" As such this SPD is applied to extensions and to new dwellings, in terms of any impact upon existing residential properties.

- 9.32 There are two velux roof windows within the rear facing roof plane. These provide additional light and ventilation to the two bedrooms, the main source of light being the two front dormers. It is noted that the plans are annotated that these rooflights are to be located above eye level. As scaled from the 1:100 scale drawing, the bottom of these roof windows is approximately 1800mm.
- 9.33 There are windows within the rear elevation at ground floor level. Whilst the ground level appears to be higher within the site than the level of the property Sylvan Oak, it is noted that the new dwelling does not face directly onto the rear elevation of this neighbouring dwelling. In terms of direct overlooking of north facing habitable rooms the proposed development is compliant with the Essex Design Guide adopted by the Council as SPD. The supporting text to policy UEA13 advises that with regard to loss of privacy, the window separation distances stipulated in the Essex design Guide to avoid overlooking between windows will be applied to include extensions to existing properties as well as non-residential buildings adjoining residential property. On this basis it is reasonable and logical to apply this standard to new houses where these are adjacent to existing dwellings.
- 9.34 The objections make reference to the removal of a Holm Oak, the subject of TPO 05/05, within the garden of Innisfree and the planting of a replacement tree (Fastigate Oak). Concern is expressed about the proximity of this tree to the boundary and possible shading. Whilst this concern is acknowledged, this tree is within the garden of Innisfree and not within the application site. As such consideration of the impact of this tree is outside of the scope of this application.
- 9.35 The Applicant is aware of the comments made by the Council's Arboricultural Officer relating to the impact of the replacement tree planted within the garden of Innisfree. An amended Tree Report has been submitted and is being considered by the Arboricultural Officer. His revised comments will be presented to the Planning Committee.
- 9.36 It is noted that the Arboricultural Implication and Assessment & Method Statement supporting the application concludes that the proposed development will not have a significant impact upon the important trees associated with the site. This Statement recommends that in view of the siting and design of the layout, the lack of impact upon trees and landscape features within the immediate vicinity, together with the detailed tree protection measures listed in the report, the trees should not be considered a constraint on the proposed development.

10.0 Background Papers

- 10.1 ARC; Core Strategy; HA; HH; TL; AO; PTC; NLR

Recommendation - Refusal

Reasons for Refusal

Current Government policy, as set out in Planning Policy Statement 1 Delivering Sustainable Development (PPS1) and Planning Policy Statement 2 – Housing (PPS2), states inter alia that planning authorities should plan positively for the achievement of high quality and inclusive design for all development. Design which is inappropriate in its context, or which fails to take opportunities available for improving the character and quality of an area and the way it functions, should not be accepted.

This guidance is reflected within the saved Adopted Review Colchester Borough Local Plan (March 2004) policies UEA11, UEA12 and UEA13 as well as within the Local Development Framework Core Strategy policy UR2. The general principles that underlie these policies include the need to achieve the highest possible standards of design in terms of buildings, associated landscaping and townscape in general, to ensure that development has no adverse impact upon residential amenity as well as the need to attain a form of development in harmony with adjoining established buildings and uses.

The Council's adopted Supplementary Planning Document (adopted September 2009), "Infill and Backland Development", expands upon the Council's policies in recognition of the advice in PPS1 and PPS3 with the recognition that new development should reflect the character of its setting and improve local distinctiveness. This SPD seeks to ensure that backland and infill development respects and reflects the character of the area and the existing street scene and that local distinctiveness and identity are promoted. In this context a proposed building plot should be of similar dimensions in size and shape to the existing plots in the immediate locality. Proposals that would lead to over-development of a site or the appearance of cramming will be resisted. The site layout should reflect the original development of the area.

The existing development within the part of De Vere Lane where it is located and the immediate locality of Woodland Way and Beech Avenue, consists of detached dwellings on plots which are generally larger than the proposed site. Furthermore the adjoining dwellings in this part of De Vere Lane and Beech Avenue have a regular layout with back gardens adjoining the neighbouring gardens. The proposed development, by reason of its significantly smaller size, its layout and relationship to the aforementioned existing dwellings, would appear unduly cramped and incongruous in its setting and out of character with the adjoining development to which the site relates. The proposed development would, therefore, be detrimental to the visual amenity of this area and contrary to the aforementioned policy and adopted Supplementary Planning Documents.



