

Planning Committee

Town Hall, Colchester
19 May 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.

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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 19 May 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,
Nigel Chapman, Barrie Cook, Nick Cope, Bill Frame,
Christopher Garnett, Mike Hardy, Pauline Hazell, Martin Hunt,
Michael Lilley, Sue Lissimore, Richard Martin, Nigel Offen,
Ann Quarrie, Lesley Scott-Boutell, Paul Smith, Terry Sutton,
Anne Turrell and Julie Young.

Agenda - Part A

(open to the public including the media)

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

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

Pages

1. Welcome and Announcements

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

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

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

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

2. Have Your Say!

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

3. Substitutions

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

4. Urgent Items

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

5. Declarations of Interest

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

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

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

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

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

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

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

public interest.

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

6. Minutes 1 - 8

To confirm as a correct record the minutes of the meetings held on 14 April and 28 April 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. 100502 Former Severalls Hospital Site, Severalls Hospital, Boxted Road, Colchester, CO4 5HG (Mile End) **9 - 26**

Development to provide 248 residential units (Phase 1).

2. 101541 Lower Park, Colchester Road, Dedham, CO7 6HG (Dedham and Langham) **27 - 42**

Change of use of part of the existing parkland to private equestrian use ancillary to Lower Park and the related erection of a stable block with storage building, in addition to the construction of a swimming pool.

3. 101543 Lower Park, Colchester Road, Dedham, CO7 6HG (Dedham and Langham) **43 - 46**

Demolition of part of an outbuilding.

4. 100383 Nos. 9, 11, 13, 125, 135, 137 and 139 Albany Gardens, Colchester, CO2 8HQ (Harbour) **47 - 54**

Variation of Condition 56 of planning approval F/COL/02/1306 - change of use from B1 to residential.

5. 110573 61-67 Rectory Road, Wivenhoe, CO7 9ES (Wivenhoe Quay) **55 - 70**

Residential development of nine dwellings, carports, landscaping and access including partial demolition of existing building. Resubmission of 102585.

8. Performance/Determination Performance Monitoring and Appeals Analysis Update // Period 1 January 2011 - 31 March 2011 **71 - 79**

See report by the Head of Environmental and Protective Services.

9. Enforcement Performance Monitoring // Period 1 January 2011 - 31 March 2011 **80 - 89**

See report by the Head of Environmental and Protective Services.

10. Information Item // Progress report on actions to improve customer service **90 - 102**

See report by the Head of Environmental and Protective Services.

11. 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
14 APRIL 2011

- Present :-* Councillor Ray Gamble* (Chairman)
Councillor Helen Chuah* (Deputy Mayor)
Councillors John Elliott*, Andrew Ellis*,
Theresa Higgins*, Jon Manning*, Philip Oxford* and
Laura Sykes*
- Substitute Members :-* Councillor Richard Martin
for Councillor Peter Chillingworth
Councillor Michael Lilley for Councillor Stephen Ford
Councillor Christopher Arnold
for Councillor Jackie Maclean*
- Also in Attendance :-* Councillor Bill Frame
Councillor Henry Spyvee

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

212. 100304 Land adjacent to Gregory and Card, Wormingford Road, Wormingford, CO6 3NS

The Committee considered an application to vary Condition 1 of planning permission 090786 permitting the retention of 22 sealed metal containers for storage for a further temporary time period up to and including 31 August 2014. The Committee had before it a report in which all information was set out, see also Amendment Sheet which confirmed that the door mechanisms on the containers had been lagged and notices advising of the hours of operation attached to each container.

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

In response to a query from the Committee on the current situation of a succession of temporary permissions, the planning officer explained that temporary permissions should only be given for three years and the time may have come when a permanent permission should be investigated.

RESOLVED (UNANIMOUSLY) that the application for a temporary permission until 31 August 2014 be approved with conditions and informatives as set out in the report and on the Amendment Sheet.

213. 102680 Greyfriars, Hillcrest and All Saints House, High Street, Colchester, CO1 1UG

The Committee considered an application for a change of use of the site and premises from their existing uses within Use Class D1 (Greyfriars/Hillcrest) and Use Class B1 (last known use of All Saints House) to hotel with bar, restaurant, function

room, ancillary offices and staff flat (primarily within Use Class C1). The application included the partial demolition of outbuildings and boundary walls, and internal and external alterations to existing buildings to form the proposed hotel accommodation; together with the erection of a new three-storey height lift enclosure; single storey extensions to form a glazed entrance foyer, office and corridor space; and roofed enclosure for external freezer units; external works to include 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.

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

Lana Meade addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in opposition to the application as a representative of Greyfriars Court Management Company. She was pleased that the development was going ahead to bring the building back into use and that the marquee had been removed from the scheme. However, she had a number of concerns substantially concerning noise which could disrupt the peace of the area and the protection of trees, roots and artefacts. Specifically she was concerned about contractors queuing up outside the site from 6.30am during the works, and after the conversion works she was concerned about noise generated by functions, the function room in general, and people making noise late at night. She also mentioned smokers outdoors, car parking, traffic safety, density and fumes, and noise from the processing of rubbish, staff arriving and leaving at unsocial hours, service vehicles and cleaning equipment.

John Lawson, in his capacity as agent, addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in support of the application. The scheme would provide twenty-five new jobs and he believed the investment would provide a sympathetic conversion for this important heritage asset in the town centre. He believed that the traffic levels would be low and there would be adequate parking provision. However, if required the adjacent public car park could provide an overflow area and there was further capacity within the site if required. Discussions had been held with officers from both the borough and county councils and the scheme had been amended in response to comments from residents. They did not wish any resident to be unduly affected.

Councillor Spyvee attended and, with the consent of the Chairman, addressed the Committee. He accepted the development in principle but was concerned about the neighbouring development whose 23 residents would be most affected. He referred to the parking requirement of 67 spaces being a maximum but accepted that not all those spaces would be needed. However he asked that fifty plus parking spaces be provided. He was also concerned that there appeared to be no parking provision for staff who would need vehicles on site and whilst the site was accessible not all staff would arrive by bus. He also referred to the requirements of the Highway Agency for measures to prevent mud being deposited on surrounding roads and for all construction and delivery vehicles to be parked on site. He considered it to be an

excellent addition to the borough subject to the details being right.

Councillor Frame attended and, with the consent of the Chairman, addressed the Committee. He believed this application contributed towards the heritage and regeneration of the town but he wanted the application properly worked through the Committee. In respect of a marquee, he asked whether this would also apply to temporary event notices. He noted that the parking provision for motorbikes was closer to Greyfriars Court than that for cycle parking and, for the benefit of neighbours, he asked if the motorcycle parking could be relocated further away from Greyfriars Court. He wanted sufficient landscaping to protect the amenity of Greyfriars Court residents. He accepted that this was an appropriate use for the building but he wanted residents' concerns taken into account with appropriate mitigation against impacts on their amenity.

The planning officer explained some of the conditions on the Amendment Sheet in more detail, specifically Conditions 12, 13 and 14. Conditions could also be added to ensure the appropriate siting and location of the smoking shelter and to restrict the times of use of the recycling facilities and to require details of the storage of refuse to be submitted. She explained that she was not familiar with a temporary event notice but this site did not qualify under the temporary use of open land for a certain number of days per year.

In respect of landscaping and boundaries, she referred to the retention and protection of the Holm Oak, some further landscaping along the boundary with Greyfriars Court, and a boundary wall on the eastern edge to separate the site from the public car park. In respect of parking facilities, she confirmed it would be possible to impose a condition to ensure that parking areas for powered and non-powered two wheelers would be located to achieve minimum disturbance to residents. She was aware that there was scope for an overflow car park if the proposed thirty-one space car park was considered to be inadequate. The agent had offered to provide additional parking within the red line where the outside events were to have taken place. It was considered that the hotel and ancillary uses would generate less traffic than the land use as a car park and an education establishment, and that the number of vehicle movements generated by staff would be minimal.

Members of the Committee would have preferred to see the full sixty-seven car parking spaces, but were reassured that there was an overflow car park which could also cater for staff to park on site if working a late shift. However, this overflow area would not be available in the event that that the area was developed. If parking was to be provided where the outside events were to have taken place, it was requested that it should be provided as 'green' parking. Members requested that an investigation be undertaken to establish the optimum site for the motorcycle parking area, determination of the final location to be delegated to officers. They asked that conditions should specify unsocial hours where appropriate. There was also some concern that the extraction equipment should be screened.

The planning service manager referred to the suggestion by the agent that there may be some capacity to provide some flexible car parking when needed within the red line. In respect to mitigating measures to protect residents amenity, he referred to

new conditions or amended conditions which could be appropriately worded to prohibit open air events which were separate and not related to the main hotel use, and also to prevent the use of the whole of the outside areas, including the terrace garden by all customers and at certain times. The planning officer referred to the siting of extraction equipment, in particular that it was understood that it would be located on the less sensitive parts of the building and not on the front elevation.

Details of the extractor equipment were required to be submitted and approved before works commenced on site. She stated that it was unusual to restrict the hours of use of a glass recycling facility but a non standard condition could be imposed to prohibit use between the hours of 7.30pm to 8am and to require the waste glass to be kept inside the building between these hours.

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

- Details of the location of an outdoor smoking area to be submitted and agreed prior to commencement of development (location to minimise any impact on residents).
- Switching location of the powered two wheelers with cycle parking if new location will reduce noise (consultation with Environmental Control).
- Details of the extractor equipment to be submitted and approved before works commence on site.
- Additional car parking spaces to be provided – details to be submitted and agreed prior to commencement and agreed details to be provided prior to use commencing.
- The SYMA condition no. 24 to restrict use of the area to 7.30am and 8pm.
- Condition 12 to include details of arrangements for delivery vehicles/contractors etc. which arrive before the permitted working/delivery times (not to queue/park outside the site).
- Condition 15 to relate to all customers including hotel guests and remove the exception for smokers.
- New condition to prevent the use of all outside areas for any organised events (this will include the car parks and all the garden areas).
- Plus restriction on the use of all the outside areas, other than the terrace and other than between the hours of 7.30am and 8pm (this will have to exclude the car park and circulation areas/access, etc.).

214. Tree Preservation Order Process // with specific reference to recent application 102121 16-23 Darwin Close, Colchester

The Head of Environmental and Protective Services submitted a report to explain the process for Tree Preservation Orders and to seek confirmation from the Committee that had the report on planning application 102121 considered at the Committee's meeting on 17 February 2011, made a correct reference to the ability to serve Tree Preservation Orders on the trees on land adjacent to the application site, their decision would have been the same for the reasons previously agreed, in that the

amenity value of the trees was fully considered at the time and their protection was not given as much weight as securing affordable housing units in the very particular circumstances of the case. The Committee had before it a report in which all information was set out.

Vincent Pearce, Planning Service Manager, attended to assist the Committee in its deliberations.

RESOLVED (UNANIMOUSLY) that –

(a) The process for making Tree Preservation Orders be noted.

(b) It be confirmed that had the report made a correct reference to the ability to serve Tree Preservation Orders on the trees on adjacent land, the Committee's decision on planning application 102121 at its meeting on 17 February 2011 would have been the same for the reasons discussed at that meeting.

215. Matter of Urgency // 110445 and 110447 Faraday House, Circular Road North, Colchester,

The Head of Environmental and Protective Services submitted a report pursuant to the provisions of Meetings General Procedure Rule 12 to inform the Committee that following advice from the Monitoring Officer and after consultation with the Chairman and Group Spokespersons of the Planning Committee, the Head of Corporate Management had invoked the power to determine planning applications 110445 and 110447, Faraday House, Circular Road North, Colchester as described in the report.

RESOLVED (UNANIMOUSLY) that the decision to approve the planning applications 110445 and 110447 as a matter of urgency pursuant to the provisions of Meetings General Procedure Rule 12 be noted.

**PLANNING COMMITTEE
28 APRIL 2011**

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

Substitute Members :- Councillor Christopher Arnold
for Councillor Andrew Ellis
Councillor Michael Lilley for Councillor Stephen Ford
Councillor Barrie Cook for Councillor Laura Sykes

Also in Attendance :- Councillor Henry Spyvee

(* There were no site visits for this meeting.)

216. 110503 Tubswick, Mill Road, Colchester, CO4 5LD

This application was withdrawn by the applicant/agent.

217. 110314 222 St Andrews Avenue, Colchester, CO4 3AG

The Committee considered an application for the erection of a two storey side extension. 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.

218. 110523 33 Barrack Street, Colchester, CO1 2LL

The Committee considered an application for a change of use of the ground floor from a bookmakers, Class A2, to an office, Class B1. 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 a reworded Condition 6 on the Amendment Sheet.

Councillor Ray Gamble (in respect of his former acquaintance with the public speaker, Peter Evans) declared a personal interest in the following item pursuant to the provisions of Meetings General Procedure Rule 7(3)

219. 102070 3 Roman Road, Colchester, CO1 1UR

The Committee considered an application for the conversion of an existing three bedroom house into two one bedroom flats and insertion of a new conservation roof light to the rear elevation. The Committee had before it a report in which all information was set out.

David Whybrow, Principal Planning Officer, attended to assist the Committee in its deliberations. He referred to the basement flat which did not benefit from a planning permission but there was evidence that it had been a separate unit since the 1980s/1990s and as such was an established use. He also referred to the parking situation. However, it was considered that the conversion would not generate any additional requirement for parking spaces above the current requirement for two parking spaces for the house, thus the status quo was maintained. This was considered to be a sustainable location and under such circumstances the parking standard could be relaxed where frequent public transport was available with pedestrian and cycle links and opportunities for food shopping, education, healthcare, recreation and employment. He also referred to the house having two parking permits which could be allocated one for each flat.

Peter Evans addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in opposition to the application. He had lived in Roman Road for 29 years and was a member of the residents' association. He was concerned about the parking situation in the area which was at a chronic situation. The number of permits issued far exceeded the number of parking spaces and in the evening there were no spaces available. Any increase in parking permits would put pressure on the parking available and he asked the Committee not to grant permission.

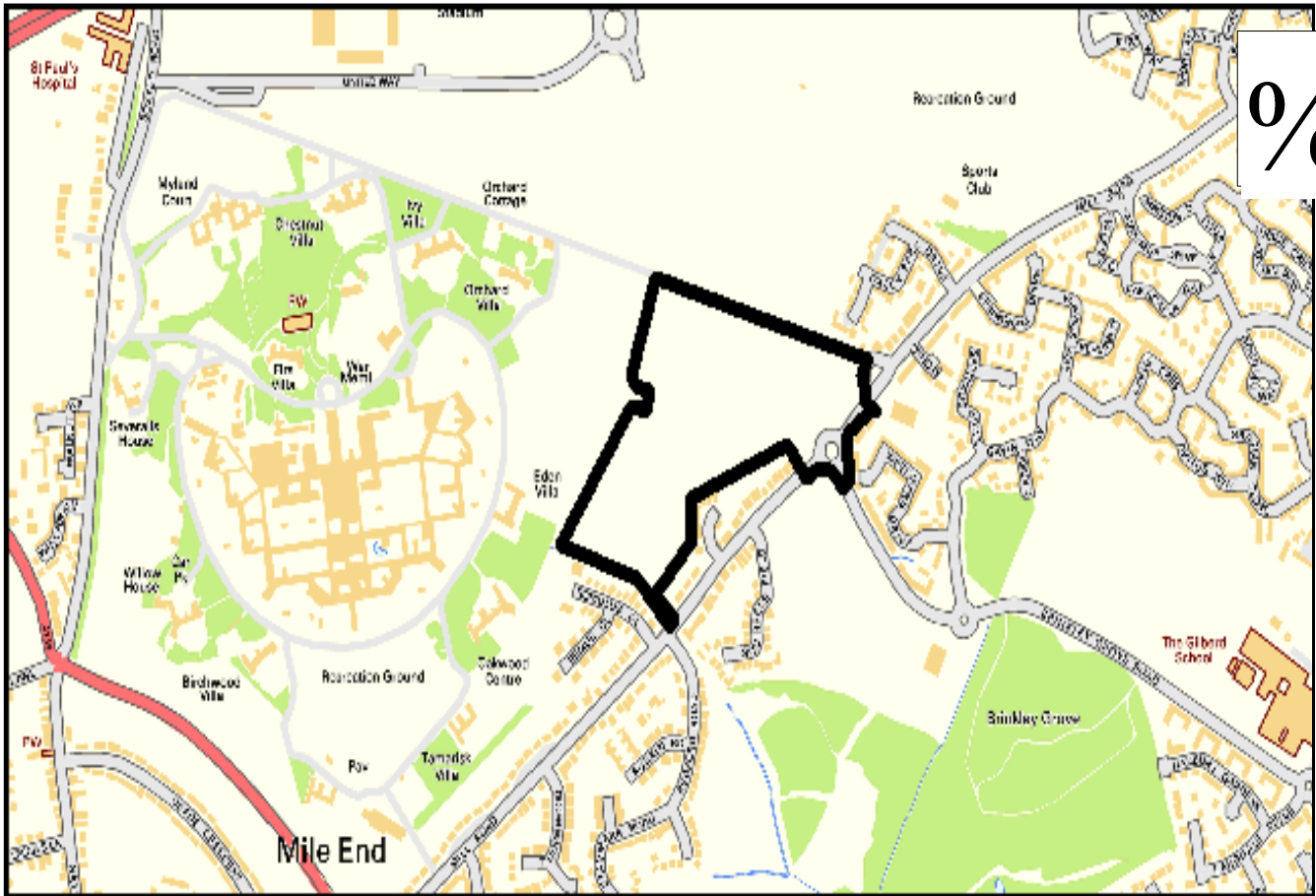
Councillor Spyvee attended and, with the consent of the Chairman, addressed the Committee. There were one hundred and thirteen parking permits for seventy-four parking spaces. Most people had only one car per family; nineteen percent had no permits and fourteen percent had two permits. This site has two permits and a unilateral undertaking was proposed to allow one parking permit per unit which was a pragmatic solution to the situation. The parking situation would not change for the existing basement flat. He asked the Committee to refer policy DP11 to the Local Development Framework Committee to review as this situation occurred elsewhere in the town centre and needed to be addressed. Conversion of the building would result in three flats which all required some amenity space under policy DP16.

Members of the Committee expressed sympathy for the residents, but they were aware of the parking problems in the area, and as far as planning was concerned the Committee could do nothing about the situation. However, they were aware of the unilateral undertaking and agreed that the Local Development Framework Committee should be asked to look at the situation. They acknowledged that possession of a permit did not guarantee a parking space within an area. There were also concerns regarding the availability of school places, although the development of one bedroom flats was unlikely to generate a demand for primary school places.

The planning officer explained that although the amenity space requirement of 25 square metres per flat was not met in this instance, the site was in close proximity to the quality open space of Castle Park, and a range of amenities was available in the town centre. It was considered that the conversion would not lead to a worsening of the situation.

RESOLVED (MAJORITY voted FOR) that –

- (a) Consideration of the application be deferred for completion of a legal agreement under Section 106 of the Town and Country Planning Act 1990 to provide for a Unilateral Undertaking to ensure that the two proposed flats can only apply for one residential car parking permit for each flat.
- (b) Upon receipt of a satisfactory legal agreement, the Head of Environmental and Protective Services be authorised to grant consent with conditions and informatives as set out in the report.
- (c) The case officer to refer the matter to the Local Development Framework Committee for consideration of Policy DP11(iii) in relation to flat conversions in areas where off street parking was unavailable especially where a parking permit system operates.



Application No: 100502

Location: Former Severalls Hospital Site, Severalls Hospital, Boxted Road, Colchester, CO4 5HG

Scale (approx): 1:1250

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Committee Report

Agenda item

7

To the meeting of **Planning Committee**
on: **19 May 2011**
Report of: **Head of Environmental and Protective Services**
Title: **Planning Applications**

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

7.1 Case Officer: Mr David Whybrow

MAJOR

Site: Severalls Hospital, Boxted Road, Colchester, CO4 5HG

Application No: 100502

Date Received: 17 March 2010

Agent: Mrs Sharon Cloughton

Applicant: HCA & North Essex Partnership

Development: Development to provide 248 residential units (Phase 1)

Ward: Mile End

Summary of Recommendation: Reserved matters be approved upon the satisfactory conclusion of the ongoing talks involving local residents and ward members

1.0 Introduction

1.1 This application was considered at the meeting on 3 March 2011 and was deferred for further discussions with the agent in order to:-

- Establish off site drainage requirements.
- Improve relationship between new dwellings and those in Thomas Wakley Close to ensure privacy, outlook and daylighting are safeguarded. A better detailing is required to blank rear elevations of these houses.

- Clarify distribution of affordable housing units and ensure pepperpotting.
- Clarify relationship with later phases and connectivity with community infrastructure that this will provide.
- Investigate means of securing landscape belt to rear of Mill Road/Thomas Wakley Close to ensure maintenance of screen of adequate height in perpetuity.
- Ensure play areas provide for all ages and are delivered in a timely manner.
- Explanation of bus gate mechanism.
- Reference to NAR3 programme.

1.2 In pursuance of these aims officers have carried out further meetings at which local Councillors Goss and Greenhill and representatives of the local residents have met with the developers, the outcomes of which will be described in the following additional report. The chronology of these is set out below:-

- 28th March – Meeting involving Councillors Goss and Greenhill, Officers and developers
- 3rd May - Meeting involving developers, officers and residents' representatives
- 11th May - Meeting scheduled for meeting involving members and residents.

1.3 The original report is set out below for Members' information while additional matters covered by the Amendment Sheet at the 3rd March meeting are added in bold.

2.0 Synopsis

2.1 The report gives a full description of the application site, the outline approval and the proposed scheme and goes on to consider consultation responses and representations. It is concluded that the submitted reserved matters are satisfactory and that conditional approval should be given. The application is the subject of a Planning Performance Agreement (PPA)

3.0 Site Description and Context

3.1 This is a 'greenfield' site of 8.1 ha bounded to the north by Tower Lane, to the south-east by Mill Road and the rear gardens of dwellings fronting Mill Road and Thomas Wakley Close and to the south-west by the rear gardens of bungalows at Romulus Way. The north-east boundary extends up to the route of the future NAR3.

3.2 Trees and hedges line Tower Lane with houses in Oxley Park and the rugby ground beyond. There is a sparse hedge to the Mill Road frontage in the area of the Brinkley Grove Road roundabout. A landscaped mound has been created to provide screening and noise attenuation to those Mill Road properties west of the roundabout. The houses in Mill Road have gardens of good size variously screened by hedges and fencing. Thomas Wakley Close houses have smaller gardens with a similar variation in the screening currently provided.

- 3.3 The land falls away to the south-west towards the gardens of Romulus Way. These are generally well screened by walls, fences and shrubs. Footpath access (FP69) is retained onto Mill Road in the extreme southern part of the site.
- 3.4 An established tree-lined ditch runs roughly north-south through the centre of the site with an area of thicket at its southern end. Footpath 69 continues along this line.
- 3.5 The parkland grounds of the former Hospital lie immediately to the west of the proposed line of the NAR3 and their formality contrasts with the more natural meadowland character of the application site.

4.0 Description of the Proposal

- 4.1 248 dwellings are proposed comprising 30 one and two bed roomed flats, 72 two bedroom homes, 96 with three bedrooms and 40 with four, equating to a net density of 31 dwellings per hectare. 25% of the units are affordable, proportionate to the overall mix and all homes will be constructed to Code for Sustainable Homes level 4 (44% more energy efficient than current Building Regulations require).
- 4.2 The application is supported by a Planning Statement, Design and Access Statement, Landscape Management Plan, Arboricultural Development Statement, Noise Impact Assessment, Ecological Survey, Ground Contamination Assessment and Drainage Strategy, all of which may be viewed on-line.
- 4.3 A further document "Review of the Reserved Matters Proposal against the Severalls Design Code" provides a commentary on how the reserved matters scheme accords with the Design Code requirements and Master Plan accompanying the outline consent. The Design Guide sought to achieve "a level of expectation about the quality of design and form of development to be brought forward at the site". This too may be viewed on the Council's website. The Review concludes that with the exception of the 4 items below, the scheme accords with the Design Code:-
- Buildings are not generally sited at the back edge of the public footway in order to create a defensible 1.5m zone between the back edge of pavements and residents' private space.
 - A car parking ratio of 2.17 car parking spaces per dwelling (as opposed to the original requirement of 1.5 per dwelling) responds to current adopted standards.
 - The central boulevard is considerably wider than the 1.1-1.25 height to width ratio stipulated in order that it can accommodate the land requirement for highway, swales and landscaping.
 - The materials palette is more contemporary than traditional. The original requirement was to reflect the Oxley Park development to the north. The proposed elevational treatments are more contemporary in character although the palette of coloured render and roof finishes used at Oxley Park have been partially extended into character areas within the proposed development to create a complementary visual character.

