

# Planning Committee

Town Hall, Colchester  
17 February 2011 at 6.00pm

## **This committee deals with**

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

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

# Information for Members of the Public

## Access to information and meetings

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

## Have Your Say!

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

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## **Material Planning Considerations**

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

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

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

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

## **Human Rights Implications**

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

## **Community Safety Implications**

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

## **Equality and Diversity Implications**

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

**COLCHESTER BOROUGH COUNCIL  
PLANNING COMMITTEE  
17 February 2011 at 6:00pm**

**Members**

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

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

**Agenda - Part A**

(open to the public including the media)

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

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

**Pages**

**1. Welcome and Announcements**

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

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

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

## **2. Have Your Say!**

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

## **3. Substitutions**

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

## **4. Urgent Items**

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

## **5. Declarations of Interest**

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

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

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

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

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

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

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

Councillors should consult paragraph 7 of the Meetings General

Procedure Rules for further guidance.

## 6. Minutes

The minutes of the meeting held on 3 February 2011 will be submitted to the next meeting.

## 7. Planning Applications

In considering the planning applications listed below, the Committee may chose to take an en bloc decision to agree the recommendations made in respect of all applications for which no member of the Committee or member of the public wishes to address the Committee.

1. 102121 Plot of land between 16 and 23 Darwin Close, Colchester, CO2 8US (Berechurch) **1 - 14**  
  
Proposed erection of 2no. two bedroomed dwellings.
2. 102360 Waldegraves Farm Holiday Park, Waldegraves Lane, West Mersea, CO5 8SE (West Mersea) **15 - 20**  
  
Proposed extension of Wheatsheaf Social Centre to provide additional accommodation, food holding room, changing room and toilets, including demolition of conservatory. Resubmission of 101202.
3. 091057 Car Park opposite The Coast Inn, 108 Coast Road, West Mersea, CO5 8NA (West Mersea) **21 - 29**  
  
Retention of posts and shuttering to enclose car parking area.
4. 101520 36 Barrack Street, Colchester, CO1 2LT (New Town) **30 - 41**  
  
Change of use from A1 shop to A5 takeaway food. New extension at first floor level over existing rear extension to provide new staircase to existing first floor flat. (Resubmission of application 100934).
5. 101901 Powerplus Engineering Limited, School Farm Buildings, School Road, Langham, CO4 5PA (Dedham and Langham) **42 - 50**  
  
Provision of thirteen staff car parking spaces including two disabled spaces and associated hedgerow.

6. 102414 Land to rear of 143 High Road, Layer de la Haye  
(Birch and Winstree)

**51 - 56**

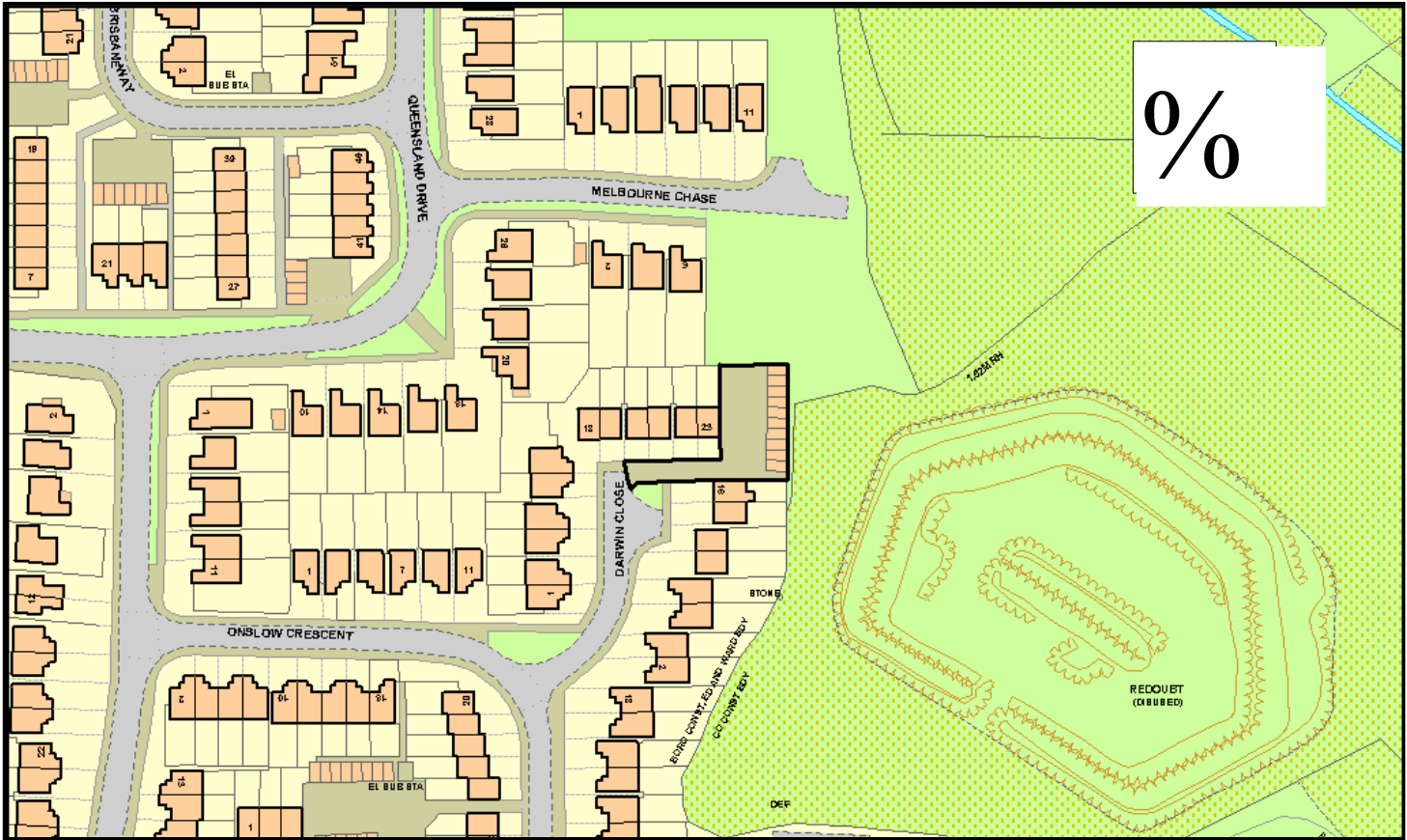
Variation of condition 08 (trees) of planning approval 071986.

## **8. Exclusion of the Public**

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







**Application No:** 102121

**Location:** Plot of land between, 16 & 23 Darwin Close, Colchester, CO2 8US

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

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# Committee Report

Agenda item

**7**

To the meeting of **Planning Committee**  
on: **17 February 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 John More

**MINOR**

**Site:** 16 & 23 Darwin Close, Colchester, CO2 8US

**Application No:** 102121

**Date Received:** 1 November 2010

**Agent:** Duncan Clark And Beckett

**Applicant:** Colne Housing Association Ltd

**Development:** Proposed erection of 2no. 2 bedroomed dwellings.

**Ward:** Berechurch

**Summary of Recommendation:** Conditional Approval with Grampian Condition

## 1.0 Introduction

1.1 This application is referred to the Planning Committee because an objection has been received and Colchester Borough is the landowner.

