

**COLCHESTER BOROUGH COUNCIL
PLANNING COMMITTEE
11 August 2011 at 6:00pm**

SUPPLEMENTARY AGENDA

Part A

(open to the public including the media)

Pages

9. Amendment Sheet

38 - 39

See Amendment Sheet.

PLANNING COMMITTEE

14 JULY 2011

- Present :-* Councillor Ray Gamble* (Chairman)
Councillors Peter Chillingworth*, John Elliott*,
Stephen Ford, Peter Higgins*, Theresa Higgins*,
Sonia Lewis*, Jon Manning, Philip Oxford and
Laura Sykes*
- Substitute Members :-* Councillor Dennis Willetts
for Councillor Christopher Arnold*
Councillor Will Quince for Councillor Jackie Maclean*
- Also in Attendance :-* Councillor Nick Barlow
Councillor Bill Frame
Councillor Mike Hardy
Councillor Marcus Harrington
Councillor Beverley Oxford
Councillor Gerard Oxford

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

25. Minutes

Subject to the following amendments to the minutes for the meeting held on 26 May, the minutes of the meetings held on 26 May and 30 June 2011 were confirmed as a correct record:-

Councillor Barlow to be added to those councillors who were noted as Also in Attendance; and the figure of 75,000 be amended to 275,000 within the paragraph which recorded the representations made by Will Pavry, Chairman of the Stour Valley Action Group.

Councillor Sonia Lewis (in respect of her acquaintance with Mr Beresky) declared a personal interest in the following item pursuant to the provisions of Meetings General Procedure Rule 7(3)

Councillor Laura Sykes (in respect of her membership of Stanway Parish Council) declared a personal interest in the following item pursuant to the provisions of Meetings General Procedure Rule 7(3)

26. 110736 Wyvern Farm, 274 London Road, Stanway, CO3 8PB

The Committee considered a retrospective application to regularise unauthorised uses in respect of Units 17, 18, 25 and 29 for light industrial (B1c), storage use (B8), retention of existing portacabins for office use (B1a), together with storage of hardcore and occasional crushing. The Committee had before it a report in which all information

was set out, see also Amendment Sheet.

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

Mr Beresky addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in opposition to the application. He thanked the Committee because they had achieved extra conditions which were now proportionate to the activity. Local residents did not consider that this activity was light industrial activity because of the machinery used and tonnages of material being crushed. There remained some concern regarding the noise emitted by the crushing machine which could be compared to a light aircraft, and he asked if this was really the type of activity which should be undertaken in this area. He was aware that the operator had approval to load three lorries per day but there could be five or six vehicle movements a day in connection with the crushing activity and there could be additional vehicles coming and going. He speculated that if the tonnage to be crushed was equivalent to 240 tonnes and the vehicles arrived with a part load the number of vehicle movements would increase.

Members of the Committee welcomed the applicant's response to the Committee's comments at the last meeting and the consequent extra conditions. They were aware that the land was zoned for predominantly residential use and speculated that if this was a new application rather than a retrospective one, it may not have been recommended for approval. Reassurance was sought that in the event that of the conditions not being complied with then rigorous enforcement action would follow. Members reiterated the public speaker's request for screening to reduce the noise from the crushing activity. In respect to the applicant's offer to re-site the crushing activity, it was preferred that it remain in its current location rather than expose a wider area to the noise and dust. There was a query regarding the definition of light industry.

The planning officer explained the definition of light industry and considered that the crushing activity was not light industry but fell within the definition of general industry. She considered the suggestion for screening along the boundary adjacent to the crushing activity could be included. She also responded to the noise of crushing activity in respect of it being similar to a light aircraft, but with a different type of noise. She believed that with the safeguards being suggested there would not be a significant impact on residential amenity. She confirmed that the number of vehicle movements was restricted to three HGVs with the times and days of use as indicated. The crushing equipment had a limited capacity which was reflected in the number of occasions when it could be used. She believed it would be difficult to monitor because it was an average and it would also be difficult to separate out other traffic visiting the site from the crushing vehicles.

RESOLVED (ONE voted AGAINST) that the application be approved for a temporary period ending on 28 July 2014, with the exception of the storage and crushing of hardcore which shall cease on 20 August 2013, with conditions and informatives as set out in the report. An extra condition to be added to require details of screening along the boundary where the crushing activity takes place to be agreed by the Local Planning Authority.

27. 091563 Area S2, Colchester Garrison Urban Village, Berechurch Hall Road, Colchester

The Committee considered an application for the erection of twenty-one residential units on land formerly identified for employment purposes as a part of the Garrison Urban Village development. It was explained that this proposal for residential use was being put forward because there had been a reduction in the viability of an employment use. Subject to the Committee's endorsement, the application would provide a 'reduced' Section 106 package which would comprise solely of a pilot scheme for the delivery of five affordable houses. The Committee had before it a report in which all information was set out, see also Amendment Sheet.

RESOLVED (UNANIMOUSLY) that –

- (a) Consideration of the application be deferred for completion of a Section 106 legal agreement to provide for five affordable units.
- (b) Upon receipt of a satisfactory Section 106 legal agreement, the Head of Environmental and Protective Services be authorised to grant consent with conditions and informatives as set out in the report and on the Amendment Sheet.

Councillor Ray Gamble (in respect of being a member of this Council's Standards Committee, the Chairman of which body was in the audience) declared a personal interest in the following item pursuant to the provisions of Meetings General Procedure Rule 7(3)

28. 102598 Land rear of 53, 53A, 55 Lexden Road, Colchester, CO3 3PZ

The Committee considered an application for the erection of a new dwelling house with associated garage/parking facilities served via an existing access road/drive. 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.

Alistair Day, Principal Planning Officer, attended to assist the Committee in its deliberations. He put forward the suggestion that a construction methodology statement should be submitted regarding storage of materials, loading and unloading,

Robert Bartholomew addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in opposition to the application. He referred to many of the objectors being allotment holders who were aware of the difficulties that a new house on the lane would pose. There were particular concerns about the entrance onto Lexden Road which would be dangerous. The lane was barely ten feet wide so there

was no ability for cars to pass. He requested a condition be applied to guarantee access along the drive. He also referred to previous applications which had been refused on the grounds of the access being inadequate and he believed that the lane would be impractical for construction vehicles. He asked the Committee to endorse the access as a reason for refusal.

Steve Norman addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in support of the application. He referred to objections to previous proposals being the inadequacy of the access to the site. The plaque on the pillar at the junction with Lexden Road provided evidence that the drive had served Grove Lodge; it was also the access to the council allotment site. On the basis that the drive was acceptable to serve Grove Lodge it did not seem unreasonable that it could serve an alternative property and this stance was supported by the Highway Authority who had not objected to the proposal. Furthermore, the width of the drive at the front of the site would be of sufficient width for two vehicles to pass and provision would also be made for emergency vehicles. The size of construction vehicles could be restricted by condition or legal agreement.

Councillor Frame attended and, with the consent of the Chairman, addressed the Committee. This was the eighth application and all previous applications had been refused and appeals dismissed by Planning Inspectors. This proposal had been through a fairly rigorous process in terms of whether it was suitable for this plot of land. He referred to the Planning Inspector's report in following an appeal in 1997 at which time the Inspector had accepted that there was no right of access to Grove Lodge so a new development on this site would not be a replacement. The Highway Authority had not objected to the last three applications but they had all been refused and the Planning Inspector had supported those decisions. At an appeal in 1996 the Inspector had stated that the width of the driveway was inadequate to cater for the safety of the proposals. Councillor Frame asserted that nothing had changed since that time in relation to this application and in his opinion this was an intensification of the use of the drive. He urged the Committee to reject the application.

Councillor Hardy attended and, with the consent of the Chairman, addressed the Committee. He referred to the site as never having been part of the Grove Lodge site, but originally it had been part of the plot now occupied by number 53A. Any concerns that he might have had about the building had been addressed in the conditions. He had visited the allotment site at varying times and noted the presence or absence of vehicles. The greatest number of cars he observed was six, but recently there had been either no more than two or no cars at all, and he had never seen a pedestrian; he concluded that the volume of traffic along The Chase was very light. He did not believe that The Chase was exclusively for any one user and he upheld the lawful right of access of the allotment holders. He also believed that this proposal was not inappropriate and whilst the access arrangements were not ideal they were not unworkable. He could see no reason to oppose the recommendation.

Whilst members of the Committee were generally in agreement, some concerns were expressed. The entrance was a concern, although members considered that it was no worse than any other entrance along Lexden Road. The provision of a turning point at the gateway to the proposed dwelling would be an advantage, as would clear access in

front of the double gates serving the tennis court and the gateway to the allotment site. It was considered preferable for construction vehicles to be kept on site and the submission of a construction method statement was supported. There was a request for the removal of permitted development rights to retain some control over further development.

The planning officer explained that Condition 4 on the Amendment Sheet removed permitted development rights. A condition could be added requiring the submission and agreement of a construction method statement, and the size of construction vehicles to be restricted. Provision of a turning area for cars would also be possible. The Highway Authority had confirmed that although pedestrian visibility was substandard, vehicular visibility onto Lexden Road was acceptable.

RESOLVED (TWO voted AGAINST) that –

(a) Consideration of the application be deferred for completion of a Section 106 legal agreement to provide for a contribution towards:- Open Space, Sport and Recreational Facilities, and Community Facilities, in accordance with the Council's Supplementary Planning Documents.

