

Planning Committee

Town Hall, Colchester
3 November 2011 at 6.00pm

This committee deals with

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

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

Information for Members of the Public

Access to information and meetings

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

Have Your Say!

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

Private Sessions

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

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Material Planning Considerations

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

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

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

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

Human Rights Implications

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

Community Safety Implications

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

Equality and Diversity Implications

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

COLCHESTER BOROUGH COUNCIL PLANNING COMMITTEE 3 November 2011 at 6:00pm

Members

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

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

Agenda - Part A

(open to the public including the media)

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

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

Pages

1. Welcome and Announcements

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

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

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

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

2. Have Your Say!

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

3. Substitutions

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

4. Urgent Items

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

5. Declarations of Interest

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

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

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

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

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

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

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

public interest.

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

6. Minutes

To confirm as a correct record the minutes of the meeting held on 6 October 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. 111641 Perrywood Nurseries, Kelvedon Road, Tiptree CO5 9SX (Tiptree) **1 - 8**

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

2. 110926 International Farm Camp, Hall Road, Tiptree CO5 0QS (Tiptree) **9 - 30**

Demolition of communal building and other accommodation serving the International Farm Camp and the erection of 10no. detached dwellings, garages and parking spaces, roads including the realignment of the carriageway and change of priority in Hall Road, footpaths, foul and surface water drainage, public open space and landscaping.

3. 111741 6 Ponders Road, Fordham CO6 3LX (Fordham and Stour) **31 - 37**

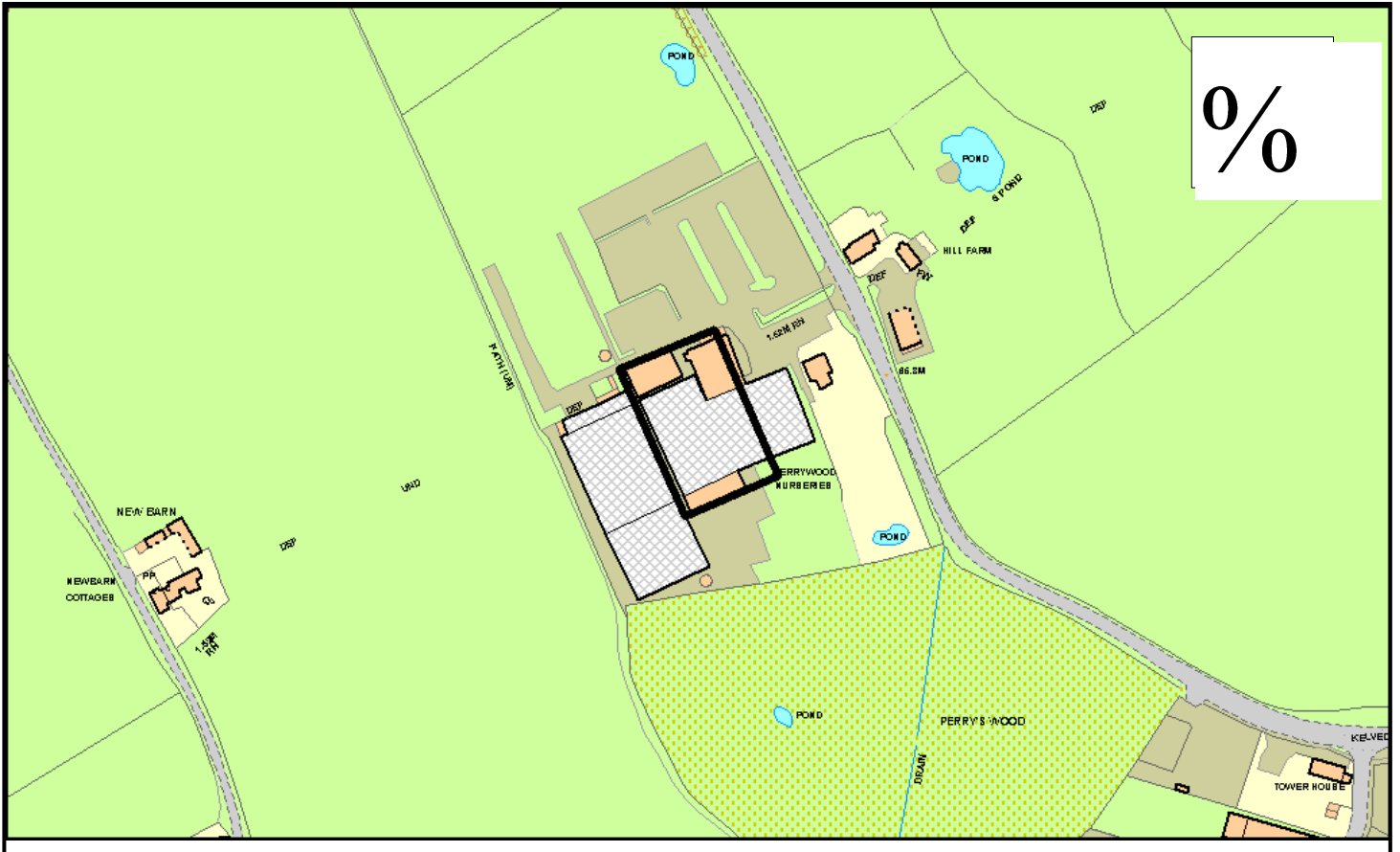
Erection of a new dwelling with associated parking facilities. (Resubmission of application 110625).

4. 111725 13 Park Road, Colchester CO3 3UL (Lexden) **38 - 44**

Proposed single storey extension providing additional bedroom and change of use from dwelling house (C3) to nursing home for people with physical or mental difficulties (C2). (Resubmission of application number 081154 after expiration).

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).



Application No: 111641

Location: Perrywood Nurseries, Kelvedon Road, Tiptree, Colchester

Scale (approx): 1:2500

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Committee Report

Agenda item

7

To the meeting of **Planning Committee**
on: **3 November 2011**
Report of: **Head of Environmental and Protective Services**
Title: **Planning Applications**

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

7.1 Case Officer: Nick McKeever

Due Date: 01/12/2011

MAJOR

Site: Perrywood Nurseries, Kelvedon Road, Tiptree, Colchester CO5 9SX

Application No: 111641

Date Received: 1 September 2011

Agent: Malcolm Scott Consultants Ltd

Applicant: Mr Simon Bourne

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

Ward: Tiptree

Summary of Proposal: Conditional Approval

1.0 Introduction

1.1 This application is referred to the Planning Committee because of an objection submitted by Messing Parish Council.

2.0 Synopsis

2.1 The application is in essence a scheme to reorganize and improve the existing customer toilets, together with the existing staff facilities, and to relocate the existing administrative offices elsewhere within the existing developed area of the site. This is a successful local enterprise and these improved facilities are in response to this success. The new build integrates with the existing buildings and will not have any significant adverse impact upon residential or visual amenity. It is in this context that permission is recommended.

3.0 Site Description and Context

3.1 The site is approximately 4.54 hectares and comprises a garden centre and horticultural nursery. It is located on the Kelvedon Road between Tiptree and Messing and outside of the built-up area of Tiptree, to the north of the Tower Employment Zone.

3.2 There is one residential property, Hill Farm, which is situated on the eastern side of Kelvedon Road, virtually opposite to the site. This is a grade 2 Listed Building.

3.3 Apart from this neighbouring dwelling the site is surrounded by open countryside. The land falls to the north.

3.4 There are established trees and hedges along the Kelvedon Road frontage as well as within the car parking area, and along the western boundary.

3.5 The site consists of a mix of buildings and external plant display areas. The buildings consist of a main retail area, a restaurant/café with conservatory, a number of glasshouses, staff and administrative offices and storage buildings, service yard and a large parking area. Access is off the Kelvedon Road.

3.6 The site is located on a main bus route, with a request bus stop at the site entrance.

4.0 Description of the Proposal

4.1 The proposed development relates mainly to the provision and reorganisation of non-retail facilities:-

- A) New customer toilet facilities (increased from 42sq.m to 50 sq.m);
- B) New staff facilities (increase in size from 37 sq.m to 60 sq.m); and
- C) New administration offices (increase from 50 sq.m to 328 sq. m.)
- D) The application also includes retrospective permission for extensions and alterations to an open-sided glasshouse originally approved under the 2008 consent as a polythene covered structure. This building is located within the plant display and sales area located to the rear of the covered sales area/restaurant/admin offices.

5.0 Land Use Allocation

5.1 The site lies outside of the designated settlement boundaries for Tiptree and Messing.

6.0 Relevant Planning History

6.1 This is an established use dating back to the 1970's and employs a total of 75 full and part time staff. During this period there has been a number of planning consents, including:-

97/1637 - Erection of 1632 sq.m. of production glasshouse, 500sq.m. barn for nursery offices, staff room, toilets, storage and tea room. Replacement garage, polytunnel, staff car parking and goods off trading area - Approved Conditional - 29/01/1998

F/COL/04/0805 - Erection of extension to existing coffee shop and construction of an external staircase from proposed fire exit. Approve Conditional - 17/09/2004

F/COL/04/2219 - Removal of 3no. polytunnels. Erection of production glasshouse extension and laying out of extension to plant display and sales area. Approve Conditional - 05/01/2005

081513 - Erection of 253sqm shop extension, 100sqm extension to the existing coffee shop. Replacement of enclosed polytunnels with glasshouses. Recladding of existing glasshouses with insulated steel roofs. Relocation of open-sided polytunnels. Erection of 710sqm of storage buildings for garden centre and horticultural use. Erection of 293sqm of horticultural polytunnels. Laying out of car park extension in gravel. Laying out of an external sales area. Erection of covered walkway. - Approve Conditional - 29/10/2008

7.0 Principal Policies

7.1 The following national policies are relevant to this application:

Planning Policy Statement 1: Delivering Sustainable Development

Planning Policy Statement 4: Planning for Sustainable Economic Growth

Planning Policy Statement 7: Sustainable Development in Rural Areas

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

SD1 - Sustainable Development Locations

CE1 - Centres and Employment Classification and Hierarchy

UR2 - Built Design and Character

TA5 - Parking

ENV1 - Environment

ENV2 - Rural Communities

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

DP1 Design and Amenity

DP9 Employment Uses in the Countryside

DP10 Tourism, Leisure and Culture

DP19 Parking Standards

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

8.0 Consultations

- 8.1 The Highway Authority would not wish to make comment further to the formal recommendation of the 15 September 2008 (i.e. no objection subject to conditions relating to the provision of vehicle parking and the surfacing of the access).
- 8.2 The application has been considered by the Council's Development Team. No objections were raised and there is no requirement for any planning obligations.

