

Planning Committee

Town Hall, Colchester
17 November 2011 at 6.00pm

This committee deals with

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

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

Information for Members of the Public

Access to information and meetings

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

Have Your Say!

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

Private Sessions

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

Mobile phones, pagers, cameras, audio recorders

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

Access

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

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Material Planning Considerations

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

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

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

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

Human Rights Implications

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

Community Safety Implications

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

Equality and Diversity Implications

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

**COLCHESTER BOROUGH COUNCIL
PLANNING COMMITTEE
17 November 2011 at 6:00pm**

Members

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

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

Agenda - Part A

(open to the public including the media)

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

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

Pages

1. Welcome and Announcements

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

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

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

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

2. Have Your Say!

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

3. Substitutions

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

4. Urgent Items

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

5. Declarations of Interest

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

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

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

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

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

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

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

public interest.

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

6. Minutes 1 - 14

To confirm as a correct record the minutes of the meetings held on 20 October 2011 and 3 November 2011.

7. Planning Applications

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

1. 110026 Areas Sr1 and Sr2, Lakelands Phase 2, West of Robin Crescent, Colchester (Stanway) **15 - 31**

Application for approval of reserved matters following outline approval (F/COL/01/0976).

2. 110953 Church Lane, East Mersea (Pyefleet) **32 - 48**

Application for the conversion of existing barns and stables to form 18 self catering holiday accommodation units and erection of 14 new holiday cottages.

3. 111302 Colchester United Football Club Site, Layer Road, Colchester (Shrub End) **49 - 70**

Demolition of former Colchester United Football Club buildings and construction of 58no. dwellings together with garages, car ports and including new road and landscaping.

4. 111842 14 Honeywood Road, Colchester (Christ Church) **71 - 79**

Erection of detached dwelling house with associated parking facilities. Resubmission of 110165.

5. 111195 The Stream, Layer Road, Kingsford, Colchester (Shrub End) **80 - 86**

Variation of condition 2 of planning permission F/COL/04/0854 to

enable the operation of the site for class B1 within the tolerance allowed by permitted development for B8.

6. 110370 Colne View, 35 Elianore Road, Colchester (Lexden) **87 - 92**

Proposed single storey rear extension.

- 8. Customer Service Report // Quarterly Progress Report covering period 1 July 2011 to 30 September 2011 93 - 101**

See report by the Head of Environmental and Protective Services.

- 9. Performance Monitoring/Appeals Report // Period covering 1 July 2011 to 30 September 2011 102 - 105**

See report by the Head of Environmental and Protective Services.

- 10. Enforcement Performance Monitoring // Period covering 1 April 2011 to 30 September 2011 106 - 115**

See report by the Head of Environmental and Protective Services.

- 11. Notice of formal objection to Tree Preservation Order 23/11 // Lexden 116 - 119**

See report by the Head of Environmental and Protective Services.

- 12. Notice of formal objection to Tree Preservation Order 18/11 // West Bergholt 120 - 123**

See report by the Head of Environmental and Protective Services.

- 13. 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
20 OCTOBER 2011**

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

Substitute Member :- Councillor Barrie Cook for Councillor Peter Higgins*

Also in Attendance :- Councillor Christopher Garnett
Councillor Dave Harris
Councillor Pauline Hazell
Councillor Michael Lilley
Councillor Kim Naish

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

72. Minutes

The minutes of the meetings held on 8 September 2011 and 22 September 2011 were confirmed as a correct record, subject to the following paragraph being inserted as the first paragraph of minute no. 51 of the meeting held on 8 September 2011:-

"The Liberal Democrat members of the Planning Committee had been sent a letter by Bob Russell, Liberal Democrat, MP regarding the Jumbo Water Tower. On their behalf and at this meeting of the Planning Committee, the Chairman, Councillor Gamble, sought advice from the Committee Officer about whether the Liberal Democrats members of the Planning Committee should declare an interest in respect of having received the letter. Councillor Gamble was advised that there was no need for any Liberal Democrat member of the Planning Committee to declare such an interest in this item."

73. 111302 Colchester United Football Club Site, Layer Road, Colchester, CO2 7JJ

The Committee considered an application for the demolition of the former Colchester United Football Club buildings and construction of fifty-eight dwellings together with garages, car ports and including a new road and landscaping. 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.

Mark Russell, Principal Planning Officer, and Vincent Pearce, Planning Service Manager, attended to assist the Committee in its deliberations.

Beryl Cox addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in support of the application. She was personally concerned that the 100 years history of the site as a football club should be preserved for the fans and she was aware that a statue was to be erected on the site and also that there would be a memorial garden for those fans who have had their ashes scattered on the pitch. Layer Road and Colchester United had been an important part of her father's life and it was important that the fans should be remembered appropriately.

Councillor Hazell attended and, with the consent of the Chairman, addressed the Committee. Her main concerns were parking, a means of crossing Layer Road and the boundary treatment for Wavell Road residents. She asked that the number of dwelling units on the site be reduced so that more parking spaces could be included within the development instead of residents having to utilise Layer Road for parking. She also believed that a zebra crossing in Layer Road was necessary and should be flagged up with the Highway Authority because elderly people would find it difficult to cross such a wide road. Finally, she referred to a request from those residents in Wavell Road whose properties abut the site for a substantial brick wall for the boundary treatment.

Councillor Harris attended and, with the consent of the Chairman, addressed the Committee. His main concerns were parking provision, the width of the roads and waste bins. He had measured the width of roads at 15 feet which was barely sufficient for two cars to pass and in such roads people would park on the kerb. A minimum standard road width would prevent cars from being parked on the kerbs. Where there are portal entrances to parking areas, they should be wide enough to accommodate large vehicles. He supported the measures to record the legacy of the football club and the memorial garden, but was concerned that consideration should be given to the provision of waste/dog bins at an early stage.

The planning officer explained that there had been a number of changes and this application had been a challenge to get to this point. He referred to the parking provision being deficient by 8.5 spaces but did not believe a reduction in the number of plots and making roads wider would necessarily produce a better scheme. The width of roads within the development had been endorsed by the Highway Authority. In respect of the boundary treatment for Wavell Road residents, he confirmed that where it was a garden to garden boundary it would normally be a wooden fence, however, there may be a need to build a retaining wall in this location in which case something other than a fence would be required. He suggested that the condition regarding the memorial could be worded more tightly. Waste bins would be adopted by the Council and they would come on line at a later stage. The Highway Authority had seen the amended scheme with which they were content and there was no reason to believe why it would not work.

Members of the Committee were particularly concerned that the provision of parking spaces did not meet the council's recently adopted standards. Some members accepted that the shortage was not very great, but others were disappointed. Whether there was any provision for disabled parking, particularly for the bungalows, was also mentioned. There was also some disappointment that some of the garden sizes were below the standard and some members considered that if there was one or two fewer dwellings it would be possible to meet the parking and garden size standards.

There was some discussion regarding the public open space and whether it would be possible to surround it with iron railings, partly to prevent vehicles from encroaching on the space. There was considerable support for a play area for children within the open space, but the planning officer highlighted that the scheme was not of sufficient size to generate funds to provide such a play area. He suggested that one could be requested for further consideration by the council in the future or alternatively it might be possible to hold the request until such time as monies become available to install play equipment. It was noted that there was a play area for children nearby on the other side of Layer Road, and members suggested that the Highway Authority be requested to provide a crossing. Members supported the provision of a central feature such as the statue of a footballer; the design of which could be chosen by the committee, Colchester United Football Club and/or the involvement of the public. There was mention of some illumination of the statue which the planning officer considered could be conditioned if required. Members also referred to the memorial garden being dedicated to those whose ashes had been scattered on the football pitch, but that it should be a general memorial with no names. Other matters raised were the provision of brick walls for gardens in Wavell Road adjoining the site; waste/dog bins; solar panels and environmental measures; and the removal of double yellow lines in Layer Road. In respect of the latter comment, the planning officer responded that besides the double yellow lines, there were other restrictions along the frontage of Layer Road such as the garaging.

In respect of the open space, the planning officer referred to a generic condition for hard and soft landscaping, but a separate condition could be added to require railings; and in respect of brick walls instead of fences for the gardens affected in Wavell Road, the Planning Service Manager confirmed that the affected boundaries were garden to garden and also referred to the possible need to build a retaining wall along this boundary and in that case it would not be a wooden fence. In respect of disabled parking for bungalows, the planning officer confirmed that the spaces would be adequate for use by those who are disabled.

There was a view that this scheme represented a good mix of housing which was well designed with a good layout and included 35% of affordable housing which was scattered throughout the site. With regard to environmental issues, the dwellings would be built to Code level 3.

The prevailing view however was that the council should be aiming for developers to meet the policies and that if, say, two dwellings were taken out of the scheme it may be that all the policies for parking allocation and garden sizes could be met.

In terms of a crossing, the Highway Authority had not flagged up the need for a crossing but the Planning Service Manager considered it might be possible to instruct the Highway Authority to review the need for a safe crossing to the existing play area. He suggested that, in the light of concerns expressed regarding the parking provision and garden sizes, consideration of the application should be deferred to explore whether any improvement on parking and garden sizes could be negotiated. Members opposed any reduction in the open space provision to satisfy the parking and garden size policies.

RESOLVED (UNANIMOUSLY) that consideration of the application be deferred for re-negotiation on the following matters:

- Reduction in the number of units proposed in order to ensure that parking provision and private amenity areas are in accordance with Council's standards;
- Essex County Council be requested to provide a further opinion on the provision of a pedestrian crossing on Layer Road;
- Provision of railings around the proposed area of open space;
- Negotiations to take place with regard to the feature within the open space (possible statue and Memorial Garden).

The application to come back to Committee.

Councillor Jackie Maclean (in respect of the pipeline taking a route across her farm) declared a personal interest in the following item pursuant to the provisions of Meetings General Procedure Rule 7(3)

74. 111538 Land from Wormingford to Abberton including Abberton Reservoir, Abberton Reservoir Scheme, Peldon Road, Abberton

The Committee considered an application for a variation of Condition 62 of permission 080194, to allow use of Broad Meadows as access for a temporary period until 30 April 2012. Use will be for light goods vehicles (up to 60 movements per day), 8 wheel delivery trucks of 30 ton GVN, (20 movements per day for two weeks at the end of October 2011) and concrete deliveries of 20 ton GVN (up to 6 movements per day, once per week between the end of October 2011 until January 2012. The Committee had before it a report in which all information was set out, see also Amendment Sheet.

Bradly Heffer, Principal Planning Officer, and Vincent Pearce, Planning Service Manager, attended to assist the Committee in its deliberations.

Councillor Harris attended and, with the consent of the Chairman, addressed the Committee. He had called the application in because he believed there should be mitigation measures in place for the proposal to operate safely and with the minimum disruption. He had reported lorries being driven without covers and ideally he had wanted the company to speak to the driver. There were several schools along this route and he wanted lorry movements to avoid schools at their peak periods, such as at school starting and finishing times. He asked that a survey be undertaken.

Councillor Hazell attended and, with the consent of the Chairman, addressed the Committee regarding the number of movements and the sizes of lorries. She referred to the Langenhoe School. She asked for a temporary speed limit along the road into Broad Meadows which was narrow, hilly and winding but had a straight stretch which caused her some concern about large lorries and speeding traffic. She had understood that the perimeter road of the reservoir would be used for this traffic and she asked for clarification on the need for the route.

Councillor Lilley attended and, with the consent of the Chairman, addressed the Committee. He referred to public safety in the context of vehicles speeding on the stretch from Berechurch Hall Road to the Langenhoe Lion public house and to the pedestrian crossing near the school.

Councillor Naish attended and, with the consent of the Chairman, addressed the Committee. He could not understand the reason for the variation and believed that the reason given in paragraph 13.5 of the report was a red herring. The extraction company had equipment at the reservoir which could reinforce the existing track. Lorries would pass a number of well used junctions and he suggested they if they used Bounstead Road and turned left into Berechurch Hall Road at The Maypole public house, they would pass only two junctions. He believed there was no reason for any variation because they could continue to use the existing route.

The planning officer explained that it was important to emphasise that 60 lorry movements was 30 lorry movements in and 30 movements out. In respect of the 20 ton vehicle it would be three lorry movements in and three out once per week for three months. The concerns raised about the missing covers and avoiding peak school times, were controllable by condition. It was not possible to impose a condition for a survey or for an inspection of the highway, neither was it possible for the developer to do it. The Highway Authority would not support a 30mph limit along stretches where the national speed limit currently applied. He confirmed that this proposal was the most effective way of getting materials into the site to get the work done quickly in a small window during inclement weather. All the traffic to date had used the route through Layer de la Haye; there was a school along that route and the construction vehicles had adhered to the condition not to travel at peak school times. He made reference to the Liaison Group where any problems could be raised and discussed. It was understood that the relationship with the developer was good and any issues could be resolved.

There was a suggestion that the times permitted for this traffic be reduced to Monday to Friday only and no movement between 8am and 9.30am and again between 2pm and 4pm to avoid peak school times, but during the time this variation would be operational there were some school holiday periods and a blanket ban between the hours suggested could lengthen the time it would take to complete the task. Members in wards affected by the works were aware that the operators were working to a high standard and that they kept the route clear.

The Planning Service Manager explained that this was the largest civil engineering project in the country and had caused no complaints to the planning service. As part of the Section 106 Agreement there was a community fund which made provision for any property along the new route to claim against a fund of £¾ million for any eventuality. The restriction on deliveries worked well and in any case construction vehicles were at liberty to use the B road to West Mersea. The Planning Service Manager would be willing to arrange for a meeting between the developer, the consultants, the contractors and visiting ward councillors. It was confirmed that there would be signs to notify road users along the revised route and that there was a Code of Construction Practice that covered wheel washing.

RESOLVED (ONE ABSTAINED from voting) that the application be approved with conditions and informatives as set out in the report.

Councillor Christopher Arnold, Councillor Peter Chillingworth, Councillor Christopher Garnett, Councillor Pauline Hazell, Councillor John Elliott, Councillor Sonia Lewis and Councillor Jackie Maclean (in respect of the Conservative Group Office being located at East Gores Farm) declared a personal interest in the following item pursuant to the provisions of Meetings General Procedure Rule 7(3)

75. 102422 and 102432 Building F and K, East Gores Farm, East Gores Road, Great Tey, CO6 1RZ

The Committee considered planning application 102422 for a change of use of Shed F from redundant agricultural use to B1 office use, and planning application 102432 for a change of use of building K to Business Storage (B8 Storage and Distribution). The Committee had before it a report in which all information was set out, see also Amendment Sheet.

Mark Russell, Principal Planning Officer, and Vincent Pearce, Planning Service Manager, attended to assist the Committee in its deliberations.

Wanda Smith addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in opposition to the application. She was delivering the collective objections against the application from residents. She wanted a condition requiring any further development to be linked to road improvements. B8 use is limited to storage only, not distribution and at no time should that be changed. The hours to be reduced from 7am to 7pm to 8am to 6.30pm and on Saturdays 7am to 7pm was not acceptable. The traffic survey did not represent the true road usage because it was carried out during a quiet period and she wanted it to be carried out by Essex County Council not by the applicant. The survey concluded that this application would have a negligible effect on the area. She referred to eight applications for commercial use. The site was not allocated as a business park and was now at capacity. Part of the lane has protected status. This was not a single business and was contrary to GS2 – Business park in a rural location. This was not a suitable location for such activity and residents feel that it should not be allowed to continue to grow.

William Sunnucks addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in support of the application. This was an application to help the residents of Salmons Lane and East Gores Lane. Over a year ago he obtained permission for the shed to become an office and he was upset because several neighbours were unhappy about it. After the meeting he talked to residents and offered to make it a storage use and to move the existing offices to shed F and residents thought that was sensible. He assured the Committee that the application had been designed to minimise impact. He could not think of any use for the large shed which would have less impact than storage.

The Planning Service Manager referred to it not being possible to add a condition to restrict future proposals until highway works were carried out, and that the Committee was not able to place restrictions on future plans. However, it would be possible to add an informative regarding the concerns about the cumulative impact of any future intensification of use which may cause problems at the junction of the A120 including the expectation that mediation measures would be provided. Farmers were encouraged to diversify and such developments tended to occur. The site was off the beaten track and did not have good public transport. There was a need to restrict the use to storage and not include a distribution use. With respect to the adjustment in hours mentioned by Wanda Smith, the planning officer referred to several permissions on the site having the same hours of use and one permission with no hours of use. It was considered to be difficult to enforce hours of use with different times for the various units within the holding. The main issue was for the Committee to determine was whether or not the hours were appropriate.

Members of the Committee were aware of the traffic problems and of such sites which grow incrementally. It appeared that this application could be the end of such conversions. The applicant had tried to meet some of the objections by using this large building for storage because it would lead to less traffic. They agreed that the whole site should have the same hours of working on the basis that it would last.

RESOLVED (UNANIMOUSLY) that –

- (a) In respect of planning application 102422, the application be approved with conditions and informatives as set out in the report together with an informative noting concerns about any intensification of use.
- (b) In respect of planning application 102432, the application be approved with conditions and informatives as set out in the report together with an informative noting concerns about any intensification of use.

76. 111401 Barrow Hill Farm, East Mersea Road, West Mersea

The Committee considered an application for a new planning permission to replace an extant planning permission F/COL/06/1579 to extend the time limit for implementation of the change of use of the existing barn to residential and including public parking and access to the ancient monument. The Committee had before it a report in which all information was set out.

RESOLVED (UNANIMOUSLY) that –

- (a) Consideration of the application be deferred for completion of a Section 106 Agreement linking this application to the earlier Section 106 Agreement for F/COL/06/1579.
- (b) Upon receipt of a satisfactory Section 106 Agreement, the Head of Environmental and Protective Services be authorised to grant consent with conditions and informatives as set out in the report.

77. Reporting of Injunction Action // Land east of Brook Street, Dedham

The Head of Environmental and Protective Services submitted a report on Injunction Action relating to land to the east of Brook Street, Dedham. The Committee had before it a report in which all information was set out, see also Amendment Sheet.

Vincent Pearce, Planning Services Manager, attended to assist the Committee in its deliberations. He referred to there being no evidence of a property on this land in 1980, but there may have been a mobile home on this site which was burnt out. Aerial photographs from 2000 and from 2006 show no structures on the land. An aerial photograph in 2009 shows something in position on the site which could be a horse box. He confirmed that the site did not have any authorised use for residential purposes. The site was outside the village envelope and was within the Area of Outstanding Natural Beauty.

Mrs Pryke addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in opposition to the injunction action. She was local from Dedham and understood what was special about the village. She stood by every word in her statement and believed that the planners were stretching the truth. They wanted to resolve the matter and felt compelled to take this action. She was in contact with the land registry. The various documents had arrived and were being dealt with correctly. She was aware the planning inspectorate had done their best to do things properly. She was very sad and upset to have fallen out with the council.

Councillor Garnett attended and, with the consent of the Chairman, addressed the Committee. He noted the report and its detail. There was an application for some sort of a dwelling in 2009 that seemed to have ceased. It was not until the latest applications when the tents arrived that a repeat position occurred but with a much more aggressive state. The use of the land for domestic purposes was contrary to local and national policies currently in force. Furthermore the use of footpath 18, which was the only means of access to the site for vehicles, endangers walkers and whilst they can cope with a digger to create a cess pit it is a different matter when a 4 x 4 comes down the footpath, which was a danger for bona fide walkers. Those people who are currently living on site had been offered rehousing advice which they had failed to accept. If they had consulted with planning officers much discomfort and upset with the villagers could have been avoided; it had created an unnecessary amount of disquiet among the more peaceful members of the village. Unfortunately the current behaviour indicated that the present occupiers are flouting a court order which is in 7.1. He thanked the officers for the work they have put in.

The Planning Service Manager reported that in terms of residential use the application in 1990 was for a dwelling which was refused. There was no application for a house in 2009, but there was an application for a barn. There was no suggestion they were looking to create a dwelling in 2009.

Members of the Committee confirmed that they were only being asked to note the report. 7

RESOLVED (UNANIMOUSLY) that the report and the injunction action be noted.

**PLANNING COMMITTEE
3 NOVEMBER 2011**

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

Substitute Member :- Councillor Barrie Cook for Councillor Jon Manning*

Also in Attendance :- Councillor Nigel Chapman

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

78. Minutes

The minutes of the meeting held on 6 October 2011 were confirmed as a correct record.

79. 111641 Perrywood Nurseries, Kelvedon Road, Tiptree, CO5 9SX

The Committee considered an application for the replacement of an existing garden centre building with a two storey building incorporating relocated offices on the first floor, an extension to the existing staffroom, an amendment to an approved open-sided structure (planning ref: 081513), and a retrospective application for an open sided glasshouse erected in place of an approved open-sided polytunnel. 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 and on the Amendment Sheet.

80. 110926 International Farm Camp, Hall Road, Tiptree, CO5 0QS

The Committee considered an application for the demolition of a communal building and other accommodation serving the International Farm Camp and the erection of ten detached dwellings, garages, parking spaces and roads, including the realignment of the carriageway and change of priority in Hall Road, together with footpaths, foul and surface water drainage, public open space and landscaping. The Committee had before it a report in which all information was set out, see also Amendment Sheet.

Nick McKeever, Planning Officer, attended to assist the Committee in its deliberations. He referred to this proposed housing development being an enabling development to provide the capital required for the adjacent development of seasonal worker's accommodation and associated facilities.

Mr Chris Newenham addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in support of the application. He referred to the 125 years that the company had been in Tiptree and their strong commitment to remaining there. He asserted that this proposal represented the first step to securing the company's long term future. The camp had been built during the first world war and was in need of improvement to comply with current legislation. The migrant labour was mainly required for fruit crops. He hoped the Committee would support the application.

Members of the Committee were aware that there could be many more new homes on this site than are being applied for. The community centre would be for the exclusive use of the seasonal migrant workers. The applicant had made their own arrangements for sewage treatment and any surface water would be collected in a reservoir for use in irrigation. Concerns were expressed regarding a potential conflict between access for construction traffic and the narrowness of Hall Road, bearing in mind the primary school which was nearby. Normally with a development of this size it would be required to provide 35% contribution towards affordable housing on site or elsewhere. Members suggested that in the event of a change in the housing market such that the development produced a larger sum of money than was currently envisaged, a claw back clause be added to enable a contribution to be made towards affordable housing.

The planning officer explained that the financial calculations were undertaken in 2010 and the market since that time has gone down. It was known that Wilkin and Sons had other plans, one of which comprised a significant amount of affordable housing, but it would be possible to include a claw back clause in the Section 106 agreement.

RESOLVED (UNANIMOUSLY) that –

(a) Consideration of the application be deferred for completion of a Section 106 legal agreement to provide for the following:-

- A contribution towards Open Space, Sport and Recreational Facilities in accordance with the Council's adopted Supplementary Planning Document;
- A contribution towards the provision of Community Facilities in accordance with the Council's adopted Supplementary Planning Document;
- A requirement that the works to the new International Farm Camp, as approved under the permission 100684, where these works are to be specified within the agreement, together with the works forming the associated permission 102600 for the communal building, are to be carried out and completed prior to the occupation of the 6th dwellinghouse;
- The Section 106 Agreement to be amended to include a claw-back clause to include an off-site provision for affordable housing should the sale/development of the site give rise to any surplus capital;

and to the referral of the application to the Secretary of State as a departure.

(b) Upon receipt of a satisfactory Section 106 Agreement and to notification that the Secretary of State did not wish to call in the application, the Head of Environmental and Protective Services be authorised to grant consent with conditions and informatives as

set out in the report together with an additional informative:- 'The developers are requested to use their best endeavours to control the routing of construction traffic.'

Councillor Ray Gamble, Councillor Peter Higgins and Councillor Theresa Higgins (in respect of being acquainted with the public speaker against the application) declared a personal interest in the following item pursuant to the provisions of Meetings General Procedure Rule 7(3)

81. 111741 6 Ponders Road, Fordham, CO6 3LX

The Committee considered an application for the erection of a new dwelling with associated parking facilities. The application was a resubmission of application 110625. The Committee had before it a report in which all information was set out.

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

Mark Russell, Principal Planning Officer, and Bradly Heffer, Principal Planning Officer, attended to assist the Committee in its deliberations.

Theresa Jephcott addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in opposition to the application on behalf of the Quilters Green Residents' Association. She believed this proposal was an infill development and that it was contrary to Government guidelines and to the council's SPD. Furthermore it would lead to additional traffic using the lane. The new development would be a chalet style property with a first floor. It would impact on seven surrounding properties; be a visual intrusion; overshadow neighbouring properties; be over-development of the site; and leave the host bungalow with a small outside space. Part of the site was covenanted to the host bungalow which would only be left with 120 square metres of space. This proposal would have a greater impact than an earlier application which was refused on the grounds of safety and impact on the nature of the village.

Steve Norman addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in support of the application. The principle of development of the site was accepted but there had been a few matters that needed to be resolved and this had now been done. All the case officers who have been involved with this application had confirmed that development was permitted in principle. The site had a frontage onto a road with several dwellings. The design was in keeping with the surroundings. The host property had a large plot and the size and location lent itself to a new plot whilst leaving a curtilage for the existing dwelling. The parking spaces complied with the adopted standards. He did not believe this development would be to the detriment of any individual; indeed it would improve the area. The Highway Authority had no objections. The use of the land has been confirmed by a solicitor and was not an issue, and the building would not encroach onto the covenant area. He believed the appearance of the lane was currently rather unattractive but this development would enable an appropriate planting treatment along the frontage and

improve the area in general.

Councillor Chapman attended and, with the consent of the Chairman, addressed the Committee. He was of the opinion that this was an interesting rural development, but it was important to get any development correct. He was unsure whether it was infill or backland development and asked for clarification. He referred to flooding having been a problem in the past. The area was a major attraction for visitors going to the Fordham woodland site. Highways had not objected to the application. He noted there was a condition preventing the addition of any windows. He asked for an assurance that, after the works had been completed, the lane would be reinstated to its state prior to the commencement of the works.

The planning officer explained that the council had adopted a backland and infill guide and this parcel of land was probably infill. In terms of privacy, he did not believe there were overlooking issues, nor loss of light or overshadowing. In respect of making good the lane; it was considered it would be preferable to leave it out of the planning application. The site was not within the flood zone but this comment was connected with the soil.

Having visited the site, Members of the Committee were aware of the special nature of the lane, although they had noted that there were two modern buildings. They appreciated the work done by officers to improve the development so that it fitted better into its surroundings.

In response to queries by the Committee the planning officer explained that the 2005 application was for a new vehicular access. The existing access was onto Ponders Road which was a private road, whereas the 2005 application was for a new access onto a classified highway. In respect of whether the covenant was live, it was explained that covenants normally only applied if the signatories were still alive or their successors in title chose to enforce them. This covenant prevented any buildings, including any sheds, from being located within the hatched area; it was noted that if the application was approved, permitted development rights would be removed.

In response to a query regarding whether there were any policy reasons for a refusal, it was explained that development would be permitted in principle because it was within the village envelope. Then there was a need to look at the impact, design, etc. and all of those elements had been met. It was recognised that there would be a change in appearance to the lane but that was considered an appropriate impact. It would be possible to refuse an inappropriate development in that location but the grounds for refusal would have to be justified. In his opinion it would be difficult to defend a reason for refusal on any of those grounds.