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

- Condition requiring submission of an agreed construction method statement;
- Condition requiring submission of an agreed boundary treatment scheme across the plot frontage;
- Informative reminding applicant/builder to maintain unrestricted access to allotment site.

Councillor Jon Manning (in respect of his girlfriend's son who lives almost opposite the site but was not an objector) declared a personal interest in the following item pursuant to the provisions of Meetings General Procedure Rule 7(3)

29. 110678 Greenways, St Fillan Road, Colchester, CO4 0PT

The Committee considered an application for proposed amendments to change the approved activity rooms and staffroom into five additional bedrooms to the approved scheme for a sixty-six bedroom care centre, making it a seventy-one bedroom care centre. 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.

Councillor Ray Gamble (in respect of his former role as Chairman of the Governing Body of Highwoods Community Primary School) declared a personal interest in the following item pursuant to the provisions of Meetings General Procedure Rule 7(3)

Councillor Philip Oxford (in respect of his son being a pupil at Highwoods Community Primary School) declared a personal interest in the following item pursuant to the provisions of Meetings General Procedure Rule 7(3)

30. 111040 Junction of Eastwood Drive and Highclere Road, Colchester

The Committee considered an application for the installation of a 17.5 metre high street works style telegraph pole wood effect brown in colour with replica footpegs, supporting six antennas therein with a ground level cabinet measuring 1.9 metres x 0.8 metres x 1.65 metres plus ancillary apparatus to be shared by Vodafone and O2. 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.

Sue Jackson, Principal Planning Officer, attended to assist the Committee in its deliberations. She referred to the Amendment Sheet and the Arboricultural Officer's recommendation of a refusal on the basis of there being no information supplied on any impact on the adjacent trees. She also made reference to the appendix to the report.

Nigel Hookway, Headteacher, addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in opposition to the application on behalf of Highwoods Community Primary School and the local community, including Brinkley Grove Primary School which was nearby. He referred to the strong objections made by the Governing Body of Highwoods CPS due to the school's playground being just 100 metres from the proposed site of the mast. Many of the children from both these schools would pass by the site and they were concerned about the possible problems caused by the base of the mast where pedestrians may step out into the road; they were also concerned about the height of the mast. The report referred to schools or colleges in the vicinity being consulted, but Highwoods CPS had not been consulted. The health of the children was their major concern. He was aware of work done in Scandinavia where a different view on phone masts had been taken.

Councillor G.Oxford attended and, with the consent of the Chairman, addressed the Committee. He referred to a preliminary enquiry made by the applicant for a lower mast and cabinet on a site close to the site for this application. Officers had considered the lower mast to be unacceptable due to the height and the bulk, yet the applicant had returned with this higher and more bulky design. He also quoted remarks made by the Independent Expert Group on Mobile Phones as set out in paragraph 12.10, and to Mr Hookway's comments regarding research undertaken in Scandinavia to which he asserted the Government should have regard. He referred to an application in Norman Way which had been refused on the grounds of school children

using that route and he considered that those grounds were more applicable for this application because of the young age of the children, 2 ½ years to 16 years, 225 pre-school age children, 400 at Highwoods Community Primary School, 1,283 at The Gilbert School and 410 at Brinkley Grove Primary School. He wanted to place on record his thanks to Sophie Beech who had undertaken a survey on footfall, the results of which were appended to the report. He confirmed this was a high footfall area with a major supermarket, health facilities, the post office and the community centre. There were concerns regarding the cabinet especially if there was to be a surrounding fence which could cause groups of people passing by to go into the road. He referred to the conclusions of the Arboricultural Officer that it could be refused because no survey on hedges and trees had been submitted. He was aware of the recommended grounds to refuse the application but believed that there was sufficient evidence to add health concerns to the refusal notice.

Councillor B.Oxford attended and, with the consent of the Chairman, addressed the Committee. She was aware that councillors could not refuse applications on health grounds. However, residents were very concerned and it could affect the whole community. She referred to research which had identified that radio frequency magnetic fields could be harmful, to comments on health issues made by the applicant set out in the report, and also to the work done by the Independent Expert Group on Mobile Phones which concluded that it was currently not possible to say that masts were totally without health effects and a precautionary approach was justified. She believed that the advice should be to err on the side of caution. Many children were living within 400 metres range of the site. Highwoods was an attractive leafy community to live in and this mast would be out of character; trees may be damaged in the erection of the mast. The site was one of the main access points for the community with a high daily footfall. Residents believed the mast was not needed and they urged the committee to bear their concerns in mind and to refuse the application.

Some members of the Committee were also concerned about the children in the area, and wanted the health issue added to the reasons for refusal. Other members wished that the fear of health implications could also be added. One member referred to the amount of exposure to radio frequency radiation when making calls from a mobile phone was far lower than radio frequency radiation received from a mast or a base station. There were valid reasons for a refusal as set out in the report to which the absence of an arboricultural report could be added. The committee was aware that Government advice was that a refusal on the grounds of health impacts would not be permitted and if the applicant went to appeal there would be the possibility of the council having to pay costs. The committee were very concerned at the negative impact of the height of the mast on the character of the area which they considered was unacceptable.

The planning officer reiterated the Government advice on health issues, stating that a precautionary approach was being employed by the industry. This mast would operate at a frequency lower than that which was permitted. She explained that when an appeal was submitted the Local Planning Authority was required to substantiate all the reasons for refusal and costs may be awarded against the council on the basis of the refusal including health grounds. The planning system was not the place to consider health safeguards.

The Chairman thanked the local residents for compiling the report on the impact of the proposed mobile phone mast installation on the Highwoods community but explained that the Committee was required to comply with Government guidance.

RESOLVED (UNANIMOUSLY) that the application be refused for reasons below as set out in the report and on the Amendment Sheet:-

(a) The proposed mast is designed to have the appearance of a “mock telegraph pole” however at a height of 17.5 metres it would be considerably higher than adjacent street furniture and also project above trees on the highway verge. As a consequence the mast would be detrimental to the visual amenity of the area and to residential amenity and contrary to policy UR2 in the adopted Colchester Borough Core Strategy (December 2008) and policy DP1 in the adopted Colchester Borough Development Policies (October 2010).

(b) The application does not include a tree/hedgerow survey in line with BS 5837 (4.2 and 4.3) guidelines with protection zones within the development footprint. The survey should be able to be read against any proposed layout drawing and for all trees affected by the development (on and off site):

Record:

- Health
- Vigour
- Condition
- Species
- Height
- Trunk diameter at 1.5 AGL
- Category
- Age
- Relevant details/significant defects
- Remedial works required

Illustrate:

- Colour coded accurate existing true crown spreads
- Tree protection zone (including BRE requirements where applicable)
- Professionally assessed mature crown spread (where significant growth still expected)

The above may generate the requirement of a Categorization & Constraints Plan (set against the proposal footprint) and Tree Protection Plan and Arboricultural Implication Assessment/Method Statement, drawn up by an arboricultural consultant. This data is required to fully quantify the proposal, demonstrate no detrimental effect to principal landscape features (e.g. trees), secure their protection during proposed development and detail any specialist construction techniques and post construction works required and should be submitted for analysis/agreement. In the absence of this information it is not possible to properly assess the impact of the proposed development on the

principle landscape features and it therefore contrary to policy DP1 in the adopted Colchester Borough Development Policies (October 2010).

Councillor Peter Chillingworth (in respect of having undertaken work for Robinson and Hall in his role as a consultant) declared a personal interest in the following item pursuant to the provisions of Meetings General Procedure Rule 7(3)

Councillor Theresa Higgins (in respect of her membership of Fair Access to Colchester) declared a personal interest in the following item pursuant to the provisions of Meetings General Procedure Rule 7(3)

31. 110451 Hill House Farm, Colchester Road, West Bergholt, CO6 3JQ

The Committee considered an application for the construction of a vehicular access and driveway. The Committee had before it a report in which all information was set out, see also Amendment Sheet.

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

Andrew Tyrrell, Development Manager, and Alistair Day, Principal Planning Officer, attended to assist the Committee in its deliberations. The planning officer commented that the Highway Authority had confirmed that the proposal represented an improvement over what already existed, albeit that it did not comply with the standard site splay.

Mark Pollitt addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in opposition to the application. He referred to the minimum standard sightline being 160 metres, the sightline for the new access being 52 metres, and a second recommendation from a highway engineer that it was 57 metres. He was unable to understand why this should occur within a period of five weeks. There was no explanation provided that this case justified such a major change of standards and policy. There was no record of the decision for this major change nor was any evidence given by the senior officials and Essex County (ECC) councillors of the decision to deviate from the adopted policy. He had serious doubts that the ECC procedures were correct and he had been advised to contact the Complaints and Review Team. He questioned whether the Committee could be confident that they had a reliable recommendation from the Highway Authority on which to base their decision. The risk was the possibility of a legal challenge.

Peter Le Grys, Chartered Town Planner with Robinson and Hall, addressed the Committee on behalf of Mr Pulford pursuant to the provisions of Planning Committee Procedure Rule 8 in support of the application. The applicant was a farmer and as such was able to construct an access across his land as permitted development. He understood he could construct it on to the existing track but he required permission for the access onto the highway. He confirmed that there had been no meeting with the Highway Team at Essex County Council, but there had been correspondence and they

had acknowledged the issues of fact set out in the report and on the Amendment Sheet. He confirmed there had been an offer for him to use the existing track which was unconditional. All the applicant wished to do was to move the access 12 metres away from the existing access which would improve visibility.