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

9.0 Parish Council Response

- 9.1 Tiptree Parish Council has no objection
- 9.2 Messing-cum-Inworth Parish Council comment that:-

"Messing cum Inworth Parish Council is supportive of Perrywood Nurseries and the important role it plays locally as an employer and service provider. Whilst, in principle, we support this planning application we have concerns about the height of the proposed two storey replacement building. In particular we are concerned about the visual intrusion on the local countryside and views from Inworth village, given the situation of the site on a naturally prominent spot on top of a hill. The Parish Council therefore objects to this part of the planning application and would like to see consideration given to expansion at ground level possibly within a new single storey building. We have no objection to the rest of the planning application."

10.0 Representations

- 10.1 None received

11.0 Parking Provision

- 11.1 The 2008 scheme made provision for increased and improved car parking facilities within this site. These facilities have been provided to include an overspill car parking area on an open grassed area immediately to the south of the existing block paved/gravel surfaced main parking area. Within the main parking area there are 218 parking spaces, including marked areas for disabled parking.
- 11.2 The Supporting Planning Statement makes reference to the provision of staff and customer cycle racks in order to encourage alternative travel modes.

In this context it is considered that on-site car parking is not an issue.

12.0 Open Space Provisions

12.1 Not applicable

13.0 Report

- 13.1 All of the development is to be contained within that part of the site which is already developed. The improved toilets, staff room & admin offices reflect the increased popularity of the garden centre and the growth of the enterprise. The relocation of the admin offices will enable the existing customer toilets to be relocated, which will in turn enable the existing restaurant/kitchen area to expand. Full justification is given in the Supporting Statement that accompanies the application, and which is available to view on the Council website.
- 13.2 The new office will be located within the first floor of a new two storey building, located to the rear of an existing storage building. The existing ground floor retail area will remain within this new building. This building is to be clad in horizontal timber boarding so as to visually tie with the existing coffee shop building. The roof is to be clad in terracotta coloured, impressed metal sheets to reflect the existing coffee shop building.
- 13.3 The aforementioned Statement considers that this is the preferred solution for the office building in that it makes the best use of the existing space; it provides a more secure area for the cash handling and wages office; and it provides a quieter working environment for the existing office staff.
- 13.4 There is a public footpath which runs in a north –south direction in close proximity to the western site boundary. There are also longer distance views of the existing buildings from the road to the west of the site. Given that this new building is to be set within the existing complex of buildings, together with the existing trees and hedgerows along the western boundary, it is considered that this is a practical solution that does not impinge unduly upon either residential or visual amenity. The use of vernacular black boarding will help with the integration of this building into its rural setting.
- 13.5 The staffroom extension is to be added to the adjacent barn and is to be finished in materials similar to the appearance of those materials used on this existing building (black timber weatherboarding, brick plinth and impressed steel roof simulating pantiles).
- 13.6 The other structures (extension to the Cold Greenhouse & Open-sided Glasshouse Canopy) are not deemed to be controversial, in that they either match the existing glasshouses or replace an approved open-sided polythene covered polytunnel.
- 13.7 In terms of the existing access/egress onto the Kelvedon Road, both have a block paved surface and as such comply with the conditions recommended previously by the Highway Authority and conditioned accordingly (reference application 081513). On-site parking has also been provided in accordance with this earlier consent. On this basis there is no requirement for any conditions relating to these highway matters.

14.0 Conclusion

14.1 The garden centre/nursery is a significant source of local employment (58 staff rising to 61) and is a very successful local, family run business. Given that the application is primarily for the modernisation and improvement of facilities for customers and staff, with all new build being contained within the existing developed part of the site, it is considered that the development can be supported.

15.0 Background Papers

15.1 PPS; Core Strategy; CBDP; SPG; HA; PTC

16.0 Recommendation – Conditional Approval

Conditions

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

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

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

2 - Non-Standard Condition

The development shall be carried out in accordance with the approved drawings numbers C0660-14B, 16F, 17C, 18C, 20E, 21F, and 23B, unless otherwise agreed in writing by the Local Planning Authority.

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

3 - C3.2 Materials as Stated in Application

The external materials and finishes to be used shall be as stated on the application form with the exception of the cladding on the new office building, which shall be black, featheredged weather boarding, and as indicated on the approved plans and schedule returned herewith, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the development harmonises with the existing buildings on this site and reflects the location within the open countryside.

4 - Non-Standard Condition

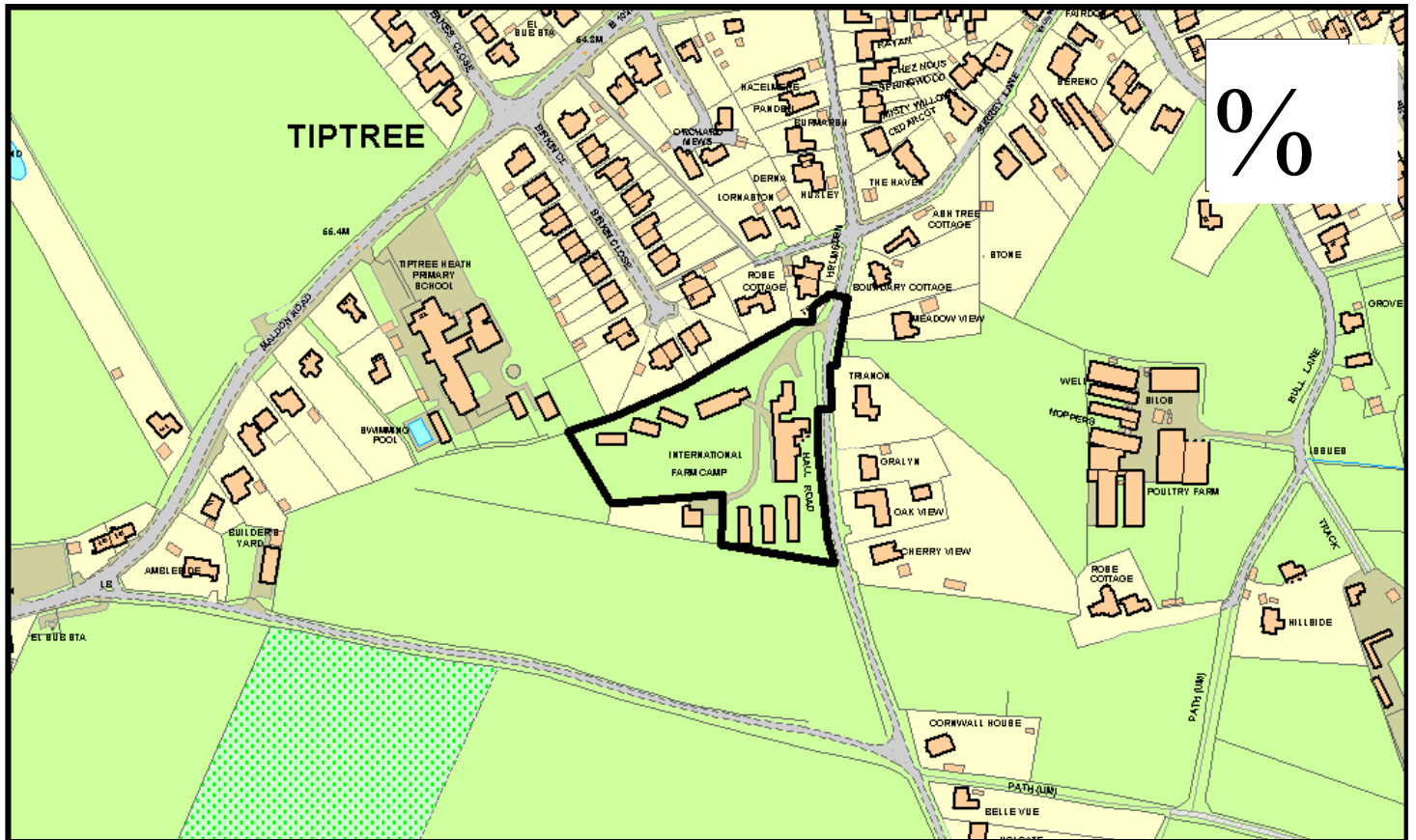
The first floor accommodation to be provided within the new two storey building shall only be used for the provision of replacement office facilities as part of the existing Garden Centre/Horticultural Nursery on the site, or other incidental uses to this primary use, but not as part of a separate planning unit or for any retail use.

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

Informatives

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

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



Application No: 110926

Location: International Farm Camp, Hall Road, Tiptree, Colchester CO5 0QS

Scale (approx): Not to scale

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7.2 Case Officer: Nick McKeever

MAJOR

Site: International Farm Camp, Hall Road, Tiptree, Colchester CO5 0QS

Application No: 110926

Date Received: 17 May 2011

Agent: Melville Dunbar Associates

Applicant: Wilkin & Sons Ltd

Development: Demolition of communal building and other accommodation serving the International Farm Camp and the erection of 10no. detached dwellings, garages and parking spaces, roads including the realignment of the carriageway and change of priority in Hall Road, footpaths, foul and surface water drainage, public open space and landscaping.

Ward: Tiptree

Summary of Recommendation: Conditional Approval subject to signing of Section 106 Agreement and referral of the application to the Secretary of State as a Departure

1.0 Introduction

1.1 This application is referred to the Planning Committee because the proposal is for residential development on land which is outside of the settlement boundary for Tiptree and is not otherwise allocated for residential development in the adopted LDF Site Allocations. In this context the development is contrary to adopted planning policy. In addition there are objections from local residents to this development.

