

Planning Committee

Town Hall, Colchester
28 April 2011 at 6.00pm

This committee deals with

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

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

Information for Members of the Public

Access to information and meetings

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

Have Your Say!

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

Private Sessions

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

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Material Planning Considerations

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

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

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

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

Human Rights Implications

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

Community Safety Implications

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

Equality and Diversity Implications

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

**COLCHESTER BOROUGH COUNCIL
PLANNING COMMITTEE
28 April 2011 at 6:00pm**

Members

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

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

Agenda - Part A

(open to the public including the media)

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

An Amendment Sheet is circulated at the meeting and members of the public should ask for a copy to check that there are no amendments which affect the applications in which they are interested. Could members of the public please note that any further information which they wish the Committee to consider must be received by 5pm on the day before the meeting in order for it to be included on the Amendment Sheet. With the exception of a petition, no written or photographic material can be presented to the Committee during the meeting.

Pages

1. Welcome and Announcements

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

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

- action in the event of an emergency;
- mobile phones switched off or to silent;
- location of toilets;
- introduction of members of the meeting.

2. Have Your Say!

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

3. Substitutions

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

4. Urgent Items

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

5. Declarations of Interest

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

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

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

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

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

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

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

Councillors should consult paragraph 7 of the Meetings General

Procedure Rules for further guidance.

6. Minutes **1 - 8**

To confirm as a correct record the minutes of the meeting held on 31 March 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. 110503 Tubswick, Mill Road, Colchester **9 - 18**
(Mile End)

Proposed replacement dwelling following the demolition of existing dwelling and the erection of eight additional dwellings, garages and associated works.

2. 110314 222 St Andrews Avenue, Colchester **19 - 24**
(St Andrew's)

Erection of a two storey side extension.

3. 110523 33 Barrack Street, Colchester **25 - 30**
(New Town)

Change of use of ground floor from bookmakers (Class A2) to office (Class B1).

4. 102070 3 Roman Road, Colchester **31 - 36**
(Castle)

Conversion of existing 3 bedroom house into two one bed flats and insertion of new conservation roof light to the rear elevation.

8. Exclusion of the Public

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

**PLANNING COMMITTEE
31 MARCH 2011**

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

Also in Attendance :- Councillor Kevin Bentley
Councillor Beverly Davies
Councillor Sue Lissimore

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

204. Minutes

The minutes of the meetings held on 3 March and 17 March 2011 were confirmed as a correct record.

205. 110023 Land to west of 21 Regent Street, Rowhedge, CO5 7EA

This application was withdrawn by the Head of Environmental and Protection Services in order that officers can consider a late representation from the neighbouring resident and include this consideration in a report to the Committee.

206. 110166 Land to rear (north of) 164-168 Greenstead Road, Colchester

The Committee considered an application for a new residential development of four dwellings. The Committee had before it a report in which all information was set out, see also Amendment Sheet.

RESOLVED (UNANIMOUSLY) that –

(a) Consideration of the application be deferred for completion of a Unilateral Undertaking to provide for contributions towards:-

- open space, sport and recreation facilities, and
- community facilities

in accordance with the Council's Supplementary Planning Documents.

(b) Upon receipt of a satisfactory Unilateral Undertaking, the Head of Environmental and Protective Services be authorised to grant consent with conditions and informatives as set out in the report and on the Amendment Sheet.

207. 102682 Land to rear of Bower Grove, West Mersea

The Committee considered an application for the erection of three bungalows, outbuildings and associated works. The Committee had before it a report in which all information was set out, see also Amendment Sheet.

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

Nick McKeever, Planning Officer, and Bradly Heffer, Principal Planning Officer, attended to assist the Committee in its deliberations. The Planning Officer explained that this current application had attempted to address the reasons for the previous appeal being dismissed by taking an access through an alternative location and providing the required 3 metre buffer zone each side of the access road. This development was considered to be acceptable because there was no sustainable objection.

Paul Fox addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in opposition to the application. He referred to the objections submitted due to the impact on neighbours and the development being contrary to government policies. His main objection was that the access between numbers 3 and 4 Bower Grove would be dangerous and the noise and disturbance they were subjected to would increase as there was only a narrow wall separating the passing traffic and their gardens. He also believed that with very little visitor parking on the estate that too would be a major nuisance. He considered the site to be over-development and neighbours would have their skyline changed and light blocked.

Although members of the Committee were aware that the development complied with the Backland and Infill Development SPD, having made a site visit they were of the opinion that not only was the access dangerous to the extent that people would have to reverse out because they could not turn round, but also the proposal would affect residents' amenity. They believed the situation for the residents either side of the access road would feel worse and there was a view that no emergency vehicles would be able to access the new development. They considered that the access should be via Brierley Avenue.

The Planning Officer confirmed that the road serving the development complied with the Highway Authority's requirements and was therefore adoptable. On the basis that the application had to be considered on its own merits, he believed it was acceptable. He confirmed that the buffer zones were measured from the flank walls of the development and that the parking spaces complied with current standards. The Principal Planning Officer referred to the Inspector's report which implied that the principle of development on this site was acceptable, however the Inspector concluded that the harm caused to the living conditions of the future occupiers of plots 50 and 51 was sufficient to dismiss the appeal. The officer's advice was that this proposal was significantly different from the earlier proposal and therefore it overcame that objection.

However, members were of the opposite view that there was no significant difference from the earlier refused application and this proposal would have a detrimental impact on the amenity of nos. 3 and 4 Bower Grove by virtue of noise and disturbance by future occupiers of the adjoining development. Members would have preferred the access to be via Brierley Avenue thus avoiding any impact on occupiers' amenity. There was also a view that permitted development rights should be removed to prohibit loft spaces being utilised as a second floor.

RESOLVED (MAJORITY voted FOR) that the application be refused on the grounds that the proposal would conflict with the aims of the Backland and Infill Development Supplementary Planning Document and also Local Plan Policy UEA12, specifically that the living conditions of future occupiers of the dwellings at nos. 3 and 4 Bower Grove would be harmed by virtue of noise and disturbance generated by the occupiers of and visitors to the proposed development, Paragraph 17 of the Inspector's Report, APP/A1530/A/09/2119253 refers.

208. 110219 Proposed car park, Conifer Close, Colchester, CO3 3LW

The Committee considered an application for a change of use from an unused concrete based communal drying area to a residential car park. The Committee had before it a report in which all information was set out, see also Amendment Sheet.

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

209. 110222 Proposed concrete play area, Camelia Court, Hickory Avenue, Colchester, CO4 3PG

The Committee considered an application for a change of use from an unused concrete based communal drying area to a children's play area fenced off from any public road. The Committee had before it a report in which all information was set out.

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

210. 110385 Prettygate Road, Colchester

The Committee considered an application for prior approval for the installation of a new shared mobile telephone mast of 11.8 metres, to top height, with six antennas located within a GRP shroud at the top of the pole and one ground level street works cabinet measuring 1.89 metres wide, 0.79 deep and 1.65 metres high. The Committee had before it a report in which all information was set out, see also Amendment Sheet.

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

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

Councillor Davies attended and, with the consent of the Chairman, addressed the Committee. She asserted that if the application was approved the natural route through the trees would be cut off because the mast would be in the middle of the trees and the Cabinet would be a physical barrier. There were a range of recycling bins at the site, but the fact that the bins were there did not mean that another structure could be located there. She believed that this site was not an appropriate location for this equipment. She noted that the developers had already marked out the pavement and if the application was refused she would like them to remove the marks.

Members of the Committee confirmed that they had been able to see what the problems were on the site visit. The mast was much higher than the existing two storey buildings.