Councillor Harrington attended and, with the consent of the Chairman, addressed the Committee. The reason for the new access was stated as safety, position and size, but together with the existing access it would present an unattractive feature. Visibility would be restricted by the hedge to the north and the fall in the road to the south. The development for a change of use was restricted to one business only but there were genuine grounds to suspect that this could lead to further commercial development on the site; any further development could lead to incursion into the land between West Bergholt and Braiswick, with attendant nuisance, noise and activity. He related the recent history between the applicant and the neighbour which had culminated in this application. If this application was refused, Bounceability would be able to use the existing access and residents could have peace of mind that further development would be prevented or need amendment with the restriction.

Members of the Committee expressed varying views. One was concerned that the site was outside the village envelope and the speed limit on the road being 60mph. The report referred to there being no intensification on the site, but it had been hoped that the committee would insist on a safe junction. Another view considered that there seemed to be a confusing message from the Highway Authority, while yet another considered the Highway Authority to be the experts and that the application should be supported.

The planning officer explained that the application for a business in the barn was granted with permission to use the existing track but now there appeared to be a difference of opinion over the use of this track. This proposal was a new access track and the opportunity was being taken to improve access for farm vehicles. The issues were those of highway safety and the impact on the local area. He referred to the Amendment Sheet and to the approved development which this new access would serve stating that there would be no intensification and no increased risk. It was clear that the track did not comply with the standards. However, as there was no intensification the view was that the new access would result in improved highway safety, whereas the current proposal represented an unacceptable risk for highway safety. The Development Manager explained that the Highway Authority had considered the proposal and set out their reasons for accepting less than the normal standards. They considered the proposal to be an improvement over the existing access. They had justified their reasons and this council is able to proceed on their advice.

RESOLVED (ONE voted AGAINST and THREE ABSTAINED from voting) that the application be approved with conditions as set out in the report and on the Amendment Sheet.

**PLANNING COMMITTEE
28 JULY 2011**

Present :- Councillor Ray Gamble* (Chairman)
Councillors Peter Chillingworth*, John Elliott*,
Jon Manning*, Philip Oxford and Laura Sykes*

Substitute Members :- Councillor Nigel Chapman
for Councillor Christopher Arnold*
Councillor Michael Lilley for Councillor Stephen Ford*
Councillor Nigel Offen for Councillor Peter Higgins*
Councillor Nick Cope for Councillor Theresa Higgins
Councillor Marcus Harrington
for Councillor Sonia Lewis*
Councillor Pauline Hazell for Councillor Jackie Maclean

Also in Attendance :- Councillor Martin Goss
Councillor Anne Turrell

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

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

Councillor Pauline Hazell (in respect of her acquaintance with the owner of the site) declared a personal interest in the following item pursuant to the provisions of Meetings General Procedure Rule 7(3)

32. 110937 Tubswick, Mill Road, Colchester, CO4 5LD

The Committee considered an outline application for a proposed replacement dwelling following the demolition of an existing dwelling and the erection of eight additional dwellings, garages and associated works (resubmission of withdrawn Planning Application 110503). 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.

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

Myland Community Councillor Pete Hewitt addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in opposition to the application on the grounds of the service road, the entrance and the design. He referred to pedestrians having to cross two roads to get to the school and he was disappointed that the Highway Authority had not recognised the issues in relation to the primary

school. He also referred to issues of overlooking and loss of privacy as a result of the loss of existing hedgerow adjacent to properties in Bolsin Drive. He was of the view that this proposal did nothing to reflect the social importance of the site in terms of the Daniel Defoe connection, but rather it obliterated the history of the site.

Mr Brian Morgan, chartered architect and town planner, addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in support of the application on behalf of the applicant. He referred to the comprehensive Design and Access statement and the officer's report. He believed that all the issues had been dealt with within these two documents. There had been a consultation period during the first application at which time concerns were raised by residents, councillors and Essex County Council. This application was a re-submission; the access had been revised as a result of objections from Essex County Council. It was now in accord with their requirements and with safety requirements and officers were also satisfied. Residents were concerned by the difference in levels which would be dealt with by Condition 8. With the exception of the lower density, the proposal was in accordance with the Local Plan. The recommended density was 40 dwellings per hectare (dph) which was equivalent to fifteen plus houses on this site, but the Design and Access Statement had concluded that the local character of the area was medium sized family houses. Any undamaged bricks from Tubswick were retained and would be reused within the scheme.

Councillor Anne Turrell attended and, with the consent of the Chairman, addressed the Committee. She considered the gardens and parking provision should be more generous and that four or five homes on the plot would be more appropriate; the plot had contained one house. She expressed concern about the site being opposite a school and the danger of vehicles from main road and the new exit. She believed that some of the new dwellings could have up to four or five cars, and she queried where visitors would park. Additional concerns were that Mill Road was a bus route, that there needed to be a light controlled pedestrian crossing and parking restrictions imposed. With regard to impact on neighbours, she considered one of the new dwellings was too close to houses at the back of the site and the planting screen would take years to mature. She had been unable to find a condition to protect existing residents from overlooking from first storey windows. She asked that hours of work be specified, contractor vehicles be required to park on site, restrictions on bonfires and deliveries to occur outside school start and finish times. She asked that the application be refused or deferred for discussion about fewer houses.

Councillor Martin Goss attended and, with the consent of the Chairman, addressed the Committee. He referred to a proposal from Essex County Council for a pedestrian crossing opposite the school and now they require a raised table as a result of this application. He preferred that a zebra crossing be installed. Mention had been made of good consultation, but he was of the view that there had been none. A few weeks ago there was an intrusion through the fencing in an attempt to steal bricks from the site. He wanted some of the original bricks to be used for a permanent feature. He also wanted the developer to provide litter bins outside the 106 legal agreement. He believed that the whole proposal did not stack up and asked the committee to defer the application for an improved design and accurate drawings with landscaping annotated correctly.

The planning officer explained that the proposal was in keeping with the character of the area and did provide a sense of place. She referred to an aerial photograph showing the frontage development with modest gardens and asserted that the proposal did reflect the type of housing in the area. The Archaeological Team were asking for an evaluation to be carried out. In response to the request for the land to be used for a community hall, she referred to the allocated land use being for residential use which was acceptable in principle. The parking provision exceeded the council's standards by providing two parking spaces per unit and one extra space for each property. In respect of any overlooking, the rear elevations met the design guide in terms of privacy and any overlooking could be designed out at the reserved matters stage. Conditions could be imposed to prohibit deliveries to be made during school picking up and dropping off times. In respect of the consultation with the Highway Authority, they were aware of the issues raised by Myland Community Council and in their view the raised table was the most appropriate style of crossing in terms of road safety. However, they could be asked to provide an explanation as to why this package of works was the most appropriate. The agent had confirmed that it would be possible to reuse retained bricks from the listed building within the development and this was a condition on the demolition application. She confirmed that the garden sizes were between 60 and 100 square metres and thus met the council's standards, adding that if the garden size was below 100 square metres they could have no more than three bedrooms. In respect of litter bins, the application was not a major development but the adopted guidance does require community provision and this proposal has a Unilateral Undertaking, it was therefore for the developer to offer the provision of litter bins rather than for the council to insist upon their provision.

Members of the Committee had some outstanding concerns, particularly in regard to the pedestrian crossing. A pelican or zebra crossing was preferred to the raised table which was preferred by the Highway Authority, ideally with a school crossing patrol. The Committee asked that the Highway Authority be informed of their view for further consideration or an explanation as to why the raised table was preferred. The Committee had undertaken an extensive visit and whilst they understood that local people were disappointed that the original building had been destroyed there should be some acceptance that the site would be used.

Members of the Committee considered the layout suited the site and the number of houses did not comprise overdevelopment. They were aware that it was possible for historical elements to be acknowledged either in the reuse of the original bricks or the naming of the small estate. In respect of whether the proposal for a three storey corner building was acceptable, it would be possible to wait for the reserved matters application when a judgement could be made on the height of the corner building. There was a desire to ensure that the hedge along the southern boundary was strengthened with appropriate screening, and possibly to ask the arboricultural officer to ensure that not all the hedge would be removed in one go, but whether there could be a rolling programme. The parking provision was up to standard but there was a view that parents would find it convenient to park in the access road and double yellow lines were suggested for the access road to avoid this eventuality.

The planning officer explained that the Committee could defer the application and ask

the Highway Authority to discuss the road crossing issue with ward councillors with a view to either changing it to a pelican or zebra crossing, or provide a reason why the raised table was more appropriate. Alternatively, the Committee could approve the application, but add conditions which required the Highway Authority to reconsider these points as part of the reserved matters. Whilst it might be possible to put double yellow lines along the access road, but she believed that double yellow lines did not necessarily mean people would not park there. The suggestion to provide a school crossing person was outside the remit of this Committee. She referred to trees being protected by a condition of the planning permission rather than as a result of a Tree Protection Order; two within the southern boundary and two along the western boundary. If any of these trees were to be removed they would require replacement. The hedgerow along the southern boundary was to be replaced, but she considered it should be replaced with 2 metre high plants to create an 'instant hedge'. A condition could be imposed to avoid deliveries at school times.

Members of the Committee were of the opinion that ward councillors know their area and the application should be deferred to enable the Highway Authority to look at the style of the road crossing in conjunction with ward councillors. Other elements of the proposal to be reconsidered were:- the provision of litter bins; delivery times and double yellow lines along the access road; including consultation with HA re road crossing.