2.0 Synopsis

2.1 The report considers the development in the context of the LDF Site Allocations and the relevant Core Strategy and Development Policies Document. It will consider the current site specific circumstances where it has an established use for the accommodation of seasonal workers employed as part of the Wilkin & Sons agricultural use, and a number of buildings associated with this use. A recent permission has been granted for this use to be relocated on an adjoining parcel of agricultural land. The proposed housing development is to provide the capital required to fund this new development of seasonal worker's accommodation and associated facilities, including a replacement community facilities building for use by these temporary employees. As such the housing scheme is considered to constitute an enabling development

2.2 The report will also consider the density, layout and design considerations; the comments submitted by the Highway Authority and other consultees. Overall these responses support the development.

- 2.3 There are, however, objections to the development from local residents. These are addressed within the report now before members..
- 2.4 Having considered all of these matters the report will conclude that the scheme is acceptable, subject to the Applicant completing a planning obligation relating to a guarantee that the capital arising from the new development will only be used to fund the approved new seasonal workers accommodation and associated facilities, in addition to contributions towards the provision of Open Space and Community Facilities in accordance with the Council's adopted SPD.

3.0 Site Description and Context

- 3.1 The site forms part of the agricultural holding of Wilkin & Sons Ltd. It has an established use dating back to the 1950's for the accommodation of seasonal workers employed as part of this agricultural use. These workers were originally accommodated within a number of single storey Nissan huts, but have more recently been accommodated within mobile homes located towards the western part of the site. The site area is approximately 0.92 ha.
- 3.2 There are other single storey buildings associated with this use. These include a larger building located adjacent to the eastern boundary of the site, which is used as a community centre for the employees accommodated within this site. There is also a two storey Wardens dwelling house within the site.
- 3.3 The site has an existing access off Hall Road, located towards the north eastern corner of the site.
- 3.4 Immediately to the north are existing residential properties in Birkin Close, and along Maldon Road to the north, together with Tiptree Heath Primary School. There are also residential properties along Hall Road, to the east of the site.
- 3.5 There is an existing hedge with associated trees along the northern, western and eastern boundaries of the site.
- 3.6 Planning permission has recently been granted for the relocation of the mobile homes, together with an increase in the number of these homes, on a triangular shaped parcel of agricultural land immediately to the south of the application site. Permission has also been granted for a replacement community building within this new site. This new site is to be served off a new vehicular access along the southern boundary (Hall Lane).
- 3.7 Wilkin & Sons has a long tradition of employing seasonal migrant workers which can be traced back to the period immediately after World War II.
- 3.8 The Company is one of only 9 employers nationally that have access to the Seasonal Agricultural Workers Scheme 'SAWS' with the Home Office and as such it is vital to the business to maintain this facility and access to seasonal migrant worker permits. The facilities provided by the Company need to be dramatically improved to meet the requirements of SAWS initiative and failure to carry out modernisation may jeopardise the arrangement.

4.0 Description of the Proposal

- 4.1 It is proposed to erect 10 detached dwellings, giving a density of 10.9 dwellings per hectare. The mix of units is 2 x 3 bedrooms, 5 x 4 bedrooms and 3 x 5 bedrooms. All of the dwellings are two storey in height, although Plot 4 is two storey with rooms in the roof void.
- 4.2 These dwellings are aligned along two private drives branching off from the main access (a re-modelling of the existing Hall Road access). All of these houses are set back behind an area of open space running along the length of the eastern site boundary. This open space has an area of 1450 sq. metres (approximately 15.7% of the total site area).
- 4.3 The dwellings are shown as being finished using external materials drawn from the vernacular palette i.e. red brick, render, boarding and plain tiles.
- 4.4 Each of the dwellings has private amenity areas in excess of the Council's minimum standard for dwellings of three bedrooms and over. The Design and Access Statement (DAS) gives full details but the private amenity provision varies from a minimum of 120 sq.m (Plot 8) to a maximum of 505 sq.m (Plot 4).
- 4.5 The DAS states that all the essential services, except a gas supply, are in place to serve the development.

Access Proposals

- 4.6 The development includes changing the alignment of Hall Road to give priority to traffic entering the proposed housing scheme. The reason for this realignment is to reduce traffic speeds on the stretch of Hall Road approaching the site.
- 4.7 The width of the aligned part of Hall Road for the first 40 metres as it enters the site is 4.8m, terminating in a vehicular turning head. Two private drives will then branch off from this turning head. Each of the two private drives will then terminate in a Size 3 turning head suitable for refuse collection and other service vehicles.
- 4.8 A 'T' junction is to be formed where Hall Road meets the new access road.
- 4.9 The scheme also makes provision for a 2.0 m wide footpath along the northern side of the access road within the site area as shown edged in red on the site plan. This is in order to provide a link for pedestrians from the site to the centre of Tiptree, the primary school and existing bus routes. AT the present time there are no existing footpaths along Hall Road.

5.0 Land Use Allocation

- 5.1 The site is outside of the settlement boundary but immediately adjacent to the southern boundary, which runs along the rear gardens of the residential properties in Birkin Close and Maldon Road.

6.0 Relevant Planning History

- 6.1 The site has a planning history dating back to the 1950's and the establishment of the International Farm Camp and associated buildings. These are mainly 'nissan hut' type buildings but also includes a single storey brick building used to provide community facilities, together with the Warden's dwelling.

More recent and of particular relevance are the following permissions:-

100684 - Increase in the number of mobile homes from 30 to 55 and provision of access to Hall Road, service access roads, bases for 55 mobile homes, outdoor recreation/open space and amenity planting. Permission is also requested for occupancy of the mobile homes between February to November each year in order to meet the needs of the extended growing period - Approve Conditional - 29/07/2010.

102060 - A new communal building with access as approved under application ref no. 100684 to contain a recreation area, washing and drying facilities, storage, office, meeting room and toilets with associated parking spaces for mini buses and visitors, a lay-by for buses and outdoor amenity area. Approved 18/11/2010

7.0 Principal Policies

- 7.1 The following national policies are relevant to this application:
- Planning Policy Statement 1: Delivering Sustainable Development
 - Planning Policy Statement 3: Housing
 - Planning Policy Statement 4: Planning for Sustainable Economic Growth
 - Planning Policy Statement 7: Sustainable Development in Rural Areas
 - Planning Policy Statement 9: Biodiversity and Geological Conservation
 - Planning Policy Guidance 13: Transport
 - Planning Policy Guidance 17: Planning for Open Space, Sport and Recreation
 - Planning Policy Statement 22: Renewable Energy
 - Planning Policy Statement 23: Planning and Pollution Control
 - Planning Policy Statement 25: Development and Flood Risk
- 7.2 In addition to the above national policies, the following policies from the adopted Colchester Borough Core Strategy (December 2008) are relevant:
- SD1 - Sustainable Development Locations
 - SD2 - Delivering Facilities and Infrastructure
 - SD3 - Community Facilities
 - H1 - Housing Delivery
 - H2 - Housing Density
 - H3 - Housing Diversity
 - H4 - Affordable Housing
 - UR2 - Built Design and Character
 - PR1 - Open Space
 - PR2 - People-friendly Streets
 - TA1 - Accessibility and Changing Travel Behaviour
 - TA2 - Walking and Cycling
 - TA3 - Public Transport
 - TA4 - Roads and Traffic
 - TA5 - Parking

ENV1 - Environment
ENV2 - Rural Communities
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
 - DP3 Planning Obligations and the Community Infrastructure Levy
 - DP4 Community Facilities
 - DP8 Agricultural Development and Diversification
 - DP9 Employment Uses in the Countryside
 - DP12 Dwelling Standards
 - DP13 Dwelling Alterations, Extensions and Replacement Dwellings
 - DP15 Retention of Open Space and Indoor Sports Facilities
 - DP16 Private Amenity Space and Open Space Provision for New Residential Development
 - DP17 Accessibility and Access
 - DP18 Transport Infrastructure Proposals
 - DP19 Parking Standards
 - DP20 Flood Risk and Management of Surface Water Drainage
 - DP21 Nature Conservation and Protected Lanes
 - DP25 Renewable Energy

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

8.0 Consultations

- 8.1 The Highway Authority would not wish to raise an objection to the above subject to the following;

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

The Highway Authority has provided a list of recommended conditions.

8.2 Spatial Policy comments:

“The site is currently outside of the Tiptree settlement boundary as seen on the LDF Proposals Map and has been the location of the International Farm Camp providing accommodation for seasonal workers of Wilkin & Sons. In 2010, the Council approved a planning application (102060) to relocate the Farm Camp and provide improved accommodation and facilities for their seasonal workers on the land to the south of the existing site.

The Spatial Policy Team was satisfied with the earlier application (102060) because it provided agricultural workers accommodation on a site outside of the settlement boundary which was much needed by Wilkin & Sons in order to meet their business needs. As part of this application the Spatial Policy Team outlined a number of concerns regarding the use of the existing site which was to be left as open amenity land with the future intentions of this site unclear.

The current application seeks to develop residential units on the land which was the site of the original farm camp. Once the new site is developed the original site will become surrounded on all sides by development. The proposal could therefore broadly be considered as an infill development site which will have a minimal impact on the neighboring residential character and amenity. The land is outside of the Tiptree settlement boundary and therefore normally considered inappropriate for development but as outlined by the applicant the development proposed is considered to be enabling development to support the re-development of the International Farm Camp. It is also noted that although not formally designated as previously developed land, there have been a number of permanent structures with lawful use on the site for years.

The applicant has outlined and provided detailed cost estimates for the re-development of the Farm Camp and therefore it is important to consider this current application within the context of the overall intentions of Wilkin & Sons. Wilkin & Sons are an established business within Colchester Borough and provide great economical benefits and jobs for the Borough which it is important to retain in the current economic climate.

The application seeks to develop ten detached units with no provision for affordable housing although it is above the trigger point outlined in Core Strategy Policy H4. The information submitted by the applicant includes financial viability information to demonstrate that affordable housing is unviable. As part of this application it will be important for colleagues in the Council's estates team to consider the proposals and in particular viability. Although the current proposal for residential development is described as enabling development by the applicant it is important that development of this nature is still considered in accordance with adopted policies wherever possible unless other material considerations outweigh the policy considerations.

