

# Planning Committee

Town Hall, Colchester  
26 August 2010 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

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## Have Your Say!

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## **Material Planning Considerations**

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

- planning policy such as local and structure plans, other local planning policies, 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 **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, restrictive covenants, rights of way, ancient rights to light
- effects on property values
- loss of a private view
- identity of the applicant, their personality, or a developer's motives
- competition
- the possibility of a "better" site or "better" use
- anything covered by other types of 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  
26 August 2010 at 6:00pm**

**Members**

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

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

**Agenda - Part A**

(open to the public including the media)

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

An Amendment Sheet is circulated at the meeting and 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 meeting held on 12 August 2010.
- 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. 101378 30 St Clare Road, Colchester, CO3 3SZ **9 - 14**  
(Lexden)
- Temporary use of new garage to make it habitable for the duration of the build as per Planning Application 090785.
2. 091245 Bellwood, Colchester Road, Great Wigborough, CM9 8HG **15 - 22**  
(Birch and Winstree)
- Proposed conversion woodland and meadow with support facilities.
3. 101267 6 Braiswick, Colchester, CO4 5AX **23 - 29**  
(Mile End)
- Resubmission of application 091368 for the retrospective retention of store.
4. 091539 Land to rear of 185 Shrub End Road, Colchester, CO3 **30 - 42**  
4RG  
(Shrub End)
- Change of use of log cabin from ancillary residential use to training room in connection with child care nursery.
- 8. Enforcement Action // Pantile Farm, Peldon Road, Abberton, CO5 7PD** **43 - 48**
- See report by the Head of Environmental and Protective Services.
- 9. Endorsement of Section 106 Agreement // Garrison Urban Village Development (O/COL/01/0009)** **49 - 51**
- See report by the Head of Environmental and Protective Services.

**10. Variation to Legal Agreement // Land to rear and west of Essex Hall Road, Colchester**

**52 - 54**

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 12 AUGUST 2010**

*Present :-* Councillor Ray Gamble\* (Chairman)  
Councillor Helen Chuah\* (Deputy Mayor)  
Councillors Peter Chillingworth\*, John Elliott\*,  
Stephen Ford\*, Jon Manning\*, Philip Oxford\* and  
Laura Sykes\*

*Substitute Members :-* Councillor Mike Hardy for Councillor Andrew Ellis  
Councillor Barrie Cook for Councillor Theresa Higgins\*  
Councillor Richard Martin for Councillor Jackie Maclean\*  
Councillor Jill Tod for Councillor Ann Quarrie\*

*Also in Attendance :-* Councillor Martin Goss  
Councillor Dave Harris  
Councillor Colin Mudie  
Councillor Kim Naish

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

### **60. Minutes**

The minutes of the meeting held on 29 July 2010 were confirmed as a correct record, subject to the deletion of the words "Chairman of Stanway Parish Council" after the words "Councillor Lesley Scott-Boutell" from the seventh paragraph of minute no. 57.

### **61. 101311 88 and 90 Mersea Road, Colchester, CO2 7RH**

The Committee considered an application for two semi-detached three bedroom dwellings, one with an integral garage. The application is a resubmission of 100446. 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.

David Whybrow, Principal Planning Officer, attended to assist the Committee in its deliberations. He referred to the matters raised by objectors and confirmed that the proposed development complied with the guidelines for backland and infill development.

Mark Burrows addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in opposition to the application. He referred to the planning history of the site and a number of aspects of the development which he objected to, specifically the loss of trees and hedges, loss of privacy, the appearance of the proposal being out of keeping with the existing houses, the detrimental effect on the nature conservation area and on bats which have been seen flying within the close,

landscaping, overdevelopment and loss of on street parking.

Councillor Harris attended and, with the consent of the Chairman, addressed the Committee. He was concerned at the impact on Mersea Road and Dudley Close. He considered that this application could set a precedent and that two three-bedroom dwellings was too much for the plot and was concerned that the developer would not have to live with the consequences as he did not live in the host dwellings. He considered that parking could become a problem, particularly if the integral garage attached to one of the new dwellings was converted into dwelling space at some stage in the future. He asked that the application be refused.

Councillor Naish attended and, with the consent of the Chairman, addressed the Committee. He was concerned that previous refused applications may be resubmitted in the future. He referred to bats, foxes and slow worms being seen in the area and asked if an environmental study had been undertaken. He questioned whether the houses were needed because there were new houses available nearby. He also asked that the application be refused.

Councillor Mudie attended and, with the consent of the Chairman, addressed the Committee. He disliked the notion of garden grabbing to get as much profit as possible. This proposal would blight the life of residents who should be listened to. He believed that the resident who lived immediately adjacent to the development site, had not been notified of the application. He also referred to certain documents on the website lodged under this application number having nothing to do with this application. He asked for a deferral so Mr Hamersley could submit his views.

In response to these comments it was confirmed that Mr Hamersley had been consulted in time for his views to be reported and that the plans for this application had been available at all times. In respect of garden grabbing, it was confirmed that gardens were no longer regarded as brownfield land, but planning authorities could make their own decisions on the type of development permitted. The degree of separation was in accordance with the adopted guidance and the form and scale of development was considered to be broadly in line with existing properties, albeit with a slightly higher roofline. He also referred to a condition requiring slab levels to be submitted and approved. It was suggested that a condition be added to prohibit the conversion of the integral garage to dwelling space. It was acknowledged that most of the existing properties had generous driveways providing ample parking and to the loss of a small length of on street parking, which was not considered to be significant, particularly as there was no wish to encourage on street parking. It was confirmed that there was no indication of a bat roost nor of any other protected species so an ecological report had not been required.

Members of the Committee sought clarification on the amount of off street parking a dwelling should provide and it was confirmed that the guidance required two and a quarter spaces for each unit, but that where the number of units was less than four then two spaces for each unit was considered to be reasonable; a deficit of a quarter of a parking space was not considered to provide sufficient grounds for a refusal. In regard to the lack of a response from the Highway Authority, it was explained that they had not objected to the previous application nor to this application but they had queried the size

of the parking bays in the earlier application; this point had been addressed in this application. It was also confirmed that none of the trees on the site were protected so they could be removed at any time provided the removal was undertaken outside the nesting period.

*RESOLVED* (MAJORITY voted FOR) that –

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

(b) Upon receipt of a satisfactory Unilateral Undertaking, the Head of Environmental and Protective Services be authorised to grant consent with conditions and informatives as set out in the report together with an amendment to condition 6 to provide for the garage to be retained for parking and an additional informative that tree removal should take place outside nesting times.

**Councillor Laura Sykes (in respect of being a member of Stanway Parish Council and the applicant's agent being her neighbour) declared a personal interest in the following item pursuant to the provisions of Meetings General Procedure Rule 7(3)**

## **62. 101277 5 Millers Lane, Stanway, CO3 0PS**

The Committee considered an application for the demolition of an existing commercial outbuilding and a smaller outbuilding on the boundary with 3 Millers Lane, and the erection of a pair of one and a half storey dwellings to the rear. The application is a resubmission of 100740. The Committee had before it a report in which all information was set out.

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

Alistair Day, Principal Planning Officer, attended to assist the Committee in its deliberations.

Councillor Scott-Boutell addressed the Committee in her capacity as a resident in the immediate vicinity, pursuant to the provisions of Planning Committee Procedure Rule 8 in opposition to the application. Her main objections concerned highway issues, specifically that the Highway Authority had requested visibility splays which were impossible to implement; and it was only by moving the entrance northwards were they almost achievable and then the relocated driveway would be opposite the driveway of no. 6A. She was concerned that this section of the lane was used by students and was a rat run and a cut through by traffic police; there was no safe parking for visitors. The development would increase the sense of a loss of privacy. She requested clarification regarding boundary fences and distances required to protect tree roots.

In response to these comments it was explained that there was no requirement for a

tree assessment because the distances of the dwellings from the boundary were not sufficient to require one. Whilst the report did acknowledge some overshadowing of properties to the north, the impact was not sufficient to refuse the application because it complied with standards. The Highway Authority were satisfied that there was sufficient space for vehicles to turn round and exit the site in a forward gear. The width of the driveway would be 4.8 metres which would enable two cars to pass. The Highway Authority had asked for a vehicular visibility splay, a pedestrian visibility splay and parking and turning areas to be left unobstructed. By re-positioning the entrance the splay was almost but not quite achieved, but this slight shortfall was not considered sufficient a reason for refusal.

Some members of the Committee were concerned about parking issues in Millers Lane and the conflict between children using the pedestrian exit from the field and the vehicular exit from the site. It was suggested that some form of barrier might be a solution to this potential conflict. The parish council had expressed concern that the off street parking arrangements were insufficient to exit the site onto Millers Lane in a forward gear. One suggestion to overcome this concern was that the properties could be moved further westwards and the entrance moved further northwards but other members of the Committee considered there to be an adequate turning area within the site to enable cars to exit the site in a forward gear. It was noted that there were no parking restrictions in the lane and the views down the lane in both directions were adequate but there remained the difficult pedestrian exit from the field.

The planning officer commented that the proposal to remodel the field entrance and moving the vehicular exit further to the north would improve the potential conflict between vehicles and pedestrians. However, the installation of measures at the field entrance was dependent on the land ownership and any barrier should not reduce the width for wheelchairs and prams. On inspection it did appear that the field entrance was within the red line but if this proved not to be the case any measures might need permission from the landowner.

*RESOLVED* (MAJORITY voted FOR) that –

- (a) Consideration of the application be deferred for completion of a Unilateral Undertaking to provide for a contribution towards Open Space, Sport and Recreational Facilities in accordance with the Council's Supplementary Planning Document.
- (b) Upon receipt of a satisfactory Unilateral Undertaking, the Head of Environmental and Protective Services be authorised to grant consent with conditions and informatives as set out in the report with an additional condition to provide a barrier being put in to stop children running across the site vehicular access from the field.

**63. 100983 Area K1, Abbey Field Urban Village, Butt Road, Colchester, CO3 3DS**

The Committee considered an application for Conservation Area consent for the demolition of the stables blocks, SUP8, SUP9 and IC9, the ablution/wash house and a

modern 20<sup>th</sup> century building. The Committee had before it a report in which all information was set out, see also Amendment Sheet.

*RESOLVED* (UNANIMOUSLY) that the application for listed building consent be approved with conditions and informatives as set out in the report.

#### **64. 100763 East Road, West Mersea**

The Committee considered an application for a change of house types to four plots on the development known as Wellhouse Green. The most significant change was to plot 1 which has permission for a two bedroom bungalow with a shallow pitched roof and the proposed house type is a house with a steeply pitched roof with three bedrooms in the roof. The Committee had before it a report in which all information was set out, see also Amendment Sheet.

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

#### **65. 101267 6 Braiswick, Colchester, CO4 5AX**

The Committee considered a retrospective application for the retention of a storage building erected early in 2009. The application is a resubmission of 091368. The Committee had before it a report in which all information was set out, see also Amendment Sheet.

David Whybrow, Principal Planning Officer, attended to assist the Committee in its deliberations. It was regretted that this matter had taken some time to resolve, but in itself it was an acceptable proposal which did not harm local amenity and was conditioned to protect amenity; the building was not to be used for industrial purposes. There had been an issue with privacy from a window but the applicant had offered to infill the window.

John Kissonerghis addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in opposition to the application; he was also representing residents at 9 Warwick Bailey Close, 8 Braiswick and 14 Bluebell Way. He objected to this application on the grounds that this was an industrial sized storage building which was only 25% smaller than the previous application which had been refused. He had invited the planning officer to visit their house and view the impact from every window but the offer had not been taken up. The building affected their quality of life and their sense of garden space and it impacted on the street scene. He did not understand the need for such a large storage building which the applicant had provided for one flat. On the grounds of Health and Safety, he asked if there were any restrictions on the type of materials stored, for instance hazardous and inflammable materials, because a recent explosion in a garage in Braiswick had resulted in the destruction of the building and the house itself.

Councillor Goss attended and, with the consent of the Chairman, addressed the Committee. This application has caused a great deal of frustration amongst residents. The applicant had shown complete disrespect for the planning process by putting in various applications and not complying with officers' requests to come back in a timely fashion. The building had been in its current state for over a year; it was totally unacceptable because of its ugly appearance and large size. He believed that the applicants lived on a caravan site and had previously tried to live on this site; he was concerned that attempts may be made to use the building as a residence whether or not there were any windows. No action had been taken against the unauthorised building. There was no mention of the height of the building or the ground levels in the report. The building obscured residents' views. The tree mentioned in the report as requiring protection has already been damaged, so protection measures were too late. In summary he considered that a great deal of disrespect has been shown to all affected and future maintenance of the building was a concern. He asked that the application be refused or that the Committee visit the site.

It was explained that this was not an industrial scale building and it did not impinge on light or privacy of adjoining dwellings; there were also a number of trees which softened the building. It was confirmed that there were no permitted development rights on the site and that the building measured 6 metres by 4 metres. By way of explanation, Condition 1 related to the use of the storage building being incidental to the use of the main building. The Committee were reminded that no one had a right to a view. It was considered that there were no particular issues with the building.

Members of the Committee were very concerned with this application to the extent that based on the representations made by the objector and ward councillor it appeared that there may be grounds for a refusal. However, they considered that a site visit was necessary before making a determination.

*RESOLVED* (UNANIMOUSLY) that consideration of the matter be deferred for a site visit to be undertaken and the application to come back to a future meeting of the Committee.

#### **66. 101335 9 Sussex Road, Colchester, CO3 3QH**

The Committee considered an application for a change of use of land to garden without compliance with two conditions:- Condition 2, no entry point from Highfield Drive; and Condition 3, tree planting scheme. The application is a resubmission of 100730. The application is described as Sussex Road, but comprises land off Highfield Drive, an unmade private track off Lexden Road, which was formerly wooded and has been purchased by the owners of 9 Sussex Road. The Committee had before it a report in which all information was set out, see also Amendment Sheet.

Alistair Day, Principal Planning Officer, attended to assist the Committee in its deliberations.

Louise Smith addressed the Committee pursuant to the provisions of Planning

Committee Procedure Rule 8 in opposition to the application. Their main concern was that they wanted to protect the lane and keep it as it had been with trees and shrubs, and for this reason they had been satisfied with the conditions on the earlier application. However, a light fence had been erected and tarpaulin covered the ground. They had no information on why the access was required and were concerned that a garage may be planned. She argued that the occupier could get access to the land via their existing side access. They had installed a speed bump across the lane because some cars were travelling too quickly and they were concerned that there might be an accident involving children. The houses in Sussex Road have protected parking and it was never intended for the property to have access to Highfield Drive. All residents want is that in future planning applications any hard standing or garage be excluded.