Application No: 100667

Location: Westview Cottage, Long Road West, Dedham, Colchester, CO7 6EH

Scale (approx): 1:1250

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7.3 Case Officer: Simon Osborn

EXPIRY DATE: 02/06/2010

MINOR

Site: Westview Cottage, Long Road West, Dedham, Colchester, CO7 6EH

Application No: 100667

Date Received: 7 April 2010

Agent: Mark Perkins Partnership

Applicant: Mr. Northover

Development: Demolition of existing house and outbuildings. Replacement five bedroom detached house and double garage.

Ward: Dedham & Langham

Summary of Recommendation: Conditional Approval subject to an amended garage design being received before end of May

1.0 Planning Report Introduction

1.1 The application is referred to Committee as a representation against the proposal has been received from a neighbouring property. Planning permission has previously been granted for a replacement 5-bedroom dwelling and double garage on this site, reference 081727. The new proposal makes some alterations to the design of the dwelling and also to the position of the new dwelling and garage within the site. Bearing in mind the previous approval, it is considered that the new proposal will have no greater material impact upon the countryside and neighbouring amenity. The proposal is accordingly recommended for approval.

2.0 Site Description

2.1 The site is located on Long Road West, a long straight road which has areas of mixed character along it. There are properties of various designs and scales of development, with no predominant building line. This particular part of the road, close to the junction with Ardleigh Road, is sporadically developed.

2.2 The existing buildings on site consist of a dwelling of one-and-a-half storey, with the first floor space being accommodated in the roof with dormer windows. The roof has a shallow pitch and the design is not of any architectural merit. The walls are finished in pebble-dashed render. A former black timber outbuilding has been demolished.

3.0 Description of Proposal

3.1 The proposal is to demolish the existing dwelling and replace them with a new dwelling set further back from the road, with a double garage located in front of the proposed dwelling within a landscaped setting. The dwelling would be two-storeys in nature, with dormer windows giving a third floor of accommodation in the roof space.

3.2 The proposal differs from the previously approved planning permission 081727 in a number of respects: The footprint of the proposed dwelling is marginally smaller than the footprint previously approved; a single storey lean-to at the rear of the dwelling is to be amended to a full-height gabled projection; the proposed dwelling is to be sited approx 3.5m further back on the plot than the scheme previously approved (i.e. 15m from the highway as opposed to 14.5m) and approx 2m closer to the western boundary of the property; a second dormer has been added to the front roof slope; and, the proposed double garage is now shown between the dwelling and the road, rather than to the rear of the dwelling.

4.0 Land Use Allocation

4.1 The land is not allocated in the Local Plan and lies just outside the Lamb Corner Village Envelope. It is currently in residential use and this would not change.

5.0 Relevant Planning History

5.1 081727 for a replacement five bedroom dwelling and double garage was permitted in 2008

6.0 Principal Policies

6.1 Adopted Review Colchester Borough Local Plan Saved Policies-March 2004
DC1- Development Control considerations
CO4 – Landscape Features
UEA11 - Design
UEA 12 - Backland development
UEA13 - Development, including Extensions, Adjoining Existing or Proposed Residential Property
H9- Replacement Dwellings in the Countryside

6.2 Adopted LDF Core Strategy- December 2008
ENV1 - Environment
ENV2 - Rural Communities

7.0 Consultations

7.1 The Highways Authority raised no objections subject to conditions

7.2 The full text of all consultations and representations are available to view on the Council's web-site.

8.0 Parish Council's Views

8.1 Comments to be reported if received

9.0 Representations

9.1 One objection has been received. This raised the following concerns:

1. The proposed dwelling is an in appropriate replacement for existing cottage by virtue of its appearance, width and height (3 storeys)
2. The proposed garage at the front is wrong in this context and results in appearance of cramped development.
3. Restrictions should be imposed to prevent further creeping development.

9.2 The full text of all consultations and representations are available to view on the Council's web-site.

10.0 Report

10.1 The issues that arise from this application are similar to the ones raised to the previous application. The essential points from the earlier report to Committee have been reproduced below (in italics), with additional comments where appropriate (not in italics).

