

Planning Committee

Town Hall, Colchester
20 January 2011 at 6.00pm

This committee deals with

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

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

Information for Members of the Public

Access to information and meetings

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

Have Your Say!

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

Private Sessions

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

Mobile phones, pagers, cameras, audio recorders

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

Access

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

Facilities

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Material Planning Considerations

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

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

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

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

Human Rights Implications

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

Community Safety Implications

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

Equality and Diversity Implications

All applications are considered against a background of the Council's Equality Impact Assessment (EIA) Framework in order that we provide a flexible service that recognises people's diverse needs and provides for them in a reasonable and proportional way without discrimination in relation to gender disability, sexual orientation, religion or belief, age, race or ethnicity. The legal context for this framework is for the most part set out in the Race Relations (RRA) and Disability Discrimination (DDA) legislation.

**COLCHESTER BOROUGH COUNCIL
PLANNING COMMITTEE
20 January 2011 at 6:00pm**

Members

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

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

Agenda - Part A

(open to the public including the media)

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

An Amendment Sheet is circulated at the meeting and members of the public should ask for a copy to 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 - 17**

To confirm as a correct record the minutes of the meetings held on 16 December 2010 and 6 January 2011.

7. Planning Applications

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

1. 102278 83 New Farm Road, Stanway, CO3 0PG **18 - 26**
(Stanway)

Proposed addition to existing elderly persons home also change of use from private household residence to care home use (Class C2). Resubmission of application 100665.

2. 102310 Land rear of 5 Broomhills Road, West Mersea **27 - 35**
(West Mersea)

Proposed one and a half storey detached dwelling and detached double garage. Revision to previously approved scheme 091595.

3. 102508 34 James Carter Road, Colchester, CO3 9XN **36 - 43**
(Prettygate)

Two storey front extension, front porch and two side windows - resubmission of 101545.

4. 091057 Car park opposite 108 Coast Road, West Mersea, CO5 8NA **44 - 50**
(West Mersea)

Retention of posts and shuttering to enclose car parking area.

5. 101128 Mill Race, New Road, Aldham, CO6 3QT **51 - 56**
(Great Tey)

Application for a Lawful Development Certificate for an Existing Use of Importing, storage, devanning, distribution and manufacture of various products and commodities.

6. 102234 Tiptree Basket Works and Sawmill, Grange Road, Tiptree, CO5 0QQ **57 - 61**
(Tiptree)

The continuation of the proposed extension of site, new building and changes to operation of the Waste Transfer Station without compliance with condition 2 (development particulars) attached to planning permission ESS/51/02/COL to allow changes to the approved building roofline and design.

7. 102304 Sparrow Cottage, Vine Road, Tiptree, CO5 0LT
(Tiptree)

62 - 71

The Chairman has agreed pursuant to the provisions of Section 100B(4)(b) of the Local Government Act 1972 to consider the following item at this meeting as a matter of urgency because of the excessive length of time taken for the application to be processed to the stage where the planning team are in a position to make a recommendation.

Outline application for the erection of no.3 detached dwellings and alterations to access.

8. Exclusion of the Public

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

**PLANNING COMMITTEE
16 DECEMBER 2010**

Present :- Councillor Ray Gamble* (Chairman)
Councillor Helen Chuah* (Deputy Mayor)
Councillors Peter Chillingworth*, John Elliott*,
Andrew Ellis*, Stephen Ford, Theresa Higgins,
Jackie Maclean*, Jon Manning, Ann Quarrie* and
Laura Sykes*

Also in Attendance :- Councillor Nick Cope
Councillor Christopher Garnett
Councillor Colin Sykes
Councillor Tim Young

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

139. 102241 Ascott House, 83-85 London Road, Colchester, CO3 9AL

The Committee considered an application for the demolition of existing buildings and structures and the erection of thirty-five newly constructed residential dwellings comprising six three-bedroom houses, seven two-bedroom apartments, eight one-bedroom apartments and fourteen studio flats, together with a staff area and a community space as part of the supported housing scheme. 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.

Andrew Huntley, Planning Officer, attended to assist the Committee in its deliberations.

Moira Griffiths, Regional Director for Family Mosaic in Essex, addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in support of the application. Family Mosaic is a Registered Social Landlord providing affordable accommodation, and they already manage a number of similar facilities in other parts of Essex. She was of the opinion that the current provision was very poor and this scheme would provide supported accommodation and care. She stated that there was evidence to demonstrate that people who live in such accommodation develop skills and strategies to enable them to achieve successful outcomes and move on. Family Mosaic had secured a significant grant for this scheme which included the purchase of a piece of land to the side of the Ascot House site.

Councillor T.Young attended and, with the consent of the Chairman, addressed the Committee. He stated that the Council had a legal duty to house people who were homeless so emergency accommodation has to be provided. He believed the scheme had great benefits and would be good for Colchester. The scheme had attracted £4.5million which would allow the site to be completely rebuilt. This was a

partnership between the Council and Family Mosaic who were specialists in accommodating vulnerable people. He agreed with the previous speaker that the current provision was not very good and although staff did a good job they were restricted by the limitations of the current building. They provide 24 hour staffing which reduces problems out of hours. There was general support for the scheme in the area and there had been liaison with several neighbours.

Members of the Committee were disappointed that the parking provision was below the Council's current standard but it was considered that this scheme was not directly comparable with a private scheme. The proposed scheme was considered to be a vast improvement on what currently existed on the site and a real benefit for Colchester, but would have an impact on residents nearby. Assurance was sought regarding landscaping and the possibility of erecting a fence to provide screening until the landscaping was sufficiently mature.

The planning officer explained that there had been an issue regarding notification of neighbours but it was confirmed that all neighbours with a boundary abutting the site had been notified. Initially neighbours had not been aware that the additional piece of land had an existing permission for five dwellings. In respect of the brickwork on the buildings, it was intended they should be patterned to break up the bulk of the buildings. In respect of landscaping, it was explained that the conifer hedges could be removed at any time. However there was a condition regarding landscaping and both the Council and Family Mosaic were keen to provide a full and proper landscaping scheme together with a wall to provide security. It was acknowledged that the removal of the trees within the site and the conifer hedges around the perimeter of the site would have an impact on neighbours.

RESOLVED (UNANIMOUSLY) that the application be approved with conditions and informatives as set out in the report, together with the following additional condition as set out on the supplementary Amendment Sheet:-

The windows marked OBS on the northern elevation of Block F and the southern elevation to Block D of the hereby approved scheme shall be glazed in obscure glass with an obscuration level equivalent to scale 4 or 5 of the Pilkington Texture Glass scale of obscuration and shall be retained as such at all times thereafter.

Reason: To protect the amenity of adjoining residents from a loss of privacy.

140. 101947 and 101951 Angel Court, 136-137 High Street, Colchester, CO1 1SP

The Committee considered planning application 101947 for a proposed development for a change of use from B1 Offices to a mixed use scheme comprising:- retail, restaurants and offices and residential. including the construction of new penthouse accommodation on the existing roof. The Committee also considered listed building application 101951 relating to the replacement of two windows facing onto the High Street with a doorway; a new internal staircase to 136 High Street; and the sealing up

of internal openings to various parts of the building. The Committee had before it a report in which all information was set out, see also Amendment Sheet.

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

RESOLVED (UNANIMOUSLY) that, in respect of planning application 101947 –

(a) Consideration of the application be deferred for completion of a Section 106 legal agreement to provide for the implementation of the illustrated public realm works prior to the first occupation of the development, other than by Colchester Borough Council who already occupy part of the building; and for a contribution towards community facilities of £4,439.

(b) Upon receipt of a satisfactory Section 106 legal agreement, 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.

RESOLVED (UNANIMOUSLY) that, in respect of listed building application 101951, the application be approved with conditions and informatives as set out in the report and on the Amendment Sheet.

141. 101983 Land to the rear of Brook Street, Colchester

The Committee considered an application relating to an extant planning permission to extend the time limit for the implementation of a residential development of 110 units with new access, parking and open space and provision of shoppers car park, to include the demolition of existing buildings. The Committee had before it a report in which all information was set out, see also Amendment Sheet.

RESOLVED (UNANIMOUSLY) that –

(a) Consideration of the application be deferred for completion of a Section 106 legal agreement to link this application to the existing Section 106 legal agreement.

(b) Upon receipt of a satisfactory Section 106 legal agreement, the Head of Environmental and Protective Services be authorised to grant consent with conditions and informatives as set out in the report, the effect of which would be to extend the permission from its current expiry date of 10 April 2011 to 10 April 2014.

Councillor Jackie Maclean (in respect of having a business relationship with the applicants, Knights Developments Limited) declared a personal interest in the following item pursuant to the provisions of Meetings General Procedure Rule 7(3)

142. 101524 and 101525 St Albrights, 1 London Road, Stanway, CO3 0NS

The Committee considered planning application 101524 and listed building application 101525 for partial demolition and conversion of a vacant B1 use office complex with additional new build to provide sixty-four C3 residential units in total. 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, Planning Officer, attended to assist the Committee in its deliberations. There would be fewer units than the previous scheme but there was also a shortfall of seven spaces for the standard parking provision required. There had been a privacy issue which had been resolved by replacing a clear glass window with obscure glazing. An additional condition was requested for the cycle store to prevent people from using it to climb into neighbouring gardens. The provision of affordable homes was also below the standard because the scheme had been evaluated through the 'open book' process.

Bob Wilson addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in support of the application. He read out a statement by the Agent, Mr Alistair Grills, who was unable to attend in person. Approval had been obtained for eighty-five dwellings in 2006 after which the market for flats stalled. A new design for the conversion of the listed building known as the Lexden and Winstree Workhouse had been developed which was an improvement on the previous proposal because it gave the listed building more space with the new buildings being subservient. New trees, park railings and landscaping were proposed and views would be improved. The proposal had gone through the 'open book' process to provide a fair level of planning gain, comprising seven affordable housing units, an historic interpretation board, upgraded bus shelters and a road crossing. The scheme had been amended to reduce overlooking, loss of privacy and loss of light to neighbours' gardens. He believed this would be a better scheme and would be a development of which Colchester could be proud.

Members of the Committee had concerns regarding parking of construction traffic and requested a condition requiring on site parking. The only footway in New Farm Road was on one side of the road alongside the development site which was used by school children. There was also an elderly persons complex nearby. There was a request for contact details of the site management to be displayed on hoarding so that local residents could report any incidents. Members were also concerned that the colour of the mortar used on the new dwellings should match the colour of the lime mortar used on the listed buildings and this requirement should be in perpetuity.

Members considered this to be an improved scheme with more houses than flats and the site would be more open and would not affect existing residents' amenity.

The planning officer explained that it would be impossible to prevent people from parking on the highway but it was hoped that developers would be good neighbours and not park on the highway. It would be possible to agree a methodology for larger vehicles to adhere to a route to the site via London Road only. Additional conditions requiring a board displaying contact details could be added as could one requiring

specific materials to be required in perpetuity.

RESOLVED (UNANIMOUSLY) that in respect of application 101524 –

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

- the Listed Buildings to be secured and made wind and weather-tight prior to the commencement of any development;
- seven units of affordable housing, comprising four one-bedroom flats and three three-bedroom houses, to be provided in the first tranche of development;
- the conversion of the retained buildings to be completed prior to development of a set number of new build units, the precise number to be agreed.

(b) Upon receipt of a satisfactory Section 106 legal agreement, the Head of Environmental and Protective Services be authorised to grant consent with conditions and informatives as set out in the report and on the Amendment Sheet together with the following additional conditions:-

- for heavy vehicle routing;
- design of cycle store;
- mortar colour on new build to match as closely as possible the lime mortar used on listed buildings;
- materials conditions to be required, including colour scheme for every new build, to be maintained in perpetuity;
- site hoardings to display company contact details prominently for the public wishing to report incidents or problems relating to the development;

and additional informatives to request that a routing scheme be provided for larger construction vehicles and for all construction vehicles be parked within the site.

RESOLVED (UNANIMOUSLY) that in respect of application 101525, the application be approved with conditions and informatives as set out in the report and on the Amendment Sheet; officer to ensure that materials conditions to be required in perpetuity.

Councillor Helen Chuah (in respect of being employed on an ad hoc basis by the NHS Trust) declared a personal interest in the following item pursuant to the provisions of Meetings General Procedure Rule 7(3)

143. 101527 Former Severalls Hospital Site, Boxted Road, Colchester, CO4 5HG

The Committee considered the erection of a Child and Adolescent Mental Health Unit, including twenty-five bedrooms in two wards, entrance/reception/administration building, an education building and a section 136 suite, all with associated parking, drainage and landscaping. 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 Unilateral Undertaking to provide for the safeguarding of land adjacent to Boxted Road for future highway improvements/footway improvements and its availability at nil cost to the highway authority or those carrying out such works where approved.
- (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 indicated in the report to include:-
- Standard time for implementation;
 - Restriction on the use to that proposed for a child and adolescent mental health service unit;
 - tree protection;
 - boundary treatment;
 - provision and retention of adequate vehicle parking;
 - provision and retention of additional secure cycle parking.

144. 102202 172 London Road, Marks Tey, CO6 1EJ

The Committee considered an application for the erection of a four-bedroom dwelling. The application is a resubmission of 100285. The Committee had before it a report in which all information was set out, see also Amendment Sheet.

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.

145. 102205 172 London Road, Marks Tey, CO6 1EJ

The Committee considered a listed building application for the removal of a rear boundary wall and the removal/reconstruction of the front boundary wall. The application is a resubmission of 100286. The Committee had before it a report in which all information was set out, see also Amendment Sheet.

RESOLVED (UNANIMOUSLY) that –

- (a) Consideration of the application be deferred for receipt of amended drawings to mitigate the concerns of the Design and Heritage Officer.
- (b) Upon receipt of satisfactory amended drawings, 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.

146. 102315 Land adjacent to 3 Highfield Drive, Colchester, CO3 3QA

The Committee considered an outline application for a detached three bedroom house and replacement garages. The application was a resubmission of 101564. The Committee had before it a report in which all information was set out, see also Amendment Sheet.

Mark Russell, Planning Officer, attended to assist the Committee in its deliberations. He referred to landscaping as the only matter remaining to be addressed by the reserved matters application. The Highway Authority did not require the visibility splays to be improved. The applicant asserts that two of the three reasons for refusal had been addressed. The new house had been realigned so it was not set back so far from the adjacent dwellings and the effect on the amenity of No. 3 Highfield Drive had been reduced; two parking spaces were provided, one 7 metres and one 6 metres in length. It was assumed that the land for car parking spaces did exist and that it was within the control of the applicant. The amenity of other houses was not considered to be sufficient reason for refusal. The only matter outstanding was the broad principle of the dwelling itself.

Louise Smith addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in opposition to the application. She hoped that the application would be refused on the basis of the loss of the open area and the harm caused to the street and the area by the proposal. She was concerned that the dwelling may cause an obstruction to the view of cars and pedestrians, that the hardstanding would extend into the lane and that the proposal would cause congestion and contractors vehicles would constitute a traffic hazard. If approved she asked that conditions be imposed to prevent any further extension of the house and the garage, and to require the applicant to restore the road surface.

Marguerite Livingstone addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in support of the application. The application had been amended to take account of members' concerns. The property had been sited further away from No. 3 and further forward. The garages also been altered to comply with current standards and she believed the proposal met all planning policy requirements. She was aware that densities in the town centre could be higher than elsewhere. The rear garden of the property was 120 square metres. She believed there were no planning reasons to refuse this application.

Planning officers explained that permitted development rights were applicable. Any damage caused to a property was a private matter between parties. The garden size

was sufficient and in accordance with the policy but the Committee needed to have regard to the surrounding area as well. The Supplementary Planning Document was clear and makes a clear reference to corner spaces. The reasons given for refusal of the earlier application remained applicable to this application.