RESOLVED (UNANIMOUSLY) that the application be deferred for the following matters:-

- meeting between ward councillors and ECC Highways to discuss highway issues relating to whether the development should include a pelican or zebra crossing instead of the raised table; if not ECC Highways to provide an explanation;
- case officer to discuss provision of yellow lines along the new access road and provision of litter/recycling bins with the applicant/ECC Highways;
- Arboricultural Officer to re-examine the hedge along the rear (southern) boundary to see if it is possible to retain part of the hedge and/or trees within it;
- Additional condition required to prevent deliveries during school pick up/drop off times.

All information to be available to the Committee when the application comes back for determination.

33. 100442 Land adjoining 12 Mill Road, West Mersea, CO5 8RH

This application was withdrawn from the agenda by the Head of Environmental and Protective Services for further information relating to the impact upon the adjoining dwelling.

Councillor Peter Chillingworth (in respect of being the applicant) declared a personal interest in the following item which is also a prejudicial interest pursuant

to the provisions of Meetings General Procedure Rule 7(10) and he left the meeting during its consideration and determination.

34. 110813 Oak Farm, Vernons Road, Wakes Colne, CO6 2AH

The Committee considered an application for the installation of twelve photovoltaic solar panels to the south elevation of an unlisted barn. The Committee had before it a report in which all information was set out. It was noted that the Design and Heritage Unit had no objection to the proposal.

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

35. 111058 Former Dairy Depot, Wimpole Road, Colchester, CO1 2DB

Councillor Chillingworth was not present for the following item which, together with the application at minute no. 34, was determined under the en bloc arrangements.

The Committee considered an application for a variation of Condition 6 attached to planning permission 090551 regarding delivery times Monday to Saturday 0700 to 1900, Sundays and Bank Holidays 0700 to 1900 light goods vehicles (i.e. transit vans) 0830 to 1200 limited to 7.5 tonne vehicle maximum weight. 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.

36. 111064 66 Old Forge Road, Layer de la Haye, CO2 0LH

The Committee considered an application for the retention of a fence and trellis at a reduced height of two metres and the retention of a side gate adjacent to the house. 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.

Sue Jackson, Principal Planning Officer, attended to assist the Committee in its deliberations. Photographs were included in the presentation showing a number of examples of boundary walls with hedge and tree planting to illustrate the character of the development and also examples of wooden fences, one opposite the site and another further along from the site in Old Forge Road. Further photographs were shown of the works to remove the wall on this site and the erection of the replacement fence. The parish council had requested that the Committee undertake a site visit and take residents' views into account. Letters had been received both in opposition to the

proposal and in favour of the proposal. Conditions for this proposal required planting along the front and return boundaries. Essex County Council Highways had not objected to this proposal. She referred to an application in 2004 for a fence on a corner plot near to this site which had been refused with a requirement to retain the wall. Officers were now of the view that circumstances had changed with the passage of time such that a fence was now appropriate.

Paul Rawnsley addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in opposition to the application. He referred to the development being a beautiful place to live. He had sent some photographic examples which had been shown to the Committee. This estate was an open plan estate with walls that blend into the houses. There were similar fences some years ago and the response was that the fences represented an inappropriate method of enclosure. The fence was taken down and a wall built a few metres back. He believed that this had set a precedent on the Maltings Green Estate.

Gary Felton addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in support of the application. He referred to the ivy holding up the wall which took 4-6 weeks to remove and to the poor condition of the brickwork and poor construction of the wall. He believed the silver birch tree had contributed to the weakening of its footings. He had talked to a council worker who explained that they were not cutting the grass because it did not belong to the council. He had confirmed with the Land Registry that the boundary of his property was close to the edge of the footpath. He had not realised that a garden fence needed planning permission because there were other similar fences on the estate. There was a covenant but it was only in place for 20 years.

The planning officer explained that at the time this development was approved an open plan development was acceptable. Whilst there were a range of walls and fences on corner plots, the majority of front gardens had no form of enclosure. Those initial occupiers who had moved on to the development appreciated its open character, but over the years the original character had been eroded. When the application referred to was refused in 2004 there were significantly fewer fences than today. Officers had driven around the estate and taken a note of the predominant character. The view now was that a significant number of boundary fences had been erected; some with planning permission, some without planning permission but with a certificate of lawful development, and some without planning permission. They now considered that the character of the area is one with boundary fences and walls, hence the recommendation for permission. The land formed part of the applicant's side garden, and as the fence had not been erected up to the edge of the pavement, planting would be possible along the front and side, possibly with a tree in the front alongside the house.

Members of the Committee referred to there being no planning by precedence and they did not like retrospective planning permission. However having seen the fence, they were quite satisfied for the fence to remain provided there was planting along the boundary. It was appreciated that some residents wanted to maintain the character of the estate but ideas have changed over the years. They recognised the fact that there had been letters on both sides and the parish council had not taken sides. They

understood that residents wanted to maintain their privacy and make the best use of their property.

The planning officer confirmed that to maintain the fence unaltered would require the deletion of Conditions 1 and 2; only Conditions 3 and 4 would appear on the notice.

RESOLVED (UNANIMOUSLY) that –

(a) The description of the application be amended to read “Retention of fence and trellis and retention of side gate adjacent to the house”.

(b) The application be approved with conditions and informatives as set out in the report, subject to the deletion of Conditions 1 and 2.

37. Performance Monitoring // Application Determination and Appeals Analysis

The Head of Environmental and Protective Services submitted a report giving details of planning application determination performance together with an appeals analysis update for the period 1 April to 30 June 2011 and also a year end analysis of NI 157 eight week and thirteen week performance, and appeal analysis for the period 1 April to 30 June 2011.

Sue Jackson, Principal Planning Officer, attended to assist the Committee in its deliberations. She referred to the performance of Major applications which involved a great deal of work by the planning team, the 100% performance represented 15 out of 15 determined within the time limit which was pleasing to officers. This had been achieved in a climate of fewer planning officers. All the statistics exceeded the target set by central government. In respect of performance of appeals, there had been no award of costs against the council. There had been three ombudsman complaints but all resulted in there being no case to answer. She referred to the Planning Committee taking their own credit in good decisions and good performance.

Members of the Committee considered this to be an encouraging report which was the best to date.

RESOLVED (UNANIMOUSLY) that the report be noted.

38. Performance Monitoring // Actions to improve customer service

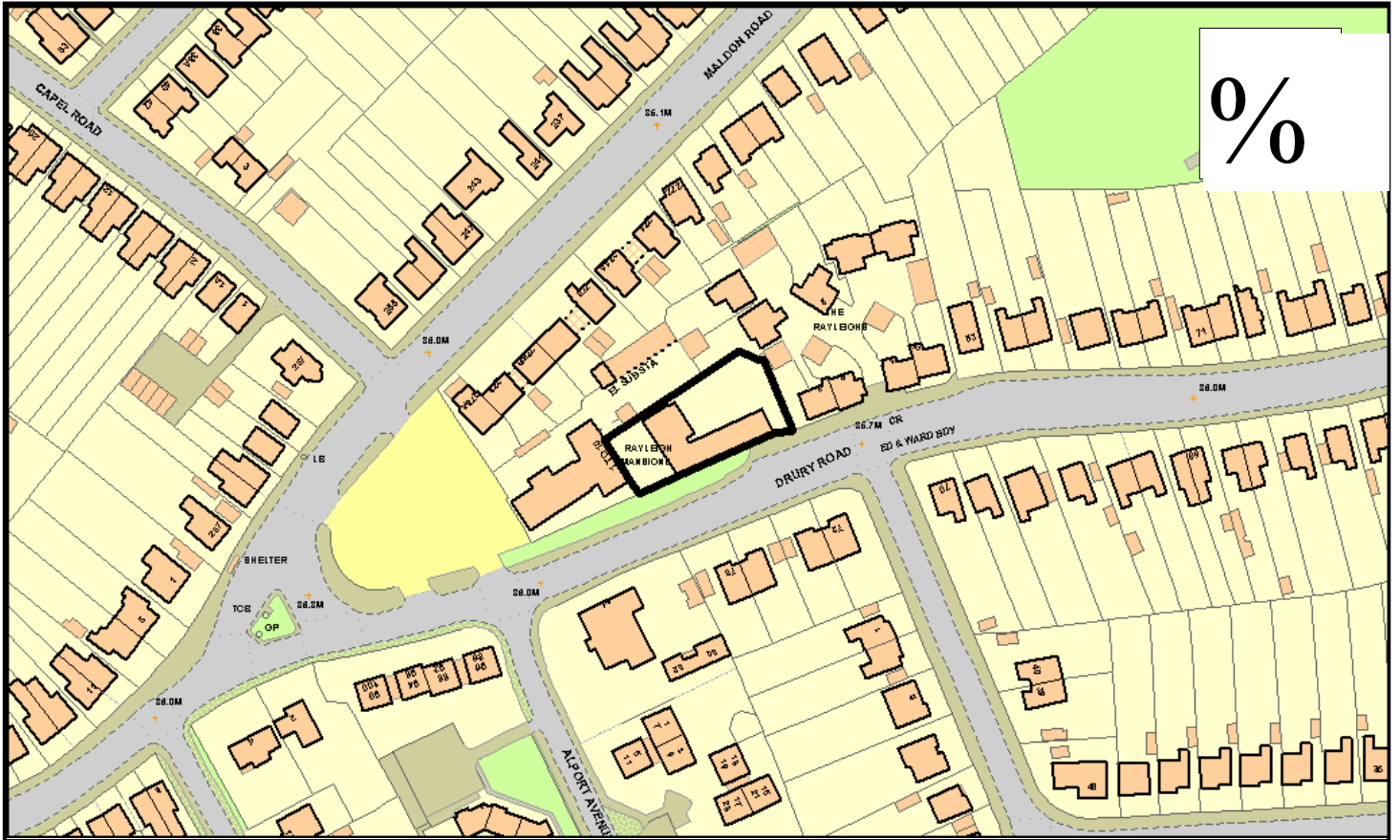
The Head of Environmental and Protective Services submitted a report detailing the progress being made in terms of improving the quality of customer service for the period from for the period 1 April to 30 June 2011.