The Spatial Policy Team has concerns regarding the relatively low density development proposed. The site area is approximately 0.92ha which represents a density of approximately 10 units/ha which is well below that outlined by policies within the Colchester LDF. Although national policy on minimum densities has been revoked the Council will still seek housing densities that make efficient use of land. Additional units on the site could provide sufficient viability to enable affordable housing units to be provided.

Although the principal of open market residential development on this site was originally objected to by the Spatial Policy Team, the information submitted by the applicant as part of this application (relating to the development being enabling and therefore tied into supporting the relocation and redevelopment of the International Farm Camp) has demonstrated that this original objection can be overcome.

The future development of this site should ensure that provision for seasonal workers is improved and continued which in turn will support the economy of the Borough and ensure that Wilkin & Sons will continue to be an asset to Colchester Borough. “

8.3 The Environment Agency has no objection subject to conditions.

8.4 Anglian Water has provided the following response:-

“ASSETS

Section 1 – Assets Affected

1.1 Our records show that there are no assets owned by Anglian Water or those subject to an adoption agreement within the development site boundary.

WASTEWATER SERVICES

Section 2 – Wastewater Treatment

2.1 The foul drainage from this development is the catchment of Tiptree STW that at present has available capacity for these flows.

Section 3 – Foul Sewerage Network

3.1 The sewerage system at present has available capacity for these flows. If the developer wishes to connect to our sewerage network they should serve notice under Section 106 of the Water Industry Act 1991. We will then advise them of the most suitable point of connection.

Section 4 – Surface Water Disposal

4.1 The preferred method of surface water disposal would be to a sustainable drainage system (SUDS) with connection to sewer seen as the last option. Planning Policy Statement 25: Development and Flood Risk emphasises the role of SUDS and introduces a presumption that they will be used in all developments.

Building Regulations on Drainage and Waste Disposal for England includes a surface water drainage hierarchy, with infiltration on site as the preferred disposal option, followed by discharge to watercourse and then connection to a sewer.

4.2 The surface water strategy/flood risk assessment submitted with the planning application is not relevant to Anglian Water and therefore this is outside our jurisdiction for comment and the Planning Authority will need to seek the views of the Environment Agency.

We request a condition requiring a drainage strategy covering the issue(s) to be agreed.

Section 5 – Trade Effluent

5.1 Not applicable

Surface Water Disposal (Section 4)

Condition

No development shall commence until a surface water strategy/flood risk assessment has been submitted to and approved in writing by the Local Planning Authority. No dwellings shall be occupied until the works have been carried out in accordance with the surface water strategy so approved unless otherwise approved in writing by the Local Planning Authority.

Reason: To prevent environmental and amenity problems arising from flooding.”

- 8.5 The Council's Contaminated Land Officer comments that she would expect to see the submission of the minimum of a "Phase 1 desk study" with the application (please refer to the Essex Contaminated Land Consortium's technical guidance document for further information). This should address potential risks to all potential receptors, with reference to the existing / historic uses of the site and adjacent land. This should include an assessment of any asbestos containing materials in existing structures.
- 8.6 The Council's Parks & Recreation Manager confirms that a contribution is required for open space sport and recreational facilities to meet the demand expected from the additional residents.
- 8.7 The Design and Heritage Unit had some concerns as to detailed design matters. The Applicant was asked to address these and the DHU has confirmed that the standard of layout and design is now acceptable. The only further comment relates to the hard landscape, which needs to be simplified and the use of 1-2 surface materials would be sufficient. Self-binding gravel would be an appropriate surface for the private drives and parking. Parking spaces can be delineated with "L" and "T" in setts. These can be secured by condition.
- 8.8 The Landscape Officer has commented that:-

"The broad concept landscape proposals submitted under drawing no. LoC 1101/05A would appear for the most part satisfactory, however it is acknowledged by the applicant that the detail proposals (including planting and surface materials pallets) when submitted under condition will need to closely complement the agreed scheme to the adjacent development as agreed under application no. 100684, drawing no. LoC 106/09b and be in accord with landscape guidance note LIS/C.

It should be noted that the existing hedge fronting the site is not protected under the Hedgerows Regulations 1997 and, although having considerable amenity value, the loss of 2 small sections to facilitate sight lines will, it should be considered, be adequately compensated for by the proposed replacement planting with no loss of amenity in the long term, with a net gain once the tree planting is taken into account."

- 8.9 The Arboricultural Officer has no objection subject to conditions.

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

9.0 Parish Council Response

- 9.1 Tiptree Parish Council has no objection to this application subject to Highways approval. However it would like the applicant to address the following - improvements to Hall Road including pedestrian access. Improvements to infrastructure of the area. Provision of amenity land and consultation with Tiptree Heath School to address parking issues. Also detailed consultation with existing residents.

10.0 Representations

10.1 Objections have been received from 12 residents. These objections are summarised as follows, but full details can be viewed on the Council website:-

- Rural Location. There are justified policy objections to this development
- Size of the development
- Access and Highway Issues. Hall Road is a narrow, single track road. There are no passing spaces. Road becomes impassable from school runs, visitors, delivery vehicles etc. There are no footpaths. The increased traffic associated with the 10 dwellings will add to existing highway safety concerns. A sign should be erected at the Station Road entrance to Hall Road to stop construction traffic entering Hall road. It is difficult to see how it will be possible to widen the carriageway to accommodate the additional traffic. This realignment will have no benefit for residents of Hall Road.
- Previous Applications. Single and multiple planning applications for housing in Hall Road have been refused, including one on the site of the newly relocated Farm Camp (100684). The history of planning applications for this site shows that Wilkin & Sons Ltd had intended to apply for housing on this site. A previous application for 4 dwellings on land to the south of Cherry View, Hall Road, was rejected to an adverse impact upon highway safety.
- Does the LDF and plan identify the need for housing development of this rural location.
- Water Supply. The water flow rate in Hall Road/Surrey lane area is extremely low.
- Government Big Society. There appears to be no inclusive or effective consultation process to working with local residents to ensure all are involved in the proposals.
- Additional pressure on limited facilities/services in Tiptree. The electricity sub-station for Hall Road causes problems in winter and the additional demand will exacerbate this existing problem
- Overlooking of existing properties in Birkin Close
- Section 106 contributions. Where will the open space be and what 'education' does the contribution over? Is the promise of these contributions the basis for the Council's continued disregard of local resident's opposition?

11.0 Parking Provision

11.1 Each of the plots has a double garage, with additional space being provided in front of these garages. On this basis each dwelling has 4 parking spaces. The size of the garages and the parking spaces comply with current standards. On this basis the scheme exceeds the required minimum provision of two spaces plus 0.25 of a space for each dwelling.

12.0 Open Space Provisions

12.1 The scheme provides for 15.7% of the site being open space purposes. This satisfies the DP16 policy requirement for 10% of the site to be reserved as open space. This open space is provided within a landscaped area along the eastern boundary of the site, which is currently enclosed by established trees and hedges.

13.0 Report

- 13.1 The primary concern with the proposed residential redevelopment of this site, which has an established use as part of the agricultural holding operated by Wilkin & Sons Ltd, relates to its location outside of the designated settlement boundary for Tiptree.
- 13.2 This particular matter has been addressed in the consultation response from Spatial Policy.
- 13.3 The future use of this site was an issue that Spatial Policy raised in the consideration of the two previous applications relating to the relocation of the International Farm Camp and the provision of the replacement community building. At that point in time the Applicant company advised that no formal plans were confirmed. In this context these other schemes had to be determined entirely upon their own particular merits, as is the case with this current submission.
- 13.4 The comments made by Spatial Policy in respect of the low density of the development are acknowledged and appreciated. The Core Strategy policy H2 (Housing Density) seeks housing densities that make efficient use of land and relate to the context.
- 13.5 In this particular case the site context is within a rural setting, albeit on the fringe of the built-up area. However the existing ribbon development along Hall Road, and in the immediate vicinity of the site in particular, has a character which is distinct from the more urban context of Birkin Close. The properties in Hall Road immediately opposite the site consist of detached dwellings with space between the buildings. This lower density reflects the rural character of the area.
- 13.6 One of the main reasons cited in the objections is the impact upon Hall Road of additional traffic generation. Any increase in the number of dwellings within the site would also have a consequent increase in the associated vehicular activity using Hall Road. Whilst the Highway Authority has supported the scheme based upon the level of activity generated by the 10 dwellings, together with the changes to Hall Road in the vicinity of the site, they would have to reconsider their position on the basis of any increase in the number of dwellings.
- 13.7 The scheme as proposed retains a generous area of open space along the Hall Road frontage. This also adds to the character of the proposed development and is in keeping with its rural context.
- 13.8 It is on the basis of these important considerations that the low density can be supported. In this respect it is compatible with policy H2 on the basis that the density of developments need to be informed by the provision of open space and parking, the character of the area and the mix of housing.
- 13.9 The Core strategy policy SD1 seeks to promote development in sustainable locations. In terms of the LDF settlement Hierarchy, Tiptree is classed as being a District Settlement, and therefore by definition a sustainable location. Given that the site is immediately adjacent to the settlement boundary, and in close proximity to a main bus route, it can be considered to comply with this requirement.

Design, Layout, Scale Height and Massing

- 13.10 The Design and Heritage Unit has not raised any objections to the layout of the development. In general terms the scheme is considered to be respectful of its particular context, with more than adequate space between the buildings, the provision of open space and the retention of existing trees and hedges.
- 13.11 The DAS has considered and addressed the matter of the relationship of the new dwellings to the more urban development immediately adjacent to the north/north west boundary.
- 13.12 The design of some of the component parts of the buildings required amendments in order to satisfy the DHU consultation response. The Applicant has submitted amended plans which address these issues
- 13.13 In addition the Applicant has amended the rear elevations of the dwelling on Plot 1 in response to concerns expressed by the occupiers of the property opposite this plot. A high level window has been deleted. The cill of the other high level window to bedroom 2 and the landing are to be set at 1500mm above floor level in order to prevent downward views of the adjoining garden.
- 13.14 The relationship between Plots 1 – 3 and the existing properties in Birkin Close (Nos. 14 to 17 inclusive) is such that the back-to-back distances satisfy the current standard of 25 metres.
- 13.15 In terms of any impact it is only these aforementioned adjoining dwellings that are immediately affected, and this affect is considered to be acceptable.