In respect of the reinstatement of the lane after the development had been built, it appeared that the red line included the section lane alongside the development site and the host bungalow, indicating that that part of the lane was in the same ownership as the development site. The planning officer referred to certificate C which the applicants had completed to indicate that the ownership of the lane was unknown. In those circumstances it would be possible to impose a condition requiring reinstatement of the road to its pre-development condition after completion of the development.

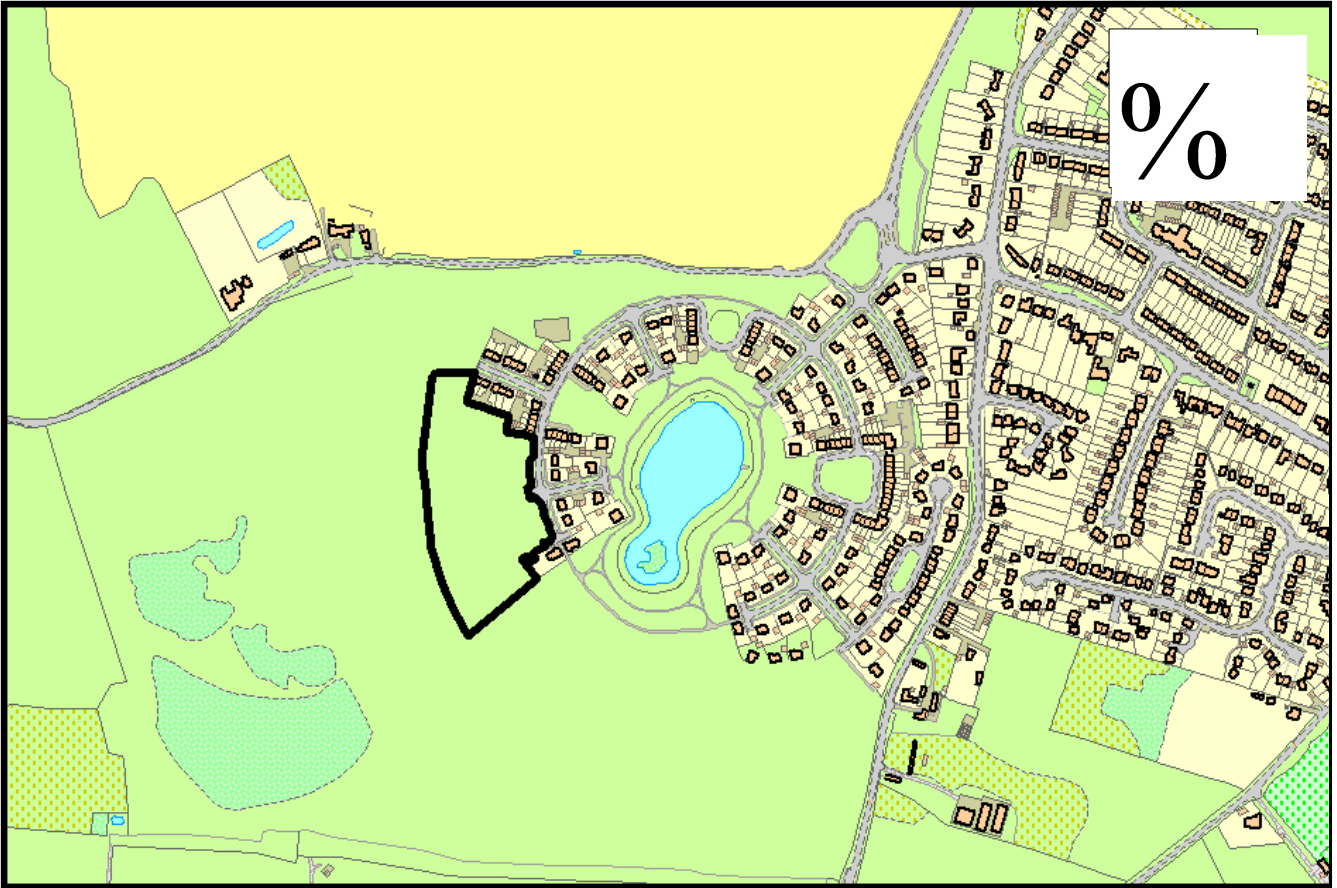
RESOLVED (UNANIMOUSLY) that –

(a) Consideration of the application be deferred for completion of a Unilateral Undertaking to provide for a contribution towards Open Space, Sport and Recreational Facilities in accordance with the Council's Supplementary Planning Document.

(b) Upon receipt of a satisfactory Unilateral Undertaking, the Head of Environmental and Protective Services be authorised to grant consent with conditions and informatives as set out in the report and on the Amendment Sheet together with an additional condition to require that the lane (known as Quilters Green) to be left in the same condition as it was before the development commenced, to the satisfaction of the Local Planning Authority prior to the occupation of the dwelling hereby approved.

82. 111725 13 Park Road, Colchester, CO3 3UL

This application was withdrawn from the agenda in advance of the meeting by the Planning Services Manager to await receipt of an up to date tree survey.



Application No: 110026

Location: Areas SR1 And SR2, Lakelands Phase 2, West Of Robin Crescent, Stanway, Colchester

Scale (approx): Not to scale

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Committee Report

Agenda item

7

To the meeting of **Planning Committee**
on: **17 November 2011**
Report of: **Head of Environmental and Protective Services**
Title: **Planning Applications**

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

7.1 Case Officer: Mr John More

MAJOR

Site: Areas SR1 And SR2, Lakelands Phase 2, West of Robin Crescent, Stanway

Application No: 110026

Date Received: 20 January 2011

Agent: Mr Michael Smith

Applicant: Mr Charles Church

Development: Application for approval of reserved matters following outline approval. (F/COL/01/0976)

Ward: Stanway

Summary of Recommendation: Conditional Approval

1.0 Introduction

1.1 This application is referred to the Planning Committee as it has been called in by Cllr Colin Sykes for the following reasons:

"There is significant public interest with this application. The public would like an open decision made. Residents want to be reassured that all their concerns have openly and transparently been addressed. These concerns include the design of the site and the houses, density, traffic congestion, routing for site traffic, access and egress to and

from the western by-pass using Osprey Close, bus routing down Robin Crescent, parking and impact of construction on current dwellings including noise and dust.”

1.2 Cllr Kevin Bentley also states

“We need to satisfy ourselves that all of the remedial work on phase 1 has been completed which I believe was a condition of phase 2 being lodged. Plus there are some concerns about the design of the proposed properties.”

2.0 Synopsis

2.1 The report gives a full description of the application site, the outline approval and the proposed scheme and goes on to consider consultation responses and representations received. It is concluded that the submitted reserved matters are satisfactory and that the Head of Environmental and Protective Services be authorised, under delegated powers, to approve the reserved matters, (following the discharge of condition 6 of the outline planning permission COL/90/1904 as amended by application F/COL/01/0976 to extend the time limit for the submission of the reserved matters).

3.0 Site Description and Context

3.1 The site is located to the west of Robin Crescent and to the south and west of Osprey Close. Access is from Robin Crescent, with a small roundabout already in place at the vehicle entrance to the site. The existing road forms the eastern boundary to the site, with existing houses on the opposite side of the road facing towards the site and forming half of a street scene. To the north, the site wraps around the rear of the existing houses in Osprey Close, with a short section of frontage to the southern side of Osprey Close before it is due to meet the new by-pass. The western boundary is gently curved, following the alignment of the by-pass route around the edge of the overall scheme, beyond which is the land designated by the Masterplan for the leisure and amenity sites. The site's southern edge abuts the informal open space on the southern side of the existing Lakelands development, which leads to the central lake.

4.0 Description of the Proposal

4.1 The proposed development of Areas SR1 and SR2 comprises 84 no. two, three and four bedroom houses, plus associated roads, paths, car parking, garages and landscaping.

4.2 Areas SR1 and SR2 form the first part of the Lakelands Phase 2 development, which was granted outline planning permission under planning reference COL/90/1904 and amended by application F/COL/01/0976 to extend the time limit for the submission of the reserved matters (granted on 01 December 2006). The development is guided by the Lakelands Phase 2 Design and Access Statement, approved pursuant to condition 1 on the outline planning permission.

5.0 Land Use Allocation

5.1 The site is allocated in the proposals map as Predominantly Residential and within the Stanway Growth Area. The site is also within an area designated as a Local Wildlife Site. To the west of the site is the route of the Western Bypass.

6.0 Relevant Planning History

- 6.1 COL/90/1904 - Outline application for mixed use development comprising business/employment 11.3 net acres, residential 49.3 net acres and leisure 49.2 net acres – Approved 1995
- 6.2 F/COL/94/0890 – Construction of part of western relief road between Warren Lane and the northern boundary of the site – Approved 2006
- 6.3 97/1428 – Phase one comprising 200 residential units (as part of an overall development of 500 residential units) – Approved 1998
- 6.4 F/COL/99/0141 – Variation of condition 16 of application COL/97/1428 to vary the occupancy restriction prior to completion of access arrangements from 25 units to 60 units - Approved 2000
- 6.5 F/COL/01/0976 – Application to amend condition 03(2) of COL/90/1904 to extend specified time period from five to six years regarding submission of all reserved matters for outline application for mixed use development comprising business/employment 11.3 net acres, residential 49.3 net acres and leisure 49.2 net acres approved on 21 March 1995 - Approved 2006
- 6.6 O/COL/02/0980 - Outline application for residential development (approx 300 dwellings) and associated road proposals – Approved 2006
- 6.7 091379 - Extension of time application for the construction of part of western relief road between Warren Lane and the northern boundary of the site (LPA Ref: F/COL/94/0890) – Approved 2010

7.0 Principal Policies

- 7.1 The following national policies are relevant to this application:
 - Planning Policy Statement 1: Delivering Sustainable Development
 - Planning Policy Statement 3: Housing
 - Planning Policy Guidance 13: Transport
 - Planning Policy Statement 23: Planning and Pollution Control
 - Planning Policy Guidance 24: Planning and Noise
 - Planning Policy Statement 25: Development and Flood Risk
- 7.2 In addition to the above national policies, the following policies from the adopted Colchester Borough Core Strategy (December 2008) are relevant:
 - SD1 - Sustainable Development Locations
 - SD2 - Delivering Facilities and Infrastructure
 - SD3 - Community Facilities
 - H1 - Housing Delivery
 - H2 - Housing Density
 - H3 - Housing Diversity
 - H4 - Affordable Housing
 - UR2 - Built Design and Character
 - PR1 - Open Space
 - PR2 - People-friendly Streets

TA2 - Walking and Cycling
TA5 - Parking
ER1 - Energy, Resources, Waste, Water and Recycling

- 7.3 In addition, the following are relevant adopted Colchester Borough Development Policies (October 2010):
DP1 Design and Amenity
DP12 Dwelling Standards
DP13 Dwelling Alterations, Extensions and Replacement Dwellings
DP16 Private Amenity Space and Open Space Provision for New Residential Development
DP17 Accessibility and Access
DP19 Parking Standards
DP20 Flood Risk and Management of Surface Water Drainage
DP21 Nature Conservation and Protected Lanes
- 7.4 Regard should also be given to the following Supplementary Planning Guidance/Documents:
Backland and Infill
Community Facilities
Vehicle Parking Standards
Sustainable Construction Open Space, Sport and Recreation
Extending your House
The Essex Design Guide
External Materials in New Developments
Affordable Housing
Stanway Parish Plan and Design Statement

8.0 Consultations

- 8.1 Environmental Control have required additional monitoring of ground gases given the potential for ground gases to migrate in a northerly direction, from the actively gassing Bellhouse tip to the south. They state “Given the sensitivity of the proposed receptors, it will be necessary for the applicant to submit supporting information in the form of a “Phase 1” desk study of all potential pollutant linkages and contamination risks, including ground gases. As risks from ground gases are of particular concern, I believe that we would also need to have sufficient relevant monitoring data for the site, to show that the site can be safely developed and to give an indication of what level of remedial measures would be required for the development, prior to any planning decision being made.... The applicant should be advised that, in accordance with this guidance, monitoring will be required over several months.”

Officer comment: This monitoring is still ongoing and will be reported to Environmental Control in due course.

8.2 Essex County Council Highways make the following comments:

“The Highway Authority would not wish to raise an objection to the above application subject to the following requirements:

1. Provided it fully accords with the principles set by the outline planning permission (obligations and conditions) for a residential development on the proposal site
2. Measures shall be provided to ensure no mud and/or debris is deposited on the public highway by any vehicle associated with construction of the proposal. Details to be agreed with the Local Planning Authority and Highway Authority
3. Prior to commencement of the development the planning application drawings shall be amended and submitted to and approved in writing by the Local Planning Authority in conjunction with the Highway Authority to show the following:
 - Plots 45, 65 and 77 positioned to provide the maximum possible clear to ground level vehicular junction and forward visibility splays
 - The footway outside plot 27 extended southwards away from the garage driveway before angling back behind the verge
 - A less steep driveway angle for plot 71 to allow easy access and vehicle manoeuvrability
 - The visitor parking spaces opposite plots 79 to 84 and plots 55 to 62 as 6.0 x 2.9 metres in dimension
 - The footway to the side of plot 54 continuing past the ramp in the Type 6 minor access before angling back to the carriageway
 - A foot/cycle link (minimum 3 metres wide/maximum gradient 1:20) between the Stanway Western Bypass and the Road Type 4/Type 6 junction (adjacent to plot 54 and 66)

The approved details shall be implemented to the satisfaction of the Local Planning Authority and Highway Authority prior to occupation of the development

4. No unbound material shall be used in the surface treatment of a vehicular access within 6 metres of the proposed highway boundary
5. Any gates provided at a vehicular access shall be inward opening only and shall be set back a minimum of 6 metres from the nearside edge of a footway/cycleway or carriageway
6. Prior to commencement of the development, details of the estate roads and footways (including layout, levels, gradients, surfacing and means of surface water drainage) shall be submitted to and approved in writing by the Local Planning Authority
7. The carriageways of the proposed estate roads shall be constructed up to and including at least road base level, prior to the commencement of the erection of any dwelling intended to take access from that road. The carriageways and footways shall be constructed up to and including base course surfacing to ensure that each dwelling prior to occupation has a properly consolidated and surfaced carriageway and footway, between the dwelling and existing highway. Until final surfacing is completed, the footway base course shall be provided in a manner to avoid any upstands to gullies, covers, kerbs or other such obstructions within or bordering the footway. The carriageways, footways and footpaths in front of each dwelling shall be completed with final surfacing within twelve months (or three months in the case of a shared surface road or mews) from first occupation of such dwelling
8. The foot/cycle links adjacent plot 9 and opposite plot 64/65 shall be a minimum 3 metres wide and have a maximum gradient of 1:20

Notes:

- The above is required to ensure the proposal complies with the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011
- All residential developments in Essex which would result in the creation of a new street (more than five dwelling units communally served by a single all purpose access) will be subject to the Advance Payments Code, Highways Act 1980. The developer will be served with an appropriate notice within 6 weeks of building regulations approval being granted and prior to commencement of development must provide guaranteed deposits, which will ensure the new street is constructed in accordance with a specification sufficient to ensure future maintenance as highway by the Highway Authority
- The above requirements should be imposed by way of negative planning conditions or planning obligation agreements as appropriate
- Prior to any works taking place in the highway the developer shall enter into an agreement with the Highway Authority under the Highways Act 1980 to regulate the construction of the highway works
- All highway related details shall be agreed with the Highway Authority
- The number of spaces and how these are laid out shall be in accordance with the Parking Standards Design and Good Practice Supplementary Planning Document dated September 2009. This applies to all vehicular parking spaces including disabled as well as cycle and motorcycle parking
- Any proposed traffic calming shall be laid out and constructed having consulted the emergency services and bus operators
- All trees shall be sited clear of all underground services and visibility splays as well as compliment the proposed street lighting. All proposed tree planting would require a contribution to cover the cost of future maintenance (details to be agreed with the Highway Authority)
- Care must be taken regarding the location of the proposed street lighting, especially adjacent to the Type 6 minor accesses. All lighting that is intended to light proposed highway shall be located within areas to be adopted as highway
- Any area directly adjacent to a carriageway in which trees are to be planted shall be a minimum 3 metres wide, exclusive of any footway and the trunks of the trees shall be a minimum of 2 metres from the channel line of a road. The same dimensions shall be used in situations where a footway is located adjacent to a carriageway
- In paved areas, whether or not any planted areas are to be adopted as highway, any tree shall be sited a minimum of 2 metres from the defined (or undefined) edge of a carriageway. Where an adopted highway is to be an independent footpath, any tree shall be sited a minimum 1 metre from the edge of the proposed highway. In all cases, all trees shall be provided with root barriers to prevent damage to underground services
- Prior to occupation each dwelling shall be served by a system of operational street lighting between the dwelling and existing highway, which shall thereafter be maintained in good repair
- Sufficient turning and off loading facilities for delivery vehicles, together with an adequate parking area for those employed in developing the proposal site, shall be provided within the limits of the proposal site"

8.3 Following the submission of amended plans Highways made the following additional comments:

“We've reviewed the latest amended layout (drawing number PH096-02-03 Rev G & PH096-02-07 Rev B) and have the following comments to make:

1. Plot 24: both parking spaces to be 5.5 metres long
2. Plot 30: the space in front of the parking space should either be 5.5 metres long (i.e. another parking space) or removed so as to deter parking on the footway
3. Plot 20: the speed ramp shown outside the driveway should be moved so as not to conflict with the access in the drive

I would be most grateful were you to either ask the applicant to amend the layout further to attend to the above or make the above subject to planning conditions.”

Officer comment: These are minor matters which can be dealt with by way of condition.

8.4 The Landscape Planning Officer's comments on the amended proposals will be reported on the amendment sheet.

8.5 Natural England is satisfied the proposal will not have an adverse impact upon the natural environment.

8.6 The Environment Agency has assessed the proposal as having a low environmental risk and accordingly has no comments.

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

9.0 Parish Council Response

9.1 Stanway Parish Council objects to this application (*as originally submitted*). It states the Parish Council supports a substantial vegetation sound barrier between the development and the bypass but objects to the proposals for the following reasons:

- Does not meet parking standards
- Insufficient footpaths
- Would question whether all roads are adoptable
- Too many back alleys, particularly to social housing area
- The original plans were supported by the Parish Council, the new plans have been altered considerably
- The Design and Access Statement mentions a bus route which will not be feasible due to road widths
- The existing granite rumble strips are a noise nuisance
- The development should be serviced by the existing access road and not through Robin Crescent

Officer comment: The developer has confirmed that all roads will be built to adoptable standards. The developer has confirmed that it is their intention to use the existing haul road to the north of Robin Crescent, allowing construction traffic to enter the site via Tollgate Road and Church Lane, before passing to the north-west of Osprey Close, not through Robin Crescent.

10.0 Representations

10.1 7 objections were received to the proposals as originally submitted. The material planning reasons for objecting are summarised below..

- Osprey Close will no longer be a close but a major entry road from the bypass for construction traffic and then residents
- Osprey Close is narrow with most residents having to park a car along it as they only have one parking space and most households have two cars
- Disruption caused by construction traffic followed by increase in residential through traffic
- Where will construction vehicles park?
- Residents in Osprey Close would like an additional parking space per property along side the road in front of the property in the area currently grass verge
- Concern regarding site access for construction vehicles using Robin Crescent and Osprey Close
- Damage to existing properties during construction
- Phase 2 development should not be allowed until phase 1 has been completed
- The bypass must be put in as agreed in the initial 2004/6 plans
- Some existing properties have experienced subsidence
- Existing parking problems on phase 1 will be exacerbated by an additional 84 dwellings
- Could a second access point directly onto the bypass be formed within the site
- At what stage in this development will the new bypass be completed to prevent new residents having to navigate through the existing estate?
- Will all of the roads be adoptable?
- The granite rumble strips for traffic calming create a noise nuisance for nearby residents
- Will water collection facilities (water butts) be conditioned for each property to comply with Core Strategy?
- Must ensure regular cleaning of surrounding roads during construction
- Will working hours be restricted to 0800 to 1700hrs Monday to Friday only?
- Must be no works vehicle access through Churchfields Avenue
- Workers must have their own car park and not park on estate roads
- Proposed properties fronting Robin Crescent should match the existing in style and frequency, also brick colour
- Residents were also assured that the road opposite Heron Close would be a hammerhead with house frequency (density) mirroring that seen in Heron Close
- Insufficient parking provision
- On street parking in phase 1 has made it difficult for fire tenders to negotiate and park outside properties
- Building more properties will make existing residents broadband signal worse
- Amenity concerns during construction caused by noise, vibration, dust
- The location of any show home and necessary visitor parking?

- The bypass must be completed before any new properties are occupied
- When the approval is finally awarded for the commencement of Phase 2 then specific agreements should be made on completion dates for road finishes and the areas SR1 and SR2 being brought up to an adoptable standard to prevent future residents waiting as many years as those already in residence for acceptable standards to be met.

Officer comments: The developer has confirmed that it is their intention to use the existing haul road to the north of Robin Crescent, allowing construction traffic to enter the site via Tollgate Road and Church Lane, before passing to the north-west of Osprey Close. The site compound and all parking for staff and contractors will be within the site, leaving Robin Crescent clean, tidy and available for use by existing residents. This approach, shown on drawing No. PH096-02-08-Rev: A, would minimise impact on existing residents and highway users. The developer has confirmed that all roads will be built to an adoptable standard. Osprey Close was always intended to form the link to the bypass and is shown as such on the approved drawings. The Highway Authority would not permit additional points of access to the bypass which already has planning permission. The legal agreement attached to the outline permissions for the site and the bypass permission state the bypass must be commenced before development commences on phase 2. Once development commences on the bypass, it must be completed within 2 years 6 months of the date of commencement. Further, the developer cannot occupy more than 179 units in phase 2 until the bypass has been completed.

10.2 Following the initial consultation period a number of meetings were held involving local Councillors, representatives of the Lakelands Action Group (LAG), your officers and the developers representatives. As a result of these meetings amended drawings were prepared and submitted and reconsultation was carried out. As a result of the reconsultation 3 objections have been received. The material planning reasons for objecting are summarised below.

- Object to any properties along Robin Crescent being anything other than red brickwork. The three storey houses proposed on the corners of Heron Close are shown as weather boarded when it was agreed they would all be red brick to match the properties opposite
- Osprey close will be opened up to allow through traffic from the new bypass and it is not wide enough for general through road traffic because residents on both sides of the street park along here
- A route through to the bypass should be put on the new development site
- The new bypass should be built before the 2-3 year development starts as building 84 new dwellings and the associated traffic increase from new residents and building contractors will only cause more traffic problems on tollgate road
- Lack of transparency in the project that is manifestly disproportionate with its original conception idea
- Infrastructure in that area will not support the traffic and habitation issues
- The bypass in the area could be compromised in operation and safe running
- Seek assurances that noise and vibration actions will be curtailed during the build as existing homes are at considerable risk to noise and vibration damage
- Overcrowding the site
- The proposal needs to be reduced to 45 homes, its original conception
- There needs to be a guarantee to extend and protect the nature reserve

- The original tree lined proposal covering the outer horizon of the bypass needs to be reiterated and enforced

Officer comment: Some of these points have been covered in the comment above. The Highway Authority have not raised concerns over the capacity of the local road network.

10.3 The following matters have also been raised as objections; however, these are outside the application site and the scope of this reserved matters application.

- Major concerns over the current provision of roads in phase 1; in particular, the horseshoe layout, and traffic calming measures
- Substandard parking provision in phase 1 resulting in on street parking
- The addition of further development and associated increase in traffic will inevitably increase the risk of serious injury or death of children and other road users on an estate that has fundamental parking issues inherent from phase 1, including junctions with no priorities, no Highway Code recognition, no signage or markings, and raised block paved areas which cause vehicles to increase their speed as opposed to slowing down. All these items need to be addressed before the developers are granted permission to build their homes even if there is actually no great issue with the layout, number or design of the phase 2 development.
- There needs to be assurance that the road will be kept away from the houses as far as possible when circulating the Lakelands boundary
- Will residents be entitled to compensation due to noise and disturbance from construction?
- The site should be cleared up, rubbish and tarmac around the existing compound and on the bank above Robin Crescent
- Current plans do not mirror what residents were told back in 2002
- Residents were told that the properties which would ultimately face numbers 69, 71, 73 and 75 Robin Crescent would be a mirror image in style and frequency
- Will the tarmac finish on the new bypass be quiet tarmac?
- Residents feel they were misled by the developers involved
- The existing raised, block paved speed retarders, which also double as roundabouts are not actually legal and should be replaced, removed, or re-designated, they are treated by traffic under the same principles as you would a roundabout, yet they have no priority road markings, insufficient street lighting, and no signage, they are supposedly designed to slow traffic, yet due to their design it creates a far smoother ride for vehicles if they speed up to approx 30mph and drive straight across them
- Robin Crescent should run straight across the 'horseshoe' green space in phase 1
- The existing access to Phase 1 is via Churchfields Avenue which has a steep gradient leading to access problems during snow and ice, this is not gritted by the council
- Existing residents served by the Birch exchange have a poor broadband signal
- The founder members of the Lakelands Action Group were assured during a meeting at the Town Hall that no further development would be permitted until Phase 1 was brought up to an adoptable standard.

11.0 Parking Provision

- 11.1 Condition 8 of the outline planning permission requires the scheme to have an average of 1.5 off-street car parking spaces per dwelling, as per the standards at the time the outline planning permission was granted. However, subsequent to this the Council has adopted new enhanced parking standards.
- 11.2 Development Plan Policy DP19 refers to the adoption and application of parking standards in a Supplementary Planning Document adopted in November 2009. This policy notes that the level of parking provision required will depend on location, type and intensity of use. For residential uses, the guidance states that two parking spaces should be provided for each dwelling of 2 or more bedrooms, in addition to 0.25 spaces per dwelling for visitors.
- 11.3 The adopted parking standards state that the preferred bay size for cars is 5.5m x 2.9m, although in exceptional circumstance (as determined by the Local Planning Authority) a minimum bay size of 5.0m x 2.5m can be accepted. With regard to garage parking the minimum size required by the Parking Standards is 7.0m x 3.0m (internal dimensions). This dimension is considered large enough for the average sized family car and cycles as well as some storage space.
- 11.4 The car parking proposed is in accordance with the county council's latest standards. Car parking is provided in one of two positions: on-plot alongside the house on a private drive, or on the frontage to Osprey Close, within a parking courtyard to the rear and within easy reach of the property. Visitor parking bays are provided around the central junction feature and on the western side of the access road running parallel with the bypass. Some properties benefit from visitor parking on plot thereby reducing the need for visitor parking on the road.

12.0 Open Space Provisions

- 12.1 This reserved matters proposal, as amended, reflects the provisions of the outline approval.

13.0 Report

Background

- 13.1 The site has an outline planning permission for mixed use development, including 49.3 acres (19.9 hectares) of residential uses. It was approved on 01 December 2006 (reference F/COL/01/0976) and is accompanied by a Section 106 Agreement. All matters remain reserved and are broken into four groups by condition 2:
- (a) Details of the siting, design and external appearance of all new buildings, including a schedule of types and colours of materials to be used in external finishes.
 - (b) Means of access, including details of new junctions and estate roads, parking provision and measures to ensure that the design of the estate roads is compliant with the 20mph speed limit that covers the whole Lakelands development.

- (c) Landscaping, including full planting specification and means of protection of any existing trees and hedgerows during development.
- (d) Details of site re-contouring and including detailed drawings of before and after contours and cross-sections, and slab levels.