4.4 The Design and Access Statement is a substantial document that describes the key themes of the proposal as:-

- development that relates to the context of the wider Severalls site;
- development where the green infrastructure is accessible to all residents and builds upon the existing site capital to provide a well integrated bio-diverse network of open spaces and landscape both within and beyond the site;
- development that sets a standard for design and sustainability within the area, to be used as a benchmark of quality;
- development that delivers a contemporary interpretation of ‘the Essex Design Guide’ standard; and
- development that provides family housing within a family environment.

4.5 It creates 5 distinct character zones, each of which is divided into clusters or groups of dwellings where a consistent streetscape is derived through a continuity of basic external finishes with a variety of palettes within sub groups of homes maintaining visual interest. The zones are:-

1. The NAR3 frontage – higher close knit building groups of 2-3 storeys, including apartments with strongly landscaped gaps.
2. The Boulevard/Central Spine – provides primary access points to all streets. Enclosed by 2- 2½ storey houses in a regular rhythm of built forms.
3. Tower Lane – the northern green edge has a low key approach with more simple detached units or units with a country-style footpath approach and varied relationship of garden to public realm.
4. Mill Road and Home Zone – the tower is extended along the boundary and regular pattern of street frontages is broken to open up the centre space as a home zone providing semi-public space and parking within an area with good surveillance and sense of ownership.
5. Southern Neighbourhood – perimeter planning of buildings along streets is treated in its most suburban way. Low key streets are punctuated by memorable features at junctions and transitions.

5.0 Land Use Allocation

5.1 Residential
North Colchester Regeneration Area
Public Footpath 69
NAR3

6.0 Relevant Planning History

6.1 O/COL/01/1624 – Residential development (approximately 1500 dwellings including conversion of some retained hospital buildings), mixed uses, community facilities, employment and retail, public open space and landscaping, new highways, transport improvements, reserved route of NAR3 and associated development – Approved 21 March 2006

7.0 Principal Policies

7.1 The following national policies are relevant to this application:

Planning Policy Statement 1: Delivering Sustainable Development
Planning Policy Statement 3: Housing
Planning Policy Guidance 13: Transport
Planning Policy Statement 23: Planning and Pollution Control
Planning Policy Guidance 24: Planning and Noise
Planning Policy Statement 25: Development and Flood Risk

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

SD1 - Sustainable Development Locations
SD2 - Delivering Facilities and Infrastructure
SD3 - Community Facilities
H1 - Housing Delivery
H2 - Housing Density
H3 - Housing Diversity
H4 - Affordable Housing
UR1 - Regeneration Areas
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
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
DP4 Community Facilities
DP12 Dwelling Standards
DP13 Dwelling Alterations, Extensions and Replacement Dwellings
DP16 Private Amenity Space and Open Space Provision for New Residential Development
DP17 Accessibility and Access
DP18 Transport Infrastructure Proposals
DP19 Parking Standards
DP20 Flood Risk and Management of Surface Water Drainage

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

Community Facilities
Vehicle Parking Standards
Sustainable Construction Open Space, Sport and Recreation
The Essex Design Guide
External Materials in New Developments
Affordable Housing

8.0 Consultations

- 8.1 As originally submitted the Highway Authority, the Trees and Landscape Officer and the Urban Design Officer all had raised a number of issues to be addressed before a recommendation of approval could be made. Negotiations involving all three have taken place resulting in the submission of revised drawings. Further meetings have been held in the lead up to writing this report and key comments are expected to be available prior to the Committee meeting although this report can identify the current position and expectations for further amendment. Any further comments received will be reported at the Meeting.
- 8.2 The Highway Authority has stated that they are in the processing of assessing the latest drawings however it is probable that it has resolved most if not all of the 19 outstanding points they had raised. Although this can not be confirmed yet, it has been suggested that anything remaining unresolved would be to a degree that could be agreed at a later date by use of appropriate planning conditions.
- 8.3 The 19 points previously raised by the Highways Authority were as follows:
1. There is still general confusion over what is being offered for adoption. No all footways/cycleways are shown on N91641-D006 however N91641-D003 shows footways and cycleways
 2. On N91641-D003, to clarify, the link between the green link and the road next to the attenuation plot should be removed as this will not be considered for adoption. There is another link to the flats to the west of the green link that will not be adopted. Some of the footway/cycleway network is on public rights of way and therefore this needs to be indicated. The green link should be given priority along its route and should be shown as public highway along the entire length – it is shown as private as it crosses the entrance to the flats at the northern end
 3. The turquoise shading on N91641-D003 is not identified on the key
 4. There is a ped/cycle link through the landscaped area next to the rugby field as agreed at the meeting, but it is not shown on N91641-D006. This link (the section in front of plots 22-25) needs to be shown as linking directly into Tower Lane (which is to become a bridleway)
 5. If the ped/cycle link shown as running in front of plot 15, 16 & 21 is also to be provided, it needs to link up with the existing public highway
 6. The drawings need to be extended to show improvements to the existing PROW through to Mill Road (adjacent to Romulus Close)

7. The SUDS are shown as adopted – the attenuation ponds and other drainage facilities do not have shading. The Highway Authority may adopt them but need clarification on what is discharging into these ponds. This will attract a commuted sum for future maintenance
8. There is over running on the entrance to the estate from Mill Road. The tracking drawing illustrates the tracking for a refuse lorry and not a public service vehicle. The radius needs increasing
9. We are struggling with the idea of shared space, as the drawings still show the formal layout under the shading. This needs to be removed if our understanding is correct. We were expecting to see a continuous kerblines through each feature junction to identify the priority movement i.e. the type 2 road. This needs to be added to the drawings. Full design details will need to be provided for the pedestrian links/transitions through the 'feature junctions'. The footway routes within the 'feature junctions' need to be clearly defined with suitable materials
10. Consideration needs to be given as to how pedestrians will cross the central landscaped area as they will do so
11. The type of enforcement for the bus gate near Mill Road is not shown. It seems to indicate that this will be achieved via bollards which are not currently acceptable in Essex. This would need to be enforced by cameras
12. Bus shelters, RTPI and high kerbs need to be shown on drawings to avoid any issue further along the line when these features are installed
13. There is a visibility splay across the eastern attenuation pond which contains trees. The trees need to be relocated outside of this splay
14. There are a number of visibility splays that are missing from the drawings. The splay outside plot 84 and 85 is unacceptable and the layout needs amending
15. There are a number of tracking movements missing from the drawings. These need to be added
16. There is still allocated parking shown within the adopted boundary. If an informal parking space, as discussed in the meeting, to avoid vehicles blocking the footway, then this needs to be shown as such to avoid confusion further down the line
17. The status of the Home Zone requires further consideration – at present we would not want to adopt it, however were it changed to function more as a street, then we would consider it for adoption. However the APC will apply. A more detailed tracking plot to show wheel and body tracks need to be provided for the Home Zone Area. From the amended plan provided it would appear that there are no changes other than to the access to the parking court
18. Full design details will need to be provided for the transitions from the Type 4 roads to the Type 6 roads
19. The 3 unallocated resident parking spaces opposite plots 44/46 need to be moved to provide a minimum carriageway width of 4.8m. This is due to the close proximity of the Boulevard junction

8.4 The Highway Authority does not object to the proposal as amended subject to relevant conditions and informatives.

- 8.5 The Environmental Control Team have considered the contaminated land assessment but required a supplementary phase of ground investigation to be carried out to further characterise potential pollutant linkages identified in the original report.

8.6 Anglian Water Authority indicates that the foul drainage from this development will be treated at Colchester Sewage Treatment Works that at present has available capacity for these flows. The proposed method of surface water drainage is not a public sewer and therefore outside Anglian Water Authority's jurisdiction (the Environment Agency are responsible authority). A number of informatives are recommended.

8.7 Environment Agency comment as follows on the issue of flood risk:-

"We have considered the information within the Drainage Strategy, dated February 2010, job number N91641. We understand that phases 1B and 1C will be brought forward following the construction of the mainline trunk sewer and outline details have been provided at this stage to show how these phases are likely to link to phase 1A which is currently being brought forward. The following comments therefore relate solely to phase 1A and we request to be consulted on all other phases.

It is intended that surface water generated within Phase 1A will be collected in pipes which will discharge to an attenuation pond which has been sized to provide 150m³ of storage. Surface water will then discharge back into the pipe network where water will be attenuated in 1200mm pipes before discharging to a 225mm pipe at manhole 32. The pipe will then discharge to another attenuation pond before discharging at the greenfield runoff rate of 3.71ls/ha to an existing watercourse.

In addition to the above surface water generated within the boulevard area shall be drained via swales to the drainage network which will then connect to the system as described above. The details submitted have shown that sufficient capacity will be provided using sustainable drainage principles to accommodate the 1 in 100 year storm whilst making the appropriate allowances for climate change.

Prior to the development of phases 1B and 1C a new trunk sewer will be constructed. It is intended that the surface water collected from Phase 1A will then also connect to the trunk sewer.

It is understood that maintenance of the drainage system will be undertaken by the developer for the first twelve months of the scheme where maintenance will then be transferred to the Council (see section 1.2.36 of the submitted FRA). If this is not the case and the Council will not be taking on the maintenance responsibilities then details of the body that intends to take responsibility for maintaining the system in the future should be agreed prior to development commencing.

We would recommend that you/your drainage engineers (*Officer Comment – discussions are currently in hand with Colchester Borough Council's engineering manager*) are satisfied that there is sufficient capacity within the existing watercourse which flows beneath Mill Road to accommodate flows from Phase 1A of this development. It is understood that there is a culvert beneath Mill Road and consideration should be given as to whether this would have the potential to increase flood risk if surface water flows from Phase 1A are directed to it. Section 1.2.34 of the submitted drainage strategy suggests that any existing restrictions to flow will be minimised by removing obstructions, clearing vegetation and cleaning the pipe below Mill Road. If it is considered that there is not adequate capacity within the receiving watercourse then an alternative arrangement of the disposal of surface water will need to be agreed.

This system provides a combination of sustainable drainage systems and a traditional system which will help cleanse water, reduce flood risk and provide amenity value."

8.8 Further to consultation with the Environment Agency the Councils own Engineering Manager has been consulted and a meeting was held with the developers on 17 February 2011. At this meeting various works required were discussed and a schedule of works to be undertaken was verbally agreed. The written report confirming these works will be sent by the Engineering Manager after this report is written, but prior to the committee date. Therefore, the necessary planning conditions to secure the works will be reported via the amendment sheet, but the proposal is acceptable in principle.”

8.9 The Council’s Engineering Manager has confirmed a schedule of off-site works and costings amounting to £18,630. These include clearing and regarding of ditches and culverts, CCTV surveys of culverts and manhole outfalls and construction of formworks, headwalls and penstocks etc where appropriate.

9.0 Parish Council Response

9.1 Myland Parish Council supports the scheme as long as the following queries are answered and conditions imposed:-

1. An up-to-date transport assessment is required as the outline application was lodged 9 years ago.

Comment of the Planning Service Manager:

[This application is submitted as reserved matters following the grant of outline planning permission in 2006. It is not reasonable or appropriate to require additional transport assessment work at this stage because the impact of the development has been calculated and mitigation included within the associated S106. The new A12 junction which has opened considerably earlier than expected in the S106 Agreement and the imminent completion of NAR3 are all mitigation works – as will be the provision of the segregated bus corridor in due course. Further traffic and transport impacts from other newly allocated sites (2010 Adopted Site Allocations Document) in North Colchester will have to be calculated when these sites come forward along with appropriate mitigation measures]

2. Tower Lane must be an all-weather trafficable surface for cyclists, pedestrians and disabled persons. Lighting should be considered.

Comment of the Planning Service Manager:

[Tower Lane is to be a designated Bridleway and the surface will be appropriate to that designation. Issues of lighting and surfacing will be resolved by condition]

3. The supporting documentation contains inaccuracies regarding open space, renewable energy and phasing.
4. 3-storey houses should not be placed alongside boundaries facing existing dwellings and the layout of the site adjacent to 298 Mill Road should be altered to avoid car parking area alongside boundary.
5. Buffer planting as shown in the Master Plan should be reinstated to rear of existing gardens and overlooking of Oxley Park gardens must be avoided.
6. Drainage and flood risk issues must be carefully investigated.

7. The use of the Mill Road access is of great concern and will significantly affect a very busy road and main school route. *[discussed in report]*
8. Conditions to include: noise attenuation measures; dust and fumes prevention; times of vehicle movements during construction periods and hours of work; no obstruction of footpaths and cycleways; no bonfires; no mud on road and footpaths; preferred routes on site for construction traffic and parking of contractors' vehicles on site.

9.2 In response to the submission of amended drawings, the Parish Council remain concerned at the drainage issue, the use of the Mill Road access and wish to maintain the route of Footpath 69. Their initial comments were also accompanied by a petition with 26 signatures indicating that the following issues must be resolved before the development is allowed:-

1. Density of Development – The density appears to be fluid and increasing in number. The development should not be overly dense in order to retain green, open space.
2. Height of Buildings – Dwellings are too high where they adjoin existing property. Large numbers of windows will overlook previously private gardens.
3. Distance from Existing Houses – The distance and relative height will affect the daylight reaching adjoining gardens.
4. Foul Drainage – The drainage and sewer system is of great concern with a lack of clear responsibility for maintenance.
5. Flood Protection – The site regularly becomes water-logged and the developer must confirm how run-off water is to be contained, controlled or channelled.
6. Landscaping/Boundary – The Design Code shows a green boundary to the rear of existing gardens. This seems to have disappeared along with much of the green areas within the development.
7. Tower Lane Footpath – It is imperative that suitable landscaping is installed to maintain the privacy of Oxley Park.

10.0 Representations

10.1 18 letters and e-mails have been received from residents in Mill Road, Thomas Wakley Close and Oxley Park and also from the Ramblers Association. These raise the following matters:-

1. Increased density by comparison with original plans. Reduction in green areas and wildlife corridors.
2. Plots 15/16 look directly into the rear of my garden in Oxley Park, overlooking my property in winter when trees are not in leaf.
3. The site is on heavy clay. The construction may affect soil structure resulting in drainage and subsidence problems.
4. A landscape belt is required between new dwellings and Mill Road properties as shown at outline stage.
5. Additional access for construction traffic off Mill Road roundabout will exacerbate traffic problems at a very busy junction.
6. Increased noise and dust pollution from site and associated construction work.

7. Houses of 2½ storey height in close proximity to existing gardens will intrude on our privacy, affect sunlight/daylight and create visual intrusion. Thomas Wakley Close houses have short gardens.
8. Development will affect Footpath 69. The Ramblers Association must know how the path will be altered.
9. Will there be adequate parking space?
10. Footpath beside 190 Mill Road needs firm proposals for screening, surfacing and maintenance.
11. The removal of mound adjoining 298 Mill Road will increase noise to adj. houses.

10.2 In respect of the amended scheme, further comments have been received, as follows:-

1. Appears to be no proposal to upgrade the already stretched infrastructure, especially water (flooding is a major issue), sewerage and overcrowded roads. There is no provision for schools, doctors, shops etc.
2. Houses are still too high with windows overlooking Thomas Wakley Close and a largely unbroken roof-line.
3. Covenant regarding boundary planting must be maintained and similar covenant used to prevent building over proposed garages.

Members will be aware that all representations and consultation responses may be viewed on-line.

10.3 Members are advised that two meetings were held at the Town Hall on the evening of 17 February 2011 at which representatives from the Scheme Architects, Broadway Malyan and the Homes and Communities Agency (HCA) were available along with Nelia Parmaklieva from the Planning Service to discuss the scheme with first representatives from the Parish Council and then with residents from the Thomas Wakley Close Area.

10.4 Further comments by residents of Mill Road and Thomas Wakley Close following receipt of revised plans and discussed with agent:-

1. **Drainage – We need to know who will be responsible for maintenance of current drainage facilities under Mill Road and beyond.**
(Officer Comment: Responsibility falls to riparian owners).
2. **Sewerage Capacity – We feel existing drainage is in poor condition and should be fully inspected prior to any construction taking place.**
(Officer Comment: It is standard practice for developers to survey existing sewers and inspect condition).
3. **Landscape Buffer – Existing residents will be fenced in while new residents again benefit from new planting. We would like to enter into discussions in respect of type of plants and their height.**
(Officer Comment: The landscape buffer is a requirement of the approved design code. Its detailed composition will be agreed by officers).

4. **Building height and proximity – majority of houses round Thomas Wakley Close are 2½ storeys high with high pitched roofs. They should be reduced in height and more space allowed between dwellings rather than using a minimum back-to-back dimension of 25m.**
(Officer Comment: The proposals comply with normal spatial standards and additional drawings have been provided to demonstrate the relationship between new and existing dwellings).
5. **Footpath – Final details are required of Footpath 69 where it accesses Mill Road, taking into account existing trees.**
(Officer Comment: Additional condition recommended in order to establish final treatment of this area).

10.5 Bob Russell MP has written to indicate that any residential development in the vicinity of Tower Lane could be in contravention of the Borough’s “green policies”. Tower Lane provides a wildlife corridor and “green lung” extending from Highwoods Country Park to the countryside to the north.
Officer Comment: The development proposed maintains Tower Lane as a green link and maintains landscaped space extending from the Mill Road/Brinkley Grove Road roundabout, opposite the Country Park extension, northwards to Tower Lane. The proposed layout and landscape strategy accords with the approved Design Code and outline approval.

11.0 Parking Provision

- 11.1 The scheme has been produced to achieve a car parking ratio of 2.17 spaces per dwelling. This exceeds the outline permission’s requirement formulated at the time of the old standards.
- 11.2 The table below shows the relative uplift in off-street parking beyond that required by the outline permission now incorporated in the scheme through negotiation.

Parking standard space s requirements	No. of spaces	Which standard?
248 units @ 1 space per unit	248	Old standard
248 units @ 1.5 spaces per unit	372	Old standard
248 units @ 2.17 spaces per unit	538	Actual
248 units @ 2.5 spaces per unit	620	New standard

Table 1: Parking analysis

- 11.3 This significant increase is considered beneficial and the fact that off-street parking exceeds that previously agreed in welcome. Members will also note a significant change in design approach to estate layout with this scheme which builds on steps taken more recently in the Port Lane development. The layout follows more of a grid format with wider streets in places and on street parking being encouraged where appropriate. This combined approach should avoid the parking problems associated with recent developments elsewhere when the old parking standards and layout approach were applied to schemes.

12.0 Open Space Provisions

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

13.0 Report

13.1 Amended plans have been submitted as a result of extensive discussions involving the Highway Authority, the Trees and Landscape officer and the Urban Design officer in order to address their concerns. In relation, to specific matters raised in the representations attention is drawn to the following:-

1. A 2m wide surfaced footway is proposed alongside 190 Mill Road with a 1.8m brick wall providing screening to the adjoining house and garden. The existing ditch and culvert area maintained on its south-west side beyond a timber knee rail. For the most part the route of Footpath FP69 will be maintained. A minor diversion will be required in the south-west part of the site where the path avoids the proposed wetland area of attenuation ponds. This will be dealt with by way of a formal Order once permission is granted and is considered to be of benefit to residents of Romulus Way who currently have the footpath running directly alongside their rear boundary.
2. A landscaped strip has been reinstated to the rear of Mill Road and Thomas Wakley Close gardens within the gardens of the proposed dwelling supplementing existing vegetation and to be safeguarded by a covenant attached to the affected new properties. Back-to-back distances between these properties and those in Mill Road are at least 32.5 metres, considerably greater than the EDG minimum of 25 metres.
3. In relation to Oxley Park there is a front-to-back relationship between 2 storey properties but a separation of at least 27.5m is maintained with further filtering of intervening views provided by existing trees.
4. Revisions to the proposed layout adjacent 298 Mill Road have resulted in the omission of car parking spaces alongside the site boundary, a continuation of the landscaped strip around the garden of the existing property and better separation between dwellings. Although the owner of the property has expressed regret at the removal of earth mounding between the Mill Road roundabout and his house, new dwellings in this position will have the same sound attenuation properties.
5. Thomas Wakley Close is the area of closest relationship between existing and proposed housing owing to the relatively short gardens of those properties. The landscaping strip runs around this boundary and a minimum 25m back-to-back distance is maintained between the 2-2½ elements to these dwellings in accordance with accepted spatial standards. Furthermore the 2 house types utilised in this area, Types 3.4 and 3.7 are fenestrated such that rear walls at upper floor level contain limited windows, many serving landings and for the most part in the form of rooflights. Furthermore, the amended plans show the roofs to those houses turned through 90 degrees so that gables rather than ridge-lines are presented to the existing dwellings in order that a more articulated roofline produces variety and visual relief to existing residents. Additional sectional drawings have also been submitted to illustrate the relationship between the proposed and existing dwellings.

- 13.2 The report now turns to wider matters of design and layout, parking and highway layout and drainage.

Design and Layout

- 13.3 In the Description of Proposal the underlying principles of the scheme have been described at some length. The resultant development is a bold and distinctive scheme of contemporary appearance. The amended proposals were submitted with an updated Design and Access Statement, additional details of the proposed home zone and greater detail of feature buildings at strategic locations, materials and detailed elevational treatments, feature junctions and squares. The Urban Design officer and Landscape officer considers these satisfactory.

Drainage

- 13.4 A supplementary note on drainage is reproduced at Appendix 1. Essentially water from the site gravitates to the watercourse in the south-west part of the site and is then conveyed towards Highwoods Park via Bedford Road. The site itself is outside any identified flood zone. The drainage proposals include a piped system and provision of swales and retention ponds, including a southern wetland area, to promote SUDS. The SUDS features will deliver an attenuated surface water discharge at “greenfield” run-off rates with overflow devices incorporated into attenuation ponds to accommodate exceptional events.
- 13.5 The drainage strategy includes upstream and downstream cleaning out of the existing watercourse to ensure existing obstructions are removed. These are matters which were still under discussion with the Council’s Engineering Manager at the time of writing the report. His further comments will be available at the Meeting.

Highways and Parking

- 13.6 Discussions with Highway Authority have been carried out with a view to ensuring:-
- Bus priority is maintained through the site, along the central boulevard and the public transport route and bus gate arrangements are to be an appropriate specification.
 - Visibility splays at junctions are maintained clear of parked vehicles with footpaths set back behind the splays.
 - Pedestrian/cycle linkages are optimised.
 - Swept paths on bends ensure minimum kerb radii are maintained.
 - Convenient and adequately dimensioned parking is to be provided throughout the scheme. Parking spaces within adoptable areas cannot be part of the parking allocation to individual occupiers.

These matters were under discussion at the time the report was written but will be resolved in time for the Meeting.

14.0 Conclusion

- 14.1 As indicated above, discussions were ongoing at the time of writing this report to address outstanding matters raised by the Highway Authority and the Drainage Authority. It is anticipated that in view of the advanced stage of these negotiations such matters will be fully resolved before the Meeting. On this basis it is considered that the submitted reserved matters are satisfactory, will result in an exciting and innovative development which has evolved as a response to the particular features of the site, and has had proper regard to the outlook, privacy and amenity of existing residents.