RESOLVED (UNANIMOUSLY) that Prior Approval is refused for the details as submitted for the reasons as set out in the report.

Councillor Kevin Bentley (in respect of his membership of Essex County Council) declared a personal interest in the following item pursuant to the provisions of Meetings General Procedure Rule 7(3)

Councillor Theresa Higgins (in respect of her membership of Essex County Council's Planning Committee) declared a personal interest in the following item which is also a prejudicial interest pursuant to the provisions of Meetings General Procedure Rule 7(10) and she left the meeting during its consideration and determination.

211. 110342 Birch Airfield, Blind Lane, Birch

The Committee considered an application for an anaerobic digestion (AD) and in Vessel Composting (IVC) facility for the treatment of 25,000 tonnes per annum of municipal organic wastes, including food waste, commercial waste and agricultural residues, producing 15,000 tonnes per annum of compost material and power generation. The facility comprises a waste reception and preparation building, mixing hall, anaerobic digestion concrete tunnels, IVC concrete tunnels, power generation compound, office buildings, weighbridge, water storage lagoons and tanks, maturation pad, seven car parking spaces including one disabled space and associated hard and soft landscaping. The Committee had before it a report in which all information was set out, see also Amendment Sheet.

The Committee made a site visit in order to assess the impact of the proposal upon

the locality and the suitability of the proposal for the site.

Bradly Heffer, Principal Planning Officer, attended to assist the Committee in its deliberations. He referred to a petition which was handed to the Chairman and contained 760 signatures in the following terms:- "We the undersigned wish to register our concerns and formally object to the proposed development on Birch airfield of an enlarged composting facility (REF : ESS/09/11/COL). The grounds for our concerns and objections are multiple and include:- the sheer scale of the development; the lack of infrastructure to support such a development; the potential for noise pollution; and the very significant impact in terms of traffic movements to and from the proposed site. We also understand that the surrounding villages are conservation areas which should be protected by sympathetic planning control and environmental management."

Derek Marriott addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in opposition to the application. He believed the plans submitted were inadequate and contained omissions, such as an Environment Agency Flood Risk Assessment, an Environmental Impact Assessment and more detailed lighting and noise assessments. He referred to a local petition having been submitted containing 760 signatures. Based on the dimensions of the building, he did not believe this was a small scale operation and the building would be on elevated ground in open countryside. He believed the process was industrial in nature which would harm the character of the area and that if approved, there would be no return. He considered that the tree screen would take decades to mature and would be an unnatural feature in the landscape. He was also concerned about the traffic impacts from the B1022 with a dangerous corner and a double bend nearby. He was not opposed to the greater use of green waste, but this large scale proposal should not be considered for a rural location and he asked the Committee to reject it.

Jim Strathern addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in support of the application. He was aware of the campaign against the site but pointed out that it was difficult to find an appropriate site. There were a number of constraints such as being 250 metres in any direction, not being close to water courses, ditches or streams. Flooding was therefore a minor issue and cannot be considered on this site. The facility needed to be near the waste and near where the waste could be used. He accepted the concerns from Messing regarding visual impact and he had done everything possible to make the screening effective for which there was an aftercare package. It was not easy to comply with all the requirements and planning guidance as well. This was a dry anaerobic digestion system which could be handled and stored much easier than a wet system. He was aware that lorry movements were a concern but the Highway Authority had not objected to the application. This was a sustainable waste facility and would be needed in the future.

Councillor Bentley attended and, with the consent of the Chairman, addressed the Committee. This application affected small rural communities. It had become a controversial application but he was pleased that both the applicant and objectors had behaved very well and all credit to both parties. We need to change our ways of disposing of waste and have to stop using landfill for financial and environmental

reasons. There was a need to hit recycling targets and sites such as this were needed around the country. However this location was a great concern. He had received many representations in addition to the petition. He was mainly concerned about lorry movements, in respect of the increasing numbers from Birch quarry pit and Abberton reservoir, and any added lorry movements would be an issue; he would like to see the building set lower into the ground because of its size; this would constitute industrialisation of the countryside; a management plan should be part of the application; and there were genuine concerns about what might happen in the future. He congratulated officers for presenting a very good, well balanced report and asked the Committee to uphold recommendations from the officers.

Members of the Committee supported the principle of dealing with waste in this way because it enabled the Council to increase its recycling percentage. However, there were concerns about the location. The former airfield was in a rural setting and on a high point with no other buildings nearby. Despite the applicant's attempts to partially screen the site it would still be prominent and visible from various points, particularly from Messing, and therefore it failed ENV1 and DP1. Reference was made to the Spatial Policy team's view that there was a significant difference between the current set up and this proposal. There would be a significant traffic impact and no tractor and trailer movements had been included in the transport assessment. Landscape was the main impact on which the application failed. Partially burying the building appeared to be the only possible way forward. The bulk of the report considered that this Council should advise Essex County Council that it did not support the application and recommended a refusal citing ENV1 and DP1, scale, size and design, its failure to protect the rural assets or enhance the rural character of the area. In the event that Essex County Council were minded to support the application, the Committee supported all the conditions set out on page 86.

The Principal Planning Officer acknowledged the Committee's view of refusal of the application with reasons which link directly in the Local Development Framework policies and which were robust and addressed the issues, together with a reference to the inadequate infrastructure which would address the traffic issues. He was aware that the Committee's primary response was to refuse the application and for the relevant policy reasons to be set out in full. He was also aware that the Committee supported a recommendation for conditions in the event that Essex County Council were minded to approve the application. The Principal Planning Officer agreed to give the Chairman and Group Spokespersons sight of the full recommendation before submitting it to Essex County Council.

RESOLVED (MAJORITY voted FOR) that Colchester Borough Council recommends that Essex County Council refuses this application on the grounds that the quasi-industrial design, size and overall scale of the proposed building, and its resultant visual impact on the open countryside, is fundamentally contrary to the aims of the adopted Core Strategy policy ENV 1. This policy requires development to be appropriate in terms of scale, siting and design; to protect, conserve or enhance landscape character; and to protect, conserve or enhance natural and historic assets. Furthermore, adopted Development Plan Policy DP1 states that all development must be designed to a high standard, avoid unacceptable impacts on amenity, and demonstrate social, economic and environmental sustainability. Development

proposals must respect and enhance the character of the site, its context and surroundings; provide a design and layout that takes into account the potential users of the site; protect existing public and residential amenity; create a safe and secure environment; respect or enhance the landscape and other assets that contribute positively to the site and the surrounding area; and incorporate any necessary infrastructure and services. This Council considers that the proposal fails to accord with the aims of this policy in that the building would appear as a wholly incongruous and alien feature within this setting, which is characterised by landscape with extensive uninterrupted views. This Council is also concerned at the traffic impact that this development will have on the local road network (particularly when combined with existing traffic movements associated with Birch Pits and Abberton Reservoir) would be cumulatively harmful to local amenity and the enjoyment of the area as a rural resource, and also that the surrounding rural roads are not designed to accommodate the cumulative level of HGV movements.

Lastly, this Council considers that insufficient consideration has been given to the need for this facility, whether it is an appropriate facility to meet national and Essex requirements for recycling and reducing landfill, whether there are other more suitable sites whether there are sites which already have planning permission and that may be a more appropriate location for this type of facility.