Mr Welles addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in support of the application. When he submitted the earlier application he had failed to look at the deeds directing that no access was granted. He had bought the land to gain access via Highfield Drive because it was an advantage to access the shed from Highfield Drive. He had agreed with the owner not to erect a garage on the land. The fence was simply a temporary measure and would be replaced with a better quality fence. He had only wanted to improve his garden by adding a bit more length, but the original planting scheme would take up too much land as the area was only 6 metres by 9 metres.

Members of the Committee did not have any particular concerns provided the suggested conditions were imposed on the approval. As stated, there was protection from a garage being built and it was considered reasonable to allow pedestrian access. It was confirmed that Highfield Drive was a private road and a cul de sac.

The planning officer drew the Committee's attention to Conditions 2, 3, 4 and 5 which removed permitted development rights for a hard standing and required landscaping treatment appropriate for the area of land.

*RESOLVED* (MAJORITY voted FOR) that the application be approved with conditions and informatives as set out in the report.

**67. 100670 Unit 2 Turner Rise Retail Park, Petrolea Close, Colchester, CO4 5TU**

The Committee considered an application for a variation of Condition 12 of permission COL/91/0887 to allow for the sale of sports goods, sports wear and related products and the associated installation of a 742 square metre mezzanine floor and installation of lighting to the footpath to the rear of 10-38a Peto Avenue. The Committee had before it a report in which all information was set out.

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

**68. 101077 Bromans Farm, Bromans Lane, East Mersea, CO5 8UE**

The Committee considered an application for the conversion of a single storey former dairy building to two holiday letting cottages and amendments to the existing holiday let cottage granted permission under F/COL/99/1438 and LB/COL/00/0515. 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.

**69. Enforcement Action // 33 North Hill, Colchester, CO1 1QR**

The Head of Environmental and Protective Services submitted a report concerning a Breach of Condition Notice which has been served under delegated authority. The Notice requires the removal of a window which does not accord with a plan submitted to discharge a planning condition, and the installation of a window which does accord with the plan. A period of three months has been allowed for compliance. The Committee had before it a report in which all information was set out, see also Amendment Sheet.

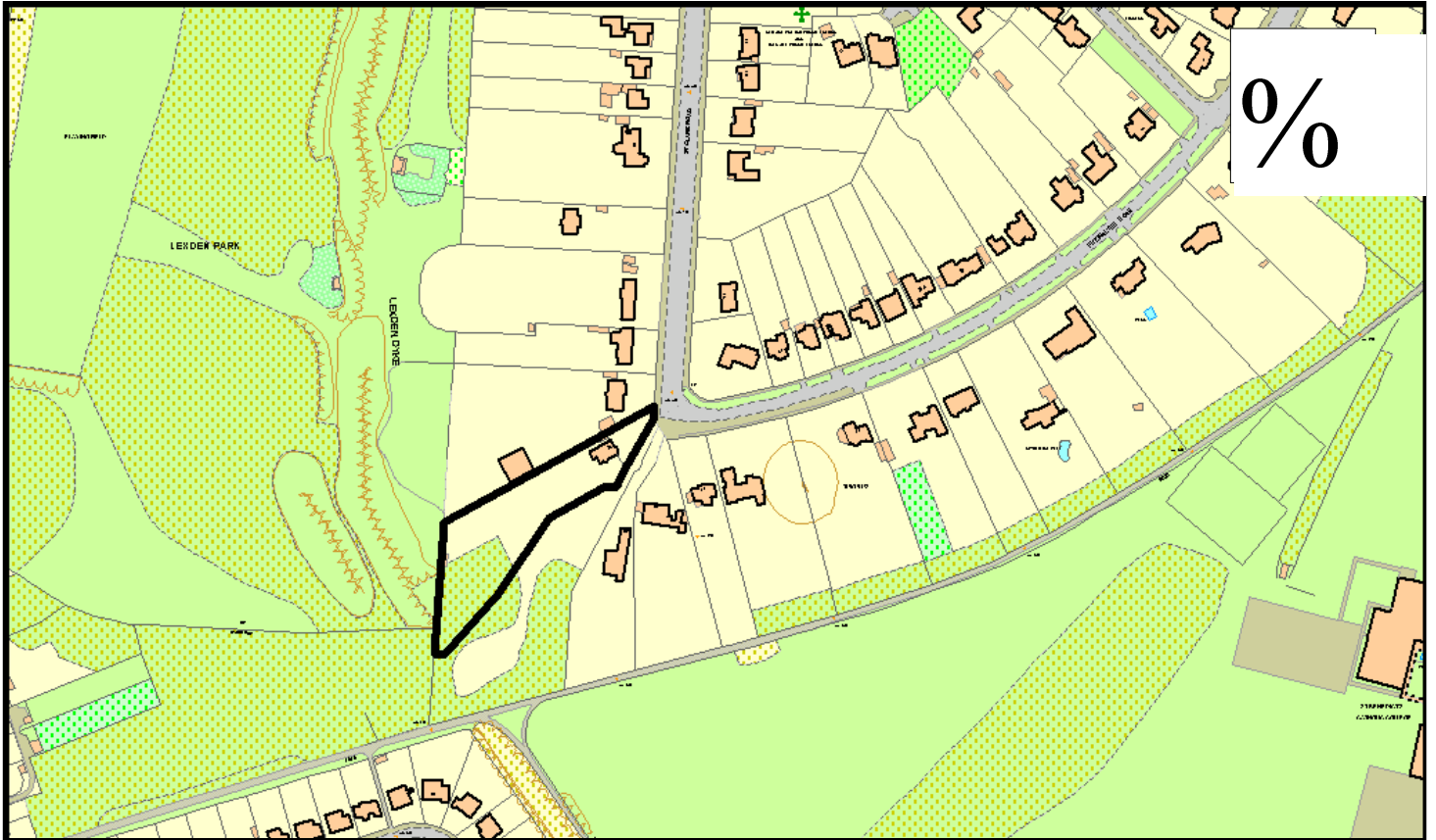
Andrew Tyrrell, Development Manager, attended to assist the Committee in its deliberations. He explained that a planning application had been received for permission to retain the unauthorised window which would be determined. In the event that the planning application is refused the Head of Environmental and Protective Services requested authorisation to serve the Breach of Condition Notice as set out in the report.

*RESOLVED* (UNANIMOUSLY) that –

(a) The Head of Environmental and Protective Services be authorised to serve a Breach of Condition Notice at 33 North Hill, Colchester for the removal of a window which does not accord with the approved plans and the installation of a window which does accord with the approved plans with a compliance period of three months.

(b) The service of a Breach of Condition Notice be deferred for the determination of a planning application received for the unauthorised window. In the event that the planning application is refused, the Head of Environmental and Protective Services be authorised to serve the Breach of Condition Notice as authorised in (a) above.





**Application No:** 101378

**Location:** 30 St. Clare Road, Colchester, CO3 3SZ

**Scale (approx):** 1:1250

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# Committee Report

Agenda item

**7**

To the meeting of **Planning Committee**  
on: **26 August 2010**  
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: David Whybrow**

**EXPIRY DATE: 08/09/2010**

**OTHER**

**Site:** 30 St. Clare Road, Colchester, CO3 3SZ

**Application No:** 101378

**Date Received:** 14 July 2010

**Applicant:** Mr & Mrs J Nicholson

**Development:** Temporary use of new garage to make it habitable for the duration of the build as per planning application 090785.

**Ward:** Lexden

## 1.0 Planning Report Introduction

1.1 This application is referred to the Planning Committee because of a "call in" by Cllr Hardy by reason of the potential effect of the application on the Fitzwalter/St Clare Road Area of Special Character, (ASC). It has also given rise to further representations by adjacent residents

## 2.0 Synopsis

2.1 Planning permission was granted in September last year for demolition of existing house at 30, St Clare Road, including garage and outbuildings, and erection of replacement dwelling with detached garage. The replacement garage, sited alongside the site's SE boundary, is the subject of the current application, the intention being to use it as living accommodation for the duration of building works at the site. It has an elongated, I-shaped plan form.

### **3.0 Site Description and Context**

- 3.1 The application site falls within a defined ASC characterised by large detached dwellings set in generous plots and well treed settings. The application site itself is substantial and includes a number of TPO'd trees to the rear. The site tapers towards the front where it gains access at the confluence of Fitzwalter Road and St Clare Road and contains other specimen trees.
- 3.2 The present dwelling is pebble-dashed. It and its replacement are aligned with its immediate neighbour, no 28, and the new dwelling at 44, Fitzwalter Road, from which it is separated by timber screen fencing and a trimmed laurel hedge.

### **4.0 Description of the Proposal**

- 4.1 It is proposed to construct the replacement garage and use it as temporary accommodation while the main redevelopment is carried out. In response to a request for additional information by your officer, the following clarification has been elicited:
- a. The building programme - the plan is to demolish the house in 1 months time (as at 1st August), construct the garage and house together, moving into the garage in order to complete the house over a period of 18 months.
  - b. Services to the garage - the garage will be provided with electricity, water and foul drainage, allowing us to use part of it for the workforce and avoiding the necessity for separate site hut and portaloo.
  - c. Accommodation to be provided - the building will comprise temporary welfare kitchen, toilet & shower, lounge/dining area and bedroom. No changes are proposed to the exterior of building other than temporary front door and patio door to the rear, until completion. By living on site we can ensure there is not too much noise and inconvenience to our neighbours. We will also be less susceptible to thefts, something we have experienced when modernising other houses in the area.
  - d. Alternative accommodation - other accommodation is available to us during the initial build period but not in the longer term when other property we own locally is let.

### **5.0 Land Use Allocation**

- 5.1 Residential;  
Area of Special Character;  
TPOs.

### **6.0 Relevant Planning History**

- 6.1 090785 - Demolition of existing house including garage and outbuildings. erection of new detached house with detached garage - Approved 9 September 2009
- 6.2 080467 - Replacement dwelling (resubmission of 071183) - Refused 28 April 2008 - Granted on Appeal 3 December 2009
- 6.3 071183 - Replacement dwelling - Refused 5 June 2007

- 6.4 F/COL/06/1541 - Side and rear extension including new garage - Conditional Approval 3 November 2006
- 6.5 F/COL/06/0459 - New detached dwelling (amendment to permission F/COL/03/1410) - Conditional Approval 16 May 2006
- 6.6 F/COL/03/1410 - New detached dwelling and garage - Condition Approval 2 February 2004
- 6.7 F/COL/03/1984 - Two storey rear extension and single storey side extension - Conditional Approval 12 January 2004
- 6.8 90/0862 - Outline application for erection of 4 no. detached residences and access drive - Refused 6 August 1990 - Public Inquiry Dismissed 27 August 1991

## **7.0 Principal Policies**

- 7.1 In addition to national and regional policies, the following policies from the adopted Colchester Borough Review Local Plan (March 2004) are relevant to the consideration of this application:  
DC1- Development Control considerations  
UEA11 - Design  
UEA 12 - Backland development  
UEA13 - Development, including Extensions, Adjoining Existing or Proposed Residential Property  
UEA 21 – Areas of Special Character
- 7.2 In addition, the following policies from the adopted Colchester Borough Core Strategy (December 2008) are also relevant:  
UR2 – Building and Environment  
ENV1 - Environment

## **8.0 Consultations**

- 8.1 The Archaeological Officer has no comments.

## **9.0 Representations**

- 9.1 The adjoining residents at 44, Fitzwalter Road have commented at length on the proposals and their views may be viewed on-line. A summary of their principal concerns is set out below :
- This is an ASC and we do not accept that conditions could be attached to any planning consent that would safeguard our amenity, the area's heritage and present planning guidelines.
  - A short term convenience building will conflict with the status of the ASC, particularly as there is no guarantee the new house will ever be built, or if it is, you may be left with 2 dwellings on one site.

- The building is too close to our boundary and the activity associated with its use as a dwelling, where people live, cook and eat, will adversely affect our amenity.
- Should the applicant experience financial difficulty or unseen delay, the area will be left with a sub-standard dwelling, out of keeping with the locality.
- Precedent may be created for future temporary habitable buildings of convenience.
- A restrictive covenant prohibits more than one dwelling being built on the land [*Officer comment – not a planning matter as it is subject of other legislation*].

## **10.0 Report**

- 10.1 The garage and its siting are the subject of an extant planning permission and the Local Planning Authority have been advised that the permission will be commenced soon with an approximate time-frame for completion. Pre-commencement conditions are the subject of a current application for approval. Alterations to the building are minimal and if the original plan is adhered to all trees will receive adequate protection.
- 10.2 While the neighbours' concerns are acknowledged and understood, it is not unusual to permit temporary accommodation at a building site for the duration of building works, and as pointed out by the applicant, this can have advantages for site security and neighbours' amenity. Such accommodation is often in the form of a caravan or mobile home which would appear less satisfactory in this pleasant location.

## **11.0 Conclusion**

- 11.1 A temporary permission, of no more than 2 years duration is recommended and if the main house is completed and habitable at an earlier date, the occupation of the garage should become null and void. Members may also wish to consider an informative to the effect that any further proposal to extend the temporary period would be unlikely to receive a favourable response having regard to the need to safeguard the character & appearance of the ASC.

## **12.0 Background Papers**

- 12.1 ARC; Core Strategy; AT; NLR

### **Recommendation - Conditional Approval**

#### **Conditions**

##### **1 – Non-Standard Condition**

The use hereby permitted shall expire on 31 August 2012, or, upon the completion of the main dwelling to a state fit for occupation, if this is earlier. At such time as the residential occupation of the garage ends, all temporary doorways shall be removed and the building restored to its original elevational treatment as approved under Ref: 090785.