15.0 Additional Report

15.1 Matters will be discussed in the order set out at the time of deferment.

1. **Reinforce green link from Highwoods Country Park to Lower Lane** – The planning brief for the master plan envisaged a green link from Highwoods Country Park to Tower Lane. This was not a direct link and involved walkers following a stretch of Mill Road. The submitted proposals provide a more direct link alongside the proposed bus gate. A 30m gap between the buildings to either side of the bus gate can be enhanced by denser, larger scale planting achieved by deleting a superfluous footpath and give a visual connection with the country park. To the north this gap widens to 50m as it approaches Tower Lane. With cooperation by the Highway Authority the Mill Road roundabout could also be landscaped as an element of a green corridor.
2. **Establish off-site drainage requirements** – As noted by the original report the proposed drainage strategy included SUDS features to deliver an attenuated surface water discharge at “greenfield” rates with overflow devices incorporated into attenuation ponds to accommodate exceptional events. This was considered acceptable by the Environment Agency but the Council’s Engineering Manager had also identified a schedule of off-site works and costings amounting to £18,630. These would need to be secured as part of any approval by way of a unilateral undertaking.
3. **Improve relationship between new dwellings and those in Thomas Wakley Close to ensure privacy, outlook and daylighting are safeguarded** – Firstly, it must be said that the form of development here, with continuous blocks providing enclosure to the street, is consistent with the outline consent and accompanying design code. In the case of discussions with residents it has become apparent that an indication of gaps between blocks of dwellings as shown in the approved design code represented garage driveways but with accommodation above, and not actual breaks between buildings as interpreted by neighbours. The design code in fact proposed a continuous built frontage onto the new estate road and the submitted proposals comply with this.

The positioning of the houses accords with normal spatial requirements, specifically in relation to back-to-back distances and use of bespoke house types used in this area virtually eradicates overlooking from upper floors by reason of a design that utilises rooflights. The developer is currently considering a further reduction in the height and roof pitch of these units with an increased differential in height between the gabled roofs and roofs parallel to the site boundary so as to create a varied and lower, articulated roofline in the interests of visual amenity and the outlook of the existing residents. This accords with the approach considered acceptable by Ward Members at the meeting with the developer on 28th March.

4. **Affordable Housing** – These are to be pepperpotted in accordance with the Council’s normal requirements. A drawing showing the disposition of these units will be available at the Meeting.
5. **Clarify relationship with later phases and the community infrastructure this will provide** – drawings will be available at the meeting demonstrating the interconnectivity with social infrastructure on Phase 2 and also the permeability in and around the site, providing ready access to the recreational facilities of the County Park and the wider community infrastructure in Mill Road and its environs.
6. **Landscape belt to rear of Mill Road/Thomas Wakley Close** – Once planted, it is intended that the landscape belt, a requirement of the outline planning permission and master plan, will be maintained within the new garden areas by way of a covenant on the householder. As a further means of safeguarding this landscaped belt the Local Planning Authority can also issue a TPO. In order that existing residents might benefit more from this soft landscaped treatment, lower fencing with trellis above could be considered, especially in the area of Thomas Wakley Close where those residents will benefit from a “softer” interface with the proposed development.
7. **Ensure play areas provided for all ages and are delivered in a timely manner** – The concern here was that the scheme as submitted put a great deal of emphasis on toddler and younger children provision on small land parcels with less options for natural play and kick about facilities for older children. Consideration is now being given to the redesign of the area containing an attenuation pond in the north-west part of the site. The proposed water storage capacity could be redesigned with the area surfaced either in grass or bonded gravel with appropriate landscaping to achieve a public square or green available for various informal leisure activities. It has been suggested that such areas would be entrusted to Management Company which would actively involve the residents themselves in decisions on how the space is to be used following a community trust model.
8. **Bus Gate** – A further explanation of the bus gate mechanism will be provided at the Meeting.

9. **NAR3 Programme** – Funding for NAR3 works has been secured and a programme of works established. Definitive details will be produced at the Meeting.

16.0 Conclusion

- 16.1 Since the Members' and Residents' meetings took place relatively recently, work on a number of the above items is currently in progress and an outline indication only of the changes being negotiated can be provided at this time. Fuller drawings showing any amendments and further details will be available before the Meeting.

17.0 Background Papers

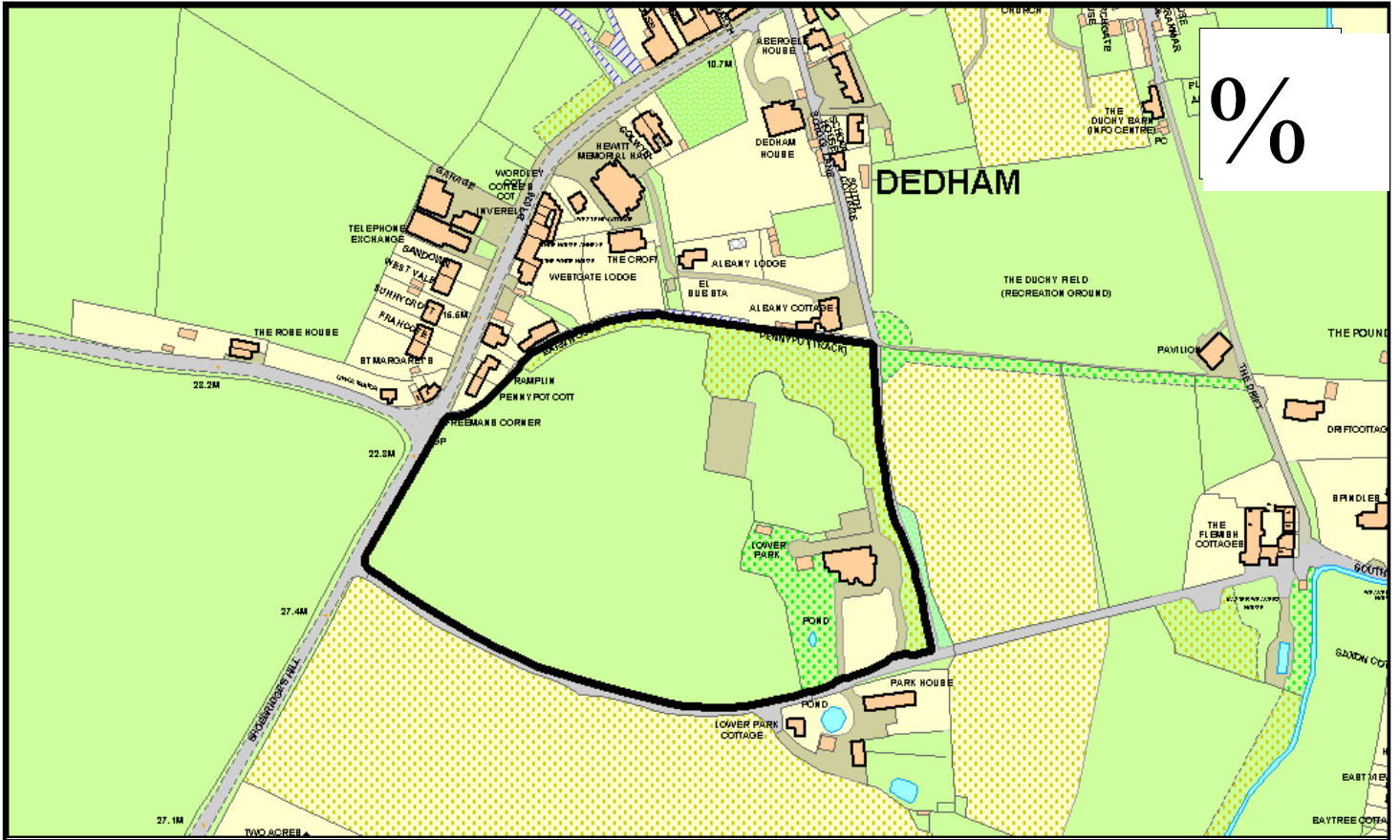
- 17.1 ACS; DPDPD; HA; NR; TL; AW; HH; PTC; NLR; O/COL/01/1624

Recommendation

Upon the satisfactory conclusion of the ongoing talks involving local residents and Ward Members, it is recommended that reserved matters be approved on the basis that the application and consent are subject to linking to the amended S106 Agreements agreed earlier this year in anticipation of this application being approved and the A12 junction opening earlier than originally phased.

A full schedule of conditions will be available before the Meeting and will include:-

- Development to accord with outline approval so far as it relates to the site.
- Amended plans.
- Materials/surface finishes.
- Landscaping/tree retention
- Highway requirements/parking
- Drainage matters
- Contaminated land
- No further additional above proposed roof terraces



Application No: 101541

Location: Lower Park, Colchester Road, Dedham, Colchester, CO7 6HG

Scale (approx): 1:1250

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7.2 Case Officer: Simon Osborn

Due Date: 24/05/2011

OTHER

Site: Lower Park, Colchester Road, Dedham, Colchester, CO7 6HG

Application No: 101541

Date Received: 29 March 2011

Agent: Mr Bryn Jones

Applicant: Mrs Anne Fletcher

Development: Change of use of part of the existing parkland to private equestrian use ancillary to Lower Park and the related erection of a stable block with storage building, in addition to the construction of a swimming pool.

Ward: Dedham & Langham

Summary of Recommendation: Conditional Approval

1.0 Planning Report Introduction

- 1.1 The proposal subject of this application was first submitted in July 2010 and brought to the Planning Committee at its meeting of 3rd February 2011; however, subsequent legal advice was given that the application as originally submitted was invalid. New application forms and additional information were submitted on 29th March 2011, and a full new consultation process was undertaken. This application is referred to the Planning Committee because objections have been received to the proposal and in view of its previous consideration by the Committee.
- 1.2 Whilst the application was only validated on the 29th March 2011, the comments received by the Council prior to this have been reported in Sections 8, 9 and 10 below and have been taken into consideration in putting forward this recommendation.
- 1.3 A document entitled 'Heritage Statement' compiled by the agent for the application was submitted with the application validated on the 29th March 2011. A further independent 'Heritage Statement' from a specialist at Essex County Council was received on 9th May 2011.

2.0 Synopsis

- 2.1 The proposal is sited within a sensitive area, outside of the settlement boundary of Dedham, and within the Conservation Area and Dedham Vale AONB and close to a listed building. The architectural style of the proposed building is considered to be acceptable in its own right and having regard to this setting. The application is recommended for approval.

3.0 Site Description and Context

- 3.1 The application site comprises a very large listed house, constructed of gault grey bricks and slates, and grounds immediately adjacent to and partly within a distinctive parkland setting. The property is accessed from the Colchester Road by a long private drive, which also serves Park House and Lower Park Cottage (listed and curtilage listed buildings), immediately to the south of the application site. The application site is within both the Dedham Conservation Area and the Dedham Vale AONB.

4.0 Description of the Proposal

- 4.1 The application seeks planning permission for the construction of a stable and storage building and an outdoor swimming pool. A Design and Access Statement (DAS) was submitted with the application along with a Heritage Statement, an Arboricultural Assessment and a Landscape Impact Assessment.
- 4.2 The proposed building has a reverse L-shaped form and will accommodate three horses within one wing, and a storage building for carts, trailers and hay within the other. The two wings are linked by an area that will provide changing facilities in association with the outdoor pool. The building is located partly within the domestic curtilage of the house and partly within the adjacent parkland. The proposed building faces outward, away from the house and 9m from the proposed pool, which will be located wholly within the domestic curtilage of the house. A courtyard is to be formed by the two wings of the building for use as a general yard area and wash down area adjacent to the stables. The three stables are to be formed within a single-storey wing constructed of natural brown feather-edged boarding under a slate roof. The storage building has a higher form (6.2m to the ridge) and will be constructed of black feather-edged boarding under a clay pantile roof. It is intended to store hay straw within the loft space with space beneath for carts/trailers and agricultural/garden machinery.
- 4.3 The courtyard to the proposed stable block/storage building is to be accessed by extending an existing track from the driveway to the front of the house. The extension to the track will be within the parkland setting and around a small group of trees. This requires special precautions to ensure the root protection of these trees. An Arboricultural Assessment and Landscape Impact Assessment were submitted by the applicant. The proposal requires the removal of a line of small conifers and silver birches within the vicinity of the proposed building and around part of the boundary to the domestic curtilage. Some new planting within the adjacent parkland is also proposed as part of the application.
- 4.4 The proposal also includes the demolition of an almost derelict concrete block structure. An application for Conservation Area Consent for the demolition and removal of this building has also been submitted; this is the subject of the following Committee report.

5.0 Land Use Allocation

- 5.1 Conservation Area
Area of Outstanding Natural Beauty
Lower Park is a Grade II listed building
The site is outside the settlement boundary of Dedham.

6.0 Relevant Planning History

- 6.1 090661 – stable block with storage building and swimming pool, withdrawn 2009.

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 5: Planning for the Historic Environment
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:
UR2 - Built Design and Character
ENV1 - Environment
ENV2 - Rural Communities
- 7.3 In addition, the following are relevant adopted Colchester Borough Development Policies (October 2010):
DP1 Design and Amenity
DP14 Historic Environment Assets
DP17 Accessibility and Access
DP19 Parking Standards
DP20 Flood Risk and Management of Surface Water Drainage
DP22 Dedham Vale Area of Outstanding Natural Beauty
DP24 Equestrian Activities
- 7.4 Regard should also be given to the following Supplementary Planning Guidance/Documents:
The Essex Design Guide
External Materials in New Developments

8.0 Consultations

- 8.1 English Heritage stated we do not consider it is necessary for this application to be notified to English Heritage.
- 8.2 The Environment Agency had no objections to the proposal subject to a planning condition with regard to a scheme being submitted to prevent pollution of the water environment. It would be helpful if the applicant provided information on the working practices and measures proposed to prevent pollution – we do not doubt the feasibility of putting into place such measures, which would be the subject of planning conditions, but the provision of information at this stage should help allay the concerns of local residents.

- 8.3 The Dedham Vale Society stated the size of the building was excessive and does not make a positive contribution to the landscape as required by Policy DP20.
- 8.4 The Dedham Vale AONB and Stour Valley Project stated that a single storey building would more easily be integrated into the landscape. Little information was available on proposed exterior lighting and fencing. Any new planting should reflect the parkland quality of the landscape.
- 8.5 The National Trust stated its concern regarding the visual impact of the building on the AONB and the setting of the listed buildings, loss of trees, and the impact of lighting and fencing.
- 8.6 The Council's Design and Heritage Unit considered that the proposal would appear as an appropriate building in the context of a large rural house and the architectural style would not be detrimental to the location or the setting of the listed building. Appropriate hard and soft landscape conditions should be imposed.
- 8.7 The Council's Tree Officer agreed to the arboricultural content of the proposal subject to the retention of an arboricultural consultant to monitor the works and to appropriate conditions.
- 8.8 The Council's Landscape Officer stated:

"Colchester Borough's Landscape Character Assessment (CB LCA) identifies the attractiveness of Dedham as a 'key characteristic' (further supported under LDF policies DP22 (i & ii) & DP24 (iii), to which the parkland setting of Lower Park forms a valuable element. It goes on to identify a strategic objective to conserve and enhance the landscape and identifies horse paddocks as potentially visually intrusive. Any fragmentation of the parkland associated with the development through increased equine usage (e.g. fencing or taping off) would necessarily have considerable visual impact as well as landscape impact, it is recommended therefore that this be conditioned against in order to retain the integrity and character of the parkland. The CB LCA also within its management guideline looks to 'conserve and restore pasture' (further supported under LDF policy DP15 (ii), however the proposed development appears to impact quite strongly visually on the pasture area of the parkland and will, under condition, at detail stage require filter screening to reduce this dominance. Also under condition the proposed parkland planting will need to be revised to single specimen trees characteristic to parkland setting and any lighting associated with the development confirmed as according with E1 of the Institute of Lighting Engineers Guidance notes for the obstruction of obtrusive light."

The Landscape Officer concluded that the landscape content of the proposal was satisfactory subject to conditions.

8.9 The Council's Conservation Officer comment as follows:-

The development proposal is for a stable block and store building that would be of a traditional (vernacular) form / design. The main conservation issues raised by this application are the effect that the proposed development would have on the setting of the Lower Park, a grade II listed building, and the character and appearance of the Dedham Conservation Area.

The Statement of Significance describes the historic development of Lower Park and concludes that it is a fine C19 house that stands in a largely parkland setting. The west side of the Lower Park is described as lacking the visual qualities of the south and east elevations; I would not disagree with this view.

The proposed stables are located some 44m to the north west of the house and straddles the boundary between the house and the adjacent parkland. Given the distance between the house and the proposed stable block, and the fact that the existing mature trees will act as a screen, it is not considered that the proposed development will have a significant impact on the immediate surroundings (setting) of the listed house.

The silver birch and conifer trees proposed for removal do not reflect the parkland character of the site and, as such, there is not an objection to their removal.

The proposed stable block will be visible across the parkland from the private drive. It is noted that additional tree planting is proposed within the parkland and this will help to filter these views of the proposed development. The planting of a hedge along the west boundary of the development would help to further visually soften views of the stable block. The existing established planting surrounding Lower Park and its parkland setting is such that views of the proposed development will not be visible from public rights of way. Given the above, it is not considered that the proposed development would have a significant impact on the wider setting of the Dedham Conservation Area.

Ancillary development and other paraphernalia associated with the proposed stable block (for example lighting, storage of equipment, erection of fences etc) could potentially compromise the setting of Lower Park and that of the conservation area. Appropriate conditions will accordingly need to be attached to the grant of any planning permission.

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

9.0 Parish Council's Views

9.1 The Parish Council have stated that:

"The scale and appearance of the proposed building has been reduced as requested in the previous application no. 090661 and the whole unit is now more compact; however this proposal still intrudes into the park land as previously stated. The applicant has moved the proposal somewhat into the garden area but we feel it could go further minimising the impact into the park. With regard to screening of this proposed property a fuller screening proposal we feel would be more appropriate."

10.0 Representations

10.1 Five representations in support of this application were received and objections from 7 parties. The following issues were raised by the objectors:

1. The proposed building is too large and out of keeping with the character of the area and the setting of the three listed buildings;
2. The proposed building will be visible from the road and footpaths;
3. Loss of trees;
4. Smells from horse manure;
5. Impact of lighting in the countryside;
6. Question validity of justifying barn on basis of demolishing the concrete block structure;
7. Waste water from the pool and stables should not discharge into neighbouring drainage system;
8. The building could easily be converted to residential/staff/holiday accommodation if it becomes redundant;
9. Pool house and pool should be located behind the main house.
10. The Heritage Statement submitted provides no insight into the significance of the heritage assets and the contribution of the setting to their significance.
11. The position of the building will erode the historic character of the parkland.

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

11.0 Parking Provision

11.1 The existing house has a large area available for off-street parking, which is not visible from outside the site. The proposed facilities are to be constructed in association with the existing house and the proposal raises no parking provision issues.

12.0 Open Space Provisions

12.1 These facilities are proposed in association with an existing house, which has a large domestic curtilage, and the proposal raises no open space provision issues.

13.0 Report

Policy Principles

- 13.1 Policy HE6 of PPS5 states local planning authorities should require an applicant to provide a description of the significance of the heritage assets affected and the contribution of their setting to that significance. The level of detail should be proportionate to the importance of the heritage asset and no more than is sufficient to understand the potential impact of the proposal on the significance of the heritage asset. This information together with an assessment of the impact of the proposal should be set out in the application (within the design and access statement when this is required) as part of the explanation of the design concept. It should detail the sources that have been considered and the expertise that has been consulted. Local planning authorities should not validate applications where the extent of the impact of the proposal on the significance of any heritage assets affected cannot adequately be understood from the application and supporting documents.
- 13.2 LDF Policy DP14 (Historic Environment Assets) states, 'Development will not be permitted that will adversely affect a listed building, a conservation area, historic park or garden or important archaeological remains. Development affecting the historic environment should seek to preserve or enhance the heritage asset and any features of specific historic, archaeological, architectural or artistic interest. In all cases there will be an expectation that any new development will enhance the historic environment in the first instance'.
- 13.3 LDF Policy DP22 (Dedham Vale Area of Outstanding Natural Beauty) states, 'Development will only be supported in or near to the Dedham Vale AONB that: (i) makes a positive contribution to the special landscape character and qualities of the AONB; (ii) does not adversely affect the character, quality views and distinctiveness of the AONB or threaten public enjoyment of these areas, including by increased vehicle movement; and (iii) supports the wider environmental, social and economic objectives as set out in the Dedham Vale AONB and Stour Valley Management Plan'.

Impact on the Grade II Listed Building

- 13.4 The Historic Environment Record indicates that Lower Park is a Grade II listed building (along with the Coach House to the south and garden wall south of the Coach House). The list description for Lower Park describes this as an early nineteenth-century house of complex plan, built in grey gault brick laid in English bond with slate roof, of 2-storeys with attics and round-headed dormers; the southern elevations being much altered.

- 13.5 The proposed building will be positioned 40m from the house (and the outdoor swimming pool 35m away). The intention is to provide stabling for 3 horses, with a storage building to accommodate carts and trailers with a hay loft within the roof space above. The storage part of the building has the greater visual impact; being 5.8m in width (and 11.5m long), with eaves at a height of 2.5m and a roof pitch of 50 degrees, resulting in an overall height of 6.25m. The proposal has the appearance of a traditional barn and stables, with clay pan-tiles for the taller part of the structure and slate to the lower part, with stained boarding. The detail of the proposal is considered appropriate to the location at the interface of garden curtilage with more open parkland beyond. The proposed palette of materials is considered appropriate for the building and provides an appropriate contrast to the gault bricks on the main house. A view has been expressed that the proposed building should be a brick-built formal Georgian stable; this was considered during consideration of the application, but the Conservation Officer felt that this might cause confusion with the historic buildings elsewhere on the site.
- 13.6 The DAS stated that the separation distance (*from the listed building*) and the layout ensure that the proposal does not compromise the listed building or detract from it. The presence of equestrian related buildings is entirely appropriate to a house of this significance. It was also considered that an attempt to recreate an arrangement of buildings that purports to be of the same origins as the main house might compromise or devalue these assets. The Council's DHU concur with this approach, stating that 'the proposed facilities for Lower Park appear in appropriate places within the site. The architectural style of the equestrian building would not be detrimental in this location and would appear as an appropriate building in the context of a large rural house. The swimming pool is in a discreet place'. English Heritage has advised they did not consider it necessary for this application to be notified to English Heritage.
- 13.7 The Heritage Statement from the Essex County Council specialist advises that the south and east elevations of the house have greater historic interest. The proposal relates to land to the northwest of the house. Inappropriate tree planting in the form of a line of *leylandii* conifers and silver birches on the edge of the garden curtilage to Lower Park will be removed. The proposed stable and store building would be traditional in form, discreetly placed and distant from the house (the stable and store will be positioned 40m from the house and the outdoor swimming pool 35m away). The proposed building would also be sited 100m from the Coach House and further to the garden wall to the south. A further dwelling, known as Lower Park Cottage, is not listed in its own right but as pre-1948 is considered to be a curtilage-listed. The proposed building will be sited 100m from Lower Park Cottage. Given the traditional form of the buildings and its distance from the original listed buildings, it is the Officer recommendation that the proposal will not adversely affect the character and setting of either the listed building on this site, or that on the adjacent site to the south.

Impact on the Conservation Area and Dedham Vale AONB

- 13.8 The proposal is sited within the Dedham Conservation Area and the Dedham Vale AONB. The Conservation Area extends well beyond the built limits of the historic part of Dedham village and includes the whole of the application site. The character of this part of the Conservation Area is rural in nature, with a mix of open fields, hedgerows and a loose scatter of mainly traditional buildings. Much of the application site, including the land to the south and east of the proposed building, can be described as parkland, with meadow land sweeping down from the Colchester Road populated by distinctive mature trees. The Dedham Vale AONB includes all of the Conservation Area and a much wider area beyond; some of the most attractive attributes of the Dedham Vale AONB are the extensive vistas especially from the valley sides, across large fields bounded mainly by hedges, areas of woodland, and scattered houses and farms.
- 13.9 The proposal requires the change of use of a small triangle of parkland (approx 400 square metres). A Tree Survey, with associated tree protection measures, together with a landscape assessment and tree planting proposal were prepared in consultation with an arboricultural expert and submitted with the application. The Tree Report accepted that the 'proposed development encroaches slightly on the park, an important feature in the Dedham Vale AONB. However, it is located in a part of the site where it will have very limited visual impact'. The Landscape Assessment concluded, 'Lower Park is well screened by the landform and surrounding vegetation, and although surrounded by public rights of way, views into the site are restricted to occasional glimpses through hedges and tree belts. Thus the proposed development will have no significant impact on the local landscape as viewed from publicly accessible spaces. Furthermore, the design of the building is similar to a traditional Essex barn, not inappropriate in a pastoral setting'.
- 13.10 There are a number of public footpaths within the vicinity of the application site, as well as Colchester Road to the east. These include a footpath known as Pennypot immediately to the north of the application site, the Essex Way path 150m to the east of the proposed building, and path which connects the Essex Way with the Colchester Road 300m to the south of the proposed building. A private drive also runs down from the Colchester Road through the parkland towards Lower Park, Coach House and Lower Park Cottage. There will be views of the proposed building from this driveway; it is not however, a driveway accessible to the public in general.
- 13.11 Tree belts lie along the northern and eastern margins of the application, comprising a mix of mature deciduous and evergreen trees effectively screen Lower Park from the Pennypot footpath and the Essex Way, and there is a lower field hedge between the site and the footpath to the south. A high bank with trees on along the Colchester Road to the west of the application site restricts views into the site from the road.