If having considered the above matters Essex County Council are minded to approve the application then Colchester Borough Council consider the following information should be submitted prior to the determination of the application. In respect of the Landscape and Visual Impact Assessment the following information is required:-

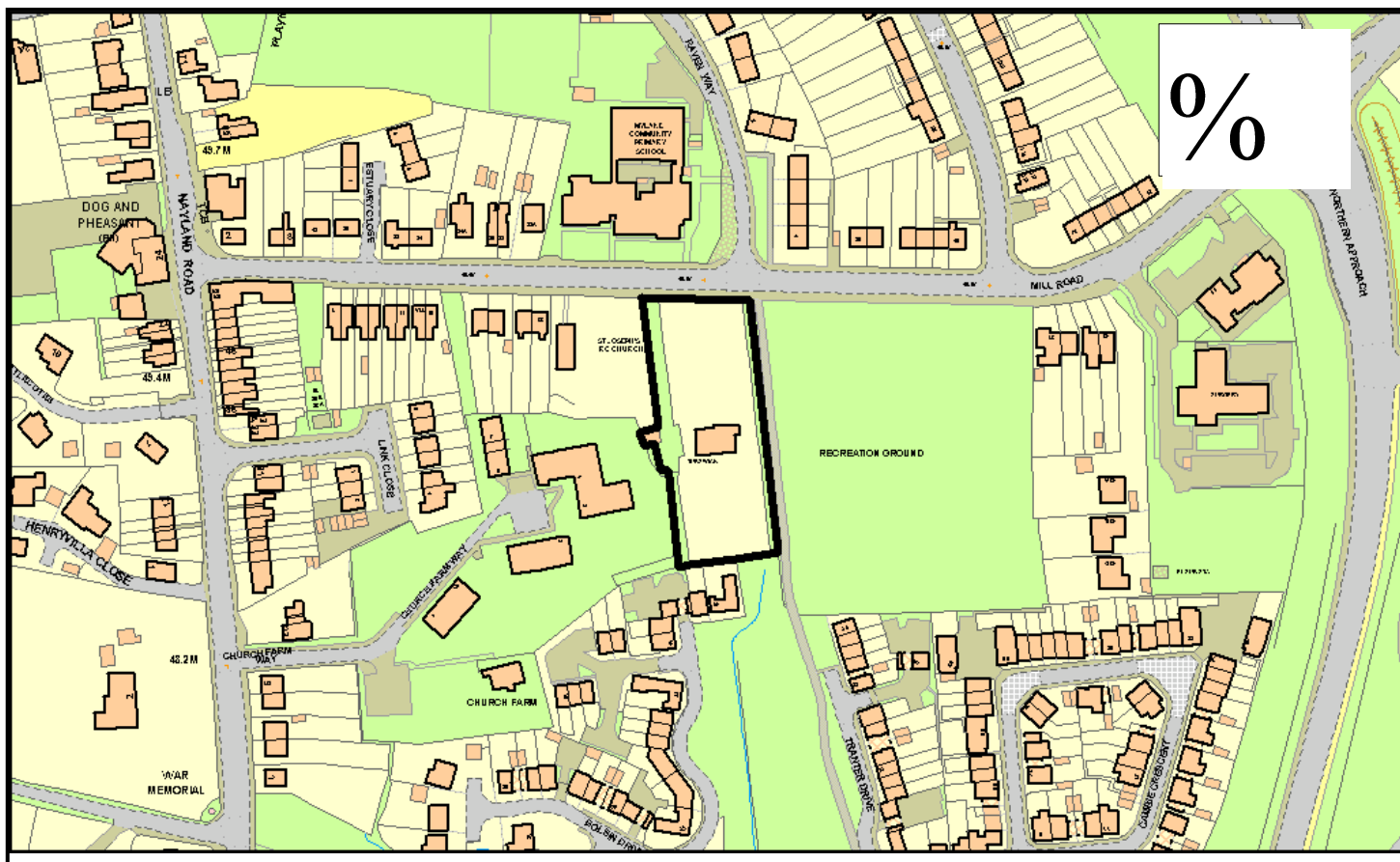
- The Landscape and Visual Appraisal (L&VA) needs to include a Zone of Visual Influence plan showing the area of landscape from which the proposed development would be visible. This in order to confirm viability of the proposed viewpoints.
- Within the L&VA viewpoints from which the proposed development would be most prominent should ideally include simple photomontage demonstrating the height and width of the proposed development and the impact of the proposed mitigation planting on those views over time.
- Within the L&VA and DAS proposed lighting needs to be confirmed as in accord with category E2 of the Institute of Lighting Engineers 'Guidance notes for the reduction of obtrusive light'.

An odour management plan should be submitted and be available for public comment.

If Essex County Council are minded to approve, the Section 106 Agreement offered by the applicant should be secured to include a contribution of £8,000 to help fund organics containers and promotion of them plus conditions to secure the following:-

- Hours of working.
- Lighting details to be submitted and agreed and no lighting outside the working times.
- Gates locked when not working.

- Details of the profile of the earth bund to be submitted and agreed to minimise its impact in the landscape.
- Tree planting and monitoring for 10 years.
- Odour control and management plan and a requirement for this to be assessed annually or other agreed lesser period to ensure compliance.
- Noise levels to not exceed 5dBA (as set out in the consultation reply from Environmental Control) and site to be monitored annually or other agreed lesser period to ensure compliance.
- Conditions in respect of possible land contamination as recommended by Environmental Control. The consultation response from Environmental Control to be sent to Essex County Council with Colchester Borough Council comments.
- No retail sales.
- Litter control and management plan be monitored annually or other agreed lesser period to ensure compliance.
- Management Plan to deal with vermin/birds to be monitored annually or other agreed lesser period to ensure compliance.
- Dust and particle omission management plan be monitored annually or other agreed lesser period to ensure compliance.
- Restrict number of vehicles.
- Works to road to reduce noise.
- No audible alarms on vehicles or moving plant etc.



Application No: 110503
Location: Tubswick, Mill Road, Colchester, CO4 5LD
Scale (approx): 1:1250

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Committee Report

Agenda item

7

To the meeting of **Planning Committee**
on: **28 April 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: Simon Osborn

Due Date: 17/05/2011

MINOR

Site: Tubswick, Mill Road, Colchester, CO4 5LD

Application No: 110503

Date Received: 22 March 2011

Agent: Mr David Rose

Applicant: Mr A Richardson

Development: Proposed replacement dwelling following the demolition of existing dwelling and the erection of eight additional dwellings, garages and associated works.

Ward: Mile End

Summary of Recommendation: Refusal

1.0 Introduction

1.1 This application is referred to the Planning Committee because the application has been "called-in" by Cllr Turrell for the reason that the plan does not bear any resemblance to the actual site. Parking is inadequate.

2.0 Synopsis

- 2.1 The application has been submitted in outline form for a total of nine dwellings, but includes an indicative layout. The report considers the layout proposed in the light of the Council's adopted policies and standards. It concludes that the layout as submitted is unsatisfactory and that there are issues relating to highway safety resulting from the intensification in the use of the access onto Mill Road, which have not been adequately addressed. The application is recommended for refusal.
- 2.2 Whilst all matters are reserved, outline planning applications still have to demonstrate that proposals have been properly considered in the light of relevant policies and the site's constraints and opportunities. Detailed consideration is required on the use and amount of development of the site whilst some basic information on the remaining issues (design, layout, scale etc) is required in the application. It is fair and reasonable that the amount of development and the indicative layout and scale parameters be considered. Therefore, the applicant is still expected to demonstrate that their proposed development can be suitably accommodated within the site and relates well to its setting even though the finer details may well be reserved. Similarly, the indicative access point should also suggest the point where access to the site will be situated.