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

Members of the Committee acknowledged that performance in this area was moving in

the right direction, but there was still work to do. Members were disappointed at the number of councillors who had undertaken the planning training which they considered was useful to all members in their ward work regardless of whether or not they wanted to act as a substitute on the committee. It was also noted that few parish councils had taken up the offer for a liaison session and members were keen to encourage their parish councils to attend.

RESOLVED (UNANIMOUSLY) that the report be noted.



Application No: 111139

Location: S & K Premier Convenience Store, 87 Drury Road, Colchester, CO2 7UU

Scale (approx): 1:1250

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Committee Report

Agenda item

7

To the meeting of **Planning Committee**
on: **11 August 2011**
Report of: **Head of Environmental and Protective Services**
Title: **Planning Applications**

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

7.1 Case Officer: Mr David Whybrow Due Date: 12/08/2011

MINOR

Site: 87 Drury Road, Colchester, CO2 7UU

Application No: 111139

Date Received: 17 June 2011

Agent: Mr Mark Potter

Applicant: Ms Susan Beard And Mr Keith Philip Griffith

Development: Provision of a single storey rear extension to increase the warehouse and retail shop floor area to the existing foodstore and construction of one two bedroom flat at first floor level. Resubmission of 102679.

Ward: Christ Church

Summary of Recommendation: Conditional Approval subject to confirmation from DHU that their design issues have been resolved satisfactorily and signing of Unilateral Undertaking

1.0 Introduction

1.1 This application has been called in by Councillor Lyn Barton who requests that traffic and parking issues are fully addressed and careful consideration of planning conditions is required if approved.

2.0 Synopsis

2.1 This report gives consideration to a proposal for extensions to retail premises to create an enlarged shop and additional flat above. The reasons for Councillor Mrs Barton's call in will be assessed along with other representations and consultation responses, especially those of the Highway Authority and the Design and Heritage Unit (DHU). It will be concluded that planning permission, subject to appropriate conditions, is justified in this case.

3.0 Site Description and Context

3.1 The site is located on the northern side of Drury Road at its western end. The area is predominantly residential in character with two storey dwellings and 2½ storey flats immediately to the west at Rayleigh Mansions. The site currently has a two and a one storey flat roofed building which is currently used as a convenience store with two flats above. There is parking to the west of the building for the flats and shop. To the north is an existing service yard enclosed by a 1.6m high brick wall. To the east of the site is a modern housing development "The Rayleighs" and to the north is a parking court with dwellings beyond fronting Maldon Road.

4.0 Description of Proposal

4.1 It is proposed to erect a single storey extension to the rear of the existing shop into the area of an existing service yard to increase the warehouse and retail area and construct a 2 bedroom flat above. The application is accompanied by the standard Unilateral Undertaking (UU) in respect of open space, recreation and community facilities, a Design and Access Statement (DAS), and Workplace Travel Plan which may be viewed on-line. The DAS concludes that:-

- The existing building provides much needed facilities to the local community but the time has come, with increasing local competition, for the premises to be improved and extended. Approval of these proposals is essential to maintain a healthy thriving business for the applicant.
- The proposals will not only create an improved facility but it will also considerably improve the existing building and enhance its position in the street scene.
- The applicant must keep the shop operational during the course of the construction works and these proposals have been designed to ensure this is possible.
- Consultations prior to this application have taken place with the local planning authority officers and the Highways Department and we respectfully ask that the local authority support this application and grant approval.

4.2 The present buildings are flat roofed and the new work again utilises flat roof forms. External amenity space is provided as a first floor terrace, with screening by timber fencing, while improvements to the appearance of the existing structure is also proposed as follows:-

- Adding new glazed shopfront windows to the existing building to improve transparency and visibility into the shop.
- Rendering or cladding the existing external walls in a board material or coloured render.
- Adding a solar shading canopy over the shopfront and solar panels on the flat's green roof.
- Enhancing the roof eaves detail to the edge of the flat roof at first floor.
- Changing the existing windows.
- Adding canopies to the existing flat entrances.
- Improved signage and external lighting.

4.3 The external service yard areas will be re-planned in order to provide adequate car parking space and workable facilities for delivery vehicles. Cycle facilities will also be provided.

5.0 Land Use Allocation

5.1 Residential; Tree Preservation Order 18/97; Area of High Archaeological Potential

6.0 Relevant Planning History

6.1 COL/80/1636 – Alterations to shopfront – Approved November 1980

6.2 102769 – Single storey rear extension to increase the warehouse and retail shop area to existing foodstore and build 2 No. two bedroomed flats at first floor level – Withdrawn

7.0 Principal Policies

7.1 The following national policies are relevant to this application:
Planning Policy Statement 1: Delivering Sustainable Development

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

- 7.3 In addition, the following are relevant adopted Colchester Borough Development Policies (October 2010):
DP1 Design and Amenity
DP3 Planning Obligations and the Community Infrastructure Levy
DP4 Community Facilities
DP7 Local Centres and Individual Shops
DP12 Dwelling Standards
DP13 Dwelling Alterations, Extensions and Replacement Dwellings
DP16 Private Amenity Space and Open Space Provision for New Residential Development
DP17 Accessibility and Access
DP19 Parking Standards

- 7.4 Regard should also be given to the following Supplementary Planning Guidance/Documents:
Adopted Car Parking Standards

8.0 Consultations

- 8.1 The Environmental Control team request standard note regarding demolition/construction works if permission is to be granted.

- 8.2 The Highway Authority do not object and confirm there have been discussions between the agent and their officer. They are advised that the increase in floor area is purely to facilitate a more efficient internal customer flow with a faster turnover of patrons and the proposed flat can be serviced by parking in accordance with current standards. They raise no objection but recommend conditions covering vehicular parking and turning facilities and cycle parking.

- 8.3 In relation to Councillor Mrs Barton's specific enquiry concerning yellow lines, the Highway Authority have offered the following explanatory comments:-

"As part of the application the applicant submitted information to the effect that the main intention of the proposal is to make the shopping experience at the existing store more pleasurable for existing customers. The driving force for this is, due to expanding shopping locations in the area, rather than attracting huge amounts of new customers their desire is to retain their existing customer base.

The applicant has also entered into a Travel Plan to be agreed with Essex County Council by which they are tied into an agreement to set up sustainable travel methods for staff and monitor this on a yearly basis thereby limiting the staff vehicular trips.

The new flat can be provided with parking facilities in accordance with current standards, and they are now proposing to retain the unloading bay to the rear of the store. In addition, the food and groceries arriving at the store will not require further lorry movements.

Having regard to all this, and the fact that the traffic difficulties being experienced in Drury Road are an existing situation and therefore at present cannot be attributed to the development proposal, the Highway Authority feels that a recommendation of refusal could not be sustained were the applicant to submit an appeal to the Planning Inspectorate.

For the above reasons I also do not think that yellow lines can be required as the existing traffic issues are not caused by the proposal.”

- 8.3 The DHU Team have been involved in negotiations on design and external appearance since the time of the earlier withdrawn application and these discussions were ongoing at the time this report was written. The full comments of the Urban Designer will be reported at the meeting.

9.0 Other Representations Received

- 9.1 Councillor Mrs Lyn Barton writes as follows:-

“With reference to this revised planning application I would like to object on behalf of residents.

Our main concern is traffic issues and I have photographs of large articulated container lorries completely blocking the road and totally inappropriate for this residential area. As you know customers do not use the parking at the back of the shop so there are constant issues with parking. Indeed since the last application there has been quite a nasty accident involving a child in front of the shop. Residents feel that further extension is unnecessary and out of keeping with the nature of a local store. As stated there are numerous local shops in the vicinity. Owing to the position of this store it is just not appropriate to consider increasing its size and attracting more customers with cars. I would suggest that ECC Highways actually visit to observe the problems and would ask the Officer dealing with the application to ensure this happens.

There is also the issue of loss of amenity and again the addition of a flat fronting the road with a roof terrace would not be in keeping with the area. It also overlooks the houses opposite and would be an unwelcome invasion of their privacy.

I have noted the objections already sent in from local residents and support their concerns.”

- 9.2 In the event that permission is granted Mrs Barton would welcome double yellow lines as this would make the traffic flow safer and less congested.

Officer Note: This matter has been raised with the Highway Authority reported in paragraph 8.3.

- 9.3 7 further letters/e-mails/on-line comments have been received from local residents. Their views are summarised below (and may be inspected on-line):-

- I welcome modernisation of shop but am concerned that if traffic is not managed properly highway conditions will deteriorate, especially if space for large delivery vehicles is lost.
- I have concerns over the first floor flat and balcony and would like reassurance that I will not be overlooked (Drury Road).