- 13.12 The Landscape Assessment gives full consideration to the impact of the proposal from these public viewpoints. This report was compiled during the summer months and concluded there would only be occasional glimpses into the parkland from these public perspectives. There would be of course be more glimpses during the winter months; however, the presence of evergreen species within the tree belts along the northern and eastern margins of the application site, effectively reduce these to partial glimpses. There would be more views toward the parkland from the footpath to the south during the winter months, but the proposed building will be 300m away and seen within the context of mature vegetation to the north and within a patchwork landscape of trees, hedgerows and other occasional buildings.
- 13.13 The proposed building does encroach within the parkland (half of the building is within the garden cartilage and half within the parkland), and the fenced courtyard fronting the proposed stables, together with the extended access drive are also situated within the parkland. It is acknowledged that there will be glimpses of the proposed building from a number of public perspectives within the Conservation Area and the AONB. Nonetheless, these views will be limited, at some distance away and seen within a patchwork landscape. The building itself is of traditional design and appearance and is the sort of building that might be associated with a rural area such as this. Accordingly, it is the Officer recommendation that the proposal will be sympathetic to the character and appearance of the Conservation Area and the AONB.
- 13.14 The Dedham Vale AONB and Stour Valley Partnership acknowledged some changes had been made to an earlier application 090661 (which was withdrawn) but expressed disappointment that the height of the building had not been reduced from that shown in the original design. They suggested more consideration be given to landscape planting and that if the Council was minded to grant consent conditions should be imposed to ensure that any paddock fencing is not visually intrusive in the overall parkland landscape and that any exterior lighting should be carefully designed to reduce intrusion and keep light leakage to a minimum. The Council's Landscape Officer has recognized this in his consultation response (see paragraph 8.8) and recommends this is secured by condition. Lighting is to be limited to low wattage bulkhead type fittings located under the walkway of the stables at ceiling level to down light over the doors and the storage building is to have two 150 watt external fittings, mounted under the eaves with a covered top. These are all matters that can be controlled by planning condition. Planning conditions can also be used to secure the control of muck and water run-off.
- 13.15 The Council's Arboricultural Officer is satisfied the proposed works will not cause significant harm to the trees to be retained. The line of conifers and silver birches to be removed to make way for the proposed building are not particularly appropriate for the parkland setting. Additional planting is to be provided within 4 locations within the adjacent parkland. The DHU Team are happy for these to be secured by planning condition.

Conclusion

13.16 The Officer recommendation is that the proposed development will not adversely affect the setting of the listed building on either the application site or the listed building to the south. The design and location of the proposed building is considered to be sympathetic and appropriate to the rural area and more specifically will either preserve or enhance the landscape qualities of the Conservation Area and the AONB. Furthermore, it is considered the proposal will not adversely affect the character, quality views and distinctiveness of the AONB or threaten public enjoyment of these areas, or conflict with the wider objectives of the Dedham Vale AONB and Stour Valley Management Plan.

14.0 Conclusion

14.1 The proposed building and the outdoor swimming pool are considered to be acceptable in terms of design and their relationship to the setting of the nearby listed buildings. The proposed structure will not appear as a prominent structure from a public perspective and it is considered that the proposal will not adversely affect the character, quality views and distinctiveness of the Dedham Vale AONB. The application is therefore recommended for approval.

15.0 Recommendation - APPROVE subject to the following conditions

Conditions

1 – A.15 (Time limit for commencement of Development)

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

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

2 – Non Standard Condition

The development hereby permitted shall be constructed strictly in accordance with the approved plan nos. site plan, 5192/01M, 5192/03M, 5192/08E, 5192/09E, 5192/10D, 5192/03/TEMP/N and 5192/03/LAND/N, unless otherwise agreed in writing by the Local Planning Authority.

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

3 – Non Standard Condition

Prior to the commencement of the development hereby permitted, a scheme for the provision and implementation of pollution control to the water environment shall be submitted to and agreed in writing by the Local Planning Authority. The scheme shall be constructed and completed in accordance with the approved plans/ specification in accordance with the times specified in the approved scheme.

Reason: To avoid pollution of the water environment.

4 - Non Standard Condition

Prior to the commencement of the development hereby permitted, a surface water management scheme shall be submitted to and agreed in writing by the Local Planning Authority. The scheme as approved shall be implemented prior to the first use of the development.

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

5 - A4.5 (Scheme for Manure Storage and Disposal)

Prior to the commencement of any work on site a detailed scheme for the storage of manure within the site and its subsequent disposal shall be submitted to and approved by the Local Planning Authority. The storage and disposal of manure shall be carried out in accordance with the approved scheme.

Reason: To ensure satisfactory provision is made for the storage and disposal of manure.

6 – A4.3 Stables (domestic use only)

The building/s hereby permitted shall be used solely for the stabling of horses and storage of associated equipment and foodstuffs in connection with and for the private and personal enjoyment of the occupants of the application property. No commercial uses including a livery, riding school, industrial or other storage uses shall take place whatsoever.

Reason: For the avoidance of doubt as to the scope of this permission and to ensure that the use does not cause harm to the amenity of the surrounding area.

7 - C10.15 (Tree & Natural Feature Protection: Protected)

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

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

8 - 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.

9 - C10.18 (Tree and Hedgerow Protection: General)

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

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

10 – 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 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.

11 - C11.11 (Landscape Design Proposals)

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

These details shall include, as appropriate:

Existing and proposed finished contours and levels.

Means of enclosure.

Car parking layout.

Other vehicle and pedestrian access and circulation areas.

Hard surfacing materials.

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

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

Retained historic landscape features and proposals for restoration.

Soft landscape details shall include:

Planting plans.

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

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

Planting area protection or decompaction proposals.

Implementation timetables.

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

12 - C11.12 (Landscape Works Implementation)

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

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

13 - 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.

14 - C3.4 (Samples of Traditional Materials)

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

Reason: To harmonise with the character of the nearby listed building and the adjacent parkland and Conservation Area setting.

15 - Non Standard Condition

The development shall not take place except in accordance with full details of the hard landscaping proposals, which shall first have been submitted to and approved in writing by the Local Planning Authority. The details to be submitted shall include the proposed fencing and surface treatment for the new access, the stable courtyard, and paving areas associated with the pool, shown in principle on drawing no. 5192/03/TEMP/N.

Reason: To safeguard the setting of the listed building and the Conservation Area.

16 - Non Standard Condition

Notwithstanding the provisions of the Town and Country Planning (General permitted Development) Order 1995 (or any Order revoking and re-enacting that Order with or without modification), no jumps shall be installed, nor shall any form of paddock fencing or taping-off be constructed or provided within the adjoining parkland (shown edged in blue on the site plan submitted), without the prior approval in writing of the Local Planning Authority.

Reason: To prevent the fragmentation of the parkland and thereby to safeguard the setting of the listed building and the Conservation Area.

17 - B3.3 Light Pollution

No external lighting fixtures for any purpose shall be constructed or installed until details of all external lighting proposals have been submitted to and approved by the Local Planning Authority; and no lighting shall be constructed or installed other than in accordance with those approved details.

Reason: To reduce the undesirable effects of light pollution on the amenity of the countryside.

18 – Non Standard Condition

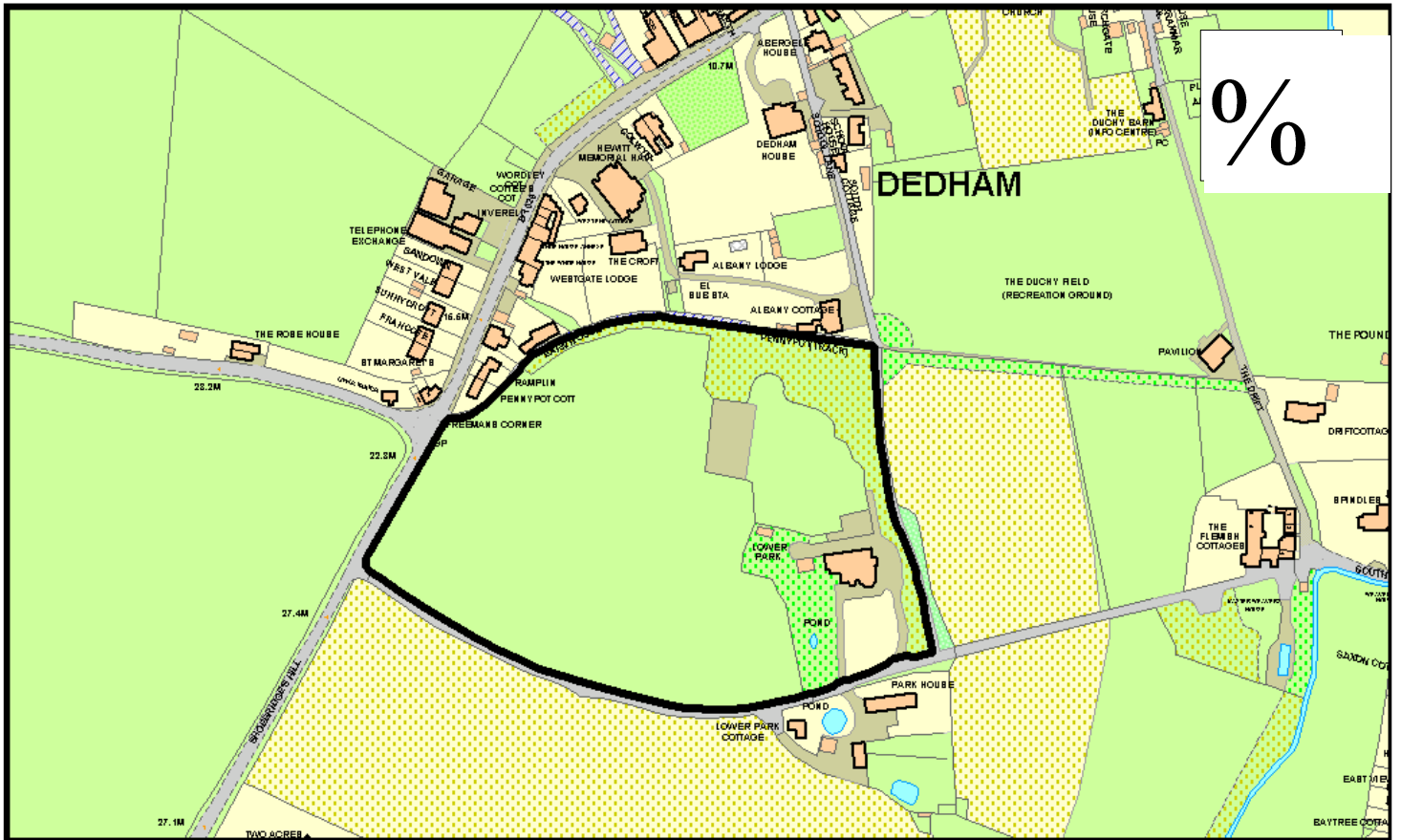
Prior to the first use of the development hereby permitted the existing block building (shown by dotted lines on drawing no. 5192/03/M) shall be demolished and removed from the site.

Reason: To safeguard the setting of the listed building and the Conservation 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: 101543

Location: Lower Park, Colchester Road, Dedham, Colchester, CO7 6HG

Scale (approx): 1:1250

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7.3 Case Officer: Simon Osborn

Due Date: 24/05/2011

OTHER

Site: Lower Park, Colchester Road, Dedham, Colchester, CO7 6HG

Application No: 101543

Date Received: 29 March 2011

Agent: Mr Bryn Jones

Applicant: Mrs Anne Fletcher

Development: Demolition of part of an outbuilding.

Ward: Dedham & Langham

Summary of Recommendation: Conditional Approval

1.0 Planning Report Introduction

1.1 This application is for conservation area consent to demolish the partial remains of a building within the grounds of Lower Park. This application has been submitted in conjunction with the proposal for planning permission (101541) referred to by the previous report.

2.0 Synopsis

2.1 The proposal is sited within a sensitive area, outside of the settlement boundary of Dedham, and within the Conservation Area and Dedham Vale AONB and close to a listed building. The removal of the remains of a concrete outbuilding is wholly acceptable and the application is recommended for approval.

3.0 Site Description and Context

3.1 The application site comprises a very large listed house, constructed of gault grey bricks and slates, and grounds immediately adjacent to and partly within a distinctive parkland setting. The property is accessed from the Colchester Road by a long private drive, which also serves Park House and Lower Park Cottage (also listed, or curtilage listed buildings), immediately to the south of the application site. The application site is within both the Dedham Conservation Area and the Dedham Vale AONB.

4.0 Description of the Proposal

4.1 The application proposes the demolition of the remaining part of a detached outbuilding, of concrete block construction.

5.0 Land Use Allocation

- 5.1 Conservation Area
Area of Outstanding Natural Beauty
Lower Park is a Grade II listed building
The site is outside the settlement boundary of Dedham.

6.0 Relevant Planning History

- 6.1 090661 – stable block with storage building and swimming pool, withdrawn 2009
- 6.2 101541 - stable block with storage building and swimming pool, pending.

7.0 Principal Policies

- 7.1 The following national policies are relevant to this application:
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:
UR2 - Built Design and Character
- 7.3 In addition, the following are relevant adopted Colchester Borough Development Policies (October 2010):
DP14 Historic Environment Assets

8.0 Consultations

- 8.1 English Heritage stated we do not consider it is necessary for this application to be notified to English Heritage.
- 8.2 The Council's Design and Heritage Unit stated the demolition is acceptable given that the replacement building has a sympathetic and appropriate character within the protective designations of the area.

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

9.0 Parish Council's Views

- 9.1 The Parish Council have stated that:

“The scale and appearance of the proposed building has been reduced as requested in the previous application no. 090661 and the whole unit is now more compact; however this proposal still intrudes into the park land as previously stated. The applicant has moved the proposal somewhat into the garden area but we feel it could go further minimising the impact into the park. With regard to screening of this proposed property a fuller screening proposal we feel would be more appropriate.”

10.0 Representations

- 10.1 Five representations in support of this application were received and objections from 7 parties. These representations relate more to the proposed new building subject of the planning application than to the proposal for the demolition of the remains of the outbuilding.

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

11.0 Report

- 11.1 The previous report for 101541 relates to the planning considerations with regard to the proposed swimming pool, stables and storage barn.
- 11.2 The remains of a concrete block detached outbuilding, are situated within the domestic curtilage of Lower Park and within the Dedham Conservation Area. The building has a footprint of 12m by 6m. Only part of the lower walls are intact and it has no viable use or visual merit; rather it is more of an eyesore. There is no objection to its removal; indeed one of the proposed conditions for the related planning application is that the structure is removed if the development subject of the planning permission is implemented.

12.0 Conclusion

- 12.1 The remains of this outbuilding have no merit and there is no objection to its removal

Background Papers

PPS; Core Strategy; CDPD; EH, DHU; PTC; NLR

13.0 Recommendation – Conditional Approval

Conditions

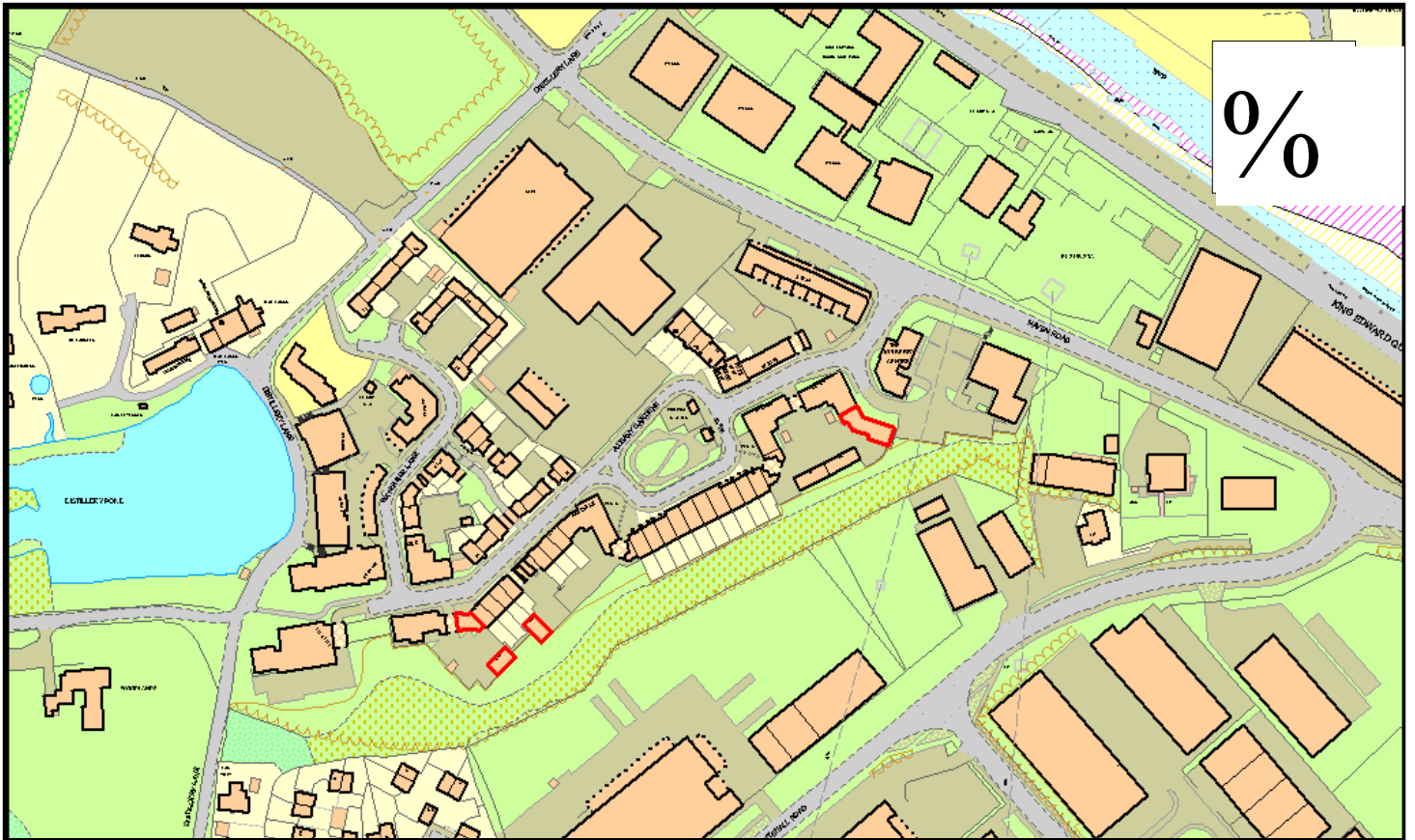
1 – A1.6 (LBs & Con Area Consents- time limit for commencement of development)

The works to which this consent relates shall be begun before the expiration of three years from the date of this consent.

Reason: In order to comply with the requirements of Section 18(1) of the Planning (Listed Buildings & Conservation Areas) Act 1990, as amended by the Planning & Compulsory Purchase Act 2004.

Informatives

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



Application No: 100383

Location: No's 9,11,13,125,135,137 & 139, Albany Gardens, Colchester

Scale (approx): 1:1250

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7.4 Case Officer: Sue Jackson

OTHER

Site: No's 9,11,13,125,135,137 & 139, Albany Gardens, Colchester

Application No: 100383

Date Received: 27 May 2010

Agent: David Webber Partnership

Applicant: Millenium Investments 2000 Ltd

Development: Variation of condition 56 of planning approval F/COL/02/1306 -change of use from B1 to Residential.

Ward: Harbour

Summary of Recommendation: Refusal

1.0 Introduction

1.1 This application is referred to the Planning Committee because whilst the application is recommended for refusal the reason does not include the failure to satisfy the Councils adopted parking or amenity standards

2.0 Synopsis

2.1 This application is retrospective following a complaint to the Investigation Team. It relates to 7 small units within 3 and 4 storey buildings comprising residential flats on the Albany Gardens development. The authorised use of the 7 units is as commercial floor-space forming part of the mixed use element of this large development formerly part of the regeneration area.

3.0 Site Description and Context

3.1 The units are on the Albany Gardens development formerly comprising Albany Laundry off Haven Road. The site was one of the first areas to be developed within the Hythe regeneration area. In addition to the commercial floor space the subject of this application the development also included retail units on the Haven Road frontage plus a restaurant; the original permission included live work units above the retail units. The locations are through out the site on the first, second and third floors including some units above garages in parking courts. The particular buildings are 3 and 4 storey residential flats. Other than these small commercial elements the buildings are otherwise in wholly residential use.

4.0 Description of the Proposal

- 4.1 This application is retrospective following a complaint to the Investigation Team. It relates to 7 small units within blocks of flats on Albany Gardens development. The authorised use of the 7 units is as commercial floor-space forming part of the mixed use element of this large development in the former regeneration area. The information submitted states the bedsits are currently let to university students

5.0 Land Use Allocation

- 5.1 Residential

6.0 Relevant Planning History

- 6.1 F/COL/02/1306 Mixed use development comprising 200 dwellings (including 9 live/work units, 9 work space units, enterprise centre (class B1), neighbourhood store, commercial units (classes A1, A2, A3 and B1), vehicular access, road and ancillary works. Planning Permission granted 18 February 2004
- 6.2 F/COL/05/0730 Use of third floor work units as 9 no. student bed-sits. Planning permission granted 9-11-2006 subject to a Deed of Variation to the original section 106 agreement to secure a financial contribution in respect of affordable housing F/COL/02/1306. Information on parking provision is difficult to ascertain but the lack of parking facilities for owner or visitors is cited as one reason the live work units were not successful. In addition there is no amenity area.

7.0 Principal Policies

- 7.1 The following national policies are relevant to this application:
Planning Policy Statement 1: Delivering Sustainable Development
Planning Policy Statement 3: Housing
- 7.2 In addition to the above national policies, the following policies from the adopted Colchester Borough Core Strategy (December 2008) are relevant:
SD1 - Sustainable Development Locations
SD2 - Delivering Facilities and Infrastructure
SD3 - Community Facilities
H3 - Housing Diversity
H4 - Affordable Housing
UR1 - Regeneration Areas
UR2 - Built Design and Character
PR1 - Open Space
TA1 - Accessibility and Changing Travel Behaviour
TA2 - Walking and Cycling
TA3 - Public Transport
TA5 - Parking
ENV1 - Environment

- 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
DP12 Dwelling Standards
DP13 Dwelling Alterations, Extensions and Replacement Dwelling
DP15 Retention of Open Space and Indoor Sports Facilities
DP16 Private Amenity Space and Open Space Provision for New Residential Development
DP19 Parking Standards
- 7.4 Regard should also be given to the following Supplementary Planning Guidance/Documents:
Community Facilities
Vehicle Parking Standards
Sustainable Construction Open Space, Sport and Recreation
Affordable Housing

8.0 Consultations

- 8.1 The Senior Enterprise Officer has concluded that the proposal “to change the use from B1 to residential across all the units appears justified it does appear that the lack of visitor parking, pepper-potting of the units within the development and lack of ground floor access in the original design appear to have prevented these workshop offices from taking off. Perhaps this is a point for consideration by the Development Team in the future.”
- 8.2 The Highway Authority has no objection to this proposal as it is not contrary to the following policies:-
A) Safety – Policy 1.1 of Appendix G of the Local Transport Plan 2006/2011.
B) Accessibility – Policy P3 of Appendix G of the Local Transport Plan 2006/2011.
C) Efficiency/Capacity – Policy 1.1 of Appendix G of the Local Transport Plan 2006/2011.
D) Road Hierarchy – Policy 1.2 of Appendix G of the Local Transport Plan 2006/2011.
E) Parking Standards – Essex Planning Officers Association Vehicle Parking Standards – September 2009
- 8.3 Environmental Control has no objection
- 8.4 The Design and Heritage Unit comments as follows:-
“This application relates to change the use of the specified modern B1 units to residential accommodation. In simple terms, the proposed change of use of these units will not have a substantial impact on the Distillery Pond Conservation Area. “

8.5 The Housing Development officer comments as follows:-

“I have been made aware that there is a proposal to change use of 7 x B1 commercial units to residential use. May I take this opportunity to advise that I would be keen to secure an affordable housing contribution derived from this should the variation proposals be agreed by Planning. I would be quite happy to accept a financial contribution in lieu of housing units (which I understand to be rather on the small size) and this could be calculated on a m2 cost basis.”