Design and Appearance

10.2 *Policy DC1 of the Local Plan states that all proposals for development will be permitted only if the development will be well designed, having regard to local building traditions. Policy UEA11 adds that there shall be a high standard of design in the layout of an area and of a building itself. In this instance it is considered that the proposal meets these requirements.*

10.3 *The design of the dwelling is a traditional vernacular style embodying the design features that flow through the Dedham village. It is a double-fronted property with a symmetrical appearance typical of the Essex Design Guide. Added interested is achieved through the ground floor bay windows and the chimney.*

10.4 *The roof is a suitably steep pitched roof with a side-pitched gable. The dormer windows that sit within this are minor elements that afford light without compromising the elegance of the design.*

Layout

10.5 *The layout sets the buildings further back from the road. This opens the site up in a more familiar manner within the streetscene. The area is rural and the open frontage would enhance this rural character. There is no set pattern for building lines along this street so established lines are not a consideration.*

10.6 *The set back of the buildings allows the front amenity area to be landscaped. This will compensate for the reduction in the hedge on the western boundary. Overall, from public vantage points, the site will be visually softer as a consequence of new trees and hedging to be planted. This will need to be conditioned.*

- 10.7 *To the rear there is adequate space. The Council's open space standards for the development will be met and there are no concerns about the wider impact on the countryside. The site sits in isolation on the Long Road West and has a tighter relationship to the development along Ardleigh Road to which, as a stand alone site, it compliments.*
- 10.8 *In terms of the relationship to other existing properties, the layout ensure that there are satisfactory distances to other residents to ensure that there is no loss of light or privacy. There are no conditions required in this respect.*

Amount and Scale

- 10.9 *Policy H9 of the Local Plan states that the replacement of a habitable permanent dwelling in the countryside will be permitted, provided that the proposed replacement is acceptable in its setting by virtue of its scale and it would, when compared to that of the existing dwelling, have no greater adverse impact on the rural character of the open countryside. In this instance the scale of development is not considered to be excessive. The site is more than sufficient to accommodate this dwelling and garage. The amount of development is comparable to the existing outbuilding and dwelling being removed.*
- 10.10 *The full two-storey elevation is an increase in height over the existing dwelling. However, this property is relatively isolated and is not read in a continual visual line with other properties. On this basis any debatable harm cause by the increase in height is not considered to be significant. Reference has been made to the skyline, but there is no consistence skyline in this road which is broken up by dwellings and trees in a mixture of hard and soft components.*
- 10.11 *The full height gabled projection at the rear of the dwelling does of course potentially add to the bulk of the new property. The predominant views of the dwelling from a public perspective will be from Long Road West, in particular from an easterly direction. The proposed house is set well back from the road and is also angled away from the carriageway when viewed from the east. It is considered that this additional element will not be seen as visually significant.*

Proposed Garage

- 10.12 *In visual terms, the position of the garage at the front of the proposed dwelling is the main change from the earlier approval.*
- 10.13 *As stated earlier in this report, there is no set pattern for building lines along this street so established lines are not a consideration. The proposed dwelling is set 20m back from the edge of the carriageway, or 18m from the back edge of the highway. It is considered that this is sufficient to accommodate a garage without appearing cramped. The visual impact will be softened once new landscape planting becomes established.*

10.14 Nonetheless, the garage design as submitted has a somewhat suburban appearance and the stairwell to a first floor storage area immediately adjacent to the boundary is considered unneighbourly. It is considered that the proposal would be improved if weatherboarding was substituted for the brick (above a brick plinth), and the proposed external staircase and first floor door were removed.

Other Matters

10.15 If planning permission is granted it is considered appropriate to remove permitted development rights to ensure that further consideration could be given to the impact of extensions and outbuildings on the rural character of the area.

11.0 Conclusions

11.1 The replacement dwelling is considered to be of satisfactory design and appropriate to the area. The design and layout do not harm the character of the street, which is of mixed nature with no dominant design or building line established. The proposal will not have a significantly detrimental impact upon the amenity of neighbouring properties.

12.0 Background Papers

12.1 ARC; Core Strategy; HA; NLR

Recommendation

That subject to an amended garage design being received before the end of May, the Head of Environmental and Protective Services be authorised under delegated powers to grant planning permission subject to the following conditions:-

Conditions

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

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

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

2 - Non-Standard Condition

Before the dwelling hereby permitted is first occupied the existing dwelling shall be entirely demolished and all materials resulting therefrom shall be completely removed from the site within 28 days of the first occupation of the replacement dwelling.