- Access to Rayleigh Mansions is frequently obstructed causing frustrations as well as hazards due to visibility splays being obscured. Accidents have occurred here and the situation will get worse with an extension.
- The refuse area is too close to residential property; it should be moved and properly enclosed.
- Residents parking spaces will be used at unsocial hours to the detriment of residents (Rayleigh Mansions).
- The service area to the rear of the shop is too small. Large delivery vehicles already have difficulty accessing the site and introduction of extra parking space will make deliveries impossible except by the smallest vans.
- The proposed “improved signage and lighting” should address the garish appearance of the present premises and should be more muted in the new scheme.
- The asymmetrical addition of the new flat, roof terrace and solar panels would create a strange and unattractive view to the houses opposite.
- Hours of use, especially at weekends, should be strictly controlled. Delivery times should also be restricted.
- Roof terrace will be a source of overlooking and noise while the solar panels will be an eyesore (Rayleighs Mansions)

Officer Note: The agent has responded to the matters raised in the representations in a letter dated 26 July 2011. This may be viewed on the Council’s website and concludes:-

“By asking for planning permission the applicant is merely trying to make the shop more accessible to the general public with disabled access and to improve its security, i.e. wider aisles with more space and much more manageable to operate by changing the internal shape of the shop and removing awkward angles, hidden corners and inaccessible aisles.

We must emphasise that frequency of deliveries will not increase. Traffic congestion outside the shop will be prevented by maximising the use of spare available land to the side of the shop and by careful monitoring and enforcement of the travel plan.

The applicant respectfully asks for the planning authority’s support of this application and to allow them they opportunity to make these vital improvements to their privately owned premises which will mean they can stay competitive in the local area.”

- 9.4 1 letter of support has been received from a Drury Road resident who states the business is professionally managed; the owners have acted upon the views of their customers and seek to enhance the building and deal positively with identified parking problems.

10.0 Parking Provision

- 10.1 Parking and highway related issues will be dealt with in detail in the body of the report.

11.0 Open Space Provision

- 11.1 A standard UU relating to open space, recreation and community facilities accompanies the application.

12.0 Report

- 12.1 There is no basic land use objection to this proposal for an extension to the existing shop and creation of an extra residential flat in this predominantly residential area. The following report will consider the following main issues to be considered: design and layout; impact on surrounding area and neighbours and highway and parking issues.

Design and Layout

- 12.2 As indicated under “consultations” these elements of the scheme were the subject of ongoing discussions involving our Urban Design Team at the time of writing the report. The full comments of the DHU and any resultant amended drawings will be provided prior to the Meeting.

Impact on Surrounding Area and Neighbours

- 12.3 The scale and massing of the development is considered appropriate to its setting, and, due to the existence of a service area and accessway, the additional first floor structure does not impinge directly on the adjoining dwellings at The Rayleighs. New windows have been orientated so that direct overlooking of adjoining properties is avoided while the final details of the form of fencing to the roof terrace can be covered by condition in order to maintain the privacy of the dwellings to the east. It should be noted that views from the roof terrace to the north-west towards Maldon Road are obscured by a range of car ports within the private parking area to the rear of the S & K service yard.

Highways and Parking Issues

- 12.4 The submitted scheme provides 6 parking spaces to the west of the site in space formerly provided for shoppers but rarely used as such. These comprise 2 spaces for the existing flats and 2 spaces plus visitor space for the new flat. Cycle parking facilities are also proposed for both residents and shop staff. The proposed service yard will be gated and contains 3 staff car parking spaces and refuse storage area.
- 12.5 In response to discussions with the Highway Authority a travel plan has been lodged as part of the submission with the aim of ensuring the applicant monitors and manages the vehicles which need to access the site.
- 12.6 Given the considerable concern expressed in the representations regarding parking and servicing arrangements, Members may find it useful to consider the additional information provided by the agent in respect of deliveries to the site and this is set out below:-

“Types of Deliveries

The delivery vehicle size is varied, which is typical of a store of this type. The larger Dutch lorries deliver to all the florists countrywide and they have been delivering now for around twenty or so years, they have a tight schedule to keep, they are on a very quick turn around as many of them travel to Wales and have to arrive back in time to catch the ferry from Harwich on Thursday evenings, so they are not parked for long at all, literally a few minutes. There is usually an order which is dropped off very quickly and then the lorry departs. The drivers are considerate and only once that we are aware of, have they blocked the entrance to Rayleigh Mansions.

Deliveries which take longer, a maximum of 30 minutes, park in the rear service yard to unload and load, and do not park in the road outside the shop.

Frequency of Deliveries

Regarding an increase in deliveries, the store's current supplier and brand "Premier" will continue to deliver to the store under the same current arrangements, deliveries will not increase in size or be more frequent, the existing deliveries will be adequate to maintain sufficient stock for the new slightly larger shop floor. The existing situation will not be made any worse, the improvements to the shop and its services to the local people should not be a reason to penalise the applicant with delivery restrictions.

The applicant is considering an option where they could change their brand to Spar, Budgens or one of these groups where they would purchase virtually all stock from them, this would be delivered in one drop per day or two to three times a week depending on their delivery times, this may be an attractive alternative and something they would consider, but the applicant cannot guarantee a change to the current supplier would be possible.

The traffic is generally free flowing in Drury Road and every effort is made by the owners and staff to prevent the deliveries causing any inconvenience to local residents, however it should be noted that some of the local residents park in the lay-by in front of the shop instead of using their private driveways, this creates a parking problem for customers.

Reference has been made to a recent unfortunate accident in Drury Road. On behalf of the applicant we wish to emphasise that the accident cannot be attributed in any way to the vehicle movements associated with the shop and no evidence has been given which would suggest this were the case.

There would be no change to the current delivery arrangements and an increase in customers is not expected, indeed the applicant is concerned that if they don't make these improvements to their store, customers will start shopping at the proposed possible Tesco at the PSA site on Butt Road just up the road from this store and customer numbers will in fact reduce.

The entire premises needs modernising and keeping up with today's standards especially with the above mentioned possible Tesco, which is an immense cause for concern for the owners and continuation of their business."

13.0 Conclusions

- 13.1 In the light of the above report and having regard to the Highway Authority's conclusion that the submission will give a mechanism, through the adoption of a workplace travel plan to better manage the traffic associated with the existing store, your officers consider this an acceptable proposal and recommend approval.

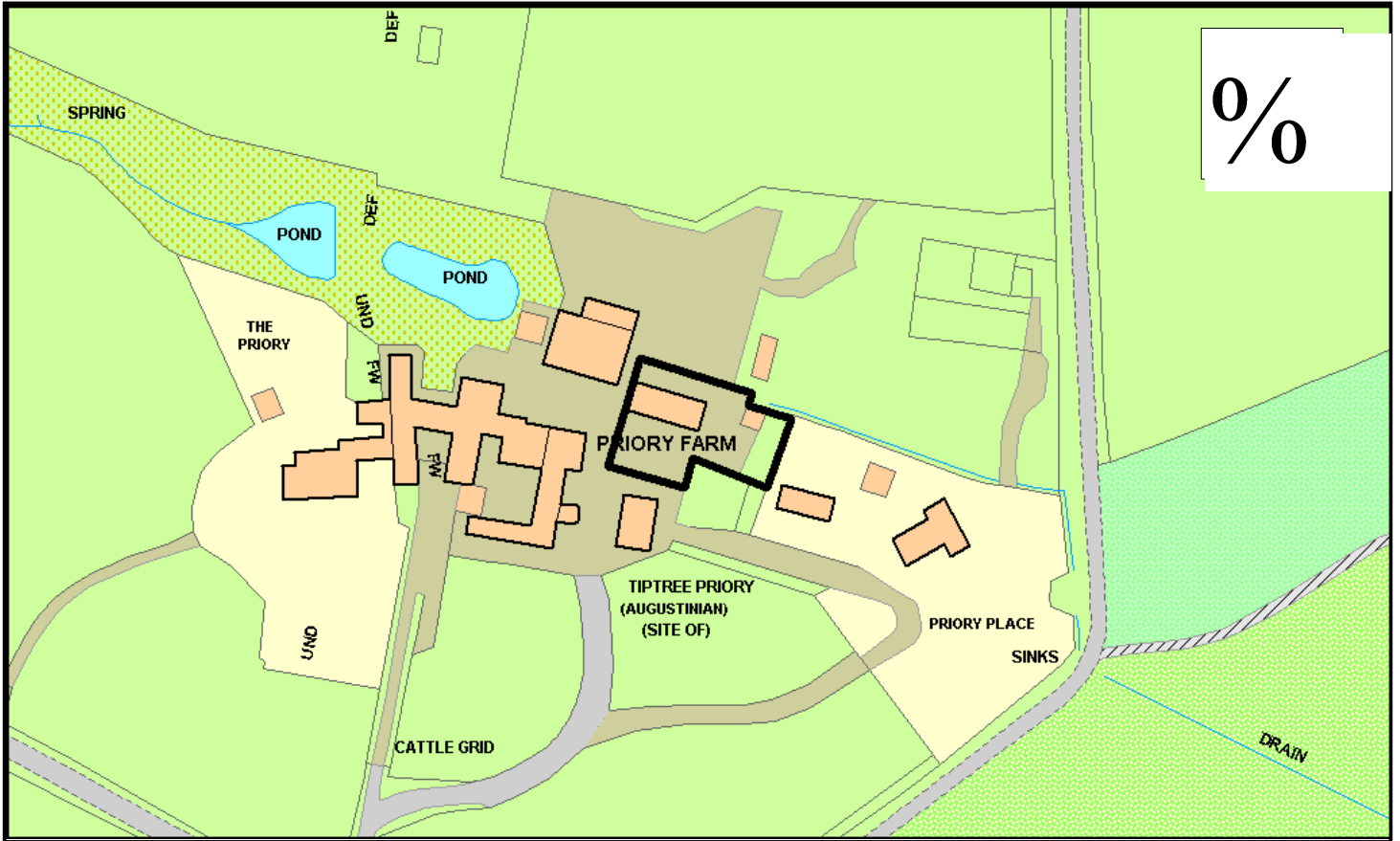
14.0 Background Papers

- 14.1 PPS; CS; DPDP; HH; DHU; HA; NLR

15.0 Recommendation

15.1 Upon receiving confirmation from the DHU team that their design issues have been resolved satisfactorily and upon the signing of the UU accompanying the application it is recommended that the Head of Environmental and Protective Services be authorised to grant permission subject to conditions covering the following matters:-