8.5 Spatial Policy has been consulted regarding the policy basis for requesting affordable housing. Having taken legal advice they confirm affordable housing is required. They comment as follows:-

“Planning policies have evolved since the original application, but the original application involved a commitment to affordable housing for 200 units. Core Strategy policy H4 allows us to request a below threshold contribution, although we have not yet been asking for this. The “old” policy in the Adopted Review Colchester Borough Local Plan includes a provision requiring affordable housing for developments below 10 units where it increases the number of units on a larger site where affordable housing was secured. This application represents a unique case due to the links with the application to a pre-LDF decision. In either case Local Plan or LDF, the Council’s commitment to affordable housing is clear given that the application can be considered as forming part of an above- threshold application, albeit it considerably postdates the original decision

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 objection has been received:-

“Four of the units within this application are adjacent to properties managed by Colne Housing Society.

As these units are already let on a residential basis, we feel able to object to their formal change of use based on problems already identified. When we originally let our properties it was on the understanding that the units in question were to be offered for commercial use and that no parking was provided with them. Since these have been let, our tenants have experienced problems with their parking which has been used by the occupants of these units and their visitors. We also have concerns around the use of the communal stairways which at times have household items left in them, potentially causing issues around health and safety, not least of all in respect of fire hazards. Noise nuisance has also been a complaint with the additional 'traffic' through the communal areas from the occupants and their visitors. Despite our best efforts we have been unable to contact any of the occupants or find out who has been instrumental in letting these units, to air our concerns.

In order to maintain the communal areas within this development, our tenants pay a weekly service charge which covers cleaning and clearance, communal lighting and grounds maintenance. The residents of these units obviously do not contribute to these costs in any way. Although we do not have knowledge of any problems with the other units not immediately adjacent to our property on this development, (indeed they may not currently be occupied) it would be reasonable to assume that similar issues would be experienced given the size and positioning of all the units.”

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

10.0 Parking Provision

- 10.1 There is no specific parking provision for these units other than the designated visitor parking. When this development was approved in 2004 maximum parking standards were applied of 150%. These commercial units have no designated parking spaces.
- 10.2 The current maximum parking requirement for commercial units requires:-

Offices, Research and development, Light Industry appropriate in a residential area.
Standard: B1 vehicles 1 space per 30 sq m

Informative notes:

A lower provision of vehicle parking may be appropriate in urban areas (including town centre locations) where there is good access to alternative forms of transport and existing car parking facilities. In all cases adequate provision shall be made for the parking and turning of service vehicles serving the site, off the highway. Consideration should also be given to the requirement for any overnight parking and facilities.

Parking Standards for Use Class C3:

Dwelling houses

Standard:

Flats and Houses are to be treated the same.

1 bedroom 1 space per dwelling

Visitor unallocated 0.25 spaces per dwelling (unallocated) (rounded up to nearest whole number)

11.0 Open Space Provisions

- 11.1 A unilateral undertaking is submitted which includes a financial contribution towards open space, sport and recreation provision.

12.0 Report

- 12.1 It is considered the main considerations are the loss of commercial floor space and the lack of parking or amenity space and the financial contributions set out in the Unilateral Undertaking.

Loss of commercial floor space.

- 12.2 The Council’s Senior Enterprise Officer has concluded that the proposal appears justified and has raised no objection.

Lack of parking

- 12.3 It is recognised these bedsits do not have parking spaces however the authorised commercial use also has no parking and would also generate vehicular trips and could include delivery vehicles. No objection is raised to the proposal on parking grounds although it is appreciated a residential use could lead to parking issues but these are likely to occur whatever use this floor space is put to. It is noted the Highway Authority has raised no objection to the application and states the application is not contrary to parking standard policy

Lack of private amenity area

- 12.4 None of the bedsits has a private amenity area. This is similar to many of the flats on this site which includes a central pocket park and an area of woodland adjacent to Distillery Pond

Impact on the Surrounding Area

- 12.5 The bedsit use is in keeping with the residential use of the surrounding area and will have no impact.

Impacts on Neighbouring Properties

- 12.6 An objection has been received from the Colne Housing Society who manage units in one of the buildings. They raise objection due to parking issues, health and safety concerns with particular regard to the stairways, maintenance of communal areas and noise. The parking issue is discussed earlier in this report. The use of the communal stair ways, storage issues and the maintenance of the communal areas are not planning matters but for the owner of the bedsits. In respect of noise it is noted Environmental Control has not indicated they have received any complaints and have raised no objection.

Financial Contributions

- 12.7 A Unilateral Undertaking is submitted with the application to secure a financial contribution for community facilities and open space sport and recreation facilities contribution. However the UU does not include an affordable housing contribution. There has been a delay in reporting the application to the Planning Committee as your officer sought advice that it was appropriate to request an affordable housing contribution in this case and has sought unsuccessfully to secure a contribution. The agent and solicitor acting for the applicant do not accept that the Council is justified in asking for the affordable housing contribution and query why the contribution was not requested when the UU was originally requested. However the advice from Spatial policy is that the contribution is justified. As the provision of affordable housing is a strategic objective it is recommended the application is refused due to the lack of an affordable housing contribution.

13.0 Conclusion

13.1 That planning permission is refused as the application does not include the required affordable housing contribution.

14.0 Background Papers

14.1 PPS; Core Strategy; CBDP; SPG; Enterprise Officer; HA; HH; DHU; HO; PP; NLR

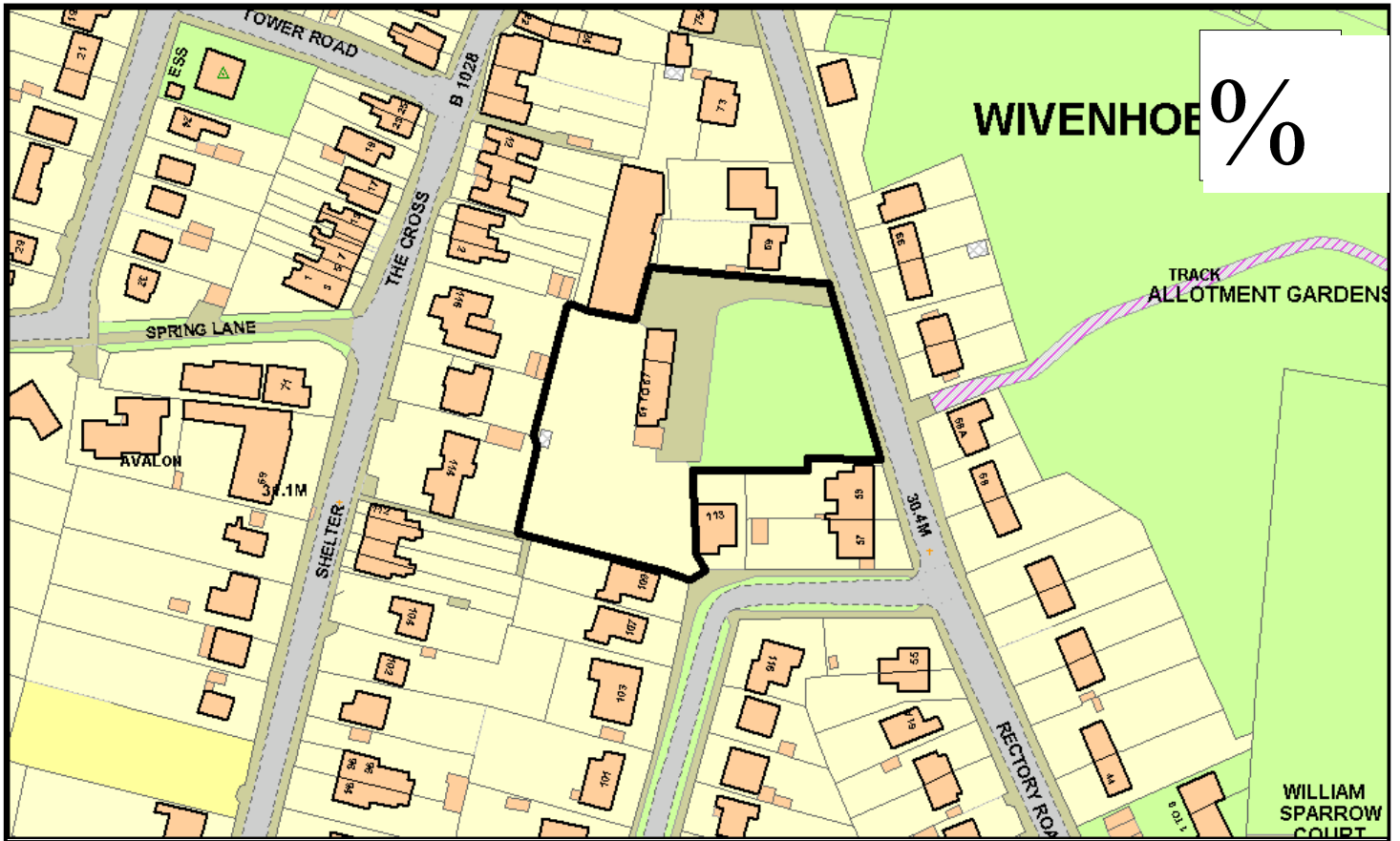
15.0 Recommendation - Refusal

Reasons for Refusal

1 – Non-Standard Refusal Reason

The application proposes the change of use of commercial floor space to 7 additional residential dwellings on this major residential site. The original application reference F/COL/02/1306 included an affordable housing contribution based on the number of residential units proposed at that time. This application proposes an uplift in the total number of residential units and an additional contribution for affordable housing is required to take account of this increase in the number of units as required by policy H4 in the Adopted Core Strategy (Adopted December 2008) and policy H4 in the Adopted Review Colchester Borough Local Plan (Adopted March 2004).

As the application does not include an affordable housing contribution it is contrary to the above policies and policy DP3 in the adopted Colchester Borough Development Policies (October 2010) and policy SD2 in the Adopted Core Strategy (Adopted December 2008).



Application No: 110573

Location: 61-67 Rectory Road, Wivenhoe, Colchester, CO7 9ES

Scale (approx): 1:1250

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7.5 Case Officer: Nick McKeever Due Date: 31/05/2011

MINOR

Site: 61-67 Rectory Road, Wivenhoe, Colchester, CO7 9ES

Application No: 110573

Date Received: 5 April 2011

Agent: Mr Peter Johnson

Applicant: Harding Homes (Essex) Ltd

Development: Residential development of nine dwellings, carports, landscaping and access including partial demolition of existing building. Resubmission of 102585.

Ward: Wivenhoe Quay

Summary of Recommendation: Conditional Approval subject to Unilateral Undertaking

1.0 Introduction

1.1 This application is referred to the Planning Committee as a result of "Call-In" by Councillor Stephen Ford for the following reasons:-

- Parking not to current standards.
- Is the visibility splay onto Rectory Road adequate?
- Loss of light to No. 113 Ernest Road.
- The occupiers of 113 Ernest Road have concerns relating to the possible damage to the existing foul sewer.

2.0 Synopsis

2.1 This report will consider the proposed development in the context of the Council's adopted Core Strategy and the Development Policies Document. In terms of these policies the site lies within the built-up area of Wivenhoe where residential development is considered to be acceptable. The site can accommodate the level of development proposed and in a manner that satisfies the Council's design related policies.

2.2 The report will also consider the development in the context of the Council's adopted parking standards and will show that it complies with these standards.

2.3 Having regard to these circumstances the development is considered to be acceptable.

3.0 Site Description and Context

3.1 The following information is contained within the supporting Design and Access Statement:

- The proposed residential development site has an overall area of 0.37 ha (0.92 acres) and enjoys a frontage onto Rectory Road of approximately 45 metres (148 feet). The depth of the site from Rectory Road varies between 40 metres (130 ft) and 90 metres (295 ft).
- In addition to the proposed residential site there are two commercial buildings having a combined floor area of approximately 630 sq.metres. Approximately 45 sq. metres will be demolished. These buildings are located some distance from the Rectory Road frontage and separated from it by a large area of open space.
- The site has an existing vehicular access off Rectory Road, located adjacent to the north-east corner of the site.
- The site is enclosed on all sides by existing residential development in Rectory Road to the east, The Cross/The Avenue to the west and Ernest Road to the south.

4.0 Description of the Proposal

- 4.1 The application proposes the erection of nine dwellings with associated parking facilities. The dwellings consist of two pairs of semi-detached and one two storey detached unit on the Rectory Road frontage. These are all three bedrooms properties. Four detached bungalows are to be located within the south west corner of the site. Two of these bungalows have three bedrooms and the other two have two bedrooms.
- 4.2 The external materials are drawn from the vernacular palette and include red facing bricks, natural slate, reconstituted stone cills, weatherboarding and pantiles (on the carport roofs).
- 4.3 The development will continue to be served off the existing vehicular access, although this will be upgraded to accord with the requirements of the Highway Authority and will terminate in a new size two turning head.
- 4.4 The proposal includes the provision of 28 car parking spaces. Ten of these spaces will be for the existing commercial use on the site; the remaining 18 spaces are to serve the new residential properties.

5.0 Land Use Allocation

- 5.1 The site lies within the predominantly residential area of Wivenhoe. It is potentially contaminated land, former landfill site (Vanessa Drive) and within the Mersea Island/Abberton Reservoir SSSI Consultation Zone.

6.0 Relevant Planning History

- 6.1 102585 – Residential development of nine dwellings, car ports, landscaping. Withdrawn
- 6.2 91/0005 - Conversion of existing workshop to offices and alterations. Approved 10/05/1993
- 6.3 90//0063 – Extension to existing workshop store and office block. Refused 09/04/1990
- 6.4 82/0227 – First floor extension to provide additional office space. Refused 23/04/1982
- 6.5 82/0517 – Proposed first floor to provide additional office space. Approved 10/06/1982

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 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
 - 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
 - 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
 - DP5 Appropriate Employment Uses and Protection of Employment Land and Existing Businesses
 - DP12 Dwelling Standards
 - DP13 Dwelling Alterations, Extensions and Replacement Dwellings

DP16 Private Amenity Space and Open Space Provision for New Residential Development
DP17 Accessibility and Access
DP18 Transport Infrastructure Proposals
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
Extending your House
The Essex Design Guide
External Materials in New Developments

8.0 Consultations

- 8.1 Environmental Control recommends conditions relating to land contamination and appropriate remedial measures.
- 8.2 DHU comment as follows:-

“The application does not show how the boundary treatments to houses are to be detailed. In pre application discussions the importance of defining private space and providing a perception of security of the rear gardens that face the retained business premises was given appropriate merit. The need to have brick wall boundary treatments and safe parking will require that these details are provided as a condition of permission.

Whilst it is possible to allow visitor parking to occupy the office car park after business hours the arrangement is not specified or legitimised in this application. It had been expected to see three spaces for visitors to the south of the retained office, this has not been included in the application.

Plot 6 should not face Ernest Road but should provide a brick wall to the exposed boundary. A decorative wall should be conditioned and the details submitted for approval prior to the commencement of development”.

- 8.3 Whilst the Highway Authority has been consulted, no response has been received. Any response received will be reported at the Committee Meeting The Highway Authority had required amendments to the previous application in order to achieve:-

- The access being a minimum of 5.5m in width and meeting Rectory Road at 90 degrees;
- A single footway for the full length of the street connecting to the private drive;
- 2.m x 90m vision splays;
- A type 2 turning head;
- Parking to the required standard; and
- A dedicated loading area for the existing commercial use.

Apart from the parking provision the revised application appears to satisfy these requirements.

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 Wivenhoe Town Council consider that there is insufficient on-site parking to deter residents from parking on Rectory Road, which is a busy main route. There should be double yellow lines in the vicinity of the site so as to deter parking.

10.0 Representations

- 10.1 Councillor Stephen Ford considers that the parking facilities does not meet the Council's standards. This will result in future residents parking within the public highway. He also queries whether the visibility splay is adequate given the existing planting in the front garden of the house on the corner of the access road and Rectory Road. There is also an issue about the loss of light to 113 Ernest Road from plot 6. The occupier of 113 Ernest Road also has concerns about foul drainage.

- 10.2 8 letters of objection have been received. The objections set out in these letters are summarised as follows:-

1. Unacceptable pressure upon the existing infrastructure and facilities within Wivenhoe, such as Doctors and Schools. Residents who are unable to benefit from local services because of lack of capacity will be forced to travel elsewhere, thereby contributing to existing traffic congestion.
2. Highway related issues. Additional traffic using the already busy roads. Additional parking on Rectory Road, together with parking in Ernest Road,, particularly as a consequence of the inadequate on-site car parking. The need for traffic calming measures on Rectory Road due to high traffic speeds and the number of cars parked on this road. There should be parking restrictions such as the use of double yellow lines. There should be no vehicular access from the site onto Ernest Road.
3. Existing boundary screening should remain in tact.
4. Overshadowing of rear gardens, particularly No. 116 The Avenue.

- 10.3 In addition to these concerns, the occupiers of 113 Ernest Road consider that:-

1. The inclusion of the bungalows results in an overdevelopment of the site. No objections are raised in principle to the new houses on the Rectory Road frontage, but two properties on plots 7 & 8 would be more in keeping.
2. Impact of the foundations of plot 6 upon their property due to the close proximity of this new bungalow, and in particular the possible damage to their fence and to the existing foul drains. A full Method Statement should be a condition of any permission. Full compensation will be required for any damage caused. The building on plot 6 should be moved at least a further metre from the boundary. In the event that this objection is not upheld, the developer should be required to provide a full building condition survey prior to construction taking place. Also of concern is the potential impact upon the root system of the four large conifers in the corner of their garden and possible structural damage that may result.

3. There is an existing foul drainage chamber within the existing grassed area which will be within the garden of plot 6. The occupiers of 113 Ernest Road have a legal right of access to this chamber and they will need to maintain this right.
4. Adverse impact upon street scene and living conditions. The erection of a new 1.8 metre high fence to the rear garden of plot 6 in order to protect the privacy of this garden will be out of keeping with the street scene in Ernest Road.
5. The dwelling on plot 5 should be turned around and handed to face Ernest Road.
6. Reduction in the quality of life due to increased traffic accidents and higher levels of air and noise pollution.
7. Loss of light and overshadowing of their garden

10.4 118 The Avenue, Wivenhoe Management Company Ltd., raise the following issues:-

1. The rear garden wall and garage building forms the boundary between the new development and the 118 The Avenue flats (Flats 1-4). Assurance should be given that access to this wall for maintenance is freely available in perpetuity.
2. Any damage during construction to be rectified and any damage caused by the new occupiers would be their responsibility to make good.
3. Confirmation that the building directly behind 118 The Avenue is single storey

Officer Comment – A copy of this letter has been forwarded to the Applicant company for information and any action that may be required by Harding Homes Ltd. Plot 9 is the property that adjoins the rear garden of No. 118 The Avenue and is a bungalow.

10.5 The Wivenhoe Society question whether the visibility onto Rectory Road is adequate, the number of dwellings is too high and there is no visitor parking. One of the bungalows is very close to an existing house.

11.0 Parking Provision

11.1 The application proposes the retention of 10 spaces to serve the existing commercial use on the site. In this respect the application maintains the status quo, and is considered to be acceptable.

11.2 This leaves a total of 18 spaces to serve the new development.

11.3 The required standard for the two and three bedroom dwellings is two spaces per unit, plus 0.25 visitor space (rounded up to the nearest complete figure). On this basis 18 spaces are required plus 3 spaces for visitors.

11.4 Whilst it is accepted that the 10 commercial spaces can be utilized for the period when this commercial use is closed, this does not negate the need for the additional three spaces. The Applicant has been asked to demonstrate how these are to be provided.

12.0 Open Space Provisions

12.1 The application includes the required Unilateral Undertaking for contributions towards the provision of Open Space and Community Facilities within the Borough.

13.0 Report

- 13.1 Design and Layout
External Appearance
Impact upon Residential Amenity
Other Matters

Design and Layout

- 13.2 The scheme as submitted follows on from meetings and discussions between your Officers and the Applicant in order to address the design related problems with the previous submission.
- 13.3 The principal constraints were the Applicant's need to retain the existing and established commercial use on the site and the associated requirement to retain the existing access to the site, although there is a need to upgrade this access in order to meet current standards.
- 13.4 Given these constraints the site can only be developed to its full potential by the creation of two separate elements:-

- (1) Frontage development facing onto Rectory Road. The development within Rectory Road within the immediate vicinity is predominantly one of two storey dwellings, facing on to this road, although there are single storey dwellings such as the bungalow at 69 Rectory Road.

In this context the application proposes the erection of five, two storey dwellings fronting onto Rectory Road. Plot 1 is a detached dwelling, the remainder being two pairs of semi-detached houses. The design, scale and use of external materials is in keeping with the existing dwellings to the immediate south and on the eastern side of Rectory Road. The elevational drawings show that the height of these drawings is similar to the dwelling at number 59 Rectory Road.

The parking is provided adjacent to the rear gardens. This takes the form of six open spaces to serve plots 1, 2 & 3, together with a double garage and two associated spaces to serve plots 4 & 5.

The dwelling on plot 5 is located between four and five metres from the flank walls of No.59 Rectory Road. These dimensions are as scaled from the layout drawing.

These two storey dwellings are located more than ten metres from the southern boundary of No.69 Rectory Road.

In this respect the design and layout is considered to be compatible with the existing development along this part of Rectory Road, and relative to the two existing dwellings at Nos. 59 & 69 Rectory Road.

The private amenity provision for each of these dwellings exceeds 100 sq. metres.

Whilst the front doors of these five dwellings face onto Rectory Road, the Design & Access Statement states that the frontage will be enclosed by railings, with planting behind. This is in order to discourage indiscriminate parking within Rectory Road. This is considered to be acceptable from a design point of view and in terms of the safety and convenience of other users of this busy road.

- (2) The erection of four bungalows to the south west end of the site at the western end of the new type 2 vehicular turning area. Plots 6 and 9 are detached, whilst plots 7 and 8 are linked by car ports. These bungalows face into the site. Taken together these four units achieve their own sense of place.

The bungalows on plots 6, 7 & 8 are separated from the adjoining dwelling number 109 Ernest Road by their rear gardens. The distance between the rear elevations of plots 7 & 8 and the boundary of 109 Ernest Road is 8.5 metres, whilst plot 6 is approximately 9 metres at its nearest point to this boundary. This degree of separation is considered to be acceptable in order to prevent any overbearing impact.

Plot 9 is on a larger plot and backs onto part of the car parking area serving the existing commercial use. The flank wall faces onto the rear garden of No.114 The Avenue. At its nearest point to the boundary it is approximately 1.5 metres, increasing to approximately 3 metres. The dwelling at 114 The Avenue is approximately 15 metres away at its nearest point.

In this respect the relationship to this adjoining dwelling is considered to be satisfactory.

The private amenity areas of these units also exceeds 100 sq. metres.

The properties in Ernest Road immediately adjacent to the site are also bungalows, such that the proposed single storey dwellings will not appear out of character.

The comments made by the occupiers of No.113 Ernest Road in respect of the relationship of the bungalow on plot 6 to Ernest Road are acknowledged. The design approach that has been adopted is that the dwelling on plot 6 should relate to the other three units and thereby create a sense of place within the development.

At the present this part of the site is enclosed by a gate and fence. The dwelling at No.57 Rectory Road has its rear garden running parallel with Ernest Road and is enclosed by a 1.8 metre high close boarded fence. Whilst the rear garden of plot 6 will have to be enclosed to secure its privacy, no details have been provided of the type of enclosure; hence the comments made by the Design and Heritage Unit. Given the set back from Ernest Road, and the existing close boarded fence in the immediate vicinity, it is considered that an appropriately detailed 1.8m high brick wall will not appear out of place. This will need to be secured by condition.