Highway Matters

- 13.16 The concerns raised by residents relating to the narrow width of hall Road, its lack of passing bays and footpaths are acknowledged. The Applicant had carried out discussions with Essex County Council as the Highway Authority as part of a pre-application consultation process. The current scheme with its alterations to Hall Road in the vicinity of the site and the provision of a footpath, all of which can be carried out either within the public highway or on land owned by the Applicant company, has been submitted on this basis.
- 13.17 The recommendation by the Highway Authority has been made having regard to the previous history of the site and to the level of vehicular activity that is likely to be generated by this scheme.
- 13.18 Given that the Highway Authority has no objection to the scheme, it is considered that a refusal on highway grounds can not be sustained.

Concerns as to capacity in the Anglian Water Tiptree Treatment Works

- 13.19 Anglian Water has previously advised Tiptree Parish Council that it had concerns as to capacity for new development within the area covered by these works. It is noted however that the Applicant carried out pre- application consultations with Anglian Water. The advice offered to the Applicant is reflected in their consultation response to this application. It is noted that, with regard to waste water treatment and Foul Sewerage network, the advice offered is that there is capacity available for the development.
- 13.20 It is also noted that the Environment Agency in their response to the consultation on this application has also not raised any objections. The site does not lie within any Flood Risk Zones as defined in the Environment Agency's Flood Risk map.
- 13.21 According to the DAS, surface water drainage is to be routed via existing ditches within the Applicant's ownership to one of the farm reservoirs and then recycled for use in irrigating crops.

Other Issues

(1) Affordable Housing Provision

- 13.22 The proposal is submitted on the basis that it is development that will provide part of the costs involved with the provision of the new International Farm Camp and replacement community building with the parcel of land immediately to the south of the application site. This approved development is in its self part of the plans of Wilkin & Sons Ltd to improve their long established business within Tiptree. Further details relating to this side of the application are set out in the D&AS as well as the Valuation Report & Viability Appraisal submitted in support of the application.
- 13.23 Although the Applicant Company has stated that they are prepared to provide financial contributions to the provision of Open Space and the Education facilities, or as may otherwise be required, no provision within this scheme is made for Affordable Housing.
- 13.24 The Core Strategy H4 (Affordable Housing) seeks to secure 35% of new dwellings to be provided as affordable housing on developments of 10 or more dwellings within Colchester Town and Stanway, Tiptree, Wivenhoe and West Mersea. The current scheme would be covered by this policy. No affordable housing is proposed.
- 13.25 The Applicant has commissioned a Viability Appraisal from the Three Dragons, which forms part of the application. The basis of this appraisal involved determining whether or not the sale of the site with a planning permission for 10 dwellings, including an element of affordable housing, would be sufficient to offset the costs incurred for the provision of the new International Farm Camp. The conclusion was that the costs of these works would exceed the revenue gained for the residential development. In essence the scheme is unviable.

13.26 The supporting information submitted with the application states that the Wilkins & Sons financial circumstances do not permit the funding of the enlargement and improvements to the International Farm Camp either entirely from their own resources or from borrowing. However, the provision of these new facilities for their seasonal workers is a key component of the current business. In this context an extract from the submitted D& AS (entitled 'Background To The Proposal') is reproduced as Appendix 1.

13.27 The redevelopment of the existing International Farm Camp is considered to provide the best value for the use of this land. This was the conclusion set out in the Valuation Report, which considered the two most appropriate uses for this land (i.e. Class B1.Light Industrial or residential).

13.28 The Valuation report provided the two best options for the development of the site as:-

1. Classes B1(Business) and B8 (Storage) - £250,000
2. Residential (10 dwellings) - £1,000,000

This compares to the estimated costs for the enlargement and improvements to the International Farm Camp (as approved under 102602) of £1.363,700.00.

Full details of the valuation report can be viewed on the Council website.

13.29 This particular aspect of the scheme has been reviewed by the Council's Senior Estates Officer. His conclusions are summarised as follows:-

"Viability of development schemes hinges on four prime elements; sale values, land cost, build costs and additional on-costs. Development viability assessments are sensitive to variations in these elements and from their evaluation in this case the following conclusions are reached:

- Submitted sale values utilise the default values within the 3-Dragons toolkit which this Council, along with other Haven Gateway Authorities, has adopted for benchmarking purposes. These were compiled from relevant market evidence in 2010. No formal updating has been since carried out and no analysis specific to this site has been undertaken. For the purpose of this analysis the submitted values have been accepted.
- The basis on which the build costs have been compiled is considered to be reasonably in conformance with current BCIS data. No additional abnormal on-costs have been included.
- Interest charges and targeted returns appear to conform to industry expectations.
- The main factor which results in a negative return on this development is the inclusion of costs not directly related to the development itself but to the stated intention of the applicant to renovate the adjoining fruit pickers International Farm Camp. If this cost is disregarded for viability purposes a significant positive return results. This would enable the site to be brought forward for development to show a land value significantly in excess of current use value, though below the submitted valuation based on a residential scheme.

- The submitted viability analysis relies substantially on the inclusion of the renovation costs of the adjoining camp to demonstrate non-viability. If these are accepted as a valid planning cost in this case then the viability submission can, in turn, be accepted as submitted. If, however, these costs are not considered valid in planning terms then further discussion will need to be held with the developer on the viability aspect as removal of such a significant sum from the equation would, prima facie, enable further mitigation to be considered.”

13.30 In the context of the aforementioned comments, the Council has approved the scheme for the provision of the new International Farm Camp and has recognized that this is an important part of the long established agricultural enterprise carried out within Tiptree by Wilkin & Sons. It is also clear from the current submission that the implementation and completion of this approved development would appear to be dependant upon the capital that will be provided through the residential development of the existing site. In this respect the proposal can be considered to be enabling development.

13.31 On this basis it is recommended that there should be no requirement for the provision of affordable housing as an exception to the Council’s adopted policy and associated SPD.

(2) Biodiversity

13.32 Whilst the site is of no particular designation (i.e SSSI or SINIC), the application is supported by an Ecological Assessment, Amphibian and Bat Survey in accordance with the policy DP21: Nature Conservation and Protected Lanes.

13.33 Whilst these documents can be viewed on the Council website, the conclusions are set out as follows:-

1. Ecological Assessment – No part of the site has any any statutory or non-statutory conservation designations. Whilst a Traditional Orchard lies opposite the site, the development will not impinge on this Orchard site, adversely affect its status, or future viability/conservation value.
2. Amphibian Survey – An appropriate multiple site survey of the pond, wet ditch and adjacent terrestrial habitat determined that no amphibian of any species was present. All legal requirements in relation to Great Crested Newts or any other protected amphibian have been met and satisfied.
3. Bat Survey – No evidence of bats was found in the buildings. The survey suggests that it is probable that bats from nearby roosts will forage along the tree-lined boundaries of the site and in adjacent gardens. This behaviour would be expected to continue after demolition has been completed and therefore the survey considered that the development of this site will not have a detrimental effect on the local bat population. The survey recorded the status of the existing buildings on the site at that point in time. If several months were to elapse before commencement of the development this survey report considers that it is unlikely, due to the type of buildings and their lack of potential roosting places, that bats would colonise the buildings during the intervening period.

(3) Contamination

- 13.34 The application is supported by a Desk Study Report. The conclusion is that the site is in a current condition that could pose a potential risk to identified site receptors from contaminants associated with the historical use of the site and asbestos within existing buildings. Recommendations have been made for an intrusive ground investigation to assess the site and for the scheduled asbestos survey of the existing buildings to be carried out prior to development.

Further comments are to be provided by Environmental Control prior to the Committee meeting.

14.0 Conclusion

- 14.1 Whilst the site is outside of the settlement boundary for Tiptree, it is noted that, given the site specific circumstances, there is no policy objection to the redevelopment of this site for residential use.
- 14.2 The development can be considered to be an enabling development in respect of the approved scheme for the enlarged and improved International Farm Camp, which in itself is an important part of the long established agricultural business carried out by Wilkin & Sons. Clearly Members will want some assurance that receipts from the sale of the land/its development will be reinvested in delivering a new international farm camp as part of the company's long-term commitment to remaining in Tiptree. The Company has willingly agreed to provide a Unilateral Undertaking to ensure such receipts are ring-fenced.
- 14.3 The scheme is considered to be acceptable in terms of the density, the layout and design of the dwellings, and the provision of on-site parking to the required standard. It is compatible with its setting on the periphery of the developed area of this part of Tiptree.
- 14.4 The scheme is supported by the Highway Authority on the basis of the levels of vehicular activity associated with the established use of the site, the level of activity likely to be generated by the occupiers of the ten dwellings, and the carrying out of works to the highway and the provision of a public footpath.
- 14.5 There are no objections from Anglian Water or the Environment Agency in terms of the foul and surface water drainage.
- 14.6 There will be a need provide financial contributions in order to satisfy the Council's adopted SPD on the provision of Open Space and Community Facilities.
- 14.7 There is a requirement for the provision of affordable housing under the adopted policy H4. However no such provision is made on the basis that the scheme is unviable.
- 14.8 Wilkins and Sons Ltd is an important local business with an International reputation and a brand that is known across the globe. It is important that this significant business is allowed to flourish within the Borough and by allowing this residential development the Company can ensure that its access to migrant workers is retained. The business relies on such labour to pick fruit from its own network of local farms.

15.0 Background Papers

15.1 PPS; Core Strategy; CBDP; SPG; HA; PP; NR; AW; HH; Parks and Recreation; DHU; TL; AO; PTC; NLR

16.0 Recommendation

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

- A contribution towards the provision of Open Space, Sport and Recreation in accordance with the Council's adopted SPD;
- A contribution towards the provision of Community Facilities in accordance with the Council's adopted SPD;
- An Undertaking that all capital raised by the sale of the land for the approved residential development thereon shall be used towards the provision of the new International Farm Camp site and its associated facilities

1B And subject to referral of the application to the Secretary of State as a Departure and subject to him not calling in the application THEN

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

Conditions

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

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

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

2 - Non-Standard Condition

The development shall be carried out in accordance with the approved drawings numbers 1390-H001A, 002A, 003A, 004, 005, 006, 007A, 008A, 009A, 010A, 011A, 013A, 015A, 016A, 017, 018A, 019A and 020A, unless otherwise agreed in writing by the Local Planning Authority.