Although the applicant believed that some objections had been overcome, members of the Committee remained concerned about the fundamental objection regarding the appearance of cramping and the harm caused to the open and airy feel of the lane. It was considered that the proposal did not make a positive contribution to the area but would, on the contrary, have a negative impact on the area. Furthermore, the location did not come within the town centre but was a suburban area where a higher density was inappropriate.

RESOLVED (UNANIMOUSLY) that the application be refused on the grounds that the additional prominent dwelling would harm the current open airiness which characterises that part of the street.

Councillor Helen Chuah (in respect of her acquaintance with the applicant) declared a personal interest in the following item pursuant to the provisions of Meetings General Procedure Rule 7(3)

147. 102169 Land adjacent to Alefounders Barn, Wick Road, Langham, CO4 5PG

The Committee considered a reserved matters application following outline approval on application 080543, for the erection of a four bedroom house. The Committee had before it a report in which all information was set out.

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

Councillor Andrew Ellis and Councillor Jackie Maclean (in respect of having been a former dental patient of the objector, Mrs Laxton) declared a personal interest in the following item pursuant to the provisions of Meetings General Procedure Rule 7 (3)

148. 102214 31 Creffield Road, Colchester, CO3 3HY

The Committee considered an application for the demolition of an existing garage and conservatory and the erection of a new conservatory and attached garage. 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.

Bradly Heffer, Principal Planning Officer, attended to assist the Committee in its deliberations. Officers believed that this proposal was far more in keeping with the area, with elevational details and treatment of the building more appropriate to the setting. In overall terms the impact was not so excessive to warrant a refusal of the scheme. The Arboricultural Officer recommended conditions relating to tree protection.

Lesley Laxton addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in opposition to the application. Her property was to the rear of the proposed development and she was concerned about the height of the extension and the consequent loss of daylight and sunlight to her property and to overlooking all of which were covered by policies. She did not want to lose light from the east from her dining room which would significantly affect the enjoyment of her property. She had no objection to a single storey building. She regretted that no site visit had been made to her property.

Mrs Heathbrook addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in support of the application. They had fully consulted with planning officers and neighbours, and in line with comments made by the Committee, they had simplified the design of the proposal which was now based on traditional lines and materials. There was one remaining objection from the neighbour, who was the previous occupier of the proposal site, concerning impact on light from the east. However, the neighbour's own garage was directly to the east of her house and the roofline was 1.4 metres higher than the proposed building. The proposal contained no windows overlooking the neighbour's property.

Councillor Cope attended and, with the consent of the Chairman, addressed the Committee. He had been approached by the objector because of her concerns regarding loss of light. She believed that the Supplementary Planning Document, Extending your house and Policy DP1 specified that proposals should not overshadow neighbours or have a negative effect. He had believed that the Committee had made a site visit to assist in resolving the conflict. He would defer to the collective opinion of the Committee on the officers report and policy.

Members of the Committee recalled the previous proposal, which was refused on the grounds of design of the building and the proposed materials which were totally out of character with the conservation area. The applicant had not gone to appeal but instead had taken on board the Committee's preference for a design and materials in the local vernacular that would sit comfortably in the area. Members were of the opinion that the applicants had done exactly what they were asked to do and considered it unreasonable to refuse this application. The height was much reduced and it was not considered that the bulk would be detrimental to the neighbour. A condition to protect trees was requested.

It was explained that whilst the neighbour would see the change from their window, light would be gained from the east. The proposal was not considered to be so detrimental that it could be refused. Trees along the boundary with Joyce Brookes

House had been pollarded recently allowing more light to the objector's house. In terms of overlooking it was not considered that there had been any change and Condition 3 would provide protection in this respect to the neighbour.

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

149. 102225 New Bungalow, Maypole Road, Tiptree, CO5 0EP

The Committee considered an application for the removal of Condition 06 of permission 85/0670/a in order to enable a garage to be converted to a granny annexe. 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, see also Amendment Sheet.

150. 102230 11 Spring Road, Tiptree, CO5 0BD

The Committee considered an application to vary Condition 19 of permission 090897 which requires that all existing trees are to be retained. The Committee had before it a report in which all information was set out.

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

151. 102314 Gransden, Church Road, Copford, CO6 1DE

The Committee considered an application for the construction of a garden room on the rear of the property. The Committee had before it a report in which all information was set out.

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

152. 100704 Bluebells, Drakes Corner, Great Wigborough, CO5 7SA

The Committee considered a retrospective application for a stable block/hay store. The Committee had before it a report in which all information was set out.

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

153. 101018 Rose and Crown, Crown Street, Dedham, CO7 6AS

The Committee considered an application for the demolition of a public house and one residential unit and the erection of three dwellings. The Committee had before it a report in which all information was set out.

Nick McKeever, Planning Officer, attended to assist the Committee in its deliberations.

Nigel Emeny addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in opposition to the application. His property was adjacent to the proposal and he had lived there since 1923. The boundary was closer to his property than shown and the illustration does not show the depth because it is on the slope. The sewer serves seven back houses and he wanted a retaining wall. He questioned the proposal for three detached houses because all the houses on the other side of the road were semi-detached. He would prefer to see affordable houses or smaller houses for local elderly people who were living in three bedroom houses because there were none smaller.

Councillor Garnett attended and, with the consent of the Chairman, addressed the Committee. This was an outline application and the first concern was the slope level between the existing and the new properties because the sewer could slip into the road. Also the urban design of the detailed application did not suit the village. In regard to slab levels, he was concerned about the height of any fencing between No. 3 and 1 Crownfields. The slope would mean that a six foot high fence would be too high from the neighbour's side because they were looking up the slope. He asked that the height of the fence be lowered because of the effect on visibility at the access points for cars onto the main road. He also referred to the need for smaller homes to enable elderly inhabitants to down size. This point was supported by the Village Plan.

Members of the Committee raised similar issues regarding the sewer and retaining wall, the Village Design Statement, semi-detached and smaller house types, affordable housing in villages, the first two dwellings to be set back.

In respect of the difference in levels the planning officer explained that it would be in the interest of the developer to put in a retaining wall and it was suggested that this be achieved by condition. In terms of the slope levels and fencing, it was considered that further consideration should be given to an additional condition. In respect of the public sewer, this was a matter for building regulations. In regard to affordable housing and other types of housing, reference was made to paragraph 13.3 of the report and the adopted Village Design Statement which was supportive of affordable housing and smaller homes. Affordable housing was fully supported in terms of planning policies on three or more dwellings and the applicants had agreed to make provision through a legal agreement. However, there was no such requirement for smaller accommodation and it would be difficult to support a refusal on those grounds because the spatial policy team had not made reference to smaller housing types. In terms of house types, adjacent properties to the south and north are semi-detached

but further down Crown Street there are almshouses and thatched properties. It was considered that three detached properties would sit reasonably comfortably in that location and that No. 1 could be set further back.

RESOLVED (UNANIMOUSLY) that –

(a) Consideration of the application be deferred for completion of a Unilateral Undertaking to provide for a contribution towards one three-bedroom affordable housing unit and 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 including Condition 11 to include reference to provision of a retaining wall, and additional conditions regarding details of slab levels to be submitted and agreed and to exclude the indicative drawings.

154. 101161 Unit 14 Lodge Lane, Langham, CO4 5NE

The Committee considered an application for an extension and alterations to an existing commercial building. The Committee had before it a report in which all information was set out.

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

155. 101546 37 Mile End Road, Colchester, CO4 5BU

The Committee considered an application to use the shop for A2 Use (Estate Agent) in addition to the A1 Use (Retail). The Committee had before it a report in which all information was set out.

Nick McKeever, Planning Officer, attended to assist the Committee in its deliberations.

Mr Bajaj addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in support of the application. The application was withdrawn from the Committee meeting on 7 October without any reason being given. He had visited the planning office with his architect to present the amended drawing requested but they were not permitted to submit the drawing, he subsequently submitted an appeal. He made it clear to planning officers that the appeal would be withdrawn if the current application was withdrawn. He had the details on approval 071946 and two letters in October and November. Two further applications show the drawing and parking area; there is no question of extra parking.

Members of the Committee sought further explanation on the sequence of events in

respect of this particular application. It had been established that there were multiple uses including unauthorised accommodation units, but there were insufficient diagrams available for members to make a determination, however the Committee needed to make a decision to provide an indication to the appeal inspector. On the basis that there was insufficient information to make a determination on the parking requirement for all the various uses, the Committee considered they had no alternative but to refuse the application.

The planning officer confirmed that the planning office did not have full details of all uses taking place on the site. Only when the information requested has been provided can a determination be made on what parking facilities would be required for the site. There was a need to ensure that the site could accommodate parking to a proper standard for all the uses together with a turning area of sufficient dimensions. It was also confirmed that the Inspector would make a determination on the appeal and the outcome would give reasons. It was also confirmed that the applicant would have the right to submit a further application free of charge.

RESOLVED (UNANIMOUSLY) that the application be refused for reasons set out in the report.

156. 101777 54 Wimpole Road, Colchester, CO1 2DL

The Committee considered an application for a single storey extension to the rear to include a waiting area, a surgery, disabled wc and disabled access via a ramp to the side gate. 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.

157. 101991 85 Church Road, Tiptree, CO5 0HB

The Committee considered an application for a single storey front extension and the demolition of an existing canopy. 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.

158. 102055 Land surrounding 15 Queen Street, Colchester, CO1 2PH

The Committee considered an application for development which includes hard landscape works to the existing garden to 15 Queen Street and adjacent access routes from Queen Street to the public space associated with the new First Site building. The boundary walls to the garden of 15 Queen Street will be removed and

the space will become part of the wider public realm with close relation to facilities located within 15 Queen Street. Hard landscape surfaces include stone paving, mosaic floor tiles and high quality concrete seating walls. The Committee had before it a report in which all information was set out, see also Amendment Sheet.

RESOLVED (UNANIMOUSLY) that the application be submitted to the Secretary of State for confirmation that the application would not be called in. Upon receipt of such confirmation from the Secretary of State, the application be approved with conditions and informatives as set out in the report and on the Amendment Sheet.

Councillor Peter Chillingworth and Councillor Jackie Maclean (in respect of having an acquaintance with the applicant's family) declared a personal interest in the following item pursuant to the provisions of Meetings General Procedure Rule 7(3)

159. 102064 Fairfields Farm, Fordham Road, Wormingford, CO6 3AQ

The Committee considered an application for a new cold store for potato storage to run in conjunction with existing buildings on the farm. 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.

**PLANNING COMMITTEE
6 JANUARY 2011**

Present :- Councillor Ray Gamble (Chairman)
Councillors Peter Chillingworth, John Elliott,
Andrew Ellis, Stephen Ford, Theresa Higgins,
Jackie Maclean, Jon Manning, Philip Oxford,
Ann Quarrie and Laura Sykes

Substitute Member :- Councillor Bill Frame for Councillor Helen Chuah

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

160. Former Councillor David Adams

The Chairman referred to the very sad news that former Wivenhoe Councillor David Adams had died in a road accident on 4 January 2011 and as a mark of respect for the former councillor the Committee stood in silence for one minute.

161. Minutes

The re-circulated minutes of the meeting held on 2 December 2010 were confirmed as a correct record.

162. 102186 and 102187 Dolphin House, 126 Hythe Hill, Colchester, CO1 2NP

The Committee considered planning application 102186 for the conversion of the dwelling into two dwellings, and the companion listed building application 102187. The Committee had before it a report in which all information was set out.

RESOLVED (UNANIMOUSLY) that –

(a) Planning application 102186 be approved with conditions and informatives as set out in the report.

(b) Listed Building application 102187 be approved with conditions and informatives as set out in the report.

163. 102285 and 102286 2 Forge Cottages, Chappel Road, Great Tey, CO6 1JN

The Committee considered planning application 102285 for a single storey rear extension, and the companion listed building application 102286. The Committee had before it a report in which all information was set out.

RESOLVED (UNANIMOUSLY) that –

(a) Planning application 102285 be approved with conditions and informatives as set out in the report.

(b) Listed Building application 102286 be approved with conditions and informatives as set out in the report.

Councillor Bill Frame (in respect of being acquainted with a director of the parent company of the applicant) declared a personal interest in the following item pursuant to the provisions of Meetings General Procedure Rule 7(3)

Councillor Ray Gamble (in respect of being acquainted with a member of a group which had submitted comments on the application and who was also a fellow director of an organisation) declared a personal interest in the following item pursuant to the provisions of Meetings General Procedure Rule 7(3)

164. 102443 Westwood Home Farm Cottages, London Road, Great Horkesley

The Committee considered an application for a variation of Condition 15 of planning permission 101240, to the effect that the windows shall be constructed of material and colour to be agreed in writing by the Local Planning Authority prior to the commencement of development and retained as such. The Committee had before it a report in which all information was set out, see also Amendment Sheet.

RESOLVED (UNANIMOUSLY) that the application be without conditions.

165. 101128 Mill Race, New Road, Aldham, CO6 3QT

This application was withdrawn from consideration at this meeting by the Head of Environmental and Protective Services to await receipt of further information from the agent.

Councillor Ray Gamble (in respect of being acquainted with someone who is associated with the parent company of the applicant company) declared a personal interest in the following item pursuant to the provisions of Meetings General Procedure Rule 7(3)

Councillor Bill Frame (in respect of being acquainted with two directors of the parent company of the applicant company) declared a personal interest in the following item pursuant to the provisions of Meetings General Procedure Rule 7(3)

166. 101695 Global Stone, Church Lane, Little Tey, CO6 1HX

The Committee considered an application for an extension of the storage area. The Committee had before it a report in which all information was set out.

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

Councillor Theresa Higgins (in respect of having an acquaintance with an objector) declared a personal interest in the following item pursuant to the provisions of Meetings General Procedure Rule 7(3)

Councillor Ray Gamble (in respect of his children having attended the school and his involvement in an environmental project which occasionally meets at the school) declared a personal interest in the following item pursuant to the provisions of Meetings General Procedure Rule 7(3)

167. 102122 Friars Grove Junior and Infant School, Upland Drive, Colchester, CO4 0PZ

The Committee considered an application for the construction of a proposed single storey extension to connect the existing infant and junior schools; associated internal remodelling and re-cladding of the existing junior building; and associated external works and fencing including the erection of a single masted canopy. The Committee had before it a report in which all information was set out, see also Amendment Sheet.