Overall the development of 9 dwellings achieves a satisfactory layout in terms of the relationship to the existing dwellings in the vicinity and in terms of the space around the dwellings as well as the provision of private amenity space.

External appearance

- 13.5 All of the nine dwellings are to be finished in external materials drawn from the vernacular palette. The red brick/slate roofed dwellings on the site frontage are not out of character with the existing dwellings along this part of Rectory Road. The detailing (e.g. stone cills, brick arches, brick chimneys and bay windows) is also considered to be acceptable.
- 13.6 The proposed bungalows are also to be built using vernacular materials. The bulk of these building has been reduced by the use of hipped roof forms.

Impact upon Residential Amenity

- 13.7 The relationship of the dwellings on plots 1 – 5 is such that they are located a satisfactory distance from the neighbouring dwellings at Nos.59 & 69 Rectory Road, and the scale of plot 5 is in keeping with that of No.19. In this context these dwellings will not be overbearing or result in any overshadowing.
- 13.8 These new dwellings have windows at first floor level within the flank walls. These windows serve non-habitable rooms (i.e. en-suite or landings) and as such will not have any significant impact in terms of overlooking.
- 13.9 The building on plots 6 – 9 are all single storey. The dwellings on plots 7, 8 & 9 are located a reasonable distance from the neighbouring dwellings. In addition the roofs are all hipped. As such they will not be overbearing upon these neighbouring dwellings,
- 13.10 Given that these are single storey, and that there is no significant difference in ground levels, there should not be any overlooking of the neighbouring dwellings.
- 13.11 The dwelling on plot 6 is located in close proximity to the boundary with No.113 Ernest Road. A distance of one metre is normally considered to be the acceptable minimum distance. Subject to this being maintained, the siting is considered to be acceptable.
- 13.12 In addition the main building on plot 6 is separated by a car port. This structure is lower than the ridge of the main building (i.e. approximately 4.5m as compared to just under 6 metres maximum height, as scaled from the drawings).
- 13.13 The relationship between the new and the existing dwellings is considered to be acceptable in terms of the Council's policy DP11 and the associated SPD 'Extending your house'.

Other Matters

- 13.14 The occupiers of 113 Ernest Road have raised various issues such as the potential damage to their property during the construction process, access to the existing foul sewer and possible damage to this sewer.

- 13.15 Any damage arising during the construction of the development is not a material planning consideration, but would be a civil matter to be resolved between the affected parties.
- 13.16 The access to the existing foul sewer would also be a matter that would need to be resolved between the developer and the occupiers of no.113 Ernest Road.
- 13.17 Both of the aforementioned issues have been drawn to the Applicant's attention.
- 13.18 It is accepted that the construction of nine new dwellings will have an impact upon the wider area. Given the relatively small scale of the development, this impact will be limited. In addition it has to be recognised that this site lies within the built-up area of Wivenhoe residential development is considered to be acceptable in principle.

14.0 Conclusion

- 14.1 The development of this site for residential use is acceptable in terms of land use. The proposed nine units can be accommodated within the site without appearing cramped in their setting or appearing out of context. The impact upon residential and visual amenity is also considered to be acceptable.
- 14.2 The concerns expressed by Wivenhoe Town Council and local residents relating to on-site parking and the consequences of inadequate parking upon the existing road network, as well as the amenity of local residents, are all acknowledged and appreciated. The scheme as submitted retains the existing parking for the commercial use within the site and provides the required two parking spaces for each of the nine dwellings. It does not provide the required 3 visitor parking spaces. The Applicant has been asked to satisfy this requirement.
- 14.3 Subject to this being addressed in a manner that is considered to be acceptable, and to no objections being received from the Highway Authority, permission is recommended.

15.0 Background Papers

- 15.1 PPS; Core Strategy; CBDP; SPG; HH; DHU; HA; PTC; NLR

16.0 Recommendation

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

- The completion of a Unilateral Undertaking for contributions towards the provision of Open Space and Community Facilities in accordance with the Council's adopted SPD.

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 Nos. 220, 221, 222, 223, 224 and 225 unless otherwise agreed in writing.

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 - C11.11 Landscape Design Proposals

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

These details shall include, as appropriate:

Existing and proposed finished contours and levels.

Means of enclosure.

Car parking layout.

Other vehicle and pedestrian access and circulation areas.

Hard surfacing materials.

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

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

Retained historic landscape features and proposals for restoration.

Soft landscape details shall include:

Planting plans.

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

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

Planting area protection or decompaction proposals.

Implementation timetables.

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

5 - C11.12 Landscape Works Implementation

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

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

6 - C12.2 Details of Walls or Fences

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

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

7 -Non-Standard Condition

The details to be submitted pursuant to condition 6 shall include the provision of a 1.8 metre high brick wall to the rear of plot 6 where adjacent to Ernest Road.

Reason: For the avoidance of doubt and to ensure an acceptable visual appearance.

8 - B9.1 Refuse Bins

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

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

9 - Non-Standard Condition

Car parking facilities to serve the existing commercial use and the approved dwellings shall be provided within the site in accordance with the approved drawings and thereafter maintained as such to serve the development. The approved parking shall be provided prior to the occupation of any of the dwellings hereby approved.

Reason: In order to ensure that on-site parking facilities are provided in accordance with the Council's adopted standards in the interests of residential amenity and highway safety.

10 - D4.3 Bicycle Parking (in accordance with a scheme)

Prior to the buildings being brought into use for the purposes hereby approved, bicycle parking facilities shall be provided in a practical and visually satisfactory manner within the site, which comply with the Local Planning Authority's current cycle parking standards and are in accordance with a scheme, indicating the number, location and design of such facilities, which shall have previously been submitted to and approved in writing by the Local Planning Authority. The approved facilities shall thereafter be retained to serve development.

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

11 - Non-Standard Condition

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

The report of the findings must include:

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

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

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

12 - Non-Standard Condition

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

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

13 - Non-Standard Condition

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

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

14 - Non-Standard Condition

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition 11 "Site Characterisation", and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 12 "Submission of Remediation Scheme", which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition [] "Implementation of Approved Remediation Scheme".

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

15 – Non Standard Condition

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2008 (or any order revoking and re-enacting that order with or without modification) no enlargement of the dwellings on Plots 6, 7, 8 & 9, including additions or alterations to the roofs, nor the provision of any building or enclosure, as permitted by Classes A to E of Part 1 of that Order shall be carried out with express planning permission from the Local Planning Authority.

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

16 – Non Standard Condition

The dwellings on Plots 6, 7, 8 & 9 shall be single storey only and no habitable accommodation shall be formed within the roof voids nor any windows or openings are to be formed within the roofs without the prior approval in writing by the Local Planning Authority.

Reason: To safeguard the amenity of the adjoining residential properties.

Any conditions that may be required by the Highway Authority and which are considered by the Local Planning Authority reasonable and necessary to ensure a satisfactory form of 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.

Planning Committee

19 May 2011

Report of	Head of Environmental and Protective Services	Author	Vincent Pearce 282452
Title	Planning application determination performance monitoring, and an appeals analysis update for the period 1 January 2011 – 31 March 2011 along with a year end analysis of NI157 and appeal performance (1 April 2010 – 31 March 2011)		
Wards affected	All wards		

This report provides:- details of the performance of the Planning Service judged against Government National Indicators and local indicators and summarises the details of 'allowed' appeals for the period 1st January 2011 – 31st March 2011 with an overview for the year 1 April 2011 – 31 March 2011.

1.0 Decision Required

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

2.0 Summary of performance report (Headlines)

- ◆ 'Major' application performance was significantly above the Government target in the period. ✓
- ◆ 'Minor' and 'other' application performance exceeded the relevant Government targets in the same period. ✓
- ◆ The number of planning applications in 2010-2011 were significantly up (16%) on those for the same period in 2009-2010. ✓
- ◆ The delegated decision rate was a mere scintilla short of the 90% target ✓
- ◆ Appeals record (formerly BV204) was better than the national average ✓

This is one of the best set of end of year results ever recorded by the Service

3.0 Reasons for Decision

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

4.0 Alternative Options

4.1 Not applicable

5.0 Supporting Information

5.1 None

6.0 Performance Assessment

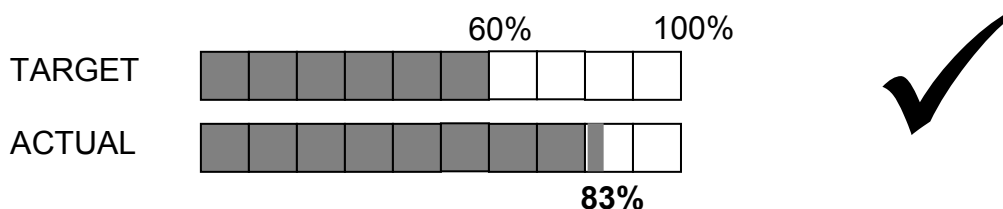
6.1 This report will review performance against the following performance indicators

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

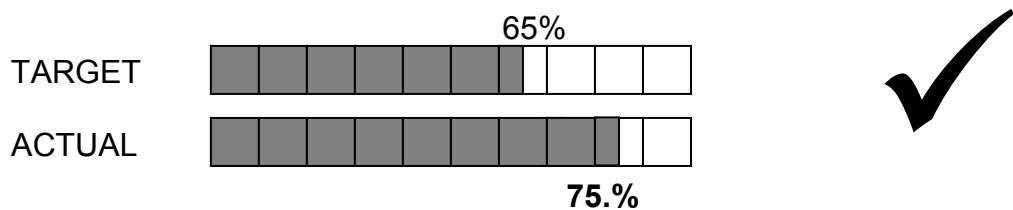
■ NI 157 (8 and 13 week performance) Quarter 1. (2011) (Jan-Mar)

6.2 Performance levels for the period 1 January 2011 – 31 March 2011 were as described below:-

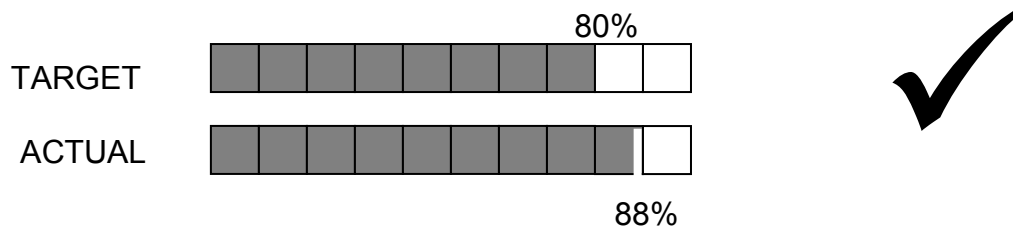
MAJOR application performance (national target against actual)



MINOR application performance



OTHER application performance



HOUSEHOLDER application performance

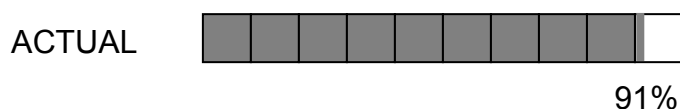



FIGURE 1: NI 157 by type (1 January 2011 – 31 March 2011)

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

■ **NI 157 (8 and 13 week perf.) Qtr 2, 3, 4 ('10) (Apr-Dec) & Q1 ('11) (Jan-Mar)**

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

MAJOR	68.4%	
MINOR	71.0%	
OTHER	86.0%	
H/holder	90.0%	

6.4 This good performance was achieved in the context of:-

- (i) a 16% increase in the number of applications received compared to the equivalent period in 2009-2010,
- (ii) fewer staff within the Planning Service & PSU,
- (iii) the launch of a major customer service improvement initiative within E&PS (Environmental & Protective Services),
- (iv) significant energy being directed towards making the Planning Service one of the countries most electronically enabled and advanced services with consequent improvements in transparency and accessibility and
- (v) a radical national transformation of the planning system.

6.5 These results represent significant effort from everyone involved and it is hoped that these performance levels and outcomes will enhance the reputation of the Service and that of the Council. It also demonstrates the continued commitment of Members of the Planning Committee and staff in the Planning Service and Professional Support Unit (PSU) to raising performance levels.

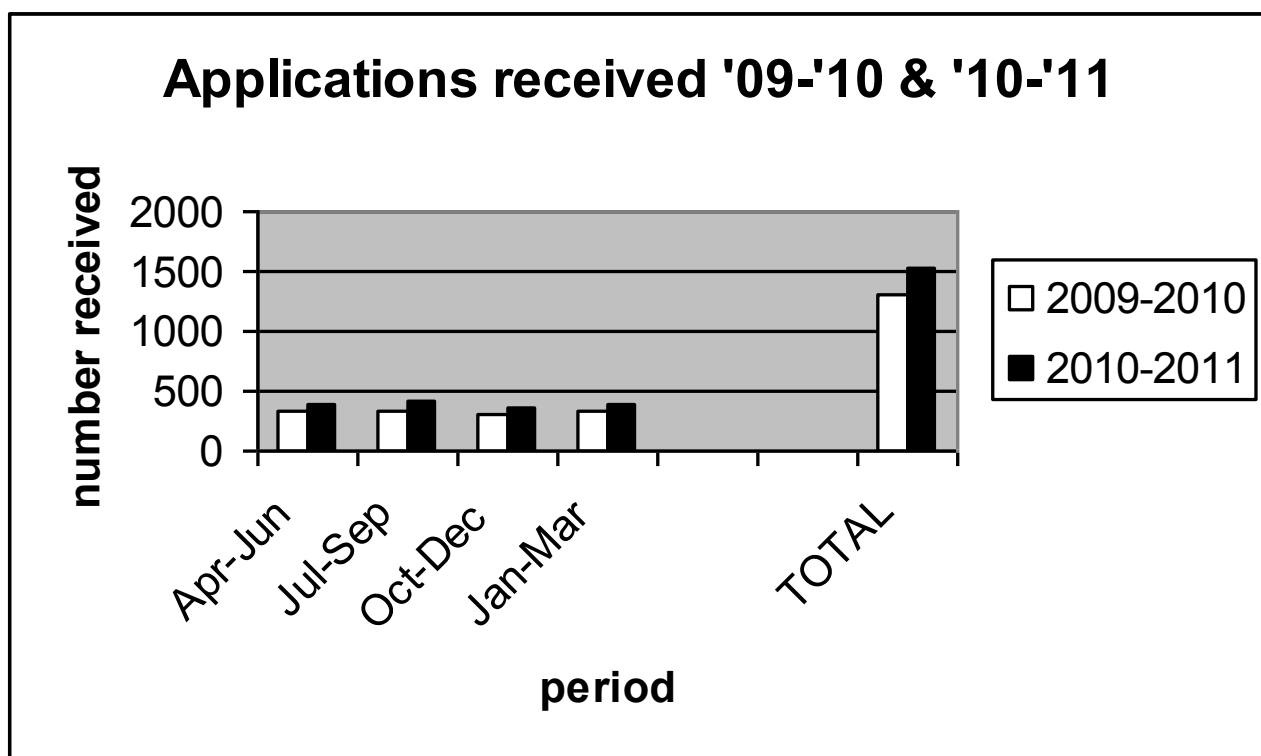


FIGURE 2: Applications received by qtr (1 April–31 March 2009/2010 & 2010/2011)

6.6 Members will be interested to note that the number of majors received during the year remained consistent with the year before and the improved performance has not been because of a dramatic drop in the number of major applications on the books. Figure 3 below provides a more detailed analysis.

Type of major	2009-2010	2010-2011
Residential	17	13
B1 office, light industry, R&D	2	5
B2 general industry	1	1
Retail, distribution	1	0
Other	20	22
Gypsy/traveller	2	0
Total	43	41

FIGURE 3: Major applications received (1 April–31 March 2009/2010 & 2010/2011)

6.7 Members who were on the Planning Committee in July 2010 will recall that major performance levels stood at 25% in the first quarter of the year 2010-2011 (Apr-Jun 2010).

6.8 This overall improvement in performance has not been achieved by accident and the following have amongst others, all had a beneficial impact on and made a significant contribution to driving up performance levels:-

(A) Intense weekly individual 1:1 case load management sessions with all officers

This has ensured that most potential issues with a proposal are identified at an early stage and a triage system used to identify solutions and the way forward with time to allow amendment where appropriate and the application remains in time

(B) Adoption of a Customer Service Improvement Plan within the Planning Service and associated action delivery plan

The focus on improving the customer experience of the Planning Service has already identified a number of process improvements which have contributed to improved performance. It is also worth noting that staff workshops on customer excellence have energised all staff to see that the need for speed need not come at the cost of quality and that timeliness and good feedback to customers can increase performance by allowing better collaboration within mutually accepted timescales. More work is being done in this area and the accompanying Customer Service performance report also on the agenda covers this area in greater detail.

(C) Amended Scheme of Delegation

This has allowed the Planning Committee to concentrate on the more complex or controversial applications by freeing up agenda time with consequent performance benefits. (and the member call-in system has ensured that the democratic process has not been prejudiced)

(D) The introduction of significant levels of new public self-help and monitoring capability via the planning web-site

This has increased capacity of planning officers who now spend less time taking routine calls from customers wanting to know the who? What? Where? and when? of particular planning applications. It should also be noted that the Council's Customer Service Centre (CSC) and its telephone advisors continue to intercept and handle a vast number of routine planning enquiries, again increasing capacity.

(E) Introduction of pioneering Planning Performance Agreements (PPAs) in July 2010

The successful increasing take-up of this service as offered by the Planning Service has seen a significant number of complex major applications taken out of NI157 statistics as allowed by the Government. Indeed PPAs are encouraged by the Government as a way of securing good collaboration. For Members who are new to Planning a PPA is in effect a an agreement between a developer and the Council to intensively project manage a proposal from pre-application stage to submission of a planning application. A PPA does not guarantee an approval but what it does do is commit all sides to an agreed timetable and requires agreed turn-round times on consultations. It also makes provision for a pre-agreed meeting schedule and an action driven approach to such meetings. This helps to keep negotiations on track and avoids delays.

■ Delegated decision making

- 6.9 **89.5%** of all the decisions made during the period 1 April 2010 – 31 March 2011 were delegated which suggests the planning system is being operated efficiently.

■ Upheld appeals

- 6.10 The year end figure for upheld appeals (ie: those where the Council lost the case) was 28%. If withdrawn appeals are excluded from the calculation then the figure is 29%. This is a very good result and suggests that decision making is 'healthy' in that the Council wins approximately twice as many appeals as it loses and is not unreasonably refusing applications to boost NI157 performance.
- 6.11 The next interesting question to ask (and have answered) is "Are applications being unreasonably approved just to boost NI157 performance and minimise the risk of losing appeals?" The natural inclination is to say of course not but it is a question that needs further analysis and backing up with real evidence and is not something that has been reported on before. By using such a phrase the reader will probably have already realised that this report does not have the answers this time round. However it is intended to explore this area in time for the next quarterly report. The first reference point will be to compare approval rates (as a percentage of totals) with other authorities to gauge if the Council's figures are in-line or out of sync with general averages. The next step will be to compare the performance of the Service against any nationally established best practice. At that point any investigation will need to quantify and qualify the value added by the Service in terms of negotiating sub-standard applications/proposals to secure improvements that make them acceptable. The implication being that pre and parallel application negotiation reduces the number and frequency of refusals. (assuming that such negotiation is routinely undertaken and does result in acceptable amendment).
- 6.12 The appeals upheld figure for the last quarter of 2010-2011 was 17.7%. (with withdrawn appeals excluded it was 18.8%).
- 6.13 This report will now consider the summarised detail of the upheld decisions for the period 1 January 2011 – 31 March 2011. (Members will note that detailed summaries for previous quarters have already been reported in the relevant quarterly performance reports):-

1.

Reference: 100786

Address: **84 High Road, Layer-de-la Haye**

Proposal: Erection of a single dwelling.

- Delegated decision. Costs refused

Summary of Inspector's Letter (decision dated 28th February 2011).

Inspector : Daphne Mair BA(Econ)Hons, Mphil, MRTPI

Main Issue

The Inspector identified the main issues to be:-

- Will backland nature of development harm character of that part of Layer-de-la-Haye?

- Is the proposed access safe?
- Should an alternative access be found?

Considerations

The Inspector noted that most properties on the south side of High Road front the highway other than the appeal property and its neighbour which are set back and behind a hedge. She took the view that whilst tandem development the large new house being accessed through a good sized gap between existing housing would not harm the character of the area, nor would it represent overdevelopment in terms of PPS3. She also noted that with careful design and placement of windows serious amenity issues for neighbours should not arise. In terms of highway safety she took the view that even though the extent of the highway boundary was not clear provided a 2m x 80m visibility splay was provided safety would not be an over-riding issue. In view of this conclusion an alternative access was not required. She did condition the requirement for the required visibility splay.

2.

Reference: 101383

Address: **Gridleys, Chapel Road, Langham**

Proposal: Erection of 3 bed detached house and garage /store

- Delegated decision. **Costs refused**

Summary of Inspector's Letter (decision dated 25 February 2011).

Inspector : P. A. Goodman BA(Hons), DMS, MRTPI

Main Issue

The Inspector identified the main issues to be the development's impact on the character and appearance of the area.

Considerations

The Inspector in reaching his decision commented:- (as the matter of the loss of the original cottage was highly controversial within Langham the Inspector's comments are quoted verbatim.

"9. The Council's view is that the site is in a location with a strong sense of place that marks the transition from a dispersed village settlement to open countryside. It considers that given the site's physical and historic context, the current proposed design is disproportionately large in scale, form and massing and hence unsatisfactory and at odds with the local context.

10. The proposed 3 bedroom dwelling would have a slightly larger and squarer footprint, and a different axis to that of the former house which was relatively narrow and sited endways onto the road. As a result the dwelling would have greater massing and would be more noticeable in the street scene. However this section of Chapel Road is characterised by relatively loose knit linear development with a mixture of architectural styles. The site itself is wide and broadly triangular in shape such that the building would have 'breathing space' on each side and scope for additional landscaping together with retention of the mature trees on the rear and part of the front boundaries.

11. In my judgement the traditionally styled one and half storey front elevation would have an appropriately rural appearance in a neo-vernacular style. By virtue of its width the rear projection sited at right angles to the main roof would have a flat roof at the centre of the plan. But the sloping roof on each side would be no higher than the ridge of the front element and neither the extra bulk nor the flat roof would be apparent in public views from Chapel Road.

12. In my view it is far enough from the adjoining Wen Lock Cottage to the north of the site not to cause harm to the outlook, light or privacy enjoyed by the occupiers of that property. The proposed intervening timber garage and storage building would help secure such privacy and aid visual separation in a suitably rural styled outbuilding.

He granted planning permission on the basis of his findings.”

3.

Reference: 100505

Address: **7 Grove Avenue, West Mersea**

Proposal: Erection of detached garage

- Delegated decision

Summary of Inspector's Letter (decision dated 8 February 2011).

Inspector : P. A. Goodman BA(hons), DMS, MRTPI

Main Issue

The Inspector identified the main issue to be the impact of the development on the character of area

Considerations

The Inspector was of the view that the because the site is generous in size, the frontage relatively densely planted and other properties diverse in appearance the proposed garage would, subject to controls on materials, have a 'benign' impact.

■ Planning Performance Agreements (PPA's)

6.14 Since 1 April 2010 the Planning Service has entered into eight Planning Performance Agreements (PPA) relating to significant 'major' proposals:-

- St Albrights, Stanway - residential redevelopment
- Rowhedge Port, Rowhedge – mixed use redevelopment
- Part Severalls Hospital, Colchester – Child & Adolescent Unit
- Severalls Phase 1 – residential development
- Angel Court, Town Centre – mixed use conversion
- Tollgate West
- Garrison J2B – residential development
- Lakelands Phase 2 – residential development

- 6.15 Members will be aware that any planning application that is the subject of a PPA is then excluded from NI157 calculations which in the case of the schemes above should be beneficial as each is likely to take more than 13 weeks to determine because of their complexity. (& possible need for S106 Agreements).

7.0 Costs awards against the Council

- 7.1 In the past year the Council settled one long-standing costs claim from a previous year relating to an enforcement appeal at 42 Peppers Lane, Boxted. Final settlement was paid at a figure significantly below that originally claimed after challenge and through subsequent negotiation.
- 7.2 Two outstanding claims are currently under negotiation in respect of development at Moler Works, Hythe and Grange Road, Tiptree.