- 13.2 All of the above issues must follow the guidance set out in the Design and Access Statement and must be addressed prior to the commencement of development on the phase to which they relate.
- 13.3 Condition 8 requires that the scheme will have an average of 1.5 off-street car parking spaces per dwelling, as per the standards at the time the outline planning permission was granted. However, details of car parking need to be approved by the Borough Council pursuant to both conditions 2 and 8, therefore there is an opportunity for the enhanced standards issued by Essex County Council in September 2009 (including the provision of parking spaces for visitors) to be applied to the site. Condition 11 requires that the scheme conforms to the principles of the *Essex Design Guide*.
- 13.4 Other conditions that also need to be considered as part of the preparation of the scheme for the site include details of hard and soft landscaping (condition 10), construction methodology (condition 12), landscaping to the by-pass (condition 22), noise protection to properties adjoining to the by-pass (condition 27), drainage (condition 28) and lighting (condition 31).
- 13.5 The Section 106 Agreement that accompanies the outline planning permission contains a series of triggers to relate the provision of financial contributions and on-site infrastructure works to the occupation of the new homes. The provision of affordable housing is also controlled by the legal agreement, with the triggers attached to the overall number of dwellings meaning that an element of affordable housing must be provided on Areas SR1 and SR2. As stated above the triggers also control the provision of the bypass.

Design and Layout

- 13.6 Core Strategy Policy UR2 seeks to promote and secure high quality design. Encouragement is given to creative design and innovative sustainable construction methods. The Policy states that developments that are discordant with their context and fail to enhance the character and quality of the area will not be supported. Core Strategy Policy ENV1 also requires development proposals to be appropriate in terms of their scale, siting and design. Development Plan Policy DP1 sets out design criteria that new development must meet; these require new developments to respect the character of the site and its context in terms of their detailed design and respecting and enhancing their surroundings.
- 13.7 This proposal represents the first land parcels to be developed in the second phase and will go some way to help set the character of the rest of Lakelands as it is developed. The layout has been prepared in accordance with the *Essex Design Guide*, the outline planning permission and Design and Access Statement and adheres to the design standards and character set for the Lakeland Character Area in the Character Areas Design Code.

- 13.8 The design and layout of the properties, particularly those fronting Robin Crescent, has been the subject of a number of productive meetings with Local Councillors, representatives of the Lakelands Action Group (LAG), your officers and the developers. These have resulted in the amended scheme now before you for consideration. The main changes centre on the layout and appearance of the properties completing the street scene in Robin Crescent being more in keeping with the existing development. The only outstanding matter remaining from these discussions is the weather boarding of plots 27 and 32, marking the entrance to the site from Robin Crescent.
- 13.9 Across a site area of 2.39 hectares, the scheme of 84 dwellings equates to a density of 35.1 dwellings per hectare. This is approximately halfway between the 30 dwellings per hectare required on the southern half of the site and the 40 dwellings per hectare sought on the northern half.
- 13.10 The lower density of development in Phase 1 means that it has a more spacious and less urban character than the proposed scheme, but the Design and Access Statement seeks to address the need to make better use of land allocated for residential use by combining more homes with a stronger design ethos.
- 13.11 Notwithstanding the issue of the materials to plots 27 and 32 the design and layout of the scheme as amended is considered acceptable.

Impacts on Neighbouring Properties

- 13.12 Development Plan Policy DP1 requires all new development to be designed to a high standard and to avoid unacceptable impacts on the residential amenity, particularly with regard to privacy and overlooking. Development Plan Policy DP12 states in considering new development proposals the Council will have regard to avoidance of adverse overshadowing between buildings, acceptable levels of daylight and acceptable levels of privacy for rear facing habitable rooms and sitting out areas.
- 13.13 The principle issue arising from the layout submitted is the potential impact that the proposed development would have on the existing dwellings in Osprey Close and Robin Crescent. The proposed properties are sited / oriented to avoid having an adverse impact on existing dwellings and the scheme is considered acceptable in this regard.

Amenity Provisions

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

- 13.15 All properties are provided with private gardens to the rear of the house, maintaining an appropriate level of separation between the houses, including the existing houses to the south side of Osprey Close. Most houses on the circular roads that run in concentric rings around the lake have a back-to-back relationship with one another, whilst the houses on the radial routes, have a back-to-side relationship with the houses on the rings. The layout of the site, and in particular, the need to face outwards on all four sides, creates a “perimeter block” approach that ensures that most rear gardens are tucked away from the public realm and enjoy an additional level of peace and quiet thanks to the houses acting as a buffer to the public realm. Where rear gardens abut the public realm, brick walls are used to add an additional layer of protection to the private space, as well as to continue the built frontage within the street scene.
- 13.16 Requested changes to the design and layout have resulted in some gardens now falling below the minimum areas specified by policy DP16. Garden boundaries have been redrawn to equalise the garden sizes where possible to avoid individual properties having unusually small gardens. On balance the improvements to design, layout and parking are considered to justify the reduced garden sizes in this case.

Highway Issues

- 13.17 Core Strategy Policies TA1, TA2, TA3 and TA4 address transport strategy and promote accessibility and changing travel behaviour. These policies seek to strike a balance between improving accessibility through land-use planning, managing traffic flows and growth. They seek to encourage a change in travel behaviour and where appropriate give priority to walking, cycling and public transport. These policies are closely linked to Core Strategy policies PR2 (People Friendly Streets) and UR1 (Urban Regeneration). Policy DP17 provides guidance on ensuring accessibility for sustainable modes of transport as well as requirements for Travel Plans and Transport Assessment and the requirements for incorporation of satisfactory and appropriate provision for pedestrians and cyclists as well as protection for the public rights of way network.
- 13.18 Access to the majority of the site for residents will be via the existing junction on Robin Crescent, with the exception of the 8 properties fronting Osprey Close. There will be no direct vehicular access to the site from the bypass. The submitted drawings show 3 footpath/cycle links through to the bypass to link eventually allow access to the amenity site and country park which will be opposite.
- 13.19 All public routes will be built to adoptable standards to allow for adoption by Essex County Council as part of the highway. With three minor changes the Highway Authority do not raise any objection to the proposals which are considered acceptable in highway terms.

13.20 Concern has been expressed by residents and Councillors regarding access to the site for construction vehicles due to the unsuitability of Robin Crescent to accommodate construction vehicles. The developer has confirmed that it is their intention to use the existing haul road to the north of Robin Crescent, allowing construction traffic to enter the site via Tollgate Road and Church Lane, before passing to the north-west of Osprey Close. The site compound and all parking for staff and contractors will be within the site, leaving Robin Crescent clean, tidy and available for use by existing residents. This approach, shown on drawing No. PH096-02-08-Rev: A, would minimise impact on existing residents and highway users.

Sustainability

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

13.22 The current application provides limited information in respect of sustainable construction techniques; this is in part due to the fact that the Council's guidance on Sustainable Construction was adopted during the course of the consideration of this application. Notwithstanding this, the application has to be determined in accordance with current adopted planning policy. As such, the Development Plan Policy DP25 and the Council's Sustainable SPD are applicable to this application.

13.23 In order to comply with the aforementioned policies, it is proposed to attach a condition to the grant of any planning permission requiring the development to be constructed to a minimum of Code Level 3.

Other Matters

13.24 All corners within the public realm are addressed by house types designed to turn the corner, ensuring that dwellings face towards the public realm at all times. The creation of built frontage to the public realm creates spaces that are overlooked and informally policed by the residents, making them secure and safe to use, thereby reducing the fear of crime.

13.25 In terms of access, the DAS states that the proposals have been prepared in line with the current best practice contained in BS8300:2009 (Design of buildings and their approaches to meet the needs of disabled people) and Building Regulations Approved Document M (2004 edition). Whilst there is a slope across all of the Lakelands development, all approaches to Areas SR1 and SR2 have been designed to be step-free and to minimise gradients wherever possible. Careful design of the levels within the site will also ensure that level access can be achieved to every house. Car parking is conveniently located in relation to the home it serves.

14.0 Conclusion

14.1 In summary, the siting, design and external appearance of the new buildings is considered acceptable and appropriate to the local context. The means of access is already in place in Robin Crescent, and the highway layout including the estate roads, the completion of Osprey Close and the new junction with the bypass are considered acceptable. Parking provision is considered to be in accordance with the adopted standards subject to a minor change to one space on plot 24. The comments of the Landscape Officer regarding the acceptability of the landscape scheme will be confirmed on the amendment sheet.

15.0 Background Papers

15.1 PPS; Core Strategy; CBDP; SPG; HH; HA; TL; NE; NR; PTC; NLR

15.0 Recommendation

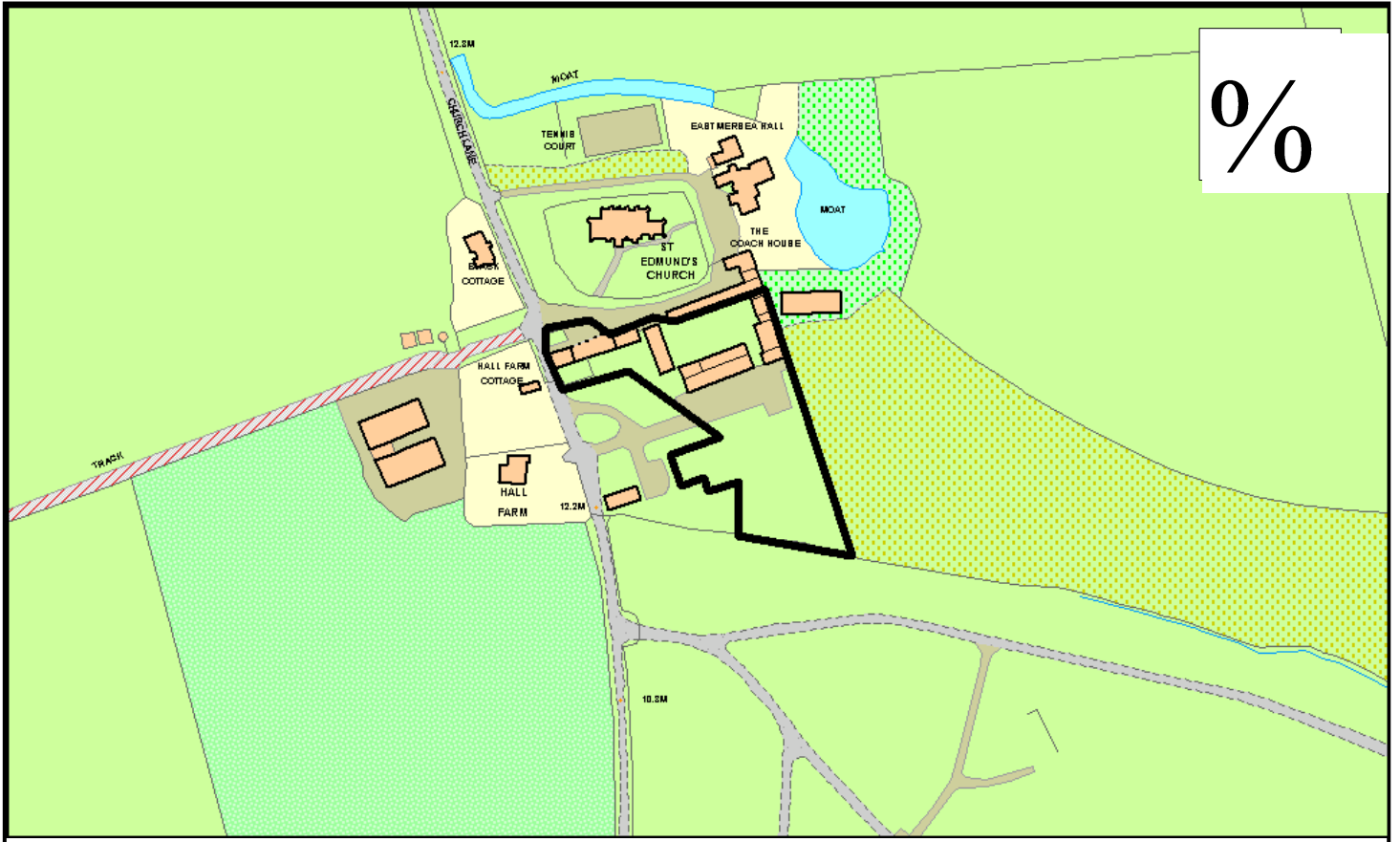
For the reasons described above it is recommended that the Head of Environmental and Protective Services be authorised under delegated powers to approve the reserved matters, subject to the following:

1. The submission and approval of the additional contamination/ground gas monitoring report the satisfy Environmental Control and to allow discharge of condition 6 of outline planning permission F/COL/01/0976.
2. Agreement of the Landscape Officer to the landscape scheme
3. Amended drawing to cover the remaining highway authority concerns

Conditions

A full schedule of conditions will be available before the Meeting. Members are reminded that all condition attached to the outline permission remain extant and in full effect. Any conditions attached to the reserved matters can only relate to the details submitted and will cover the following (this is not an exhaustive list):-

- Approved drawing nos.
- Site access for construction purposes shall be as shown on drawing No PH096-02-08-Rev: A.
- The development achieving a minimum of Code 3.
- Removal of permitted development rights to certain plots to protect amenity.
- The display of a copy of the decision notice listing conditions and site layout plan on the site hoardings for the benefit of local residents.
- Highway conditions.
- The submission and approval of an interim management and maintenance plan to be undertaken by the developer out prior to the adoption of public accessible areas.
- Any additional condition required by Environmental Control and the Landscape Officer or deemed necessary and reasonable by your Officers.



Application No: 110953
Location: Church Lane, East Mersea, Colchester
Scale (approx): 1:1250

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7.2 Case Officer: Nick McKeever

MAJOR

Site: Church Lane, East Mersea, Colchester,

Application No: 110953

Date Received: 9 June 2011

Agent: Miss Aimee Cannon

Applicant: Mr Alan Castledine

Development: Application for the conversion of existing barns and stables to form 18 self catering holiday accommodation units and erection of 14 new holiday cottages

Ward: Pyefleet

Summary of Recommendation: Conditional Approval

1.0 Introduction

1.1 This application is referred to the Planning Committee because of an objection by East Mersea Parish Council and local residents

2.0 Synopsis

2.1 The application proposes the conversion of a group of former agricultural buildings and the erection of 14 new holiday cottages on land immediately to the north of the existing static caravans within this long established holiday park. The site forms an extension to the holiday park and is allocated as such in the adopted Local Development Framework Site Allocations DPD.

2.2 Given that the site is acceptable in terms of the adopted LDF, subject to various constraints which will be discussed within this report, and is acceptable in terms of the reuse of existing buildings, design and highway related matters, visual impact and impact upon the amenity of the area, it is recommended that permission should be granted subject to appropriate conditions.

3.0 Site Description and Context

3.1 The site forms part of Coopers Beach Holiday Park, an extensive complex comprising 620 static holiday caravans, an entertainment complex and site reception/sales office and display of caravans for sale. The site lies approximately 4.6 km from West Mersea, via a narrow road coming off East Road, East Mersea.

3.2 The Holiday Park is located to the south of St Edmunds Church, a Grade 1 Listed Building. To the north of this Church is East Mersea Hall, a Grade 2 Listed building set within 36 acres of land. To the west and to the east are areas of agricultural land.

- 3.3 The site is an irregular shaped parcel of land located immediately north of the main holiday complex. This land can be broken down into two sections. The northern part consists of a group of single storey agricultural buildings. None of these buildings have any agricultural use. These buildings provide an enclosure along the northern boundary, with an inner courtyard, and the barn, which is used for storage/workshop.
- 3.4 The other area of land lies to the south of the aforementioned barn and is currently overgrown with a limited area of open storage.
- 3.5 The eastern boundary is enclosed by an area of woodland. The southern boundary is a raised bund with associated trees.

4.0 Description of the Proposal

4.1 The application consists of two elements:-

- (1) The conversion of the existing group of former agricultural buildings to provide 18 self catering holiday accommodation units; and
- (2) The erection of a group of 14 new holiday cottages. These are in the form of two groups of terraced, one-and-a-half storey, two and three bedroom buildings, aligned north/south within the area of open land.

4.2 Between the proposed two separate groups of accommodation is to be a new car parking area with 32 spaces being provided.

4.3 The scheme also proposes the provision of secure cycle parking racks, together with an on-site cycle hire facility.

4.4 The application is supported by a Planning Statement, A Design and Access Statement, a Transport Assessment/Travel Plan Framework, a Heritage Statement, a Structural Survey of the existing buildings within the site and an Acoustics Report.

5.0 Land Use Allocation

5.1 Bradwell Safeguarding Zone 3, Potential Contaminated land, SSSI Consultation Zone.

6.0 Relevant Planning History

6.1 The use as a holiday site dates back to the late 1940's, with successive consents over the intervening years. More recent applications include:-

F/COL/05/0515 - Proposed rationalisation and retention of existing caravan sales area. Approve Conditional - 20/04/2005. This permission included the use of the southern part of the site as a caravan transit area

F/COL/04/1295 - Proposed extension of existing sales area together with formation of new caravan 'Transit' area with landscape planting. Refuse - 31/08/2004

F/COL/02/0290 - Additional sales office adjacent to existing plant room.
Temporary Approval - 17/05/2002

F/COL/01/1417 - Proposed new cafe bar extension and demolition/relocation of existing - Approve Conditional - 02/11/2001

7.0 Principal Policies

- 7.1 The following national policies are relevant to this application:
Planning Policy Statement 1: Delivering Sustainable Development
Planning Policy Statement 4: Planning for Sustainable Economic Growth
Planning Policy Statement 5: Planning for the Historic Environment
Planning Policy Statement 7: Sustainable Development in Rural Areas
Planning Policy Guidance 13: Transport
Planning Policy Guidance 17: Planning for Open Space, Sport and Recreation
Planning Policy Guidance 20: Coastal Planning
Planning Policy Statement 23: Planning and Pollution Control
Planning Policy Guidance 24: Planning and Noise
Planning Policy Statement 25: Development and Flood Risk
Planning Policy Statement 25 Supplement: Development and Coastal Change
- 7.2 In addition to the above national policies, the following policies from the adopted Colchester Borough Core Strategy (December 2008) are relevant:
SD1 - Sustainable Development Locations
SD2 - Delivering Facilities and Infrastructure
UR2 - Built Design and Character
TA1 - Accessibility and Changing Travel Behaviour
TA2 - Walking and Cycling
TA3 - Public Transport
TA4 - Roads and Traffic
TA5 - Parking
ENV1 - Environment
ENV2 - Rural Communities
- 7.3 In addition, the following are relevant adopted Colchester Borough Development Policies (October 2010):
DP1 Design and Amenity
DP5 Appropriate Employment Uses and Protection of Employment Land and Existing Businesses
DP8 Agricultural Development and Diversification
DP9 Employment Uses in the Countryside
DP10 Tourism, Leisure and Culture
DP12 Dwelling Standards
DP14 Historic Environment Assets
DP17 Accessibility and Access
DP18 Transport Infrastructure Proposals
DP19 Parking Standards
DP20 Flood Risk and Management of Surface Water Drainage
DP21 Nature Conservation and Protected Lanes
DP23 Coastal Areas

- 7.4 Regard should also be given to the following Supplementary Planning Guidance/Documents:
Vehicle Parking Standards
Sustainable Construction Open Space, Sport and Recreation
The Essex Design Guide
External Materials in New Developments

8.0 Consultations

- 8.1 Environmental Control has raised two issues:
- (1) Contaminated land study; and
 - (2) Site boundary noise i.e. the impact of the existing wedding venue at East Mersea Hall upon the new holiday accommodation and the implications of this upon this neighbouring enterprise.

With regard to (1) Contaminated land the following comment has been made:-

Phase 1 Desk Study Report. This is an acceptable report for Environmental Control purposes and has identified potential sources of contamination that may pose risks to human health for the proposed development. Ground investigation, including ground gas and ground water monitoring, and a Type 3 asbestos survey of existing buildings has therefore been recommended by the consultant. However, based on the information provided, it would appear that the site can be made suitable for the proposed use. Consequently, any consent should be subject to appropriate conditions.

With regard to (2) Site Boundary Noise, Environmental Control has considered a submitted Acoustics Report and considers this to be acceptable. No objections are raised by Environmental Control.

- 8.2 The Landscape Officer is satisfied with the landscape content of the proposal subject to appropriate conditions.
- 8.3 The comments of Spatial Policy are reproduced in full as follows:-

“This application seeks planning permission for the conversion of existing rural buildings to form 18 holiday units and the construction of 14 new buildings to be used as holiday accommodation. The proposal will form an extension to Coopers Beach Holiday Park in East Mersea.

The key policies of relevance to this application are ENV1 (Environment), of the Core Strategy; and DP1 (Design and Amenity) and DP10 (Tourism, Leisure and Culture) of the Development Policies DPD. The Site Allocations DPD is also relevant.

The Site Allocations DPD allocates an extension to Coopers Beach Holiday Park, which includes the area covered by this application. The principle of the proposed use therefore complies with Colchester Borough Council's planning policies. The Site Allocations DPD recognises the valuable contribution of the supply of holiday accommodation and states that an extension to Coopers Beach Holiday Park is considered to accord with the Environment and Rural Communities policies within the Core Strategy and Developments Policies DP21 and DP23. The Site Allocations DPD lists considerations that need to be addressed as part of any application, these are:

- Delivery of or contribution towards highway and access improvements required as well as the public transport, cycling and walking.

- Allocation and any future re-development should not have a detrimental impact on St Edmunds Church adjacent to the site.
- A landscaping scheme designed to minimise the impact of the extended site on the surrounding landscape, particularly to the western boundary of the site shall be provided.
- No caravans shall be located in Flood Zone 3a.
- A code of conduct to be agreed between land owners, Natural England and Colchester Borough Council.
- Occupancy restrictions to be placed on the site to restrict occupancy during the sensitive winter months.

Planning Policy supports the conversion of the existing rural buildings; this accords with national and local planning policy relating to tourism use in the countryside (policy EC7 PPS4 and policies DP9 and DP10 of the Development Policies DPD in particular). However, there is concern about 2 the proposed new buildings. Whilst the majority of the caravans at Coopers Beach are stationary, caravans do not have a permanent impact on the landscape. There is also concern about the scale and height of the buildings proposed and affect this would have on the setting of St Edmunds Church and landscape character.

Policy ENV1 (Environment) of the Core Strategy states that the Council will conserve and enhance Colchester's natural and historic environment. Specific reference is made to Natura 2000 sites. The supporting text to policy DP10 states that extensions to existing holiday parks should include mitigation measures to manage environmental impacts on Natura 2000 sites.

The Colne Estuary Special Protection Area (SPA) and Essex Estuaries Special Area of Conservation (SAC) (Natura 2000 sites) lie directly to the south of Coopers Beach Holiday Park. An increase in visitors to Coopers Beach as a result of the proposed development has the potential to adversely affect the integrity of the SPA and SAC through increased levels of recreational disturbance. To ensure that no adverse effects will occur it was agreed with Natural England that any future planning application for the site would need to result in a code of conduct agreed between Natural England, Colchester Borough Council and the applicant. This code of conduct should cover the issues of educating guests about the sensitivity of the Colne Estuary and possible access information. It will also be essential, to ensure no adverse affects, that an occupancy restriction is put in place to ensure that the holiday units are not occupied during the winter months, which are the most sensitive times of year for key features of the Colne Estuary SPA.

The Site Allocations DPD requires the delivery of or contribution towards highway and access improvements required as well as the public transport, cycling and walking and policy DP10 also requires tourism proposals to promote accessibility. Due to the nature of the proposed use it is highly likely that the majority of visitors will arrive by car. However, to promote sustainable travel during visitors stays information should be provided on walking and cycling routes in the local area.

In conclusion, the land is allocated in the Site Allocations DPD for an extension to the Coopers Beach Holiday Park. However, there is concern over the proposed new buildings. This application should only be permitted:

- If it is considered that the proposed new buildings will not harm the landscape character and setting of the adjacent listed church (in accordance with policies DP1 and DP9).
- Contributions are secured towards highway/access improvements required as well as the public transport, cycling and walking as advised by the Highways Authority.

- A landscaping scheme designed to minimise the impact of the extended site on the surrounding landscape, particularly to the western boundary of the site is provided and agreed by the Council.
- A code of conduct is agreed between the applicants, Natural England and the Council (in accordance with policy ENV1).
- An occupancy restriction is imposed precluding the use of the units during winter months (in accordance with policy ENV1).”

8.4 The Environment Agency had advised that this is a low risk environment and have no comment to make.

8.5 The Campaign to Protect Rural Essex comments that:-

“CPREssex wishes to object to the above application. East Mersea is an attractive part of the Borough, remaining largely undeveloped. Your Council has long sought to prevent development that would harm the undeveloped coast and continues this policy approach in its core strategy.

The existing caravan sites along the coast represent an unfortunate, but long established, intrusion into a tranquil rural scene. However, in our view it is important to prevent further expansion and intensification of these uses if East Mersea’s rural character is to be maintained.

We consider the present proposal represents an undesirable intensification of the existing use and, along with the resultant traffic that it will generate, will harm the tranquillity of the area. We also consider that the proposal will detract from the setting of the listed Parish Church. In considering the visual impact of the proposal, we feel it is important to consider the view from the water as it is this aspect which helps to define the island’s character. We feel it is likely to be visible from the water as a foreground to the listed church.

The applicant claims that the proposal complies with national and local planning policy. We would dispute this. Both national and local policy seek to safeguard the countryside and undeveloped coast from inappropriate development, which this clearly is. We would ask your Council to refuse the application and conserve East Mersea’s tranquil rural character”.

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

9.0 Parish Council Response

9.1 The Parish Council has objected for the following reasons:-

1. Substantially different to current Holiday Park which is made up of static (temporary) caravans on the site, these units would be a permanent addition to the village.
2. Scale of the project is too large for East Mersea Village Increase village size by approx 30%. There are only approx 100 dwellings in East Mersea.
3. Increase in traffic movements will be detrimental to an already busy narrow lane, village and residents within Church Lane and surrounding area. PC feels that Church Lane is already at capacity.
4. There are no cycle paths in East Mersea. The application mentions cycle paths and cycle lanes. The only legal place to cycle is on the public road which has a speed limit of 40mph.

5. Only bus service to East Mersea is a school service that operates once in the morning and once in the afternoon at term times only and to a school in Lexden Road, Colchester. There are not any buses at weekends or during the Easter or Summer holidays.
6. Previous applications - Coopers Beach have a poor track record with previous applications. The Reception building still does not have planning permission. Application for 30 tonnes inert waste has been withdrawn pending further investigations.
7. Time factor. This application has not given any time for village to consider impacts. There has not been any consultation with immediate neighbours, people in the village or the Parish Council.
8. The Parish would like the developer to consider withdrawing application pending consultation, and the consideration of a travel plan with suggested usage routes for cycles and improvements to the infrastructure, especially Church Lane.

Where permission is granted, the Parish Council would like to impose the following conditions;

1. That the barns are converted before commencement of building of new units.
2. That these units are to be let on the same opening times as the Holiday Park
3. That a section 106 be added for provision of cycle paths and improvements to the local infrastructure, including Church Lane.