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

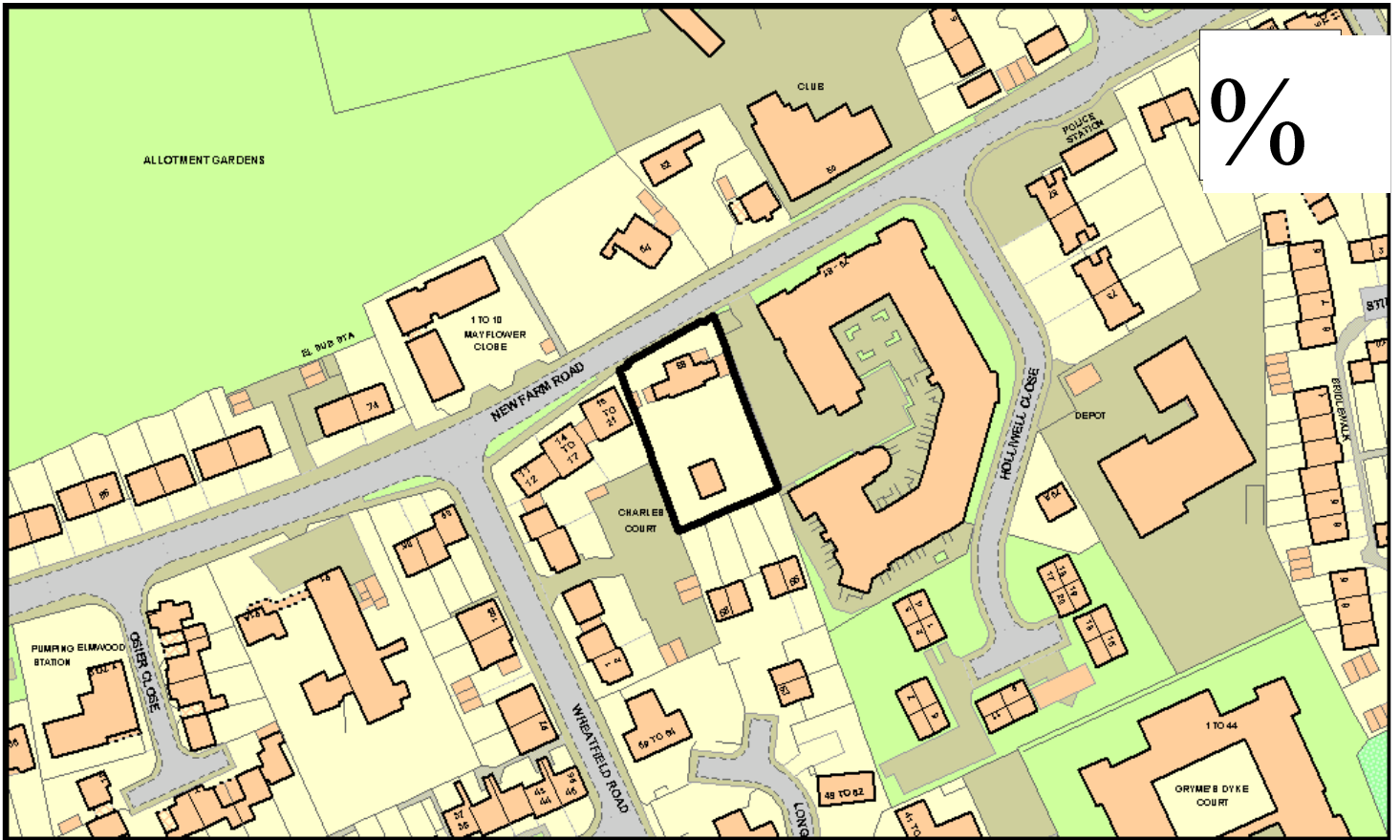
Members of the Committee were concerned about the impact of the proposal on three residential properties. It appeared that an earlier application made to Essex County Council included the erection of a fence along part of the southern boundary which had not yet been implemented, and it was requested that a fence along the southern boundary be required as part of this application to protect the amenity of the residential properties.

It was explained that it may be intended to erect a fence along part of the southern boundary and that it would be possible to add a condition to require the fence to be continued along the length of the southern boundary.

RESOLVED (UNANIMOUSLY) that the application be approved with conditions and informatives as set out in the report with an additional condition 12:-

Prior to the commencement of development an acoustic fence to be erected to south boundary to protect residential amenity. Details to be submitted and agreed with Local Planning Authority.

Note to Applicant: The fence required under ECC application 100782 may satisfy in part condition 12.



Application No: 102278

Location: 83 New Farm Road, Stanway, Colchester, CO3 0PG

Scale (approx): 1:1250

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Committee Report

Agenda item

7

To the meeting of: **Planning Committee**
on: **20 January 2011**
Report of: **Head of Environmental and Protective Services**
Title: **Planning Applications**

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

7.1 Case Officer: Mark Russell

EXPIRY DATE: 09/02/2011

MAJOR

Site: 83 New Farm Road, Stanway, Colchester, CO3 0PG

Application No: 102278

Date Received: 10 November 2010

Agent: Ron Hudson Designs

Applicant: Runwood Homes Plc

Development: Proposed addition to existing elderly persons home also change of use from private household residence to care home use (class C2) - Resubmission of application 100665

Ward: Stanway

Summary of Recommendation: Conditional Approval

1.0 Planning Report Introduction

1.1 This item is before Members as it is a non-householder application, objections have been received and approval is recommended.

2.0 Synopsis

- 2.1 The following report sets out a description of the site and its surroundings and a detailed description of the proposal. Consultation replies are then considered and responded to, and finally approval subject to conditions and a Unilateral Undertaking is proposed.

3.0 Site Description and Context

- 3.1 The site comprises an unoccupied bungalow and garden on the southern side of New Farm Road. It is between the existing Loganberry Lodge old people's home and the flats of Charles Court. To the rear of the garden are the houses of Longstraw Close.
- 3.2 New Farm Road itself comprises a mixture of building types, with two storey houses, flats and bungalows and the Stanway Rovers Football Club.

4.0 Description of the Proposal

- 4.1 The proposal at hand is for the demolition of the existing bungalow at 83 New Farm Road, and its replacement with a two-storey building to house 30 elderly residents.
- 4.2 The new building is to be joined to the existing building via a covered access-way.

5.0 Land Use Allocation

- 5.1 Residential

6.0 Relevant Planning History

- 6.1 (Main site). F/COL/07/0296 - Demolition of former care home and erection of two storey elderly care home. Approved 12th June 2007.
- 6.2 100665 - Proposed extension to Loganberry Lodge Care Home to provide assisted living accommodation, including change of use from residential to care home (C2). Refused 7th July 2010.

7.0 Principal Policies

- 7.1 The following Development Plan policies are relevant:
DP1 – Design and Amenity
DP3 – Planning obligations and the Community Infrastructure Levy
DP12: Dwelling Standards
DP16: Private Amenity Space and Open Space Provision for New Residential Development
DP19: Parking Standards

- 7.2 The following policies from the adopted Colchester Borough Core Strategy (December 2008) are relevant:
SD1 - Sustainable Development Locations
SD2 - Delivering Facilities and Infrastructure
H3 - Housing Diversity
UR2 - Built Design and Character
TA5 - Parking

8.0 Consultations

- 8.1 The Highway Authority responded as follows:

‘Since the submission of the previous application the applicant has provided traffic information for the proposal and it is felt that whilst the parking provision is substandard, it would have no detrimental effect on the highway. The Highway Authority therefore would not wish to raise an objection to the above subject to the following...’ (the requested conditions relate to parking, turning and cycle parking).

- 8.2 Environmental Control requested a standard demolitions and constructions advice note. Their contaminated land expert stated that the submitted environmental investigation was satisfactory for Environmental Control purposes.

- 8.4 Museum Resources gave no recommendation.

- 8.5 Development Team considered the proposal and it was agreed that a reduced amount contribution for open space sport and leisure should be provided. Monies for children’s play, sport and recreation, swimming and allotments were excluded from the requirement.

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's Views

- 9.1 Stanway Parish Council raised no objections.

10.0 Representations

- 10.1 Three letters of objection from neighbouring residents have been received. All of these raised concerns about insufficient parking provision and consequent nuisance parking on the Highway. Other points raised were:

- The building line of the extension is further forward than that of the existing building;
- Increased disturbance from deliveries in the small hours, extra traffic and from residents screaming;
- Invasion of privacy on Charles Court;

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

11.0 Parking Provision

- 11.1 The application seeks to provide 30 parking spaces for the entire Loganberry Lodge site. Currently there are 25 spaces for the 108 bedroom establishment. As reported to Members at the time of application F/COL/07/0296, this was below the maximum requirement for such an establishment (which was 33 according to the Essex Planning Officers Association's Parking Standards document). Members were reminded that this was a maximum, however, and that improvements to the nearby bus stop would help to off-set this.
- 11.2 Since the 2007 application, the Parking standards have been revised, but are still maximal rather than minimal for an institution such as this which falls under the C2 Use Class. The key difference is that these ask for one space per full time equivalent staff (whereas the previous standards asked for one space per residential staff) plus one visitor space per three beds. For the net total 138 rooms with up to 23 staff as claimed at the time of the 2007 application, (and the applicants have claimed that no extra staff are required for the new extension) this equates to 74 spaces. However, this is an overall figure.
- 11.3 When looking at the proposal itself, this is for 30 rooms, with notionally no extra staff. Therefore the provision should be ten spaces. It is in fact five. This is still deficient, and would represent one space per 3.3 beds on this site. On the overall site it would amount to one space per 4.2 beds as opposed to the existing 4.3. This is proportionately a fractional improvement on the current situation.
- 11.4 The Highway Authority, as reported in the consultations section, has not objected to this shortfall of parking.

12.0 Open Space Provision

- 12.1 See Development Team requirement at paragraph 8.5.

13.0 Report

- 13.1 Previous application 100665 was refused for being overbearing on the properties of Longstraw Close, for insufficient parking provision and insufficient amenity space. The full reasons are as follow:

Policy DC1 of the Approved Colchester Borough Local Plan (ARCBLP) 2004 states, inter alia: 'All proposals for development, including changes of use, will be permitted only if they satisfactorily meet the following criteria where relevant:

a) The development will not cause unacceptable harm through pollution to land, air and water or to people or natural resources;

Policy UEA12 of ARCBLP states, inter alia:

'Backland development will be permitted only where.....(ii) There is no significant loss of amenity to neighbouring residential property by virtue of overlooking or from overshadowing.'

Policy UEA13 of ARCBLP states, inter alia 'An extension to a building, or a new building adjoining existing or proposed residential buildings, will not be permitted where:

(e) the proposal leads to undue overlooking of neighbouring properties.' The drawings submitted for this proposal, which would constitute both an infill and a backland development, indicate that there would be increased overlooking, and an increased feeling of overlooking, to properties to the south (Longstraw Close) and to the residences and curtilage to the west (Charles Court). This would be contrary to policies DC1 (a), UEA12 (ii) and UEA13 (e) of the above-mentioned ARCBLP.

Policy UEA13 of ARCBLP states, inter alia: 'An extension to a building, or a new building adjoining existing or proposed residential buildings, will not be permitted where:

(c) the proposal has an overbearing effect on the outlook of neighbouring properties;'

In this instance, the properties of Longstraw Close are already dominated by the existing buildings at Loganberry Lodge. A new wing to this development, at a distance of only 7 to 8 metres from the boundary, is deemed to result in a cumulative effect which is overbearing to those properties.

Policy DC1 of ARCBLP states, inter alia:

'Developments will be located and designed to provide for:

(C) (iii) where relevant, servicing, car and cycle parking to currently adopted standards.' In addition, policy H2 of the Local Development Framework Core Strategy (LDFCS) 2008 states, inter alia: *'The density of developments....needs to be informed by the provision of.....parking.'*

In this instance (and notwithstanding the previous permission for the main site, which was approved under the old standards) the proposed level of parking provision for both motor vehicles and bicycles is deficient, and could lead to increased carriageway parking to the detriment of highway safety and efficiency. This is contrary to policies DC1 (C) (iii) and H2 of ARCBLP, and is also contrary to the Essex Planning Officers' Association's 'Parking Standards - Design and Good Practice' (2009).

Policy H2 of ARCBLP states, inter alia:

'Proposals for the provision of specialist residential accommodation for vulnerable groups in the community, such as the mentally ill, disabled people, the elderly and young, single, homeless people, will be granted planning permission, provided that:

(a) there is sufficient amenity open space within the curtilage of the accommodation unit.'

Moreover, policy H2 of the Local Development Framework Core Strategy (LDFCS) 2008 states, inter alia: 'The density of developments....needs to be informed by the provision of open space.'

Whilst the existing development offers a low amount of amenity space, it is understood that the proposed units are for assisted living, and that the occupiers therefore have a greater mobility and are more active. It is therefore reasonable to presume a greater requirement for external amenity space.

The proposal suggests in the region of 9sq.m per resident (this is a gross measurement, including the area currently occupied by trees) of usable rear amenity space. This is deficient when compared to the usual standards for flatted developments (as detailed in the Essex Design Guide, which is an Adopted Supplementary Planning Document) and is therefore contrary to the above mentioned policies H2 of ARCBLP and H2 of LDFCS and liable to be detrimental to the amenity of the care home residents.

- 13.2 The following paragraphs detail the proposal in greater depth, and explain how the reasons for refusal have been overcome.
- 13.3 Layout: The proposed layout of two storeys containing bedrooms of approximately 20 metres squared follows that of the main site. The building forms an 'L' shape, with a cut out section in the middle. The parking runs north to south in diagonally arranged spaces to the immediate west of the existing. At the bottom of the site a covered way runs in a north-west to south-east diagonal direction to join with the main building. The remaining space to the western boundary and to the south is given over to a garden area.
- 13.4 The building has been positioned further away from Longstraw Close to reduce its impact on those properties (now at between nine and 10.6 metres from the boundary, as opposed to as little as 5.2 metres at application 100665) and some elements have been removed from the western aspect which borders Charles Court, thus giving more amenity space in both cases.
- 13.5 Scale: In terms of the scale of the proposed new building, this matches the existing Loganberry Lodge on one side, and Charles Court on the other and completes a two to two-and-a-half storey streetscape which is characteristic of this side of New Farm Road. The houses opposite and those behind are of a more traditional two-storey height.
- 13.6 Design corresponds with the existing Loganberry Lodge building, namely a multi-gabled frontage of different elements. Chosen materials also correspond - namely a mixture of weatherboarding, render and brick, with artificial slate roof. An unusual feature is on the western side, this is in the form of shrouds on two slanted projections with windows, this is to prevent overlooking.
- 13.7 It is acknowledged that the proposed building would be positioned approximately 1metre to 1.5 metres from the footway, as opposed to the 3 to 3.8 metres of the existing building. This has come about in order to alleviate the effect on Longstraw Close. This fact is not considered to be sufficient to refuse this application, and it is worth noting that Charles Court is about one metre from the footway.
- 13.8 Garden size equate to approximately 12m² per resident for the new building, as opposed to 9m² for the existing building. Whilst there is no reliable set of guidelines as to what is acceptable, given that the residents are in a high care situation, and the normal size of garden for a flatted scheme would be 25m² per unit, this is seen as a fair offering.

- 13.9 Highways: - The Highway Authority had objected to application 100665 on the basis of inadequate parking provision, but following receipt of evidence from the applicants about the existing, and projected, level of vehicular movements, it has not objected. This evidence showed that an average of 22 visits (both staff and visitors combined) occurred during a week in August 2010, which incorporated a weekend. The full details of this survey are available on the website.
- 13.10 Residential amenity – as reported, the scheme has been redesigned to be less oppressive to Longstraw Close, and is now an average of ten metres from the rear boundary, and between 26 and 27 metres from the houses themselves. This is a healthy separation, especially given that the proposal is to the north of these dwellings. In terms of privacy, only a stairway and hallway window are shown at first floor to the rear. These can be obscured, but in any event are further than the usually required 25 metres for back-to-back windows in the case of habitable rooms. As earlier reported, the overlooking issue to Charles Court has been circumvented by angling the windows south-westwards and placing weather-boarded shrouds on their northern edge.
- 13.11 Other matters: The remaining concern related to noise nuisance. Whilst this is noted, this is a matter for Environmental Control. Our housing policies support the principle of vulnerable groups being housed within the urban environment, and it is therefore accepted that different groups of people will be living side by side.

14.0 Conclusion

- 14.1 In conclusion, the application is held to comply with our housing diversity policies, and raises no issues relating to residential amenity or highway concerns which should lead to its refusal. The design is held to fit with the existing streetscape, and approval is recommended.

15.0 Background Papers

- 15.1 DPD; Core Strategy; HA; HH; MR; Development Team

Recommendation

APPROVE, subject to the dating of a Unilateral Undertaking for Open Space provision, and 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

Development to accord with approved plans (2420.1, 2420.2, 2420.3, 2420.4), undated, received 4th November 2010.

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

3 - C3.5 Materials to Match Existing

The external materials and finishes to be used for the approved development, shall be of the same type and colour as those of the existing building unless otherwise agreed in writing by the Local Planning Authority.

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

4 - Non-Standard Condition

All occupiers of the care-home hereby approved shall be 60 years of age and older.