3.0 Site Description and Context

- 3.1 The application site is a rectangular shaped parcel of land of size 0.35 hectares, with public frontages onto Mill Road and the local recreation ground. The remains of a listed building sit centrally on the site, otherwise the site has largely been cleared save for a couple of trees and a hedgerow close to the boundary of the site with residential properties in Bolsin Drive. The site lies on the opposite side of Mill Road from Myland Community Primary School.

4.0 Description of the Proposal

- 4.1 The application proposes 9 residential dwellings on the site (which is eight new ones in addition to the existing dwelling Tubswick). The application has been submitted in outline form with all matters reserved, but an illustrative layout has been submitted together with a full DAS, a Flood Risk Assessment,, a Biodiversity Survey, an Arboricultural Survey and an Environmental Desk Study. The illustrative layout shows three dwellings fronting onto Mill Road, four dwellings facing the recreational ground and two dwellings facing the internal access road, which winds through the site from the existing vehicular access point.

5.0 Land Use Allocation

- 5.1 Predominantly residential

6.0 Relevant Planning History

- 6.1 100646 – Demolition of the remainder of severely damaged dwelling and associated garage – this was granted listed building consent on 12 January 2011, subject to one condition that prior to any demolition a programme of building recording works to be carried out by an appropriately qualified specialist and submitted to the Local Planning Authority.

7.0 Principal Policies

- 7.1 The following national policies are relevant to this application:
Planning Policy Statement 1: Delivering Sustainable Development
Planning Policy Statement 3: Housing
- 7.2 In addition to the above national policies, the following policies from the adopted Colchester Borough Core Strategy (December 2008) are relevant:
H1 - Housing Delivery
H2 - Housing Density
H3 - Housing Diversity
H4 - Affordable Housing
UR2 - Built Design and Character
ER1 - Energy, Resources, Waste, Water and Recycling
- 7.3 In addition, the following are relevant adopted Colchester Borough Development Policies (October 2010):
DP1 Design and Amenity
DP12 Dwelling Standards
DP14 Historic Environment Assets
DP16 Private Amenity Space and Open Space Provision for New Residential Development
DP17 Accessibility and Access
DP19 Parking Standards
DP20 Flood Risk and Management of Surface Water Drainage
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
Myland Design Statement

8.0 Consultations

8.1 The Highway Authority raised an objection to the above application for the following reasons:

- The proposal would lead to intensification in use of the access which would lead to additional turning and braking movements in the highway in an area which is in close proximity to a very busy pedestrian crossing point and access to the primary school.
- The position of the traffic island would make right turning movements out of the site inefficient and would bring the additional traffic into conflict with pedestrians.

(Were amended plans to be received showing the following this Authority would be happy to recommend favourably; 1) Removal of the traffic island, 2) Narrowing of the carriageway in the vicinity of the pedestrian crossing point, 3) A raised table constructed in the position of the pedestrian crossing thereby turning the area into a more pedestrian dominated environment, 4) The access into the site to be a suitably constructed adoptable layout.)

8.2 Environmental Control recommended the Construction and Demolition Informative if permission is granted.

8.3 The Design and Heritage Unit (DHU) stated:

- The outline application proposes a layout that does not follow good principles. The relationship between plots 1 to 3 and the two plots (4 and 5) that face the rear of the first three should be reconsidered. As a general principle we do not accept such layouts that create insecurity and ambiguity between the private rear spaces and public frontages.
- The site would be suitable for intensification but the layout should be adapted to more appropriate standards that define private and public areas. The houses facing Mile End Road should not have road to the front and road to the back. The layout should not have houses that have frontages looking into rear gardens. It does not seem possible to produce a satisfactory layout at the density proposed.

8.4 The Landscape Officer was in general agreement with the proposal subject to greater tree cover being provided to the recreation ground boundary to filter screen the development and a principal tree added to the corners of the site fronting Mill Road to help soften the street scene.

8.5 Colchester and Ipswich Museum Service asked for an archaeological watching brief condition commissioned by the applicant/developer from a professional archaeological contractor. The current listed fire damaged property dates from about 1750, but the famous author Daniel Defoe in 1722 was granted a lease for 99 years of the estate of Kingswood Heath or the Severalls together with Brinkley Farm and Tubswick. Thus it would appear that there may well have been an earlier property on this site perhaps of late Medieval date.

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 Myland Community Council objects to this outline planning application in the strongest possible terms.

The reasons for our objection are as follows:

1. The service road entrance is unsafe because:

- a. It feeds on to a narrow road (Mill Road) bang opposite Myland Primary school
- b. It is within the no stopping zone outside the school.
- c. It is too small, with poor visibility in both directions towards Mill Road traffic, especially when the 2 bus stops are occupied.
- d. The nine homes on the site will generate an unacceptable number (possibly 18+) of vehicle movements, in the mornings, right outside the school
- e. No recognition has been given to the ECC approved the need for a new zebra crossing and pedestrian barriers for the infant and primary school children to the site.
- f. It is incapable of providing safe access/egress for service and emergency vehicles.
- g. All the above will lead to a high risk to the safety of children and residents.

2. The service road design does not comply with the Essex Design Guide 2010 recommendations in that:

- a. it is too narrow and twisting for the traffic movements from nine homes, plus access for service and emergency vehicles
- b. It appears that it may not be possible for two vehicles to pass within the site
- c. the turning head does not comply with the Design Guide standards
- d. the winding road layout wastes space, introducing the risk that a later planning application will change the road layout to permit one or two more houses.

3. The architecture in this outline application is inappropriate in that:

- a. The housing density is equivalent to 25 units/ hectare which is unreasonably excessive for a site of this shape.
- b. It appears that no thought has been given to the public sensitivity and social importance of this highly prominent site, which lies between the centre of the village, Parish Church, primary school and recreation ground, as required in the adopted Myland Design Statement SPD.
- c. The Edwardian character of the adjacent architecture and the context of the previous listed building has been ignored.
- d. The need for a sensitive transitional site development between the school, church and the recreation ground has not been considered
- e. The site has only been considered only as a maximum revenue generating opportunity for the owner and the Developer.

4. The proposed Outline Planning Application documentation gives NO indication of the following issues:

- a. There is insufficient information on the design of street scene
- b. No visitor parking on site
- c. No Materials nor detailed plans
- d. No Open space allocation
- e. No Design and access statement,
- f. No Landscaping plan
- g. No consideration to the effect on neighbouring properties in Bolsin Drive, where the ground level is considerably lower than on the Tubswick site, especially to preserving their privacy
- h. Design which could be not described as “secure by design”
- i. No indication of the Section 106/Community benefit provision for this development

Conclusions

- a. This application should be rejected.
- b. Had the applicant proposed a development of no more than three homes of high quality Edwardian architectural style which could satisfy our concerns about traffic volumes and child safety, whilst reflecting the importance of this site to this community, then the proposal would have received a much more sympathetic response.
- c. In the event that this application receives consent we request that the decision and the minutes of the meeting record that the layout plan, including the number of homes, is specifically described as “not indicative”.