10.0 Representations

10.1 Six objections have been received from, or on behalf of, local residents. The objections are summarised as follows:-

1. Most planning applications from business interests in East Mersea are given the go ahead. Planning applications for or from "Joe Public" are turned down. Is there a message here?
2. All business ventures, especially caravan parks, generate extra traffic, car parking, pollution and litter (in one form or another) and the people who have to put up with the inconvenience are the inhabitants of East Mersea, who also end up picking up the rubbish that the customers of the caravan parks leave behind.
3. Some form of 106 Agreement should somehow be imposed on the applicant to the benefit of the inhabitants of East Mersea to ensure an appropriate contribution to local infrastructure development prior to the commencement of the development. For far too long the attributes of East Mersea have been exploited for commercial reasons by caravan and camping sites without any contribution to the infrastructure development that in this case should include footpaths on the one side of East Road and in Church Lane. The increased summer traffic, both vehicle and pedestrian using East Road particularly in the vicinity of the junction of East Road and Church Road and from that area to the Country Park in Cudmore Grove and to the Dog and Pheasant PH is of very significant proportions. Motorists, cyclists and pedestrians are at risk because of the lack of a pavement and cycle track. This is a fundamental requirement for any future further commercial development.

4. The planning application will no doubt bring many more traffic movements, even though they are saying they will be providing bicycles to each chalet. Traffic is already heavy and fast. People not used to cycling would be a danger on the road to other road users as well as themselves. Which Council picks up the cost and damages from accidents? And who pays the costs, we do. Cycle paths are needed. The sea wall does not allow cycling under the bylaws. Footpaths can be upgraded and can provide a safe environment for cyclists and walkers all around Mersea Island. This would also benefit the inhabitants of East Mersea.
5. Park Resorts are planning to convert the old farm yard opposite the church into holiday homes. This will be in the centre of the village and increase the number of houses in the village by about a third.
6. The existing caravan site is supposed to be closed in the winter there are in fact many people living there throughout the year. It would not be unrealistic to imagine that if the holiday home lets were not taken up Park Resorts might seek to extend the use for the new houses to year round use. The council has been adamant that nothing should be built in East Mersea outside the village envelope. It would be a great pity to see this sort of development succeed when other good schemes fail.

11.0 Parking Provision

- 11.1 The application shows the provision of 32 parking spaces; 28 of these are within an area of land between the converted outbuildings and the Holiday Cottage Village, the remainder are shown as being adjacent to the area occupied by the sales caravans. The main parking area has been divided up by the use of planted spacers between the groups of 3 and 4 bays.
- 11.2 The current adopted standards for Caravan Parks (Suis Generis Uses) requires 1 space per pitch plus 1 space per Full-Time staff equivalent. On this basis the provision of the 18 units of holiday accommodation would require 32 spaces. The alternative standard for self-catering accommodation that could also apply is Class C1(Hotels), which requires 1 space per bedroom. In this particular case the provision of 1 space per unit of self-catering accommodation is considered to be acceptable on the basis that each unit of accommodation is likely to be occupied by one family bringing no more than one car.
- 11.3 Cycle parking for the Suis Generis use is 1 space per 5 pitches. In the case of a C1 (Hotels) use the requirement is 1 space per 5 staff plus 1 space per 10 bedrooms. The scheme proposes that each unit of accommodation will be provided with secure cycle parking for at least 4 cycles. In addition cycle hire facilities are proposed, with an initial provision of between 10 – 20 cycles. It is also proposed to provide a cycle repair and maintenance facility within the site as part of the submitted Travel Plan Framework. On this basis the scheme is considered to be acceptable.

12.0 Open Space Provisions

- 12.1 Not applicable

13.0 Report

Policy

- 13.1 This site is part of the Site Allocations DPD, but this allocation lists a number of considerations that need to be addressed. The main issues are: Delivery of or contribution towards highway & access improvements as well as public transport, cycling & walking; a Code of Conduct to be agreed between land owners, natural England & CBC; Occupancy restrictions; Landscaping scheme to minimise impact; No detrimental impact upon St Edmunds Church.
- 13.2 The reuse of the existing buildings is also supported policy terms, and this is point that Spatial Policy has acknowledged in their consultation response.
- 13.3 Whilst the application can be supported in terms of its contribution to the rural economy/tourism within Mersea, and within the Borough in general, this has to be balanced against other material considerations. These considerations are set out in the following part of this report.

Highway Matters

- 13.4 The application is supported by a Transport Assessment (Transportation Statement & Travel Plan Framework). The conclusion is that the level of traffic generation will be negligible given that the site is within walking distance of West Mersea and the main tourist attractions.
- 13.5 The Travel Plan seeks to encourage staff & visitors to use cars more efficiently and to encourage alternative travel modes (walking, cycling & public transport).
- 13.6 Whilst the concerns of the Parish Council and local residents are acknowledged and appreciated, it is noted that the Highway Authority does not have any objections to the development and that no requirement for a planning obligation has been put forward. The Highway Authority is satisfied with the proposals set out in the Travel Plan and considers that the package put forward by the Applicant should be secured by way of conditions.

Design and impact upon the Historic Environment.

- 13.7 The Design & Heritage Unit has no objection to the layout and design of the proposed development on the basis that it has addressed issues raised during the previous PE application.
- 13.8 The Landscape Officer is satisfied with the impact, subject to conditions.
- 13.9 In terms of the impact upon the historic assets, the Listed Church and the listed East Mersea Hall are separated from the new buildings by the existing former agricultural buildings, which are to be converted, as well as by the new parking area between the existing and the proposed buildings. The conversions in themselves will not adversely impact upon these listed building or their wider settings.

13.10 In this context it is noted that there are existing trees along the southern boundary of the Church, along the eastern and southern boundaries of the site which provide satisfactory screening. In addition the new buildings are one-and-a half storey, with accommodation provided within the roof void. The design of the new buildings is also deemed to be acceptable for their setting.

Coastal Protection Belt.

13.11 The site lies within this area of protected landscape. However the development is located within the area of the existing Holiday Park and does not encroach along the undeveloped section of the coast. The Landscape Officer is satisfied with the landscape impact.

Planning Obligations

13.12 The application does not propose any Unilateral Undertaking but considers that occupancy restriction imposed upon the existing accommodation would be acceptable. The occupancy of the existing static caravans within the holiday park is not restricted by any Section 106 Agreement but is subject to a Caravan Site License dated 28 July 2006. This Licence, which regulates the use as a caravan site, would not apply to the new accommodation where this is not provided within static caravans. It is therefore considered appropriate for this condition to be imposed upon the new residential accommodation rather than by a planning obligation. Current central government advice remains that the use of conditions is preferable to the use of planning obligations.

13.13 The ODPM Circular 05/2005 "Planning Obligations", which is still extant, is relevant to this application. Annex B of this Circular (Policy: The Broad Principles) sets out the five tests where a planning obligation can be sought. An obligation can only be sought if it meets all five criteria:-

- (i) Relevant to planning;
- (ii) Necessary to make the proposed development acceptable in planning terms;
- (iii) Directly related to the proposed development;
- (iv) Fairly and reasonably related in scale and kind to the proposed development;
- and
- (v) Reasonable in all other respects.

13.14 With regard to these criteria, the proposed development is considered to be acceptable in the context of planning policy, where the development is to take place upon that part of the site which has been allocated in the LDF Site Allocations document (October 2010) as an extension to the existing Coopers Beach Holiday Park.

13.15 Furthermore Essex County Council, in the capacity as the Highway Authority, has not raised any objections to the proposed development and has not requested any planning obligation to secure contributions towards the provision of alternative modes of transport. They require that the proposed cycle facilities and public transport information, which the Applicant had offered as part of their submission, should be secured by condition.

- 13.16 In this respect Circular 05/2005 advises that conditions should be used wherever possible rather than the use of planning obligations. Whilst residents may have concerns as to the potential use of the new buildings as separate dwellings, this application has to be considered upon its own particular merits as an extension to the established holiday park. The occupancy of these new units for holiday accommodation can reasonably and appropriately, be secured to reflect the Caravan Site Licence that currently restricts the static caravans within this holiday park. The occupancy of static caravans within the nearby Cosway Holiday Park is also subject to a planning condition that restrict occupancy to the period March to December.
- 13.17 There is no requirement in the Council's adopted Supplementary Planning Documents (SPD) for other contributions (e.g. open space or community facilities) for this particular type of development.
- 13.18 The application has also been referred to the Council's Development Team, who considered the proposal and did not request the Applicant to provide any planning obligation.
- 13.19 Overall the development is considered to be acceptable as submitted and as such there is no requirement for the Applicant to provide a planning obligation.

Adverse Impact upon Existing Wedding Venue at East Mersea Hall

- 13.20 Following concerns raised by the owner of East Mersea Hall, the Applicant was required to carry out a noise impact assessment. This was duly submitted and considered by Environmental Control, who subsequently considered that this report and its conclusions were acceptable. Full details of this document can be viewed on the Council website.

Other Issues

- 13.21 The issue of the impact upon the privacy of East Mersea Hall through overlooking has been addressed by the removal of the windows referred to in the submitted objection.
- 13.22 The objections refer to a nearby pond. This pond lies within the grounds of East Mersea Hall and is located a satisfactory distance from the new residential units. The other works to the conversion of the existing buildings is not likely to have an adverse impact upon this pond.

14.0 Conclusion

- 14.1 The site has been allocated in the LDF for an extension to the existing holiday park. In this respect the development is deemed to be acceptable in principle and in accordance with policy.
- 14.2 The Highway Authority are satisfied that the scale of the development will not adversely impact upon matters of highway safety and raise no objection subject to conditions securing the proposed cycling facilities and the public transport information packs as set out in the submitted Travel Plan.

- 14.3 The development is considered to be acceptable in terms of the design and layout and in terms of the landscape impact.
- 14.4 The development is also considered to be acceptable in terms of any contaminated land issues and in terms of the noise impact upon the nearby East Mersea Hall.
- 14.5 The existing static caravans within the holiday park are subject to a Licence that restricts the period of occupancy. Under these circumstances it is considered appropriate, and necessary, to impose a condition upon the new holiday accommodation restricting the period that the accommodation can be occupied rather than by way of a planning obligation.
- 14.6 A condition will also be required to secure the provision of an agreed Code of Conduct so as to accord with the requirements of the LDF site.

15.0 Background Papers

15.1 PPS; Core Strategy; CBDP; SPG; HH; PP; TL; NR; CPREssex; PTC: NLR

15.0 Recommendation – Conditional Approval

Conditions

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

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

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

2 - Non-Standard Condition

The development shall be carried out in accordance with the approved drawings numbers 3147-205, 210 Rev B, 216 Rev B, 217 Rev B, 225 Rev A and 226 Rev A, unless otherwise agreed in writing by the Local Planning Authority.

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

3 - C3.3 Samples to be Submitted

Samples of the materials to be used on the external finishes shall be submitted to and approved in writing by the Local Planning Authority before the development commences. The development shall only be carried out using the approved materials.

Reason: To ensure the use of appropriate materials and finishes within this site which lies within the open countryside and in close proximity to Listed Buildings.

4 - 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.

5 - 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.

6 - C11.13 Advance / Screen Planting

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

Reason: To ensure an appropriate standard of visual amenity in the local

7 -Non-Standard Condition

No development shall commence on the site until such time as details of a Code of Conduct have been submitted in writing to the Local Planning Authority and agreed in writing following consultation with Natural England and the local landowners. The Code of Conduct shall include provision for the education of guests about the sensitivity of the Colne Estuary and possible access information. The development shall then be carried out in accordance with the agreed scheme and this scheme remain in operation thereafter.

Reason: The adopted Local Development Framework Site Allocations requires that a code of conduct should be agreed by the landowner, Colchester Borough Council and Natural England as a prerequisite for any extension of the existing holiday park as part of the Site Allocations Development Policies Document. This is in the interests of the amenity of this area of land within the Coastal Protection belt.

8 - Non-Standard Condition

Development on land affected by contamination: Unless otherwise agreed by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until conditions [9 to 13 as listed below), have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until condition 12 has been complied with in relation to that contamination.

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

9 – Non Standard Condition

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

- (i) a survey of the extent, scale and nature of contamination, including contamination by soil gas and asbestos;
- (ii) an assessment of the potential risks to: • human health, • property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes, • adjoining land, • groundwaters and surface waters, • ecological systems, • archeological sites and ancient monuments;
- (iii) an appraisal of remedial options, and proposal of the preferred option(s). This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and the Essex Contaminated Land Consortium's 'Land Affected by Contamination: Technical Guidance for Applicants and Developers

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

10 - Non-Standard Condition

Submission of Remediation Scheme - A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

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

11 - Non-Standard Condition

Implementation of Approved Remediation Scheme The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works. Following completion of measures identified in the approved remediation scheme, a verification report (referred to in PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority

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

12 - Non-Standard Condition

Reporting of Unexpected Contamination In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition 9 "Site Characterisation", and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 10 "Submission of Remediation Scheme", which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition 11 "Implementation of Approved Remediation Scheme".

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

13 - Non-Standard Condition

Prior to occupation of any property hereby permitted and the provision of any services the use hereby permitted commencing, the developer shall submit to the Local Planning Authority a signed certificate to confirm that the remediation works have been completed in accordance with the documents and plans detailed in Condition 10 "Submission of Remediation Scheme" above.

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

14 – Non Standard Condition

The new accommodation hereby permitted shall only be used to provide holiday accommodation as an extension to the existing Coopers Beach Holiday Park and shall not be occupied other than as follows:-

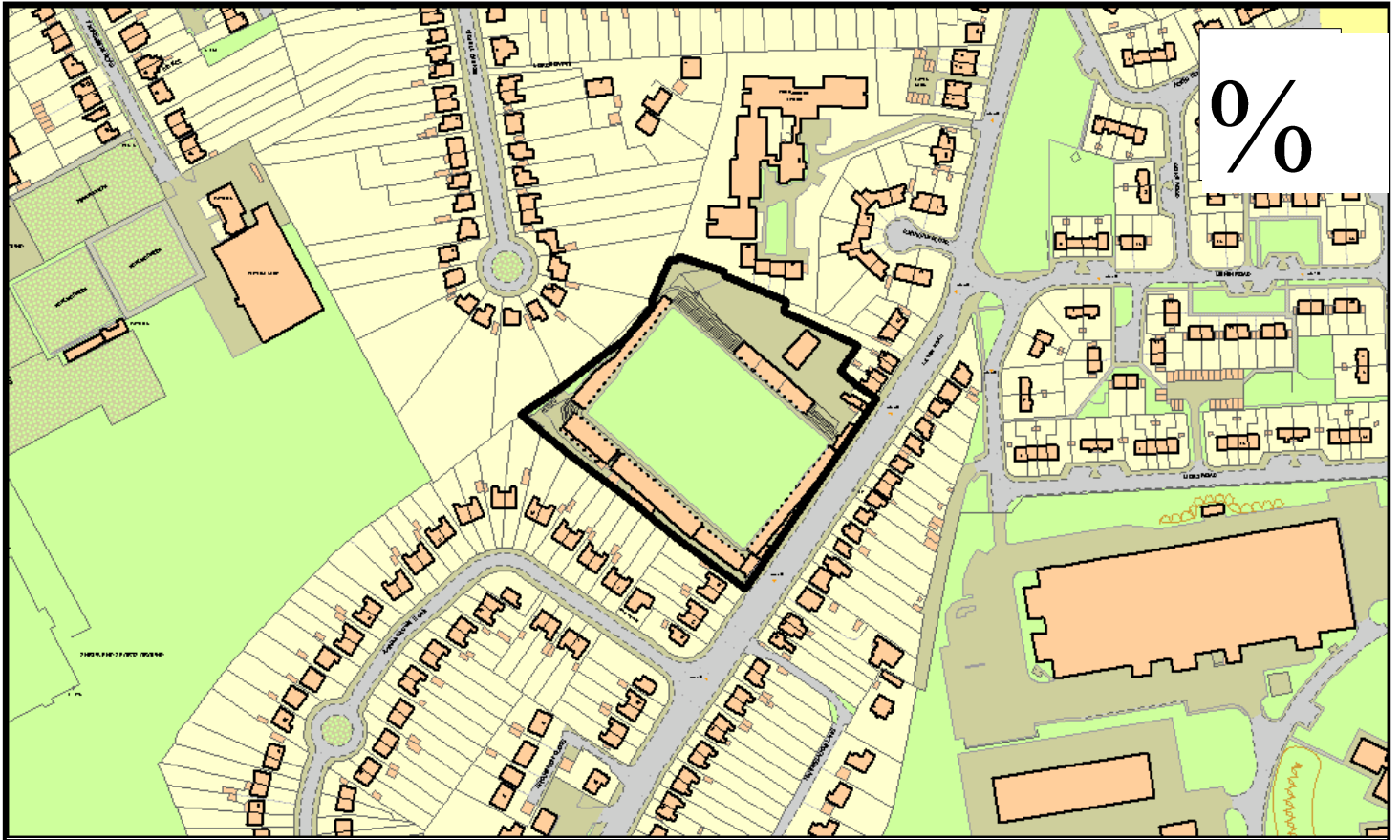
- (i) Between 1 March to 31 October; and then
- (ii) At weekends from 1 November to 14 January in the subsequent year (weekends being defined as mid-day Friday to mid-day Monday) both dates inclusive together with
- (iii) A period of 14 consecutive days from 23 December to 5 January, both dates inclusive.

Reason: The site is within an area where it is the policy of the Local Planning Authority to prevent permanent residential use. Planning permission is given in this instance for holiday use only as an extension to the existing Holiday Park.

Informatives

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

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



Application No: 111302

Location: Colchester Utd Football Club Site, Layer Road, Colchester, CO2 7JJ

Scale (approx): 1:1250

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7.3 Case Officer: Mark Russell

MAJOR

Site: Colchester United Football Club Site, Layer Road,, Colchester, CO2 7JJ

Application No: 111302

Date Received: 25 July 2011

Agent: Mr David Pratt

Applicant: Abbey New Homes

Development: Demolition of former Colchester United F.C buildings and construction of 58no. dwellings together with garages, car ports and including new road and landscaping.

Ward: Shrub End

Summary of Recommendation: Conditional Approval subject to signing of Section 106 Agreement

1.0 Introduction

1.1 This application is referred to the Planning Committee because it has been called in by Councillor Hazell for reasons of design, appearance and lay-out. The following comments have been received from Councillor Hazell:

- 58 dwellings on this site is too dense for the space available.
- Available parking is also an issue - spaces rather crammed in.
- Design and internal layout plans were not available for all the properties proposed.
- The Green, which should be a feature of this historical site is placed to one side, with restricted access, making it less of a feature. For the best visual impact, the Green needs to be more central.
- This is an opportunity to make this a quality design both in the design of the houses, and to ensure that the development fits it and blends with the family homes which will surround it. It is considered that these plans do not yet fit the criteria in either case.

- 1.2 This item was deferred by Members on 20th October for the following matters to be negotiated:**
- **Reduction in the number of units proposed in order to ensure that parking provision and private amenity areas are in accordance with Council's standards;**
 - **Essex County Council be requested to provide a further opinion on the provision of a pedestrian crossing on Layer Road;**
 - **Provision of railings around the proposed area of open space;**
 - **Negotiations to take place with regard to the feature within the open space (possible statue and Memorial Garden.**
- 1.3 Your Officers have met with the applicants and have also spoken with the Highway Authority regarding these matters. The result of this is that the applicants have reduced the number of bedrooms on some of the units, whilst keeping the level at 58 units. There has also been a reallocation of space (some gardens having been far in excess of standards). Garden sizes are, therefore, acceptable according to our adopted standards on most units. The corner turning units, which are essential to the townscape element of the scheme, are still on the face of it deficient, but this is acceptable according to the Essex Design Guide. This leaves just two units on the Layer Road part of the development which are 10m² under-sized.**
- 1.4 Parking is now being provided at the full complement (minus half of a space) i.e. 130 spaces at two per unit plus 14 visitor spaces. This extra parking provision is to be accommodated on the avenue.**
- 1.5 Essex County Council has been contacted with regard to issue of a zebra crossing and at the time of writing a site meeting was scheduled to take place between the Highway and Safety Engineers of Essex County Council. The result of this meeting will be reported to Development Team of 10th November, and then in the amendment sheet.**
- 1.6 Regarding the suggestion of iron railings. This was discussed between your Officers and the applicants. A mixture of metal and wood, backed with hedge planting has been suggested, with wooden stakes near to corners positioned to prevent cars parking/driving across the land whilst allowing pedestrian and wheelchair passage.**
- 1.7 The issue of the statue will now be covered by a public art contribution (rather than by condition) via Section 106 monies, to be discussed at the Development Team meeting of 10th November.**
- 1.8 The remainder of the report is as previously, with any new items in bold.**

2.0 Synopsis

- 2.1 The following report describes in detail the consultation replies from internal consultees, the Highway Authority and neighbouring properties. These highlight some concerns involving density, design and potential pollution from asbestos as well as specific questions about drawing accuracy, proposed boundary treatment and the status of an area of no man's land.
- 2.2 The report section gives answers to these concerns, and the improved layout and design is discussed, including the proposed open space and character areas within the development.
- 2.3 Finally, approval is recommended, subject to conditions and a Legal agreement for Section 106 contributions.

3.0 Site Description and Context

- 3.1 This site was used for the playing of football for 101 years (1907 – 2008) and was the home of Colchester United Football Club from 1937 until May 2008 when the club's last home game against Stoke City took place. Since that date it has been redundant, some of the stands and other fixtures and fittings having been sold to other organisations and individuals, with others having been dismantled. Much of the superstructure, however, remains.
- 3.2 The site measures 1.45ha and is situated between the gardens of Wavell Avenue to the north and north west, and Rainsborowe Road to the west and south west. To the north east are the grounds of the care-home 'The Cannons'. To the east are the gardens of 35-41 Layer Road.
- 3.3 The remainder of the site fronts on to Layer Road, with a frontage of approximately 114 metres.

4.0 Description of the Proposal

- 4.1 The proposal, following the removal of all remaining structures and hardstanding, is for 58 dwellings, garaging, car-ports, a new road and landscaping, including an area of green in the middle of the site covering part of the old pitch. The breakdown of the development is as follows:

Houses

2 beds x 12

3 beds x 23

4 beds x 20

Flats

2 beds x 3

The previously proposed breakdown was as follows:

10 x 2 bedroom houses
25 x 3 bedroom houses
20 x 4 bedroom houses

Flats

2 beds x 3

Thus two houses have been reduced from three-bedders to two-bedders.

The development has been broken down into character areas, which are described in detail in the report section at paragraph 13.

5.0 Land Use Allocation

5.1 Predominantly Residential

6.0 Relevant Planning History

6.1 The site history shows 50 applications relating to its previous use as a football stadium. None of these, however, are relevant to the application at hand.

7.0 Principal Policies

7.1 The following national policies are relevant to this application:

Planning Policy Statement 1: Delivering Sustainable Development

Planning Policy Statement 3: Housing

Planning Policy Statement 10: Planning for Sustainable Waste Management

Planning Policy Statement 12: Local Spatial Planning

Planning Policy Guidance 13: Transport

Planning Policy Guidance 17: Planning for Open Space, Sport and Recreation

Planning Policy Statement 22: Renewable Energy

Planning Policy Statement 23: Planning and Pollution Control

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

SD1 - Sustainable Development Locations

SD3 - Community Facilities

H1 - Housing Delivery

H2 - Housing Density

H3 - Housing Diversity

H4 - Affordable Housing

UR2 - Built Design and Character

PR1 - Open Space

PR2 - People-friendly Streets

TA1 - Accessibility and Changing Travel Behaviour

TA2 - Walking and Cycling

TA4 - Roads and Traffic

TA5 - Parking

- 7.3 In addition, the following are relevant adopted Colchester Borough Development Policies (October 2010):
- DP1 Design and Amenity
 - DP2 Health Assessments
 - DP3 Planning Obligations and the Community Infrastructure Levy
 - DP4 Community Facilities
 - DP12 Dwelling Standards
 - DP15 Retention of Open Space and Indoor Sports Facilities
 - DP16 Private Amenity Space and Open Space Provision for New Residential Development
 - DP17 Accessibility and Access
 - DP18 Transport Infrastructure Proposals
 - DP19 Parking Standards
 - DP25 Renewable Energy
- 7.4 Regard should also be given to the following Supplementary Planning Guidance/Documents:
- Backland and Infill
 - Community Facilities
 - Vehicle Parking Standards
 - Sustainable Construction Open Space, Sport and Recreation
 - The Essex Design Guide
 - External Materials in New Developments
 - Affordable Housing

8.0 Consultations

- 8.1 Design and Heritage: The Initial comments were negative, beginning with the statement 'There are some fundamental issues of poor design and substandard policy requirements within the layout that need to be addressed before the application can be supported.'

The points raised related to:

- Inadequate garden sizes;
- Lack of visual mitigation for parking courts;
- Lack of sufficient turning space for vehicles in some instances;
- Poor arrangement of parking for flats;
- Lack of enclosure between parking courts and rear gardens;
- Poor outlook from some plots;
- Possible inadequate access for the electrical substation;
- Weak character type for the houses;
- Utilitarian architectural elements and poor detailing (such as the use of solid courses as window headers, overuse of mono-pitch door canopy, over-fenestration and over-wide gables);

Officer's Note: A productive meeting has taken place between your Officers and the developers and a much improved scheme has been tabled. Your DHU Officer is supportive, and his written comments are awaited.

- 8.2 Landscape Conservation: Your Landscape Officer has recommended several changes to this aspect of the scheme. These include the omission of small areas of grass, a larger number of trees in the public open space and a greater transparency for this space amongst other things.

These enhancements have largely been met following the recent amendments and a formal written confirmation as to their acceptability is awaited. The finer points of this scheme can be left to condition.

- 8.3 Trees: Your Arboricultural Officer has confirmed that a tree survey is required to assess the potential impact on neighbouring trees outside of the site. This has been received, and your Officer has advised as follows:

‘The Categorization & Constraints Plan needs to be set against the proposal footprint. We also require a Tree Protection Plan, Arboricultural Implication Assessment & Arboricultural Method Statement linked with the proposed development taking into account the development processes and end use of the properties adjacent to the tree to be retained.

Whilst it is appreciated that the majority of the trees are categorised as C as per BS5837: 2005, they are situated off the site and are therefore outside of the control of the developer, as such it is likely that a majority of the trees will be retained. I would also comment that these trees provide useful screening during the construction process and therefore are even more desirable to retain.’

Officer’s comment: This has been forwarded to the applicants and the findings will appear on the amendment sheet.

- 8.4 Highway Authority: The Highway Authority commented earlier in the application with various recommendations involving a reconfiguration of parking as well as junction radii and footway widths. The applicant has acted upon these requests within the amended scheme.

The Highway Authority has confirmed that it does not object subject to obligations and conditions.

- 8.5 Environmental Control: Your Environmental Control team, specifically the Contaminated Land specialist, had discussions with the developers prior to the submission of the application.

That Officer has stated ‘The full RMS is awaited.....given that we have quite a lot of information already and it would appear that the site can be made suitable for the proposed use, it will be okay to condition rather than needing the info up front.’

‘Given that the full RMS is not yet available it is recommended that all of the relevant conditions be imposed as we are not sure that the site has been fully characterised.’

Environmental Control has also recommended an asbestos survey and the standard Demolition and Construction advisory note.

8.6 **Development Team:** Development Team considered the application and its decision was:

- Highways layout and affordable housing issues should be resolved;
- The idea of incorporating a project into the scheme to reflect the heritage of the site / replace the memorial garden is supported;
- S106 requirements confirmed as follows:
- Travel Packs and a Highways contribution of £57,000 towards improved cycle links in the vicinity of the site;
- A £3,500 contribution towards a residents' Cycle Training Programme;
- A Community Facilities contribution of £67,828 towards the refurbishment of Shrub End Community Hall;
- An Education contribution of £168,703 (index linked to April 2011) towards Primary provision;
- A Leisure / POS contribution of £307,865 - if POS is being provided on-site this sum is reduced to £213,436, plus a commuted sum for maintenance if any areas of POS are required to be adopted by CBC.