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

3 - C3.4 Samples of Traditional Materials

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

Reason: To ensure that the development has a satisfactory appearance in the interests of visual amenity and helps to reinforce local character and identity.

4 - C3.13 External Joinery to be Painted Timber

All external joinery shall be of painted timber, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure the use of appropriate materials and finishes having regard to the location of this site within the open countryside.

5 - C11.11 Landscape Design Proposals

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

Existing and proposed finished contours and levels.

Means of enclosure.

Car parking layout.

Other vehicle and pedestrian access and circulation areas.

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

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

Retained historic landscape features and proposals for restoration.

Soft landscape details shall include:

Planting plans.

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

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

Planting area protection or decompaction proposals.

Implementation timetables.

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

6 - C11.12 Landscape Works Implementation

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

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

7 -C11.17 Landscape Management Plan

A landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, other than privately owned domestic gardens, shall be submitted to and approved by the Local Planning Authority prior to any occupation of the development (or any relevant phase of the development) for its permitted use.

Reason: To ensure that due regard is paid to the continuing enhancement and maintenance of amenity afforded by the landscape.

8 - 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.

9 - Non-Standard Condition

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

Reason: To ensure roads/footways are constructed to an appropriate standard in the interests of highway safety.

10 - Non-Standard Condition

All independent paths to be a minimum of 2 metres wide, with details of lighting and drainage to be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that paths are constructed to an appropriate standard suitable for the passage of pedestrians in the interest of highway safety.

11 - Non-Standard Condition

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

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

12 - Non-Standard Condition

Any vehicular hardstanding which is bounded by walls or other construction shall have minimum dimensions of 2.9 metres x 5.8 metres for each individual parking space.

Reason: To encourage the use of off-street parking and to ensure adequate space for parking off the highway is provided in the interest of highway safety.

13 - Non-Standard Condition

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.

14 - Non-Standard Condition

All double garages should have a minimum internal measurement of 7m x 6m. and shall be provided with vehicular doors a minimum width of 5.1m.

Reason: To encourage the use of garages for their intended purpose and to discourage on-street parking, in the interests of highway safety.

15 - Non-Standard Condition

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

Reason: In the interests of reducing the need to travel by car and promoting sustainable development and transport.

16 - Non-Standard Condition

Prior to the commencement of development a scheme for the provision and implementation of water, energy and resource efficiency measures, during the construction and occupational phases of the development shall be submitted to and agreed, in writing, with the Local Planning Authority. The scheme shall include a clear timetable for the implementation of the measures in relation to the construction and occupancy of the development. The scheme shall be constructed and the measures provided and made available for use in accordance with such timetables as may be agreed.

Reason: To enhance the sustainability of the development through better use of water, energy and materials.

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

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

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

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

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

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

19 - C10.18 Tree and Hedgerow Protection: General

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

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

20 - Non-Standard Condition

The construction shall take place solely in accordance with the terms of the Methodology Statement received, which forms part of this permission, and no other works shall take place that would effect the trees unless otherwise agreed in writing by the Local Planning Authority.

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

21 - Non-Standard Condition

No works or development shall take place until a scheme of supervision for the arboricultural protection measures required by condition 17 has been approved in writing by the local planning authority. This scheme will be appropriate to the scale and duration of the works and will include details of:

- a. Induction and personnel awareness of arboricultural matters
- b. Identification of individual responsibilities and key personnel
- c. Statement of delegated powers
- d. Timing and methods of site visiting and record keeping, including updates
- e. Procedures for dealing with variations and incidents.
- f. The scheme of supervision shall be carried out as agreed.
- g. The scheme of supervision will be administered by a qualified arboriculturist instructed by the applicant and approved by the local planning authority.

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

22 – A7.4 Removal of ALL Perm Devel Rights (residential)

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

Reason: To safeguard the visual amenity of this rural setting, to protect the amenity of adjoining residents, and to prevent the overdevelopment of the site by controlling future extensions, alterations and associated development.

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

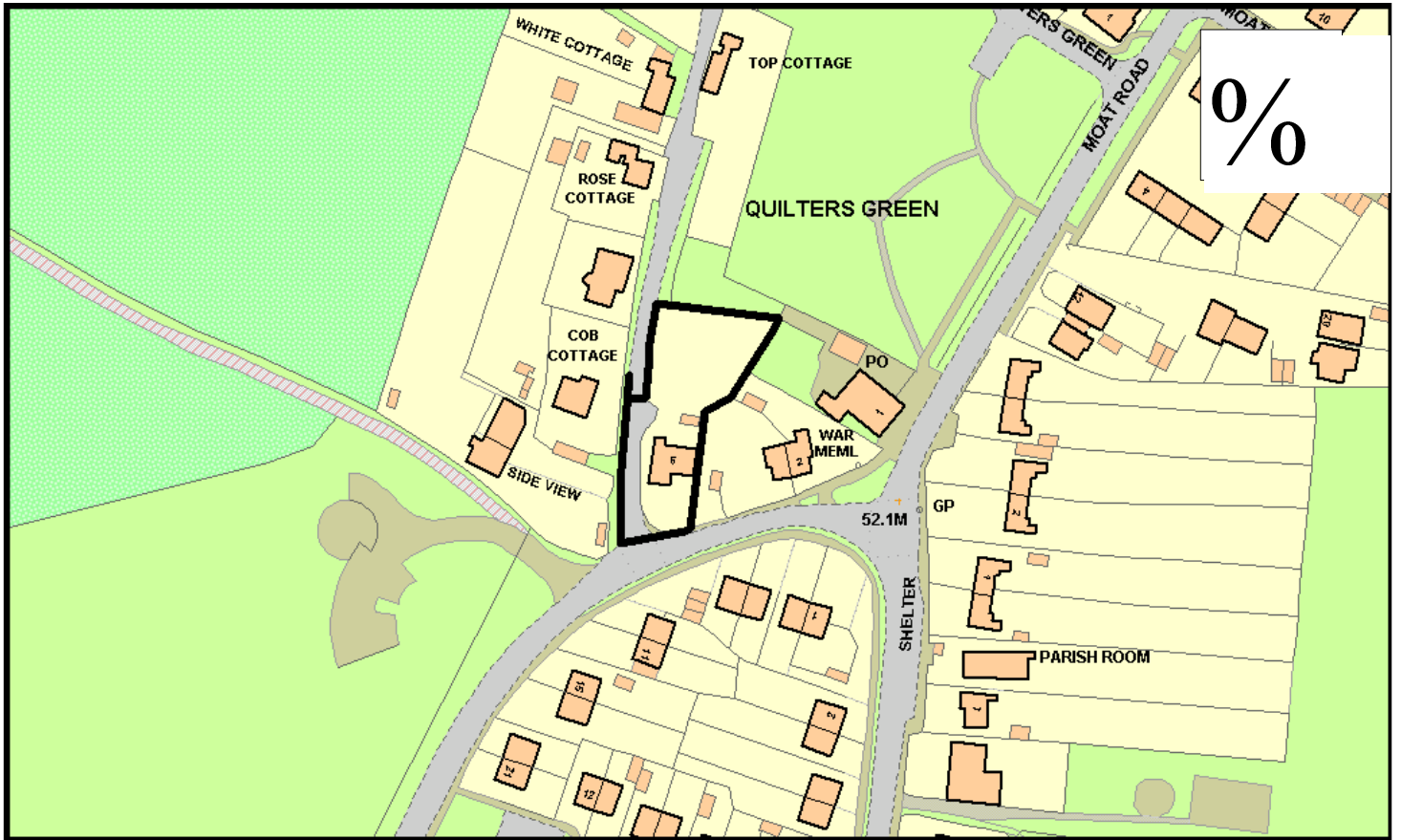
(4) Prior to the commencement of any work on the site, a joint inspection of the route to be used by construction vehicles should be carried out by the Applicant and the Highway Authority, including photographic evidence. The route should then be inspected again, after completion of the development and any damage to the highway resulting from traffic movements generated by the application site should be repaired to an acceptable standard and at no cost to the Highway Authority. The Area Highway Manager may also wish to secure a commuted sum for special maintenance to cover the damage caused to the existing roads used as access for vehicles accessing the application site.

The construction vehicle route to the site should be clearly signed and a strict regime of wheel washing and street cleaning should be in place.

Given the location of the site, a haul route for the delivery of large-scale plant and materials may also be required. Should this prove to be necessary, any route or routes should be agreed in advance with the LPA in consultation with the Highway Authority.

(5) The proposed use shall not be commenced until such time as an Order has been confirmed altering the nature of the Highway rights at the new junction layout to protect the public's right and ease of passage over the Highway.

(6) This proposal requires a Legal Agreement between the Applicant/Developer and the Highway Authority using the powers in Section 278 and Section 38 of the Highways Act, 1980. It also requires a legal order to alter the line of the existing highway.



Application No: 111741

Location: 6 Ponders Road, Fordham, Colchester

Scale (approx): 1:1250

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7.3 Case Officer: Mark Russell

Due Date: 07/11/2011

Site: 6 Ponders Road, Fordham, Colchester, Colchester, CO6 3LX

Application No: 111741

Date Received: 12 September 2011

Agent: Mr Steve Norman

Applicant: Mr A Sherwood & Mr T Sherman

**Development: Erection of a new dwelling with associated parking facilities.
(Resubmission of application 110625)**

Ward: Fordham & Stour

Summary of Recommendation: Conditional Approval

1.0 Introduction

1.1 This application is referred to the Planning Committee because of a call-in by Councillor Chapman due to the following concerns:-

- Overdevelopment of the site (building too large);
- Contravention of Backland and Infill Development policies;
- Loss of privacy for neighbouring properties;
- Highway safety issues regarding access onto Quilters Green and then onto Ponders Road.

2.0 Synopsis

2.1 The following report describes a proposal for a new dwelling on the track off Ponders Road, Fordham. Objections relating to the principle of development, the access, the size of the property, amenity and other issues raised by neighbours and Fordham Parish Council are then described.