10.0 Representations

10.1 8 objections received raised the following issues:

- Overdevelopment – too many properties for the site.
(Officer Comment: This is considered in the main body of the report).
- Gardens do not appear to meet minimum standards
(Officer Comment: This is considered in the main body of the report)
- Highway safety issues given proximity of schools and crossing point over Mill Road.
(Officer Comment: This is considered in the main body of the report)
- Road seems too tight for dustcarts (Officer Comment: The proposal shows a Type 3 Turning Head, which would be required to accommodate these sorts of vehicles)
- Insufficient car parking.
(Officer Comment: This is considered in Section 11 of the report)
- Plot 9 too close to 73 and 75 Bolsin Drive.
(Officer Comment: This is considered in the main body of the report)

- No community facilities provided.
(Officer Comment: The development is not of sufficient size to warrant the provision of community facilities on site. The Unilateral Undertaking includes a contribution towards community facilities in accordance with the adopted SPD)
- Noise impact on neighbouring gardens whilst construction in progress.
(Officer Comment: If approved, the Construction and Demolition Informative would be appended)
- Insufficient landscaping.
(Officer Comment: The Landscape Officer agrees with this. Were permission granted this would need to be a condition of the outline planning permission).
- No provision for saving historic graffiti bricks from Tubswick.
(Officer Comment: The previous listed building application dealt with the demolition of the fire damaged building)

11.0 Parking Provision

- 11.1 Policy DP11 requires a minimum of 1 car parking space for 1-bed dwellings and a minimum of 2 car parking spaces for 2-bed dwellings and above, in addition to 0.25 spaces per dwelling for visitors. The illustrative plan submitted shows 2 parking spaces for each of the dwellings, a visitor parking space associated with each of six dwellings, and a further visitor space to the rear of and shared between the three dwellings on the Mill Road frontage. The size of the parking bays for the three frontage dwellings does appear substandard on the layout submitted. This will be considered further in the main body of the report.

12.0 Open Space Provisions

- 12.1 Policy DP16 accepts that a commuted sum in lieu of open space provision is likely to be acceptable on smaller developments of less than 0.5ha. The applicant has provided a Unilateral Undertaking for such a sum to be provided in accordance with the Council's adopted standards.

13.0 Report

Principle of Development

- 13.1 Tubswick is a listed building with historical associations to Daniel Defoe. However, listed building consent for the demolition of this dwelling was granted by the Council earlier this year. The site is within a predominantly residential area and the redevelopment of the site for residential purposes is therefore acceptable in principle subject to the details being in accordance with adopted policies and other planning guidance.

13.2 New residential development should accord with the minimum standards laid down in the policies in the Core Strategy and Development Policies. The Backland and Infill Development SPD can require in excess of minimum standards where this is appropriate to the site context. In this instance, whilst there are public buildings such as St Joseph's RC Church and Myland Primary School in the near vicinity, as well as the recreation ground to the east, the site is also adjacent to modern estate houses off the Northern Approaches Road and established dwellings along the Mill Road with relatively modest rear gardens. It is therefore considered appropriate that standards for the new dwellings meet those set out in the LDF policies.

Design and Layout

13.3 The application has been submitted for a total of nine dwellings in outline form with all matters reserved. Nonetheless, the application includes an indicative drawing to show a layout with nine dwellings, which gives the Local Planning Authority an opportunity to consider whether or not a layout such as this would be acceptable or not. The layout still provides information on the approximate location of buildings, routes and open spaces proposed. It suggests an explanation as to how these principles, including the need for appropriate access will inform the detailed layout at the reserved matters stage.

13.4 The DHU has commented that the layout does not follow good principles. The relationship between plots 1 to 3 and the two plots (4 and 5) that face the rear of the first three should be reconsidered. Layouts that create insecurity and ambiguity between the private rear spaces and public frontages should not be accepted. The houses facing Mile End Road should not have road to the front and road to the back.

13.5 Plots 1 and 2 appear to have very small rear gardens, below the minimum standard recommended by Policy DP16 of 50 square metres for 1-bedroom properties and 60 square metres for 2-bedroom properties. The rear gardens of plots 1 to 3 all appear to be overlooked by the dwellings on plots 4 and 5. Additionally the layout, suggests that plots 1 to 3 will have off-street parking spaces behind inward-opening gates, resulting in them being below the recommended length of 5.5m each. The layout should not have houses with frontages looking into rear gardens. The layout proposed is not considered satisfactory at the density of development proposed.

13.6 As an outline application it is not possible to consider detailed aspects of the design in terms of the external appearance of the dwellings and how this relates to the context of the surrounding area.

Impact on Neighbouring Properties

13.7 The principle issue arising from the layout submitted is the proximity of plot dwelling 9 on Nos. 73 and 75 Bolsin Drive, owing to a drop in land levels of approx 1.3m from the application site to these existing properties. There is an established hedge close to this boundary, but the Tree Survey recommends it is removed and replaced with better quality hedging. The dwelling shown is sited to the north of the Bolsin Drive properties and is 3m away from the boundary. Whilst it will not result in the loss of direct sunlight and the arrangement of first floor windows could avoid unreasonable overlooking, the proposed dwelling is potentially overbearing on the rear garden of 75 Bolsin Drive in particular.

Highway Issues

13.8 For outline applications, where access is reserved, the application should still indicate the location of the point of access to the site and clearly explain the principles which will be used to inform the access arrangements for the final development. The Highway Authority has objected to the proposal as submitted on the basis of intensification in the number of vehicles entering the present road layout of this part of Mill Road. Although they have suggested that these matters may be overcome by various measures, such measures do not form part of this planning application.

14.0 Conclusion

14.1 The application as submitted has raised highway safety issues, which the application proposal does not address. The proposal as submitted is also not considered acceptable, with an unsatisfactory layout particularly in relation to the dwellings at the front of the site and the relationship of the dwelling on plot 9 to existing properties. The application is recommended for refusal on these grounds.

15.0 Background Papers

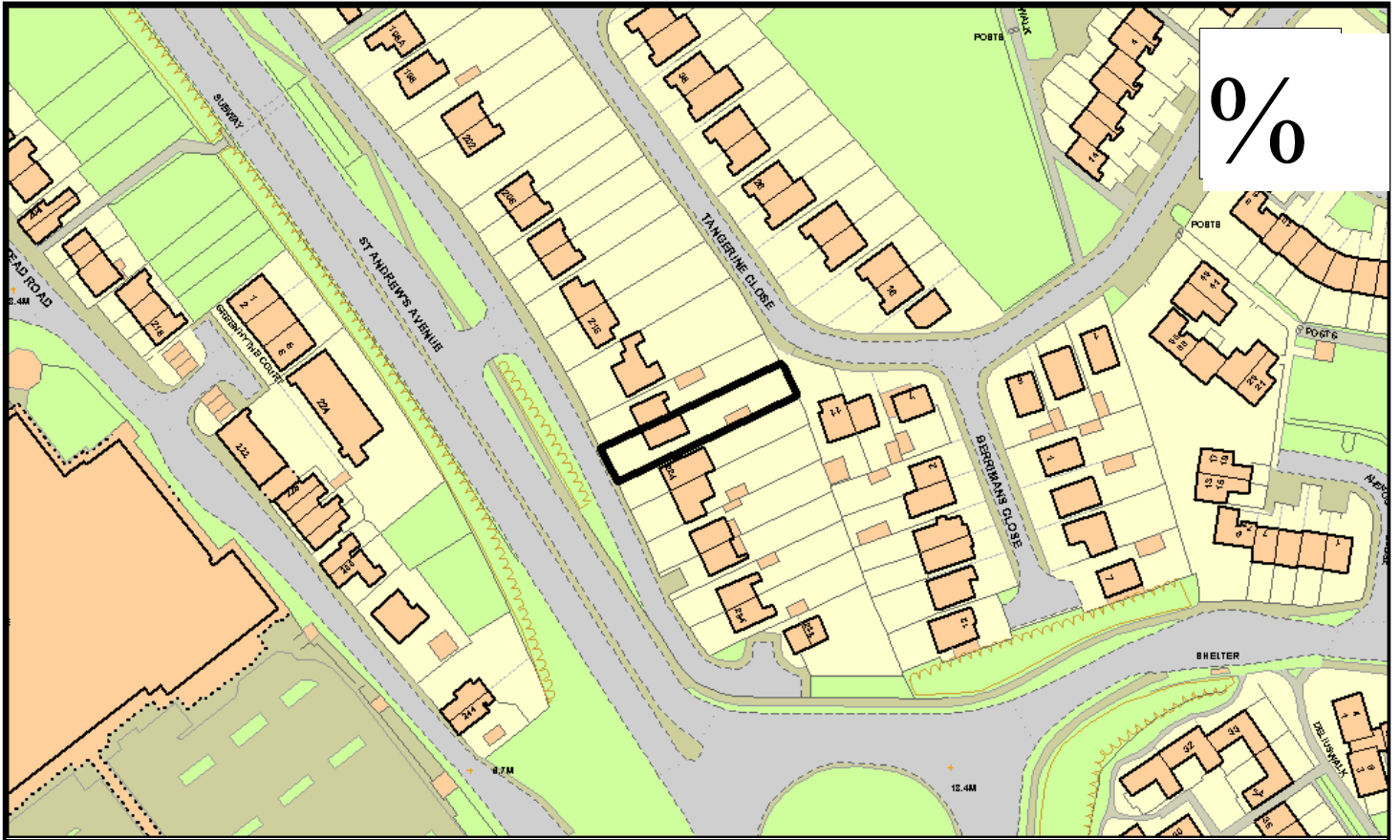
15.1 PPS; Core Strategy; CBDP; SPG; HA; HH; DHU; TL; Museums; PTC: NLR