## **2.0 Synopsis**

2.1 The application is for the erection of 2 two-storey two-bed dwelling houses with associated parking and amenity space on a former Colchester Borough garage site, by Colne Housing Association. The main issues are the need for affordable housing, the design and layout of the properties, the amenity of neighbouring properties, the amenity of the end users of the proposed dwellings and the large Oak Trees adjacent to the site. One objection has been received relating to the removal of the oak trees. On balance the application is recommended for conditional approval subject to being able to attach a Grampian condition preventing the commencement of development unless or until the trees on the boundary outside the application site have been removed.

## **3.0 Site Description and Context**

3.1 This site is a disused estate garage site, rectangular in plan form measuring approximately 28m x 16m, giving a site area of 0.45 ha. The garage buildings having been demolished and cleared from the site leave an area of concrete hard standing.

3.2 The site is bounded to the north and east by open space (Middlewick Ranges); to the south by the windowless north flank wall of number 16 Darwin Close and its garden wall, and to the east by the windowless eastern flank wall of number 23 Darwin Close and its garden wall. There is a row of 5 mature oak trees standing just outside the eastern boundary of the site within MOD land.

3.3 A right of way crosses the site from south to north, giving pedestrian access from Darwin Close to the public open space.

3.4 A foul water sewer and a surface water sewer run from southwest to northeast across this site, generating an 8-metre wide easement.

## **4.0 Description of the Proposal**

4.1 The application is for the erection of 2 no. 2-bedroomed 3-person 2-storey houses of 68m<sup>2</sup>, comprising an open-plan kitchen/living area and wc at ground floor, and 2 bedrooms and a bathroom at first floor.

4.2 In terms of private amenity space plot 1 has an enclosed rear garden of 60m<sup>2</sup> while plot 2 has an enclosed rear garden of 55m<sup>2</sup>.

4.3 A shared surface permeably paved access route with a Type 5 turning head is proposed leading to 2 off road car parking spaces per house. Each property would have secure cycle storage in the form of a shed in the garden.

4.4 The proposal is for Code 4 general needs social rented housing.

4.5 It is proposed to redirect the surface water sewer leaving a strip of buildable land along the eastern boundary which is 8.7 metres wide.

4.6 The original proposal was to remove three of the oak trees (T2, T4 & T5) to the rear of the site which are outside the application site on MOD land. The most recent set of amended plans now shows all 5 Oak trees removed from the MOD land.

## **5.0 Land Use Allocation**

5.1 The land is currently designated in the Development Plan as predominantly residential.

## **6.0 Relevant Planning History**

6.1 There is no relevant planning history.

## **7.0 Principal Policies**

7.1 The following national policies are relevant to this application:

Planning Policy Statement 1: Delivering Sustainable Development

Planning Policy Statement 3: Housing

Planning Policy Statement 23: Planning and Pollution Control

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

SD3 - Community Facilities

H1 - Housing Delivery

H2 - Housing Density

H3 - Housing Diversity

H4 - Affordable Housing

UR2 - Built Design and Character

PR1 - Open Space

TA5 - Parking

ENV1 - Environment

ER1 - Energy, Resources, Waste, Water and Recycling

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

DP1 Design and Amenity

DP3 Planning Obligations and the Community Infrastructure Levy

DP12 Dwelling Standards

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

DP19 Parking Standards

DP25 Renewable Energy

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

Backland and Infill

Community Facilities

Vehicle Parking Standards

Open Space, Sport and Recreation

The Essex Design Guide

Affordable Housing

## 8.0 Consultations

- 8.1 Environmental Control recommend a condition relating to light pollution and the ‘*Advisory Notes for the Control of Pollution during Construction & Demolition Works*’ informative.
- 8.2 The Arboricultural Officer recommends refusal of the application as originally proposed (with only 3 of the 5 Oak trees removed). He states:

*“I am in agreement with the tree survey and however I am not in agreement with the conclusions of the report.*

*It is noted that trees T2, T4 & T5 are of low importance and should not constrain the site. It is also recommended within the report that these trees should be removed. As these trees are not in the ownership of the developer this cannot be agreed to unless evidence can be provided that the owner of the trees also agrees.*

*T1 & T3 are large important trees that will significantly impact the site if they are retained. These are in good condition and should be retained. If buildings are situated beneath them it will create an oppressive living environment and residents will constantly be requiring work to be done to these trees.*

*The position of the buildings beneath these trees is in my opinion inappropriate and (although not much better) parking would be more appropriate.*

*Conclusion*

*I would advise against the site layout as currently proposed.”*

- 8.3 Following suggestions to remove one additional Oak leaving one tree (T3) the Arboricultural Officer made the following additional comments:

*“The retention of T3 with the buildings in there proposed locations still creates significant problems, however, the issues are regarding the end use of the area rather than the construction. Ultimately we need to construct buildings that are usable in the long term – which with significant overshadowing from the retained tree and the direct conflict with the built form may be problematic.*

*Ultimately it is the decision of the tree owners as to whether the trees are retained but my view would be that with T1 or T3 remaining in place the issues remain the same.”*

- 8.4 The Contaminated Land Officer states that the report “*has identified any potential risks from potential contamination to relevant receptors as low to very low. However, it has also recommended that, given the sensitivity of the proposed new use (residential with gardens), “following the removal of the concrete surfacing which covers the site, an inspection should be made, by a suitably experienced Engineer, to highlight any evidence of sources of contamination such as spillages of hydrocarbons which then may warrant further assessment and/or investigation”.* Consequently, I have adapted one of the standard contamination conditions/informatives, which I suggest is attached to any permission granted.”

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

- Prior to occupation of the development the vehicular parking and turning facilities, as shown on the submitted plans shall be constructed, surfaced and maintained free from obstruction within the site at all times for that sole purpose.  
Reason: To ensure that vehicles can enter and leave the highway in a forward gear in the interest of highway safety and to ensure accordance with Policy 1.1 of the Highways and Transportation Development Control policies.
- No unbound material shall be used in the surface treatment of the vehicular access within 6 metres of the highway boundary.  
Reason: To avoid displacement of loose material onto the highway in the interests of highway safety to ensure accordance with Policy 1.1 of the Highways and Transportation Development Control policies.
- The vehicular hardstanding shall have minimum dimensions of 2.9 metres x 5.5 metres for each parking space.  
Reason: To ensure adequate space for parking off the highway is provided in the interest of highway safety in accordance with Policy 7 of the Highways and Transportation Development Control policies.
- Prior to occupation of the proposed development, the Developer shall be responsible for the provision and implementation of a Travel Information and Marketing Scheme for sustainable transport, approved by Essex County Council.  
Reason: In the interests of promoting sustainable development and transport in accordance with policy in F.32 in the Essex Road Passenger Transport Strategy 2006/11.
- **INF01:** All works affecting the highway to be carried out by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority and application for the necessary works should be made to the Area Highways Manager (01206 838600).