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

5 - Non-Standard Condition

Prior to occupation of any of the units hereby approved the applicant shall provide parking spaces as illustrated on the approved drawings, these shall be retained free of obstruction at all times for the sole purpose of the parking of motor vehicles.

Reason: To ensure that vehicles visiting the site can park off the highway.

6 - Non-Standard Condition

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

Reason: To ensure adequate space for parking off the highway is provided in the interest of highway safety.

7 -D4.5 Bicycle Parking (as approved plan)

The bicycle parking facilities indicated on the approved plans returned herewith, shall be provided and made available to serve the [use hereby approved before that [use/development] becomes operational. These facilities shall thereafter be retained as such.

Reason: To ensure that adequate provision [including parking] is made for cyclists taking account of highway safety requirements and national and local policy for cyclists.

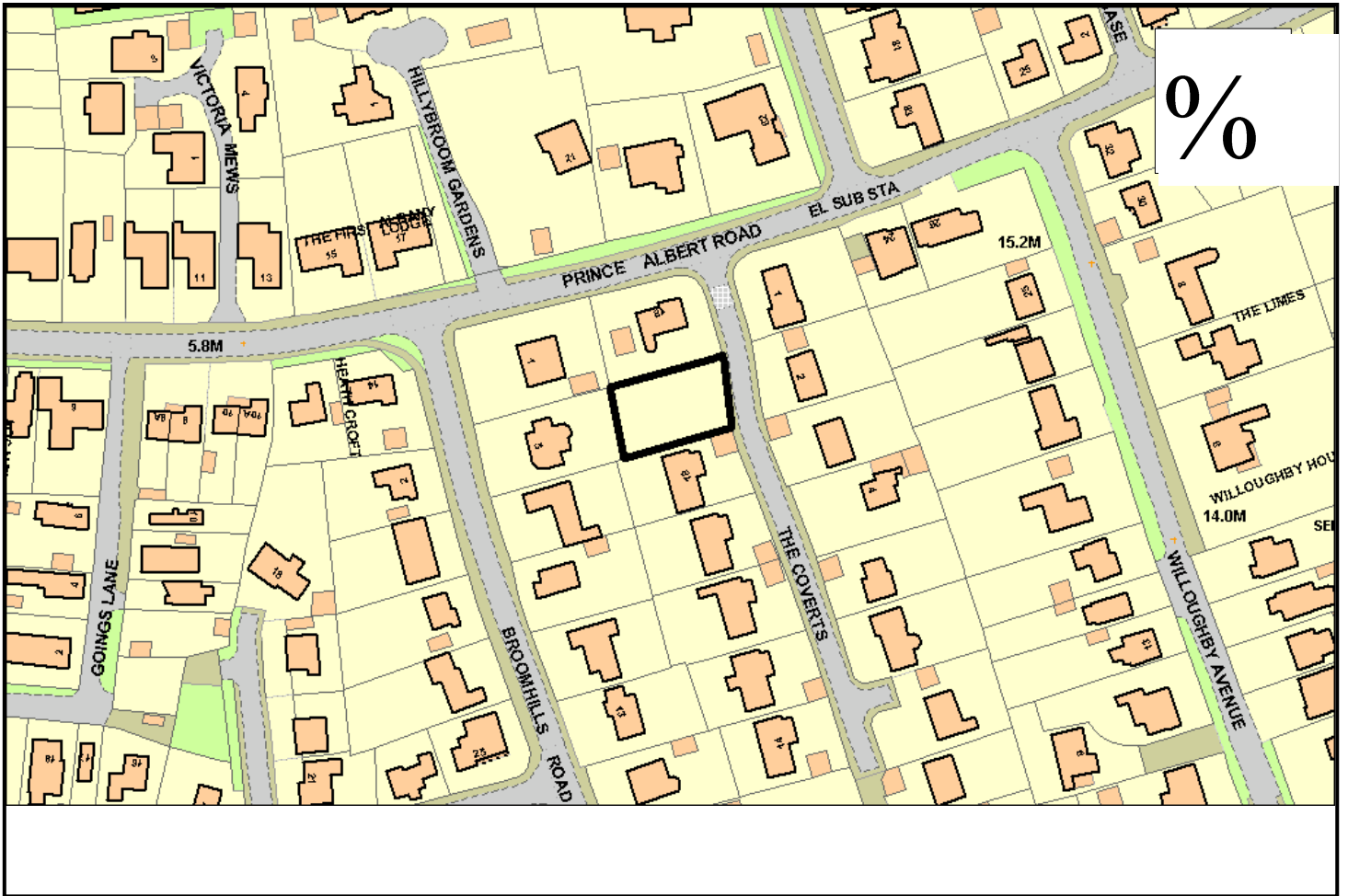
8 - C3.21 Hard Surfacing

Prior to the commencement of the development hereby permitted details of all materials to be used for hard surfaced areas within the site including [roads/driveways/car parking areas/courtyards/etc] shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the agreed details.

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

Informatives

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



Application No: 102310

Location: Land rear of, 5 Broomhills Road, West Mersea, Colchester, CO5 8AP

Scale (approx): 1:1250

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7.2 Case Officer: **Bradly Heffer**

MINOR

Site: 5 Broomhills Road, West Mersea, Colchester, CO5 8AP

Application No: 102310

Date Received: 9 November 2010

Agent: Mr Mike Bowler

Applicant: Mr Martin Cock

Development: Proposed one and a half storey detached dwelling and detached double garage. Revision to previously approved scheme 091595.

Ward: West Mersea

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

1.0 Planning Report Introduction

1.1 This application is referred to the Planning Committee as an objection to the proposal has been received, and a recommendation of a conditional planning permission is made.

2.0 Synopsis

2.1 The development of this site for the proposed building is considered to be acceptable in planning terms, subject to the imposition of conditions as listed at the end of the report. Although the application has given rise to objections from a neighbouring resident it is felt that the impact of the development is not so harmful as to merit a refusal of planning permission.

3.0 Site Description and Context

3.1 The site for this proposal currently forms part of the rear garden area of No.5 Broomhills Road, a detached dwelling in an established residential area of West Mersea. The site has a frontage on to a cul-de-sac called The Coverts. The site boundary with The Coverts is defined by a wall and established evergreen hedging. The site itself has the character of private garden with domestic planting and grassed areas. The overall site (including the existing dwelling) has a significant drop in land level, from east to west.

3.2 The general character of development in the area is of predominantly detached dwellings, set in relatively generously-sized plots, and having a variety of heights – single, one-and-a-half and two storeys.

4.0 Description of the Proposal

- 4.1 This application seeks permission for the erection of a chalet dwelling on the identified plot, together with a detached garage. The site would be accessed from The Coverts. The dwelling itself would be constructed using a vernacular palette of materials i.e. rendered walls on a brickwork plinth, plain tiled roof and softwood timber windows. The proposed garage would be constructed in brick with a pan-tiled roof. In terms of the location the building would sit within a row of dwellings fronting on to The Coverts and would incorporate similarly-sized front and rear garden areas. The dwelling would accommodate three bedrooms.
- 4.2 Members should note that the application is accompanied by a Design and Access statement that is available to view on the Council's website. Additionally, the submission documents include a Unilateral Undertaking that would secure a contribution to open space and recreation provision, as required by Council policy.

5.0 Land Use Allocation

- 5.1 The site for this proposal is in a predominantly residential area as allocated in the Local Development Framework Core Strategy.

6.0 Relevant Planning History

- 6.1 Prior to the submission of this proposal, an application to erect a 2no. bedroom bungalow on this site was submitted under application ref. 091595, and subsequently approved at the Planning Committee meeting held on 25th February 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
- 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
CE2b – District Centres
H1 - Housing Delivery
H2 - Housing Density
H3 - Housing Diversity
UR2 - Built Design and Character
- 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
DP19 Parking Standards

- 7.4 Regard should also be given to the following Supplementary Planning Guidance/Documents:
Backland and Infill
Vehicle Parking Standards
The Essex Design Guide
External Materials in New Developments

8.0 Consultations

- 8.1 The Highway Authority has no objection to the proposal subject to the imposition of conditions.
- 8.2 Environmental Control would require that the demolition and construction advisory note is added to any planning permission that may be granted.

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

9.0 Parish Council's Views

- 9.1 West Mersea Town Council has recommended that the application be approved.

10.0 Representations

- 10.1 Members are advised that, as a result of neighbour notification, one letter of objection has been received from a neighbouring resident. The points of objection may be summarised as follows:

- Although no objection was raised to the previously-proposed bungalow, the proposed house will overlook the objector's rear garden.
- The development would result in a loss of light to the neighbouring property.
- A bungalow would be more in keeping with the character of the area.

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

11.0 Parking Provision

- 11.1 The submitted drawings (as amended) shows a garage building having dimensions required under the Council's adopted standard and containing two car spaces. The associated hardstanding area could accommodate a visitor's vehicle. On this basis the scheme accords with the Council's adopted parking standard.

12.0 Open Space Provisions

- 12.1 The submitted drawing shows a private rear garden area of approximately 162 square metres, in excess of the required minimum area of 100 square metres as stated in the Essex Design Guide – adopted as Supplementary Planning Guidance.

13.0 Report

- 13.1 As stated earlier, the application site already has the benefit of full planning permission for the erection of a 2-bedroom bungalow. This subsequent scheme seeks, instead, to erect a chalet style dwelling on the site. The other key difference between the approved scheme and this current proposal is the means of vehicular access to the site. Under the previously approved development the access would take place via a drive leading off Broomhills Road, and past the existing dwelling. This form of access was proposed at the time as it was understood that the applicant was unable to agree an access to The Coverts with the owner of a 'ransom-strip' of land. The currently-submitted scheme indicates access off The Coverts, so it is assumed that this particular issue has been resolved. Although the approved scheme did take access off Broomhills Road, it is considered as a design and layout principle, that taking vehicular access off the immediately adjacent highway (as proposed under this scheme) is preferable in planning terms.
- 13.2 As regards the design and layout of the dwelling and garage, these are considered to relate well to the form and character of development in the vicinity. Although there are bungalows on the same side of The Coverts as the application site, there are houses and chalets in the vicinity. On this basis the proposed dwelling would not, in your officer's view, appear incongruous in this setting. With regard to the garage building, acknowledging its proposed location to the front of the dwelling, it is noted that there are other examples of this form of garage provision along The Coverts. On this basis it is felt that the principle of locating a garage in the position proposed would be acceptable in the context of the surrounding form of development.
- 13.3 The external appearance of the development does reflect a vernacular approach, which again would be appropriate in this context. The majority of buildings in the area incorporate a similar palette of materials. The fact that the proposed dwelling doesn't incorporate the 'faux' boarding detail found on other dwellings in The Coverts is not to the overall detriment of the scheme.
- 13.4 As regards the comments made by the neighbouring resident these are fully acknowledged and appreciated. However, the following responses are made to the points raised:
- There would be no windows on the elevation of the dwelling facing across the objector's rear garden. Roof lights would be inserted in the roof of a single storey rear projection but the cill level of these would be some three metres above finished floor level and therefore would not enable direct overlooking. The majority of windows would face directly east and west, with a south-facing window at first floor level serving an en-suite (and therefore obscurely-glazed).
 - It is considered that the position of the proposed dwelling, in relation to the objectors dwelling, would mean that the property was not adversely affected by loss of light or overshadowing. At its nearest point the flank wall of the proposed dwelling would be some 9 metres distant from the objector's dwelling.
 - It is acknowledged that there are a number of bungalows in the area but this not the only dwelling style. Furthermore when viewed from The Coverts, the proposed dwelling would constitute a one-and-a-half storey dwelling between a bungalow and a house. Therefore there would be a gradual increase in roof height along this part of the street which is felt to be an appropriate response in design terms.

14.0 Conclusion

14.1 The proposal does seek to put a higher dwelling on this site than previously approved. Notwithstanding this alteration it is felt that the scheme would not harm visual amenity in this location, and would not impact detrimentally on neighbouring residents' amenity or privacy. Amended plans have clarified that the proposal achieves the required back-to-back distances between existing and proposed dwellings and also proposes a garage that accords with the current adopted spatial standard – notwithstanding the fact that the building would be slightly larger than other garage buildings along The Coverts frontage. Additionally, it is felt that the revised means of access to the property would create a form of development that visually would be more satisfactory than the previously-approved scheme. On this basis a conditional planning permission is recommended to Members.

15.0 Background Papers

15.1 PPS; DPD; Core Strategy; SPG; HA; HH; PTC; NLR

Recommendation

Conditional Approval subject to a Unilateral Undertaking for a contribution to Open Space and Community Facilities.

Conditions

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

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

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

2 – Non-Standard Condition

The development hereby approved shall be carried out in accordance with the amended drawings no.s 5621/10/1a, 5621/10/2a and 5268/10/3a submitted as part of the application.

Reason: To avoid doubt as to the scope of the permission hereby granted and in order to ensure a satisfactory form of development.

3 – Non-Standard Condition

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 enlargement of the dwellinghouse(s) nor development within its curtilage as permitted by Classes A-H of Part 1 and Classes A-C of Part 2 of that Order shall be carried out without express planning permission from 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.

4 - Non-Standard Condition

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

Reason: To ensure a satisfactory appearance in the interests of visual amenity.

5 - Non-Standard Condition

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

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

6 - Non-Standard Condition

The boundary/screen/walls/fences/railings/hedges etc as indicated on the approved plans returned herewith shall be erected/planted before the occupation of any building and shall be retained thereafter.

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

7 -Non-Standard Condition

Neither demolition nor any other site works shall commence until the frontage of the site has been enclosed by a continuous solid fence in accordance with details to be agreed in writing by the Local Planning Authority. Such fencing shall remain in place until clearance/building works have been completed.

Reason: To protect the amenities of the locality.

8 - Non-Standard Condition

No construction work relating to this permission shall be carried out on any Sunday or Public/Bank Holidays nor before 0730 hours or after 1800 hours on any weekday or before 0800 hours or after 1300 on Saturdays.

Reason: In order to protect the amenities of the area from potential disturbance and nuisance resulting from the construction process.

9 - Non-Standard Condition

Prior to occupation of the development, the access at its centre line shall be provided with a clear to ground visibility splay with dimensions of 2 metres by 43 metres to the north and 2 metres by 43 metres to the south, as measured from and along the nearside edge of the carriageway and as far as is achievable within the site. Such vehicular visibility splays shall be provided before the access is first used by vehicular traffic and retained free of any obstruction at all times.

Reason: To provide adequate inter-visibility between vehicles using the access and those in the existing public highway in the interest of highway safety to ensure accordance with policy 1.1 of the Highways and Transportation Development Control policies.

10 - Non-Standard Condition

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

Reason: To provide adequate inter-visibility between the users of the access and pedestrians in the adjoining public highway in the interest of highway safety to ensure accordance with Policy 1.1 of the Highways and Transportation Development Control policies.

11 - Non-Standard Condition

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

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

12 - Non-Standard Condition

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

Reason: To avoid displacement of loose material onto the highway in the interests of highway safety to ensure accordance with Policy 1.1 of the Highways and Transportation Development Control policies.