2.2 Following sections respond to these objections and in conclusion the scheme is considered to be acceptable and conditional approval is recommended.

3.0 Site Description and Context

3.1 The site forms part of the garden of 6 Ponders Road, otherwise known as 'Hi-Noon', and is accessed via an unmade track off Ponders Road between number 6 and 'Sideview.' This track is dotted with trees and has (depending on interpretation) between 5 and 7 houses on the left, with only the host dwelling and 'Top Cottage' to the right, separated by a tongue of green space. The dwelling 'Ditchling' is at the end and forms a stop to the lane. The site is within the Fordham Village Envelope, with open fields nearby.

4.0 Description of the Proposal

4.1 The proposal is to divide the existing garden of 'Hi-Noon' and erect a three bedroom house described as being cottage-style. Also included are parking and turning facilities.

5.0 Land Use Allocation

5.1 Residential within Village Envelope

6.0 Relevant Planning History

6.1 F/COL/05/1075 - New vehicular access. Refused 29th September 2005, dismissed at appeal 16th August 2006.

6.2 110625 - Erection of a new bungalow with associated parking facilities. Withdrawn 9th May 2011.

7.0 Principal Policies

7.1 The following national policies are relevant to this application:
Planning Policy Statement 1: Delivering Sustainable Development
Planning Policy Statement 3: Housing
Planning Policy Statement 7: Sustainable Development in Rural Areas

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
UR2 - Built Design and Character
TA5 - Parking
ENV1 - Environment
ENV2 - Rural Communities

7.3 In addition, the following are relevant adopted Colchester Borough Development Policies (October 2010):
DP1 Design and Amenity
DP12 Dwelling Standards
DP19 Parking Standards

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

8.0 Consultations

- 8.1 The Highway Authority do not object, but ask for conditions relating to visibility splays.

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

9.0 Parish Council Response

- 9.1 Fordham Parish Council has responded as follows:

'This Council wish to OBJECT to the application for reasons as follows:
Design and Access Statement

The statement does not adequately follow the CBC Guide to Producing a Design and Access Statement therefore the statement is considered inadequate as the basic tool to demonstrate sufficient evidence in support of the application. What specific planning policies were taken into account to reach the stated conclusions?

Why is there no description to demonstrate amenity in terms of daylight, sunlight, overlooking and overbearing as described in the guidance documents such as Essex Design Guide, CBC Backland and Infill Development SPD and Householders Guide to Residential Extensions.

The client's solicitors letter and associated documents could not be found in the applicants documentation (?AGENT? document could not be opened)

Will the design meet Lifetime Homes guidelines to comply with all requirements for disabled people as stated by the applicant?

The planning application form is too vague when describing proposed building materials. What building materials and detailing are to be used in the building and landscape?

Drawings

The scheme does not demonstrate scale, massing and amenity/daylight, sunlight, overlooking) in context with the surrounding buildings, boundary fences and flora therefore all plan, section and elevation drawings should be drawn in context with the addition of dimensions and guideline angles to describe these issues. Why is the covenanted land not described in the Statement as the plan drawing is confusing with hatch within and outside of the proposed fence line. The scheme does not describe existing and proposed topographical levels. In addition the resubmission does not respond to the FPC comments raised on the first application.

In conclusion. The application has not provided sufficient detail to clearly demonstrate the proposal through the application, drawings and written statement. The building scale and mass appears to be too big for the site and it suggests amenity is compromised for neighbours.'

10.0 Representations

10.1 Twelve letters of objection were received along the following lines:

- No legal right for the new dwelling to use the lane/dispute of land ownership;
- Restrictive covenant on part of the land;
- Removal of trees has preceded this application;
- Overdevelopment of the site;
- The dismissed appeal for an access off of Ponders Road in 2005 should set a precedent;
- Loss of privacy (to Newlands, Quilters Green);
- Issues of intensification of traffic in the lane;
- The existing (side) access to the host dwelling does not have permission;
- Possible flooding issues;
- The design is out of keeping with the area;
- Insufficient information provided with the application;
- No need for the house (several properties for sale nearby);
- Gardens are too small;
- If permission is granted, one objector requested a number of conditions relating to hours of work, making good the road, planting/boundary treatment, removal of Permitted Development rights and restriction from any business uses.

11.0 Parking Provision

11.1 Two parking spaces are to be provided for each dwelling. This complies with the adopted standards.

12.0 Open Space Provisions

12.1 N/A

13.0 Report

Design and Layout:

13.1 The proposed dwelling would be situated towards the north of the site and is arranged in a 'z' form with two principle ranges and a single storey rear section. Parking and turning would be to the south of this, next to the new boundary with the proposed dwelling.

13.2 Your Officer has been in discussion with the agent with a view to giving the development a more rural look. While the form and fenestration will remain as now, the amendment will show some weatherboarding and render, as well as design features such as ornate barge-boards and finials, and exposed rafter feet. This will make the development look more in keeping with its surroundings.

Scale, Height and Massing:

- 13.3 The house would stand at 7.2 metres at its highest point, with one range down to 6.2 metres. The frontage would measure 12.5 metres, and reach nearly 13 metres back.

Impact on the Surrounding Area:

- 13.4 The presence of this house in an area previously given over to garden will have an obvious immediate visual impact on the surrounding area. This will be built form where previously there were trees, vegetation and open space.

Impacts on Neighbouring Properties:

- 13.5 The proposal is not held to carry any reasons for refusal with this regard. It is positioned far enough away from all other dwellings to not cause loss of outlook or be overbearing to any unreasonable degree.
- 13.6 In terms of privacy, the only windows to be considered are those to the left hand side (the rear window being to a bathroom, and being fixed and obscured). These three dormer windows face north towards the tongue of open space adjoined to Quilters Green, and the very bottom of the garden belonging to Top Cottage. Top Cottage is some 60 metres distant, with several intervening trees. Also potentially overlooked are the gardens of Rose Cottage and others. However, due to the distance of 40 metres or so, intervening vegetation, and the fact that the windows of the proposed dwelling would be 3.7 to 4.7 metres from ground level, overlooking would appear to be extremely unlikely.

Amenity Provisions:

- 13.7 The new dwelling's amenity space would amount to in excess of 200m². The host dwelling would have approximately 120m². These are well within the standards, but should also be compared to the grain of the area. Examples nearby include Cob Cottage (approximately 300m² in two sections); Newlands (200m²); Rose Cottage (250m²), whilst some dwellings have larger gardens (Top Cottage in excess of 600m² for example).

Highway Issues:

- 13.8 The Highway Authority has not objected and has requested visibility splays. Regarding the access to the host dwelling, this has been formed off of the track and does not require planning permission. If there is an outstanding matter regarding permission being required from the owner(s) of the track, this is a private matter, as described below.

Other Matters:

- 13.9 The issue of ownership and right of passage over the track has been cited by many people. As is usual, this is not a Planning matter. If information later arises that means the development cannot be built, then this will be an issue for the applicant to deal with. It should not affect the determination of the Planning application.

13.10 Matters of drainage are noted, but this is not a site which requires a Flood Risk Assessment. Any issues of drainage or subsidence due to the historic topography of the site will be for the applicant to deal with.

13.11 In terms of information provided. This is held to be satisfactory. There was a brief delay at the beginning of the application in relation to one document which had to be edited to remove the identity of a third party. All relevant information has now been visible for an appropriate amount of time to allow everyone to comment.

14.0 Conclusion

14.1 Given all of the above, and with an amended palette of materials and design improvements, the development is held to be acceptable.

15.0 Background Papers

15.1 PPS; Core Strategy; CBDP; SPG; HA; PTC; NLR

16.0 Recommendation – Conditional Approval

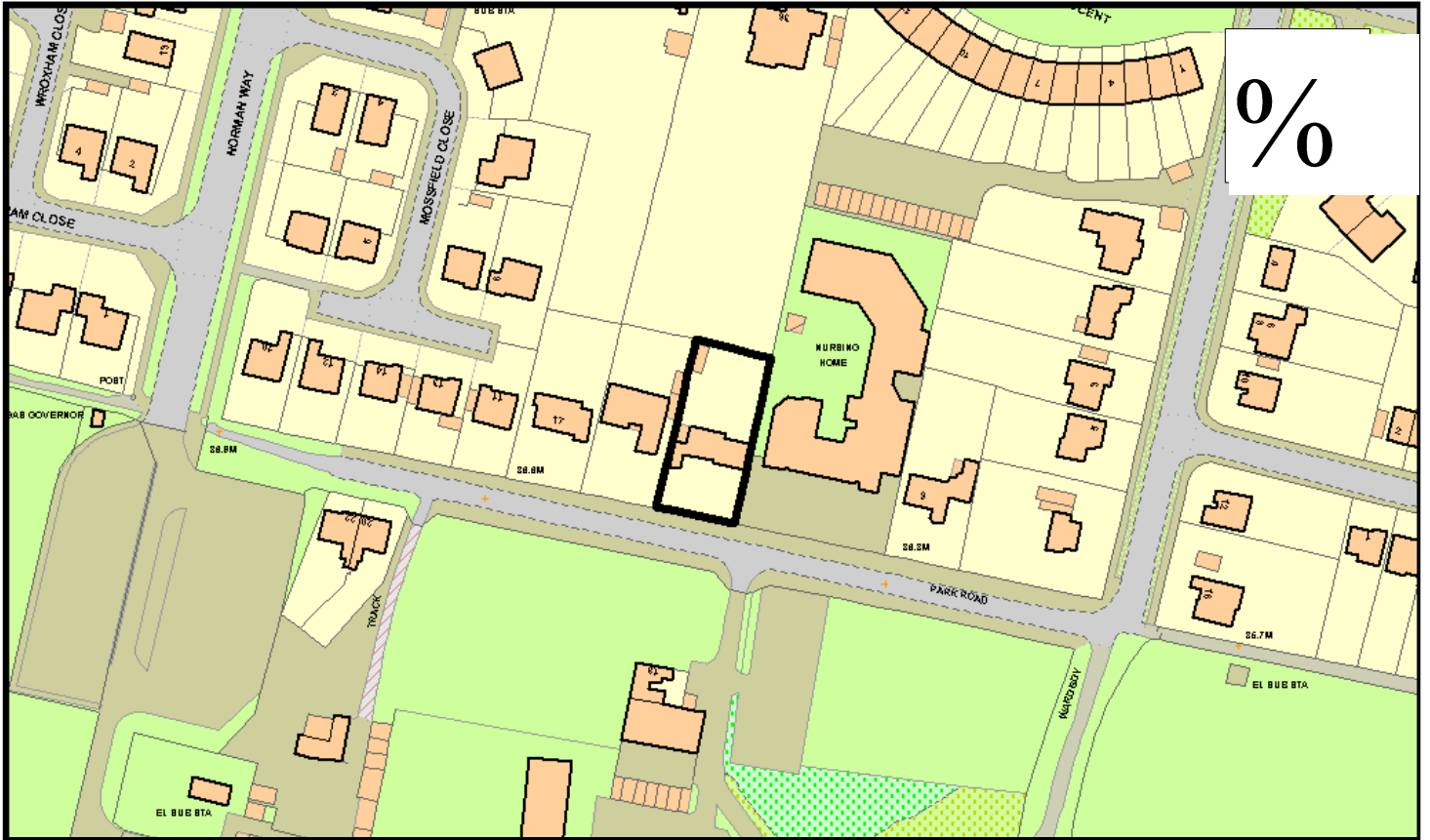
Conditions to follow on the amendment sheet, including:

- 1) Standard time-limit;
- 2) Materials to be agreed;
- 3) Removal of Permitted development rights (including for rear windows);
- 4) Provision of parking;
- 5) Boundary planting to be agreed;
- 6) Hard surfacing materials to be agreed;
- 7) Parking to be provided;
- 8) Construction to be BREAM compliant.

Informatives

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

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



Application No: 111725

Location: Parkdale, 13 Park Road, Colchester, Essex, Essex, CO3 3UL

Scale (approx): 1:1250

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7.4 Case Officer: Mark Russell

Due Date: 16/11/2011

OTHER

Site: 13 Park Road, Colchester, Essex, Essex, CO3 3UL

Application No: 111725

Date Received: 21 September 2011

Agent: Homa Cherry

Applicant: Mr M Patel

Development: Proposed single storey extension providing additional bedroom and change of use from dwelling house (C3) to nursing home for people with physical or mental difficulties (C2). (Resubmission of application number 081154 after expiration).

Ward: Lexden

Summary of Recommendation: Conditional Approval

1.0 Introduction

1.1 This application has been called in to the Planning Committee by Councillor Hardy for the following reason:

'This is a resubmission of 081154, permission for which expired on 8 August 2011, and in my view it should be treated as a fresh application. I have objections on the grounds of impact on residential amenity because of noise disturbance. There are multiple objections from residents.'

1.2 The application at hand is identical to that of 2008, which was approved at Committee, but which has now lapsed.

2.0 Synopsis

2.1 The following report describes the proposal for a change of use and the erection of an additional room to the front of 13 Park Road. Objections are then listed and considered and the conclusion now, as in 2008, is that the proposal is acceptable.

3.0 Site Description and Context

3.1 The application site comprises a single-storey dwelling with a frontage of 19m and a depth of 41m. The site has access onto the unadopted part of Park Road via a private drive, which serves a number of properties in the vicinity. The surrounding area is predominantly residential in character, with offices and premises currently in the ownership of Essex County Council, opposite. There are 3 mature trees at the front of the site.

4.0 Description of the Proposal

- 4.1 The existing premises comprise a residential dwelling with six bedrooms utilised by persons with learning disabilities. The proposal, for an extension at the front of the property, will increase the number of bedrooms to seven and provide an "office". This requires change of use from Class C3 dwelling house to Class C2 residential institution. The premises will provide employment for a total of 8 persons, working in shifts, with no more than 3 employees in any given shift.

5.0 Land Use Allocation

- 5.1 Residential

6.0 Relevant Planning History

- 6.1 The original bungalow and garage was permitted in 1962 (Ref 15314/3) and additions were approved in 1971 (Ref 15314/4) and 1996 (Ref 96/1112).
- 6.2 Application 080777 - for a single storey extension providing additional bedroom and change of use to nursing home for people with physical or mental difficulties, was withdrawn by the applicant in June 2008. This was to allow the preparation of an arboricultural assessment and to make alterations to the design/external appearance to the proposal.
- 6.3 Application 081154 - Proposed single storey extension providing additional bedroom and change of use from residential home to nursing home for people with physical or mental difficulties. Resubmission of 080777.

7.0 Principal Policies

- 7.1 The following national policies are relevant to this application:
Planning Policy Statement 1: Delivering Sustainable Development
Planning Policy Statement 3: Housing
Planning Policy Statement 12: Local Spatial Planning
Planning Policy Statement 23: Planning and Pollution Control
Planning Policy Guidance 24: Planning and Noise
- 7.2 In addition to the above national policies, the following policies from the adopted Colchester Borough Core Strategy (December 2008) are relevant:
SD1 - Sustainable Development Locations
H1 - Housing Delivery
H3 - Housing Diversity
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
DP12 Dwelling Standards
DP13 Dwelling Alterations, Extensions and Replacement Dwellings
DP19 Parking Standards

- 7.4 Regard should also be given to the following Supplementary Planning Guidance/Documents:
Community Facilities
Vehicle Parking Standards
Sustainable Construction
Extending your House
The Essex Design Guide
External Materials in New Developments

8.0 Consultations

- 8.1 The Highway Authority repeated its response from 081154, namely:

‘The Highway Authority stated it does not wish to object to the proposal as submitted. A note was added that the public’s right and ease of passage over Public Footpath No. 201 (Lexden) be maintained free and unobstructed at all times, and no construction plant, vehicles or materials to be left on the public right of way.’

- 8.2 Environmental Control did not object and asked for a standard demolition and construction advisory note to be added to any permission.
- 8.3 Your Arboricultural Officer has been consulted regarding the submitted tree report, and his conclusions will be reported on the amendment sheet. At the time of 081154 he was satisfied with the landscape/arboricultural aspect of the proposal, subject to appropriate conditions.

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

9.0 Representations

- 9.1 Three letters of objection have been received, these echo concerns raised in 2008 and raised the following issues:

- The Land Registry title indicates the dwelling shall not be used for any purpose other than as a private dwelling house.
- The sewage and drainage facilities are already overloaded.
- Cannot be certain that the works will not damage the lime tree at No. 15, which is a protected tree.
- Inadequate parking situation will be worsened.
- Screaming and shouting from patients is disturbing.
- Lack of clarity as to whether the scheme is for people with mental difficulties.
- Use not appropriate within a residential area.

10.0 Parking Provision

- 10.1 See Paragraph 12.5

11.0 Open Space Provisions

11.1 N/A

12.0 Report

Design and Layout:

12.1 The existing building is an original single-storey bungalow, which has been added to in the past. These additions include a flat-roofed front extension and a Mediterranean-style enclosed patio, also at the front. The proposal involves the demolition of the latter feature and the construction of two pitched roof, gabled projections, with a somewhat larger footprint than the Mediterranean-style patio. These projections extend 550mm forward of the flat-roofed front extension, thus providing an articulation and helping the flat-roofed area to appear subservient. These additions provide a larger kitchen and bathroom, a new (7th) bedroom, and a new office. In overall terms, the design is considered an acceptable addition to the street scene.

Other issues:

12.2 The prime issue raised by this application is the principle of the change of use. It is understood that the existing premises has operated as a home for persons with physical and learning disabilities for six persons. Under planning law, it is generally recognised that up to six people may live together in a dwelling (including persons with physical and learning difficulties), but once this number is exceeded, planning permission is required for change of use. Thus the proposed addition to create a 7th bedroom requires change of use from Class C3 (dwellinghouse) to Class C2 (residential institution).

12.3 The objectors refer to a covenant on the land that the dwelling shall not be used for any purposes other than as a private dwelling house. Clearly, the proposal will change this. However, this is a private covenant, which was imposed between the vendors and the purchasers of the land back in 1892. It is not the role of the Local Planning Authority to administer compliance with private covenants.

12.4 Our Local Plan policies state that proposals for the provision of specialist residential accommodation for vulnerable groups in the community, including the mentally ill and disabled people, will be granted planning permission, provided that there is sufficient open amenity space within the curtilage of the unit; and, there is good access to a reasonable range of shops, services and job opportunities, or these are readily accessible by public transport. In this instance, there is a rear garden of approximately 300 square metres in size and the site is within easy walking distance of the Lexden Road bus corridor. It is also noted that the adjacent premises at 11, Park Road operates as a nursing home.

12.5 The Essex Planning Officers Association Vehicle Parking Standards recommends in the instance of Class C2 uses, provision of 1 space per resident staff and 1 space per 3 bed spaces. There are no resident staff and 7 bed spaces, which equates to a standard of 2.3 spaces (which is expressed as a maximum). There is sufficient space on the frontage to comply with this standard and the addition of one extra bedroom is unlikely to lead to a significant change to existing requirements.

12.6 Concern has also been expressed about sewage capacity. This is the responsibility of Anglian Water, but in any case, as with the parking situation referred to above, the addition of one extra bedroom is unlikely to lead to a significant change to existing requirements.

13.0 Conclusion

13.1 In accordance with relevant policy the area in which the application site is located is considered suitable for a residential institution such as the one proposed. The physical extensions to the property are considered to be acceptable in design terms. The additions to create a 7th bedroom do entail a change of use of the premises from Class C3 to Class C2; however, the addition to create a 7th bedroom will not significantly change the way the way in which the premises are being used. In planning terms, therefore, the proposal is considered acceptable and is recommended for approval.

14.0 Background Papers

14.1 PPS; Core Strategy; CBDP; SPG; HA; HH; AO; NLR

15.0 Recommendation – Conditional Approval

Conditions

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

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

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

2 - 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.

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

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

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

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

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

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

5 - C10.18 Tree and Hedgerow Protection: General

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

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

6 – Non-Standard Condition

The construction shall take place solely in accordance with the terms of the Methodology Statement received on 12th June 2008, which forms part of this permission, and no other works shall take place that would affect the trees unless otherwise agreed in writing by the Local Planning Authority.

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

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.



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.