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

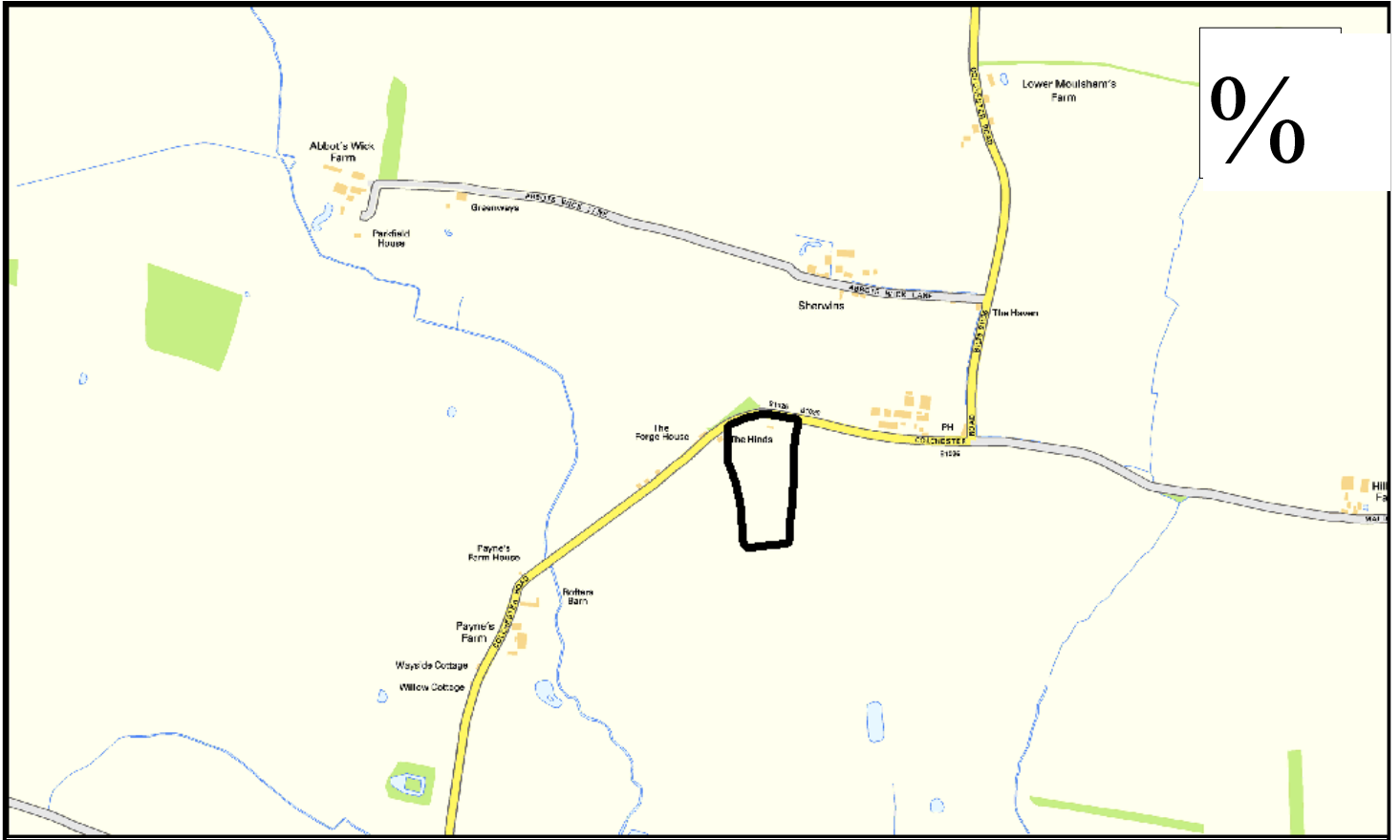
## 2 – Non-Standard Condition

No changes to the external appearance of the building as approved under 090785 shall take place with the exception of the front and rear doorways referred to in the submitted application documents. Such doors shall only be installed in accordance with further details of their position and design which shall be submitted to and agreed in writing by the Local Planning Authority before the development is commenced. The development shall be carried out only in accordance with the agreed details.

Reason: For the avoidance of doubt as to the scope of the permission and ensure a satisfactory form of development in keeping with its surroundings.

### **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:** 091245

**Location:** Bellwood, Colchester Road, Great Wigborough, Colchester, CM9 8HG

**Scale (approx):** 1:1250

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**7.2 Case Officer: Nick McKeever**

**OTHER**

**Site:** Bellwood, Colchester Road, Great Wigborough, Colchester, CM9 8HG

**Application No:** 091245

**Date Received:** 6 October 2009

**Agent:** Mr Laurance Hunnaball

**Applicant:** Mr Sean Parrish

**Development:** Proposed conservation woodland and meadow with support facilities

**Ward:** Birch & Winstree

**Summary of Recommendation:** Conditional Approval

**1.0 Planning Report Introduction**

1.1 This application is brought back to the Planning Committee following their initial consideration of this proposal at the Committee Meeting on 3rd December 2009.

1.2 The application was deferred at this Meeting for further information and clarification of the following matters:

- Clarification of what constitutes “a managed woodland”?
- How long this is likely to take to establish?
- What level of work will be required to maintain it?
- Request consideration of the relocation of the tractor shed to a less prominent position – i.e. to the side of the plot.
- Clarification of the need for large size implement store.

1.3 The Applicant has submitted amended plans and further information in order to address the matters raised by members of the Planning Committee. These will be covered within the main body of the following report.

**2.0 Site Description**

2.1 The site is a 2.76 ha parcel of agricultural land located within an area of open countryside between Great Wigborough to the east and Salcott cum Virley to the south west. To the west is a small group of dwellings, to the east is Brooklyn Farm and the former Kings Head P.H. (now converted into a dwellinghouse).

2.2 The site currently contains an unauthorised mobile home with associated gravel hardstanding together with an open-sided structure used to provide shelter for a tractor used by the Applicant to maintain the land. The Applicant currently resides in the mobile home.



- 2.3 The site is accessed via an existing farm access onto the Colchester Road, located adjacent to the eastern corner of the site. To aid road safety it is proposed to recess the existing field gate further into the field to enable a vehicle to pull into the site in order to open and close this gate.
- 2.4 The frontage of the site onto the Colchester Road was originally enclosed by an established hedge which contains a high percentage of elm trees. The elms suffered from Dutch Elm disease and, with the help of the tree specialists at Essex County Council and Colchester Borough Council, the applicant has stated that a programme is in place to repair and maintain all boundary hedgerows.

### **3.0 Description of Proposal**

3.1 The application consists of the following components:-

- 1.70 hectares of land to be planted and maintained as a woodland;
- The remainder of the site between the proposed woodland and the front of the site is to be maintained as meadowland together with the creation of a pond.
- The erection of a tractor/grass cutter storage shed with internal toilet area. The building is approximately 11.8m x 4.4m x 5.7m. It is to be clad in black weatherboarding with a plain clay or pantiled roof.
- Implement store to be located at the south eastern corner of the site. It is also clad in black weatherboarding but with a slate roof. The dimensions are 7.75m x 5.15m x 3.65m.

### **4.0 Land Use Allocation**

- 4.1 The Proposals Map - Adopted Review Colchester Borough Local Plan shows this land as forming part of a Countryside Conservation Area.
- 4.2 The Colchester Council Landscape Character Assessment defines this area as forming part of Great and Little Wigborough Coastal Farmland.

### **5.0 Relevant Planning History**

- 5.1 75/0259 – Erection of bungalow. Refused 28 April 1975
- 5.2 071709 – Use of agricultural land as trout farm and monitoring accommodation. Refused 12 November 2007. Dismissed on appeal 13 January 2009.
- 5.3 090342 – Application for temporary use of mobile home as monitoring accommodation for free range chicken unit, siting of 3 mobile chicken houses, erection of tractor shed, brood and feed shed. Refused 6th July 2009. This application was the subject of an appeal, which was subsequently withdrawn on the understanding that a new application was to be submitted seeking to address the grounds of this refusal.

## **6.0 Principal Policies**

- 6.1 Adopted Review Borough Local Plan  
Development Control Considerations - DC1  
Landscape Features - CO4  
Nature Conservation – CO5
- 6.2 LDF Core Strategy  
Environment – ENV 1 & ENV2

## **7.0 Consultations**

- 7.1 The Highway Authority had commented on the proposal as originally submitted that the Applicant intends to removed the mobile home and that there will be no residential occupancy whatsoever of the site. In the absence of any information relating to the materials to be stored in the implement store, they had suggested that the size of this building and the toilet building was considered to be excessive. However, if the Local Planning Authority is satisfied that the size of these buildings are commensurate with their proposed use and are minded to recommend approval, they would not wish to object.
- 7.2 The Highway Authority has been re-consulted on the amended plans. It is hoped to have any further comment available for presentation at the Committee meeting.

The full text of all consultations and representations are available to view on the Council's web-site.

## **8.0 Parish Council's Views**

- 8.1 Winstred Hundred Parish Council comments are as follows:-

"The Parish Council still has objections to this amended application.

We believe that the number and types of buildings for this site are excessive. The site is in the coastal protection belt and should be maintained as open countryside.

The future of the site is one of initial activity and thereafter greatly reduced maintenance. We therefore question the need for a permanent toilet and washroom facility and for such a large implements store. We would have thought that a portaloo, which could be removed after the high activity stage of development, would be sufficient.

We are surprised that so many implements need to be kept permanently on site dedicated to this one development. On-site storage will undoubtedly create an ongoing security challenge.

We do not understand the need for drying wet clothes on site. In our opinion they would be more effectively dried by being taken home.

We understand the need for a tractor store and agree that moving it to the corner of this site is an improvement on the original application.

We believe that the proposed re-siting of the main entrance will, to some extent, improve problems of access, but this remains a dangerous portion of road and with the hedge removed local people have noted that traffic now moves more quickly along this stretch. We have seen no statement of likely traffic movements on and off the site either during the period of establishment or thereafter. We believe that some measure of likely movements should be given. Further, if there is any intention of opening the heritage site to the public at any time it is essential to understand and limit vehicle movements in the interests of safety.

Should the Borough Council see fit to agree to this amended application we would urge that conditions are applied so that if the development as planned does not go ahead to full completion in a reasonable timescale the buildings must be removed. We would not wish to see what was once an agricultural field revert to being effectively the same but with two redundant buildings sited on it.”

## **9.0 Representations**

9.1 None

## **10.0 Report**

### Planning Background

- 10.1 The planning history of this site has a significant bearing upon this current proposal. In essence Mr Parrish has lived in a mobile home stationed on this site since 2005, the mobile home being located close to the site frontage. An appeal against an Enforcement Notice requiring the cessation of the land for the siting of a residential mobile home and associated development (hardstanding and the installation of a septic tank) was dismissed on 20 December 2005. The continued siting and occupation of the mobile home is the subject of on-going enforcement action.
- 10.2 Earlier this year, following the refusal of the application 090342, Mr Parrish completed an Undertaking to remove the mobile home and to cease any residential use of the land. As part of this document he stated his intention to submit an application for the retention of the existing tractor shed, hardstanding and septic tank, hence the current application.
- 10.3 The proposals to use the land for the planting of trees to form a woodland habitat, together with a meadow area and a drainage pond, are in keeping with the rural setting. The woodland planting and meadow do not in themselves constitute either development or a material change of use of the land and as such do not require planning permission.
- 10.4 Under the Town and Country Planning (General Permitted Development) Order 1995, Part 6, Agricultural Buildings and Operations, the erection of buildings on agricultural land of less than 5 hectares is not permitted development. On this basis the retention of the existing tractor shelter, together with the erection of the two other buildings, require planning permission.

10.5 In response to Members request regarding the woodland management scheme the Agent acting on behalf of Mr Parrish has provided the following information:-

“Woodland is organised planted land with a canopy cover of at least 20% or having the potential to reach that level. It may include felled areas and internal open spaces and would establish itself in about 8 years. The managed element is initially in the woodland design maintenance, thereafter, creating an environment in order that the chosen species indigenous to this part of England and soil conditions thrive. The environment is constantly monitored and maintained to reach and achieve that aim. There is an increased demand for “greenwood crafts” an area of traditionalism supported and encouraged by the “Forestry Commission”. This means that the species chosen would support traditional crafts such as fencing, thatching spurs, bodging, hurdles, weaving, gates and charcoal. These managed elements create a fantastic habitat for wildlife, insects, butterflies, birds and other animals. The site would become a natural haven for those species and potentially become a sustainable resource.

Trees proposed to be planted, complete with protectors during their development period would be:-

- Hazel – supporting wattle, hurdles, thatching spars.
- Sweet Chestnut – supporting wattle gate framing.
- Beech – supporting charcoal and wood turning.
- Ash – turning for tool handles etc.
- Hornbeam – supporting woodturning and charcoal.
- Oak – Furniture

To ensure that the woodland becomes a conservation woodland and a sustainable resource a high initial work load is required to plant up to 2,500 trees per hectare, create natural and support infrastructure, fencing and monitoring. This initial procedure, including replacement planting for failed saplings would be at least two years work initially with daily input reducing to fortnightly. Thereafter managed maintenance would be one week a month until maturity. Once maturity has been achieved the recycling of trees would commence to ensure the woodland’s long-term survival and sustainability.”

#### The Proposed Buildings

10.6 With regard to the proposed buildings the main issues are the justification for the two buildings, the siting and the design, and the impact of these buildings upon this rural landscape.

10.7 In terms of the justification for the proposed tractor shed building and the implement store, the Applicant has submitted the following written justification:-

“I have sited the new tractor and cutter storage building upon the same hardstanding that is used now for the mobile home, and, with the drainage location there, that is the most logical place to site it. Also as the Planning Committee did not want a single structure for just a toilet.

You are aware of the theft problem at “Bellwood” especially when the site will be permanently unoccupied so I have on all buildings specified black stained shutters as security.

- 10.8 Following the concerns expressed by Members when this application was previously debated, the Applicant has deleted the proposed single building providing a separate toilet/washroom. It has now been incorporated within the building proposed to house the Applicant's tractor and grass cutter.
- 10.9 In terms of the external appearance and design of these buildings, they are commensurate with their setting. The roof cladding of both buildings has now been amended to show plain clay tiles or pantiles on the tractor shed and slate on the smaller implement store. The use of black stained featheredge weather boarding and the aforementioned roofing materials is acceptable in terms of the vernacular palette.
- 10.10 With regard to the visual impact of the two buildings, it is noted that the implement storage shed is to be located a considerable distance from the road (approximately 230m as scaled from the submitted drawings) and adjacent to an existing boundary hedge. It will, therefore not appear as a significant structure when viewed from the Colchester Road.
- 10.11 The tractor shed, which is the larger of these two buildings, has been relocated away from its previous prominent position centrally within the site frontage to a position adjacent to the eastern boundary. This is in accordance with the recommendation made by the Planning Committee. In this position it is screened by the existing hedge on approach along the Colchester Road heading west. It will be seen from the other approach along the Colchester Road but will be viewed against the backdrop of the established boundary hedge.
- 10.12 In the context of modern agricultural buildings, it is considered that, in terms of their size, the two buildings are very modest and their external appearance respects their countryside setting perhaps more than some modern utilitarian agricultural buildings.
- 10.13 The application states that it is the intention to maintain the existing hedgerow and trees in accordance with general practice.

## **11.0 Conclusion**

- 11.1 It is considered that the proposed woodland planting and meadow do not require planning permission and, together with the drainage pond, will add to biodiversity and can be supported on this basis. In any event these features are in keeping with the rural landscape. The buildings in terms of their scale, external appearance or, in the case of the implement storage shed, the remote location from the road and public views, will not have a significant or detrimental impact upon this rural landscape.
- 11.2 Having regard to the amendments to the number, location and external appearance of the proposed buildings, permission is recommended.
- 11.3 Members will be mindful of the existing and unauthorised siting of the mobile home on the site. The application does not include the retention of this mobile home. It is recommended that any consent for the development as proposed should be conditional upon its removal.

## **12.0 Background Papers**

### 12.1 ARC; Core Strategy; HA; PTC

#### **Recommendation - Conditional Approval**

#### **Conditions**

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

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

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

##### 2 - Non-Standard Condition

The development shall be carried solely in accordance with the amended plans hereby approved.