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

## 9.0 Representations

9.1 Cllr Harris writes in support of the application stating

*"With reference to this site I wish to support the principle of developing this site. The residents in Darwin Close had to endure bad behaviour in the area, when some old garages existed there. A petition was collected in and asked for CBH/CBC to remove the derelict garages. It was always thought the only solution was to use this parcel of estate land to use for Social or affordable housing. I note there is intention to ensure existing path from Darwin Close to public open space is retained by provision of a footpath, this is a positive step. The proposal here puts closure on the problems of the past. I feel that two issues can be easily resolved:*

- a) Saplings to be provided further into the copse to be replace the trees to be removed*
  - b) A look at providing off street parking for numbers 21 and 23*
- I support this plan as it deals with the problems of the past, and indeed provides much needed social accommodation."*

9.2 Cllr Mudie objects to the removal of the trees adjacent the site.

He states: *"I wish to register my objection to the removal of all the trees in the close vicinity to the above proposal. The reasoning behind my objection is based on the following: The original proposal suggested that 3 of the 5 trees should be removed because of their poor condition and this would also facilitate the proposed development. I am extremely disappointed that the recent revised plans should include the removal of all 5 trees which includes 2 sound mature oak trees. Having discussed the issue with Liam McKarry Arboricultural Planning Officer and Paul Evans MOD Estates Surveyor, I have found lacking any support for the indiscriminate removal of the 2 sound oak trees. As far as I'm aware, the only documented reason for the removal of these 2 trees is that the new residents may find that the shedding of their leaves would cause a nuisance. These trees are on a boundary which was probably an ancient woodland and therefore so long established that we should all be trying to protect them. Should the only reason for their demise be that they may cause a nuisance, then I shall conclude that the revised planning application is in need of further revision."*

9.3 Cllr Mudie has subsequently submitted the following comments:

*"Further to my original objection submitted 15th December 2010 subsequently posted on your web site 14th January 2011. I wish to amend my objection regarding the 5 trees adjacent to the proposed development site. Following a recent study of the site I noticed that tree (1) although apparently sound, would have little aesthetic value towards the amenity if it were retained and the site developed. However, tree (3) is a fine specimen of a traditional English oak and should be retained at all cost. It is a great shame that for many years the ivy has been allowed to cover most of the trunk and canopy and it is the ivy that will continue to shade the site on a year round basis. I would hate to think that we could save tree (3) only to see it's demise due to strangulation by clinging ivy! I would welcome Liam McKarry's thoughts on saving tree (3)."*

## 10.0 Parking Provision

10.1 The adopted parking standards require the following provision for this proposal:

- A minimum of 5 vehicle parking spaces. (1 of which to be visitor/unallocated, which, subject to appropriate design, can be located on or near the road frontage)
- A minimum of 1 cycle space per dwelling or none if a garage or secure area is provided within curtilage of dwelling.

10.2 The parking standards do allow for reductions of the vehicle standard where the development is in an urban area (including town centre locations) that has good links to sustainable transport.

10.3 This proposal provides the following:

- 4 vehicle parking spaces, 2 for each property.
- 1 shed/cycle store for each property.

- 10.4 While the proposal provides 2 off road vehicle parking spaces for each property and secure cycle storage it fails to provide a visitor/unallocated parking space within the site. Due to the location of the site along the access track, on-street visitor parking would not be closely related to the proposed dwellings and would be outside other dwellings or in the turning head at the end of the cul-de-sac.
- 10.5 The current planning application does not directly take into account the previous use of the site as a parking/garaging court and the parking provision which has been lost to the estate by the withdrawal of the estate garage site. No's.19, 21 and 23 Darwin Close do not appear to have any satisfactory off road parking associated with the dwelling. This is likely to lead to greater competition for on-street parking in Darwin Close and vehicles parking on the footpath in front of No. 21 and 23 Darwin Close and in the turning head at the end of Darwin Close.
- 10.6 The loss of the garage court combined with the two new dwellings lacking visitor parking could result in additional on street parking pressure at the turning head in Darwin Close. It is noted however that the Highway Authority have not raised this as a concern.

## **11.0 Open Space Provisions**

- 11.1 No public open space is provided within the site.

## **12.0 Report**

- 12.1 The main issues in this case are considered to be as follows:

- *Background*
- *Design and Layout*
- *Scale, Height and Massing*
- *Impact on the Surrounding Area*
- *Impacts on Neighbouring Properties*
- *Amenity Provisions*
- *Trees*
- *Affordable Housing*
- *Highway Issues*
- *S106 contributions*
- *Other Matters*

### Background

- 12.2 The block of 10 garages were constructed in approximately 1976 of precast concrete panels bolted together with an asymmetric pitched roof covered in corrugated metal panels. The garages had fallen into a state of disrepair and were subject to vandalism and antisocial behaviour. Local residents lobbied a local Councillor and the MP to get the garages demolished due to their condition.



- 12.3 A report on the condition of the garages from 2008 highlighted a number of issues. It indicated that the garages appeared to be a magnet for local youths and other undesirables. Further, all of the garages appeared to have been abandoned and, given the level of vandalism, were probably beyond economic repair. It identified that there was a risk of partial collapse of the block. The report concluded that given as there appears to be no demand for these garages and many of these precast concrete, site assembled garages are now obsolete, the only logical course must be to demolish the remainder of these structures and clear the site.
- 12.4 The garages were eventually demolished in late 2008.

#### Design and Layout

- 12.5 This is a rather cramped and awkward site to develop. The layout of the proposal is very much dictated by the constraints of the sewer easements, access to the open space, tree cover and the location of neighbouring properties.
- 12.6 The proposal is for a backland development where the layout does not reflect the prevailing pattern of development in the surrounding area in terms of layout, plot size and shape. The proposed dwellings would appear rather cramped in their plots and have awkward shaped small private garden areas. That said the site is set back from the road frontage in the corner of this cul-de-sac served by an existing access and would not read as part of, or harm, the street scene.
- 12.7 With regard to the appearance of the proposed dwellings, the adopted SPD for Backland and Infill development accepts that not all infill or backland development must be a pastiche of existing buildings. It indicates the Council will consider contemporary design on its ability to respond positively to the site constraints and whether it makes a positive contribution to the surrounding area.
- 12.8 In this case, the existing dwellings are of no particular architectural merit. The proposed dwellings would be set back from the street frontage so the contemporary design approach taken would not directly clash with the style of the street scene.
- 12.9 While it is not considered the proposal would harm the existing street scene due to the tucked away location of the site, the proposed houses would appear unduly cramped in their plots and out of character with the pattern of development in the surrounding area. The proposal would therefore conflict with the adopted Backland and Infill SPD.

#### Scale, Height and Massing

- 12.10 The ridge and eaves heights of the proposed dwellings have been designed to be slightly lower than the surrounding dwellings to reflect the tucked away location of the development. The front elevations have been articulated to improve the visual appearance. The scale, height and massing of the proposed dwellings is considered acceptable in this case.

### Impact on the surrounding area

- 12.11 The proposed dwellings would be visible across the POS to the north of the site. The end elevation of plot 2 has been designed with windows overlooking this space to improve passive security and give some visual interest to this elevation.