1. Time Limit
2. External materials
3. Highway Authority conditions.
4. Revised Plans
5. Screening of roof terrace.



Application No: 111126

Location: Priory Farmhouse, Priory Farm, Braxted Park Road, Tiptree, Colchester, Colchester, CO5 0QB

Scale (approx): 1:1250

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7.2 Case Officer: Simon Osborn

Due Date: 19/08/2011

OTHER

Site: Priory Farmhouse, Priory Farm, Braxted Park Road, Tiptree, Colchester CO5 0QB

Application No: 111126

Date Received: 24 June 2011

Agent: Mr Edward Gittins

Applicant: Mr & Mrs T B Upson

Development: Change of use and alterations to storage building to form live-work unit.

Ward: Tiptree

Summary of Recommendation: Refusal

1.0 Introduction

1.1 This application is referred to the Planning Committee because the application was "called-in" by Councillor M Fairley-Crowe, on the grounds that the firm is a local employer and the need to safeguard local employees as well as a personal aspect needs to be taken into account.

2.0 Synopsis

2.1 The applicant Mr Upson owns and manages a rural business engaged in the repair and manufacture of trailers under the title of Priory Stud Horseboxes, which is based at Priory Farm. The applicant lives in a large dwelling at the site and takes care for his wife, who suffers from ill-health. The application seeks to convert a storage building into a live-work unit with 2 bedrooms, with an associated residential curtilage, to enable the Upsons to move into smaller accommodation whilst Mr Upson continues his involvement with the family business. The report considers the issues put forward, but considers that planning policies which encourage restraint over new housing in the countryside should prevail. The application is recommended for refusal.

3.0 Site Description and Context

3.1 The application site is situated in the countryside, between the settlements of Tiptree and Witham, and located just within the south western boundary of the Borough. Priory Farm comprises a small group of buildings, one of which is a large single storey dwelling occupied by the applicants Mr and Mrs Upson. Other buildings in the complex are used in association with Mr Upson's business and include the storage building subject of the proposed scheme of conversion. There is a loose scatter of residential properties within the vicinity of the site.

4.0 Description of the Proposal

- 4.1 The application seeks to convert an existing open fronted outbuilding at Priory Farm currently serving as a timber store in connection with the applicant's business, into a live-work unit for the applicant and his wife. The proposed unit will have 2-bedrooms and will enable the applicant's to move from their 5-bedroom property elsewhere on the site, in order to overcome acute personal difficulties arising from the need to provide appropriate and manageable accommodation for Mrs Upson, whilst allowing Mr Upson to be continue to run the business. A new residential curtilage is shown around the proposed live-work unit.

5.0 Land Use Allocation

- 5.1 Countryside

6.0 Relevant Planning History

- 6.1 93/0404 – retention of dwelling without compliance with condition 1 of COL/1415/84, was approved in 1993 which removed the agricultural occupancy condition on the property.
- 6.2 97/1644 – new entrance to inner yard, approved 1997
- 6.3 F/COL/00/0335 – conversion of stable block to living accommodation, approved 2000
- 6.4 F/COL/04/1921 – erection of garage, approved 2004.
(NB: F/COL/02/1034 approved in 2002 is referred to in the DAS relating to the removal of the agricultural occupancy condition of COL/86/0610. This however relates to a dwelling now known as Priory Place, which although formerly associated with Priory Farm, is now a separate dwelling.)
- 6.5 102455 was refused earlier this year for the subdivision of the existing residential property in order to create an additional dwelling.

7.0 Principal Policies

- 7.1 The following national policies are relevant to this application:
Planning Policy Statement 1: Delivering Sustainable Development
Planning Policy Statement 3: Housing
Planning Policy Statement 4: Planning for Sustainable Economic Growth
Planning Policy Statement 7: Sustainable Development in Rural Areas

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

SD1 - Sustainable Development Locations

H1 - Housing Delivery

H2 - Housing Density

H3 - Housing Diversity

UR2 - Built Design and Character

TA1 - Accessibility and Changing Travel Behaviour

TA4 - Roads and Traffic

ENV1 - Environment

ENV2 - Rural Communities

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

DP1 Design and Amenity

DP11 Flat Conversions

DP12 Dwelling Standards

DP13 Dwelling Alterations, Extensions and Replacement Dwellings

DP16 Private Amenity Space and Open Space Provision for New Residential Development

DP17 Accessibility and Access

DP19 Parking Standards

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

Backland and Infill

Community Facilities

Vehicle Parking Standards

Sustainable Construction Open Space, Sport and Recreation

External Materials in New Developments

8.0 Consultations

8.1 Highways Authority – no objection

8.2 Spatial Policy comment as follows:-

“The application site was subject to a previous planning application (102455) which was refused by the Council because essentially it created a new residential dwelling in a countryside location which would have been contrary to established local and national policy principals.

The current application seeks to convert a currently used storage building into what is described as a live-work unit but as outlined in the applicant’s design and access statement is essentially a two bedroom dwelling house with an “administration office”. The Spatial Policy Team has concerns regarding this suggestion because the “administration office” could alternatively be a third bedroom or another reception room and become a new dwelling in the countryside. Live-work units are normally associated with small workshops or studios alongside residential accommodation as opposed to an administration office. Essentially the current farmhouse is being used

as a live-work unit because the applicant is running the administration site of the business from their residential property but this does not require intervention from the Planning Department because it is established and also has a minimal impact in relation to the predominant residential use of the farmhouse.

Relocating the applicant's residential accommodation to the storage building is still considered to result in the creation of a new dwelling in the countryside and this is resisted. The original farm house in which the applicant currently resides is an established residential unit and the future use of this has not been addressed by the applicant so it is reasonable to assume that this will be retained as a dwelling house resulting in two residential units on the site. The design and access statement outlines that it is important for the applicant to reside on the site for security reasons related to the valuable horse boxes and equipment on stored and used at the site as part of the business. Although in some circumstances dwellings for occupational workers are permitted these are normally for business uses relating to animals and working farms where the care of the animal is seen as a priority to override the principal of new residential development in the countryside. In this instance the Spatial Policy Team consider the on site presence for security reasons to be a personal preference as opposed to a policy consideration and therefore little weight should be given to this aspect during considerations.

Equally, however, the Spatial Policy Team appreciates the position with regard to the established rural business and the personal family health reasons as outlined. The applicant has been resident on the site for a significant period of time and through the lawful business activity found on the site has contributed significantly to the local economy and provided a source of local employment.

Planning Policy Statement 4 encourages local authorities to support local businesses and promote economic growth which is an important consideration in light of the current economic climate. The applicant has outlined that should the current application be refused it would be difficult to continue both the operational side of the business as well as the current caring responsibilities which potentially may have a detrimental impact on the local economy and therefore this is an important consideration.

Core Strategy Policy ENV2 outlines that small scale rural business, leisure and tourism schemes will be favourably considered where they are appropriate to local employment needs and harmonise with the local character and surrounding environment. Development Policy DP9 also provides some support for this proposal when taking into account the conversion and re-use of an existing rural building. Policy ENV2 and DP9 however are both specific to the employment aspect of the site but do not necessarily lend support to the residential element of the application.

The applicant's design and access statement has suggested that a personal permission be granted to allow the applicant to reside in the storage barn. Given the personal circumstances, economic benefits and local support given by Tiptree Parish Council it may be appropriate to allow a personal permission for this proposal but that may pose enforcement difficulties and issues with regards to the future use and occupation of the original farm house.

The Spatial Policy Team accepts the personal circumstances which have been outlined by this application but do not feel this is sufficient justification to depart from established policies. The application has positives with regards to social and economic aspects but these do not overcome the principal of new residential developments on sites such as this in the countryside. “

9.0 Parish Council Response

9.1 Tiptree Parish Council has no objection to this application providing the change of use is restricted to the applicants only.

10.0 Representations

10.1 Three letters in support for the proposal were received from the nearest local residents, on the following grounds:

1. The Priory Studs involvement in the manufacture and repair of horse boxes and trailers is important to the local rural economy and it is vital that such businesses are given support in these difficult economic times;
2. If Mr Upson had to live some distance away, it would be very difficult to run the business and continue to provide care for Mrs Upson;
3. The live-work unit would make good use of an existing rural building;
4. It would not generate additional traffic.