13 - Non-Standard Condition

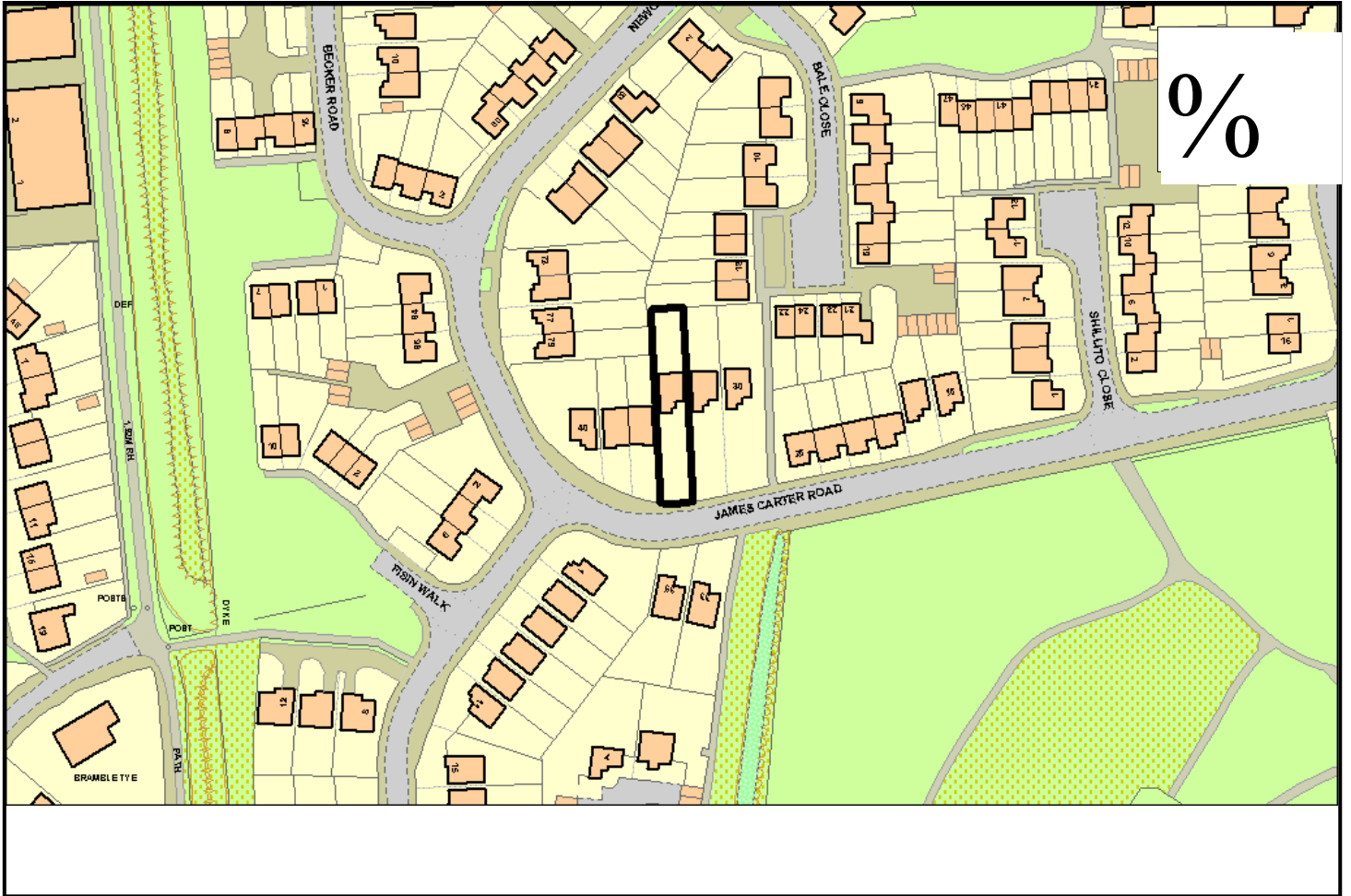
The double garage should have a minimum internal measurement of 7m x 6m and shall be provided with vehicular doors a minimum width of 2.3m.

Reason: To encourage the use of garages for their intended purpose and to discourage on-street parking, in the interests of highway safety and in accordance with Policy 7 of the Highways and Transportation Development Control policies.

Informatives

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

All works affecting the highway 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: 102508

Location: 34 James Carter Road, Colchester, CO3 9XN

Scale (approx): 1:1250

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7.3 Case Officer: Mark Russell

EXPIRY DATE: 01/02/2011

OTHER

Site: 34 James Carter Road, Colchester, CO3 9XN

Application No: 102508

Date Received: 7 December 2010

Agent: Mr Keith O'Dell

Applicant: Mr Krishnalall Jangali

Development: Two storey front extension, front porch & two side windows.
Resubmission of 101545.

Ward: Prettygate

Summary of Recommendation: Conditional Approval

1.0 Planning Report Introduction

1.1 This item has been called to Committee by Councillor Lissimore for the following reason: 'I believe the application will be detrimental to the neighbouring house and against planning conditions due to loss of light. The situation is unusual due to the staggering of the houses.'

2.0 Synopsis

2.1 The following report sets out a description of the site and its surroundings and a detailed description of the proposal. Consultation replies are then considered and responded to, and finally approval is recommended subject to conditions.

3.0 Site Description and Context

3.1 The site comprises a semi-detached house amongst dwellings of a similar age on James Carter Road, Prettygate. The arrangement is unusual in that this house, along with its neighbour, are set back from the main line of houses.

4.0 Description of the Proposal

4.1 The proposal at hand is for the erection of a two storey front extension with a porch.

5.0 Land Use Allocation

5.1 Residential

6.0 Relevant Planning History

- 6.1 101535 - Two storey front extension, front porch & two side windows. Refused 23rd September 2010.

7.0 Principal Policies

- 7.1 The following Development Plan policies are relevant:
DP1 – Design and Amenity
DP13 - Dwelling Alterations, Extensions and Replacement Dwellings
- 7.2 The following policies from the adopted Colchester Borough Core Strategy (December 2008) are relevant:
UR2 - Built Design and Character
- 7.3 The following Adopted Guidance is also relevant:
Essex Design Guide
Extending Your House?

8.0 Consultations

- 8.1 Not applicable

9.0 Representations

- 9.1 One letter of objection was received from the neighbouring property, 36 James Carter Road. This stated that the submitted drawings were not sufficiently clear and that a daylight and sunlight assessment should have been submitted.
- 9.2 The letter continued as follows: 'The extension vertically over what was the garage will also block out morning sunlight into our Conservatory/Kitchen and also into the rear garden; during the winter months this will be more evident due to a lower sun in the sky and potentially no sun at all will enter, this not only affects light in to this area it will also potentially increase heating costs as the current sunlight generates enough heat to prevent the need for additional heating in the mornings.'
- 9.3 'The proposed window in the study will look directly into the conservatory and invade our privacy, this will currently be hidden by a fence; should the design of the fence change or is removed then privacy will be breached. As the fence is not a permanent fixture one has to assume that it could be removed at any time either with the current owner or future owners. There are two side aspect windows currently in the property one at ground level and one at 1st floor level, these are both glazed in clear glass, this is a privacy invasion and has been the same since we moved in to the property, I am unaware that we have any right to challenge this as I am led to believe that all windows overlooking a property must have opaque glass fitted. The installation of a third window overlooking our property is rather excessive and will only add to further invasion of our privacy.'

- 9.4 'The proposed two windows to the first floor front aspect will also overlook our study, the view from these windows in the current position will mean that any privacy we have in this study is removed completely.'

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

10.0 Parking Provision

- 10.1 Not applicable

11.0 Report

- 11.1 Application 101545 was refused for reasons of design and amenity. The design aspect related to there being no articulation between the existing and proposed built forms. The amenity aspect was due to potential overshadowing which it was not possible to ascertain as the application did not contain a satisfactory block drawing.

- 11.2 The full reasons for refusal were as follow:

"Policy DC1 of the Approved Review Colchester Borough Local Plan (ARCBLP) 2004 states, inter alia, 'All proposals for development... will be permitted only if they satisfactorily meet the following criteria where relevant: b) The development will be well designed... and should be based on a proper assessment of the surrounding built and natural environment.' Policy UEA11 of ARCBLP states, inter alia 'There shall be a high standard of design in the layout of an area and of a building itself...(b) The buildings or building groups shall be well designed in themselves and have adequate regard to their setting.' Policy UEA13 of ARCBLP states, inter alia, 'An extension to a building, or a new building adjoining existing or proposed residential buildings, will not be permitted where: (a) the development would be poorly designed or out of character with the appearance of the original building.' In addition, Policy UR2 of the Local Development Framework Core Strategy (LDFCS) 2008 states, inter alia 'The Borough Council will promote and secure high quality and inclusive design in all developments to make better places for both residents and visitors... developments that are discordant with their context and fail to enhance the character, quality and function of an area will not be supported. Colchester Borough Council's adopted Supplementary Planning Document 'Extending Your House?' (2005) states, on page 3:

'It is rarely possible to produce an extension that looks like it may have been part of the original house. Extensions should usually be designed as a clear addition, and take the form of a clearly defined subservient volume added to the main house. Each volume should have its own roof and the joints between old and new should be clearly expressed by a break in the wall plane.' Whilst the general concept of a two-storey side extension can be supported in design terms (prior to considering any potential amenity issues), several of the details of the proposal are not acceptable. The lack of articulation (notwithstanding that this has been permitted at a neighbouring property previously) would be visually disappointing and as can be seen on the neighbouring property would lead to an uneasy mismatch of new tiles and bricks next to older weathered ones. This would be a poor design, and would be contrary to the above Supplementary Planning Document as well as all of the above-mentioned policies.

Policy UEA13 of ARCBLP states, inter alia 'An extension to a building, or a new building adjoining existing or proposed residential buildings, will not be permitted where: (c) the proposal has an overbearing effect on the outlook of neighbouring properties; (d) the proposal leads to an unreasonable loss of natural daylight or sunlight to an adjoining dwelling or its curtilage.' In this instance, due to the unusual positioning of the applicant's dwelling, in relation to the neighbouring property, 36 James Carter Avenue, the proposal appears to give rise to issues of loss of light to the conservatory and the rear of that property. This has been difficult to fully establish as the requested block drawings have not been provided, but it would appear that the proposal is also contrary to UEA13 (d) and potentially UEA13 (c).'

- 11.3 The applicant's agent has discussed the design with your Officer, and it has been agreed that the articulation would be structurally difficult. Given that the house adjoining has been extended in this un-articulated way, this requirement should be waived. The difference in the two sections of the wall can be masked by a down-pipe.
- 11.4 Whilst this design approach is not ideal, your Officer has agreed to this in the interests of fairness.
- 11.5 Issues of amenity remain, and in particular the potential overshadowing to the rear. Our policy DP13 is of relevance, and states: 'residential alterations, extensions and replacement buildings will be supported where they meet other policy requirements, including the adopted SPD 'Extending Your House?'
- 11.6 That SPD, on matters relating to residential amenity, states at page 12: 'Proposals for extensions or new buildings should not result in the centre of the main window of a habitable room being within a combined plan and section 45 degree overshadowing zone.'
- 11.7 The SPD goes on to say 'This policy protects windows in neighbouring houses where the window is the main (rather than secondary) window serving a habitable room.'
- 11.8 In this case, it cannot easily be claimed that the affected window is the main window, albeit that it is the main light giving window.
- 11.9 Similarly, in its Daylight and Sunlight section, the Essex Design Guide states under criterion a): 'Application of the 45 degree rule to projections and extensions will minimise loss of daylight' and continues 'a room will be sunlit if at least one main living room window faces within 90 degrees of due south and is not obstructed under criterion (a).'
- 11.10 *In the case of this application, if the 'window' is taken to be the middle pane (there are three panes) on the eastern side of the conservatory, and the mid point of this pane is the point of reference, then the proposed two storey projection infringes in plan and elevation and would appear to fail.*
- 11.11 The guidelines are helpful to a point, but not for unusual cases such as the application at hand. The quoted section of the Essex Design Guide is based on the Building Research Establishment's (BRE) report "Site Layout Planning for Daylight and Sunlight" 1991, and it is to this level of guidance which we must turn.

- 11.12 The 1991 report has been updated as the 'BRE Digest 209: Site Layout Planning for Daylight and Sunlight'
- 11.13 The BRE tests are approved by the Department of the Environment and are widely used by local authorities when deciding on development applications. It is becoming increasingly common for planning bodies to insist on a daylight and sunlight survey prior to granting planning permission. In the case of Colchester Borough Council and householder extensions it is not common practice to submit such a survey.
- 11.14 When looking at the BRE guidance, this provides three main tests which should be applied to assess the impact on light to neighbouring properties as a result of new development:

Diffuse daylighting to windows

Sunlight availability to windows

Sunlight availability to open spaces and gardens

Diffuse daylighting to Windows

- 11.15 Diffuse daylight is the light received from the sun which has been diffused through the sky. Even on a cloudy day when the sun is not visible a room will continue to be lit with light from the sky. This is diffuse daylight.
- 11.16 The BRE daylight calculations measure the percentage of the sky visible from the centre of each main window. This is known as the Sky Component. The diffuse daylighting will be adversely affected if after a development the Sky Component is both less than 27% and less than 0.8 times its former value.
- 11.17 The diffuse daylight test is undertaken on a window by window basis. In this case the 'window' is taken to be the middle one of 3 panes on the eastern side of the conservatory, and the mid point of this pane is the point of reference, there is only a very limited amount of sky in view due to the existing fence and single storey front extension. The proposal would reduce the Sky Component to less than 0.8 times its former value, and would compound the existing deficiency.

Sunlight availability to Windows

- 11.18 Sunlight is measured in terms of how many hours of sun a window will receive over the course of a year.
- 11.19 The BRE sunlight tests are only applicable to windows which face within 90 degrees of due south. The BRE guidance recommends that main windows should receive at least 25% of the total annual probable sunlight hours, including at least 5% of the annual probable sunlight hours in the winter months between 21st September and 21st March. Sunlight availability will be adversely affected if the total number of sunlight hours falls below these targets and is less than 0.8 times the amount prior to the development.

We have used computer modelling techniques which trace the path of the sun through the sky for each day of the year. The final result is an accurate assessment of the number of sunlight hours a window will receive both before and after the development. Our results are as follows:

Month (21st day)	Hours/Mins of Sun (existing)	Hours of Sun (proposed)	Net Difference
September	2.26	1.04	-1.22
December	1.31	1.26	-0.05
March	2.26	1.09	-1.17
June	2.10	1.44	-0.36

In the case of September, March and June, the amount of daylight is, therefore, less than 0.8 the amount prior to development.

- 11.20 All of the above BRE considerations are on a classical habitable windows scenario. However, the window in question is on a conservatory extension, built as permitted development, rather than a principal window to a habitable room dwelling.
- 11.21 The space now occupied by the conservatory was originally garden. Therefore it is worth assessing the proposal against the third BRE test, that relating to sunlight to gardens.

Sunlight to gardens and open spaces

- 11.22 The BRE guide recommends that no more than two-fifths and preferably no more than one quarter of any garden or other amenity area should be prevented from receiving any sunlight at all on 21st March.
- 11.23 Computer modelling has again been used to trace the path of the sun on 21st March and identify areas of an open space which will be in permanent shadow. This has shown that, with both the existing and the proposed, in excess of three fifths of the garden (including where the conservatory stands) receive some sunlight. If the conservatory had not been built, the proposal would therefore comply. Regarding the potential overbearing effect on the (side) study window, this does not fail the 45 degree test in plan and elevation, and is therefore not grounds for refusal.
- 11.24 Regarding the proposed new ground floor window, insertion of this would have been permitted development outside of any planning application and there is an intervening fence which removes any invasion of privacy.
- 11.25 The proposed front windows do not produce any new issues, or worsen any existing issue of loss of privacy.

12.0 Conclusion

12.1 In conclusion, whilst the proposal would lead to a diminution of the already limited light to the conservatory of 36 James Carter Road, and would fail some of the BRE sunlight and daylight tests, reference must be given to the fact that the affected window is on an extension and without this the only windows would be north facing. The proposed extension has no effect on these windows. The design solution, whilst not ideal, is a sensible approach.

13.0 Background Papers

13.1 DPD; Core Strategy; SPG; NLR; CBC

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 constructed in accordance with the approved plans JG1.