There will be a slight adjustment in these figures due to the reduction in bedroom numbers. It is also expected that a public art figure will be included in the requirements. This will be confirmed at the Development Team of 10th November.

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

9.0 Representations

9.1 Twelve representations from nearby properties have been received. The main points raised are as follow:

- Too much development is occurring in Colchester;
- The development is overly dense;
- Clarification is required of the status of an area of "no man's land" between the site and neighbouring gardens;
- The barrier between the site and neighbouring gardens should be a brick wall;
- Request for a memorial to recognise the land's previous use;
- Also, for a garden for those whose ashes have been scattered there;
- Potential danger to trees
- Additional cars/highway safety;
- Discrepancies between some of the drawings;
- Times of building work should be restricted;
- Concerns about asbestos removal;

- Extra noise when the site is occupied;
- The proposal seems to be sympathetic and well thought out;

9.2 Colchester Cycling Campaign (CCC) also commented, stating:

‘We would like to see greater pedestrian and cycle permeability to this development, especially through to the Boadicea Road playing fields and, at a later date, to Wavell Avenue. Could the council please investigate land ownership to see if this is feasible as part of this application.’

Should land ownership be an issue, we would request that the developer makes provision for future paths, to meet cycling standards for width, to the boundaries of the site.’

10.0 Parking Provision

10.1 **130 parking spaces are now to be provided. The parking standards seek a 225 per cent provision to allow for visitor parking. In this instance, that would equate to 130.5 spaces. There is thus a notional deficiency of half a space.**

10.2 **The proximity of the bus service just outside of the site and easy access to the services and amenities of the wider urban area is also noted. There is therefore no parking issue.**

11.0 Open Space Provisions

11.1 Approximately 1,450m² of open space (i.e about 10 per cent of the site area) is proposed as Public Open Space (POS) near the centre of the site, roughly in the position of the central-rear section of the playing pitch. This amount complies with adopted guidance in Core Strategy policy PR1.

12.0 Report

Design and Layout

12.1 The layout has been subject to much negotiation and refinement which has taken place over a number of years and seeks to maximise the use of the site whilst retaining some feeling of openness in deference to the historic use of the site.

12.2 Central to the scheme is the provision of the above mentioned open space, around which the housing development is arranged. This incorporates an area roughly from the position of the old centre circle and taking in part of the half of the pitch towards the old Wavell Avenue or “clock end” of the stadium.

12.3 The details of the treatment of this central area will be left to condition, but the indicative drawings show some tree planting, and semi circular seating arranged around a focal point. Within this area, visual reference to the site’s history, as well as an area for those who have had the ashes of their loved ones scattered upon the pitch, can be accommodated. It is suggested that the very centre of the focal point should have some vertical relief, in the form of the statue of a footballer for example. This would be visible down the fifty metre long avenue of trees which line the central entrance point to the development, and would act to give an immediate sense of place.

12.4 The development has been classified into three character types to give it some visual variation as well as an identifiable logic. These areas are: Layer Road, Public Open Space (POS), and Courts. The different types have received different treatments, as follows:

Layer Road - Main brick: Red, Window/door heads : Reconstituted stone, Cills : Reconstituted Stone, Roof : Dark Grey;

POS - Main brick: Buff, Window/door heads: Brick 'flat-arches', Cills: Reconstituted Stone, Roof: Light Grey

Courts - Main brick: Orange/Red, Window/door heads : Reconstituted stone, Cills: Reconstituted stone, Roof : Brown.

12.5 Thus the Layer Road frontage will have a rhythm and look which is very similar to that of the surrounding 1930s style of housing, whilst the internal areas will have their own ambience which is more context specific. This includes two short runs of housing which sweep around the corners across from the POS.

12.6 Your Officers have also negotiated minor design tweaks to individual house types involving lintels, porch roofs, and fenestration resulting in satisfactory amendments.

12.7 In terms of density, which has been one of the concerns raised, the overall density is 40 per hectare. Whilst this could be described as slightly higher than the surrounding area, it actually ranks as low to moderate in terms of Core Strategy Table H2a. This table gives indicative guidelines of 'Over 40 dwelling per hectare for Colchester Town and District Settlements' (with 30 to 40 being the guide for village developments).

Scale, Height and Massing

12.8 The scale, height and massing are all in sympathy with the surrounding area. Whilst some of the properties make good use of roof-space (the type 1251 house, for example, which is used for plots 16, 17, 18, 29, 30, 40 and 41) are slim, and require three storeys in order to function as three or four bedroom houses, these are no higher than prevailing patterns of development in the locality. The groupings of short runs of terracing on Layer Road, and clusters of semi-detached or short terraces within the site also have a familiar feel to them.

Impacts on Neighbouring Properties

12.9 The development has been tailored and re-configured to comply with standard policies and guidance. In most cases the houses are separated by their gardens from existing dwellings, therefore issues of being overbearing or producing overlooking are, by and large, designed out.

12.10 There are five plots which are the exception to this: Plot 22 is near to the gardens of numbers 16 and 18 Rainsborowe Road (about one metre away from the boundary), plots 37 and 42 which are close to the boundary of 35 Layer Road, and plots 14, 21 and 25, which are close to the boundaries of 45 Layer Road/2 Rainsborowe Road, 14 Rainsborowe Road and 27 Wavell Avenue respectively.

- 12.11 In the case of plots 37 and 14, these are bungalows and raise no concerns, plots 21, 22 and 25 are flank-side on to the rear end of neighbouring gardens, and whilst perhaps altering the outlook from these properties, produce no concerns in terms of overlooking or overshadowing. Plot 42 might cause some overlooking to 37 and 39 Layer Road – but these addresses are non-residential (being currently used for retail).
- 12.12 As far as possible, mitigation of car parking has meant that spaces and vehicular movement are kept away from boundaries with existing neighbouring properties. For the most part this is achieved by boundary planting. The exception to this is plot 15's parking, however this is immediately adjacent to the garage of that property and therefore presents no issues concerning lost amenity.

Amenity Provisions

- 12.13 **Across the site as a whole, there is 127m² of surplus garden space. However, due to the shape of the site, and due to its layout, nearly one-third (18) gardens are above standard (plot 13, for example, being 40m² over, plot 37 being 31m² over), whilst six are *below* standard.**
- 12.14 **There is a strong justification for this deficiency as the geometry of the corner turning units makes it difficult to make the gardens for plots 38 & 39 and 27 & 28 larger. The Essex Design Guide does allow for relaxation, especially for townscape reasons, stating in its section on garden sizes: 'Where the majority of houses comply (with the minimum garden size) there may be some houses which, due to their situation in the layout, cannot be provided with a private garden to the required standard.....there may be, for example, houses which turn external corners.'**
- 12.15 **These three bed properties should have 60m², but will have 50, 50, 36 and 36 respectively. These last two have reasonably sized front gardens, and all four of these dwellings are near to the central green. The deficiency relates less to the density on site than to the reality of the layout and is not considered critical bearing in mind the mitigating factors indicated above.**
- 12.16 **The remaining deficiency relates to two dwellings which would have 50m² as opposed to the required standard of 60m².**
- 12.17 **For information, the relevant guidance in the form of Policy DP16 states that garden provision should equate to:**
- **One or two bedroom houses – a minimum of 50m²**
 - **3 bedroom houses – a minimum of 60m²**
 - **4 bedroom houses – a minimum of 100m²**
- 12.18 **Otherwise the deficiency is negligible, and in the balance of considerations the shortfall is not considered to be crucial to the determination of this application.**

Highway Issues

- 12.19 As reported above, the Highway Authority made initial comments, but does not object to the proposal as it stands, and final comments are awaited. By way of clarification, that authority (apart from requesting for Travel Packs and a Highways contribution of £57,000 towards improved cycle links in the vicinity of the site) asked for:
- Parking to comply with the new Essex Car Parking Standards;
 - The footpath both sides of the main access road to be two metres wide and continuous across the two parking court accesses;
 - The footpaths to extend around the junction radii at its north-western end, and connect to the frontage footway of Layer Road;
 - Amendment to the transitions to the shared surface roads (Type 6 - road width 5.8 metres);
 - On the type 4 feeder road, the entrance to garages at plots 58 & 59 to be amended to give clearance to the footway;
 - Removal of the proposed two parking bays on Layer Road;.
 - On the Type 6 roads (culs-de-sac), Type 3 turning heads to be used;
 - Clarification of the proposed traffic calming measures;
 - A raised junction leading into the development;
 - A swept path analysis to be submitted demonstrating that the largest service vehicle can use the layout;
 - Visibility splays where driveways meet highways to be 1.5 x 1.5 metres;
 - Clarification of pedestrian/shared use surfaces;
 - Clarification/amendment to the parking spaces to plots 31 & 37;
- 12.20 These matters have been dealt with by amended drawings and confirmation of this is expected in time for the amendment sheet.

Other matters

- 12.21 One subject that has arisen repeatedly relates to the proposed boundary treatment. Six residents have asked for clarification, five of these asking for a brick wall. This had been mentioned in a meeting between residents and the developers but does not appear to have ever been agreed. A brick wall around the site would be expensive, and would not normally be expected other than on the public facing aspect of a development such as this. Boundary treatment will be left to condition, but it is expected that the majority of it will consist of 1.8 metre close-board fencing.
- 12.22 The issue of a no-man's land has also been raised as an issue by two properties on Wavell Avenue (27 and 28). The applicants have confirmed that this land will remain as such.**
- 12.23 The request from the CCC for neighbouring land to be purchased to allow cycle routes through the site from Wavell Avenue has been noted as a long-term desire. However, this is not considered to be a realistic option, and in fact monies have been requested by the Highway Authority for cycle link improvements in the area (£57,000) and Colchester Borough Council has requested £3,500 to go towards cycle training for local residents. This has been decided at Development Team as a fair offering towards cycling in Colchester.

12.24 Regarding the concern about hours of work and the removal of asbestos, these matters have been responded to by Environmental Control and standard informatives can cover this. Members may wish to impose conditions for hours of work if they feel this is appropriate, although the informative is the standard way of dealing with this.

13.0 Conclusion

13.1 In conclusion, the redevelopment of this important site for residential purposes has long been earmarked, and is now near to fruition. The principle of a residential scheme is supported. The amended layout with a central green and a focal point feature, the housing types and designs, and parking layout and provision are all supported.

13.2 There are no outstanding issues of residential amenity, and matters of planting and boundary treatment are left to condition.

13.3 The issue of trees still requires resolution and it is possible that the findings will require some amendment to the scheme.

13.4 This being the case, it is recommended that approval be granted, subject to the outstanding issue of trees being resolved.

14.0 Background Papers

14.1 PPS; Core Strategy; CBDP; SPG; DHU; TL; AO; HA; HH; Development Team, NLR; CBC

15.0 Recommendation

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

- Affordable Housing;
- Travel Packs;
- Highways contribution towards improved cycle links;
- Contribution towards a residents' Cycle Training Programme;
- A Community Facilities contribution towards the refurbishment of Shrub End Community Hall;
- An Education contribution towards Primary provision;
- A Leisure / POS contribution.
- **Contribution to art – specifically a statue in the central part of the POS**

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

Conditions

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

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

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

2 - Non-Standard Condition

No occupation of the development shall take place until such time as the following have been provided or completed:

- A priority junction off Layer Road to provide access to the proposal site. Junction shall have 2no. footways each with dropped kerbs and tactile paving as well as a minimum 70 x 2.4 x 70 vehicular visibility splay maintained clear to ground at all times
- For plots 1-5, 54 and 55 a private drive access off Layer Road, each with 2no. 1.5 x 1.5 metre pedestrian visibility splays as well as a 70 x 2.4 x 70 vehicular visibility splay. For pedestrian visibility splays 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 splays thereafter. All vehicular visibility splays shall be maintained clear to ground at all times.

Reason: To protect highway efficiency of movement and safety in accordance with policy DM1 of the Highway Authority's Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

3 – Non-Standard Condition

The development shall be implemented in accordance with the in principle planning application drawing number 16570/1007 Rev C as prepared by Woods Hardwick.

Reason: To protect highway efficiency of movement and safety in accordance with policy DM1 of the Highway Authority's Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

4 – Non-Standard Condition

Prior to the commencement of development the planning application drawings shall be amended and submitted to and approved in writing by the Local Planning Authority to show the following:

- A transition between the main access road and the Type 6 shared surface roads based on the sketch received by Colchester Borough Council on Sunday 16th October 2011.
- A 2 metre wide footway on the south-eastern side of the central park area between the two visitor parking spaces
- A 9 metre radius outside plot 9 together with hardening/strengthening of the verge and footway
- A minimum 6 metres from behind all parking spaces to any obstruction

- For the Type 6 roads a minimum centreline radius of 13.6 metres or 10.5 metres with over-run areas on all bends. The latter would affect the proposed layout of the grassed areas and parking bays
- All private drives treated as a standard dropped crossing arrangement
- Removal of the verges along the Type 3 feeder road
- A 2 x 25 metre visibility splay at both parking court accesses off the Type 3 feeder road. This will affect the proposed trees and visitor parking bays along the Type 3 feeder road.

Reason: To protect highway efficiency of movement and safety in accordance with policy DM1 of the Highway Authority's Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

5 – Non-Standard Condition

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

Reason: To protect highway efficiency of movement and safety in accordance with policy DM1 of the Highway Authority's Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

6 - Non-Standard Condition

No unbound material shall be used in the surface treatment of a vehicular access within 6 metres of existing or proposed highway.

Reason: To protect highway efficiency of movement and safety in accordance with policy DM1 of the Highway Authority's Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

7 -Non-Standard Condition

Prior to occupation of each dwelling, each vehicular access shall be provided on both sides with a 1.5 x 1.5 metre pedestrian visibility splay as measured from existing or proposed highway. 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 splays thereafter.

Reason: To protect highway efficiency of movement and safety in accordance with policy DM1 of the Highway Authority's Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

8 - Non-Standard Condition

Prior to commencement of the development details of a wheel cleaning facility within the site and adjacent to the egress onto the highway shall be submitted to and approved in writing by the Local Planning Authority. The wheel cleaning facility shall be provided prior to commencement of the development and maintained during the period of construction.

Reason: To protect highway efficiency of movement and safety in accordance with policy DM1 of the Highway Authority's Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

9 - Non-Standard Condition

The development hereby approved shall comply in all respects with amended drawings (full list of drawing numbers to appear on the amendment sheet) unless otherwise approved in writing by the Local Planning Authority.

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

10 - C3.20 Surfacing Materials to be Agreed

Prior to commencement of the development hereby approved full details of the surfacing materials to be used for all private, non-adoptable access ways, footpaths, courtyards, parking areas and forecourts shall be submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out in accordance with the agreed details.

Reason: To ensure that the development does not prejudice the appearance of the locality.

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

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

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

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

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

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

13 - C10.18 Tree and Hedgerow Protection: General

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

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

14 - C10.19 Tree and Hedgerow Protection: Excavations

No works shall start on site until an Arboricultural Implications Assessment, Arboricultural Method Statement and Tree Protection Plan in accordance with BS 5837, have been submitted to and approved in writing by the Local Planning Authority (LPA). The details shall include the retention of an Arboricultural Consultant to monitor and periodically report to the LPA, the status of all tree works, tree protection measures, and any other arboricultural issues arising during the course of development. The development shall then be carried out strictly in accordance with the approved method statement.

Reason: To adequately safeguard the continuity afforded by existing trees.

15 - 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.

16 - 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.

17 - Non-Standard Condition

Prior to the commencement of development, the applicants shall submit details of the proposed central feature for the Public Open Space. This feature shall be agreed in writing by the Local Planning Authority and shall be put in place within one year of the occupation of the first dwelling.

Reason: In deference to the historic use of the site.

18 - Non-Standard Condition

All buildings shall be fitted with external glazing bars.

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

19 - Non-Standard Condition

Windows to all rooms which are shown to be bathrooms or en-suites shall be obscured to a minimum of Pilkington Level 3 and shall be retained as such at all times.

Reason: In the interests of residential amenity.

20 - 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.

21 - B6.6 Site Characterisation

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

- (i) a survey of the extent, scale and nature of contamination, including contamination by soil gas and asbestos;
- (ii) an assessment of the potential risks to:
 - human health,
 - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
 - adjoining land,
 - groundwaters and surface waters,
 - ecological systems,
 - archaeological sites and ancient monuments;
- (iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and the Essex Contaminated Land Consortium's 'Land Affected by Contamination: Technical Guidance for Applicants and Developers'.

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

22 - B6.8 Submission of Remediation Scheme

A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

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

23 - B6.9 Implementation of Approved Remediation Scheme

The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works. Following completion of measures identified in the approved remediation scheme, a verification report (referred to in PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

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

24 - B6.10 Reporting of Unexpected Contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition 21, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 22, which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition 23.

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

25 - B6.13 Validation Certificate

Prior to occupation of any property hereby permitted and the provision of any services the use hereby permitted commencing, the developer shall submit to the Local Planning Authority a signed certificate to confirm that the remediation works have been completed in accordance with the documents and plans detailed in Condition 23 above.

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

26 - Non-Standard Condition

A bat survey along the lines advocated in the submitted Extended Phase 1 Habitat Survey Report from ACD Ecology, dated 27 June 2011 (Document File Ref: ABBEY17754Ph1.doc) shall be undertaken prior to any demolition and details of the results shall be forwarded to Colchester Borough Council.

Reason: In order to protect the well-being of any potential bat population.

27 - Non-Standard Condition

Prior to the commencement of development or any demolition or site clearance, a Phase 2 reptile survey of the site shall be undertaken. The survey, together with any intended remedial measures, shall be submitted to, and agreed in writing by, the local Planning Authority. The development shall be carried out in accordance with such agreed details.

Reason: A large area of suitable reptile habitat, including the former football pitch which is now a large area of grassland and the surrounding hard standing and rubble, could house reptiles. Although this is unlikely, it is recommended that the survey take place.

28 - Non-Standard Condition

Prior to the commencement of development, evidence that the development is registered with an accreditation body under the Code for Sustainable Homes and a Design Stage or Interim Code Certificate demonstrating that the development will achieve Code Level 3 or higher for all dwellings shall have been submitted to and agreed, in writing, by the Local Planning Authority.

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

29 - Non-Standard Condition

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

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

30 - B4.6 Slab Levels (1)

No development of the site shall take place until cross sections of the site and adjoining land and buildings, including details of existing ground levels around the buildings hereby approved and any changes in levels proposed, together with the proposed floor slab levels within that part of the site, have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with those approved cross sections.

Reason: To enable the Local Planning Authority to exercise proper and considered control over the development as whole and to protect the amenity of occupiers of adjacent properties.

Informatives

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

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

(3) Should the bat survey reveal that the buildings are used as roosts by bats; works will need to be licensed by Natural England. Natural England will only grant licences for works affecting bats if it is demonstrated that the actions taken are not detrimental to the favourable conservation status of bats in their natural range. The licence application would therefore need to be accompanied by a detailed method statement which would include all necessary mitigation measures (e.g. sensitive timing of works, sensitive deconstruction methods and provision of replacement roosts).

(4) If the loss of boundary trees/vegetation is necessary either as good arboricultural practice or to accommodate the new development, removal of this habitat should ideally be undertaken in the period October to February inclusive (i.e. outside the breeding bird season) or September – March inclusive sub-optimally.

Should it prove necessary to remove bird nesting habitat during the breeding season, the area must be checked in advance for the presence of bird nests by a SQE. Once checked, if there is no evidence of breeding birds, clearance work should be completed within 48 hours of inspection. If any active nests are found in this area then vegetation clearance must cease and an appropriate buffer zone should be established. This buffer must be left intact until it has been confirmed that the young have fledged and the nest is not longer in use.

(5) There may be a fox den located within some of the scrubby vegetation at the edge of the former football pitch. Clearance of this and other large areas of vegetation should be carried out sensitively (i.e. with a destructive search) such that any wild animals can be identified and removed from the development area.

Good building practice during the construction phase will safeguard any individual animals which venture onto the site. Deep holes and trenches should be covered overnight and/or planked escape routes for any trapped wildlife should be provided. Any liquids should also be stored in a secure lock-up.

(6) All residential developments in Essex which would result in the creation of a new street (more than five dwelling units communally served by a single all purpose access) will be subject to the Advance Payments Code, Highways Act 1980. The developer will be served with an appropriate notice within 6 weeks of building regulations approval being granted and prior to commencement of development must provide guaranteed deposits, which will ensure the new street is constructed in accordance with a specification sufficient to ensure future maintenance as highway by the Highway Authority.

(7) Prior to any works taking place in the highway the developer should enter into an agreement with the Highway Authority under the Highways Act 1980 to regulate the construction of the highway works.

All highway related details should be agreed with the Highway Authority.

Any proposed traffic calming should be laid out and constructed having consulted the emergency services and bus operators.

(8) Prior to occupation, each dwelling should be served by a system of operational street lighting between the dwelling and existing highway, which should thereafter be maintained in good repair.

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

(10) Due to emerging disposal and storage implications for surface water run off, the applicant should specify in broad terms, the sustainable drainage proposals for the proposal site

(11) Any tree planting proposed within existing or proposed highway should be agreed with the Highway Authority. Trees should be sited clear of all underground services and visibility splays as well as be sympathetic to existing or proposed street lighting. All proposed tree planting would attract a commuted sum to cover the cost of future maintenance (to be agreed with the Highway Authority).



Application No: 111842

Location: 14 Honywood Road, Colchester, CO3 3AS

Scale (approx): 1:1250

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7.4 Case Officer: Mark Russell

Due Date: 18/11/2011

MINOR

Site: 14 Honywood Road, Colchester, CO3 3AS

Application No: 111842

Date Received: 23 September 2011

Agent: Mr Steve Norman

Applicant: Mr William Anthony

Development: Erection of detached dwelling house with an associated parking facilities.
Resubmission of 110165.

Ward: Christ Church

Summary of Recommendation: Conditional Approval subject to Section 106 Agreement

1.0 Introduction

1.1 This application has been called in to the Planning Committee by Councillor Hunt with the following explanation:

“I believe the application may not be in the spirit of UEA12 and UEA13 which I think are now UR2 and DP1/DP13 regarding infill as this corner site is an important part of the open Victorian/Edwardian street scene which was designed with open spaces such as this and a variety of plots on the street and back from the street in a deliberate design to create a feeling of space.”

2.0 Synopsis

2.1 The following report describes an application to erect a dwelling on a corner plot. Objections are detailed and discussed; these relate to the principle, design, character of the area, amenity and highway issues. An analysis of these objections concludes that the development is acceptable in the light of adopted policy.

3.0 Site Description and Context

3.1 The site comprises part of the existing garden of 14 Honywood Road as it turns the outside of a corner onto Ireton Road. This area, whilst outside of any Conservation Area and not containing any Listed Buildings, is of a high architectural quality with a mixture of spacious late Victorian/Edwardian properties, many of which are of the Arts and Crafts style. The site is at the brow of the land which rises markedly from Maldon Road and also gently along Ireton Road.

4.0 Description of the Proposal

4.1 The proposal is to erect a four bedroom house on the western half of the site. The style of this would reflect that around it, with a double bayed frontage addressing Ireton Road. Parking for the new dwelling would be via a new access on Honeywood Road, parking for the host dwelling being via the existing access, also on Honeywood Road.

5.0 Land Use Allocation

5.1 Residential

6.0 Relevant Planning History

6.1 17135 – Dwelling. Refused 16th October 2062;

6.2 17135/1 - Erection of single dwelling. Refused, allowed on appeal 14th March 1974;

6.3 110165 - Erection of detached dwelling house with an associated garage and parking facilities. Withdrawn 17th March 2011;

7.0 Principal Policies

7.1 The following national policies are relevant to this application:
Planning Policy Statement 1: Delivering Sustainable Development
Planning Policy Statement 3: Housing

7.2 In addition to the above national policies, the following policies from the adopted Colchester Borough Core Strategy (December 2008) are relevant:
SD1 - Sustainable Development Locations
H1 - Housing Delivery
H2 - Housing Density
UR2 - Built Design and Character
TA5 - Parking
ENV1 - Environment

7.3 In addition, the following are relevant adopted Colchester Borough Development Policies (October 2010):
DP1 Design and Amenity
DP12 Dwelling Standards
DP16 Private Amenity Space and Open Space Provision for New Residential Development
DP19 Parking Standards

- 7.4 Regard should also be given to the following Supplementary Planning Guidance/Documents:
Backland and Infill
Community Facilities
Vehicle Parking Standards
Sustainable Construction Open Space, Sport and Recreation
The Essex Design Guide
External Materials in New Developments

8.0 Consultations

- 8.1 Highway Authority: No objection, subject to condition.
- 8.2 DHU: 'This scheme has been negotiated to a satisfactory quality. The house appears appropriate in the street scene.'

We should condition all details of joinery and brickwork features to ensure the pastiche style is suitably implemented. This should include the flat gauged arches, the front door arch and wooden bay window panelling as well as other elements that are insufficiently described in the application drawings.'

- 8.3 Environmental Control: No objection, but request a standard demolition and construction advisory note.
- 8.4 Museums: 'This site lies within a known Roman cemetery area. A Roman burial is recorded only 36 metres to the north of this plot of land. I would recommend that our standard archaeological watching brief condition be imposed if consent is granted. The watching brief to be commissioned by the applicant from a professional archaeological contractor.'
- 8.5 Trees & Landscape: 'Agreement to the landscape aspect of the application subject to condition.'

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

9.0 Representations

- 9.1 Eight letters from nearby residents, and from the Colchester Civic Society, have been received. Seven of these were objections, one was a mixed response offering an alternative layout.
- 9.2 Objections covered the following points:

- The principle of the development
- The loss of a green space
- Out of keeping with the area
- Poor quality of application, including DAS
- Poor quality of DAS
- Highway safety issues
- An overly high building

- Loss of vegetation
- Gardens would be small compared with the surrounding area resulting in a cramped form of development
- Loss of light and privacy to 17 Honywood Road and 4 and 5 Ireton Road
- Disruption during works
- The roof may be used later for loft conversions
- Access to the new dwelling would not be possible due to the presence of a tree
- Building lines are violated
- “Design”

This item was commented on at length by some objectors and was along the following lines:

- The proposal does not establish which style/form it represents;
- It is a pale imitation of the surrounding Edwardian/Arts and Crafts properties;
- ‘The design disregards fundamental principles on modelling, proportions, arrangement of solids and voids, roof pitches and fenestration. The result is an indeterminate mix of styles, a poorly proportioned, bulky building with uninspiring facades.’

10.0 Parking Provision

- 10.1 The proposal offers two parking spaces per dwelling, which complies with adopted standards.

11.0 Open Space Provisions

- 11.1 N/A

12.0 Report

Design and Layout

- 12.1 The proposal is to place the dwelling on the western half of the site, with the main axis along Ireton Road and a rear cross-wing articulated 0.2 metres in from the Honywood Road aspect and occupying approximately one half of the length of the main section.
- 12.2 The principle elevation would face Ireton Road with a double-bayed design and an arched doorway between these bays. The tops of these bays, in the form of gablets, have roof pitches within five degrees of those on the main gable to the neighbouring property 4 Ireton Road, and are identical to those of the neighbouring garage (45 degrees). Between the sets of windows on the bayed sections would be panelling of a material and colour to be agreed by the Local Planning Authority.
- 12.3 The side (Honywood Road) facing elevation would comprise a flat frontage with flat brick arches over windows and boarding to the gable.
- 12.4 Whilst most of these matters have been reasonably well detailed in the submitted drawings, any permission will contain conditions requiring additional, larger-scaled drawings which accurately convey the detailing of verges, cills, reveals and so on.