16.0 Recommendation - Refusal

Reasons for Refusal

Policy UR2 in the Core Strategy (adopted December 2008) and Policy DP1 in the Development Policies (adopted October 2010) promote high quality and inclusive design in all developments to make better places for residents and visitors and to ensure they have an acceptable impact in relation to surrounding development. Policies DP12, DP16 and DP19 provide further guidance on the standards expected for new residential properties. The proposal as submitted is considered unsatisfactory because the layout will result in an ambiguity between private rear spaces and public frontages, house frontages looking into private rear garden spaces of plots 1 to 3, and apparently sub-standard sized private amenity spaces and car parking bays for plots 1 to 3. Furthermore, the position of the dwelling on plot 9 to existing dwellings in Bolsin Drive appears unsatisfactory by virtue of proximity and the difference in ground levels. The proposal as such is contrary to the aforementioned adopted policies.

Policy DP17 in the Development Policies seeks to ensure that access to all development is created in a manner which maintains the right and safe passage of all highway users. In this instance, the proposal would lead to intensification in use of the access which would lead to additional turning and braking movements in the highway in an area which is in close proximity to a very busy pedestrian crossing point and access to the primary school. The position of the traffic island would make right turning movements out of the site inefficient and would bring the additional traffic into conflict with pedestrians. The proposal as submitted is contrary to the interests of highway and pedestrian safety and as such contrary to the aforementioned adopted policy.



Application No: 110314

Location: 222 St Andrews Avenue, Colchester, CO4 3AG

Scale (approx): 1:1250

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7.2 Case Officer: Simon Osborn

Due Date: 02/05/2011

Site: 222 St Andrews Avenue, Colchester, CO4 3AG

Application No: 110314

Date Received: 7 March 2011

Applicant: Mr Paul Harris

Development: Erection of a two storey side extension

Ward: St Andrews

Summary of Recommendation: Conditional Approval

1.0 Introduction

1.1 This application is referred to the Planning Committee because it has been “called-in” by Cllr Julie Young on the grounds of access to daylight affecting 224 St Andrews Avenue.

2.0 Synopsis

2.1 The application proposes a two-storey side extension, which has resulted in an objection from the nearest neighbour. The report considers the proposal in relation to the advice in the Council’s adopted SPD ‘Extending Your House’. It finds that although there will be some impact upon the neighbouring property in terms of some loss of ambient daylight to a kitchen window and some loss of evening sunlight to the rear garden area, the proposal nonetheless generally complies with this adopted guidance. The application is therefore recommended for approval.

3.0 Site Description and Context

3.1 The application site comprises a semi-detached house, with a lean-to garage style structure at the side and a large single storey extension to the rear. The property is one of a number of pairs of semi-detached houses set back from the service road on the eastern side of St Andrews Avenue. The nearest property to the extension, 224 St Andrews Avenue, is also a semi-detached house, and is set approx 1.5m from the existing dividing fence boundary.

4.0 Description of the Proposal

4.1 The application proposes a relatively narrow two-storey side extension 2.4m wide, constructed across the depth of the house, and 1m away from the boundary with 224 St Andrews Avenue.

5.0 Land Use Allocation

5.1 Predominantly residential

6.0 Relevant Planning History

- 6.1 87/0675 – side extension to provide garage, approved 1987
- 6.2 F/COL/04/1550 – two-storey side extension, approved October 2004. This was of similar design to the application currently under consideration, but the 2-storey element continued at the rear for a depth of a further 2.5m.

7.0 Principal Policies

- 7.1 The following national policies are relevant to this application:
Planning Policy Statement 1: Delivering Sustainable Development
- 7.2 In addition to the above national policies, the following policies from the adopted Colchester Borough Core Strategy (December 2008) are relevant:
UR2 - Built Design and Character
PR1 - Open Space
PR2 - People-friendly Streets
TA1 - Accessibility and Changing Travel Behaviour
TA2 - Walking and Cycling
TA3 - Public Transport
TA4 - Roads and Traffic
- 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:
Extending your House
The Essex Design Guide

8.0 Consultations

- 8.1 Environment Agency – no comments

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

9.0 Representations

9.1 One letter of objection from 224 St Andrews Avenue raised the following issues:

- Proposal will reduce the sunlight hours in garden in the evening
- Only a couple of metres between proposal and outward facing window, thereby blocking out sunlight /daylight
- Privacy in question

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

10.0 Parking Provision

10.1 Parking for at least 3 cars is available on the forecourt; this is in excess of the Council's adopted parking standards.

11.0 Open Space Provisions

11.1 The application has a sizeable rear garden and there is no requirement for open space provision.

12.0 Report

12.1 The most significant planning issues are the design of the proposed development, as well as its impact on neighbouring amenity in terms of outlook, light and privacy.

12.2 The design of the proposed development is considered satisfactory on its own merits. The development is visually acceptable and would not detract from the appearance of the original building. Consequently the design and layout do not harm the surrounding area either.

12.3 The neighbouring property (224 St Andrews Avenue) has raised issues regarding the impact of the proposed extension in relation to loss of daylight and sunlight to a window and the rear amenity area. No. 224 has a kitchen window facing toward the side wall of No. 222; this is the sole window to that room. The kitchen window is roughly level with the back part of the original house at No. 222, and the mid-point of this window faces a point in the wall of No. 222 which is approx 1m forward of the back of the original house form of No. 222.

12.4 The Council's SPD 'Extending Your House' states that a window in the side elevation of a neighbouring property should be protected from overshadowing if it is the main window serving a habitable room. Each case will be considered on its own merits bearing in mind the 45 degree rule and the existing relationship between buildings. The 45 degree rule states the centre point of an existing window should not be within a combined plan and section 45 degree overshadowing zone. Proposals that break the 45 degree line in both plan and elevation are generally considered to be unacceptably overshadowed.