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

##### 3 - Non-Standard Condition

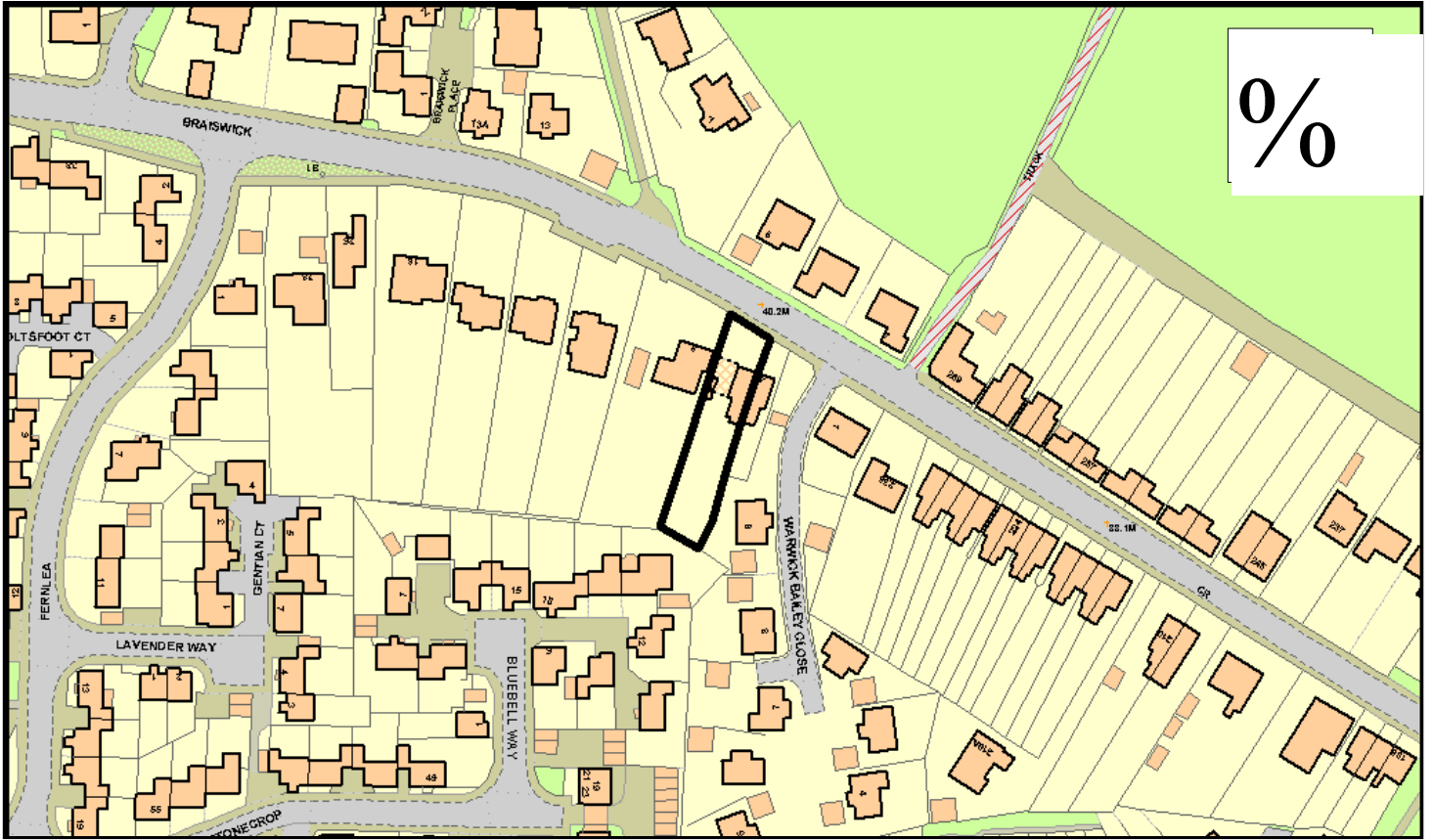
The existing and unauthorised mobile home, together with the other existing tractor shed currently located on the site shall be removed from the site prior to the commencement of any of the development hereby approved or the use of any part of the site for the proposed conservation woodland/meadowland or the creation of the drainage pond as shown on the approved plans.

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

##### 4 - Non-Standard Condition

The two buildings hereby approved shall not be used other than for the purposes as shown on the approved drawings. In the event that these uses, or the use of the site as described in the application, shall cease these buildings shall be removed from the site and the land reinstated to the satisfaction of the Local Planning Authority.

Reason: For the avoidance of doubt as to the scope of this permission and to safeguard the character and appearance of this area of open countryside.



**Application No:** 101267

**Location:** 6 Braiswick, Colchester, CO4 5AX

**Scale (approx):** 1:1250

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### 7.3 Case Officer: Mark Russell

**OTHER**

**Site:** 6 Braiswick, Colchester, CO4 5AX

**Application No:** 101267

**Date Received:** 23 June 2010

**Agent:** Mr Peter Johnson

**Applicant:** Mr S Harbrow

**Development:** Resubmission of application 091368 for the retrospective retention of store.

**Ward:** Mile End

**Summary of Recommendation:** Conditional Approval

#### 1.0 Planning Report Introduction

- 1.1 This application returns to committee after being deferred for a site visit at the last meeting. It was originally “called in” by Councillor Goss, stating that the development “overlooks properties and causes harm to the human rights of local residents”.
- 1.2 This application is the third one for this building, the previous two (090443 and 091368) having been withdrawn for issues over trees and ownership.
- 1.3 The report describes the site and the proposal and details consultation replies including objections from nearby residents. Responses are then given to these objections, Finally, approval is recommended.

#### 2.0 Site Description

- 2.1 The site comprises part of a back garden area which serves the flats of 6, 6a and 6b Braiswick. The garden is largely laid out to grass, with a large Atlas Blue Cedar tree in the middle of it. The garden is surrounded by the residential dwellinghouses of 8 Braiswick, 6 Warwick Bailey Close and 14 Bluebell Way.

#### 3.0 Description of Proposal

- 3.1 The proposal is to retain a currently unauthorised storage building which was erected in early 2009. This building is 6 metres x 4 metres and is of breezeblock construction with a pitched, tiled roof. It has also had a small section of garden, convenient to it, cordoned off.

#### 4.0 Land Use Allocation

- 4.1 Residential



## **5.0 Relevant Planning History**

- 5.1 88/0081 - Conversion of semi-detached house into 2 single bedroom flats. Approved
- 5.2 96/1482 - Side extension to provide a one bedroom flat. Approved
- 5.3 F/COL/06/1801 - Erection of detached bungalow to the rear. Refused
- 5.4 072270 – 2 storey rear bedroom/kitchen extension (refused)
- 5.5 090443 - Detached block & tiled store shed. Withdrawn
- 5.6 091368 - Resubmission of application 090443 for the retrospective retention of store. Withdrawn

## **6.0 Principal Policies**

- 6.1 Adopted Review Colchester Local Plan (March 2004):
  - DC1- Development Control considerations;
  - UEA 11 – Design
  - UEA 12 - Backland Development
  - UEA 13 – Development Adjoining Existing Property
  - CO4 – Landscape Features
- 6.2 Local Development Framework (December 2008)
  - UR2 – Built Design and Character

## **7.0 Consultations**

- 7.1 Following lengthy correspondence with the Tree Officer after the withdrawal of application 091368, all matters arboricultural are resolved.

## **8.0 Representations**

- 8.1 Three letters of objection were received from nearby residents at 14 Bluebell Way, 9 Warwick Bailey Close and 8 Braiswick.
- 8.2 The points raised are summarised as follows:
  - The shed/store is already in place and the matter should have been dealt with earlier;
  - The building is out of scale and keeping with the area and the street-scene;
  - Most of the amenity space for 6b Braiswick has been removed;
  - Use as a store will cause nuisance;
  - Vehicles entering the site to service the store will be a nuisance;
  - Gardens are no longer “brownfield”;
  - This is the 5th attempt to develop the site;
  - The building will be used for commercial purposes;
  - General loss of amenity to surrounding properties;
  - Combined with other sheds there are too many buildings in the garden;

- Loss of privacy to surrounding properties;
- The building has been misrepresented on the submitted plans;
- The building obstructs an allocated parking space;
- The applicant plans to “creep develop” the site, potentially to residential;
- The tree is being undermined;
- Not all interested parties were notified prior to the application being submitted;
- This is an undesirable precedent for backland development;
- The building is too close to surrounding properties.

## 9.0 Report

- 9.1 The proposed retention of the building described as a “storage building”, and the amount of time that it has taken to bring this proposal to Committee has angered the nearby residents. Ideally the matter would have been dealt with in 2009, but the applicant withdrew two previous applications for various reasons. The Local Planning Authority then had to consider whether or not to take enforcement action. Your officer felt that once the application came in, it could be recommended for approval with conditions to improve the facing, and to remove the window. For this reason no enforcement action was taken. If members were minded to refuse the application they should also consider what enforcement action they would like to take to remedy the situation.
- 9.2 The fact that the application has taken so long, is retrospective, and might be a mask for an unauthorised use, or a Trojan horse for a residential application are not material considerations, notwithstanding that the applicant has previously attempted to gain permission for a bungalow (F/COL/06/1801). It should also be noted that neighbours are not entitled to any view into or over this land and the fact that they can see it and regard it as an eyesore is also of limited weight. As it is private land, the land owner has some rights to what he can or can't do with the land that should not be prejudiced by a neighbour's sense that they should retain an attractive view from their land or property.
- 9.3 The application should solely be looked at in terms of its design and the effect on the amenity of neighbours, under Local Plan policies DC1, UEA11-13 and Core Strategy UR2. Local Plan Policy CO4 also needs to be considered.
- 9.4 In terms of residential amenity, the building does not fail any guidance. It does not have an overbearing effect in terms of UEA13 (c). The word “overbearing” in the Essex Design Guide is informed by the Building Research Establishment, which states that (in reference to front-to-front) a line two metres from ground level, plus 25 degrees should not be infringed. This single storey building does not infringe such a line.
- 9.5 In terms of potential overshadowing, the building is five metres from the property boundary (8.5 metres from the building) of 6 Warwick Bailey Close, and 14 metres from the boundary (19 metres from the building) of 14 Bluebell Way. In the case of the latter, the building is to the north, so any overshadowing is unlikely. In the case of the former, it is to the north and west, so any loss of light would be negligible. The building is closest to the boundary of 8 Braiswick (approximately two metres), but at 15 metres from that house, the building has no effect on it at all.

- 9.6 On the question of privacy, the owners of 6 Warwick Bailey Close have submitted a photograph from their first floor bedroom window, which shows that the ground floor window of the building in question is visible, if obliquely and from above. This window, however, cannot be described as overlooking the neighbouring property although it may produce some discomfort. To allay any such fears, the applicant has agreed to have the window removed on permission but this will need to be controlled through a condition so that we could enforce it if it were considered appropriate to do so.
- 9.7 It is accepted that the views from the neighbours' gardens have been affected, where once there was just a view of trees there is now the hard edge of the building as well. However, as stated above the neighbours are not entitled to a view in terms of planning. Therefore, this is not a material consideration.
- 9.8 In conclusion to this section, whilst views have been altered, the application is not held to have undermined the amenity of surrounding residential properties.
- 9.9 Design requires some attention. As it stands, the structure is brutal, with stark breeze-block walls (albeit with a satisfactorily tiled roof). The applicants have been advised that it will require a light coloured weatherboarding in order to be visually satisfactory.
- 9.10 On the other matters raised, the concerns over the Blue Atlas Cedar are noted, and our Arboriculturalist has given advice and conditions will be put in place to ensure the well-being of the tree.
- 9.11 The comments about ownership are also noted, but the Local Planning Authority is not aware of any issue here, and this is not material to the merits of the application.
- 9.12 The submitted plans seem to accurately reflect the size and position of the development.

## **10.0 Conclusion**

- 10.1 In conclusion, whilst neighbours' disquiet at the retrospective nature and lateness of this application, as well as fears for the future are noted, the proposal is not held to undermine residential amenity. Provided the building is satisfactorily faced, rear-facing windows are removed, and the tree is properly-protected, then the application is held to be acceptable.

## **11.0 Background Papers**

- 11.1 ARC; TL; NLR

### **Recommendation - Conditional Approval**

#### **Conditions**

##### **1 – Non Standard Condition**

The permitted building shall be used solely for storage purposes incidental to the flat 6 Braiswick and shall at no time be used for any trade, commercial, business or any other use in connection with inhabitation.

Reason: For avoidance of doubt as to the scope of this permission, as a business or residential use would not be acceptable in this location.

#### 2 – Non Standard Condition

Within 28 days of permission the applicant shall submit details of facing materials. These shall comprise weatherboarding of a type and colour to be agreed. Such details shall be agreed in writing by the Local Planning Authority and shall be implemented as such within 28 days of this agreement, and remain so at all times.

Reason: In the interests of the visual amenity of the area, as the current breeze-block structure is visually unacceptable.

#### 3 – Non Standard Condition

The existing roof tiles shall remain unless agreed in writing by the Local Planning Authority.

Reason: In the interests of visual amenity as the existing roof materials are visually satisfactory.

#### 4 – Non Standard Condition

Within 56 days of permission, the applicant shall remove the south-facing window and shall fill the space in with matching materials and cover with facing treatment to match the rest of the building. This treatment shall remain as such at all times.

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

#### 5 – Non Standard Condition

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order with or without modification), no new windows shall be constructed in the building hereby approved without the prior written permission of the Local Planning Authority.

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

#### 6 – Non Standard Condition

No trees shall be removed from the site unless shown to be so on the drawings hereby approved.

Reason: To protect trees on site and in the interests of the general visual amenity of the area.

#### 7 – Non Standard Condition

Within 28 days of permission the applicant shall provide the Local Planning Authority with a proposed timetable for the “terravention” as detailed in Hayden’s report of 22nd October 2009. These details shall be agreed in writing and shall be implemented as such.

Reason: To protect the long-term viability of the Blue Atlas Cedar in the interests of the general visual amenity of the area.