- 12.5 On the subject of solids and voids, the Essex Design Guide states that (in the case of masonry buildings) the total area of window and door openings should be less than the area of solid wall. Openings 'should be arranged so as to emphasise the visual strength of the wall by allowing as wide a solid pier as possible between openings.' In this instance, on the Honywood Road side, windows of 1.2 metres and 0.6 metres respectively are separated by piers of 2.4 metres. On the Ireton Road side windows 2.6 metres wide are separated by a space of 3.7 metres, with roughly half the width comprising void at the lower level. The solid/void balance is thus in line with guidance and acceptable.
- 12.6 Regarding the alignment of the proposed house, building lines and so on, the building is close to both of these lines, but does not tally exactly with them. The shape of the corner (which is not 90 degrees, and thus not square) means that this would not be possible without a contrived form of building and complex roof-form.
- 12.7 The subject of height has also been raised. At 8.7 metres there is a slightly higher elevation than those next to it. However, as a corner building this is not an unusual streetscape feature and is not considered to be reason for refusal.
- 12.8 In conclusion, the design is considered to be acceptable.

Impacts on Neighbouring Properties

- 12.9 Objections have been raised along these lines and in relation to 4 & 5 Ireton Road and 17 Honywood Road. In the case of the two latter addresses, the building would be over 20 metres away, and whilst there would logically be a loss of some light (morning and afternoon respectively) these buildings are some distance away and across the road from the application site, so it would be difficult to argue any loss of amenity when the situation would be exactly the same as it is for all existing houses on the western side of Ireton Road and the northern side of Honywood Road.
- 12.10 Regarding 4 Ireton Road, this is the property which is the most likely to be affected. It has a picture window serving its landing, and also a small kitchen window, both of which face towards the proposed site of the new dwelling. The new building would be about seven metres away from these windows, but it must be remembered that in the case of the kitchen, there is already a garage between it and the site. Also, in the case of the landing window the garage fills out a certain amount of the view. Vivally, the development is to the north of these windows, and thus the loss of light is negligible. There are no issues of loss of privacy.
- 12.11 Regarding the provision of garden space, the host and proposed dwelling comply with the standards of a minimum of 100m². In the case of the new dwelling the gross garden space is 265m². However, the truly private rear space of approximately 143m², to which could be added a section next to the parking spaces which is about 42m², thus giving a total of about 185m². Regarding the host dwelling, its offering is 130m², of which approximately 20m² is a small area to the side which is contiguous to the main garden.

12.12 Whilst these gardens may comply with standard, it is worth noting that these sizes do reflect with those in the vicinity. Neighbouring 4 Ireton Road has 300m²; number 6 375m²; the nearby houses on Honywood Road have about 160m²; gardens the other side of Ireton Road are in excess of 400m², and those on the far side of Honywood Road in excess of 350m².

Highway Matters

12.13 There are no outstanding highway matters.

Other Matters

12.14 Comment has been made about the valuable green space. As a feature of the neighbourhood it is accepted that residents, some of them longstanding, have regarded this area as a welcome breathing space free of buildings. However, it is fenced around and planted with small trees and tall shrubs, and its contribution as a visible green space does therefore appear to be limited to views from first floor windows of nearby properties. It is contended here that the contribution as seen from a public aspect is less than this. The proposal offers planting as well as a soft front to the Ireton Road aspect which can be seen as an improvement on the current close-boarded fence which faces that road.

12.15 Conditions relating to habitat and planting will be placed on any decision notice.

12.16 Finally, regarding criticisms of the application, drawings, and DAS, the standard of the application and all supporting documents was of an acceptably high level to validate the application and to evaluate the proposal on its merits.

13.0 Conclusion

13.1 In conclusion, whilst the garden sizes would be smaller than those in the vicinity, all matters regarding design, layout and parking are considered to be satisfactorily dealt with. Whilst the loss of space is noted, the contribution to townscape, extra planting and softer aspect to Ireton Road are held to make this application acceptable.

14.0 Background Paper

14.1 PPS; Core Strategy; CDBP; PPG; HA; DHU; HH; MU; TL; NLR

15.0 Recommendation

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

Conditions

- 1) Standard time limit
- 2) PD removal for both dwellings

- 3) No new windows at first floor
- 4) Planting
- 5) Detailed drawings
- 6) Materials to be agreed
- 7) Hard surfacing to be agreed
- 8) Parking to be provided
- 9) Archaeological Watching Brief
- 10) Tree and Natural Feature Protection: Protected Areas
- 11) Tree and Natural Feature Protection: Entire Site
- 12) Tree and Hedgerow Protection: General
- 13) Wildlife/conservation
- 14) Construction in accordance with the terms of the Methodology Statement received.
- 15) Breeam compliance
- 16) Development to comply with submitted drawings

Informatives

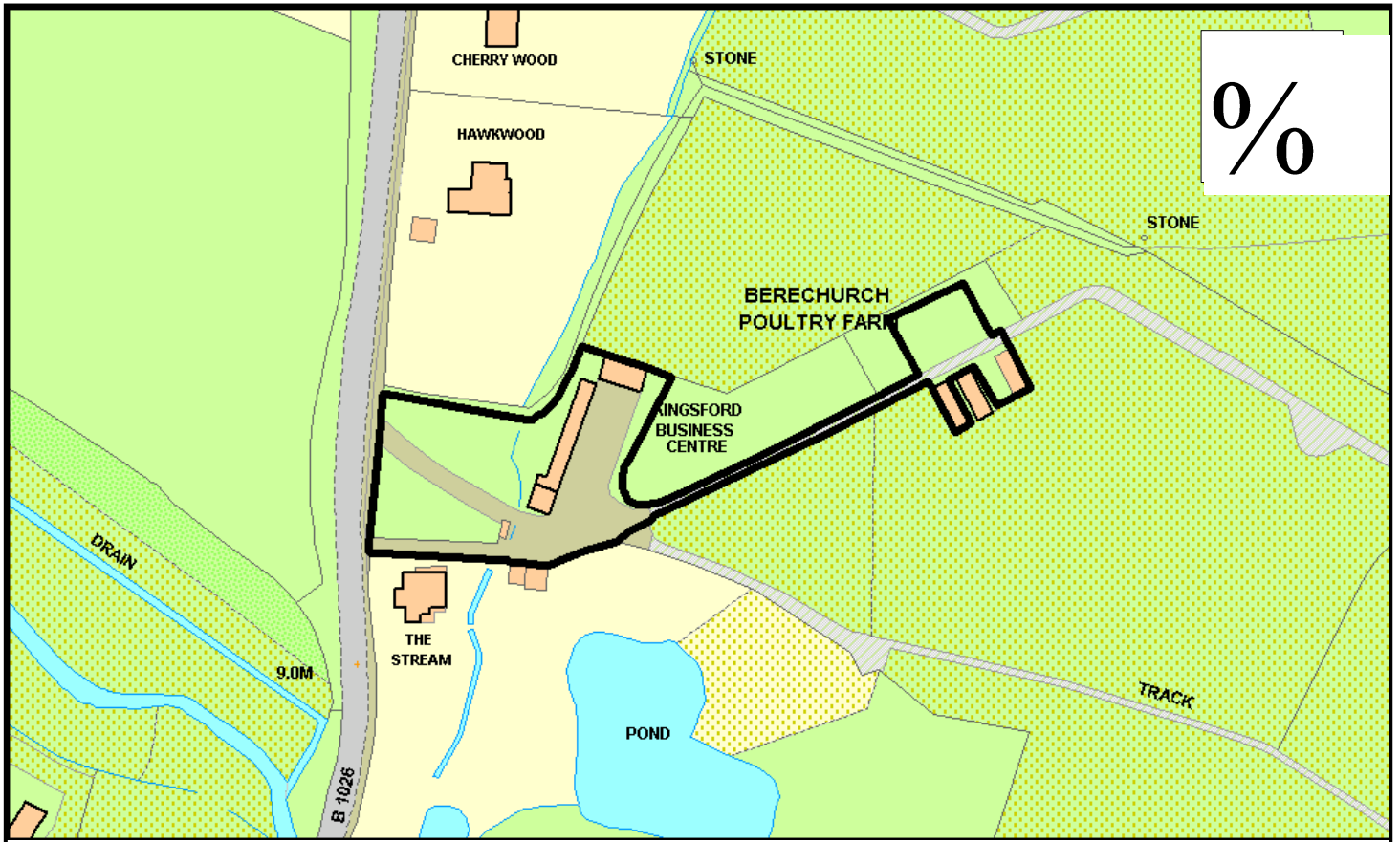
(1) The developer is referred to the attached advisory note *Advisory Notes for the Control of Pollution during Construction & Demolition Works* for the avoidance of pollution during the demolition and construction works. Should the applicant require any further guidance they should contact Environmental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

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

(3) It should be noted that any technical interpretation of these detailed requirements by the applicant or their agent should be sought externally from/through the relevant professional (i.e. Arboricultural consultant – details of local practices available through Arboricultural Officer on 01206 282469 (am only).

(3) In the interest of efficiency any clarification of technical requirement should initially be discussed between the relevant professionals (to whom copies of all relevant landscape consultations must be forwarded for reference), i.e. the Applicant's Arboricultural Consultant and the Council's Arboricultural Officer.

(4) The applicants are advised that they will need to amend the parking order for the residents parking scheme in this area. If this is not done then the order will still allow people to park across the proposed access.



Application No: 111195

Location: The Stream, Layer Road, Kingsford, Colchester, Colchester, CO2 0HT

Scale (approx): 1:1250

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7.5 Case Officer: Sue Jackson

OTHER

Site: The Stream, Layer Road, Kingsford, Colchester CO2 0HT

Application No: 111195

Date Received: 27 June 2011

Applicant: Mr Michael Wheeler

Development: Variation of condition 2 of planning permission F/COL/04/0854 to enable the operation of the site for class B1 within the tolerance allowed by permitted development for B8.

Ward: Shrub End

Summary of Recommendation: Conditional Approval

1.0 Introduction

1.1 This application is referred to the Planning Committee because it does meet highway criteria. There has been a delay in reporting the application to committee due to a change in case officer and the need to carry out consultation with the Highway Authority and Environmental Control.

2.0 Synopsis

2.1 The application seeks to vary a condition on a planning permission which restricts the use of a commercial unit at the Kingsford Business Centre, Kingsford, Colchester to allow part of the building to be used for storage purposes.

3.0 Site Description and Context

3.1 The Kingsford Business Centre comprises a range of former farm buildings now used for commercial purposes. There are two small groups of buildings, one close to the Layer Road frontage, which contains the application building and a second group further into the site. The building has white painted walls and a tiled roof. There is a small hard-surfaced area close to the building used for vehicle parking.

3.2 The site is close to the bottom of Layer Hill, Kingsford before Layer de la Haye village.

4.0 Description of the Proposal

4.1 The application relates to building B. The use of the building for B1 business use was authorised under application F/COL/04/0854. However a condition on the planning permission prevents any part of the building being used for (B8) storage purposes. This application is to regularise the use of part of the building for storage purposes in association with the occupier's carpet business.

5.0 Land Use Allocation

5.1 Rural area no notation

6.0 Relevant Planning History

- 6.1 95/0666 - Application for Certificate of Lawfulness for use of outbuilding as a single dwelling house. Approved 14th September 1995;
- 6.2 K/COL/04/0823 - Application for Certificate of Lawfulness relating to the use of Unit A2 (otherwise known as Unit 2) for a vehicle restoration, repair, maintenance and valeting workshop together with the ancillary use of land for vehicle parking. Approved 17th June 2004;
- 6.3 F/COL/04/0854 - Continuation of use of units A1, A3 & B for Class B1 light industry and unit C for Class B1 office and formation of new access. Approved 28th June 2004;
- 6.4 F/COL/06/0474 - Removal of personal condition (application no. COL/04/0854 - Condition 3) and change of use of garage/store to Class B1 Office use. Approved 12th September 2006;
- 6.5 070940 - Outline application for rural business centre (Use Class B1(a) offices only) and car park. Withdrawn 15th May 2007.
- 6.6 071868 - Outline application for rural business centre (Use Class B1(a) offices only) and relocated car park as replacement for 3 commercial units to be demolished. (resubmission of 070940) approved 17th April 2008 section 106 agreement requiring existing buildings to be demolished
- 6.7 110067 - Reserved matters application relating to outline permission 071868 for rural business centre and relocated car park. Approved 8 June 2011

7.0 Principal Policies

- 7.1 The following national policies are relevant to this application:
Planning Policy Statement 7: Sustainable Development in Rural Areas
Planning Policy Guidance 13: Transport
Planning Policy Guidance 24: Planning and Noise
- 7.2 In addition to the above national policies, the following policies from the adopted Colchester Borough Core Strategy (December 2008) are relevant:
TA4 - Roads and Traffic
TA5 - Parking
ENV1 - Environment

7.3 In addition, the following are relevant adopted Colchester Borough Development Policies (October 2010):
DP1 Design and Amenity
DP9 Employment Uses in the Countryside
DP17 Accessibility and Access
DP19 Parking Standards

7.4 Regard should also be given to the following Supplementary Planning Guidance/Documents:
Vehicle Parking Standards

8.0 Consultations

8.1 The Highway Authority originally objected to the application as the use will lead to an intensification in use of a substandard access. The access does not provide suitable visibility splays in both directions, which for this type of location should measure 2.4m x 160m. In particular the visibility splay to the south is drastically substandard.

8.2 However the Highway Authority has withdrawn its objection subject to any permission being personal, and the extent of the storage restricted.

8.3 Environmental Control has commented.

" We have received no noise complaints regarding this site in the past. I have read the neighbours' comments we have not heard about his complaint before. I therefore do not think I can object to this application because of this, as what I can make out he has already been using the site for B1 use. However I think my main concern would be deliveries to the site if these were to increase or be out of hours".

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

9.0 Representations

9.1 One letter of objection has been received. The objector lives at The Stream close to the site access. This property was previously owned by the applicant who has sold the house but retained ownership of the commercial buildings and adjacent land.

"Firstly, it is not clear from the planning submission whether Mr Wheeler wishes to change Units A1, A3 and B to include B8 usage, or just B. Perhaps you could clarify this? I am totally against this proposal. By converting unit(s) from B1 Business to B8 usage for storage and warehousing, the whole area will be converted to a pseudo industrial site rather than the residential area it currently is. Unit B already stores/warehouses carpets, in contravention of its B1 Business classification. I have raised this issue with Mr Pearce and Sarah Hayes in planning enforcement on several occasions and it is an outstanding issue. There are regular heavy lorries visiting Unit B which deliver carpet stock. I attach various photos of these. These cause noise, fumes and vibration and detract from the amenities of this rural area forming part of the Roman River Countryside Conservation Area. This was specifically the reason mentioned in part 2 of F/COL/04/0854 for limiting the usage of A1, A3 and B to class 1 (Business). B8 classification also includes open air storage, which would also be

detrimental to the view from my land. There is not current storage permission under any of Mr Wheeler's planning conditions (bar Unit 2 which has a Certificate of Lawful Use or Development), yet Mr Wheeler has abused this in the past by putting outside storage containers which were eventually removed via enforcement notice. Similarly numerous cars stored outside units A1 and A3 were only removed via an enforcement notice. To grant Mr Wheeler planning permission to include B8 would allow all these problems to reoccur, but this time legally. I have fought long and hard to get this area cleaned up and would not want to see it revert to its former mess. I would therefore ask you not to approve this proposal".

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

10.0 Parking Provision

10.1 There is ample space within the site for vehicles to park

11.0 Open Space Provisions

11.1 N/A

12.0 Report

12.1 The main planning considerations are the suitability of the use, the impact on residential amenity and highway considerations.

12.2 Under the provisions of the Use Classes Order up to 235 square metres of B1 business floor space can be used for storage purposes. However a condition on the 2004 planning permission only permits B1 usage. The reason for the condition was given as for the avoidance of doubt as to the scope of this permission and to protect the amenities of this rural area forming part of the Roman River Countryside Conservation Area.

12.3 The occupier of the unit operates a carpet installation business part of the unit is used for office purposes and part for the storage of carpets. In this case the total unit is less than 235 square metres so the application as worded would allow the whole unit to be used for storage purposes. Following a site meeting with the case officer and applicant and the occupier of the unit it has been agreed that if permission is granted the storage area be restricted to the current area used which equates to approx 1/3 of the total floor area.

12.4 The following information has been submitted:

"Clarification on the delivery vehicles confirms that the larger vehicles referred to by the neighbour are no longer used and there has been some confusion as to the scale and type of vehicles used to deliver the rolls of carpet to the site as there are photographs in circulation which show a much larger van/lorry at the premises. This related to a previous operator whereas the vehicles currently used to deliver carpet are of the long wheel base transit van type. On average, there is only 1 carpet delivery per week and a maximum of 2 deliveries. There is no outside storage related to Unit B."

12.5 The planning history includes planning permission to redevelop the site (outline application 071868) and reserved matters application 110067. If this consent is implemented a group of existing buildings (the group furthest from the road) will be demolished, the application building will be retained and form part of a horseshoe group.

12.5 At the time of your officer's site visit the use seemed low key. The unit is small and conditions on the 2004 permission restrict deliveries and working hours.

12.6 It is considered that with the conditions agreed with the Highway Authority, restricting the amount of storage area in the building, making any consent personal plus existing conditions, would allow the use to operate without adverse impact on residents amenity or an adverse impact on the rural area formally designated as a Countryside Conservation Area.

13.0 Conclusion

13.1 Subject to safeguarding conditions the proposal is acceptable.

14.0 Recommendation – Conditional Approval

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

This consent relates to building B only as identified on the submitted drawing and permits the area shown on the drawing to be used for B8 storage purposes only.

Reason: To avoid doubt as to the scope of the permission hereby granted.

3 - Non-Standard Condition

The use hereby permitted shall be carried on only by David Jones "David Jones Carpets and Flooring".

Reason: For the avoidance of doubt as to the scope of the permission as approval has only been granted due to the applicant's arrangements for deliveries.

4 - Non-Standard Condition

The B8 storage use shall only take place in association with the use of unit B for B1(a) use and shall not operate as a separate storage business.

Reason: To avoid doubt as to the scope of the permission hereby granted.

5 - Non-Standard Condition

There shall be no outdoor storage of any materials, goods, equipment, plant, machinery or vehicles of any description on any part of the site without the prior written permission of the Local Planning Authority.

Reason: In the interests of visual amenity and for the avoidance of doubt as to the scope of the permission hereby granted.

6 - Non-Standard Condition

No machinery shall be operated, no process shall be carried out and no deliveries taken at, or despatched from the site outside the following times 08.00 to 19.00 hours Monday to Friday, 08.00 to 13.00 hours Saturdays nor at any time on Sundays or Public Holidays.

Reason: The use of this site outside these hours would be likely to cause nuisance/loss of amenity/disturbance to nearby residents.



Application No: 110370

Location: Colne View, 35 Elianore Road, Colchester, CO3 3RY

Scale (approx): 1:1250

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7.6 Case Officer: Mr John More

Due Date: 22/04/2011

Site: Colne View, 35 Elianore Road, Colchester, CO3 3RY

Application No: 110370

Date Received: 25 February 2011

Agent: Mr Mark Polley

Applicant: Mr Wayne Longman

Development: Proposed single storey rear extension

Ward: Lexden

Summary of Recommendation: Conditional Approval

1.0 Introduction

- 1.1 This application is referred to the Planning Committee because it was called in by Councillor Sonia Lewis due to “variations in ground levels”.
- 1.2 It is recommended that members make a site visit to appreciate the changes in levels on the site and between the neighbouring properties.

2.0 Synopsis

- 2.1 The following report describes the proposal for a single storey rear extension, the objections of the neighbour relating to loss of light and loss of view are then discussed. It is considered that the scheme is acceptable and approval is recommended.

3.0 Site Description and Context

- 3.1 35 Elianore Road is a large 1960s dwelling within an area of many similar properties. This is one of a group of three houses off of the main stretch of Elianore Road which backs on to Hillyfields and slopes away towards the Avenue of Remembrance.

4.0 Description of the Proposal

- 4.1 The proposal is for a single storey extension which would act as an addition to a previously approved single storey rear extension. This measures 7.5 metres in length and 2.7 metres in depth.

5.0 Land Use Allocation

- 5.1 Residential

6.0 Relevant Planning History

- 6.1 85/1214 - Single storey rear and side extension for lounge, Approved 1985
- 6.2 97/0741 – Erection of rear sun lounge – Approved 1997
- 6.3 F/COL/01/0656 – Alterations and additions – Approved 2001
- 6.4 F/COL/05/0314 – Two storey and single storey rear extension – Approved 2005
- 6.5 090382 - Two storey front extension creating ground floor hall and first floor study and small pitched roof to front of driveway to garage – Approved 2009

7.0 Principal Policies

- 7.1 The following national policies are relevant to this application:
Planning Policy Statement 1: Delivering Sustainable Development
- 7.2 In addition to the above national policies, the following policies from the adopted Colchester Borough Core Strategy (December 2008) are relevant:
UR2 - Built Design and Character
- 7.3 In addition, the following are relevant adopted Colchester Borough Development Policies (October 2010):
DP1 Design and Amenity
DP13 Dwelling Alterations, Extensions and Replacement Dwellings
- 7.4 Regard should also be given to the following Supplementary Planning Guidance/Documents:
Sustainable Construction
Open Space, Sport and Recreation
Extending your House
The Essex Design Guide
External Materials in New Developments

8.0 Consultations

- 8.1 Museums stated that the site is on a Scheduled Ancient Monument, and that Scheduled Ancient Monument Consent is therefore required. A watching brief condition was also requested.

9.0 Representations

- 9.1 One objection was received from the neighbour at 33b Elianore Road. This relates to the impact on the light which that property receives, as well as the fact that views would be obstructed. The objector also points out that the house has been extended already and that there would be less space between the properties.

10.0 Parking Provision

- 10.1 N/A

11.0 Open Space Provisions

11.1 N/A

12.0 Report Design

12.1 Although the proposed extension is of a flat-roofed design, it is to the rear of the property where there is not a public aspect. Further this design helps to remove any issues of the development being overbearing by keeping the roof at a lower level. The design is considered acceptable in this case.

Residential Amenity

12.2 The occupier of the neighbouring property has pointed to a potential loss of light. However, the rear corner of the proposal avoids a 45 degree line, in plan, to the mid point of the neighbour's window, and thus complies with adopted standards. It is not considered it would result in undue loss of light to the neighbouring property.

12.3 In terms of privacy, the proposal does not contain any windows in the side wall of the proposed extension and permitted development rights should be removed to prevent the insertion of any in the future.

12.4 As members will be aware, the loss of a private view is not a material planning consideration. In addition, it is not considered the proposed single storey rear extension would be overbearing on the outlook from the neighbouring property.

13.0 Conclusion

13.1 In summary, the design of the proposed extension is considered acceptable and it is not considered the proposal would harm the amenity of the neighbouring property. Members are therefore recommended to approve this application subject to appropriated controlling conditions.

14.0 Background Papers

14.1 PPS; Core Strategy; CBDP; SPG; MU; NLR

15.0 Recommendation - APPROVE subject to the following conditions

Conditions

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

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 - C3.2 Materials as Stated in Application

The external materials and finishes to be used shall be as stated on the application form and as indicated on the approved plans and schedule returned herewith, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure the use of an appropriate choice of materials in the interests of visual amenity.

3 - Non-Standard Condition

The development hereby approved shall comply in all respects with the submitted drawings 01445/01 and 02 as hereby approved, with the exception of the raised patio area shown on drawing 01445/01 which is excluded from this permission.

Reason: For the avoidance of doubt as to the scope of this consent, the raised patio area was removed from the scheme due to amenity concerns.

4 - C2.1 Watching Brief

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

Reason: The site is on the site of Scheduled Ancient Monument area Essex 46 (site of pre-Roman settlement) and any finds of interest need to be recorded.

5 - 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, doors, voids or openings of any kind shall be inserted, placed or formed in the flank walls of the extension hereby permitted and these walls shall remain imperforate at all times unless otherwise agreed in writing by the Local Planning Authority.

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

Informatives

(1) The applicant is advised that, prior to any works taking place, Scheduled Ancient Monument Consent is required from English Heritage as the site is on the site of Scheduled Ancient Monument area Essex 46 (site of pre-Roman settlement).

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

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

17 November 2011

Report of	Head of Environmental & Protective Services	Author	Vincent Pearce X282452
Title	Information item. The third in a series of quarterly progress reports on actions to improve customer service within the Planning Service covering the period 1 July 2011 to 30 September 2011.		
Wards affected	All		

This report concerns the reporting of progress within the Planning Service on improving the quality of customer service it delivers

1.0 Decision Required

1.1 Members are asked to note this report

2.0 Reasons for Decision

2.1 This report is presented to Members in line with the Planning Service's long standing commitment to report on and comprehensively manage all aspects of its performance. Officers are perpetually mindful of the Planning Committee's well established desire to monitor the operation and effectiveness of the development management function and its goal to encourage continuous improvement and responsiveness to changing demands.

2.2 The Planning Service is committed to being the most open and transparent service within the Council and it started 2011 by embarking on a comprehensive Customer Service Improvement programme. This report and the steps taken as highlighted are visible evidence of our philosophy that actions speak louder than words.

3.0 Alternative Options

3.1 Not reporting such matters when it is committed to transparency would undermine the credibility of the Service just when there is clearly a changing national environment of greater public scrutiny and expectation that is being driven by the 'Localism' agenda. Such an option has not been countenanced by the Service.

4.0 Supporting Information

4.1 Planning Service Improvement Plan 2011. (as updated Jun '11)

5.0 Introduction

5.1 In the interest of being accountable to the public and because of a desire to be the most open and accessible service within the Council the Planning Service presents a quarterly report to the Planning Committee detailing the progress it is making in terms of improving the quality of customer service it provides.

5.2 The report will look at a number of indicators and outcomes to gauge how well it is doing and these will focus on an analysis of feedback from users of the service rather than self-appraisal. The idea being regular, systematic and comprehensive customer satisfaction testing and subsequent changes to further respond to changing customer expectations.

5.3 So what sort of things will the report look at?

- A look at new initiatives introduced to improve accessibility to information
- Analysis of complaint monitoring data.

6.0 Update on actions

6.1 Within the past 3 months the following steps have been taken along the road to improving the quality of the service provided by the Planning Service (this list is not exhaustive but gives a flavour of the breadth of such initiatives):-

6.2 Web site

6.3 The past quarter has seen the Service really push open its doors to the public in terms of constructively seeking quality of service feedback from the public and then acting on it and openly sharing the good and the bad. Currently no other service within the Council confronts criticism in this way and uses it to improve the quality of service in ways that it then openly demonstrates.