8.0 Financial implications

- 8.1 None beyond the outstanding costs claim

9.0 Strategic Plan References

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

10.0 Risk Management

- 10.1 There are no risk management issues to report this quarter.

11.0 Publicity Considerations

- 11.1 None

12.0 Human Rights Implications

- 12.1 None.

13.0 Community Safety Implications

- 13.1 None.

14.0 Health and Safety Implications

- 14.1 None.

Background papers.

Appeal decision notices relating to the appeals quoted in the report

19 May 2011

Report of	Head of Environmental and Protective Services	Author	Vincent Pearce 282452
Title	Enforcement performance monitoring for the period 1 January 2011 – 31 March 2011		
Wards affected	All wards		

This report provides:- details of the performance of the Planning Service's Enforcement Team for the period 1st January 2011 – 31st March 2011

1.0 Decision Required

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

2.0 Summary of performance report (Headlines)

- ◆ **Number of complaints investigated = 140**
- ◆ **Number of Enforcement Notices served = 2**
- ◆ **Number of prosecution actions = 4**
- ◆ **Number of breaches resolved = 136**

3.0 Reasons for Decision

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

4.0 Alternative Options

4.1 Not applicable

5.0 Supporting Information

5.1 None

6.0 Performance Assessment

6.1 Presented here for the first time (Table 1 below) is the performance of the Enforcement Team as measured against the agreed local targets set out in the Enforcement Strategy.

Action	Target	Actual performance January – March 2011
Acknowledge all enforcement complaints within 3 working days of receipt <i>(Note: this is a PSU, rather than Enforcement Team, function)</i>	100%	64%
Undertake a site visit for Priority One complaints within 0 to 2 working days of receipt	100%	100%
Undertake a site visit for Priority Two complaints within 5 working days of receipt	90%	100%
Undertake a site visit for Priority Three complaints within 10 working days of receipt	90%	100%
Undertake a site visit for Priority Four complaints within 15 working days of receipt	90%	100%
Resolution of enforcement complaints within 3 months of receipt of initial complaint	80%	61%
Notify all parties to a complaint of the Councils decision (whether or not to enforce) within 10 working days of making the decision	100%	This can be reported upon from April 2011 onwards

Table 1: Performance against local targets

- 6.2 As can be seen from the figures in table 1 performance in terms of carrying out the initial site inspection in categories 1-3 have been exemplary and all cases have been inspected within the agreed timescale. This represents focussed attention from the team and means that the highest classes of priority of potential breach were investigated as quickly as required by the Enforcement Strategy. It should be noted that the new Strategy contains far more stretching targets than the previous more passive Strategy.
- 6.3 Members will note that even the lowest category of complaint was investigated at a 100% rate which exceeded the set target of 90%. These figures cannot be bettered.
- 6.4 In terms of keeping 'customers' updated the acknowledgement of complaint level at 64% is below target and the reasons for this are currently being explored. The intention being to improve performance. This should be made significantly easier now that electronic reporting of complaints via the web-site is becoming the norm rather than other types on contact.
- 6.5 Members will recall that the thrust of the enforcement regime moved from a approach mode to a robust approach with the adoption of the new Enforcement Strategy. Along with this came much tougher targets for resolving identified breaches of planning control. The current target has been set at a high target of 80% of all enforcement complaints being resolved within 3 months of being lodged.
- 6.6 Currently the quarterly rate is 61%. Whilst this may seem disappointing it should be noted that some very old cases have been cleared by tough action since October 2011 and to some degree the figures are skewed by historic caseload which is being dramatically reduced by closer case management techniques.
- 6.7 Table 2 below is revealing in that it helps to demonstrate that whilst cases may be unresolved that does not mean that action isn't being taken. Under the earlier Strategy cases were known to remain live for several years pending action. That situation is no longer possible with the monitoring techniques in place and the robust move to action being routinely taken in cases where remedial action isn't quickly taken by the person/s responsible for a breach.

Type of action	prepared	Served
PCN	18	17
EN	9	2
BCN	3	3
S215	1	1
S330	2	1
S38	0	0
DN	1	1

Table 2: Notices Served

PCN Planning Contravention Notice

EN Enforcement Notice

BCN Breach of Condition Notice

S215 Untidy Site Notice

S330 (a PCN for listed buildings)

DN Discontinuance Notice

See glossary at 6.11 of report for fuller description of effects of the above notices

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

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

6.9 The current outstanding appeals are

- 073229 Elm Farm, Elm Lane, Marks Tey (appeal against enforcement notice)
- 073554 Middleborough (appeal against discontinuance notice)

6.10 This report will now examine the progress of cases where some form of action has been instigated following a site visit and identification of a serious breach of planning control. (please see table 3 overleaf).

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

BCN:

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

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

S330 Notice:

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

S215 Notice:

Relates to the tidying-up of an untidy site

Enforcement Notice:

Requires specific remedial action to be taken within a prescribed timescale

Injunction:

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

Stop Notice:

To stop unauthorised activity

Direct Action:

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

Table 3: Progress report on Enforcement action at 5 May 2011

Refno	Officer	Type	served on	Status	start date	exp date	premises address	Further info
2776	CH	EN	Mr Cowling	Notice Served	26/03/10	02/06/11	The Smallholding, Colchester Road, Mt Bures	Appeal dismissed – new compliance date 02/06/11
2851	SH	EN	Mr N Buckland	Compliance due	26/06/10	26/10/10	Stableview, Newbridge Road, Tiptree	Planning permission obtained for gate in new position
2859	DK	S330	Mr J Brown	Notice Served	01/04/10	22/04/10	Chapel Road, Boxted, Colchester	No further action as remedial work started on site
2870	CH	PCN	Mr and Mrs T Apps	Notice served	17/06/10	08/07/10	43 Peppers Lane, Boxted, Colchester, CO4 5HL	Complied with
2875	CH	PCN	Mr P Fairs	Notice served	15/05/10	05/06/10	Elm Farm, Elm Lane, Marks Tey, Colchester, CO6 1HU	Complied with
2877	DK	S330	Mr Simon F Wakefield	Notice Served	18/05/10	15/06/10	Essex & Suffolk Lettings, 15-19 Headgate, Colchester, CO3 3BT	Complied with
2887	SH	PCN	Mr and Mrs Moore	Notice Served	26/05/10	17/06/10	The Barn, Haynes Green Road, Layer Marney, Colchester, CO5 9UF	Complied with
2907	DK	DN	J C Decaux UK Limited	Notice Served	23/12/10	17/02/11	Advertising Hoarding on Roman Wall, Middleborough, Colchester	Re-issued under 3041
2910	CH	PCN	Mr Smith	Notice served	18/06/2010	09/07/10	Mr Smith, 2 Hope Cottages, Straight Road, Boxted, Colchester, CO4 5QW	Complied with
2911	SH	PCN	Mr Brian Edwards	Complied With	16/06/2010	08/07/10	Mr Brian Edwards, Officers Club, St Johns Green, Colchester	Complied with
2927	DK	EN	-	-	-	-	Gun Hill Garage Site, Ipswich Road, Dedham, Colchester	Pending action awaiting negotiated planning application
2930	SH	EN	-	Action	Notice not issued	Permission	Pantile Farm, Peldon	Action authorised

Refno	Officer	Type	served on	Status	start date	exp date	premises address	Further info
2931	DK	PCN	Mr Steven Deane (Branch Manager)	Notice Served	28/06/2010	26/07/10	Road, Abberton, Colchester, CO5 7PD Gun Hill Garage Site, Ipswich Road, Dedham, Colchester	Complied with
2932	SH	EN	-	Action Authorised	Not served	Permission now granted	Pantile Farm, Peldon Road, Abberton, Colchester, CO5 7PD	Application under consideration
2935	SH	BCN	Charles Day & Co Ltd	Notice Served	03/08/10	03/11/10	33 North Hill, Colchester, CO1 1QR	Planning officer negotiating improved scheme, prosecute if unsuccessful
2944	SH	EN	Mr G Rampling	Notice Served	11/10/10	11/04/11	Ramplings Plant, Church Lane, East Mersea, Colchester	Complied with
2945	CH	PCN	Mrs C Payne de Cramilly	Notice served	23/07/10	13/08/10	The Railway Sleeper, 172 Berthold Road, Colchester, CO4 5AJ	Complied with
2948	SH	EN	Mr and Mrs G Moore	Notice served	Suspended as at appeal	Suspended as at appeal	The Chicken Shed, Meeting Lane, East Mersea, Colchester, CO5 8TE	Appeal unsuccessful, compliance extended to 1 year
2949	SH	PCN	MR P Callaghan	Notice Served	03/08/10		Mr P Callaghan, 1 Gate Cottage, Mersey Road, Langenhoe, Colchester, CO5 7LW	Complied with
2953	DK	PCN	Mr William Paul Veneer	Notice Issued	26/08/10	16/09/10	Land Adjacent To, Brook House, 115 Bromley Road, Colchester, CO4 3JG	Complied with
2956	CH	PCN	NR Powell Developments Ltd	Notice served	06/09/10	27/09/10	Plots 8&9, Jubilee Meadow, Halstead Rd, Eight Ash Green, Colchester	Complied with
2961	SH	PCN	The Company Secretary	Notice Served	17/09/10	08/10/10	Land At, The Bugle Horn, Barrack Street, Colchester, CO1 2LJ	Complied with
2963	CH	EN	Trustees of E	Notice served	13/12/10	25/05/11	Elm Farm, Elm Lane,	At appeal

Refno	Officer	Type	served on	Status	start date	exp date	premises address	Further info
2964	CH	EN	The Company Secretary	Notice served	22/09/10	25/11/10	Marks Tey, Colchester, CO6 1HU PLOT 9, Jubilee Meadow, Eight Ash Green, Colchester	Complied with
2965	CH	EN	The Company Secretary	Notice served	22/09/10	25/11/10	6 Jubilee Meadow, Eight Ash Green, Colchester, CO6 3HQ	Complied with
2978	SH	EN	Ms Potter Mr S Soormally	Notice served	30/11/10	06/04/11	11 St Botolphs Street, Colchester	Complied with
2983	SH	PCN	Mr/s G Moore	Notice served	15/11/10	07/12/10	The Chicken Shed, Meeting Lane, East Mersea	Complied with
2987	DK	PCN	Mr Malcolm Minns	Notice Served	17/11/10	8/12/10	Cavendish House, Coggeshall Road, Dedham, CO7 6ET	Complied with
2988	SH	EN	Mrs K Renton-Taylor	Notice served	01/02/11	01/04/11	Tudor Cottage, Church Rd, Fingringhoe	Complied with
2991	DK	PCN	Mrs Amanda Wilton	Notice Served	25/11/10	16/12/10	32 Abbey Field View, Colchester, CO2 7US	Complied with
2993	DK	S330	Mr & Mrs Anderson	Notice served	01/12/10	22/12/10	59-61 Bromley Road, Colchester, CO4 3JF	Work in progress
2995	SH	PCN	Mr T Hill	Notice served	15/12/10	05/01/11	Land at Butterfly Lodge Farm, Mersea Rd, Abberton	Complied with
2996	DK	PCN	Ms I Stevens	Notice served	13/12/10	17/12/10	4 Dale Close, Colchester	Complied with
3002	SH	PCN	Mrs Howard	Notice served	21/12/10	11/01/11	23 Gladstone Road, Colchester	Complied with
3005	CH	BOC	Mr S Garrard	Complied with	05/01/11	03/02/11	Furniture Zone, Lampitts Farm, Turkey Cock Lane, Lexden Heath	Complied with
3008	CH	PCN	Mrs Coultts	Complied with	07/01/11	28/01/11	1 Coralin Walk, Stanway, Colchester, Essex	Complied with
3009	DK	PCN	Mr Geary	Notice served	10/01/11	31/01/11	26 West Stockwell Street, Colchester	Prosecution Pending
3010	DK	PCN	Mr Philips	Notice served	10/01/11	31/01/11	51 West Stockwell Street, Colchester	Complied with

3011	DK	PCN	Miss Cross	Notice served	10/01/11	31/01/11	44 West Stockwell Street, Colchester	Prosecution Pending
Refno	Officer	Type	served on	Status	start date	exp date	premises address	Further info
3012	DK	PCN	Mr Kaminski	Notice served	10/01/11	10/01/11	14 West Stockwell Street, Colchester	Prosecution Pending
3013	DK	PCN	Mr	Notice served	10/01/11	10/01/11	40 West Stockwell Street, Colchester	Complied with
3021	CH	PCN	Mr I Smith	Complied with	13/01/11	25/02/11	64 Straight Road, Boxted, colchester, CO4 5QY	Complied with
3024	CH	PCN	The Occupier	Complied with	18/01/11	11/02/11	Roberts Farm, Fordham Road, Mt Bures	Complied with
3025	DK	PCN	The Company Secretary	Notice served	21/01/2011	11/02/2011	Land at East Bay Mill", East Bay, Colchester	Complied with
3034	CH	PCN	Ms J McPhail	Complied with	02/02/11	23/02/11	40 Abbey Field View, Colchester	Complied with
3035	SH	PCN	Mr S Watsham	Notice served	23/02/11	16/03/11	Land adjacent to Charmel, Shop Lane, East Mersea	Complied with
3036	DK	PCN	Mr Johnson	Notice served	03/02/11	24/02/2011	43 West Stockwell Street, Colchester	Complied with
3040	CH	BOC	Mrs M Baines	Notice served	25/02/11	26/03/11	Land adjacent to The Acacias, Bacons Lane, Chappel	Partial compliance
3041	DK	DN	The Company Secretary	Notice served	08/02/2011	08/05/2011	Middleborough, Colchester	Appeal in process
3042	CH	PCN	Mr S Pulford	Complied with	10/02/11	04/03/11	Hill House Farm, Colchester Road, West Bergholt, Colchester	Complied with
3045	CH	BOC	Mr N Powell	Withdrawn	-	-	Land at All Saints Church, Halstead Road, Eight Ash Green, Colchester	Withdrawn
3050	DK	S215	Mr Anderson	Notice served	22/02/2011	22/05/2011	59-61 Bromley Road, Colchester	Work in progress
3053	DK	S330	Mrs Harvey	Notice served	22/02/2011	15/03/2011	9 Arden Close, Colchester	Complied with
3054	DK	PCN	Mr Stuart	Notice served	23/02/2011	16/03/2011	19 Cranborne Close, Colchester	Complied with
3055	SH	EN	-	Notice drafted	-	-	Old Bugle Horn site, 30 Barrack Street, Colchester	With legal
3058	CH	PCN	Mrs P King	Complied with	25/02/11	22/03/11	48 Cornflower Close, Stanway, Colchester	Complied with

3062	CH	EN	Mrs Woodward	Withdrawn	-	-	Roberts Farm", Fordham Road, Mount Bures	Withdrawn
Refno	Officer	Type	served on	Status	start date	exp date	premises address	Further info
3063	DK	EN	Mr & Mrs Tansey	Notice served	04/03/2011	01/06/2011	33 Cedar Avenue, Tiptree, Colchester	Work in progress
3081	SH	PCN	Hoshstar (UK) Ltd	Notice served	17/03/11	7/04/11	Hosh, 1-3 Crouch Street, Colchester	Further info sought
3084	CH	PCN	Mrs B Harvey	Complied with	16/03/11	06/04/11	29 Straight Road, Boxted	Complied with
3085	SH	EN	-	Notice drafted	-	-	Hosh, 1-3 Crouch Street, Colchester	With PPO
3088	DK	EN	Miss Cross	Notice served	23/03/2011	21/05/2011	44 West Stockwell Street, Colchester	Work in progress

7.0 Financial implications

7.1 None

8.0 Strategic Plan References

8.1 Shifting resources, listening.

9.0 Risk Management

9.1 There are no risk management issues to report.

10.0 Publicity Considerations

10.1 None

11.0 Human Rights Implications

11.1 None.

12.0 Community Safety Implications

12.1 None.

13.0 Health and Safety Implications

13.1 None.

Background papers. New Planning Enforcement strategy

APPENDIX-FOLLOWS

APPENDIX:

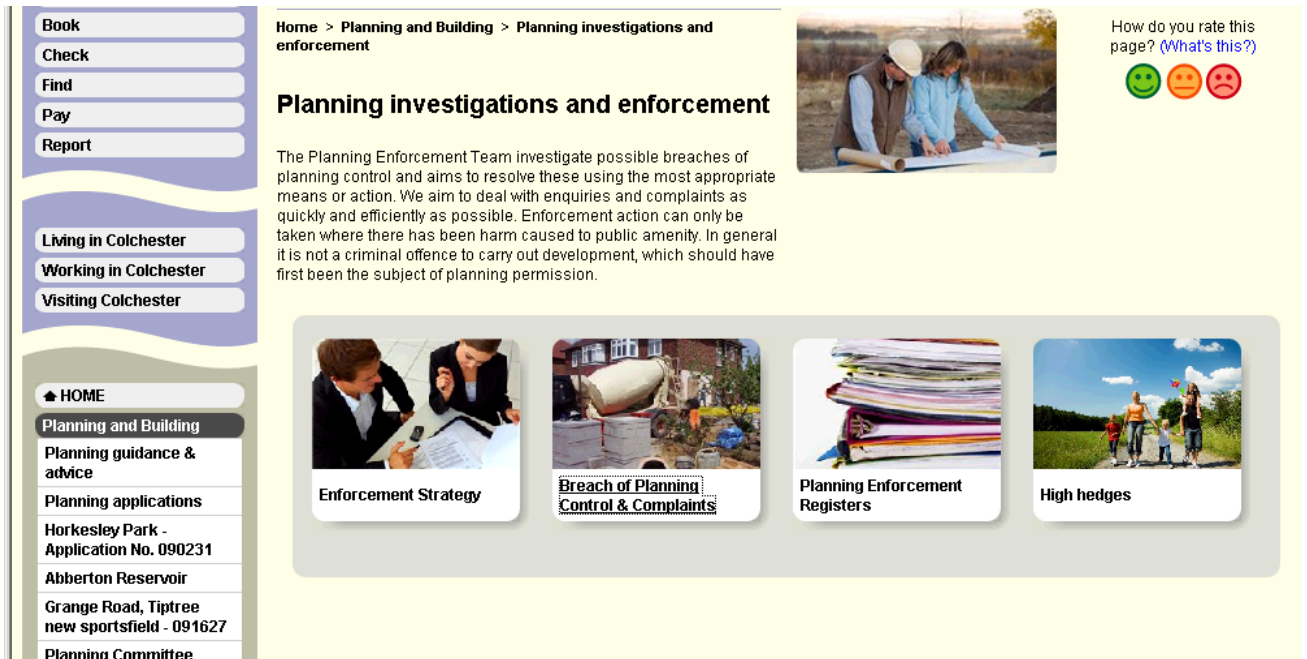
1. How to report a possible breach of planning control

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



2. How to view the general enforcement information pages

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



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Planning Committee

Home > Planning and Building > Planning investigations and enforcement

Planning investigations and enforcement

The Planning Enforcement Team investigate possible breaches of planning control and aims to resolve these using the most appropriate means or action. We aim to deal with enquiries and complaints as quickly and efficiently as possible. Enforcement action can only be taken where there has been harm caused to public amenity. In general it is not a criminal offence to carry out development, which should have first been the subject of planning permission.

How do you rate this page? (What's this?)
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Enforcement Strategy

Breach of Planning Control & Complaints

Planning Enforcement Registers

High hedges

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

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

Current Planning Complaints	Planning Enforcement Notice Register	Listed Building Planning Enforcement Notices	Discontinuance Notices	Breach of Condition Notice Register
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Planning Committee

Item
10

Date: 19 May 2011

Report of	Head of Environmental & Protective Services	Author	Vincent Pearce 282452
Title	Information item. The first in an intended regular quarterly series of progress reports on actions to improve customer service within the Planning Service		
Wards affected	All wards		

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

1.0 Decision Required

1.1 Members are asked to note this report

2.0 Reasons for Decision

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

3.0 Alternative Options

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

4.0 Supporting Information

4.1 Planning Service Improvement Plan 2011

5.0 Introduction

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

5.2 The report will look at a number of indicators and outcomes to gauge how well it is doing and these will focus on an analysis of feedback from users of the service rather than self-

appraisal. The idea being regular, systematic and comprehensive customer satisfaction testing.

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

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

5.4 Why now?

Towards the latter half of 2010 the Planning Service came in for severe criticism from a number of quarters both internal and external for a drop in the quality of the customer service it was providing. This criticism came in the form of increased complaints and focussed on the following broad areas:-

- Difficulty in getting responses from some officers to messages left on voicemail or e-mail.
- Reported problems associated with some staff not delivering on commitments in terms of getting reports to committee or dealing with applications under delegated action when advised.
- Procedural errors.
- Unhelpful voicemail messages being set up by some officers which gave little or no information as to when to expect a reply and when that officer would be available.
- A lack of co-ordinated management
- A lack of rigorous case management resulting in project slippages and/or reduced performance

5.5 In response to this criticism the Planning Service launched a major campaign to 'get its act together' and deliver improved customer service.

5.6 This report represents the first formal feedback to the Planning Committee on what initiatives have been undertaken and what impact they have had. This report is intended to present successes and failures, strengths and weakness in an attempt to learn and move forward. The aim of the Service is to provide the best customer service it can with the resources it has and to re-focus its attention on quality service delivery to all. It should however be noted that because the Planning Service operates within a quasi-judicial (almost like a court operates the law) system quality does not and cannot always equate with delivering what every customer wants. Planning decisions are made within a national framework of policy and guidance as supported by local policies and guidance. Members who have experience of the planning system will also know that a planning authority does not enjoy complete freedom to decide applications as it sees fit without regard to the wider framework. Material considerations (ie matters to which the Council can have regard when deciding applications) are well established by case law (the outcome of planning appeals and challenges to the High Court) over time. Consequently a number of common neighbour objections to proposals are not valid and this fact often causes continued complaint from objectors along the lines that "The Council did not listen to my objection". For example – Loss of value to a home near to a development as result of a planning decision is not a matter to which the Council can have regard. Similarly nor is the loss of a view. In this context it is easy to see why the planning system is unlikely to please everyone all the time. However we aim to treat all customers with respect and courtesy, to be helpful, open, fair, unbiased and informative, friendly and professional.

5.7 The Planning Service perhaps rather unusually has more customers than most other services and their needs, wants, demands and expectations do not always coincide. Its customers include (often at the same time on the same matter):-

- The Council
- The Planning Committee
- Ward councillors
- The general public
- The applicant
- The agent
- The neighbour affected by a proposal
- The wider community (eg Parish Councils)
- The Government (through national planning policy and guidance)
- External agencies. (eg Essex County Council Highways/Education, Natural England, English Heritage, The Environment Agency)
- Other internal services (eg: Planning policy, Housing, Parks & Recreation.....)

5.8 This often turbulent mixture creates whirlpools which high levels of customer service must be delivered and where allowing the Service to rest in any eddy is not received favourably.

5.9 This report will not from this point be backward looking and nor will it seek to justify the position that existed 9 months - a year ago. That was analysed in depth at the time in various high level arenas.

6.0 The framework for getting to grips with issues.

6.1 It should be noted that the trajectory for improvement has been calculated and planned with the close involvement and the final approval of the Head of Environmental & Protective Services, Beverley Jones and has required co-operation and collaboration between all staff within the Planning Service and support from The Professional Support Unit (PSU) in terms of IT, customer services support and technical support.

6.2 Listed below are just some of the management initiatives introduced in the past 6 months or so to drive forward change and provide a framework upon which to build the required new approach.

- Publication of **Customer Service Expectations Manual** for all Planning & Enforcement Staff.

This sets out clearly and explicitly what is expected from every member of the service in terms of their interactions with customers and sets out the basic requirements during every situation.

- Adoption of the **Planning Service Customer Service Improvement Plan** (Jan 2011)

This sets out the four key areas that will become the target for improved service delivery.