#### 8 – Non Standard Condition

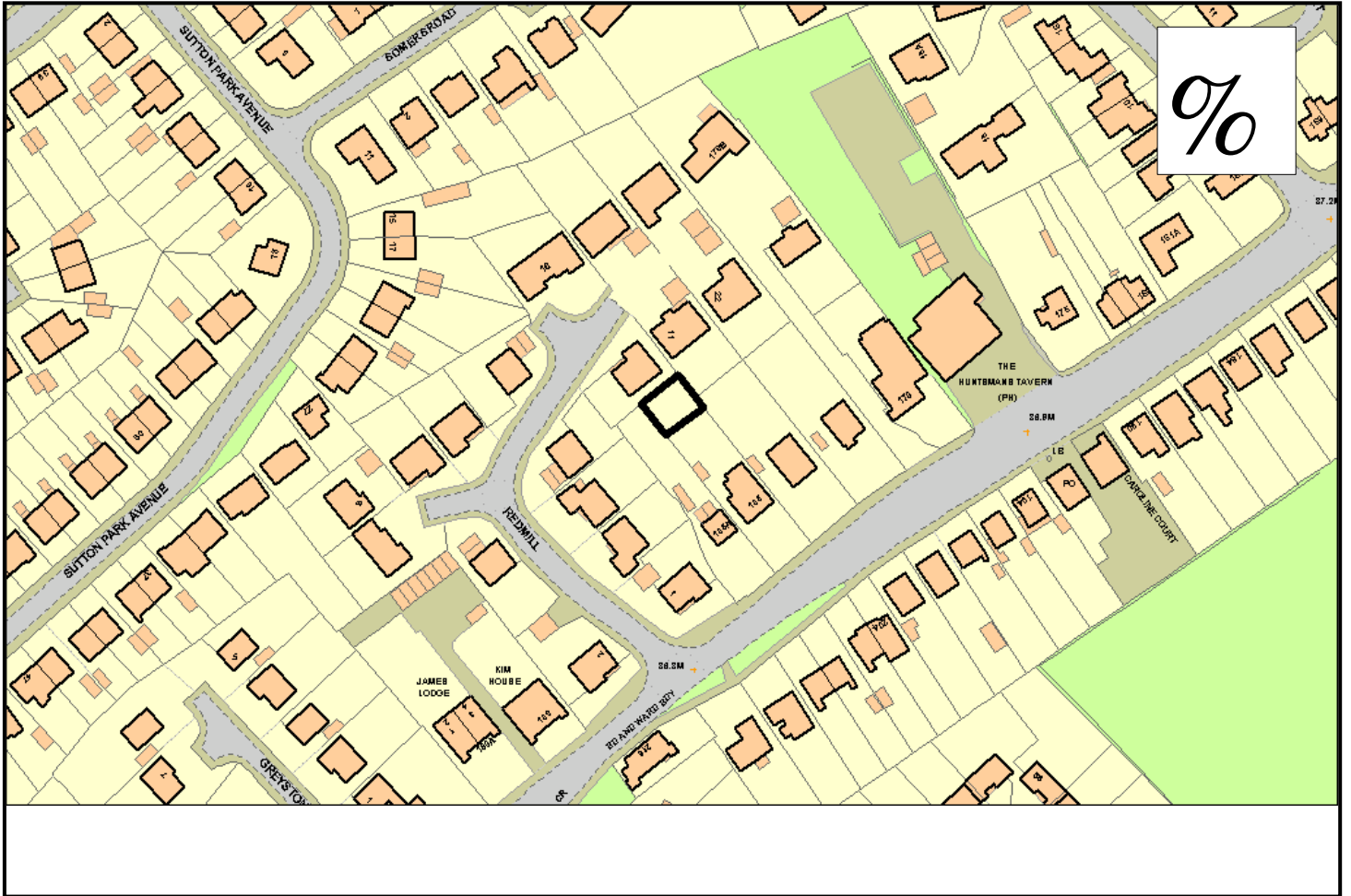
Within 28 days of permission the applicant shall provide the Local Planning Authority with a proposed timetable for the removal of all ground vegetation such as weeds, grass and the surfacing to the north of the tree within a four metre radius of the stem, and mulching with 5cm layer of bark chips as detailed in Hayden’s report of 22nd October 2009. These details shall be agreed in writing and shall be implemented as such.

Reason: To protect the long-term viability of the Blue Atlas Cedar in the interests of the general visual amenity of the area.

9 – Non Standard Condition

Within 28 days of permission the applicant shall provide the Local Planning Authority with details of parking provision in compensation for any parking spaces lost as a result of the above arboricultural works. These details shall be agreed in writing and shall be implemented as such prior to these arboricultural works taking place.

Reason: In order to ensure no loss of car parking at the site as a result of arboricultural works.



**Application No:** 091539

**Location:** Land rear of 185 Shrub End Road, Colchester, CO3 4RG

**Scale (approx):** 1:1250

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#### 7.4 Case Officer: Andrew Huntley

**OTHER**

**Site:** Land rear of 185 Shrub End Road, Colchester, CO3 4RG

**Application No:** 091539

**Date Received:** 27 November 2009

**Agent:** Mr Raymond Stemp

**Applicant:** Miss Catherine House

**Development:** Change of use of log cabin (from ancillary residential use) to training room in connection with child care nursery.

**Ward:** Prettygate

**Summary of Recommendation:** Conditional Approval

### 1.0 Introduction

1.1 This application is referred to the Planning Committee because there have been a number of objections to the proposal. This application was deferred prior to a previous Committee meeting in order to seek clarification on the precise nature of how the log cabin was to be used. This is because it had come apparent that the cabin would be more heavily used than the impressions given within the original submission. The applicant's agent submitted further information into how the training room would be used and by whom. At the Committee meeting of the 15<sup>th</sup> July 2010, it was decided to defer the application to seek additional information, which included:

- The precise size of classes.
- Why it was necessary to operate till 6 p.m.
- Access arrangements to the building including footpath improvements and lighting.
- How students will be managed during breaks
- Confirmation that the building is fit for purpose, including heating, ventilation and sanitation arrangements and work station requirements. Confirmation is required from Ofsted (or relevant authority) that the building is acceptable for teaching.
- Access arrangements to the building including the possibility of closing the door immediately opposite the neighbour's fence for general use.
- Provide revised drawings showing the building as built.
- Provide highway comments.

- 1.2 An email has now been received from the applicant in answer to those questions asked which attached to this report as appendix 1. Comments from the Highway Authority have not yet been received but should be available at the time of the Committee meeting.

## **2.0 Synopsis**

- 2.1 The main planning issues relating to this case are the proposal's impact on neighbouring residential amenity and how the additional information has altered the previous recommendation of approval. Consideration is also given to the history of this site to clarify the planning position in regard to the cabin itself. After these considerations the report will conclude that, while an approval is warranted in this instance, it should only be for a temporary period of time in order that the impact of the proposal can be fully assessed.

## **3.0 Site Description and Context**

- 3.1 The application site is located on the northern side of Shrub End Road. The area is residential in character with a mix of property types and styles. The application site covers the end of the garden of 185 Shrub End Road, which is a detached bungalow. Immediately to the north of the site lies a detached two-storey dwelling close to the boundary. To the west lies a chalet bungalow, which is used as a children's nursery.

## **4.0 Description of the Proposal**

- 4.1 Change of use of log cabin (from ancillary residential use) to training room in connection with child care nursery. A copy of the letter from the agent in regard to the precise use of the log cabin is attached as Appendix 2.

## **5.0 Land Use Allocation**

- 5.1 Residential

## **6.0 Relevant Planning History**

- 6.1 C/COL/00/1304 - Change of use to provide children's nursery. Approved 21<sup>st</sup> November 2000.
- 6.2 072169 - Change of use of premises as a training room for Springlands Nursery. Withdrawn.

## **7.0 Principal Policies**

- 7.1 The following policies from the adopted Colchester Borough Review Local Plan (March 2004) are relevant to the consideration of this application:  
DC1- Development Control considerations  
UEA13 - Development, including Extensions, Adjoining Existing or Proposed Residential Property



- 7.2 In addition, the following policies from the adopted Colchester Borough Core Strategy (December 2008) are also relevant:  
SD1 - Sustainable Development Locations  
UR2 - Built Design and Character

## **8.0 Consultations**

- 8.1 In consultation on the planning application, expert opinions were sought from the Council's Environmental Control Department. Their original response was as follows:

'I have read the plans and the log cabin will be used for training of adults only so there will be no children in the cabin. This was my main concern, that children will be playing inside the cabin and the noise associated with this as I doubt the cabin is sound proof. As the cabin will be used for training staff I very much doubt this will cause a noise nuisance. I think the main problem is the 'look' of the cabin which neighbours have a problem with and how close it is to their fence'.

- 8.2 Following the additional information received by the agent, a subsequent response stated that:

'It is a difficult call to make to say whether the use of the log cabin will cause a noise nuisance to nearby residents. The noise levels would depend on the number of students in the cabin at any one time and how staff control them and the noise. This will not be able to be judged until the classes in the cabin are up and running. The maximum of 20 pupils may be too many (too noisy), however this will not be known until the building is in use.

The level of noise heard by the residents will also depend on if windows and doors are open. In hot weather is there an alternative system to cooling the cabin other than opening the windows? Human noise is very difficult to control and put a limit on, I can only suggest temporary permission to see if there are any noise issues, then we can try to find solutions'.

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

## **9.0 Representations**

- 9.1 The number of people who have expressed their support for this application is zero and the number of objections received is four. The summary of the objections received are as follows:

- Residential area so business use not appropriate.
- Health and Safety risk, including fire risk.
- Cabin's design, size and its impact on the character of the area.
- Impact on sunlight/daylight, privacy and views.
- Increase in noise and disturbance.
- Impact on property value.

## 10.0 Report

10.1 The main issues in this application are considered to be as follows:

- Design, Layout and Impact on the Surrounding Area
- Impacts on Neighbouring Properties
- Highway Matters
- Other Matters

### Design, Layout and Impact on the Surrounding Area

10.2 The log cabin was erected within the application site in 2008. The agent has stated that this was built under residential permitted development rights. It is a matter of fact that the size and location of the log cabin did fall within residential permitted development rights. While there may have been issues regarding whether the log cabin was built for ancillary residential purposes (i.e. permitted development) or whether planning permission was required as it was used for a training room for the adjacent nursery, is not a matter for consideration within this change of use application.

10.3 It is clear that while the cabin has been used for nursery purposes at some stage and the use of the cabin was reverted back to ancillary residential use as indicated by the email from one of the Council's enforcement officers included within the application documents. While the history of the erection and subsequent use of the cabin is less than satisfactory, the matters for consideration within this application relate solely to the appropriateness of its proposed use and not its physical being.

10.4 Therefore, the main consideration that needs to be addressed within this application is the proposal's impact on residential amenity and not its design.

### Impact on Neighbouring Properties

10.5 As Environmental Control has stated, it is difficult to say whether or not the proposal will cause a noise nuisance to nearby residents. The noise levels would depend on the number of students in the cabin at any one time and how staff controls them and the noise, and whether windows and doors are open. As such, the full impact of the proposal can not be known, unless the use is up and running.

10.6 Refusing this application, without a definitive answer on whether or not the use would cause a nuisance would not be ideal and would quite possibly fail if an appeal were lodged. As such, it is considered that the right course of action would be to grant a temporary consent, which would give all concerned, the opportunity to assess its impact when in operation. A further application would therefore be required at a future date and the Local Planning Authority can then re-assess the proposal.

10.7 It is however, considered necessary, in light of concerns over noise, that a conditions be attached to ensure the hours of use of the cabin and ensuring that it is not used as a classroom/playroom for the children attending the nursery.

## Highway Issues

- 10.8 Further to the submission of the additional information, we are seeking advice from ECC Highways. It is anticipated that a response will be provided by the time of the Committee meeting.

## Other Matters

- 10.9 The proposals impact on residential amenity has already been considered earlier in the report in regard to its change of use. The cabin's design and impact on the character of the area or physical impact on amenity are not issues that can be considered within this change of use application. As such, they are not reasons to refuse this application. The issues raised in regard to health and safety (fire) are issues for building regulations and other safety bodies. These are not planning considerations that would warrant the refusal of planning permission. Nor is the building's impact or the impact of its potential use on property values a reason to refuse permission for planning permission. The use in conjunction with the adjacent established childcare nursery is not considered to be inappropriate.
- 10.10 An additional letter has been received from the agent in regard to the issues raised by local residents. This letter points out that the proposal is for a change of use and not the building itself. It also states that the use of the building is for training purposes only and will be used within nursery hours.
- 10.11 Therefore, in this instance, the objections raised by the neighbours do not warrant the refusal of this application.

## **12.0 Conclusion**

- 12.1 The only matters that can reasonably be considered within this change of use application relate to the proposed use of the cabin. The proposed use for staff and nursery training purposes are unlikely to cause undue disturbance and noise to neighbouring properties. Therefore, it is considered that there is no planning reason to refuse this application but it is reasonable and necessary to only allow a temporary permission in order to be able to fully consider its impact on residential amenity.

## **Recommendation – Conditional Approval**

### **Conditions**

#### 1 – Non Standard Condition

The use hereby permitted shall be discontinued on or before 26<sup>th</sup> August 2011.

Reason: To enable the local planning authority to judge the effect of the use on the amenities of the locality.

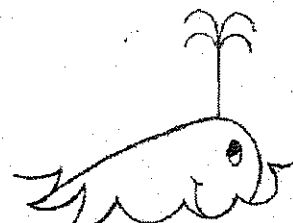
#### 2 – Non Standard Condition

The use hereby permitted shall not be open for training purposes outside the following times of 8.30 a.m. till 6 p.m. Monday to Friday and not at any time on Weekends, Bank or Public Holidays.

Reason: To safeguard the amenities of nearby residential properties.

# Springlands Baby Chalet and Springlands Nursery

Main Office, 179, Shrub End Road, Colchester, Essex CO3 4RG



Andrew Huntley  
Planning Officer  
Colchester Planning Department  
Rowan House  
33, Sheepen Road  
Colchester CO3 3WG

Dear Mr Huntley,

Planning Application 091539; 185, Shrub End Road

Please find below the additional information requested by the Planning Committee. If you have any questions regarding my answers PLEASE feel free to contact me.

### The precise size of classes

This September we currently have 13 students enrolled on the courses. Fifteen is an ideal maximum number for students, plus tutor and possibly guest speaker. Sometimes we also have Learning Support Teachers who are sent by individual schools to support particular learners. For example, this September we have a deaf child. The number 20 was quoted to cover all the eventualities. The group will also often be split as some spend time observing or shadowing a member of staff in the nursery buildings as part of the course. All candidates are interviewed with their parent/carer and given the rundown on expected behaviour and dress code. Students unwilling to confirm to our rules do not stay. Our first duty is to the health and safety of the young children in our care.

### The hours of use including an explanation as to why it is considered necessary to operate until 6.00 p.m.

'Taught Courses' - accessed by the ten Colchester Secondary Schools start at 9.30 and will finish at 2.30/3.00 pm. four days per week, term time only. At other times candidates doing NVQ's in Early Years qualifications will use the cabin to complete their Apprenticeship Portfolios. These are young adults and



INVESTOR IN PEOPLE

Investors In People Awards  
British Safety Awards, Snack Attack Awards  
Most Family Friendly Business in Colchester Award  
Colchester CV Award  
Regional Winner for Essex - National Edge Award  
Staff Training & Development Essex Award



One of Four Finalists for Nursery of the Year Award (2008) for UK with NURSERYWorld Magazine  
TWO OUTSTANDING OFSTED reports with no areas for improvement - 2007  
NDNA Nursery of the Year Award (2007) Joint winners for England. Initiated by current families.