### Impact on neighbouring properties

- 12.12 There would not be sufficient separation between the proposed development and existing dwellings to overcome problems of overlooking. Much direct overlooking has been mitigated by the use of high level windows, obscure glazing and an angled bay window to plot 2. There is still some potential overlooking to the north. Plot 2 has windows in the front and side/north elevation at first floor level serving bedrooms, which look north towards 6 Melbourne Chase. This property sits at a higher ground level and the back of the property is visible from the site. The proposal would increase the height and thereby the angle of this overlooking. However, back to back distances between the properties would be approximately 25m and set at an angle of approximately 50 degrees. This separation distance would accord with the guidance contained in the Essex Design Guide which recommends a minimum of 25m back to back. Therefore, it is not considered the proposal would result in undue harm in this case.
- 12.13 Due to the layout and design of the proposed houses it is not considered the proposal would result in loss of light or overbearing impact on neighbouring properties.

### Amenity provisions

- 12.14 In terms of private amenity space plot 1 has an enclosed rear garden of 60sqm while plot 2 has an enclosed rear garden of 55sqm. While these areas accord with the areas required for two bed houses in policy DP16, both private amenity areas are of a rather substandard, awkward, unusable shape. Further, if either T1 or T3 are to be retained these areas would also be overshadowed by these mature Oak trees. In this respect it is considered the proposal would conflict with policy DP16 and the Backland and Infill SPD providing substandard private amenity space in qualitative terms. This however must be balanced against the site location, adjacent to and with easy access to the public open space.

### Trees

- 12.15 While there are no trees within the application site there is a row of 5 large Oak trees to the east of the site on the edge of the woodland within MOD land.
- 12.16 The backland and infill SPD states that new development should seek to retain existing trees and hedges, in particular along site boundaries, where they have high amenity value or create privacy. New development should not be sited too close to existing trees or hedgerows as they may result in overshadowing of a building, cause damage to the root structure or lead to pressure from the occupier of the house to remove the tree or hedge in the future.

- 12.17 An arboricultural report was submitted with the planning application. This has been assessed by the Arboricultural Planning Officer who is in agreement with the tree survey but not in agreement with the conclusions of the report. He states that T1 & T3 are large important trees that will significantly impact the site if they are retained. He notes that these are in good condition and should be retained. However, if buildings are situated beneath them it will create an oppressive living environment and residents will constantly be requiring work to be done to these trees. He concludes that the position of the buildings beneath these trees is inappropriate and advises against the site layout with the trees retained.
- 12.18 As a result of this the applicants proposed to remove all of the trees with the land owner's permission. This would remove the potential harm to the end users of the site however would result in the loss of all five of the large oak trees which would have a significant visual impact.
- 12.19 It is to the removal of all of the existing oak trees to which Cllr Mudie originally objected. Cllr Mudie subsequently revisited the site and suggested a compromise removing T1 and retaining T3 (the best specimen).
- 12.20 To this the Arboricultural Planning Officer commented that the retention of T3 with the buildings in their proposed locations still creates significant problems, however, the issues are regarding the end use of the area rather than the construction process. Ultimately we need to construct buildings that are usable in the long term and in this case with significant overshadowing from the retained tree and the direct conflict with the built form proposed this may be problematic.
- 12.21 It is important to remember at this point that the trees are outside the application site and not within the ownership or control of the applicants. As the trees are outside the application site their retention or removal cannot be controlled by way of a planning condition. The Council therefore cannot require their removal to ensure satisfactory levels of amenity for any end users of the properties, or require their retention for visual amenity value or biodiversity reasons. Further, as the trees are within MOD ownership the Council cannot place a TPO on the trees.
- 12.22 This is a "catch 22" situation. T1 and T3 are large important oak trees that are in good condition and should be retained in normal circumstances. We cannot however ensure their retention through the planning process. Equally if the trees are retained they would compromise the living conditions of the end users of the properties if approval is granted, and we could not ensure their removal through the planning process if we were minded to approve the application.
- 12.23 Ultimately it is the decision of the tree owners as to whether the trees are retained. However, it is considered that if either T1 or T3 remain in place, the siting of houses beneath them as proposed would create an unacceptable, oppressive living environment for the end user, contrary to the backland and infill SPD.
- 12.24 The current version of the site plans show all of the trees removed. The applicants have submitted a letter from the MOD Estates Surveyor which gives consent to remove the trees on MOD land subject to certain requirements including the erection of boundary fencing on the eastern boundary of the application site and the southern boundary of the public open space.

12.25 As the Council is unable to condition the removal of the trees as part of the planning process, and acknowledging that their removal may not be desirable in terms of visual amenity and biodiversity, while they remain in situ they would result in an unacceptable, oppressive living environment for the end user of the site and to that end the proposal should not be supported.

#### Highway and access issues

12.26 The access to the site is as exists for the garage site at present. It would not dominate the street scene or harm the character or appearance of the area. It is not considered the use of the access would cause harm to the amenity of neighbouring residents as the proposal would not generate significantly more vehicle movements than the original use of the site for parking and garaging of vehicles.

12.27 The Highway Authority does not object to the proposal as submitted. They recommend standard conditions relating to parking and turning facilities, parking space dimensions, hard surfacing materials and the implementation of a Travel Information and Marketing Scheme for sustainable transport for each property to encourage sustainable transport choices.

#### Affordable housing

12.28 The scheme is put forward by Colne Housing Association and is for the development of 2 code 4 affordable homes. The provision of Affordable housing is a key objective of CBC and this is reflected in the Core Strategy.

#### S106 contributions

12.29 A development proposal such as this would normally generate a requirement for S106 contributions towards Open Space, Sports and Recreational Facilities along with Community Facilities, in accordance with the adopted SPDs of the same names.

12.30 In this particular case the Planning Service Manager comments that:-

“This type of development would normally trigger SPD requirements for financial contributions towards Open Space, Sports and Recreational Facilities along with Community Facilities. However it has been agreed by the Planning Service Manager, the Spatial Planning Manager, the Parks & Recreation Manager and the Community Project Officer that in this case the requirement be waived. This is based on the pressing need hereabouts being for the delivery of affordable housing and as the site is owned by the Council there would, in this case, be no net gain to the community by requiring payment of SPD contributions because such sums would eventually come from another Council budget. The Council has other budgets and programmes for the delivery of sports and community facilities”

### Other matters

- 12.31 The Contaminated Land Officer, having considered the report submitted, recommends suitable conditions to ensure the site is suitable for the end user.
- 12.32 The scheme is proposed to achieve a code 4 rating in the Code for Sustainable Homes, having a level of thermal performance significantly in excess of the Building Regulations and incorporating renewable energies, integral water efficiency and recycling management. This exceeds the expectation of Core Strategy policy ER1 which states that residential dwellings will be “encouraged” to achieve a minimum 3 star rating in accordance with the Code for Sustainable Homes.