- 12.5 The proposed extension will mean the side wall of No. 222 will be approx 2.5m away from the kitchen window (compared with an existing distance of 4.9m). In terms of a 45 degree line drawn from the mid-point of the kitchen window in the side of No. 224 out toward the rear of the No. 222, this line would not be broken by the proposed two-storey extension.
- 12.6 The kitchen window faces northwest and would not receive much direct sunlight. It is acknowledged that the closer proximity of the proposed extension will reduce the ambient daylight to this window; nonetheless, the proposal meets the guidance within the Council's adopted SPD.
- 12.7 The neighbour at No. 224 has also objected on the basis of loss of evening sunlight to their rear amenity area. 'Extending Your House' does not specifically refer to loss of light to a garden area; however, it does say that the bulk of an extension can feel oppressive or overbearing when experienced from adjoining residential property. Generally it is the rear aspect of the adjoining house and private patio area of the garden that should be protected from development that is potentially overbearing. To prevent a 2-storey extension being unacceptably overbearing, it should not infringe a 45 degree plan line drawn from the nearest corner of the main part of the adjoining dwelling.
- 12.8 The proposed extension does not project beyond the main 2-storey part of No. 224 and No. 224 has a single storey rear extension beyond this. The proposal will not have an overbearing impact upon the neighbouring garden in terms of the Council's adopted SPD. It is acknowledged that this test does not specifically refer to the loss of direct sunlight to a garden area. In this instance the rear garden is positioned to the east of the proposed extension meaning that loss of direct sunlight will only occur during the latter part of the day/evening. However, the proposal accords with the Council's adopted SPD and the relationship of the proposed extension to the garden area of the neighbour is not unusual within an urban/residential area.
- 12.9 The neighbour has also referred to loss of privacy. However, there are no windows proposed to the side elevation of the extension and although there is a first floor rear bedroom window, this faces toward the applicant's garden rather than directly toward the neighbouring property. This again is considered to be not unusual, nor unacceptable within an urban/residential area.
- 12.10 Finally, in terms of other planning considerations (e.g. damage to trees or highway matters), the proposed development does not raise any concerns.

13.0 Conclusion

- 13.1 The proposed extension will have some impact upon the neighbouring property at No. 224 in terms of some loss of ambient daylight to a kitchen window and some loss of evening sunlight to the rear garden area. Nonetheless the proposal generally complies with the guidance in the Council's adopted SPD 'Extending Your House'. The proposal is therefore recommended for approval.

14.0 Background Papers

- 14.1 PPS; Core Strategy; CDBP; SPG; NR; NLR; CBC

15.0 Recommendation - APPROVE 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 - Development in Accord with Approved Plans (Non-Std. Wording)

The development shall be implemented in all respects strictly in accordance with the submitted plans and hereby approved, unless otherwise subsequently agreed, in writing, by the Local Planning Authority. These plans include drawing numbers Sh1 (Layouts), Sh2 (Elevations and Sections) and the Location Plan.

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

3 - C3.5 Materials to Match Existing

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

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

4 - B4.5 No Additional Windows in Walls/Roof Slope

No new window or other openings shall be inserted above ground floor level in the southeast side facing elevation of the proposed extension without the prior approval in writing of the Local Planning Authority.

Reason: In the interests of residential amenity and to secure the privacy of adjoining occupiers.

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.



Application No: 110523

Location: Bobby Swift Bookmakers, 33 Barrack Street, Colchester, CO1 2LL

Scale (approx): 1:1250

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Site: 33 Barrack Street, Colchester, CO1 2LL

Application No: 110523

Date Received: 31 March 2011

Applicant: Mr David Syrett

Development: Change of use of ground floor from bookmakers (Class A2) to office (Class B1).

Ward: New Town

Summary of Recommendation: Conditional Approval

1.0 Introduction

1.1 This application is referred to the Planning Committee because the Applicant is related to a member of staff.

2.0 Synopsis

2.1 This report will consider the proposed change of use of the ground floor commercial property at 33 Barrack Street in relation to current planning policies and adopted SPD. The previous use of this ground floor area was not a Class A1 (Shop) use, but a use within Class A2 (Financial and Professional Services) and as such the proposed use will not prejudice the role of this mixed use area. On this basis the use is considered to be acceptable in principle.

3.0 Site Description and Context

3.1 The site is a two storey, end of terrace building. To the side of the property there is a vehicular access leading to an enclosed parking and servicing area. Numbers 31 and 35 are residential properties. The rear boundary is enclosed by a high brick wall; the eastern boundary adjoins a car parking area as well as the side boundary of No.35 Barrack Street.

3.2 The ground floor of the premises has an authorised use as a Bookmakers Office (Class A2). Planning permission for this use was granted under reference 88/1684. This permission restricted the use to a Betting Office.

3.3 The first floor is in residential use and this use will remain.

3.4 To the rear of the site is an existing hard surfaced parking and servicing area. The application states that this area can accommodate up to six parking spaces.

4.0 Description of the Proposal

4.1 The application is seeking permission for the use of the ground floor as an office use within Class B1. In this case the office is for a local electrical company. This company is currently based in the Colchester Business centre (COLBEA) at Magdalen Street. The company employ 3 full-time electricians, an apprentice and 2 part-time office staff. Other electricians are employed as required. The business hours are given as 07:00 am – 20:00 pm Monday to Friday, 08:00 a.m. – 17:00 p.m. Saturdays and 08:00 am to 17:00 pm Sundays and Bank Holidays.

5.0 Land Use Allocation

5.1 Mixed Use Area/Potential Contaminated Land

6.0 Relevant Planning History

6.1 88/1684 – Change of use from retail to licensed betting office. Approved 10/10/1988

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 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
CE1 - Centres and Employment Classification and Hierarchy
CE2 - Mixed Use Centres
CE2a - Town Centre
CE2b - District Centres
CE2c - Local Centres
CE3 - Employment Zones
TA1 - Accessibility and Changing Travel Behaviour
TA2 - Walking and Cycling
TA3 - Public Transport
TA4 - Roads and Traffic
TA5 - Parking

7.3 In addition, the following are relevant adopted Colchester Borough Development Policies (October 2010):
DP1 Design and Amenity
DP5 Appropriate Employment Uses and Protection of Employment Land and Existing Businesses
DP6 Colchester Town Centre Uses
DP7 Local Centres and Individual Shops
DP17 Accessibility and Access
DP18 Transport Infrastructure Proposals
DP19 Parking Standards

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

8.0 Consultations

- 8.1 The Highway Authority has concerns that this proposal represents an intensification of a sub-standard access and have recommended that the application should be refused unless further details of the levels of vehicular activity are provided.

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 None received.

10.0 Parking Provision

- 10.1 The parking standard for A use within Class B1: Business is 1 space per 30 square metres floor area. The total floor area of the premises is given as 70 square metres, thereby requiring a minimum of 3 spaces. Based upon the details given in the application the existing rear parking area is in excess of 117 square metres.
- 10.2 The Applicant has commented that the site is located close to the town centre and benefits from being on the route of regular bus services. It is also his intention to provided cycle parking.

11.0 Open Space Provisions

- 11.1 Not applicable

12.0 Report

- 12.1 The Colchester Inset to the LDF Proposals Map allocates shows that this site lies within a Mixed Use Area. A Class B1 (Office) use is considered to be an appropriate use in terms of the Core Strategy policy CE1 (Table CE1b).
- 12.2 The Applicant has advised that this property has been vacant for approximately one year. The use will, therefore, bring this property back into a beneficial use. The use is also an established local business and as such the proposed use be supported on this basis.
- 12.3 The application does not propose any alterations to the external appearance of the building and a display window will be retained to the ground floor fronting Barrack Street.