Principal: Catherine House

NNEB, RSH Dip., NNEB ADV. APEL (Early Years), NVQ Assessor & Internal Verifier

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mature students who will attend individually/in small groups with/without a tutor. Springlands Baby Chalet closes at 6 p.m. hence the time - it could be until 5.00 p.m. if this helps.

**Access arrangements to the building including footpath improvements and lighting arrangements**      **Access arrangements to the building including the possibility for closing the door immediately opposite the neighbours fence for general use**

Currently, we are having the Baby Chalet (185a) garden landscaped and this was why I was unable to take the committee through the correct way when they requested to visit. Access will be via 185a through a security gate with keypad (which is locked at night) across a patio and up a path on the right hand side of the current fence. This path will be slip proof and wide enough for wheelchair access. The path will turn right, across the boundary fence into the first door on the side of the cabin (nearest the Baby Chalet fence). We do not expect to need lighting but will install solar lights along the path if necessary. Only two fence panels are going to be removed between the two properties so that the log cabin is separate from the nursery garden. It is not intended to use the door opposite the neighbour's fence except as an emergency exit.

**How students are to be managed during breaks and where they will take them - e.g. will they be allowed to congregate immediately around the building or will they be required to go to another part of the site.**

The hours are shorter than a 'normal school day' so students have less hanging about time. We have found they prefer to have frequent short breaks as often parents do not give permission for them to leave the premises. They will be free to have their breaks in Baby Chalet garden or off the premises if allowed. Training Centre Staff and Nursery Staff will be available. Nobody is permitted to smoke on Springlands property; inside or outside. Furthermore, part of our 'behaviour code of practice', should they be smokers is not to smoke anywhere in vicinity of the nursery.

**Confirmation that the building is fit for purpose for a teaching establishment - including heating arrangements, ventilation arrangements, sanitation arrangements and work station requirements.**

The cabin will be used in a traditional way - we have 15 individual tables and chairs for students. However, we also have large fold up tables for group work. Learning activities can also take place on the floor. Working with children often involves working on the floor. As a Training establishment we have mandatory six month inspections by our awarding body and these have not had any 'actions' for some time. We have all (an abundance of) the teaching resources required apart from a proper room! It is planned to have wireless laptops on site for internet access. Fire extinguishers and exit signs for both doors have been bought and located as advised by our consultant. Energy saving lighting has been installed. Heating is planned via low watt electric heaters which also have cooling fans &/ air conditioning. Students will use the toilet facilities in the nursery building just down the path during break times. (We do have plans to convert the garage at 185a into an office and two toilets, subject to planning approval, after this planning application has been granted.)

**Confirmation is required from OfSTED (or the appropriate authority) that the building is acceptable for teaching.**

Ten Colchester secondary schools are sending their students to us. Many have visited the cabin already and have been complimentary. Every school is aware of our current predicament and most have written comments in support of the planning application.

In answer to the committee's request above we have tried to comply. We have contacted OfSTED, DfE and Essex County Council all have been unable to help. The latter suggested we contacted the Health and Safety Executive. They confirmed we could have any size we liked and also advised us to talk to the local Planning Department!

**Principal: Catherine House**

**NNEB, RSH Dip., NNEB ADV. APEL (Early Years), NVQ Assessor & Internal Verifier**

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The building was positioned to provide natural light without too much hot sunlight. Blinds would be installed if this becomes necessary. There is ample room for the furniture described above - every student with their own desk. On the day the planning committee visited it was raining and the electricity was not connected to turn on the lights. The room was also not set out like a classroom.

**Provide revised drawings showing the building as built.**

This is enclosed with the security gate, patio and pathway to the cabin shown.

Should anyone require any clarification of the above - please do not hesitate to contact me.

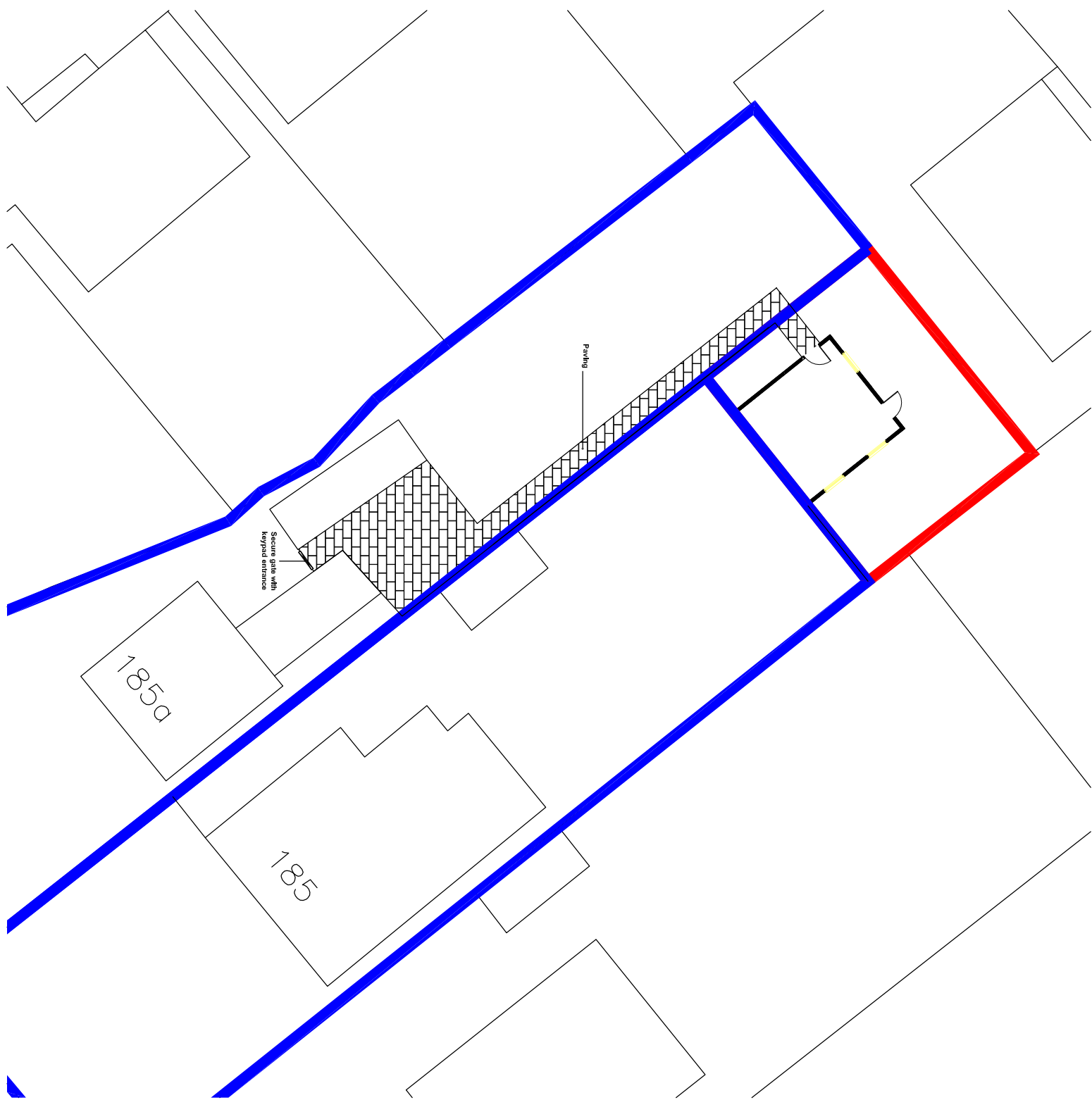
Yours sincerely,

Catherine House

**Principal: Catherine House**

NNEB, RSH Dip., NNEB ADV. APEL (Early Years), NVQ Assessor & Internal Verifier

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# Raymond Stemp Associates

## Planning and Development Consultants

Andrew Huntley  
Planning Services  
Colchester Borough Council  
PO Box 884  
Town Hall  
Colchester  
Essex  
CO1 1FR

17 June 2010

Dear Mr Huntley

Application for the change of use of log cabin (from ancillary residential) to training room in connection with child care nursery at land rear of 185 Shrub End Road, Colchester

Application Number: 091539

As per your request for additional information for the proposed use of the log cabin, please find below the relevant information provided under the specific headings stated in your letter.

Precisely who will use the cabin? i.e. age, groupings etc.

Springlands is a recognised Training Provider for CACHE qualifications in childcare and early education and this is what the cabin will primarily be used for.

Springlands has responded to Government Agendas regarding:-

Provision for opportunities in facilitating good foundations in 'parenting skills'.  
Opportunities for alternative vocational education within mainstream schooling.

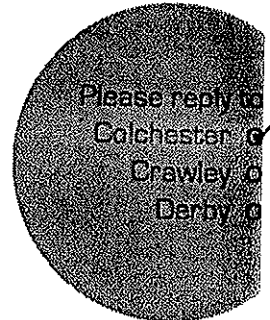
Meeting a skills gap in Early Years qualifications for the sector.

Providing Apprenticeship Frameworks for young and mature adults who wish to learn vocationally.

Maintaining high standards of child care and early education for Colchester children.

Extending employment and career opportunities within Springlands Nursery structure.

- Selected 14-16 year olds from surrounding secondary schools
- Employed trainees 16+
- NVQ Level Two and Three candidates
- Early Years and Education Professionals
- Adults involved/linked with the Springlands business



Westwood Park  
London Road  
Little Horkesley  
Colchester  
Essex  
CO6 4BS  
Tel: 01206 274190  
Fax: 01206 274191

Shaw House  
Pegler Way,  
Crawley  
RH11 7AF  
Tel: 01293 763114  
Fax: 01293 763200

Regus House  
Herald Way  
Pegasus Business Park  
Castle Donington  
Derbyshire  
DE74 2TZ  
Tel: 01332 638107  
Fax: 01332 638001

Email: [raystemp@rsa-planning.co.uk](mailto:raystemp@rsa-planning.co.uk)  
[www.rsa-planning.co.uk](http://www.rsa-planning.co.uk)





**How many people would attend and how often?**

The training room will facilitate approximately 16 people (space a premium) at any one time including the tutor however the use will not exceed more than 20 People.

The training room will be used Monday to Friday - 8.30am to 6.00pm.

**This September**

**Monday & Tuesday (school day) term time only** - expecting 11 students from secondary schools - Philip Morant School, St Benedicts College, Manningtree High School, Stanway School, Alderman Blaxill School and Sir Charles Lucas

**Thursday & Friday (school day) term time only**- expecting 13 students from the following schools - Honeywood School, Thomas Lord Audley School, Philip Morant School, Manningtree High School and Stanway School

Students may leave the premises strictly only when given permission. The tutors are on Springlands premises at all times including break times. Breaks are usually 20 minutes up to an hour. We have a Behaviour Code of Conduct which is strictly enforced - students are made aware it is a privilege to be 'out of school' and on the rare occasion (as we select students carefully) we have and would exclude anyone not willing to conform. There is an emphasis on personal development throughout these courses, e.g. being good citizens and role models to children.

**Wednesday** - The facilities will be used by Early Years Practitioners undertaking their NVQ qualifications or other training; for individual study or small group work with a tutor.

Should the room not be used for training purposes, the area will be available for formal meetings.

Springlands Nursery closes down for five weeks per year during school holidays. The cabin will not be used in the evenings or at weekends.

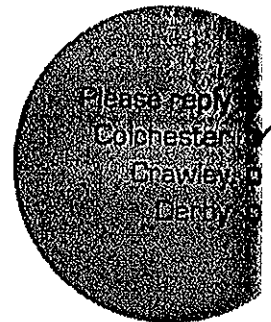
**Precisely what sort of classes would operate and how?**

Meetings as one would expect.

Classes would reflect the level of training being undertaken. All the training is around childcare and early education.

Each class is carefully planned and led by mature, qualified and experienced member of staff.

Teaching and learning is delivered through; instruction, worksheets, quizzes, short DVD/Video Clips, Power Point presentations, organised practical exercises as scenarios (such as, making babies bottles, planning craft projects [without children]) and having guest speakers. Students enjoy practical work with the children in the main nursery buildings.



Westwood Park  
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Little Horkeley  
Colchester  
Essex  
CO6 4BS  
Tel: 01206 274190  
Fax: 01206 274191

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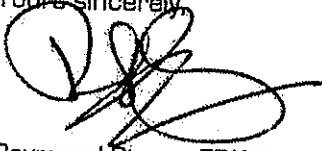
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The room would be resourced for individual/small group study for mature students (i.e. those not at school) carrying out assignments for their qualification and/or group work with a tutor.

I hope this information clarifies the proposed use of the log cabin however if you should need any more information please do not hesitate to contact me. I trust the application will now be considered at the next committee meeting on 1st July 2010. Please could you clarify this as soon as possible.