These are:-

Customer Excellence

1. Enhance web-site with added functionality to improve customer self-service and enable access to performance information and resulting service improvements. Target improvements for agents
2. Listen & respond to customers utilising Touchstone principles across a broad spectrum of methods to ensure that we reach all users of the service. Target specific communities to ensure that planning is being delivered in accordance with needs and in line with localism as it evolves.
3. Reinforcing customer service best practice in relation to every aspect of officer contact with customers. This will include workshops to challenge perception/attitude towards customers
4. Improving the support we give to our community champions – which will include expanding our member development programme and improving the quality of all information presented to Committee

People

1. Using Corporate performance management systems to ensure that customer excellence and service delivery performance expectations are achieved (SMART objectives (PADS), Personal Development Plans (PDPs) and Capability Procedure)
2. Develop and maintain a culture where staff deliver excellent customer service and champion the rights of the customer

Performance

1. Regularly monitor and review performance against
 - Improvement Plan
 - NI157 (planning performance)
 - BVPI 204 (appeals upheld)
 - Formal complaints + Ombudsman enquiries
2. Regularly report on 1 above in order to demonstrate our performance against the Improvement Plan and other targets. This will allow success to be measured and understood
3. Understand, capture and implement any service/process improvements arising from the review of our performance
4. Improve staff understanding and awareness of need to deliver key corporate projects by actively participating in the identification of appropriate solutions and where appropriate the delivery of these solutions

Reputation

1. Seek out opportunities to learn from other organisations in order to improve both customer excellence and service delivery
- Adoption of the **Planning Service Improvement Delivery Plan** (Jan 2011 updated Feb & Mar 2011)

This is the engine of change and currently describes 54 actions that will be taken to deliver specific improvements and it is this that charts the improvement course for the Service's managers.

7.0 Actions

7.1 Within the past 9-12 months the following steps have been taken along the road to reputation recovery:- (this list is not exhaustive but gives a flavour of the breadth of such initiatives):-

7.2 Staff:

- Staff customer excellence workshops for Planning Service staff have been held and these continue. Complaints have been analysed, individuals impact (for good or bad) on the reputation of the Service explored, management expectations for staff delivering service to customers has been detailed and collective actions to improve the quality of the service have been identified by staff and adopted.
- In the past year intensive training and refresher training has been given to every member of staff within the Service. These include subjects as diverse as presenting in public, project management skills & time management,
- Robust use of personal appraisals/objectives and individual development plans to identify individual officers customer service weaknesses in order to be able to deliver support for learning or a platform for disciplinary action if suitable improvement is not achieved.

7.3 Process:

- New interactive 'On the Map' facility introduced in partnership with the Service's Professional Support Unit (PSU) and Corporate ICT. This allows customers to interrogate planning histories on line by clicking individual properties on a detailed map of Colchester. In two simple clicks you get access to the material on the relevant planning file as well as being able to view listed building, TPO and conservation area information. The public now has less need to contact the service by phone or e-mail.
- Refreshed planning service web pages developed to improve navigability and to increase capacity within the Service. The public now has less need to contact the service or the Customer Service Centre (CSC) by phone or e-mail.
- New data now available on planning service web site - including information on the Abberton Reservoir build programme, progress updates on dealing with the Horkesley Heritage Centre application, enforcement action progress reports, planning breach investigations inventory, Enforcement Notice registers, widening quarterly performance/progress reports to Planning Committee (applications, appeals, enforcement & customer service) thereby improving accessibility to information to many more people in line with numerous requests
- Another round of parish council planning workshops delivered but this year in venues in the parishes as requested to improve effectiveness and influence of parish councils in planning matters for their communities. More are planned.
- Parish Council liaison sessions expanded to now include Myland, Wivenhoe, Tiptree, Dedham with others to follow in response to localised demand.
- Improved on-line enforcement reporting introduced to improve audit trail and monitoring of complaints but reporting on the web in response to demand in .
- Improved on-line application enhancements introduced including on-line payments in response to criticism
- Members notification of applications in their ward system amended in response to criticism
- All plans now scanned on receipt to improve speed of access to documents by general public on the Service's web-pages.

7.4 Complaints

- Environmental & Protective Services has developed its own complaints monitoring system that delivers a level of comprehensiveness rarely achieved elsewhere. In the past 6 months this system has been enhanced significantly to allow reporting of the facts and the database has been expanded to include lessons learned, fixes introduced and a review of those for effectiveness. The basic system tracks every complaint to ensure that a detailed answer is provided in a timely manner and every complaint is properly tackled to deliver customer excellence.
- Members should be aware that the Customer Relationship Officer, Sarah Fleming, has played a major role in helping to set the monitoring systems in place and to keep them running as well as working with staff to ensure that the new customer centred philosophy is fully embraced.

A summary of quarterly complaints is reproduced in Figure 1 overleaf:-

7.5 The key elements that jump out of the statistics are:-

1. The number of customer complaints being received about the service escalated in June, July and August 2010 and this correlated with the reputation of the Service/PSU taking a knock and the two service's coming under the wider spotlight. That situation therefore seemed warranted. This report is not the place to analyse the reasons but the Improvement Plan reflects the constructive reaction of the services.
2. The resolution rate within time (5 working days initially) has risen significantly from 50% in April 2010 to 69% cumulatively by March 2011. This significant improvement was achieved through comprehensive complaint handling management monitoring methods being employed.
3. The level of complaints has effectively and consistently halved from the high in Summer 2010 and the typical month sees between 5 and 8 complaints being received. Members will note that in December 2010 only 1 complaint was received.
4. The direction of travel therefore seems to be upwards in terms of sustained improvement.

7.6 The analysis of complaint handling performance only looks at one aspect and that is quantitative. In line with the Service's open approach it now analyses all complaints by type in order that lessons learnt can be communicated to all staff and permanent fixes put in place to avoid repeated complaints around the same issue. This means that the Service is beginning to make a qualitative public assessment of every complaint in a way that no other service within the Council does. This warts and all approach will make the service more accountable to the public and will build confidence that all complaints are acted upon and lessons learned and processes changed. Furthermore the Services web-site will soon be enhanced to show more and more outcomes and customer feedback points from complaints monitoring.

7.7 Figures 2A & 2B show a half year analysis of complaints by nature. It is interesting to note that the summer period coincided with higher levels of complaints about officer attitude and this was the period that the spotlight fell on the services. It should also be noted that the consistently highest category of complaint relates to the actual planning decision taken rather than the quality of the service.

Month/year	Month by Month					Since 1 April 2010 (cumulative)			
	Complaints received	Resolved in time	Resolved out of time	Outstanding in time	Outstanding and overdue	Total received	Total resolved	Total resolved in time	%age resolved in time
Apr 10	5	3	3	0	1	5	6	3	50
May	3	1	1	0	2	8	8	4	50
Jun	16	3	2	13	0	24	13	7	54
July	16	10	2	15	2	40	25	17	68
Aug	15	17	5	5	5	55	47	34	72
Sep	8	1	6	3	8	63	54	35	65
Oct	3	2	3	2	7	66	59	37	63
Nov	5	4	3	2	5	71	66	41	62
Dec	1	4	2	0	2	72	72	45	63
Jan 11	8	5	0	3	2	80	77	50	65
Feb	5	4	0	2	4	85	81	54	67
Mar	7	7	1	3	2	92	89	61	69

Figure 1: Analysis of planning complaint handling performance (1 April 2010 – 31 March 2011)

7.8 Therefore the complaints figures for the Planning Service are artificially inflated by such questioning as these are not true service quality matters but a natural consequence of a planning application being decided contrary to a neighbours/applicants wishes.

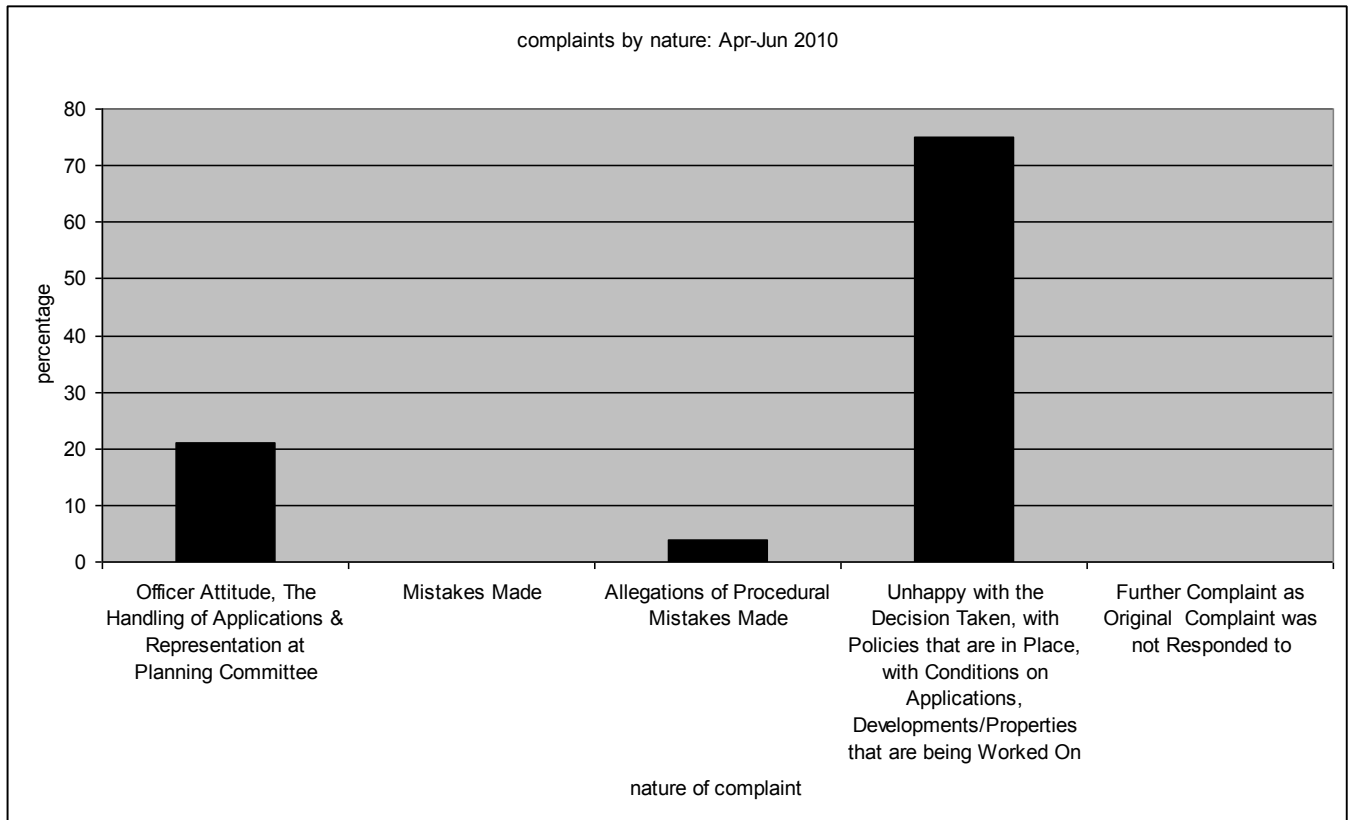


Figure 2A: Complaints by nature (April 2010-June 2010)

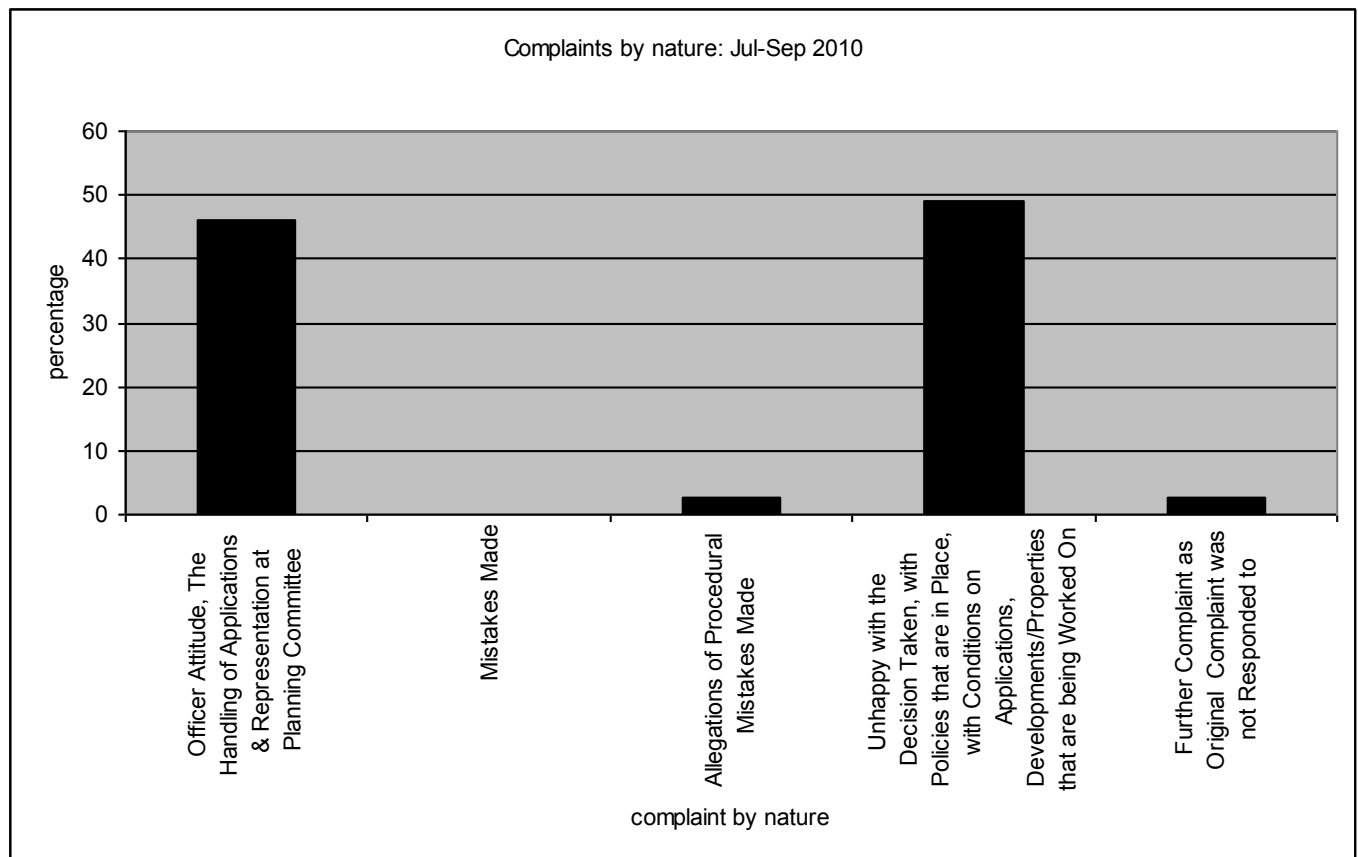


Figure 2B: Complaints by nature (July 2010-Sept 2010)

- In addition to this within the Planning Service the Planning Service Manager and Development Manager now have weekly meetings with the Customer Relationship Officer, Sarah Fleming, who monitors complaints to ensure that the system works effectively and that potential issues can be picked up early and neutralised.

7.9 Customer Feedback and interaction

- Agents' Forum re-launched by the Development Manager, Andrew Tyrrell, with a new interactive format. Three sessions have already been delivered this year and regular follow-ups are intended on a monthly basis as there is so much new legislation in the offing and the Service is working hard to enhance the service it delivers to agents. The Forum allows the Service to respond quickly to issues raised by and the needs expressed by agents and allows a two-way flow of ideas and information which can only be helpful.
- The Planning Service working with The Customer Relationship Officer and the Corporate Research Team has launched an unparalleled initiative to gauge customer satisfaction in the service on an ongoing basis. The feedback from this will directly inform changes in the way the Service delivers the development management function. A range of approaches has been and will be employed to gain detailed customer satisfaction information including electronic questionnaires, face to face questionnaires and one-to- conversations. Those included in this initiative are:-
 - **Planning agents** (February/March 2011) One-to-one and electronic questionnaires (repeat in 6 months)
 - **Councillors** (March/April 2011) electronic questionnaire (repeat no later than 12 months)
 - **Cabinet** (March/April 2011) face-to-face conversations (repeat no later than 12 months)
 - **Parish Councils** (April/May 2011) one-to-one questionnaires involving every planning officer meeting at least two parish councils (repeat no later than 6 months)
 - **Complainants** Electronic questionnaire after complaint has been concluded (ongoing with every complaint)
 - **Applicants** Electronic questionnaire after decision issued (ongoing with every applicant)
 - **Major Developers** (April/May) electronic questionnaire (repeat no later than 12 months)
- An officer/Planning Committee member liaison meeting is to be arranged for May 2011 at which planning officers from the service and all planning councillors can share and exchange views and discuss forthcoming legislative changes along with additional service improvement demands needed to support Committee members.
- A number of internal working groups have now been enhanced to better co-ordinate the input of the Planning Service into the work of other services in order that the Planning Service can be responsive and supportive in providing timely planning advice and these strengthened contacts include Regeneration, Housing and Planning Policy

8.0 Initial feedback from questionnaires

- 8.1 The first set of questionnaire responses to have been analysed are those from planning agents. At the last Agents' Forum (April) the Development Manager presented the findings to agents.

8.2 So what were the key findings?

(1) In summary what we do well was acknowledged as:-

- Duty Planner is helpful to have
- The website is better and improving. The information regarding applications on the web is comprehensive and very useful
- Planning on the map, excellent and very useful. Easy to use and informative
- We are open minded, imaginative and positive attitudes.
- Validation good.
- Generally service works well for us, better than neighbouring councils and London Boroughs.

(2) In summary what doesn't work so well:-

- Obtaining old records to check permitted development requirements
- Consistency throughout process, specifically officers opinion. Lacking common sense approach.
- Communication, lack of response to phone calls and emails.
- Apps being sent back if invalid
- Communication between government information and relay of this to the agents/applicants - still inconsistent.
- We do feel exasperated when trying to navigate around website

(3) In terms of overall score on satisfaction the table below (figure 3) gives details of all responses measured against a scale of 1 to 10 where 1 is lowest possible rating and 10 is the highest rating possible.

Q25. Overall how would you rate the Planning Service out of 10? Where 1 is the lowest rating possible and 10 is the highest rating possible

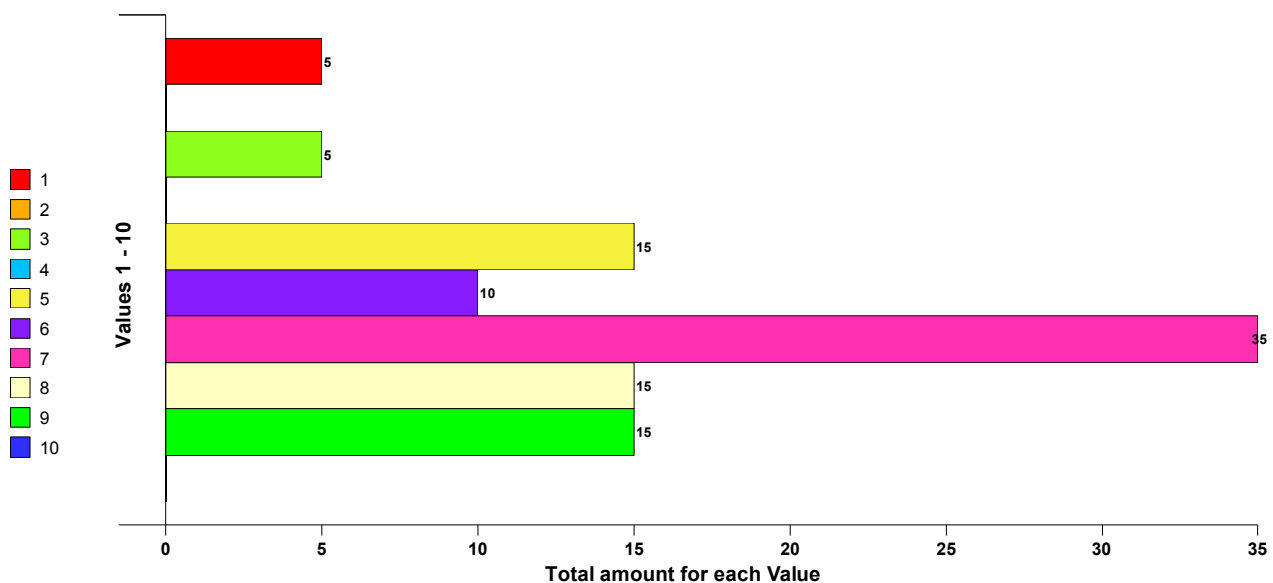


Figure 3: Agents' ratings of Planning Service

As can be seen from the table above the majority of scores (35%) were 7 out of 10 and so there is room for improvement. Scores of 8 accounted for 15% as did scores of 9. Therefore the majority of all scores (65%) were 70%+ rating. Outside of this band the next largest group (15%) were 5 out of 10 which suggests an average rating. One of the next of many tasks is to analyse the 10% who felt the service offered was below average to find out if there are particular issues that need resolving.

(4) What should we look to change?

- Definitely contact ability. Get people to do what they say they will do. Planners to listen/interpret
- Privatisation of Planning Services make people more accountable
- Website accessibility
- More consistency
- More communication with agents to establish issues / problems early on
- Can officers have more personal initiative and training in modern design?
- Can we work together to resist the rising tide of uninformed, self interested localism?

8.3 The next stage is to feed these findings into staff customer excellence workshops and identify aspects of the service that can be changed to deliver further improvements. At the same time the results from other surveys will be coming in and the intention is to analyse them in the same way and identify common themes (good and bad) and to build improved services from these, feed back the results and planned changes and then monitor and review the feedback to gauge whether the expected improvements were delivered as expected or whether further tuning is required.

9.0 The Programme

9.1 The table below gives the latest position in respect of the roll-out of the first phase of the customer satisfaction surveying. The grey shading indicates that a stage has been completed

customer	Questionnaire sent out or interviews underway	Questionnaire returns received	analysed	Feedback to customer delivered	Changes identified	Changes implemented	reviewed
agents							
Cllrs							
cabinet							
parishes							
Major developers							
applicants							

Figure 4: The Planning Service customer satisfaction survey programme

10.0 Customer Excellence Review (April 2011): Service scores highly

- 10.1 In response to criticism in 2010 from within the Council and from outside about the quality of service being provided by the Planning Service a major overhaul of every aspect of how we interact with customers was launched which included all of the initiatives described above. The focus was dual focussed processes and more importantly pockets of below expectation officer attitude. These initiatives continue and the Service is now firmly locked into a programme of continuous review and change in response to feedback that involves all staff.
- 10.2 The Planning Service having been found wanting has taken very constructive and positive steps to rebuild its reputation for excellence. In order to test whether the steps taken are likely to lead to sustainable customer service improvement and real customer benefits the Customer Service Excellence Assessment Service CSEAS was invited to undertake a comprehensive evaluation of customer service quality in Mid-April 2011 as part of a wider review of the Environmental & Protective Services Group. The preliminary feedback received from the independent external assessor at the time of writing this report was outstanding with the Service scoring very highly and it would seem that a high benchmark has now been set for the rest of the Council to follow.
- 10.3 When the final formal report is available the findings will be reported in the next quarterly customer service performance report.

11.0 What next?

- 11.1 The focus in coming months for the Service in terms of customer service will be as follows:- (in no particular order)
- Completion of customer satisfaction surveys, subsequent analysis/feedback and consequent service changes
 - Consolidation of customer excellence work with staff
 - Continued development of planning site to take accessibility and transparency to the next level. This will involve every planning process being clearly set out in a simple diagrammatic format with interactive capability for anyone to interrogate the system to see actual progress stage by stage. The public will at the press of a button also be able to see what is expected from the applicant and the Service at every stage and all relevant guidance notes and forms will be linked to each stage.
 - **Working with staff in the Planning Service and professional Support Unit (PSU) to re-build morale after a period when the Services have been in the spotlight for their perceived failings. Members will in reading this report also have regard to the Planning Performance report also on the agenda and the fantastic out-turn figures.**
- 11.2 Once the process map capability has been delivered no other Service within the Council will be so customer oriented and the Planning Service at Colchester will be one of the most advanced in Britain when it comes to public accessibility and accountability.

12.0 Financial implications

- 12.1 None

13.0 Strategic Plan References

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

14.0 Risk Management

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

15.0 Publicity Considerations

15.1 None

16.0 Human Rights Implications

16.1 None.

17.0 Community Safety Implications

17.1 None.

18.0 Health and Safety Implications

18.1 None.



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.