### **13.0 Conclusion**

- 13.1 In summary, the redevelopment of this site would resolve the existing antisocial behaviour problems associated with this site and thereby improve the living environment for existing neighbours. Further, the scheme would provide much needed affordable housing in the Borough. It is proposed to achieve a code 4 rating in the Code for Sustainable Homes which is in excess of current policy requirements. It would also resolve a long-standing anti-social behaviour issue and would reduce the fear of crime which is a material planning consideration. The Planning Service Manager comments “Members will be acutely aware of the fact that grant funding to support the delivery of affordable homes from the Homes & Communities Agency (HCA) is becoming scarcer and that the private sector housing building industry is delivering fewer affordable homes because of the slow down in the economy. This project does have allocated funding from the HCA and would see affordable housing delivered at a time when every new unit provided helps another household in need at a time when demand is high but supply cannot match that need. However whilst a reasonable case can be made for allowing these units there is concern that the price that would be paid is the loss of all the trees along but outside the site boundary. A number of these trees do contribute to enhancing the quality of the streetscene and ordinarily the service would seek to resist their loss unless exceptional circumstances existed. These are such circumstances. However because the applicant does not own the land upon which the trees are positioned the quality of the living space for future residents of the units would be inadequate because of the adverse impact of these trees were they to remain. However it should be possible with the co-operation of the MOD & the applicant to employ a GRAMPPIAN condition that will prevent development proceeding unless the trees have been removed. If the MOD withdraw their co-operation then the scheme would not be implementable if approved with the GRAMPPIAN condition. Successful deployment of a GRAMPPIAN condition in this case will result in the removal of all these trees.
- 13.2 On balance, for the reasons set out above it is considered that the proposal can be supported subject to co-operation of the applicant and adjoining owner with the addition of a GRAMPPIAN condition restricting implementation until and unless the trees along the boundary have first been removed.

## **14.0 Recommendation**

1.

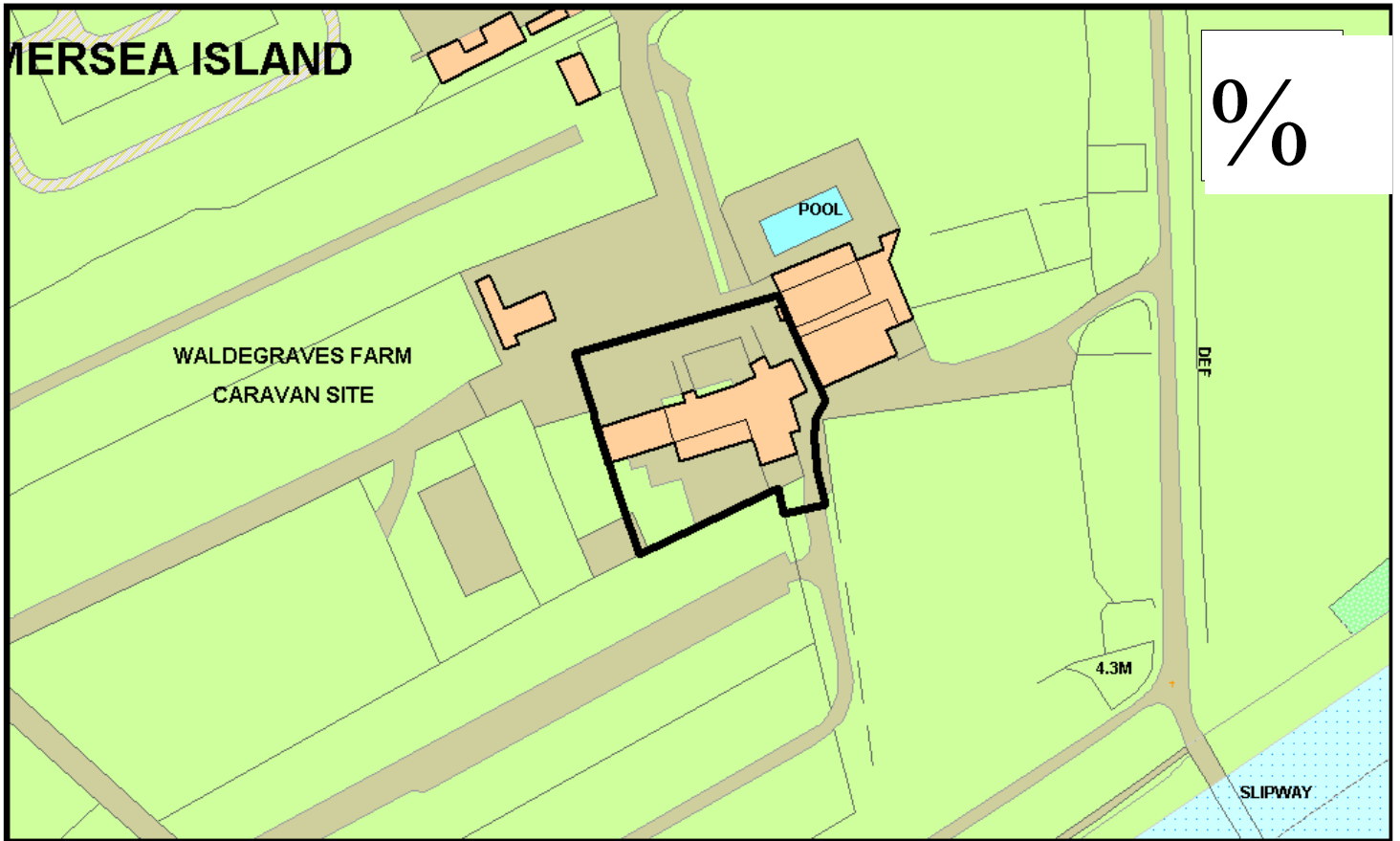
Defer and authorise the Head of Environmental & Protective Services to GRANT planning permission in the event that the MOD and the applicant can satisfactorily agree to the removal of trees and the erection of new boundary treatment and subject to an appropriate GRAMPIAN condition that prevents development commencing until and unless the trees on the common boundary have been removed and subject to appropriate conditions to be agreed.

2.

In the event that the GRAMPIAN condition cannot be delivered or satisfied then The Head of Environmental & Protective Services be authorised to REFUSE planning permission for the following reason:-

### **Reasons for Refusal**

Whilst the delivery of affordable housing is a priority for the Council this site cannot be properly developed without the loss of a number of mature trees on land outside but immediately adjoining the site boundary. Whilst a number of these trees enhance the quality of the streetscene and their retention would normally be an important objective within any redevelopment proposal the Council is mindful of the fact that this site has a history of anti-social behaviour which has generated a fear of crime in the locality. It is also conscious of the fact that the need for affordable housing is high and its delivery is becoming increasingly difficult. In considering this proposal however the Council is of the opinion that the retention of the existing trees (as the applicant does not own the land upon which they are located) will result in a substandard living environment for occupiers of the proposed dwellings. Therefore the proposal should be refused on the grounds that the accommodation would lack adequate natural daylight, the value of the rear gardens would be severely reduced as a consequence of the oppressive impact of the adjacent trees on outlook, as would, more importantly, outlook from rooms within the houses.