Yours sincerely,



Raymond Stemp FRICS FRTPI

Please reply to  
Colchester  
Crawley  
Derby

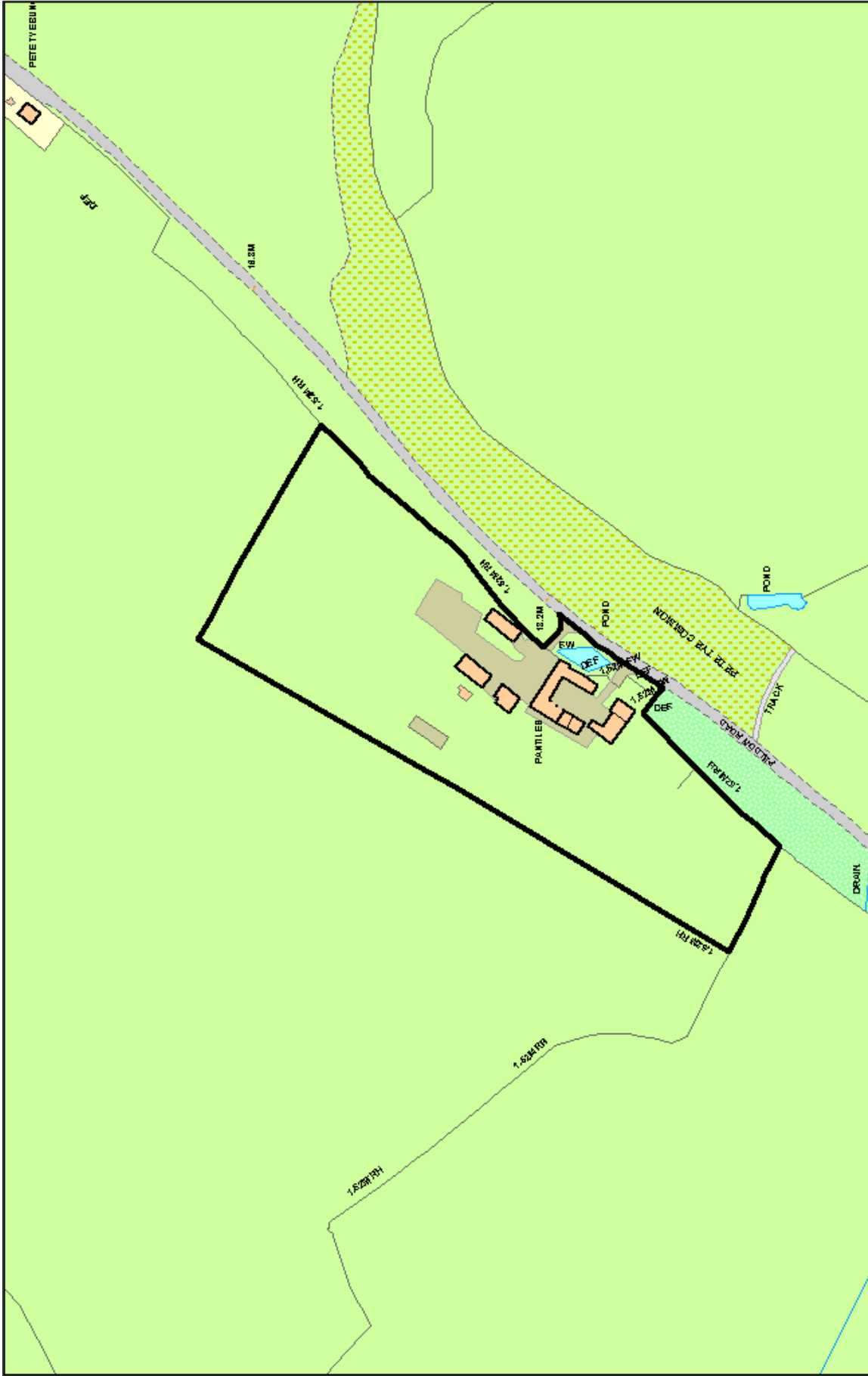
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Fax: 01293 763200

Regus House  
Herald Way  
Pegasus Business Park  
Castle Donington  
Derbyshire  
DE74 2TZ  
Tel: 01332 638107  
Fax: 01332 638001

Email: [raystemp@rsa-planning.co.uk](mailto:raystemp@rsa-planning.co.uk)  
[www.rsa-planning.co.uk](http://www.rsa-planning.co.uk)





## Site Location Plan

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**Complaint Reference:** 193986

**Site Location Address:** Pantile Farm, Peldon Road, Abberton, Colchester, CO5 7PD

**Date Produced:** 17 August 2010

(MAP NOT TO SCALE)

## Planning Committee

Item

8

26 August 2010

<b>Report of</b>	<b>Head of Environmental and Protective Services</b>	<b>Author</b>	<b>Sarah Hayes</b> ☎ 01206 282445
<b>Title</b>	<b>Land at Pantile Farm, Peldon Road, Abberton</b>		
<b>Wards affected</b>	<b>Pyefleet</b>		

**This report concerns unauthorised uses at Pantile Farm, Peldon Road, Abberton where Members have already approved enforcement action and advises Members of a variation to the action taken.**

### 1.0 Decision(s) Required

- 1.1 Members are advised that enforcement action under delegated authority has been taken. This is authorised where the action is the most appropriate remedy in relation to the circumstances of the case and is expedient, subject to a report to Members as soon as practical.
- 1.2 The compliance period for the enforcement action relating to the uses is six months as previously agreed.

### 2.0 Reasons for Decision(s)

- 2.1 Members considered an enforcement report on 17 June 2010 and agreed enforcement action in respect of unauthorised uses and a building which had been erected without the benefit of planning permission. At that time it appeared that several of the uses existing in buildings at the site may have been lawful due to the passage of time. In addition, part of the site has been considered appropriate for allocation as a Local Employment Site in the LDF. For this reason it had not originally been proposed to take action in respect of the uses in the existing buildings.
- 2.2 However, legal advice suggests that control of the uses in some of the buildings is likely to be possible. Further investigations are necessary to determine whether this is the case and if evidence can be obtained it would be desirable for the other uses to be included in the enforcement action. This would enable them to be controlled in the public interest. Currently the uses are operating without the benefit of planning control. They are not necessarily unacceptable, but this action would mean appropriate control could be exercised.
- 2.3 An aerial photograph of the site was taken on 25 August 2000. Members will be aware that enforcement action can only be taken for changes of use for a period of ten years after a breach commences. It is clear that there was no outside storage on 25 August 2000 and this evidence will be valuable in the event of an appeal. It was therefore important to take enforcement action before 25 August 2010.

### **3.0 Alternative Options**

- 3.1 The 'no action' option. Although the current uses in the buildings may not be causing a problem, as they do not benefit from planning permission, no conditions control how they operate. Enforcement action could allow them to continue with appropriate control.

### **4.0 Supporting Information**

- 4.1 The previous enforcement report is included as an appendix to this report.
- 4.2 This report was drafted at short notice. Further supporting information will be made available to Members in time for the meeting.

### **5.0 Proposals**

- 5.1 That Members note the action taken.

### **6.0 Equality and Diversity Implications**

The Council's Equality Impact Assessment for enforcement matters can be found on the Council's website, [www.colchester.gov.uk](http://www.colchester.gov.uk). Use the following links from the home page to get to the Equality Impact Documents for the Environmental and Protective Services Team. Council and Democracy > Policies, Strategies and Performance > Diversity and Equality > Equality Impact Assessments > Planning – Enforcement

### **7.0 Standard References**

- 7.1 There are no particular references to the Strategic Plan; publicity or consultation considerations; or financial; human rights; community safety; health and safety or risk management implications.



## Planning Committee

17 June 2010

Item

<b>Report of</b>	<b>Head of Environmental &amp; Protective Services</b>	<b>Author</b>	<b>Sarah Hayes</b> ☎ 01206 282445
<b>Title</b>	<b>Land at Pantile Farm, Peldon Road, Abberton</b>		
<b>Wards affected</b>	<b>Pyefleet</b>		

### This report concerns:

- (i) **various unauthorised business activities operating in buildings and on the land around Pantile Farm**
- (ii) **the erection of a large timber building on the site.**

### 1.0 Decision(s) Required

- 1.1 Members are requested to authorise enforcement action in respect of any unauthorised business uses at the site which have not become lawful due to the passage of time. A period of six months is considered appropriate as two businesses will need to relocate and failure to allow an adequate period of time may result in job losses which could have been avoided.
- 1.2 Members are requested to authorise enforcement action in respect of the large timber building. A period of two months is considered reasonable as there was no use operating in the building during a visit in May 2010.

### 2.0 Reasons for Decision(s)

- 2.1 There are two businesses operating outside the buildings on the site and a new building has been erected. The businesses and the building are unauthorised and are contrary to Policies DC1 and EMP4 of the Adopted Review Colchester Borough Local Plan and policies ENV1 and ENV2 of the Core strategy. The uses are also contrary to Planning Policy Statement 7 which deals with Sustainable Development in Rural Areas and Planning Policy Statement 4 which deals with Planning for Sustainable Economic Growth. Although the change of use of buildings may sometimes be allowed, outside storage and the erection of new buildings is not considered to be acceptable.

### 3.0 Alternative Options

- 3.1 A further period could be allowed for the submission of planning applications to try and regularise the unauthorised uses and building as requested by the owner. However, the owner has failed to submit applications despite being allowed over a year to do so. Therefore it is not considered reasonable to allow longer.
- 3.2 In addition, an aerial photograph is available which shows the site in August 2000. It is clear from this photograph that some of the uses, specifically the outside storage and most of the containers were not on the site ten years ago and are therefore not lawful. If the service of an enforcement notice is delayed after August 2010, the aerial photograph will be of far less assistance if the notice is appealed against.

## **4.0 Supporting Information**

- 4.1 A complaint was first received in September 2008 concerning an unauthorised industrial estate and the erection of a large building. A site visit showed that there were indeed many businesses operating from the site and that a building had recently been erected and was nearing completion.
- 4.2 The owner was keen to retain the business uses at the site and was advised of the options available. These were the submission of applications for certificates of lawful use to demonstrate that some of the non-agricultural uses had existed for more than ten years. Such uses would be lawful and immune from enforcement action.
- 4.3 The only option available for the businesses which were not lawful would be to obtain retrospective planning permission. The businesses which operate within existing buildings would probably be acceptable and permission granted. It is not proposed that any action is taken in respect of these businesses as it cannot be demonstrated that they cause any harm. These businesses may in fact be lawful, even though no certificate of lawful use has been submitted.
- 4.4 Two of the businesses are unlawful and also contrary to planning policies. One of these is the storage of reclaimed building materials, occurring outside the buildings. The aerial photographs in particular make the extent of the outside storage clear. It is understood that this business employs 15 people. Clearly employment is an important consideration, but it may be possible for the business to relocate to an alternative site and remain viable, particularly if a longish period for compliance is allowed.
- 4.5 The second business is a storage business operated from containers at the site. However, although most of the containers have been on site for less than ten years, three containers can be seen on the August 2000 aerial photograph and are therefore likely to be lawful. It is not known how many people are employed by this business, but the considerations are the same as with the reclamation company. It is proposed that enforcement action should be taken in respect of all the containers other than the three containers which may be lawful.
- 4.6 In addition a portacabin on site contains personal storage belonging to the owner's brother. This is clearly shown on the earliest aerial photo and it is not proposed that any action is taken regarding it.
- 4.7 The danger of underenforcement – If an enforcement notice is served and complied with, any unauthorised uses or buildings on the site will be automatically granted planning permission. It is therefore important to ensure that nothing is inadvertently omitted from the notice. This applies to the caravans and building mentioned at points 4.8 and 4.9 below.
- 4.8 Two touring caravans belonging to a friend of the owner have recently been moved onto the site, these should be included in the notice and removed from the site.

- 4.9 The large timber building which was the subject of the original complaint was originally constructed to stable the owner's daughter's horses. However, this is no longer the intended use and the owner has suggested the building may now be used for raising young birds, possibly guinea fowl. As there is no obvious existing agricultural activity at the site and certainly no existing agricultural business, the building cannot be erected as permitted development, even if it was to be used for agriculture. It is therefore proposed that an enforcement notice is served requiring it to be removed. Failure to include this building in the enforcement action could lead to underenforcement as described at 4.7. There is a right of appeal against an enforcement notice and the owner may appeal on the grounds that planning permission should be granted.
- 4.10 Policy advice is that part of the site has been considered appropriate for allocation as a Local Employment Site and this is shown on the Proposals Maps which support the LDF, which is included with this report. The whole site was originally put forward for consideration, however after work undertaken on the Sustainability Appraisal it was considered only appropriate to allocate 0.47ha of the site which is roughly the former agricultural buildings currently on the site. The range of uses considered suitable are B1b, B1c, B2 and B8 uses. However B8 distribution is not considered appropriate on this site. Any uses would be subject to planning application and limited to the existing buildings and not spread out across the whole of the site.

## **5.0 Proposals**

- 5.1 The Business and other storage uses - That an enforcement notice is issued requiring that all outside storage at the site should cease. This will include all storage of building materials by the reclamation company and all but three of the storage containers on the site. It will also include the two caravans. A period of six months should be allowed for compliance.
- 5.2 The Timber Building – That a enforcement notice is issued in respect of the black boarded building with a compliance period of two months.

## **6.0 Standard References**

- 6.1 There are no particular references to the Strategic Plan; publicity or consultation considerations; or financial; equality, diversity and human rights; community safety; health and safety or risk management implications.





## Planning Committee

Item

9

26 August 2010

<b>Report of</b>	<b>Head of Environmental and Protective Services</b>	<b>Author</b>	<b>Alistair Day</b> ☎ 01206 282479
<b>Title</b>	<b>Endorsement of S106 agreements linking the retained garrison buildings to the outline planning approval for the Garrison Urban Village Development (O/COL/01/0009) and the associated s299a legal agreement</b>		
<b>Wards affected</b>	<b>Shrub End, Christ Church and New Town</b>		

**Report seeking Members' endorsement for the signing of s106 agreements to link the retained garrison buildings to the requirements of the outline planning permission for the Garrison Urban Village development and the associated s299a legal agreement.**

### 1. Decision Required

- 1.1 Members are asked to delegate to the Head of Environmental and Protective Services the authority to issue planning approval(s) for the conversion and alteration of retained garrison buildings with a s106 agreement that links the said application(s) to the main garrison legal agreement where the decision would otherwise be delegated.

### 2. Reasons for Decision(s)

- 2.1 The endorsement of Members is required to enter into a legal agreement to link the planning applications for the alteration and conversion of the retained Garrison buildings to the requirements of the outline Garrison planning approval and associated 299a legal agreement.

### 3. Alternative Option

- 3.1 If Members decide not endorse the described approach, all planning applications for the alterations and conversion of retained garrison buildings will need to be presented to the Planning Committee (even if no objection has been received in respect of the development proposal) in order to obtain Members' approval to link the application to the outline garrison planning permissions and the 299a legal agreement

### 4. Supporting Information

- 4.1 Outline planning permission was granted for the Garrison Urban Village Development in June 2003 and is subject to the various planning conditions and legal obligations which are set out in the s299a agreement; the legal agreement provides for the retention of identified former garrison buildings.