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

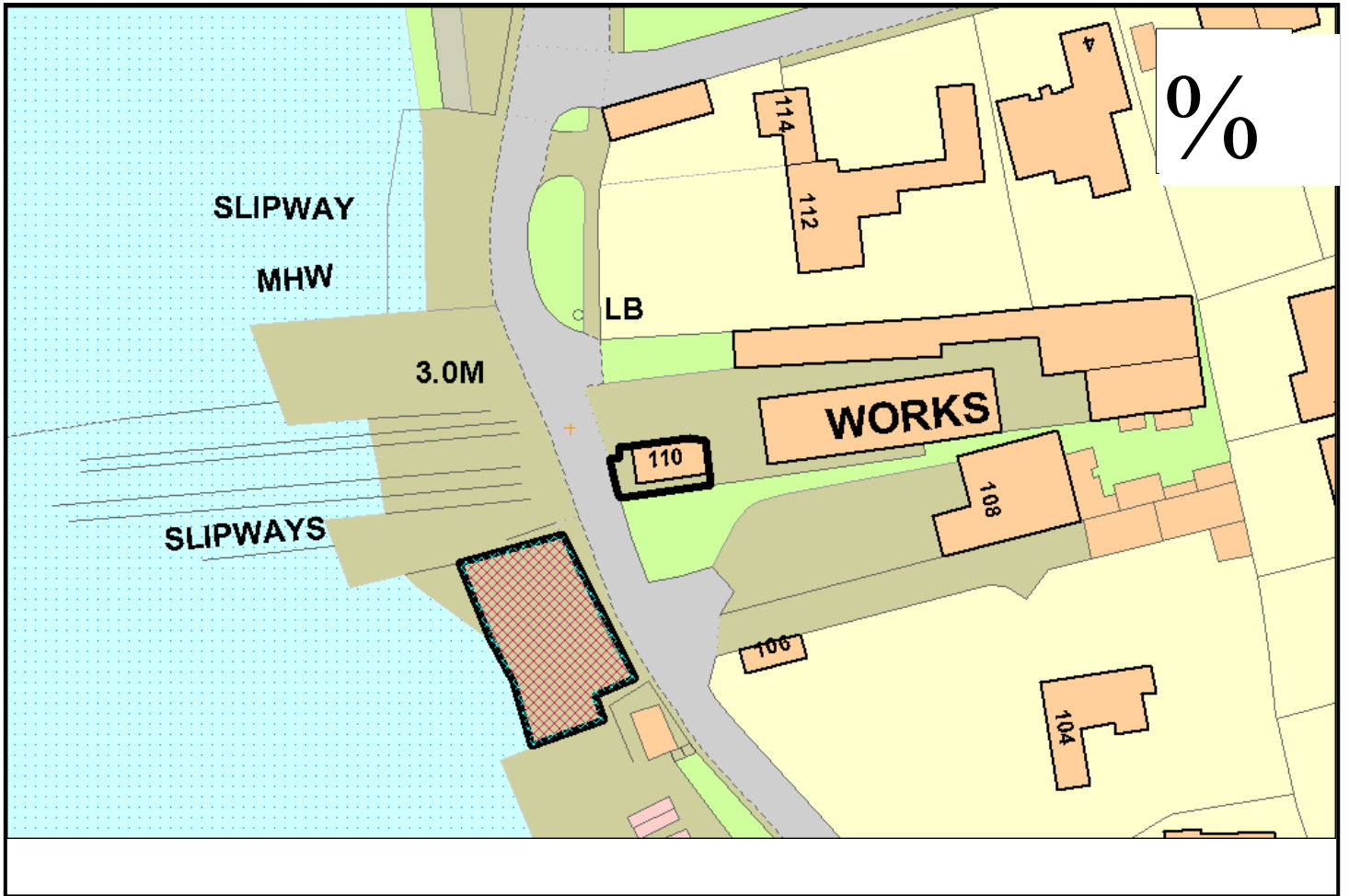
3 – C3.5 Materials to Match Existing

The external materials and finishes to be used for the approved development, shall be of the same type and colour as those of the existing building unless otherwise agreed in writing by the Local Planning Authority.

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

Informatives

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



Application No: 091057

Location: Car Park Opposite, The Coast Inn, 108 Coast Road, West Mersea, Colchester, CO5 8NA

Scale (approx): 1:1250

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7.4 Case Officer: Nick McKeever

OTHER

Site: Car Park opposite The Coast Inn, 108 Coast Road, West Mersea, Colchester, CO5 8NA

Application No: 091057

Date Received: 18 August 2009

Applicant: Mrs Belinda Cross

Development: Retention of posts and shuttering to enclose car parking area

Ward: West Mersea

Summary of Recommendation: Conditional Approval

1.0 Planning Report Introduction

1.1 This application was considered by the Planning Committee on 15th October given the objection raised by West Mersea Town Council that:-

- (i) This appears to be an unnecessary encroachment on the salt marsh (infilling). Natural England should be contacted before any further consideration is given, and proper consideration given to the materials used;
- (ii) All work should cease until these actions have been taken.

1.2 The Planning Committee resolved to agree the Officer's recommendation to defer and delegate to the Head of Environmental and Protective Services to allow consultation with the County Wildlife Trust.

1.3 The Essex Wildlife Trust were consulted on 14th October and again on the 9th November. Unfortunately no response was received.

1.4 Since this application was considered by Members, it has been amended to delete the unauthorized posts. In addition more detailed drawings, together with further information, has been submitted. This has been the subject of additional consultations, including Natural England and West Mersea Town Council.

1.5 West Mersea Town Council has submitted a new objection, details of which are provided within the main body of this report. It is on the basis of this new objection that the application is referred back to the Planning Committee.

2.0 Synopsis

2.1 The application will consider the individual planning merits of this proposal and the fresh objection submitted by West Mersea Town Council.

3.0 Site Description and Context

3.1 This application relates to a small parcel of land to the west of Coast Road, opposite the Coast Inn, West Mersea. Part of this land is currently contained by timber posts and wooden shuttering and is used as a car parking area for the Coast Inn.

4.0 Description of the Proposal

4.1 The application proposal has been amended to repair and replace the existing jetty with the provision of timber posts and shuttering on the landward side and projecting upwards approximately 600mm to provide a safety edge. The posts and shuttering are to match the existing. This is to prevent any further erosion of the car parking area. The Applicant has agreed that former reclaimed land now lost to the sea has been abandoned.

4.2 Additional plans have been submitted for clarification as follows:-

Plan 1 – Confirms the land within the Applicant's ownership, although some of the car park area has been lost through coastal erosion;

Plan 2 – Shows the unauthorised posts. These are shown as being in the same location as the original car park boundary shown on Plan 1. These posts are to be removed.

Plan 3 – Is Plan 2 overlaid onto an aerial photograph of the site. This Plan indicates the land lost, especially to the south.

Plan 4 – Shows the position of the proposed new jetty. This does not include the abandoned land but establishes a safe boundary to the site.

5.0 Land Use Allocation

5.1 Area of Special Character
Article 4 Direction
Coastal Protection Belt
Conservation Area

6.0 Relevant Planning History

6.1 None

7.0 Principal Policies

7.1 The following national policies are relevant to this application:
Planning Policy 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:
SD1 - Sustainable Development Locations
SD2 - Delivering Facilities and Infrastructure
UR2 - Built Design and Character
TA5 - Parking
- 7.3 In addition, the following are relevant adopted Colchester Borough Development Policies (October 2010):
DP1 Design and Amenity
DP19 Parking Standards
DP20 Flood Risk and Management of Surface Water Drainage
- 7.4 Regard should also be given to the following Supplementary Planning Guidance/Documents:
Vehicle Parking Standards
External Materials in New Developments

8.0 Consultations

- 8.1 The Design and Heritage Unit commented in respect of the original submission that this shuttering would not cause a negative impact on the Article 4 Direction or the Conservation Area. The character of this area is somewhat untidy and the formalisation of the riverside with wooden post and shuttering is a sympathetic addition. If the extension to the car park is allowed there would be a need for a change of use application to use as a car park.
- 8.2 Natural England comment that their statutory purpose is to ensure that the natural environment is conserved, enhanced and managed for the benefit of present and future generations, thereby contributing to sustainable development. Natural England has no comment to make in relation to this application. From the information provided with this application they do not feel that the proposals are likely to significantly affect the natural environment.

9.0 Parish Council's Views

- 9.1 West Mersea Town Council comment as follows:-

"It appears that the aerial photo on the back cover of the West Mersea Village Appraisal does not show any hard engineering in the area where the post, shuttering and infilling is proposed, apart from dumped concrete, which we would ask be removed. We would like to see a slight natural gradient, to protect and restore what's left of the existing foreshore. We feel this will best safeguard this sensitive area, and still enable the owner to use the land.

We would point out that:

- (i) The Blackwater Management Plan, the Borough's joint publication, advises against hard fixed sea defences.
- (ii) The Coastal Protection Belt aims to protect the Rural and undeveloped coastline from any inappropriate development that would adversely affect its open character and irreplaceable assets.

- (iii) This is Mersea's most protected area being a site of Special Scientific Interest, Special Protection Area, Special Area of Conservation, Ramsar Site and is Article 4 Direction.

The Coastal Protection Belt has a unique and irreplaceable character which should be strongly protected and enhanced. The Borough Plan DP23 states that proposals which result in the development of existing undeveloped areas of the foreshore will be refused."

10.0 Representations

- 10.1 A local resident has submitted the following comments (reproduced verbatim):-

"Is this another permission after the fact for another car park expansion for restaurant usage along the Coast road, each one creeping our over the Foreshore more and more year by year.

The Retention of posts and shuttering to enclose car parking area? Is interesting considering the posts themselves were only put in place recently and a pile of rubble is waiting there to infill.

The CBC's own policy document (Policy DP23: Coastal Areas, page 50) states:

Proposals for all development and change of use on both the landward and seaward sides of Coast Road, West Mersea, will be expected to enhance the existing traditional maritime character of the West Mersea Waterside Area of Special Character, and its role as a major yachting, fishing and boating centre. Proposals which result in the development of existing undeveloped areas of foreshore will be refused.

Looking at the recent developments along this coastal stretch, it is obvious this policy is not actually applied in practice. Car park development on the waterside area surely cannot be enhancing this SAC registered zone and RAMSAR designated site.

This is not an outright objection, but a hint that CBC should take a look at this heritage Coastal road and see for themselves the gradual waterfront infilling (note: the shoreside of Coast Road in front of Victory Pub used to be salt marsh)".

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

11.0 Parking Provision

- 11.1 The application does not propose the provision of any additional car parking but does include the provision of new fill material (50-70mm stone), and the provision of erosion control matting below ground level to assist in the retention of this new fill material. The new fill material is to repair the existing car parking area, which is showing signs of erosion and collapse in the form of relatively substantial holes adjacent to the shoreline.

12.0 Open Space Provisions

- 12.1 Not applicable.

13.0 Report

- 13.1 The original recommendation for approval, subject to no objection from Natural England, was made taking into account the consultation response from the Design and Heritage Unit. Given that the proposal is now to repair and replace the existing jetty with timber posts and shuttering to match the existing, it remains your Officer's view that the proposal will not be out of keeping with the existing character. In addition the proposal does not include any increase in the area of the existing car park, but only seeks to retain, to stabilise, and to repair, the area that has not been lost through erosion but which is showing signs of such erosion. The existing collapsed areas present a hazard and danger to users of this car parking area. The stone infill, rather than concrete, is considered to be sympathetic to the existing surface treatment.
- 13.2 The concerns expressed by West Mersea Town Council, and in the submission from a local resident, are acknowledged, given the designation of this site and the level of protection that should be afforded to it. In this context the comments made by Natural England are appreciated.

14.0 Conclusion

- 14.1 The proposal as amended seeks to repair and to replace the existing jetty, where this area has not already been lost through coastal erosion. The use of timber posts and shuttering to match the existing, and the use of 50-75mm diameter stone infill, is not considered to have a prejudicial impact upon the existing character of this part of this sensitive and protected coast line.
- 14.2 Having regard to all of these considerations, it is recommended that permission should be granted subject to conditions.

15.0 Background Papers

- 15.1 ARC; Core Strategy; DHU; NE; PTC; NLR

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 constructed in accordance with the approved drawing numbers 1016.L.001, 002 and 003.

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

3 - Non-Standard Condition

The permission hereby granted shall relate solely to the erection of the timber posts and shuttering as applied for in this application and not for the deposit on the site of any imported material or the extension or use of any part of the site for the parking of cars outside of the land currently used for this purpose. The extension of the car park will require planning permission.

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

4 - Non-Standard Condition

The posts and shuttering shall only be timber with an external treatment to be agreed in writing by the Local Planning Authority prior to the erection of these posts and shuttering.

Reason: To ensure the use of appropriate materials and finishes within this Conservation Area.

Informatives

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

7.5 Case Officer: David Whybrow

OTHER

Site: New Road, Aldham, Colchester, CO6 3QT

Application No: 101128

Date Received: 15 June 2010

Agent: The Johnson Dennehy Planning Partnership

Applicant: Mr & Mrs C W Matthews

Development: Application for a Lawful Development Certificate for an Existing Use of Importing, storage, devanning, distribution and manufacture of various products and commodities

Ward: Great Tey

Summary of Recommendation: Approved Certificate of Lawful Use

1.0 Planning Report Introduction

1.1 This application is reported to Members as a result of representations received. The application is recommended for approval. **The Head of Environment and Protective Services withdrew the item from the previous agenda on 6 January 2011 in order to seek further information. The information sought related to the “manufacture” element of the proposals. Any additional information received from the agent will be reported via the Amendment Sheet.**

2.0 Synopsis

2.1 This is an application for Certificate of Lawful Use in respect of a range of businesses currently operating at the site. Such applications are determined on the basis of matters of fact, as opposed to a judgement of the planning merits of the proposals. The following report will consider both the representations received and the evidence submitted in support of the applicant's claim for a lawful use.

3.0 Site Description and Context

3.1 The land known as Mill Race lies in the countryside, west of Ford Street, Aldham in the Colne Valley, and immediately to the east of the retail premises operating as Mill Race Nurseries. The site consists of extensive areas of tarmac used for open storage with brick and timber clad buildings at its eastern end. It is separated from the adjoining nursery by a timber fence and gains access from the main approach road to the nursery buildings and associated car park.

3.2 To the south, the extensive grounds of Tile House are screened by fencing and substantial conifers while to the east are the lengthy gardens of properties fronting Ford Street, also largely screened by a conifer hedge.

3.0 Description of Proposal

3.1 The applicants seek a Certificate of Lawful Use in respect of "importing, storage, devanning, distribution **and manufacture** of various products and commodities. These proposals include kitchen and customised units, plywood and chipboard, natural stone and water features and plant nursery products. The application is accompanied by a planning statement, photographs of site and supporting documents including business correspondence and sworn affidavits. All may be viewed on the website.

3.2 The key stages of the site's development is described as:-

1976 - Site purchased by applicants and began trading as Mill Race Nursery, a nursery wholesale partnership.

1989 - Retail unit opened but wholesale and retail parts of business kept separate.

2004 - Retail business sold and only wholesale side retained by applicant, C & S Mathews Ltd., on land edged red.

3.3 Although some businesses have come and gone during this period all present tenant/occupiers as named in the application documents are involved in the activities covered by the terms of the application.

3.4 The supporting documents referred to above include:-

- HGV Operators Licence details in names of C & S Mathews, dating from November 2002.
- Receipts and correspondence relating to purchase and supply of goods to the applicants for the period 2005-2009.
- Sworn affidavits by C W Mathews and S W Mathews.