**Application No:** 102360

**Location:** Waldegraves Farm Holiday Park, Waldegraves Lane, West Mersea, Colchester, CO5 8SE

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

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**7.2 Case Officer: Sue Jackson**

**MINOR**

**Site:** Waldegraves Lane, West Mersea, Colchester, CO5 8SE

**Application No:** 102360

**Date Received:** 16 November 2010

**Agent:** Mr Clive Richardson

**Applicant:** David Lord

**Development:** Proposed extension of Wheatsheaf Social Centre to provide additional accommodation, food holding room, changing room and toilets, including demolition of conservatory. Resubmission of 101202.

**Ward:** West Mersea

**Summary of Recommendation:** Conditional Approval

**1.0 Introduction**

1.1 This application is referred to the Planning Committee because it was received prior to the new Scheme of Delegation coming into effect; the town council has objected to the application and the recommendation is for planning permission to be granted.

**2.0 Synopsis**

2.1 The application proposes an extension to the social club at the caravan site, the consultations responses are set out including an objection from the town council and permission is recommended as the proposal does not conflict with Council policies.

**3.0 Site Description and Context**

3.1 Waldegraves Holiday Park is situated on Mersea island at West Mersea accessed via Waldegraves Lane. The main caravan site has a frontage close to the water edge and in addition to the social club there are other facilities including a golf course. Whilst the social club is located within the main caravan site it is visible from the beach and the sea wall.

**4.0 Description of the Proposal**

4.1 The application proposes the erection of an extension to the Wheatsheaf social club to provide additional accommodation including a food holding room, changing room and toilets. The proposal includes the demolition of a conservatory.



4.2 The main extension is to the rear of the building and has dimensions of 18m by 18m, whilst there are pitched roofs along the edge of the built form the centre part will have a flat roof. This extension will face towards beach which is separated from the site by the sea wall. The proposed materials will match the building pantiled roof and walls of boarding on a brick plinth. A separate “L” shaped building with a small link to the main extension is also proposed. It has overall dimensions of 8m by 9.5m and will be constructed of matching materials.

## **5.0 Land Use Allocation**

5.1 Holiday Park, Coastal Protection Belt

## **6.0 Relevant Planning History**

6.1 101202 application for a similar development refused permission on design grounds and insufficient information to demonstrate the flat roof would not be visible in the public domain.

## **7.0 Principal Policies**

7.1 The following national policies are relevant to this application:  
Planning Policy Statement 1: Delivering Sustainable Development  
Planning Policy Guidance 17: Planning for Open Space, Sport and Recreation  
Planning Policy Guidance 20: Coastal Planning  
Planning Policy Statement 25: Development and Flood Risk  
Planning Policy Statement 25 Supplement: Development and Coastal Change

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  
TA5 - Parking  
ENV1 - Environment

7.3 In addition, the following are relevant adopted Colchester Borough Development Policies (October 2010):  
DP1 Design and Amenity  
P10 Tourism, Leisure and Culture  
DP19 Parking Standards  
DP20 Flood Risk and Management of Surface Water Drainage  
DP21 Nature Conservation and Protected Lanes  
DP23 Coastal Areas

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

## **8.0 Consultations**

8.1 The Highway Authority has no objection.

- 8.2 Environment Agency given that no part of the footprint of the building falls within Flood zones 2 and 3 and that only a small area of the site falls within Flood Zone 2, we propose to take a pragmatic approach to this case and not request a Flood Risk Assessment. We do however recommend the Council may wish to append a suitably worded condition to any planning permission granted that requires that the proposed extension should incorporate flood protection measures. In a similar vein the Council may also wish to append a condition that requires Flood Warning Notices to be erected.
- 8.3 Spatial Policy conclude that the proposal is considered to satisfy current planning policy objectives.
- 8.4 Urban Designer has been involved in negotiating an amended design and has no objection to the application.

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

## **9.0 Town Council Response**

- 9.1 The Town Council have stated that following discussion it was agreed to recommend refusal as the proposal is overdevelopment of this coastal protection belt site.

## **10.0 Representations**

- 10.1 No representations have been received

## **11.0 Parking Provision**

- 11.1 The site has extensive parking provision and no parking issues are raised by this application.

## **12.0 Open Space Provision**

- 12.1 The application does not require any open space provision

## **13.0 Report**

- 13.1 The main issues raised by this application are the design of the extension and their suitability in and impact on the coastal protection belt
- 13.2 National and local policies seek to support sustainable rural tourism and leisure developments whilst preventing development which would have an impact on coastal protection belts and other designated conservation sites. Whilst the extensions will be visible so to is the existing building and the larger caravan site. The extensions are of an acceptable design and visual impact. The extensions are also modest in comparison to the existing buildings. The application includes a cross section showing the extension in relation to the sea wall and indicates the flat roof element will be not be visible from this public viewpoint.

## **14.0 Conclusion**

14.1 The proposal is considered acceptable and planning permission is recommended.

## **15.0 Background Papers**

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

### **Recommendation – Conditional Approval**

#### **Conditions**

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

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

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

2 - Non-Standard Condition

The development hereby permitted shall be implemented in all respects strictly in accordance with the approved plans drawing nos. 2010/005/WHP/A, 2010/002/WHP/A, 2010/004/WHP/A and 2010/001/WHP/A/1 date lodged 16 November 2010, unless previously agreed in writing with the local planning authority.

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

3 - C3.2 Materials as Stated in Application

The external materials and finishes to be used shall be as stated on the application form and as indicated on the approved plans and schedule returned herewith, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the development harmonises with the appearance of the existing building and the character of the area.

4 - Non-Standard Condition

The proposed extension shall incorporate flood protection measures in accordance with details submitted to and approved in writing by the local planning authority prior to the commencement of development. The development shall be carried out incorporating the approved flood protection measures.

Reason: To ensure satisfactory provision is made for flood protection measures in the interests of public safety.