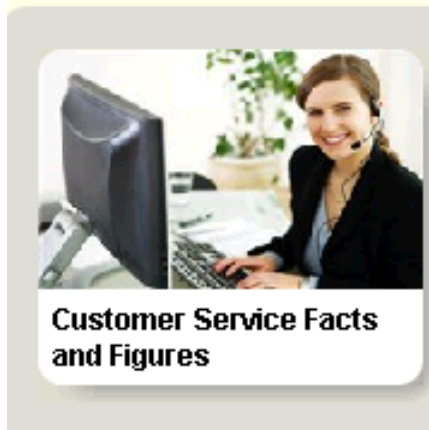
6.4 The extracts below provide a guide to the new information that is available to anyone who has access to the internet anywhere in the world.

The Planning Service's new customer service feedback information web pages

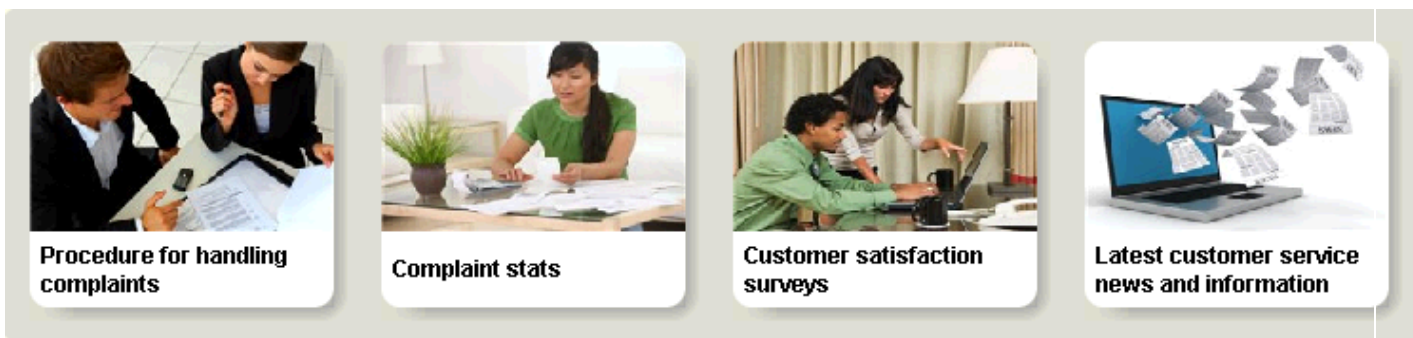
1. go to www.colchester.gov.uk
2. click **planning and building**



3.



4.



6.5 By opening the above customers can drill down to comprehensive levels of information. For example by exploring 'Complaints stats' you can see what lessons have been learnt from a complaint that was upheld and what steps have been taken to fix weaknesses. (as shown below)

Actions Arising: New protocol in PSU introduced, all PSU staff advised of new protocol, systems team asked to investigate possibility of auto-generating text in the description box of County matter applications to say "applications to ECC for" rather than "application by ECC for"

There may be a hole in the PSU Committee Decision Notification procedures which would also apply to other cases but this issue has never been brought up before, so we need to explore the implications further

6.6 Each of the above lessons learnt logs are provided after each months complaints analysis (example of which is shown below) and these include feedback from across E&PS, although the lessons highlighted above relate to planning service complaints.

KEY			TOTAL	FULL DETAILS	
	Unhappy with officer attitude	For example, rude, indifference, lack of professionalism	1	Museums - Justified	
	Unhappy with level of customer service given	For example, calls not returned, no response to service request	0		
	Allegations of procedural mistakes made	For example, accusation of not following policy, unhappy with the way we went about the process	0		
	Unhappy with the decision/outcome	For example, unhappy with the result, not necessarily the process	0		
	Escalated complaint	For example, not responding to an initial complaint, at all or within time	0		
	Unhappy with the system, policy or procedure	For example, objecting to the Services' insistence on applicants following the Council's agreed protocols	2	Museums - Justified	Museums - Part-Justified
	N/A (before Apr 11) or Old Ombudsman Cases	This is only for stat purposes	3	2 x Environmental	1 x Planning

6.7 Staff:

- Staff mid-year performance appraisals are under way (and actions being reviewed where performance was below expectation)
- One planning officer has been dismissed for failure to improve performance to the required level
- A new recruit joins the Service as a planning officer on a temporary contract from 21 November 2011
- The Service will continue to carry two long standing staff vacancies. (The Design & Heritage Unit Manager post and a Principal Planning officer post-)

6.8 Complaints:

6.9 Table 1 below provides the full breakdown customer complaints handling in respect of the Planning Service. No other service within the Council reports such information or makes it publicly available via a report such as this. This report is also published on the Council’s Planning Service web-site.

Overall since 1.4.11 (to 30.9.11)				
Total received	Total resolved	Tot res in time	% in time	% in time for same period last year
24	24	17	71%	65%

TABLE 1: ‘Complaints handling’ performance analysis (1 April – 30 Sept 2011)

- 6.10 The Service has continued to improve its performance compared to the previous three quarters of the previous year in terms of ensuring that customers who have made a complaint get a timely response. (It should be noted that ‘resolved’ does not mean an acknowledgement or holding reply was sent. To qualify as ‘resolved’ the complainant has to have been sent a full and detailed reply). This dramatic improvement has been the result of comprehensive performance management of the complaint process and staff awareness training.
- 6.11 It is interesting to take a look at a breakdown of the types of complaint being received because the picture has always been distorted somewhat by complaints made in respect of the final planning decision taken being included within the statistics for complaints about service quality or process errors. Members familiar with the planning system will know that the planning system frequently raises passions, frustrations and anger that are not easily calmed if a decision doesn’t go in the favour of one of the parties involved.

6.12 The analysis of complaint types for planning is shown in Table 2 below. The ratio of officer related to process related complaints was 4 : 10. Therefore for every 2 officer related complaints the Service received 5 process related complaints. The overall complaint rate was 14 complaints over 13 weeks or an average of 1 per week and the officer related complaint rate was an average of 1 every 3½ weeks.

Type of complaint	No.	% of total	Complaint upheld (U) Dismissed (D)
Unhappy with officer's attitude	1	7.1	1 (part U)
Unhappy with level of customer service given	3	21.4	3 (part U)
Allegation of procedural mistakes	3	21.4	1 U 3(part U)-
Unhappy with decision/outcome	3	21.4	3 (D)
Escalated complaint	0		-
Unhappy with system policy or procedure	4	28.6	3(D) 1 (U)

TABLE 2: Type of complaint 1 July – 30 September 2011

6.13 Planning workshops

6.14 The Planning Service is currently working on developing its next programme of planning workshops for the coming 12 months. The topic based approach will be adopted in line with popular requests from borough and parish councillors. Whole day workshops will however continue to be provided in May/June of 2012 for those members who trigger the Constitutional mandatory requirement to serve on the Planning Committee. Details of the programme will be circulated later this year.

6.15 Parish and town council liaison

6.16 Since the previous report liaison with West Mersea Town Council has been stepped up following the level of public interest being shown in a number of controversial planning applications on the Island.

6.17 The next round of small rural parish liaison will arise during the final quarter of 2011/early 2012. It is hoped that even more parishes will take up the invitation.

6.18 CSC' (Customer Service Centre) – Planning related performance

6.16 The Customer Service Centre (CSC) based in Angel Court is in many ways the Planning Services front-line when it comes to direct customer contact. The CSC provides huge support to the Planning Service in that it intercepted approximately 600 calls per month and consistently resolved around 80% - 85% of them in the last quarter. The CSC and Duty Planner system complement each other. Regular users of the Planning Service and applicants have access to direct dial telephone numbers for planning officers and so do not have to go via the CSC as their enquiries tend to be specific. The Planning Service continues to benefit from the excellent support delivered by the CSC.

6.17 Tables 3 & 4 below reveal just how much support is delivered by the CSC despite recent pressures from other work areas and whilst performance is not as high as in previous quarters the CSC continues to make a significant contribution to delivering good planning service quality. For many customers the first contact with the CSC is all they experience of the Planning Service. This allied to the self help capability of the planning web-site is delivering greater and easier access to planning information.

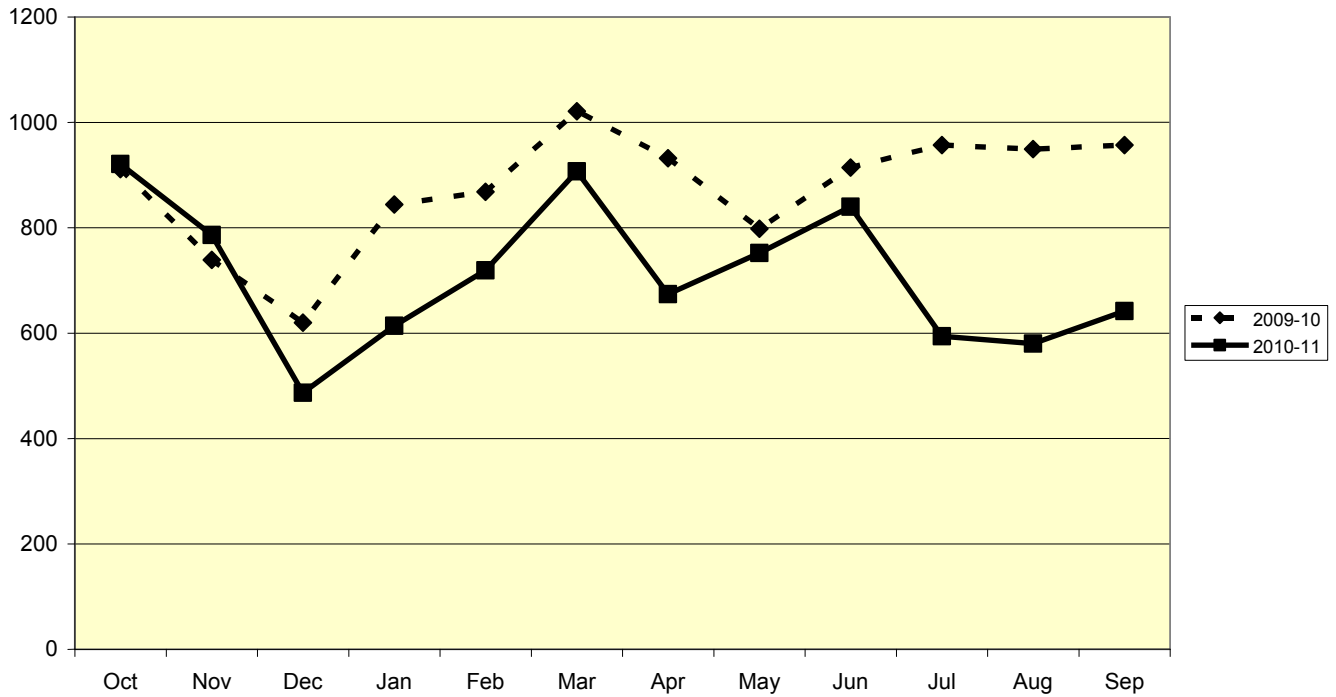


TABLE 3: Planning calls answered by the CSC

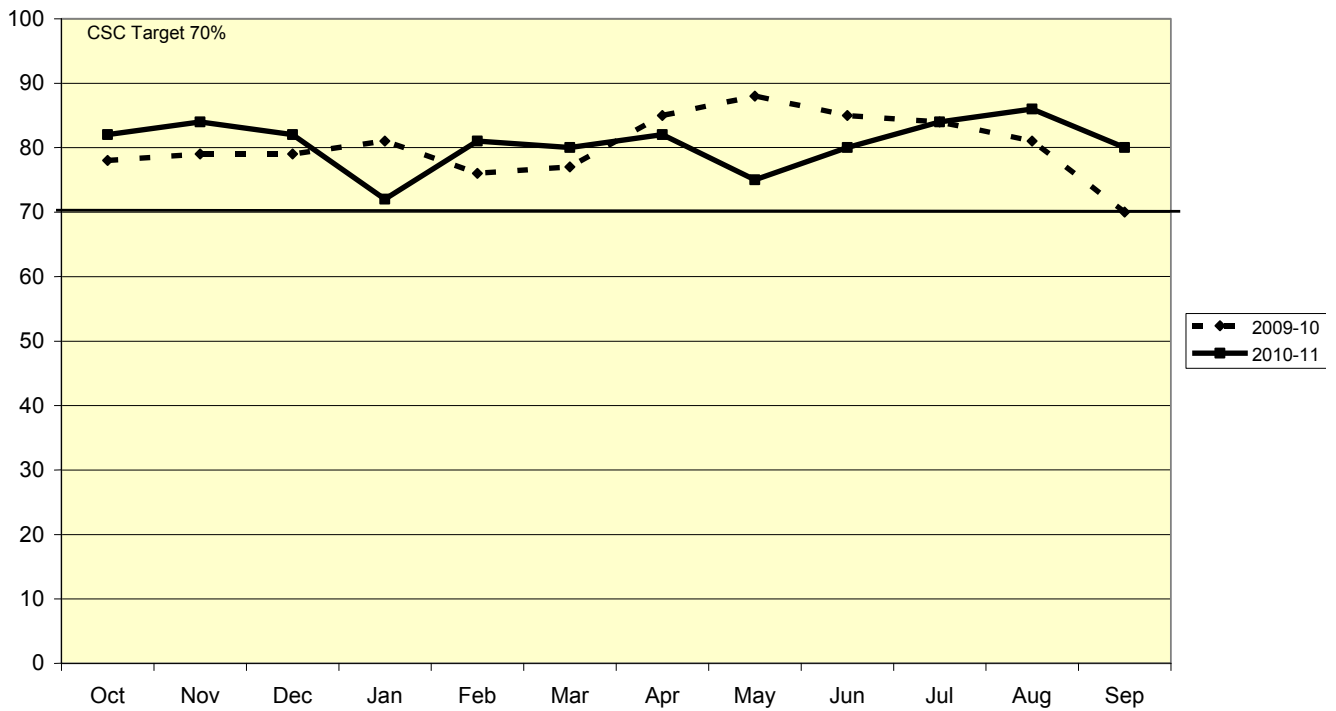


TABLE 4: Planning calls resolved by the CSC

6.18 Customer Surveys

6.19 The first comprehensive programme of surveys is complete and the follow-up surveys will begin again shortly.

7.0 Note about contributions to this report

7.1 This quarterly report represents the exposed tip of a much larger logistical iceberg the size of which is now only being publicised.

7.2 At one level there are the planners who have worked hard to ensure complaints are minimised by ensuring standards of customer service are maintained at a high level. Then there are those officers who are responsible for managing the workload and teams. Each making a strong contribution to ensure that lessons are communicated and responses to complainants are delivered in a timely and comprehensive manner.

7.3 Interlaced with these efforts is the work of the Environmental & Protective Services Professional Support Unit (PSU) who keep so much of the process running smoothly giving planning officers the time to deal with the planning issues.

7.4 The Customer Relationship Officer (PSU) has played a vital role in ensuring that complaint handling commitments are tracked and reviewed and that managers have regular updates on performance dealing with complaints. She has also been the lead officer in ensuring survey work is completed on time and analysed.

7.5 Even then the story is not complete because the Systems Team within E&PS has ensured that the Planning Services web site is so effective and carries so much ground breaking access to the public.

7.6 Supplementing all of this support is the Customer Service Centre team and the Corporate ICT Team.

7.7 Last but not least are the public and direct users of the service who unfailingly provide us with robust feedback on what is the Council's most open service. The Planning Service web-pages are the most frequently visited of any pages on the Councils web site.

7.8 This interactivity is a shining example of collaborative working designed to raise the bar of customer service. Whilst we may be achieving personal bests the record set by others has yet to be broken. That is our aim for 2012. We are however now realistic contenders.

8.0 Financial implications

8.1 None

9.0 Strategic Plan References

9.1 Further improving the customer service performance of the Planning Service (Development Management) has been identified within the Service as a priority. The Planning Service contributes to all of the Councils key objectives.

10.0 Risk Management

10.1 The risks associated with this report mainly revolve around reputation of the Service and knock on consequences for the Group and The Council by association.

11.0 Publicity Considerations

11.1 None

12.0 Human Rights Implications

12.1 None.

13.0 Community Safety Implications

13.1 None.

14.0 Health and Safety Implications

14.1 None.

17 November 2011

Report of	Head of Environmental and Protective Services	Author	Vincent Pearce 282452
Title	Planning application determination performance monitoring, and appeals performance information for the period 1 July 2011 – 30 September 2011		
Wards affected	All		

This report provides:- details of the performance of the Planning Service judged against Government National Indicators and local indicators and summarises the appeals record for the period 1st July 2011 – 30th September 2011.

1.0 Decision Required

1.1 Members to note the performance record of the Planning Committee and Planning Service.

2.0 Summary of performance report (Headlines)

- ◆ **‘Major’ application performance was significantly above the Government and higher local targets in the period ✓**
- ◆ **‘Minor’ and ‘other’ application performance exceeded the relevant Government targets in the same period. ✓**
- ◆ **The number of planning applications in the quarter (2011) were down (9%) on those for the same period in 2010.**
- ◆ **The delegated decision rate at 88.2% was just below the 90% target**
- ◆ **Appeals record (formerly BV204) was better than the national average ✓**

3.0 Reasons for Decision

3.1 This report is presented as part of the Service’s ongoing commitment to comprehensive performance management and in response to Members’ desires to monitor the performance of the Planning Service as judged against key National Indicators (NI’s) and important local indicators.

4.0 Alternative Options

4.1 Not applicable

5.0 Supporting Information

5.1 None

6.0 Performance Assessment

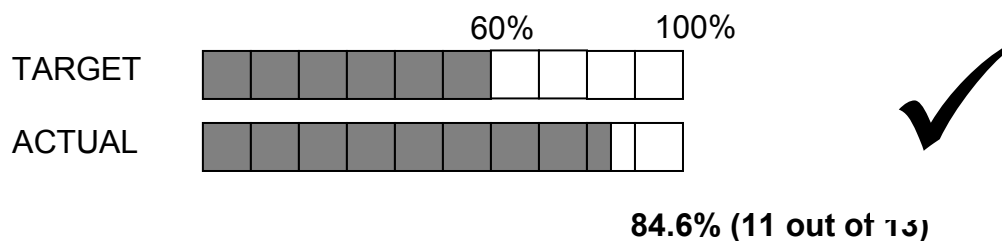
6.1 This report will review performance against the following performance indicators

- NI157 (8 and 13 week performance)
- Former BV188 (delegated decisions)
- Former BV204 (appeals upheld)

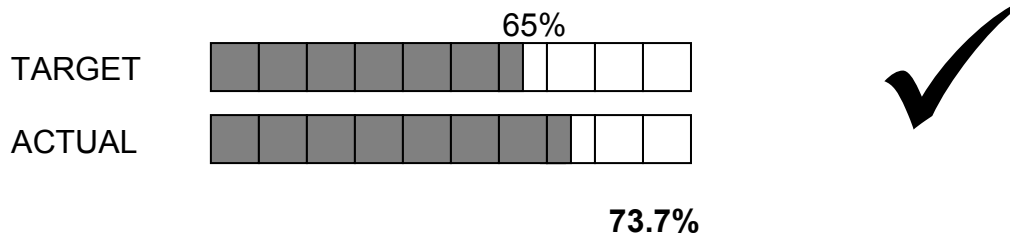
■ NI 157 (8 and 13 week performance) Quarter 3. (2011) (Jul-Sept)

6.2 Performance levels for the period 1 July 2011 – 30 September 2011 were as described below:-

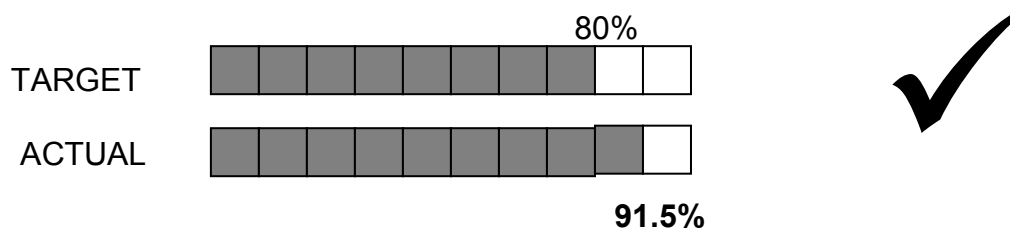
MAJOR application performance (national target against actual)



MINOR application performance



OTHER application performance



HOUSEHOLDER application performance



FIGURE 1: NI 157 by type (1 July 2011 – 30 September 2011)

(note: there is no national target for householder applications (part of others) but this is a useful indicator as to how quickly the majority of users get a decision, as householder applications form the largest proportion of all applications)

■ **NI 157 (8 and 13 week perf.) Qtrs 2&3 2011 (April-Sept 2011)**

6.3 The excellent news at the end of the quarter is that the Planning Committee and the Planning Service together delivered above national target performance in all three categories of NI157.

MAJOR 76.0%

MINOR 78.7%

OTHER 91.1%

H/holder 93.6%



6.4 This performance was achieved in the context of a 9% decrease in the number of applications received compared to the equivalent period in 2010.

■ **Delegated decision making**

6.5 **88.2%** of all the decisions made during the period 1 July 2011 – 30 September 2011.

■ **Upheld appeals**

6.6 The quarterly figure for upheld appeals (ie: those where the Council lost the case) was Only **16.6%**. This is an excellent result as the latest national average 2010-2011 is 32%.

7.0 Costs awards against the Council

7.1 No award of costs was agreed in the quarter.

8.0 Ombudsman

8.1 During the quarter no Ombudsman decisions were made against the Planning Service.

9.0 Financial implications

9.1 None beyond the outstanding costs claim

10.0 Strategic Plan References

10.1 Improving the performance of the Planning Service (Development Management) has been identified within the Service as a priority. The Planning Service contributes to all of the Councils key objectives.

11.0 Risk Management

11.1 There are no risk management issues to report this quarter.

12.0 Publicity Considerations

12.1 None

13.0 Human Rights Implications

13.1 None.

14.0 Community Safety Implications

14.1 None.

15.0 Health and Safety Implications

15.1 None.

17 November 2011

Report of	Head of Environmental and Protective Services	Author	Vincent Pearce 282452
Title	Enforcement performance monitoring for the period 1 April 2011 – 30 September 2011 (with current actions monitor until 31 October 2011)		
Wards affected	All		

This report provides:- details of the performance of the Planning Service's Enforcement Team for the period 1st April 2011 – 30th September 2011 (with progress reports on all investigations up to 31 October 2011

1.0 Decision Required

1.1 Members to note the performance record of the Enforcement Team.

2.0 Summary of performance report (Headlines)

- ◆ **Number of complaints investigated = 212**
- ◆ **Number of Enforcement Notices served = 8**
- ◆ **Number of prosecution actions = 2**
- ◆ **Number of breaches resolved = 212**

3.0 Reasons for Decision

3.1 This report is presented as part of the Service's ongoing commitment to comprehensive performance management and in response to Members' desires to ensure that the new Planning Enforcement Strategy agreed 1 July 2010 is fully pursued. Members will recall that the latest Strategy marks a significant change in emphasis in that it introduces a pro-active and robust approach to the enforcement of breaches of planning control.

4.0 Alternative Options

4.1 Not applicable

5.0 Supporting Information

5.1 None

6.0 Performance Assessment

6.1 The performance of the Enforcement Team as measured against the agreed local targets set out in the Enforcement Strategy was as follows:-

Action	Target	Actual performance January – March 2011
Undertake a site visit for Priority One complaints within 0 to 2 working days of receipt	100%	100%
Undertake a site visit for Priority Two complaints within 5 working days of receipt	90%	100%
Undertake a site visit for Priority Three complaints within 10 working days of receipt	90%	84%
Undertake a site visit for Priority Four complaints within 15 working days of receipt	90%	76%

Table 1: initial site visits performance

6.2 Table 2 below shows how many notices were served during the period.

Type of action	Prepared	Served
PCN	15	13
EN	8	8
BCN	1	0
S215	0	0
S330	1	1
S38	0	0
DN	0	0



Table 2: Notices Served

PCN Planning Contravention Notice
 EN Enforcement Notice
 BCN Breach of Condition Notice
 S215 Untidy Site Notice
 S330 (a PCN for listed buildings)
 DN Discontinuance Notice

See glossary at 6.9 of report for fuller description of effects of the above notices

6.3 Members are advised that the difference between notices prepared and the notices served reflect a number of process situations which may or may not have been cleared. These include:-

- Awaiting final sign off by the 'Responsible' planner
- The remedying of the breach prior to actual service
- The notice being about to be physically served at the time of preparation of the report
- Awaiting sign off from Legal Service or a legal opinion

6.4 Members will be pleased to note that on 21 October 2011 (Q4 (Oct-Dec) rather than Q2 & 3 being reported here) the Planning Inspectorate dismissed the appeal by J.C.Deceaux against the decision to serve a DISCONTINUANCE NOTICE in respect of advertisements/hoardings on top of the Town Wall at Middleborough. The large advertisements and associated hoardings must now be removed within 21 days of the decision. This is an important decision in that it endorses the Council's aim to make the most of the Town's heritage assets and to display them to best advantage. (photograph follows at Fig: 3)



Figure 3: hoardings now required to be removed; Town Wall – Middleborough (advert detail blanked out by Planning Service due to age of photo- J.C.Deceaux have blanked out the adverts on site)

6.5 Members should also note that from 4 October 2011 (again Q4 – Oct-Dec) management arrangements for the Planning Enforcement Team changed and the team now sits within a newly created joint Licensing and Enforcement Team within the Environmental & Protective Services Group (E&PS) under a new Licensing and Enforcement Manager, Gary O'Shea. This change is the first phase of structural changes being introduced within the Group.

6.6 The structure is now as shown below:-

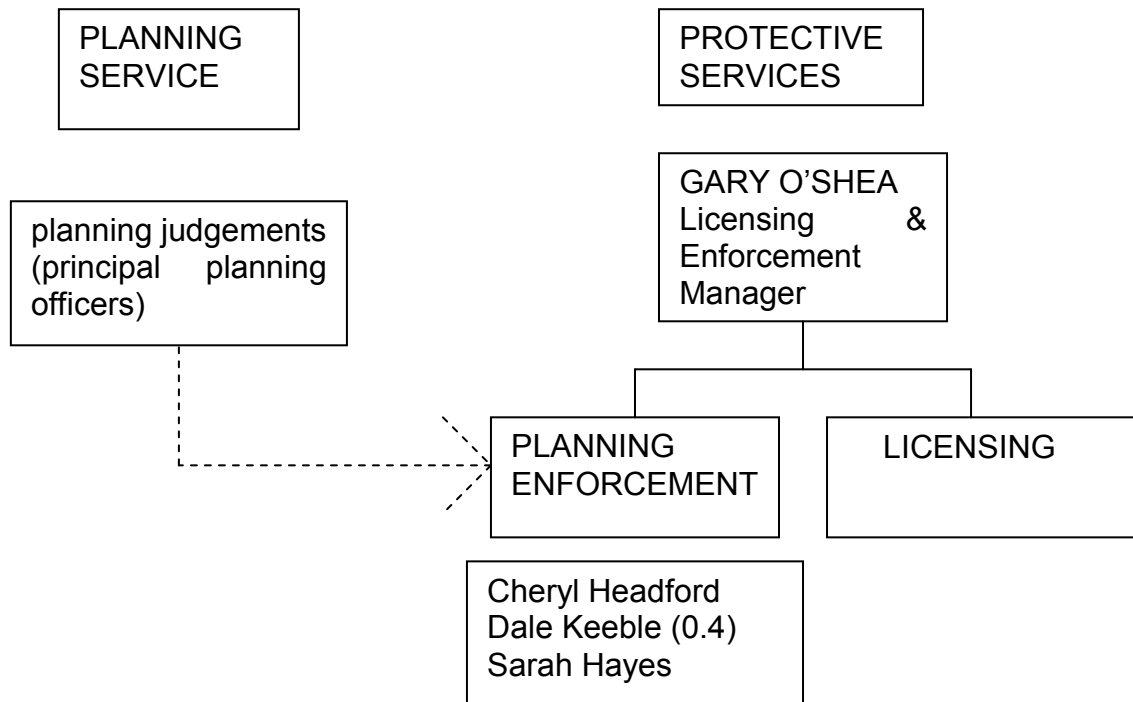


Fig 4: New structure chart for Planning Enforcement Team

6.7 The way that members and the public report alleged breaches remains unaltered as does the basic investigation procedure. Members should note that the current protocol for liaison between enforcement officers and planning officers was previously developed with this structural change in mind and so the set-up is well tested and is working seamlessly under the new structure.