4.0 Land Use Allocation

4.1 Rural; Countryside Conservation Area

5.0 Relevant Planning History

5.1 The Nursery business has a long history of planning applications since it was established. Latterly, the following applications have been considered:-

K/COL/02/0490 - Application for Certificate of Lawfulness regarding use of premises as garden centre - Approved 28.10.02

F/COL/03/0057 - Additional car parking - Approved 9.5.03

F/COL/03/1856 - Confirmed use of display area for summer houses and garden rooms, conservatories, gazebos, pergolas, decking in a landscaped setting - Approved 12.1.04

K/COL/04/0918 - Application for Certificate of Lawfulness for change of use of site to storage and distribution - Refused Certificate of Lawful Use - 11.1.05

F/COL/04/1041 - Resiting of part of internal sales area with internal sales area, ancillary offices, staffroom and storage – Approved 27.7.04

F/COL/04/1557 - Temporary portable toilet block - Withdrawn 23.8.04

F/COL/05/0134 - Demolition and replacement of ex-retail garden centre with a retail aquatics and garden centre - Refused 6.4.05

F/COL/05/0473 - Move polytunnels from Site A to Site B – Approved 4.5.05

F/COL/06/0495 - Demolition and replacement of existing retail garden centre with new garden centre - Approved 23.6.06

6.0 Principal Policies

6.1 Not applicable

7.0 Consultations

7.1 None

8.0 Parish Council's Views

8.1 Aldham Parish Council comment that they feel a "creeping development" is taking place at land adjoining the Nursery which is completely inappropriate for a small village. They request the application is refused. By way of further explanation they indicate that the land is outside the village envelope, industrial uses operate from some of the units, the development has already resulted in nuisance and an unacceptable level of heavy traffic using the local by-roads and eroding roadside verges.

9.0 Representations

9.1 6 letters of representation have been received from local residents, CPR Essex, and the Managing Directors of Mill Race Nurseries. They raise the following issues:-

1. There are upwards of 9 separate businesses operating at the site; greenhouses used for growing/storage of plants have now been converted to light industrial use and provided with solid walls and roofs.
2. Strong objection to any use outside normal working hours or increase in heavy commercial traffic. The recent operations of Kuehne and Nagel have caused disturbance through HGV movements at night.
3. In general, we, in Ford Street, suffer little inconvenience and have no specific objection but would be concerned if noise levels or surface water run-off increases and would like to see better screening provided to Ford Street gardens.

10.0 Report

- 10.1 As previously indicated under "Synopsis", Certificate of Lawfulness Applications are determined as matters of fact rather than on their planning merits. Activities on the site have their origins in the early 1970s in a nursery wholesale business. The separate retail business, Mill Race Nurseries, occupies the adjacent site and there has evidently been overlap between the businesses over the ensuing years.
- 10.2 To a large extent the representations received raise matters not related to this type of submission, although they clearly raise concerns at the activities of one of the named companies: Kuehne and Nagel, a drinks logistics company, that have now vacated the site.
- 10.3 Members will see that two previous Certificates of Lawful Use applications have been submitted, in 2002 and 2004. The former, concerned separate parcels of land to the north and west of the present application site as a garden centre (for sale of hard landscaping products, internal sales area and garden centre car park). This was approved.
- 10.4 The latter has greater relevance to the current application and referred to the same site. It related to storage and distribution uses and was refused for the following reasons:-

"Based on the information supplied, the application is refused as the Council is not satisfied that the whole of the land has been continuously used for storage and distribution purposes for a period of at least 10 years prior to the submission of this application.

NOTE: The evidence submitted in the form of invoices etc does not tie the products specified to storage within the part of the site identified by the application, nor does it make clear that the products are stored for a general distribution use as opposed to purposes ancillary to the retail uses of the nursery.

The evidence held by the Council includes an aerial photograph from the relevant period that appears to show much of the application site given over to greenhouses and soft landscape products."

- 10.5 The application now submitted distinguishes between the wholesale and retail nursery uses taking place on adjacent sites. Many of the named businesses deal in items routinely traded at garden centres such as plants, sheds, fencing, decorative stone, water features etc. Non-garden centre activity includes document storage and distribution of timber hoardings and kitchen units.
- 10.6 It is considered that **except in the case of manufacturing activity, in respect of which further information has been requested**, sufficient evidence has been submitted demonstrating that such uses have been carried out at the site for at least 10 years. As a consequence the use must be regarded as lawful. Local residents and Members will no doubt be pleased that Kuehne-Nagel, whose operations have given rise to complaint, no longer operate from the site.

11.0 Conclusion

- 11.1 As has been indicated in this report businesses have come and gone from the site but the application seeks a generic acceptance of importing, storage, devanning, distribution **and manufacture** of various products and commodities. Sufficient evidence has been submitted to indicate that **with the exception of manufacture of goods** such activities have been carried on for considerably more than 10 years and as such approval must be given in this case. **The agent will be furnishing extra information regarding manufacturing before the meeting. A further officer comment in respect of this aspect will be dealt with on the Amendment Sheet.**
- 11.2 In the representations reference is made to the alteration and re-cladding of former greenhouses at the site. It is suggested that a note be added to the decision indicating that this work would have required planning permission and is not considered lawful (unless carried out more than 4 years ago when it acquires immunity from enforcement control).

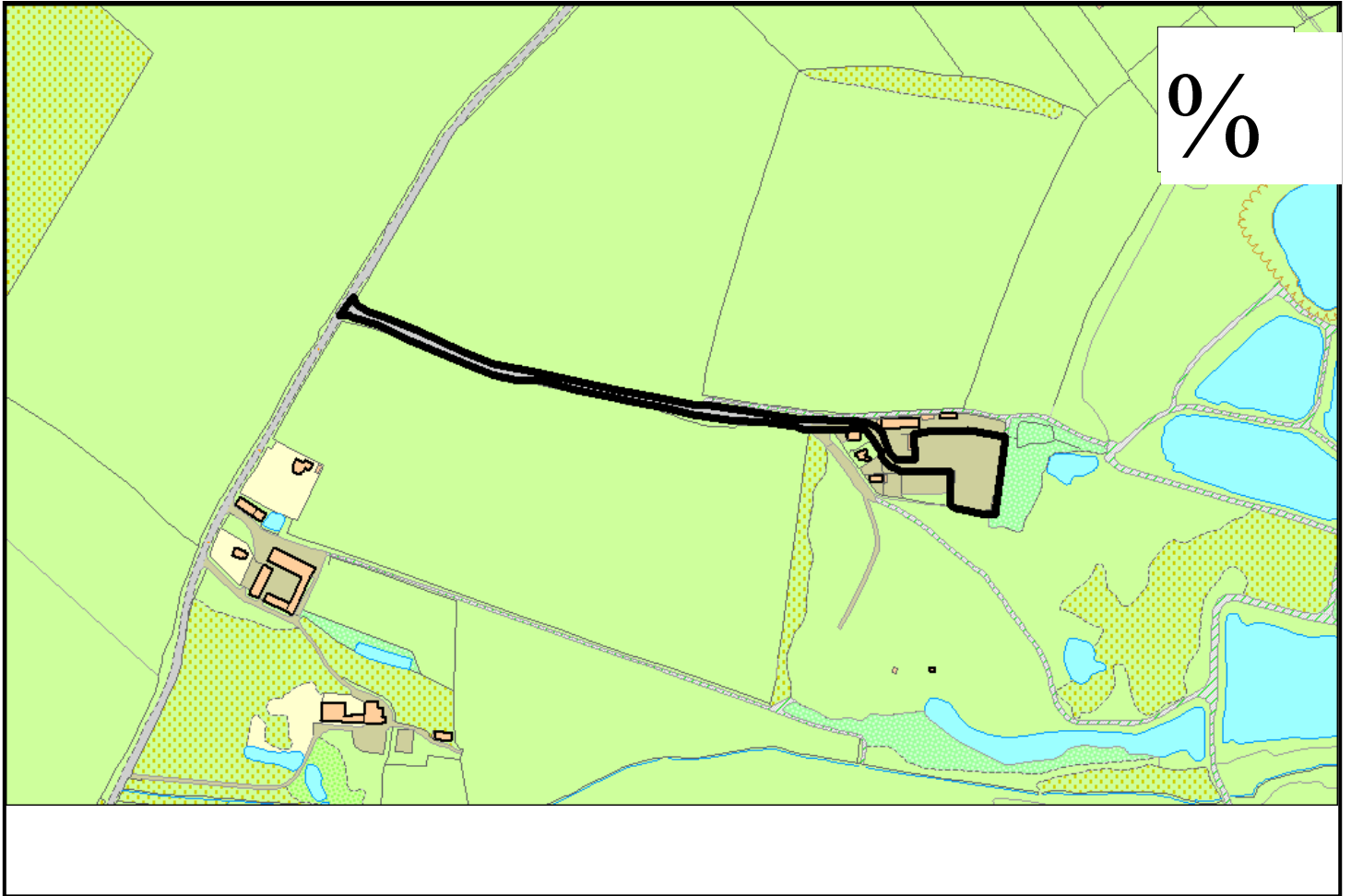
12.0 Background Papers

12.19.2010PTC; NLR; OTH

Recommendation

That a Certificate of Lawful Use be issued as applied for, accompanied by the following note:-

The consideration of this application has identified that alteration to the former glasshouses, now the subject of the Certificate of Lawful Use, has taken place which, it would appear, would have required express planning permission. It is recommended that such works should be regularised by the submission of an appropriate application for full planning permission.



Application No: 102234

Location: Tiptree Basket Works & Sawmill, Grange Road, Tiptree, Colchester, CO5 0QQ

Scale (approx): 1:1250

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7.6 Case Officer: Nick McKeever

OTHER

Site: Tiptree Basket Works & Sawmill, Grange Road, Tiptree, Colchester, CO5 0QQ

Application No: 102234

Date Received: 25 October 2010

Applicant: Essex County Council

Development: The continuation of the proposed extension of site, new building and changes to operation of the Waste Transfer Station without compliance with condition 2 (development particulars) attached to planning permission ESS/51/02/COL to allow changes to the approved building roofline and design.

Ward: Tiptree

Summary of Recommendation: No observations

1.0 Planning Report Introduction

1.1 This application is brought to the Planning Committee in view of the objections submitted to Essex County Council (ECC) as the Local Planning Authority. Colchester Borough Council is a consultee and is required to submit any comments on this application to Essex County Council.

2.0 Synopsis

2.1 This report will consider the proposal and its context and conclude that ECC should be advised that the Council does not raise any objections.

3.0 Site Description

3.1 This 0.7ha site forms part of the Basketworks employment zone, located on the eastern side of Grange Road approximately 1 km to the west of Tiptree. The Basketworks site consists of the Applicant company, who operate a waste transfer station, and other smaller commercial uses.

3.2 Immediately to the south of the site is an established mineral extraction site. Some distance to the south west is a group of former agricultural buildings now converted to commercial use. The site is otherwise surrounded by open countryside.

3.3 The site is accessed via an un-made track off Grange Road.

3.4 There is one detached dwelling located immediately adjacent to the entrance to this employment site.

4.0 Description of Proposal

- 4.1 This application is to facilitate changes to the approved design of a new building on the site that was approved by ECC under their permission reference ESS/51/02/COL. It is proposed to reduce the number of doors on the southern elevation from three to two; to alter the roofline to a symmetrical shape and to use clear panels on the roof rather than metal cladding.
- 4.2 The amendments are sought to ensure the whole building will provide useable space and to reduce the need for artificial lighting. The location, maximum height and footprint of the building is to remain unaltered.
- 4.3 The application is related to another application for this site (reference 102235). This application was subsequently withdrawn by the Applicant with a view to resubmitting the application which addresses concerns raised by Essex County Council. A particular concern related to additional HGV movements whilst the mineral extraction works were still on-going.

5.0 Land Use Allocation

- 5.1 Employment Zone

6.0 Relevant Planning History

- 6.1 The site has an established use for commercial purposes. The existing use as a waste transfer station has its origins back in the early 1990's.

M/COL/99/1073 – Use of site as base for small skip hire business with manual sorting.
M/COL/01/1525 – Permanent continuation of use of site as waste transfer station.
M/COL/02/1754 – Extension of site, new building and changes to operation of waste. Lorry park for the overnight parking of ten vehicles. Approved 27/10/2005
M/COL/06/0098 – Permanent retention of the sites existing layout; trammel, lighting. Approved 04/04/2006
102235 – Application to allow the de-pollution and bailing of end-of-life vehicles: to increase permitted heavy goods vehicle movements: and to permanently retain a single storey modular building at Waste Transfer Station.

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:
SD1 - Sustainable Development Locations
SD2 - Delivering Facilities and Infrastructure
UR2 - Built Design and Character
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
DP19 Parking Standards
DP25 Renewable Energy

7.4 Regard should also be given to the following Supplementary Planning Guidance/Documents:
Vehicle Parking Standards
External Materials in New Developments

8.0 Consultations

8.1 None

9.0 Parish Council's Views

9.1 Tiptree Parish Council has submitted an objection to ECC. The objection is based upon their concern that this is inappropriate development, increase in HGV's and associated damage to the local highway network, storage and disposal of hazardous/toxic materials and the enjoyment of the restored mineral extraction site.

10.0 Representations

10.1 None

11.0 Report

11.1 Essex County Council, as the determining authority for this application, is seeking the observations of Colchester Borough Council. In this context, Tiptree Parish Council has also been consulted and has submitted its objections direct to ECC.

11.2 It is considered that, in as much as this application only relates to the relatively minor changes to the external appearance of the building that have previously been approved by ECC, no observations are raised.

11.3 The site is well screened by established trees and other planting. Whilst there is one dwelling located at the entrance to the site, the application building is, in general terms, relatively remote from any large numbers of residential properties. However the changes to the building itself are relatively insignificant in terms of the visual impact and are not likely to have any adverse impact upon the nearest dwelling.

12.0 Conclusions

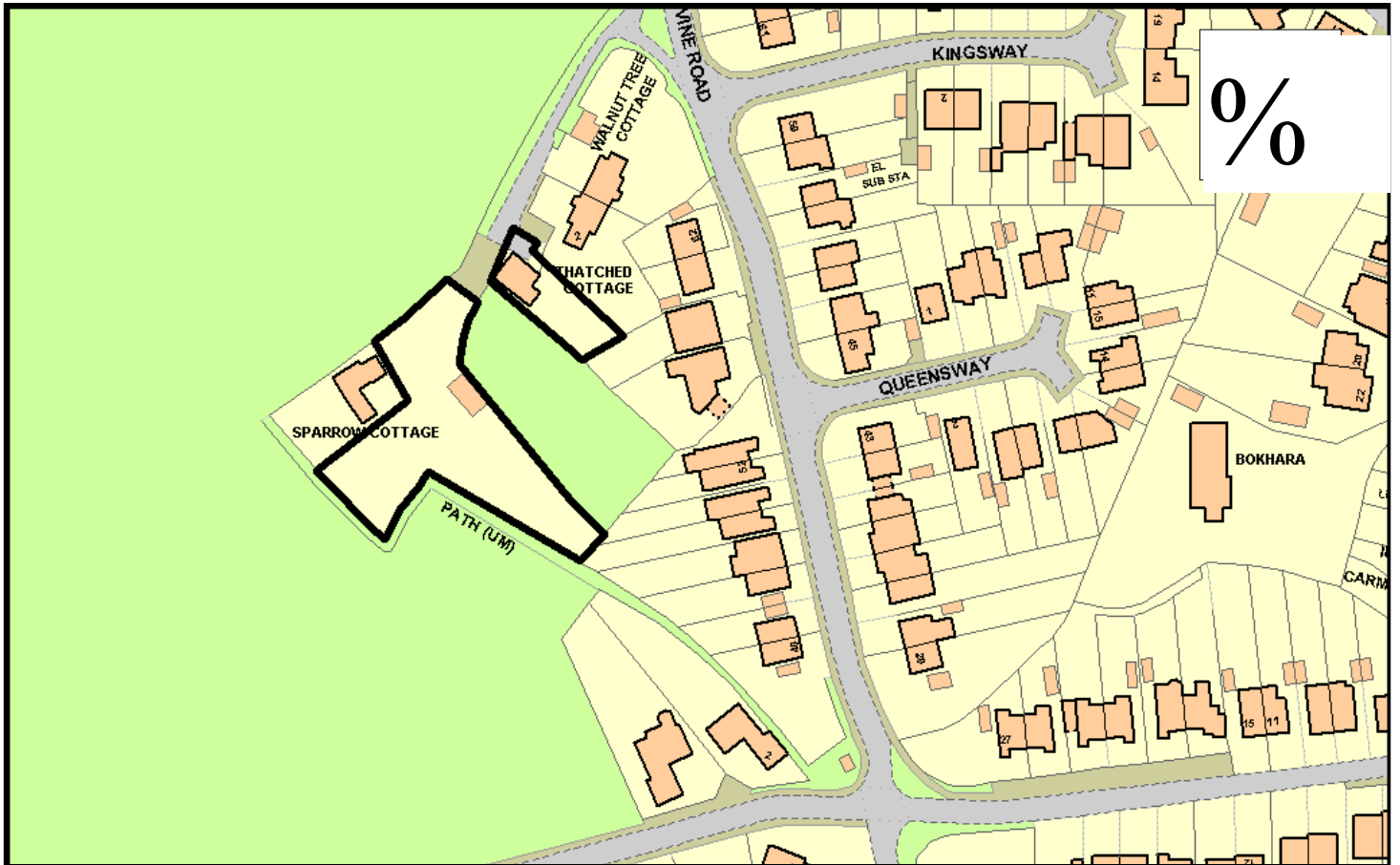
12.1 The application building within this commercial site has previously been approved by ECC. The proposed changes are relatively insignificant in themselves and do not have any adverse or significant impact upon the appearance of this site or upon the amenity of any residential properties.