Reason: To ensure that the development is implemented in a satisfactory manner and to a satisfactory timescale so that there are not two dwellings on the site.

3 - Non-Standard Condition

Before the development hereby permitted commences, the external materials and finishes to be used, shall be agreed in writing by the Local Planning Authority. The development shall be implemented in accordance with agreed details.

Reason: To harmonise with the character of existing development in the area.

4 – Non Standard Condition

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification) no additional screen walls or fences, or extensions, garages, sheds, conservatories, or other buildings shall be erected other than those expressly authorised by this permission.

Reason: The proposal has increased the amount of built development on the site and further consideration would need to be given to any development that could lead to a less rural environment.

5 - C11.11 Landscape Design Proposals

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

Means of enclosure.

Hard surfacing materials.

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

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

Soft landscape details shall include:

Planting plans.

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

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

Planting area protection or decompaction proposals.

Implementation timetables.

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

6 - C11.12 Landscape Works Implementation

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

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

7 - Non-Standard Condition

Prior to the occupation of the proposed dwelling 1.5m x 1.5m pedestrian visibility splays shall be provided on both sides of the access as measured from the highway boundary. There shall be no obstruction above a height of 600mm as measured from the finished surface of the access within the area of the visibility sight splays thereafter. These splays must not form part of the finished surface of the access.

Reason: To provide adequate intervisibility between the pedestrians and users of the access and the existing highway for the safety and convenience of users of the highway and of the access.

8 -Non-Standard Condition

No unbound materials shall be used in the construction of the surface of the site access, within 6m of the highway boundary.

Reason: To ensure that loose material and spoil are not brought out onto the highway, in the interests of highway safety.

9 - Non-Standard Condition

Prior to occupation of the development, the access at its centre line shall be provided with a clear to ground visibility splay with dimensions of 2.4 metres by 90 metres to the east and 2.4 metres by 90 metres to the west, as measured from and along the nearside edge of the carriageway and as far as is achievable within the site. Such vehicular visibility splays shall be provided before the access is first used by vehicular traffic and retained free of any obstruction at all times.

Reason: To provide adequate intervisibility between vehicles using the access and those in the existing highway in the interest of highway safety.

10 - Non-Standard Condition

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no windows or roof openings other than those expressly authorised by this permission shall be constructed in the west elevation of the building hereby approved.

Reason: To protect the amenities and privacy of adjoining residents.

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

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

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

12 – C10.16 (Tree and Natural Features)