6.8 This report will now examine the progress of cases where some form of action has been instigated following a site visit and identification of a serious breach of planning control. (please see table 4 overleaf).

6.9 The types of notices described will be one of the following:-

BCN:

Breach of Condition Notice (where a planning condition on a planning permission has not been complied with)

PCN: Planning Contravention Notice (to requisition information prior to serving an Enforcement Notice)

S330 Notice:

To requisition information in respect of a listed building prior to serving an Enforcement Notice)

S215 Notice:

Relates to the tidying-up of an untidy site

Enforcement Notice:

Requires specific remedial action to be taken within a prescribed timescale

Injunction:

Via the Courts to tackle immediate and serious harm where a quick response is needed in the public interest.

Stop Notice:

To stop unauthorised activity

Direct Action:

Where the Council uses its enforcement powers to carry out remedial works in default and then charges all the costs to the owner.

TABLE 5: Progress report on Enforcement action up to 31 October 2011 follows....

Table 5: Progress report on Enforcement action up to 31st October 2011 (cases in grey closed and will be deleted from report; bold text indicates added since last report)

Refno	Officer	Type	served on	Status	start date	exp date	premises address	Further info
2776	CH	EN	Mr Cowling	Notice Served	26/03/10	02/06/11	The Smallholding, Colchester Road, Mt Bures	Complied with
2851	SH	EN	Mr N Buckland	Compliance due	26/06/10	26/10/10	Stableview, Newbridge Road, Tiptree	Planning permission obtained to overcome EN
2907	DK	DN	J C Decaux UK Limited	Notice Served	23/12/10	17/02/11	Advertising Hoarding on Roman Wall, Middleborough, Colchester	Appeal Dismissed 3041
2927	DK	EN	-	-	-	-	Gun Hill Garage Site, Ipswich Road, Dedham, Colchester	Planning application being determined
2930	SH	EN	-	Action Authorised	Notice not issued	Permission not granted	Pantile Farm, Peldon Road, Abberton, Colchester, CO5 7PD	Planning application approved
2932	SH	EN	-	Action Authorised	Not served	Permission now granted	Pantile Farm, Peldon Road, Abberton, Colchester, CO5 7PD	Planning application approved.
2935	SH	BCN	Charles Day & Co Ltd	Notice Served	03/08/10	03/11/10	33 North Hill, Colchester, CO1 1QR	Notice withdrawn. Improved scheme approved
2948	SH	EN	Mr and Mrs G Moore	Notice served	Suspended as at appeal	Suspended as at appeal	The Chicken Shed, Meeting Lane, East Mersea, Colchester, CO5 8TE	Appeal unsuccessful, compliance extended to 1 year
2963	CH	EN	Trustees of E Browning Smith	Notice served	13/12/10	25/05/11	Elm Farm, Elm Lane, Marks Tey, Colchester, CO6 1HU	Appeal dismissed, new compliance date 31.12.11
2993	DK	S330	Mr & Mrs Anderson	Notice served	01/12/10	22/12/10	59-61 Bromley Road, Colchester, CO4 3JF	Work in progress
3009	DK	PCN	Mr Geary	Notice served	10/01/11	31/01/11	26 West Stockwell Street, Colchester	Prosecuted & Fined Total£198 for failing

3145	DK	EN	Mr & Mrs Pryke	Notice served	21/06/11	22/12/11	Land East of Brook Street Dedham	Pending outcome of Enf Appeal and injunction action
3143	DK	INJ	Mr & Mrs Pryke				Land East of Brook Street Dedham	New court hearing date 30/11/11
3137	DK	PCN	Mr & Mrs Pryke	Notice served	10/06/11	01/07/11	Land East of Brook Street Dedham	Complied with
3157	SH	PCN	Mr Watchorn	Notice served	13/7/11	4/8/11	Butchers Wood, Maldon Rd, Stanway	Complied with
3158	SH	PCN	Mr Callaghan	Notice served	19/7/11	10/8/11	1 Gate Cottage, Mersea Rd, Langenhoe	Complied with
3165	SH	PCN	Mr Bond	Notice served	22/7/11	15/8/11	25 Gladstone Rd, Colchester	Complied with
3168	SH	PCN	The Occupier	Notice served	22/7/11	15/8/11	27 Gladstone Rd, Colchester	Complied with
3177	SH	PCN	Mr A Alexander	Notice served	11/8/11	5/9/11	Pony Farm, Kelvedon Rd, Tiptree	Complied with
3180	SH	EN	Mrs S Tootal	Appeal Lodged	31/8/11	-	Barn Stables, Fields Farm Rd, Layer de la Hays	Appeal by written representations
3210	DK	INJ	Mr James Brown				Land known as Chapel Lane Boxted	Waiting for a court date
3200	DK	S171(e)	Charles Church Developers	Notice served	03/10/11	31/10/11	NBP Tufnell Way Colchester	Pending new application
3142	CAH	PCN	Fais Noodle Bar	Notice served	17.6.11	23.6.11	26a St Botolphs St, Colchester	Complied with
3146	CAH	PCN	Hand Car Wash Centre	Notice served	22.6.11	-	137 London Rd, Stanway	Business closed down
3166	CAH	PCN	Kings Arms	Notice served	4.8.11	26.8.11	Broad Green, Great Tey	Complied with
3186	CAH	PCN	Mr Davidson	Notice served	8.9.11	11.10.11	Packards Lane, Fordham	Complied with
3201	CAH	TSN	Mr Brown, Plot 1	Notice served	5.10.11	3.11.11	Bridgeside, Turkey Cock Lane, Stanway	Planning Application rec'd
3204	CAH	PCN	Mr Stubbs	Notice served	6.10.11	28.11.11	Enfield Farm, Queens Head Rd Boxted	In time

Unauthorised Advertisements

Ref	Officer	Site	Developer	Action	Date
87	SH	Fortuna Park, Layer Rd, Colchester	Countryside Properties	Prosecution Withdrawn	22/8/11
90	SH	Hawkins Wharf, Colchester	Weston Homes	Due for decision	
91	SH	Reflections Development, Colchester	Barratt Homes	Prosecution Authorised	31/10/11

7.0 Financial implications
7.1 None

8.0 Strategic Plan References
8.1 Shifting resources, listening.

9.0 Risk Management
9.1 There are no risk management issues to report.

10.0 Publicity Considerations
10.1 None

11.0 Human Rights Implications
11.1 None.

12.0 Community Safety Implications
12.1 None.

13.0 Health and Safety Implications
13.1 None.

Background papers Planning Enforcement strategy
APPENDIX-FOLLOWS.....

APPENDIX:

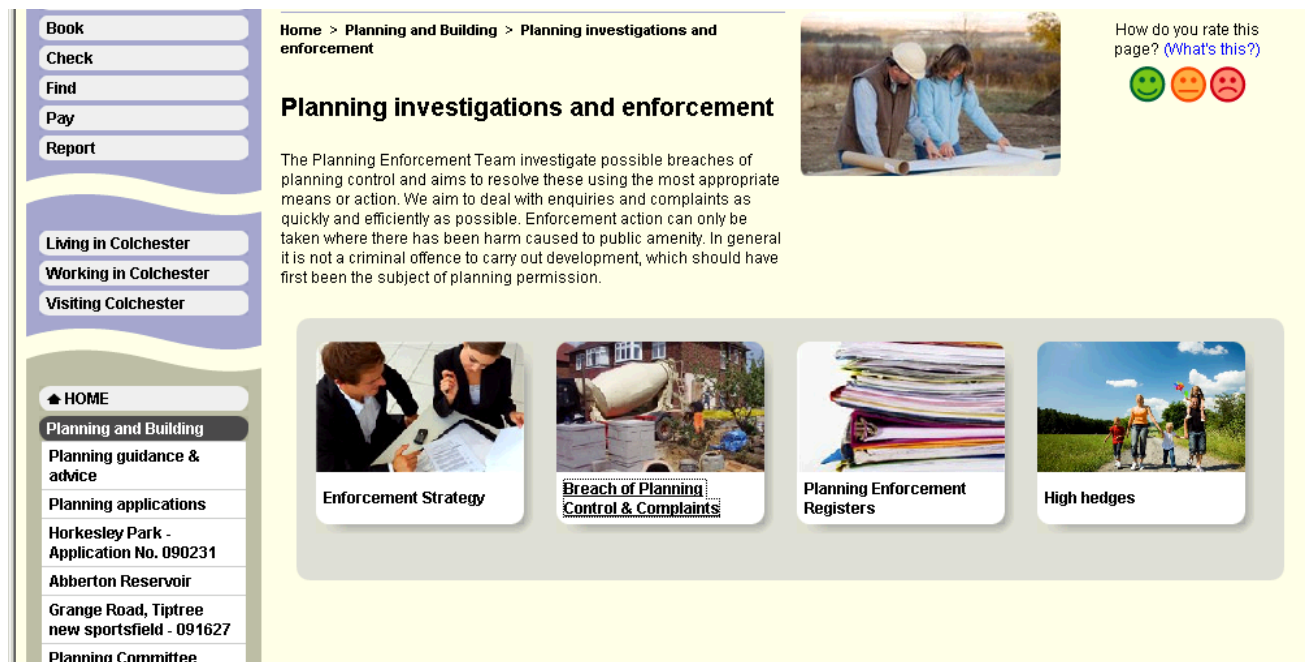
1. How to report a possible breach of planning control

http://www.colchester.gov.uk/service_landing_level_3.asp?sec_id=2872



2. How to view the general enforcement information pages

http://www.colchester.gov.uk/service_landing_level_2.asp?sec_id=2860

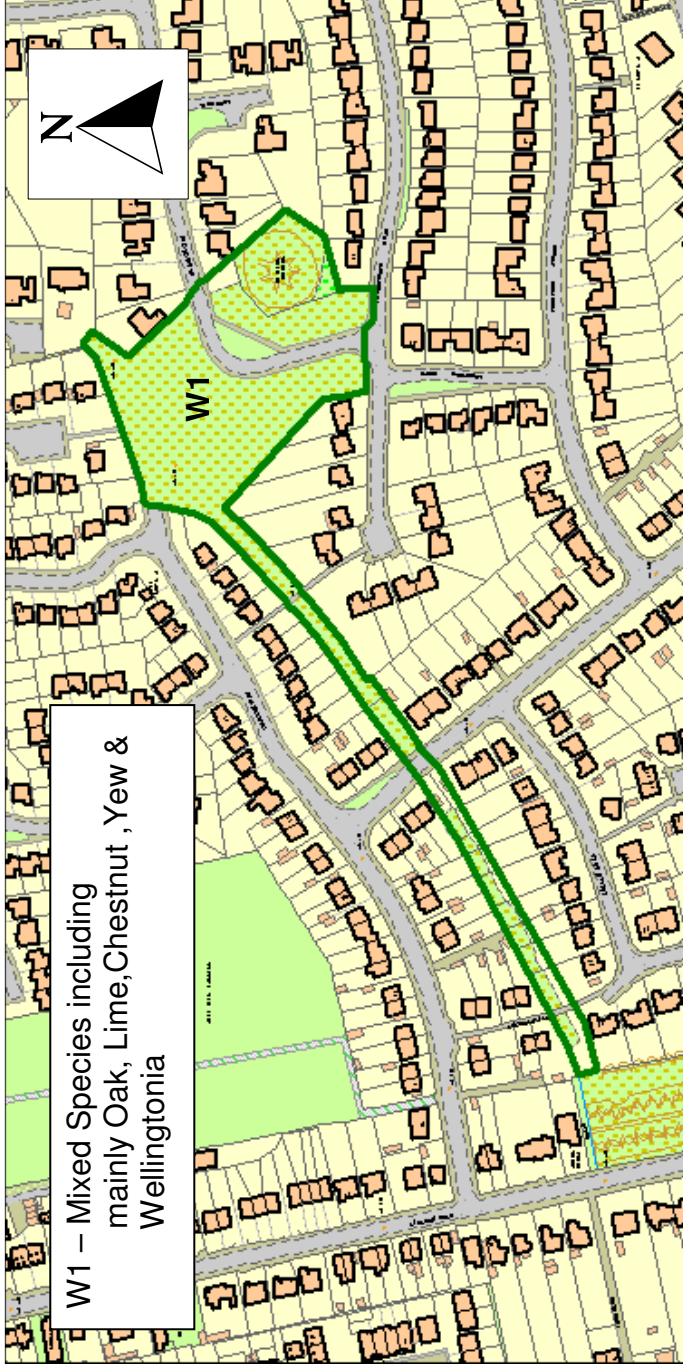


The screenshot shows the 'Planning investigations and enforcement' page. On the left is a navigation menu with buttons for 'Book', 'Check', 'Find', 'Pay', and 'Report'. Below these are links for 'Living in Colchester', 'Working in Colchester', and 'Visiting Colchester'. A 'HOME' button is also present. The main content area has a breadcrumb trail: 'Home > Planning and Building > Planning investigations and enforcement'. The title is 'Planning investigations and enforcement'. Below the title is a paragraph: 'The Planning Enforcement Team investigate possible breaches of planning control and aims to resolve these using the most appropriate means or action. We aim to deal with enquiries and complaints as quickly and efficiently as possible. Enforcement action can only be taken where there has been harm caused to public amenity. In general it is not a criminal offence to carry out development, which should have first been the subject of planning permission.' To the right of the text is a photo of two people looking at a large plan. Below the text is a row of four tiles: 'Enforcement Strategy', 'Breach of Planning Control & Complaints', 'Planning Enforcement Registers', and 'High hedges'. In the top right corner, there is a feedback section: 'How do you rate this page? (What's this?)' with three smiley face icons (green, orange, red).

3. What information can you find within the Enforcement Registers page?

http://www.colchester.gov.uk/Info_page_two_pic_2_det.asp?art_id=12185&sec_id=3937

Current Planning Complaints	Planning Enforcement Notice Register	Listed Building Planning Enforcement Notices	Discontinuance Notices	Breach of Condition Notice Register
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COLCHESTER BOROUGH COUNCIL

Environmental & Protective Services
 Rowan House, 33 Sheepen Road,
 Colchester, CO3 3WG
 Tel: 01206 282222

TREE PRESERVATION ORDER

No: 23/11

Land off Shakespare Road/Wordsworth
 Road/Chaucer Way/Byron Avenue/Marlowe
 Way/Shelley Road & Lexden Grove,
 Colchester

Scale: 1:3000

Date: 28 September 2011

Plan No: 23/11

17 November 2011

Report of	Head of Environmental and Protective Services	Author	Liam McKarry
Title	Tree Preservation Order 23/11 - Land off Shakespeare Road/Wordsworth Road/Chaucer Way/Byron Avenue/Marlowe Way/Shelley Road & Lexden Grove, Colchester		
Wards affected	Lexden		

Notice of formal objection to the implementation of Tree Preservation Order 23/11

1. Decision(s) Required

- 1.1 Having considered any representations made prior to the meeting Members are requested to formally consider:

Agreeing the implementation of Tree Preservation Order 23/11

2. Reasons for Decision(s)

- 2.1 The report brings to member's attention an objection made against the setting of Tree Preservation Order (TPO) 23/11. The Order was made on 28th September 2011 as a provisional order.

- 2.2 The objection was submitted by Mr G. R. Pedley. The objection was made for reasons which can be summarised as follows -

- The trees may become veterans and may become dangerous
- The trees may become a health and safety risk
- The trees are/may become a nuisance because of removing moisture from the soil and dropping twigs/leaves
- The trees cast shade on gardens and buildings
- The trees on council owned land may require management
- The TPO application process is onerous and bureaucratic

- 2.3 Mitigation of the above objections:

- The trees in question are prominent and provide considerable amenity value that helps soften the view of a residential area when viewed from the adjacent roads. The TPO is proposed primarily due to amenity value although there appears to be no imminent risk therefore the TPO should be considered precautionary.
- The definition provided within Mr Pedleys submission is accurate as per the Woodland Trusts specification of Veteran trees, however, the context of this needs to be considered in relation to the Tree Preservation Order legislation. The trees in this area have the potential to become veterans i.e. have the potential to contribute to the public amenity of the area for a number of years to come. Deadwood within the canopy of a TPOd tree may be removed without application as it is considered an exemption within the legislation therefore negating this reason for not confirming the order.

- I agree that the trees may become a health and safety risk in the future, however, the trees should be managed by their owners such that this does not occur. The presence of a TPO does not prohibit this occurring but rather allows Colchester Borough Council a level of control over the works that will occur. This will ensure that the amenity value of trees in this area will be maintained over the longer term.
- It is an unfortunate reality that trees do drop twigs and leaves throughout their lives but the owners of properties in this area purchased the properties with these trees in situ therefore must have accepted at that time that this would be the case. The fact that trees remove moisture from the soil is accepted but the TPO legislation allows for application to be made to undertake work to the trees. If damage was to occur as a result of moisture being removed from the soil and application for tree works to remedy this can be made and consented to if appropriate supporting evidence is provided. However, it would be inappropriate to not confirm this TPO on the basis of a potential problem in the future.
- The trees in this area do cast shade onto the gardens and houses. No mitigation can be offered for this but it should be noted that there is no right to light; unless it can be proved that there is a right to 'ancient light' i.e. there has been uninterrupted use of that light for a period greater than 20 years; however, this only applies to windows. This being the case it is possible to make an application to undertake appropriate works.
- Whilst the owners of the tree have a responsibility for the management of the trees in terms of health and safety, where branches overhang the boundary of properties anyone can make an application to undertake works to those parts and get consent to do those works.
- The TPO application process is relatively short in duration at 8 weeks in which time a decision will be provided and does nothing more than provide a level of control over the works to important trees in the landscape that have a public amenity value.

3. Policy Plan References

NA – although S.197 & 198 of Town Country Planning Act 1990 make it a duty to make TPOs if expedient in the interest of the public to do so.

4. Financial implications

4.1 There are no anticipated implications for the Council with regard to this issue.

5. Human Rights Implications

5.1 The imposition of a Tree Preservation Order will impact on the human rights of the individual. Those human rights affected are particularly, but not exclusively:

Article 1 of the First Protocol (Protection of Property) – The right to peaceful enjoyment of possessions,

Article 8 – The right to respect for private and family life,

5.2 However, in such cases the human rights of the individual must be balanced against the rights of the public to expect the planning system to protect trees when their amenity value justifies such protection.

5.3 In this instance, it is your officer's opinion that in this balancing act the protection of the trees should prevail.

6. Consultation and Publicity

6.1 In line with the relevant legislation the owners and neighbours affected by the order were notified, provided with a copy order and made aware of their right to appeal on 28th September 2011.

7. Community Safety Implications

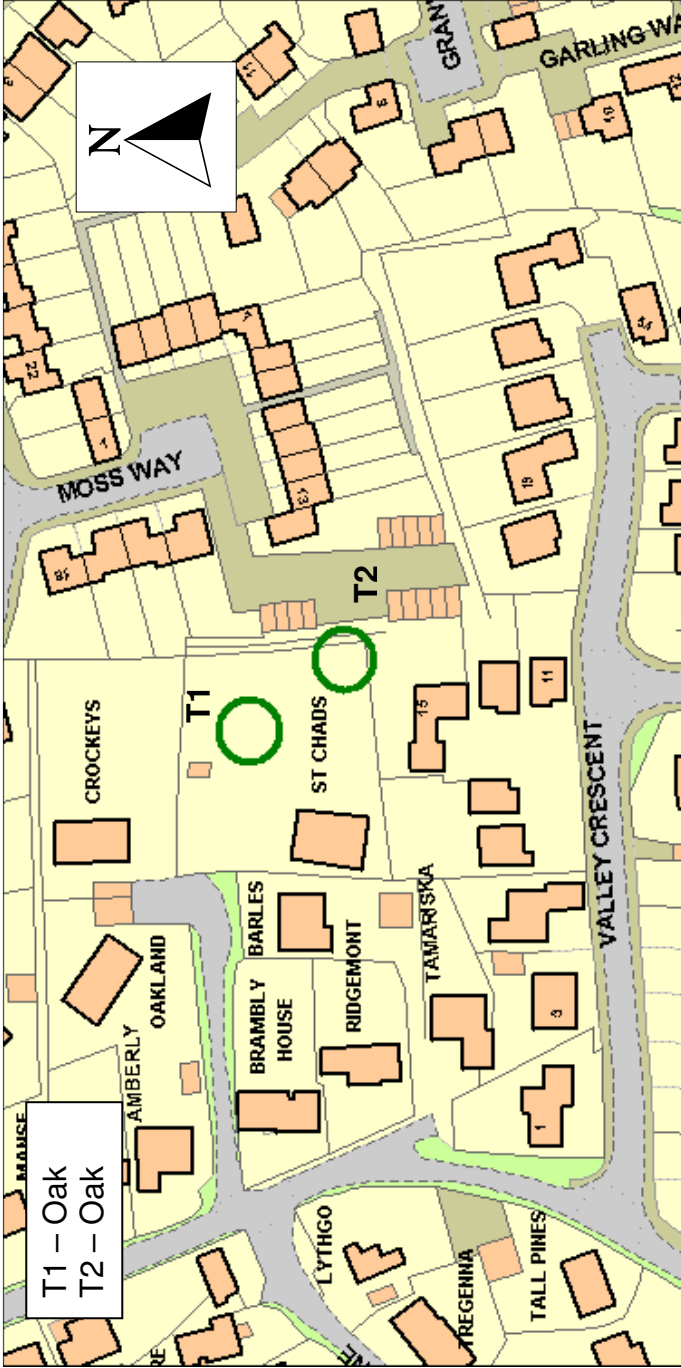
7.1 There are no anticipated implications for the Council with regard to this issue.

8. Recommendation

8.1 Members agree the confirmation of Tree Preservation Order 23/11.

9. Background Papers

9.1 Tree Preservation Order plan.



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COLCHESTER BOROUGH COUNCIL
 Environmental & Protective Services
 Rowan House, 33 Sheepen Road,
 Colchester, CO3 3WG
 Tel: 01206 282222

TREE PRESERVATION ORDER
No: 18/11
 St. Chads, Chapel Lane, West Bergholt,
 Colchester, CO6 3EF

Scale: 1:1250
Date: 8 September 2011
Plan No: 18/11

17 November 2011

Report of	Head of Environmental and Protective Services	Author	Liam McKarry
Title	Tree Preservation Order 18/11 – St Chads, Chapel Lane, West Bergholt		
Wards affected	West Bergholt and Eight Ash Green		

Notice of formal objection to the implementation of Tree Preservation Order 18/11

1. Decision(s) Required

- 1.1 Having considered any representations made prior to the meeting Members are requested to formally consider:

Agreeing the implementation of Tree Preservation Order 18/11.

2. Reasons for Decision(s)

- 2.1 The report brings to member's attention an objection made against the setting of Tree Preservation Order (TPO) 18/11. The Order was made on 8th September 2011 as a provisional order.
- 2.2 The objection was submitted by Mr K. Marley on behalf of Mrs A. Pledger, Mrs J. Ullah, Mr E. Cote, Mrs L. Breen, Ms S. Kipling and Mrs L. Vickery. The objection was made for reasons which can be summarised as follows -

- The tree is causing damage to property
- The tree limits the use of property.
- Safety.
- Lack of management.

2.3 Mitigation of the above objections:

- The tree in question is a prominent mature Oak of considerable amenity value. The TPO is proposed primarily due to amenity value although it has been made on a precautionary basis as the tree does not appear to be under threat currently.
- The engineers report provided does state that the tree is likely to be the cause of damage to the detached garage and that said damage is category 4 (Severe) as per the guidance from BRE Digest 251. However, this report and the subsequent email attached does state that the engineer is not recommending the trees removal at this point in time. Whilst not stated expressly within the report my assumption would be that this is because they are concerned with the risk of ground heave occurring if the tree was removed given the tree's affect on the soil significantly predates the structure. The Tree Preservation Order (TPO) does not prevent the tree being removed in the future if damage was to re-occur but will require that a sufficient level of information is provided to demonstrate the tree as the cause of damage and will also ensure that a replacement tree will be provided should the tree be removed.

- The tree is large and has had only limited management in the past. Whilst the objection states that the tree limits the use of property this could be mitigated through pruning and management which is possible by making an application to Colchester Borough Council.
- The issue of safety is an emotive one and is often referred to as a reason to undertake works to TPO'd trees. The objection refers to the possibility of branch failure in the future. The risk of future failure should not be used as a reason not to confirm this TPO. As stated above this could be dealt with if it occurs as either an exemption to the legislation in emergencies or as part of good management of the tree by submission of an application to undertake works. The responsibility of monitoring the safety of the tree lies with the tree owner but those parts of the tree overhanging boundaries can be worked on by anyone after consent is granted following submission of an application.
- Lack of management is not something that is affected by the TPO status of this tree. Whilst the comment regarding 'added bureaucracy' is noted, the application process is relatively simple and will result in an answer within a defined period of time (8 weeks). As described previously work can be undertaken by anyone making an application and receiving consent, therefore the owners of adjacent properties can undertake work to those parts of the tree overhanging their boundary.

3. Policy Plan References

NA – although S.197 & 198 of Town Country Planning Act 1990 make it a duty to make TPOs if expedient in the interest of the public to do so.

4. Financial implications

4.1 There are no anticipated implications for the Council with regard to this issue.

5. Human Rights Implications

5.1 The imposition of a Tree Preservation Order will impact on the human rights of the individual. Those human rights affected are particularly, but not exclusively:

Article 1 of the First Protocol (Protection of Property) – The right to peaceful enjoyment of possessions,

Article 8 – The right to respect for private and family life,

5.2 However, in such cases the human rights of the individual must be balanced against the rights of the public to expect the planning system to protect a tree when its amenity value justifies such protection.

5.3 In this instance, it is your officer's opinion that in this balancing act the protection of the trees should prevail.

6. Consultation and Publicity

6.1 In line with the relevant legislation the owners and neighbours affected by the order were notified, provided with a copy order and made aware of their right to appeal on 8th September 2011.

7. Community Safety Implications

7.1 There are no anticipated implications for the Council with regard to this issue.

8. Recommendation

8.1 Members to agree the confirmation of Tree Preservation Order 18/11.

9. Background Papers

9.1 Tree Preservation Order plan.



Colchester Borough Council Development Control

Advisory Note on Parking Standards

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

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

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

The residential parking standard for two bedroom flats and houses is two spaces per unit. The residential parking standard for one bedroom units is one space per unit. One visitor space must be provided for every four units.

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



Colchester Borough Council Environmental Control

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

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

Best Practice for Construction Sites

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

Noise Control

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

Emission Control

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

Best Practice for Demolition Sites

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

Noise Control

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

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

Emission Control

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