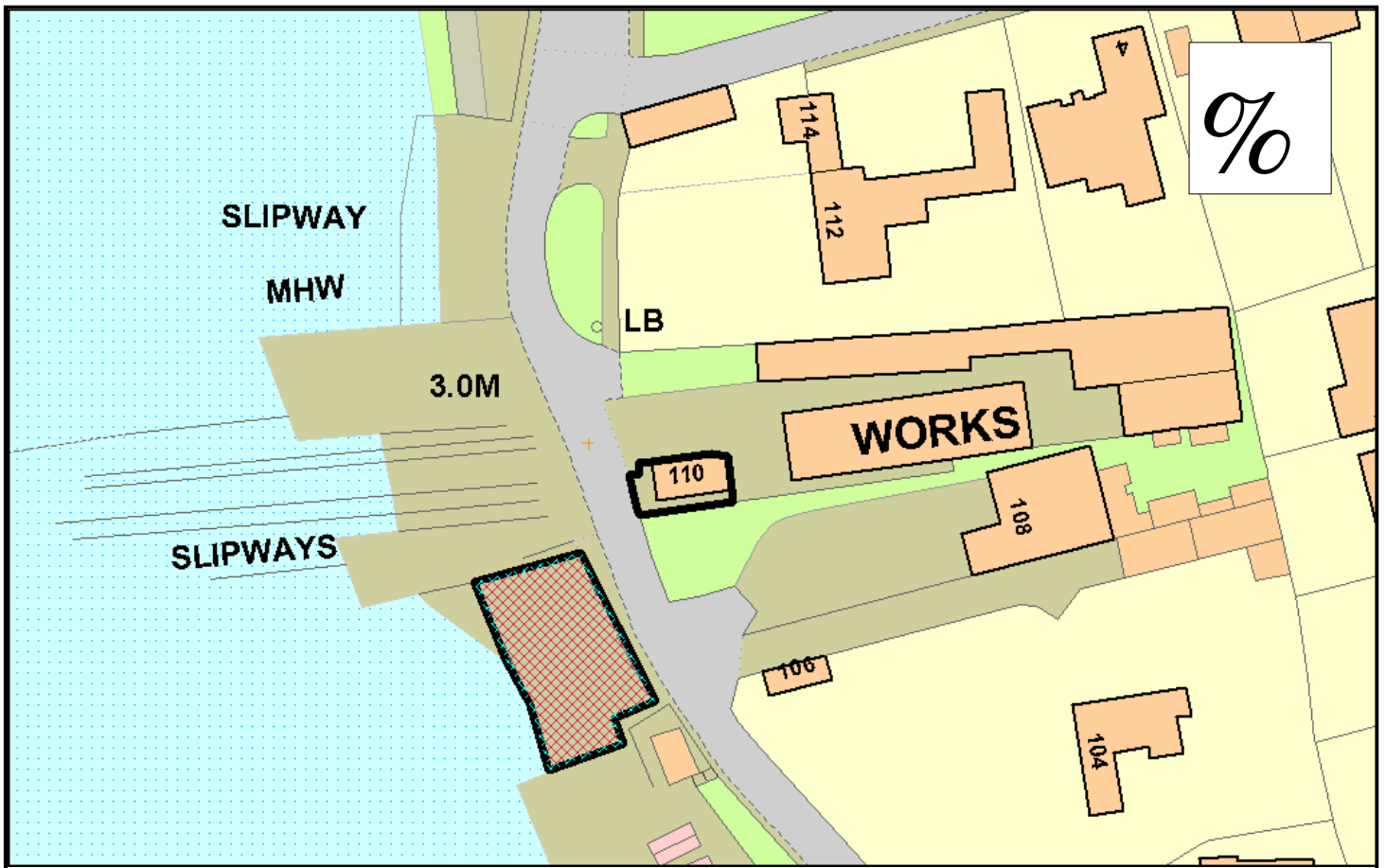
5 - Non-Standard Condition

Prior to the commencement of development details of Flood Warning Notices to be erected within the site shall be submitted to and approved in writing by the local planning authority. The approved details shall be erected prior to the approved development being brought into use and shall thereafter be retained.

Reason: To ensure satisfactory provision is made for flood warning measures in the interests of public safety.

## **Informatives**

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



**Application No:** 091057

**Location:** Car Park Opposite, The Coast Inn, 108 Coast Road, West Mersea, Colchester, CO5 8NA

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

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### 7.3 Case Officer: Nick McKeever

**OTHER**

**Site:** Car Park opposite The Coast Inn, 108 Coast Road, West Mersea, Colchester, CO5 8NA

**Application No:** 091057

**Date Received:** 18 August 2009

**Applicant:** Mrs Belinda Cross

**Development:** Retention of posts and shuttering to enclose car parking area

**Ward:** West Mersea

**Summary of Recommendation:** Conditional Approval

#### 1.0 Planning Report Introduction

1.1 This application was considered by the Planning Committee on 15<sup>th</sup> October given the objection raised by West Mersea Town Council that:-

- (i) This appears to be an unnecessary encroachment on the salt marsh (infilling). Natural England should be contacted before any further consideration is given, and proper consideration given to the materials used;
- (ii) All work should cease until these actions have been taken.

1.2 The Planning Committee resolved to agree the Officer's recommendation to defer and delegate to the Head of Environmental and Protective Services to allow consultation with the County Wildlife Trust.

1.3 The Essex Wildlife Trust were consulted on 14<sup>th</sup> October and again on the 9<sup>th</sup> November. Unfortunately no response was received.

1.4 Since this application was considered by Members, it has been amended to delete the unauthorized posts. In addition more detailed drawings, together with further information, has been submitted. This has been the subject of additional consultations, including Natural England and West Mersea Town Council.

1.5 West Mersea Town Council has submitted a new objection, details of which are provided within the main body of this report. It is on the basis of this new objection that the application is referred back to the Planning Committee.

1.6 Whilst this application was re-submitted to the Planning Committee on 20 January 2010. it was taken off the agenda by the Head of Environmental and Protective Services for clarification of the extent of the site that is to be used as part of the existing overspill parking area. This issue has now been clarified and will be referred to in the body of the main report.

## **2.0 Synopsis**

- 2.1 The site lies within a Conservation Area, which is covered by an Article 4 Direction. This Direction removes permitted development rights for the erection of walls, fences and other means of enclosure. The application is considered in this context and the justification behind the proposal to repair the damage caused by coastal erosion, and to secure the site from any further erosion. The report considers the individual planning merits of this proposal and the fresh objection submitted by West Mersea Town Council. The conclusion drawn is that permission should be granted, subject to conditions relating to the type of posts and shuttering, as well as the need to prevent any extension of the existing overspill car park.

## **3.0 Site Description and Context**

- 3.1 This application relates to a small parcel of land to the west of Coast Road, opposite the Coast Inn, West Mersea. Part of this land is currently contained by timber posts and wooden shuttering and is used as a car parking area for the Coast Inn.

## **4.0 Description of the Proposal**

- 4.1 The application proposal has been amended to repair and replace the existing jetty with the provision of timber posts and shuttering on the landward side and projecting upwards approximately 600mm to provide a safety edge. The posts and shuttering are to match the existing. This is to prevent any further erosion of the car parking area. The Applicant has agreed that former reclaimed land now lost to the sea has been abandoned.
- 4.2 Additional plans have been submitted for clarification as follows:-
- Plan 1 – Confirms the land within the Applicant's ownership, although some of the car park area has been lost through coastal erosion;
  - Plan 2 – Shows the unauthorised posts. These are shown as being in the same location as the original car park boundary shown on Plan 1. These posts are to be removed.
  - Plan 3 – Is Plan 2 overlaid onto an aerial photograph of the site. This Plan indicates the land lost, especially to the south.
  - Plan 4A – Shows the position of the proposed new jetty. This does not include the abandoned land but establishes a safe boundary to the site. This plan has been amended to show that part of the site that is currently used as the overspill car park, together with the area that will be remain outside of this existing parking area.
- 4.3 The Agent has submitted further information relating to the proposal and in response to concerns raised by West Mersea Town Council. This information is reproduced as Appendix 1.