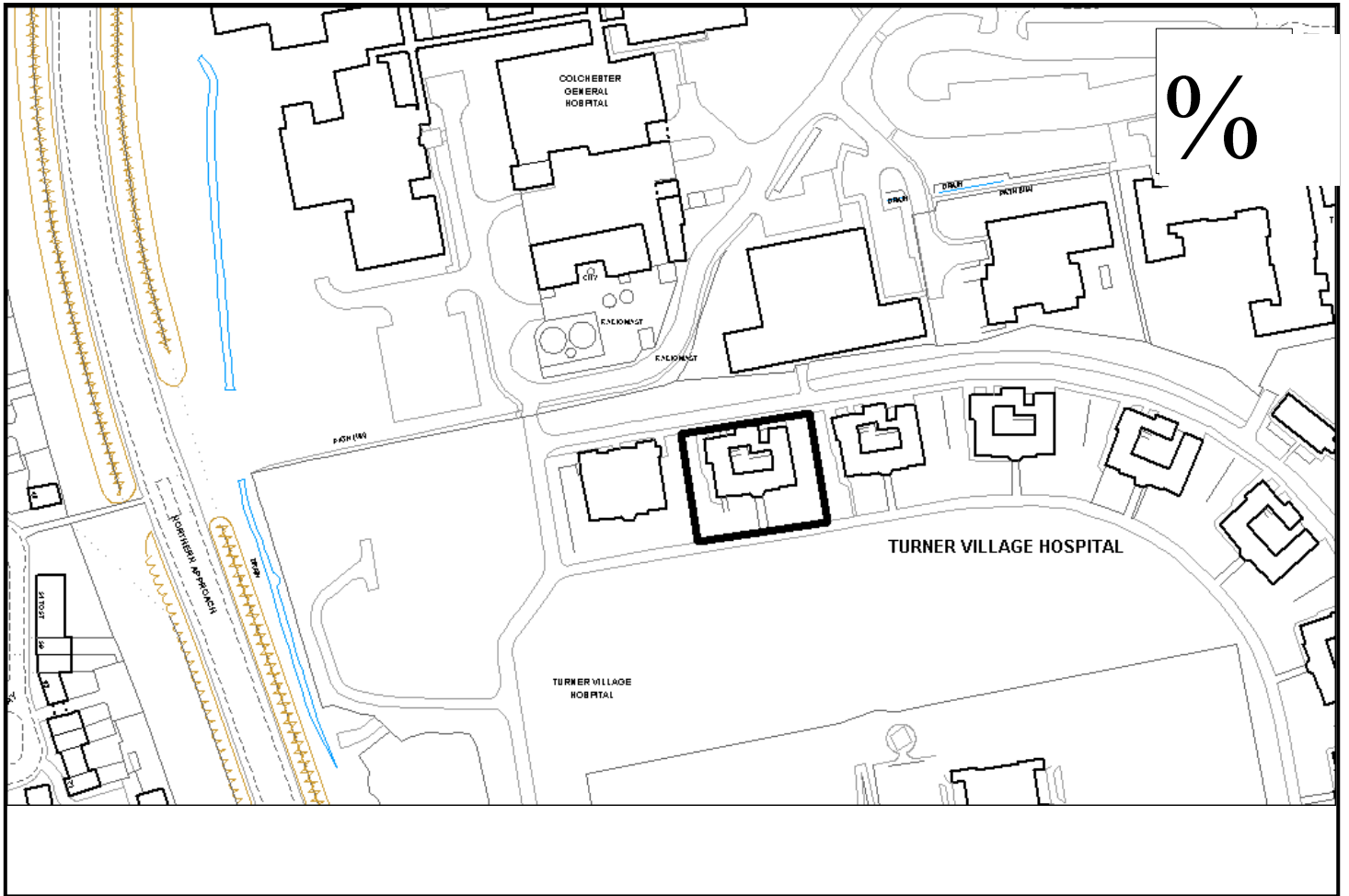
No burning or storage of materials shall take place where damage could be caused to any tree, shrub or other natural feature to be retained on the site or on adjoining land (see BS 5837).

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

Informatives

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.

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



Application No: 100484

Location: Villa 7, Turner Village, Turner Road, Colchester, CO4 5JP

Scale (approx): 1:1250

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7.4 Case Officer: Simon Osborn

OTHER

Site: Villa 7, Turner Village, Turner Road, Colchester, CO4 5JP

Application No: 100484

Date Received: 15 March 2010

Agent: Roff Marsh Partnership

Applicant: Bishop Hall Properties Ltd

Development: Application for variation of condition 10 of planning permission 090800 - Removal of Tree.

Ward: Mile End

Summary of Recommendation: Conditional Approval

1.0 Planning Report Introduction

1.1 This application is referred to Committee as a consequence of the objection from the Parish Council. The officer recommendation is to approve the development. No other objections have been received.

2.0 Site Description

2.1 Villa 7 is one of 8 similar villas within a curved formation within the Colchester General Hospital site. Planning permission 090800 granted planning permission for a replacement villa, owing to the poor structural condition of the original, to be used for health related purposes. This villa has now been demolished. A number of trees front the site.

3.0 Description of Proposal

3.1 Condition 10 of 090800 stated:

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

3.2 The application seeks to remove one of the trees on the site and proposes the original condition is amended to:

“The Ash Tree reference T003 may be removed. All other existing trees and hedgerows shall be retained”.

4.0 Land Use Allocation

4.1 The land is allocated for hospital use.

5.0 Relevant Planning History

5.1 090800 – Replacement building on the site of villa 7, for health related, education, training and research – Approved 21 August 2009.