13.0 Conclusion

13.1 No objections a raised to this use, which is acceptable in terms of land use, is in a sustainable location, and will bring this currently vacant commercial property back into a beneficial use. On-site parking facilities can be provided to the required standard.

14.0 Background Papers

14.1 PPS; Core Strategy; CBDP; SPG; HA

15.0 Recommendation – Conditional Approval

Conditions

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

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

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

2 - Non-Standard Condition

The development shall be carried out in accordance with the approved application and the submitted 1:1250 and 1:200 scale drawings.

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

3 - Non-Standard Condition

Parking for a minimum of three vehicles shall be provided within the site prior to occupation of the building and thereafter maintained to serve the use.

Reason: For the avoidance of doubt and to ensure the provision of on-site parking facilities in accordance with the Council's adopted standards in the interests of the amenity of the area and highway safety.

4 - D4.4 Bicycle Parking (satisfactory arrangements)

The building/s or land subject to this permission shall not be brought into use for the purposes hereby approved until satisfactory arrangements for the provision of bicycle parking have been agreed in writing and implemented to the satisfaction of the Local Planning Authority.

Reason: To ensure proper provision for cyclists, including parking in accordance with the Local Planning Authority's standards.

5 - Non-Standard Condition

A display shall be provided to the ground floor window in the front elevation of the building prior to the occupation, and thereafter maintained as such.

Reason: The application states that such a display is to be provided and this is considered to be appropriate in order to maintain an active frontage in the interests of visual amenity.

6 - A5.1 Industrial Uses

No machinery shall be operated, no process shall be carried out and no deliveries taken at, or despatched from the site outside the following times 07:00 to 20:00 hours Mondays to Fridays, 08:00 to 17:00 hours on Saturdays nor at any time on Sundays or Public Holidays.

Reason: To safeguard the amenities of nearby residential properties.



Application No: 102070

Location: 3 Roman Road, Colchester, CO1 1UR

Scale (approx): 1:1250

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7.4 Case Officer: Andrew Huntley

Due Date: 24/01/2011

Site: 3 Roman Road, Colchester, CO1 1UR

Application No: 102070

Date Received: 29 November 2010

Agent: Homa Design

Applicant: T Johae

Development: Conversion of existing 3 bedroom house into two one bed flats and insertion of new conservation roof light to the rear elevation.

Ward: Castle

Summary of Recommendation: Conditional Approval subject to Unilateral Undertaking

1.0 Introduction

1.1 This application is referred to the Planning Committee because member deferred the application for further information on the basement flat and the overall impact on car parking this may have.

2.0 Synopsis

2.1 The only issue that needs addressing is whether the fact that the provision of no off street car parking would warrant the refusal of planning permission as it would not accord with the adopted Car Parking Standards. This issue is addressed within the following report and it is concluded that planning permission should be granted

3.0 Site Description and Context

3.1 The site is located at the northern end of Roman Road, near to Castle Road and the junction onto East Hill. The area is residential in character and is typified by two storey Victorian dwellings. The property on the application site is a three storey terraced building with the basement a separate flat. The ground and first floors are being used as a dwelling.

4.0 Description of the Proposal

4.1 The proposal seeks permission for the conversion of a single dwelling into two residential flats. The only exterior change to the building is the insertion of a rooflight and the blocking up of a small ground floor window on the rear elevation.

5.0 Land Use Allocation

5.1 Residential.

6.0 Relevant Planning History

6.1 None.

7.0 Principal Policies

- 7.1 The following national policies are relevant to this application:
Planning Policy Statement 1: Delivering Sustainable Development
Planning Policy Statement 3: Housing
Planning Policy Statement 5: Planning for the Historic Environment
- 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
H3 - Housing Diversity
UR2 - Built Design and Character
TA1 - Accessibility and Changing Travel Behaviour
TA2 - Walking and Cycling
TA5 - Parking
- 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
DP11 Flat Conversions
DP14 Historic Environment Assets
DP16 Private Amenity Space and Open Space Provision for New Residential Development
DP17 Accessibility and Access
DP19 Parking Standards
- 7.4 Regard should also be given to the following Supplementary Planning Guidance/Documents:
Community Facilities
Vehicle Parking Standards
The Essex Design Guide

8.0 Consultations

8.1 Essex County Council Highways: No objections.

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 Two letters of objection have been received, one from the Ward Councillor. Both these objections relate to the increase on on-street parking pressures that this proposal would cause.

10.0 Parking Provision

- 10.1 The proposal does not provide for any off street parking provision and there is no scope for any to be provided due to the physical nature of this town centre site. The adopted car parking standards state that between two and three spaces should be provided. However, it must also be judged against its location and the fact that the existing dwelling has no off street parking. The site is in the centre of town, close to local amenities and has very good public transport links. In locations as sustainable as this, it is considered that a refusal on parking grounds would not be upheld at appeal, especially when considering that the existing dwelling has no off street parking. Following the previous Committee meeting, the applicant's agent has confirmed that the existing house has two residential parking permits and that they would be willing to enter into a Unilateral Undertaking to ensure that each of the proposed flats could not apply for more than one residential parking permit. Therefore, the parking situation would not be altered from the existing situation in which the Local Planning Authority has no control over.
- 10.2 While having off street parking would be beneficial, it is not possible, and taking into account the site's location and the existing situation, the provision of no off street car parking is considered acceptable, subject to the appropriate legal agreement to ensure that the existing situation is not altered. Furthermore, even if there was scope for parking at the front of the property, such provision would have a detrimental impact on the character and appearance of the Conservation Area. Councillors will also be aware of the basement flat that exists, which is known as 3A Roman Road. The flat has been in existence for more than four years, and while it never received the benefit of planning permission, is immune from enforcement action. The number of residential parking permits for this property can not be controlled by the Local Planning Authority and it is considered that it would be unreasonable to attach considerable weight to this situation in determining this proposal.

11.0 Open Space Provisions

- 11.1 A unilateral undertaking for open space provision has been submitted with this application.

12.0 Report

Design and Layout

- 12.1 The only physical changes to the building being proposed are the insertion of a conservation style rooflight on the rear elevation and the blocking up of a rear ground floor window. Both of these alterations are not visible from public viewpoint and would not harm the character or appearance of the Conservation Area.

Scale, Height and Massing

- 12.2 Not applicable as the proposal is for the conversion of the existing dwelling.

Impact on the Surrounding Area

- 12.3 The only impact on the surrounding area that needs addressing is the potential impact on on-street parking pressures. This has already been judged not to warrant the refusal of this application.

Impacts on Neighbouring Properties

- 12.4 This change of use will not have any detrimental impacts on neighbouring properties.

Amenity Provisions

- 12.5 While the existing garden is small, it is typical of the area and is considered acceptable in this town centre location and in proximity to the Castle Park.

Highway Issues

- 12.6 The Highway Authority has raised no objections to the proposal and car parking has already been considered earlier in the report.

Other Matters

- 12.7 The two objections received in respect of this application solely relate to the pressures of on-street car parking within Roman and Castle Roads. No other matters have been raised or need to be addressed.

13.0 Conclusion

- 13.1 Subject to the signing of a Unilateral Undertaking, this proposal would not alter the existing pressures on car parking provisional that currently exist. In addition, due to the sustainable town centre location of this site, which is close to amenities and has good transport links, it is considered that the subdivision of this property into two flats is acceptable. A refusal on parking grounds would be unlikely to be upheld at appeal.

14.0 Background Papers

- 14.1 PPS; Core Strategy; CBDP; SPG; HA, NLR

15.0 Recommendation

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

- *Unilateral Undertaking to ensure that the proposed flats can only apply for one residential car parking permit each.*

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

17.0 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.