10.2 A letter from the local MP, Ms Patel was also received in support before the application was made.

11.0 Parking Provision

11.1 The proposal would provide at least two off-street parking spaces and therefore meets the requirements of Policy DP19.

12.0 Open Space Provisions

12.1 The proposed live-work unit will be provided with private amenity space in excess of minimum standards. A unilateral undertaking toward public open space, sports and recreation facilities has been put forward in accordance with adopted requirements.

13.0 Report

Background

13.1 The co-applicant, Mr Trevor Upson, is owner and manager of a rural enterprise engaged in the repair and manufacture of trailers under the title of Priory Stud Horseboxes, which is based at Priory Farm. The enterprise employs 4 full-time and 4 part-time workers and occupies a complex of outbuildings and yards alongside a large single storey dwelling known as Priory Farm, which is occupied by Mr Upson and his wife.

13.2 Mr Upson is now in his seventies but remains fully active in the business which is administered from the house. Mrs Upson is in need of constant care and Mr Upson acts as her main carer. Priory Farm is a substantial residence and is proving far too large for Mr Upson to manage whilst managing the business and caring for his wife.

- 13.3 An application was submitted in January this year (102455) to subdivide the existing dwelling into two separate residential units, to allow the Upsons to occupy the smaller of the units. This had the support of the local Parish Council, but was recommended for refusal by Officers on policy grounds, and this recommendation was upheld by Members.
- 13.4 A revised proposal has now been put forward, in order to allow the applicant to continue to run the business and take care for his wife in more manageable accommodation. The proposal involves the conversion of an existing rural building. If Priory farm is sold, there will be no on-site security, which is currently provided by the close proximity of the dwelling to the business.
- 13.5 The DAS refers to PPS4 Policy EC10 and 12, which indicate that LPA's should adopt a positive approach towards applications for economic development, and that whilst re-use of rural buildings for economic development will usually be preferable, residential conversions may be more appropriate in certain circumstances. The DAS refers to the strong personal grounds which give weight to the case and recommends a personal condition could be imposed to ensure that occupancy of the new unit would be restricted only to Mr and Mrs Upson during their lifetimes.

Policy Considerations

- 13.6 Planning Policy Statement 4 encourages local authorities to support local businesses and promote economic growth which is an important consideration in light of the current economic climate. The applicant has outlined that should the current application be refused it would be difficult to continue both the operational side of the business as well as the current caring responsibilities which potentially may have a detrimental impact on the local economy and therefore this is an important consideration.
- 13.7 Core Strategy Policy ENV2 outlines that small scale rural business, leisure and tourism schemes will be favourably considered where they are appropriate to local employment needs and harmonise with the local character and surrounding environment. Development Policy DP9 also provides some support for this proposal when taking into account the conversion and re-use of an existing rural building. Policy ENV2 and DP9 however are both specific to the employment aspect of the site but do not necessarily lend support to the residential element of the application.
- 13.8 Policies H1 to H4 in the Core strategy direct new housing development toward existing settlements.

Planning Considerations

- 13.9 The current application seeks to convert a currently used storage building into what is described as a live-work unit but as outlined in the applicant's design and access statement is essentially a two bedroom dwelling house with an "administration office". The "administration office" could alternatively become a third bedroom or another reception room and become a new dwelling in the countryside. Live-work units are normally associated with small workshops or studios alongside residential accommodation as opposed to an administration office. Essentially the current farmhouse is being used as a live-work unit because the applicant is running the administration site of the business from their residential property but this does not require intervention from the Planning Department because it is established and also has a minimal impact in relation to the predominant residential use of the farmhouse.
- 13.10 Relocating the applicant's residential accommodation to the storage building is still considered to result in the creation of a new dwelling in the countryside and this is resisted. The original farm house in which the applicant currently resides is an established residential unit and the future use of this has not been addressed by the applicant so it is reasonable to assume that this will be retained as a dwelling house resulting in two residential units on the site. The design and access statement outlines that it is important for the applicant to reside on the site for security reasons related to the valuable horse boxes and equipment on stored and used at the site as part of the business. Although in some circumstances dwellings for occupational workers are permitted these are normally for business uses relating to animals and working farms where the care of the animal is seen as a priority to override the principal of new residential development in the countryside. In this instance, it is considered that on site security is a personal preference as opposed to a policy consideration and therefore little weight should be given to this.

14.0 Conclusion

- 14.1 The applicant has been resident on the site for a significant period of time and through the lawful business activity found on the site has contributed significantly to the local economy and provided a source of local employment. The applicant furthermore is in the onerous position of wanting to take care for his wife within a smaller and more manageable unit of accommodation, whilst still looking to be involved in the running of the family business.
- 14.2 The desire for a smaller unit of accommodation at the site is wholly appreciated by Officers. Nonetheless, the proposal amounts to the creation of an additional dwelling in the countryside. The personal circumstances which have been outlined by this application are accepted, but Officers do not feel this is sufficient justification to depart from established policies. The application has positives with regards to social and economic aspects but these do not overcome the principal of new residential developments on sites such as this in the countryside.

15.0 Background Papers

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

16.0 Recommendation - Refusal

Reasons for Refusal

Policies H1 to H4 in the Core Strategy (adopted December 2008) direct new housing development towards existing settlements where jobs, services and community facilities are available and there is good access by public transport. Policy ENV2 in the Core Strategy supports development outside but contiguous to village settlement boundaries where it constitutes an exception to meet identified local affordable housing needs. Policy ENV2 gives encouragement to small scale rural business schemes and Policy DP9 in the Development Policies (adopted October 2010) gives encouragement to the conversion and re-use of rural buildings for employment purposes. In this instance, the application site is outside of the defined settlement boundary of Tiptree. The proposal to convert an existing building into a two-bedroom dwelling, with an office area, amounts to the creation of a new dwelling in the countryside and, whilst the benefits of enabling the applicants to continue to live on-site have been taken into account, it is considered these do not outweigh the usual policy of restraint to the creation of new residential dwellings in the countryside. The proposal as such is contrary to the aforementioned adopted Council policies.

AMENDMENT SHEET

Planning Committee
11 August 2011

AMENDMENTS OF CONDITIONS AND REPRESENTATIONS RECEIVED

- 7.1 111139 – S & K Premier Convenience Store, 87 Drury Road, Colchester

The DHU consider the amended plans to be satisfactory and confirm that the scheme has evolved through negotiations with the agent. The final revisions relate to the setting back of the entrance to the store so as to maintain separation between the 2 buildings with separate fascia and frontages creating a stronger architectural statement of 2 buildings.

In paragraph 6.2 previous application reference is 102679 and not 102769 as stated.

Recommended Conditions

1. A1.5 (Time limit)
2. C71 (Materials)
Before the development hereby permitted commences, the external materials and finishes to be used, which shall be substantially as indicated in the submitted application documents, shall be agreed in writing by the Local Planning Authority. The development shall be implemented in accordance with agreed details.
Reason: To ensure that the development harmonises with the appearance of the existing building and the character of the area.
3. Prior to the occupation of the development the vehicular parking and turning facilities, as shown on the submitted plans shall be constructed, surfaced and maintained free from obstruction within the site at all times for that sole purpose.
Reason: To ensure that vehicles can enter and leave the highway in a forward gear in the interest of highway safety to ensure accordance with Policy 1.1 of the Highways and Transportation Development Control policies.

4. For the benefit of shop customers, prior to the commencement of the development the details of the number, location and design of cycle parking facilities shall be submitted to and approved in writing by the Local Planning Authority. The approved facility shall be provided prior to occupation and retained at all times.
Reason: To ensure appropriate cycle parking is provided in the interest of highway safety and amenity in accordance with Policy 7 of the Highways and Transportation Development Control policies.
5. A10 (Development to Accord With Revised Plans)
The development hereby permitted shall be implemented in all respects strictly in accordance with the revised drawing no SK6-102D and 103D, received 5 August 2011.
Reason: For the avoidance of doubt as to the scope of the permission and in the interests of the appearance of the development.
6. Prior to the commencement of the development hereby permitted, a detailed scheme illustrating the means of screening to the roof terrace shall be submitted to and agreed in writing by the Local Planning Authority. The development shall only be carried out in accordance with the agreed details.
Reason: To protect the amenities and privacy of adjoining residents.
7. The foodstore as extended shall be operated in accordance with the Workplace Travel Plan dated June 2011 as submitted with the planning application particularly in respect of staff travel and car park and deliveries management.
Reason: In the interests of highway safety and the convenience and amenity of local residents.

1 further e-mail from resident of Wavell Avenue, expresses the following views:-

- The shop provides a useful service but scale of expansion is of concern.
- The Highway Authority indicate that increased floorspace is “purely to facilitate a more efficient customer flow” but I question whether the scale of additional floorspace is needed for that purpose. The increased range and amount of goods would attract more customers and more car-borne trade.
- No off-street parking for customers is offered where adopted parking standards indicate about 20 spaces would be needed. This suggests the proposal is overdevelopment.
- I would question whether service yard is adequate for lorries to deliver and to manoeuvre within the site.
- If scheme is permitted, use of trolleys should not be permitted outside the store as this would be both dangerous and unacceptable.

**COLCHESTER BOROUGH COUNCIL
PLANNING COMMITTEE
11 August 2011 at 6:00pm**

SUPPLEMENTARY AGENDA

Part B

(not open to the public or the media)

Pages

There are no Section B Items