6.0 Principal Policies

6.1 Adopted Review Colchester Borough Local Plan Saved Policies-March 2004
DC1- Development Control considerations
CO4 – Landscape Features

6.2 Adopted LDF Core Strategy- December 2008
UR2 - Built Design and Character

7.0 Consultations

7.1 Tree Officer – the amendment requires the loss of an additional C category tree (as defined from within BS5837:2005). Given the categorisation this tree cannot constrain the development process and therefore I have no objection

7.2 Environmental Control – no comments

7.3 The full text of all consultations and representations are available to view on the Council’s web-site.

8.0 Parish Council's Views

8.1 Myland Parish Council comment as follows:-

“There is nothing wrong with the ash tree in question and there is absolutely no need to remove it. There are better solutions without destroying a perfectly healthy mature tree and these should have been considered. The tree has not moved since 090800 permission was given so why has it suddenly been identified as a problem?”

9.0 Representations

9.1 None received

10.0 Report

- 10.1 A Tree Report was submitted by Hayden's as part of the original application 090800 for a replacement villa in respect of 6 trees along the frontage of this property with an internal access road and a hedge to one side. The report described the ash tree (T003) subject of this application as a semi-mature ash tree within the grass verge to the south of villa 7. It is of moderate form but potentially adversely affected by informal car parking taking place directly below the canopy. It was categorised as of C value (trees of low quality and value), in contrast to other, larger holm oak trees on this frontage, which were categorised of B value (moderate quality and value) and able to make a substantial contribution to amenity for a 20-year period.
- 10.2 Whilst seeking to discharge the conditions attached to planning permission 090800, the developer requested the removal of the C category ash tree to facilitate easier and more practical site access. The Council's Tree Officer has agreed that the tree is of low amenity value and should not constrain the development. The replacement villa is flanked by more substantial holm oak trees, which are to remain. The officer recommendation is therefore one of approval for the proposed amendment to the condition.

11.0 Background Papers

- 11.1 ARC; Core Strategy; TL; HH; PTC

Recommendation - Conditional Approval

Conditions

1 - Non-Standard Condition

Condition no. 10 of planning permission 090800 is hereby varied to read,

"The Ash Tree reference T003 may be removed. All other existing trees and hedgerows shall be retained, unless shown to be removed on the approved drawing. All trees and hedgerows on and immediately adjoining the site shall be protected from damage as a result of works on site, to the satisfaction of the Local Planning Authority in accordance with its guidance notes and the relevant British Standard. All existing trees shall be monitored and recorded for at least five years following contractual practical completion of the approved development. In the event that any trees and/or hedgerows (or their replacements) die, are removed, destroyed, fail to thrive or are otherwise defective during such a period, they shall be replaced during the first planting season thereafter to specifications agreed in writing with the Local Planning Authority. Any tree works agreed to shall be carried out in accordance with BS 3998."

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

2 - Non-Standard Condition

All other terms and conditions of planning permission 090800 otherwise remain applicable, in force and extant.

Reason: For the avoidance of doubt.

Informatives

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.

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

INDEX TO PLANNING APPLICATIONS CODES

A	Advertisements	K	Certificate of Lawfulness
AG	Agricultural Determination	LB	Listed Building
C	Change of Use	M	County Matter
CA	Conservation Area	O	Outline
CBC	Colchester Borough Council	PA	Prior Approval
CC	Essex County Council	RM	Reserved Matters
F	Full	S	Electricity Consultation (Overhead Lines)
G	Government Dept. Consultation	T	Renewal of Temporary Permission
J	Alternative Development	X	Demolition in Conservation Area

INDEX TO BACKGROUND DOCUMENTS/REPORTS CODES (UPDATED OCTOBER 2000)

Note: Any Document or Consultee not included in these lists will be specified in full.

ARC	Adopted Review Colchester Borough Local Plan March 2004
BOT	St Botolphs Development Brief
CHD	Colne Harbour Urban Design Framework SPG - Nov. 2000
CPS	Cycle Parking Standards
ERP	Essex and Southend on Sea Replacement County Structure
GAP	Gosbecks Archaeological Park Draft Management Plan
HCP	High Woods Country Park Management Plan
MSP	Essex County Council - Minerals Subject Plan
VEM	East Mersea Village Appraisal - 19 February 1996
VFC	Village Facilities Survey 1995
VFD	Fordham Village Appraisal - 31 August 1994
VFG	Fingringhoe Village Appraisal - 1 September 1993
VGT	Great Tey Village Appraisal - 19 July 1993
VLG	Langham Village Appraisal - 6 April 1994
VPL	Peldon Village Appraisal - 4 June 1994
VRH	Rowhedge Village Appraisal - 20 November 1995
VWG	West Bergholt Village Appraisal - 30 August 1995
WMW	West Mersea Waterside Study