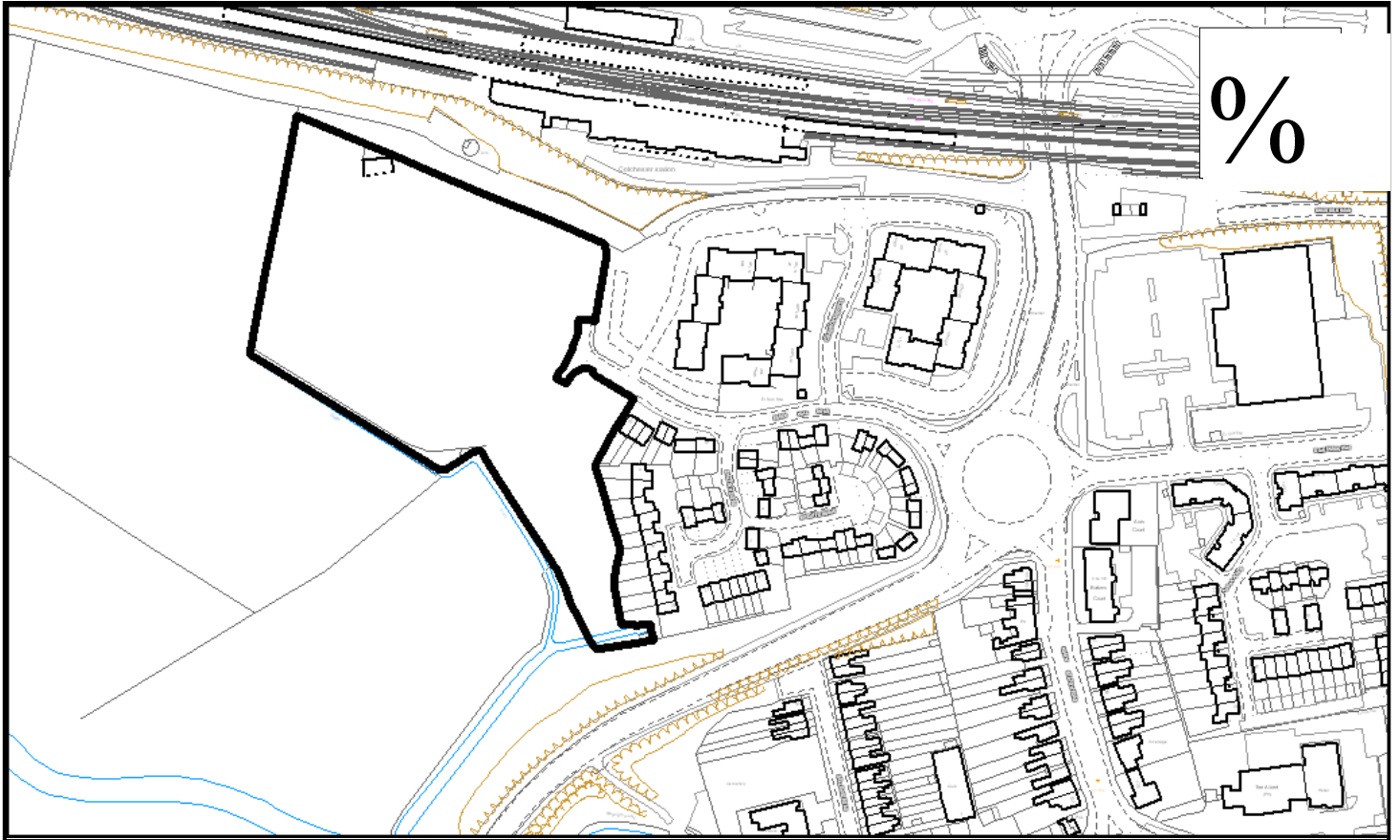
- 4.2 While it was always intended that the former garrison buildings of architectural or historic interest would be retained and incorporated into the Garrison Urban Village Development, it is not technically possible to deal with such proposals under the outline planning application or the associated reserved matters planning applications. For this reason, it is necessary for the developer to submit applications for full planning permission for the proposed conversion and alteration of the retained buildings; these applications are totally separate from the main garrison application however, because they form an integral part of the Garrison development, Legal Services have advised that these applications should be linked to the requirements of the outline garrison planning approval by a legal agreement.
- 4.3 The Planning Committee has previously approved a scheme for the conversion and alteration of the former Cavalry Barracks buildings CAV 1, CAV 3, CAV 4 -6, CAV 7 & 8 on Garrison Area J2 with a legal agreement linking this development to the requirements of the outline planning application and the 299a legal agreement. In addition to these buildings, there are various other historic buildings within the former Cavalry and Artillery Barracks (Areas K, J2, J1, H) the former 'Flagstaff Complex (Areas B1a & B1b), the former Goojerat Barracks (Areas L&N) and the former Hyderabad and Meeanee Barracks (Area A1) that have been identified for retention.
- 4.4 In view of the potential number of applications for the conversion of the retained garrison buildings, it is recommended that the Planning Committee delegate to the Head of Environmental and Protective Services the authority to issue a planning approval that is subject to a S106 agreement linking such application to the main garrison agreement where the decision would otherwise be delegated – i.e. no objection is raised and/or there is not a requirement for additional S106 obligations.
- 4.5 The adoption of the approach described above, will help to improve the efficiency of the decision making process (and thus assist the Local Planning Authority in meeting the government target in respect of the determination of planning applications) and avoid the submission of non-contentious applications to the Planning Committee.

## **5. Strategic Plan References**

- 5.1 The redevelopment of the Garrison site is an important corporate objective within the Strategic Plan.

## **6. Standard References**

- 6.1 The proposal set out in this report does not directly raise any implications in respect of publicity considerations or Financial, Equality, Diversity and Human Rights, Community Safety, Health and Safety or Risk Management Implications.



**Application No:** 082124

**Location:** Land To The west of Essex Hall Road, Colchester

**Scale (approx):** Not to scale

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## Planning Committee

Item  
**10**

26 August 2010

<b>Report of</b>	<b>Head of Environmental and Protective Services</b>	<b>Author</b>	<b>David Whybrow</b> ☎ 01206 282444
<b>Title</b>	<b>Erection of new care home and special needs unit with attendant gardens and car parking and the establishment of approx 1.35 Ha of public open space – Land to rear of west of Essex Hall Road, Colchester</b> <b>Application No. 082124</b>		
<b>Wards affected</b>	<b>Castle</b>		

**Members are requested to authorise a variation to the legal agreement accompanying Application 082124 in order to reduce the open space/sport and recreation contribution figure following discussions with, and agreement by, the Parks and Recreation Manager.**

### 1. Decision(s) Required

- 1.1 Members authorise a reduction in the open space, commuted sum associated with the above proposal, from £138,154 to £59,234.80, it having been confirmed that this represents the correct sum for landscape maintenance having regard to the character and layout of the open space provision at the site when broken down into its constituent parts.

### 2. Reasons for Decision/Supporting Information

- 2.1 Full planning permission was granted for the Essex Hall development in December 2009. This comprised new care home, special needs unit and establishment of approximately 1.35 ha of public open space. The legal agreement accompanying the application required, amongst other items, the transfer of the open space to the Council with standard commuted sums.
- 2.2 The agent has subsequently negotiated with the Case Officer and Parks and Recreation Manager with a request that the amount of the commuted sum be re-calculated, based on the way the open space was to be laid out in terms of suburban countryside; existing semi-mature/mature trees, new trees/woodland planting/shrub planting/hedges and footpaths, by area and rate. On this basis it has been confirmed that the lower figure, £59,234.80 complies with normal rates and costs and is acceptable (details set out in table below):

	Rate	Quantity	Cost (£)
Suburban countryside	10875	1.02	11,092.50
Existing semi-mature	326	28	9,184.00
Existing mature	538	30	16,140.00
New Trees	102	48	4,869.00
Woodland Planting	3.74	580	2,169.20
Shrub planting	11.07	363	4,018.41
Hedge	11.07	184	2,036.88
Footpaths	16.19	599	9,697.81
TOTAL			59,234.80

### 3. Alternative Options

- 3.1 If the variation did not proceed, it is unlikely the developer would accept the much larger, original sum, the development would be unlikely to proceed and the Local Authority would not receive the open space area which complements its other land holdings in the Cymbeline Meadows area.

### 4. Strategic Plan References

- 4.1 The delivery of open space within new developments contributes towards strategic plan “quality of life” objectives.

### 5. Consultation

- 5.1 None

## INDEX TO PLANNING APPLICATIONS CODES

<b>A</b>	Advertisements	<b>K</b>	Certificate of Lawfulness
<b>AG</b>	Agricultural Determination	<b>LB</b>	Listed Building
<b>C</b>	Change of Use	<b>M</b>	County Matter
<b>CA</b>	Conservation Area	<b>O</b>	Outline
<b>CBC</b>	Colchester Borough Council	<b>PA</b>	Prior Approval
<b>CC</b>	Essex County Council	<b>RM</b>	Reserved Matters
<b>F</b>	Full	<b>S</b>	Electricity Consultation (Overhead Lines)
<b>G</b>	Government Dept. Consultation	<b>T</b>	Renewal of Temporary Permission
<b>J</b>	Alternative Development	<b>X</b>	Demolition in Conservation Area

## INDEX TO BACKGROUND DOCUMENTS/REPORTS CODES (UPDATED OCTOBER 2000)

**Note: Any Document or Consultee not included in these lists will be specified in full.**

<b>ARC</b>	Adopted Review Colchester Borough Local Plan March 2004
<b>BOT</b>	St Botolphs Development Brief
<b>CHD</b>	Colne Harbour Urban Design Framework SPG - Nov. 2000
<b>CPS</b>	Cycle Parking Standards
<b>ERP</b>	Essex and Southend on Sea Replacement County Structure
<b>GAP</b>	Gosbecks Archaeological Park Draft Management Plan
<b>HCP</b>	High Woods Country Park Management Plan
<b>MSP</b>	Essex County Council - Minerals Subject Plan
<b>VEM</b>	East Mersea Village Appraisal - 19 February 1996
<b>VFC</b>	Village Facilities Survey 1995
<b>VFD</b>	Fordham Village Appraisal - 31 August 1994
<b>VFG</b>	Fingringhoe Village Appraisal - 1 September 1993
<b>VGT</b>	Great Tey Village Appraisal - 19 July 1993
<b>VLG</b>	Langham Village Appraisal - 6 April 1994
<b>VPL</b>	Peldon Village Appraisal - 4 June 1994
<b>VRH</b>	Rowhedge Village Appraisal - 20 November 1995
<b>VWG</b>	West Bergholt Village Appraisal - 30 August 1995
<b>WMW</b>	West Mersea Waterside Study

## INTERNAL CONSULTEES

<b>BC</b>	Building Control Manager
<b>CD</b>	Conservation & Design Manager
<b>CF</b>	Financial Services
<b>CU</b>	Head of Street and Leisure Services
<b>DO</b>	Disability Access Officer
<b>HA</b>	Highway Authority (ECC)
<b>HD</b>	Housing Development Officer
<b>HH</b>	Environmental Protection (Env. Control)
<b>MR</b>	General Manager (Museum Archaeological)
<b>PP</b>	Head of Housing & Environmental Policy
<b>SE</b>	Head of Enterprise and Communities
<b>SL</b>	Legal Services
<b>TL</b>	Trees & Landscapes Officer - Planning Services

## REPRESENTATIONS ETC

<b>CAA</b>	Correspondence with applicant/agent
<b>CBC</b>	Colchester Borough Councillor(s)
<b>LAS</b>	Other Local Amenity Society(ies) (not listed elsewhere)
<b>NLR</b>	Neighbours or Local Resident(s)
<b>OTH</b>	Other correspondence
<b>PTC</b>	Parish & Town Council(s)

## EXTERNAL CONSULTEES (2 character codes)

<b>AB</b>	Soc Protection Ancient Buildings	<b>HG</b>	English Heritage - Historic Gardens
<b>AM</b>	Ancient Monuments Society	<b>HM</b>	English Heritage (Hist. Mon. Section)(England)
<b>AR</b>	Ardleigh Reservoir Committee	<b>HO</b>	The Home Office
<b>AT</b>	Colchester Archaeological Trust	<b>HS</b>	Health & Safety Executive
<b>AV</b>	Civil Aviation Authority	<b>IR</b>	Inland Revenue (Valuation)
<b>AW</b>	Anglian Water Services Limited	<b>LF</b>	Environment Agency (Waste Regs)
<b>BA</b>	Council for British Archaeology	<b>MD</b>	Defence Estates (East)
<b>BD</b>	Braintree District Council	<b>MH</b>	NEE Mental Health Services Trust
<b>BG</b>	Transco (B Gas)	<b>MN</b>	Maldon District Council
<b>BH</b>	Babergh District Council	<b>MS</b>	Marine Safety Agency
<b>BO</b>	Blackwater Oystermans' Association	<b>NC</b>	English Nature
<b>BT</b>	British Telecom	<b>NE</b>	North Essex Health Authority
<b>BW</b>	Essex Bridleways Association	<b>NF</b>	National Farmers Union
<b>CA</b>	Cmsn for Architecture & Built Environment	<b>NI</b>	HM Nuclear Installations Inspectorate
<b>CB</b>	Churches Conservation Trust	<b>NP</b>	New Possibilities Healthcare Trust
<b>CE</b>	County Education Department (ECC)	<b>NR</b>	Environment Agency
<b>CH</b>	Country Highways (Surveyor ECC)	<b>NT</b>	The National Trust
<b>CS</b>	Colchester Civic Society	<b>PD</b>	Ports Division (DETR)
<b>CY</b>	Colchester Cycling Campaign	<b>PT</b>	Petroleum Officer (ECC Trading Standards)
<b>DS</b>	Department of Social Security	<b>RA</b>	Ramblers Association
<b>DT</b>	Route Manager - Highways Agency	<b>RD</b>	The Rural Development Commission
<b>DV</b>	Dedham Vale Society	<b>RE</b>	Council Protection Rural Essex
<b>DW</b>	Dedham Vale & Stour Valley Project	<b>RF</b>	Royal Fine Art Commission
<b>EB</b>	Essex Badger Protection Group	<b>RP</b>	Rowhedge Protection Group
<b>EE</b>	Eastern Electricity – E-On	<b>RR</b>	Roman River Valley Society
<b>EH</b>	English Heritage	<b>RS</b>	RSPB
<b>EI</b>	HM Explosive Inspectorate	<b>RT</b>	Railtrack East Anglia
<b>EN</b>	Essex Wildlife Trust	<b>RY</b>	Royal Yachting Association
<b>EP</b>	Essex Police	<b>SB</b>	Save Britain's Heritage
<b>EQ</b>	Colchester Police	<b>SD</b>	MAFF Fisheries Office/Shellfish Division
<b>ER</b>	Essex Rivers Healthcare Trust	<b>SK</b>	Suffolk County Council
<b>ET</b>	Fair Trading (ECC Trading Standards)	<b>SR</b>	The Sports Council – Eastern Region
<b>EU</b>	University of Essex	<b>ST</b>	Colne Stour Countryside Association
<b>EV</b>	Environmental Health (ECC - Env. Services)	<b>TB</b>	Tollesbury Parish Council
<b>EW</b>	Essex & Suffolk Water Company	<b>TG</b>	Tendring District Council
<b>FA</b>	Essex Police - Fire Arms Officer	<b>TI</b>	Department of Trade and Industry
<b>FB</b>	Essex Fire & Rescue Service	<b>TK</b>	Tolleshunt Knights Parish Council
<b>FC</b>	Forestry Commission	<b>TW</b>	20 <sup>th</sup> Century Society
<b>FE</b>	Feering Parish Council	<b>VI</b>	Vehicle Inspectorate (GVTS)
<b>GA</b>	Colchester Garrison HQ	<b>VS</b>	Victorian Society
<b>GE</b>	Government Office for the East of England	<b>WS</b>	The Wivenhoe Society
<b>GU</b>	HM Coast Guard	<b>WT</b>	Wivenhoe Town Football Club
<b>HB</b>	House Builders Federation	<b>WA</b>	Wormingford Airfield (Gliding Club)
<b>HE</b>	British Horse Society	<b>WW</b>	Society Protection Ancient Buildings (Wind & Watermill Section)





## **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.