13.0 Background Papers

13.1 PPS; Core Strategy; DPD

Recommendation

The Head of Environmental Planning, Essex County Council, is advised that Colchester Borough Council has no observations in respect of this application.



Application No: 102304

Location: Sparrow Cottage, Vine Road, Tiptree, Colchester, CO5 0LT

Scale (approx): 1:1250

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7.7 Case Officer: Simon Osborn

MINOR

Site: Sparrow Cottage, Vine Road, Tiptree, Colchester, CO5 0LT

Application No: 102304

Date Received: 8 November 2010

Agent: Edward Gittins & Associates

Applicant: Mr. David Trotter

Development: Outline application for the erection of 3no. detached dwellings and alterations to access.

Ward: Tiptree

Summary of Recommendation: Conditional Approval subject to Unilateral Undertaking

1.0 Planning Report Introduction

1.1 This application is referred to the Planning Committee because objections have been received from the Parish Council and a number of local residents.

2.0 Synopsis

2.1 The proposed development is within the newly revised Tiptree settlement boundary and is allocated as predominantly residential. As an outline application details of the layout and design are reserved, but in principle it is considered that three dwellings could be accommodated on the site without undue detriment to the character and amenity of the area. The proposal is recommended for approval.

3.0 Site Description and Context

3.1 The site comprises an L-shaped parcel of garden land currently associated with Sparrow Cottage and extends to 0.16 ha. To the north south and west are open fields, whilst to the east is another parcel of enclosed land. The site is generally level and enclosed by mainly coniferous hedgerows; there are also a few small garden trees within the site.

3.2 Sparrow Cottage is accessed via an unnamed public highway (informally known as Vine Farm Lane) which leads southwards off Vine Road and currently serves a total of four properties. A public footpath follows the southern boundary of the site adjacent to the application site.

4.0 Description of the Proposal

- 4.1 The application seeks outline approval for the erection of three detached dwellings and alterations to the vehicular access. With the exception of the access alterations, all detailed design matters are reserved for future approval. The application is accompanied by a S106 Unilateral Undertaking to secure financial contributions towards Community facilities and Open Space.

5.0 Land Use Allocation

- 5.1 Predominantly residential

6.0 Relevant Planning History

- 6.1 None

7.0 Principal Policies

- 7.1 The following national policies are relevant to this application:
Planning Policy 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
H3 - Housing Diversity
H4 – Affordable Housing
UR2 - Built Design and Character
PR1 - Open Space
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
DP12 Dwelling Standards
DP16 Private Amenity Space and Open Space Provision for New Residential Development
DP19 Parking Standards
- 7.4 In addition, the following are relevant adopted Colchester Borough Site Allocation Policies (October 2010):
SA TIP1 Residential Sites in Tiptree
SA TIP2 Transport in Tiptree

- 7.5 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 The Highway Authority stated no objection subject to the following:

- Prior to occupation of the development the vehicular parking and turning facilities, shall be constructed, surfaced and maintained free from obstruction within the site at all times for that sole purpose.
Reason: To ensure that vehicles can enter and leave the highway in a forward gear in the interest of highway safety to ensure accordance with Policy 1.1 of the Highways and Transportation Development Control policies.
- No unbound material shall be used in the surface treatment of the vehicular access within 6 metres of the highway boundary.
Reason: To avoid displacement of loose material onto the highway in the interests of highway safety to ensure accordance with Policy 1.1 of the Highways and Transportation Development Control policies.
- The vehicular hardstanding areas shall have minimum dimensions of 2.9 metres x 5.5 metres for each individual car parking space.
Reason: To ensure adequate space for parking off the highway is provided in the interest of highway safety in accordance with Policy 7 of the Highways and Transportation Development Control policies.
- All single garages should have a minimum internal measurement of 7m x 3m and shall be provided with vehicular doors a minimum width of 2.3m.
Reason: To encourage the use of garages for their intended purpose and to discourage on-street parking, in the interests of highway safety and in accordance with Policy 7 of the Highways and Transportation Development Control policies.
- Prior to occupation of the proposed development, the Developer shall be responsible for the provision and implementation of a Travel Information and Marketing Scheme for sustainable transport, approved by Essex County Council.
Reason: In the interests of promoting sustainable development and transport in accordance with policy in F.32 in the Essex Road Passenger Transport Strategy 2006/11.
- No occupation of the development shall occur until such time as the junction improvement works, and the construction of the vehicle passing place have been provided entirely at the Developer's expense.
Reason: To make adequate provision for the additional traffic generated within the highway as a result of the proposed development.

Note: This condition requires a Legal Agreement between the Applicant/Developer and the Highway Authority using the powers in Section 278 of the Highways Act, 1980.

8.2 Spatial Policy confirmed the site is within the newly defined settlement boundary for Tiptree. It is also situated immediately east of the Grange Road development site where 140 new houses are to be built post 2016. The proposal should satisfy the requirements of SA TIP1 and 2 in the Site Allocations Document.

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's Views

9.1 Tiptree Parish Council objects to this application on the following grounds - proposal is outside the village envelope, loss of amenity to existing residents and the site is in the catchment of Tiptree Sewage Treatment Works which does not have capacity available. A drainage strategy will need to be prepared in consultation with Anglian Water and the Environment Agency to determine whether additional flow can be discharged to watercourse and to cover temporary measures in the interim, if additional capacity can be provided at the Sewage Treatment Works.

10.0 Representations

10.1 Four objections were received, which raised the following matters:

- The site is outside the village envelope;
- The lane is unable to take extra traffic even with the proposed passing place; it is difficult for cars to pass delivery vehicles at present; poor standard of lane;
- Not on the main sewerage system; a proper foul drainage system needs to be provided.

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

11.0 Parking Provision

11.1 DP19 requires a minimum of two spaces to be provided for new dwellings. As an outline application, details of proposed parking spaces have not been shown; nonetheless the illustrative layout dwelling submitted shows that there is sufficient space within the vicinity of each dwelling to accommodate parking to these standards. This can be dealt with by way of a planning condition.

12.0 Open Space Provisions

12.1 Policy DP16 requires a minimum of 60sqm of private amenity space for 3-bedroom houses and 100sqm for 4-bedroom houses; although a higher standard may be required for small infill schemes to reflect the character of the surrounding area, in accordance with the Backland and Infill Development SPD. As an outline application, details of the proposed garden sizes have not been submitted; nonetheless the illustrative layout dwelling submitted shows that there is sufficient space within the vicinity of each dwelling to accommodate rear gardens in excess of 100sqm. A S106 Unilateral Undertaking towards open space has been submitted with the application in accordance with Council policy.

13.0 Report

Principle of Development

- 13.1 Before October 2010, the application site was outside the development boundary of Tiptree. The recently adopted Site Allocations DPD (October 2010) defined a new settlement boundary for Tiptree. As a result the application site is now shown within the predominantly residential allocation. The principle of residential development can therefore be supported.
- 13.2 As a small infill site for three additional dwellings, the density proposed by the application is approximately 20 dwelling units to the hectare. This is relatively low; Policy H2 in the Core Strategy indicates that densities of over 40 dwelling units per hectare can be supported in locations such as Tiptree. The adopted Backland and Infill Development SPD indicates that small infill developments should reinforce local character and notes that garden sizes may need to be substantially larger than minimum standards to reflect the size and shape of existing gardens in the area. Existing gardens in the vicinity of the application site do vary substantially in size and shape. In this instance, the relatively low density is considered acceptable given the location of the site close to the edge of the built-up settlement boundary of Tiptree.

Design and Layout

- 13.3 This is an outline application, with only the access details not reserved. The DAS indicates that the dwellings will be constructed as 1 x 3-bed dwelling, 1 x 4-bed dwelling and 1 x 5-bed dwelling, with heights of between 6.5m and 7.8m. This is considered acceptable in principle.

Impact on Neighbouring Properties

- 13.4 Apart from the existing property known as Sparrow Cottage, the application site is not immediately adjacent to any residential properties. There is a vacant parcel of land immediately to the east of the site. An application for a new dwelling on this site (reference 090787) was submitted in 2009, but was later withdrawn by the applicant as it was premature to the revision of the new settlement boundary for Tiptree.

Highway Issues

- 13.5 The means of access is the only matter not reserved for later approval. The application site is accessed off Vine Road by means of Vine Farm Lane, which is of single width for a length of 90m. The application seeks a minor alteration to the junction of the Lane with Vine Road to improve the visibility splay and the provision of a vehicular passing place within the application site at the end of the current Lane. It is noted that comments have been received from residents regarding the difficulty of vehicles passing along this stretch and the poor state of upkeep. Nonetheless the Highway Authority has not objected to the proposal, subject to planning conditions. One of these requires the applicant/developer to enter into a legal agreement with the Highway Authority under S278 of the Highways Act; it is proposed to deal with this by means of a Grampian condition (proposed condition no. 10). They have also confirmed that the lane is considered as publicly maintainable highway.

Drainage

- 13.6 The need for foul drainage to be provided and the limited capacity at the Tiptree Sewage Treatment Works has been highlighted as one of the concerns regarding this proposal. Policy SA TIP1 states that within Tiptree a number of small sites have been identified within areas allocated predominantly residential which will contribute to the delivery of housing targets. The policy further states that a site at Grange Road is allocated to deliver approx 140 homes and that development of this site is not expected to commence before 2016, until there is capacity at the Sewage Treatment Works in accordance with Policy SA TIP1 (and transport improvements required by SA TIP2).
- 13.7 The applicant has commissioned an independent report from Anglian Water Authority with regard to the proposed development of three new houses. This report states that there are no records of existing public sewers within the site, that the development is in the catchment of Tiptree Sewage Treatment Works and that this will have available capacity for the flows. This has been confirmed with Anglian Water Authority by telephone. A drainage condition is proposed (condition 11).

14.0 Conclusion

- 14.1 The proposed development is within the newly revised Tiptree settlement boundary and is allocated as predominantly residential. As an outline application details of the layout and design are reserved, but in principle it is considered that three dwellings could be accommodated on the site without undue detriment to the character and amenity of the area. It is noted that the lane between the application site and Vine Road is narrow, but the Highway Authority has not objected to the proposal. Concerns were also raised regarding the lack of an appropriate method of foul drainage. Anglian Water Authority has confirmed that there is capacity for this development within the Tiptree Sewage Treatment Works. The proposal is therefore recommended for approval.

15.0 Background Papers

- 15.1 PPS; DPD; Core Strategy; SPG; HA; PP; PTC; NLR

Recommendation

Conditional Approval subject to a Unilateral Undertaking for a contribution to Open Space and Community Facilities.

Conditions

- 1 - A1.1 Outl Perms (submission of reserved matters

Approval of the details of the layout, scale, appearance and landscaping of the site (hereinafter called "the reserved matters") shall be obtained from the local planning authority in writing before any development is commenced.

Reason: The outline application as submitted does not give particulars sufficient for consideration of these reserved matters.

2 - A1.2 Outl Perms (submission of reserved matters)

Plans and particulars of the reserved matters referred to in condition 1 above, relating to the layout, scale, appearance, access and landscaping of the site, shall be submitted in writing to the local planning authority and shall be carried out as approved

Reason: The outline application as submitted does not give particulars sufficient for consideration of these reserved matters.

3 - A1.3 Outl Perms (time limit for subm of res matter)

Application for approval of the reserved matters shall be made to the Local Planning Authority before expiration of three years from the date of this permission.

Reason: In order to comply with Section 92 of the Town and Country Planning Act 1990.

4 - A1.4 Outl Perms (time limit for commencement of Development)

The development hereby permitted shall be begun before the expiration of two years from the date of approval of the last of the reserved matters to be approved.

Reason: In order to comply with Section 92 of the Town and Country Planning Act 1990.

5 - 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 harmonise with the character of existing development in the area.

6 - Non-Standard Condition

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

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

7 -Non-Standard Condition

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

Reason: To avoid displacement of loose material onto the highway in the interests of highway safety to ensure accordance with Policy 1.1 of the Highways and Transportation Development Control policies.

8 - Non-Standard Condition

Prior to occupation, the dwellings hereby permitted shall each be provided with a minimum of 2 parking spaces. Vehicular hardstanding areas shall have minimum dimensions of 2.9 metres x 5.5 metres for each individual car parking space. All single garages should have a minimum internal measurement of 7m x 3m and shall be provided with vehicular doors a minimum width of 2.3m.

Reason: To encourage the use of garages for their intended purpose and to discourage on-street parking, in the interests of highway safety and in accordance with Policy 7 of the Highways and Transportation Development Control policies.

9 - Non-Standard Condition

Prior to occupation of the proposed development, the Developer shall be responsible for the provision and implementation of a Travel Information and Marketing Scheme for sustainable transport, approved by Essex County Council.

Reason: In the interests of promoting sustainable development and transport in accordance with policy in F.32 in the Essex Road Passenger Transport Strategy 2006/11.

10 - Non-Standard Condition

No occupation of the development shall occur until such time as the junction improvement works, and the construction of the vehicle passing place have been provided entirely at the developer's expense, as shown in principle on drawing no. 09/0103/010b/P dated 4/10/10.

Reason: To make adequate provision for the additional traffic generated within the highway as a result of the proposed development.

11 - B8.1 Drainage Scheme Prior to Commencement of Work

Prior to the commencement of any work on site, a scheme of surface water and foul drainage shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be carried out prior to the occupation of the building/s hereby permitted.

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

12 - Non-Standard Condition

The details to be submitted in respect of the reserved matters application shall make provision for a scheme of landscape planting along the southwest boundary of the application site.

Reason: To ensure a soft transition between the application site and the adjacent area of open space, in the interest of public amenity.

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 - The application is subject to a Unilateral Undertaking, which will require payment to Colchester Borough Council of a contribution towards Community Facilities and Open Space prior to the commencement of development, in accordance with the rates in the adopted SPD.

4 - Condition no. 10 above requires a Legal Agreement between the Applicant/Developer and the Highway Authority using the powers in Section 278 of the Highways Act, 1980.



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.