INTERNAL CONSULTEES

BC	Building Control Manager
CD	Conservation & Design Manager
CF	Financial Services
CU	Head of Street and Leisure Services
DO	Disability Access Officer
HA	Highway Authority (ECC)
HD	Housing Development Officer
HH	Environmental Protection (Env. Control)
MR	General Manager (Museum Archaeological)
PP	Head of Housing & Environmental Policy
SE	Head of Enterprise and Communities
SL	Legal Services
TL	Trees & Landscapes Officer - Planning Services

REPRESENTATIONS ETC

CAA	Correspondence with applicant/agent
CBC	Colchester Borough Councillor(s)
LAS	Other Local Amenity Society(ies) (not listed elsewhere)
NLR	Neighbours or Local Resident(s)
OTH	Other correspondence
PTC	Parish & Town Council(s)

EXTERNAL CONSULTEES (2 character codes)

AB	Soc Protection Ancient Buildings	HG	English Heritage - Historic Gardens
AM	Ancient Monuments Society	HM	English Heritage (Hist. Mon. Section)(England)
AR	Ardleigh Reservoir Committee	HO	The Home Office
AT	Colchester Archaeological Trust	HS	Health & Safety Executive
AV	Civil Aviation Authority	IR	Inland Revenue (Valuation)
AW	Anglian Water Services Limited	LF	Environment Agency (Waste Regs)
BA	Council for British Archaeology	MD	Defence Estates (East)
BD	Braintree District Council	MH	NEE Mental Health Services Trust
BG	Transco (B Gas)	MN	Maldon District Council
BH	Babergh District Council	MS	Marine Safety Agency
BO	Blackwater Oystermans' Association	NC	English Nature
BT	British Telecom	NE	North Essex Health Authority
BW	Essex Bridleways Association	NF	National Farmers Union
CA	Cmsn for Architecture & Built Environment	NI	HM Nuclear Installations Inspectorate
CB	Churches Conservation Trust	NP	New Possibilities Healthcare Trust
CE	County Education Department (ECC)	NR	Environment Agency
CH	Country Highways (Surveyor ECC)	NT	The National Trust
CS	Colchester Civic Society	PD	Ports Division (DETR)
CY	Colchester Cycling Campaign	PT	Petroleum Officer (ECC Trading Standards)
DS	Department of Social Security	RA	Ramblers Association
DT	Route Manager - Highways Agency	RD	The Rural Development Commission
DV	Dedham Vale Society	RE	Council Protection Rural Essex
DW	Dedham Vale & Stour Valley Project	RF	Royal Fine Art Commission
EB	Essex Badger Protection Group	RP	Rowhedge Protection Group
EE	Eastern Electricity – E-On	RR	Roman River Valley Society
EH	English Heritage	RS	RSPB
EI	HM Explosive Inspectorate	RT	Railtrack East Anglia
EN	Essex Wildlife Trust	RY	Royal Yachting Association
EP	Essex Police	SB	Save Britain's Heritage
EQ	Colchester Police	SD	MAFF Fisheries Office/Shellfish Division
ER	Essex Rivers Healthcare Trust	SK	Suffolk County Council
ET	Fair Trading (ECC Trading Standards)	SR	The Sports Council – Eastern Region
EU	University of Essex	ST	Colne Stour Countryside Association
EV	Environmental Health (ECC - Env. Services)	TB	Tollesbury Parish Council
EW	Essex & Suffolk Water Company	TG	Tendring District Council
FA	Essex Police - Fire Arms Officer	TI	Department of Trade and Industry
FB	Essex Fire & Rescue Service	TK	Tolleshunt Knights Parish Council
FC	Forestry Commission	TW	20 th Century Society
FE	Feering Parish Council	VI	Vehicle Inspectorate (GVTS)
GA	Colchester Garrison HQ	VS	Victorian Society
GE	Government Office for the East of England	WS	The Wivenhoe Society
GU	HM Coast Guard	WT	Wivenhoe Town Football Club
HB	House Builders Federation	WA	Wormingford Airfield (Gliding Club)
HE	British Horse Society	WW	Society Protection Ancient Buildings (Wind & Watermill Section)



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.