## **5.0 Land Use Allocation**

- 5.1 Area of Special Character  
Article 4 Direction  
Coastal Protection Belt  
Conservation Area

## **6.0 Relevant Planning History**

- 6.1 None

## **7.0 Principal Policies**

- 7.1 The following national policies are relevant to this application:  
Planning Policy Statement 1: Delivering Sustainable Development
- 7.2 In addition to the above national policies, the following policies from the adopted Colchester Borough Core Strategy (December 2008) are relevant:  
SD1 - Sustainable Development Locations  
SD2 - Delivering Facilities and Infrastructure  
UR2 - Built Design and Character  
TA5 - Parking
- 7.3 In addition, the following are relevant adopted Colchester Borough Development Policies (October 2010):  
DP1 Design and Amenity  
DP19 Parking Standards  
DP20 Flood Risk and Management of Surface Water Drainage
- 7.4 Regard should also be given to the following Supplementary Planning Guidance/Documents:  
Vehicle Parking Standards  
External Materials in New Developments

## **8.0 Consultations**

- 8.1 The Design and Heritage Unit commented in respect of the original submission that this shuttering would not cause a negative impact on the Article 4 Direction or the Conservation Area. The character of this area is somewhat untidy and the formalisation of the riverside with wooden post and shuttering is a sympathetic addition. If the extension to the car park is allowed there would be a need for a change of use application to use as a car park.
- 8.2 Natural England comment that their statutory purpose is to ensure that the natural environment is conserved, enhanced and managed for the benefit of present and future generations, thereby contributing to sustainable development. Natural England has no comment to make in relation to this application. From the information provided with this application they do not feel that the proposals are likely to significantly affect the natural environment.



## 9.0 Town Council's Views

### 9.1 West Mersea Town Council comment as follows:-

"It appears that the aerial photo on the back cover of the West Mersea Village Appraisal does not show any hard engineering in the area where the post, shuttering and infilling is proposed, apart from dumped concrete, which we would ask be removed. We would like to see a slight natural gradient, to protect and restore what's left of the existing foreshore. We feel this will best safeguard this sensitive area, and still enable the owner to use the land.

We would point out that:

- (i) The Blackwater Management Plan, the Borough's joint publication, advises against hard fixed sea defences.
- (ii) The Coastal Protection Belt aims to protect the Rural and undeveloped coastline from any inappropriate development that would adversely affect its open character and irreplaceable assets.
- (iii) This is Mersea's most protected area being a site of Special Scientific Interest, Special Protection Area, Special Area of Conservation, Ramsar Site and is Article 4 Direction.

The Coastal Protection Belt has a unique and irreplaceable character which should be strongly protected and enhanced. The Borough Plan DP23 states that proposals which result in the development of existing undeveloped areas of the foreshore will be refused."

## 10.0 Representations

### 10.1 A local resident has submitted the following comments (reproduced verbatim):-

"Is this another permission after the fact for another car park expansion for restaurant usage along the Coast road, each one creeping our over the Foreshore more and more year by year.

The Retention of posts and shuttering to enclose car parking area? Is interesting considering the posts themselves were only put in place recently and a pile of rubble is waiting there to infill.

The CBC's own policy document (Policy DP23: Coastal Areas, page 50) states:

Proposals for all development and change of use on both the landward and seaward sides of Coast Road, West Mersea, will be expected to enhance the existing traditional maritime character of the West Mersea Waterside Area of Special Character, and its role as a major yachting, fishing and boating centre. Proposals which result in the development of existing undeveloped areas of foreshore will be refused.

Looking at the recent developments along this coastal stretch, it is obvious this policy is not actually applied in practice. Car park development on the waterside area surely cannot be enhancing this SAC registered zone and RAMSAR designated site.

This is not an outright objection, but a hint that CBC should take a look at this heritage Coastal road and see for themselves the gradual waterfront infilling (note: the shoreside of Coast Road in front of Victory Pub used to be salt marsh)".

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

## **11.0 Parking Provision**

- 11.1 The application does not propose the provision of any additional car parking but does include the provision of new fill material (50-70mm stone), and the provision of erosion control matting below ground level to assist in the retention of this new fill material. The new fill material is to repair the existing car parking area, which is showing signs of erosion and collapse in the form of relatively substantial holes adjacent to the shoreline.

## **12.0 Open Space Provisions**

- 12.1 Not applicable.

## **13.0 Report**

- 13.1 The original recommendation for approval, subject to no objection from Natural England, was made taking into account the consultation response from the Design and Heritage Unit. Given that the proposal is now to repair and replace the existing jetty with timber posts and shuttering to match the existing, it remains your Officer's view that the proposal will not be out of keeping with the existing character. In addition the proposal does not include any increase in the area of the existing car park, but only seeks to retain, to stabilise, and to repair, the area that has not been lost through erosion but which is showing signs of such erosion. The existing collapsed areas present a hazard and danger to users of this car parking area. The stone infill, rather than concrete, is considered to be sympathetic to the existing surface treatment. The Applicant has provided written confirmation to the effect that these works will not take place on any area that forms part of the SSSI.
- 13.2 The concerns expressed by West Mersea Town Council, and in the submission from a local resident, are acknowledged, given the designation of this site and the level of protection that should be afforded to it. In this context the comments made by Natural England are appreciated.
- 13.3 One of the main concerns regarding this proposal is to ensure that the works do not result in the undesirable extension of the existing overspill car parking area. In this context the Applicant proposes that the existing parking area will be delineated by the provision of 200mm high sleepers. The remaining area beyond this boundary is to form a raised grass area, which reflects the existing. On this basis, and notwithstanding the repairs to the sea defences, there is to be no additional parking facility on the site. This is shown on the amended drawing number 1016.L.004 (A).

## **14.0 Conclusion**

- 14.1 The proposal as amended seeks to repair and to replace the existing jetty, where this area has not already been lost through coastal erosion. The use of timber posts and shuttering to match the existing, and the use of 50-75mm diameter stone infill, is not considered to have a prejudicial impact upon the existing character of this part of this sensitive and protected coast line.

14.2 The submitted plans proposes the placing of 200mm high sleepers, rather than any more substantial means of enclosure which would not reflect the otherwise open character of this part of the coastline, in order to delineate the boundary of the existing car parking area.

14.3 Having regard to all of these considerations, it is recommended that permission should be granted subject to conditions.

## **15.0 Background Papers**

15.1 ARC; Core Strategy; DHU; NE; PTC; NLR

### **Recommendation - Conditional Approval**

#### **Conditions**

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

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

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

2 - Non-Standard Condition

The development shall be constructed in accordance with the approved drawing numbers 1016.L.001, 002 and 003 and 004A.

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

3 - Non-Standard Condition

The permission hereby granted shall relate solely to the erection of the timber posts and shuttering as applied for in this application and not for the extension or use of any part of the site for the parking of cars outside of the land currently used for this purpose. The extension of the car park will require planning permission. The existing car parking area shall be delineated by the use of 200mm high sleepers in accordance with the amended drawing 1016.L.004(A). These sleepers shall put in position upon the completion of the works to the sea defences as hereby approved.

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

4 - Non-Standard Condition

The posts and shuttering shall only be timber with an external treatment to be agreed in writing by the Local Planning Authority prior to the erection of these posts and shuttering.

Reason: To ensure the use of appropriate materials and finishes within this Conservation Area.

#### **Informatives**

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



**Nick McKeever**

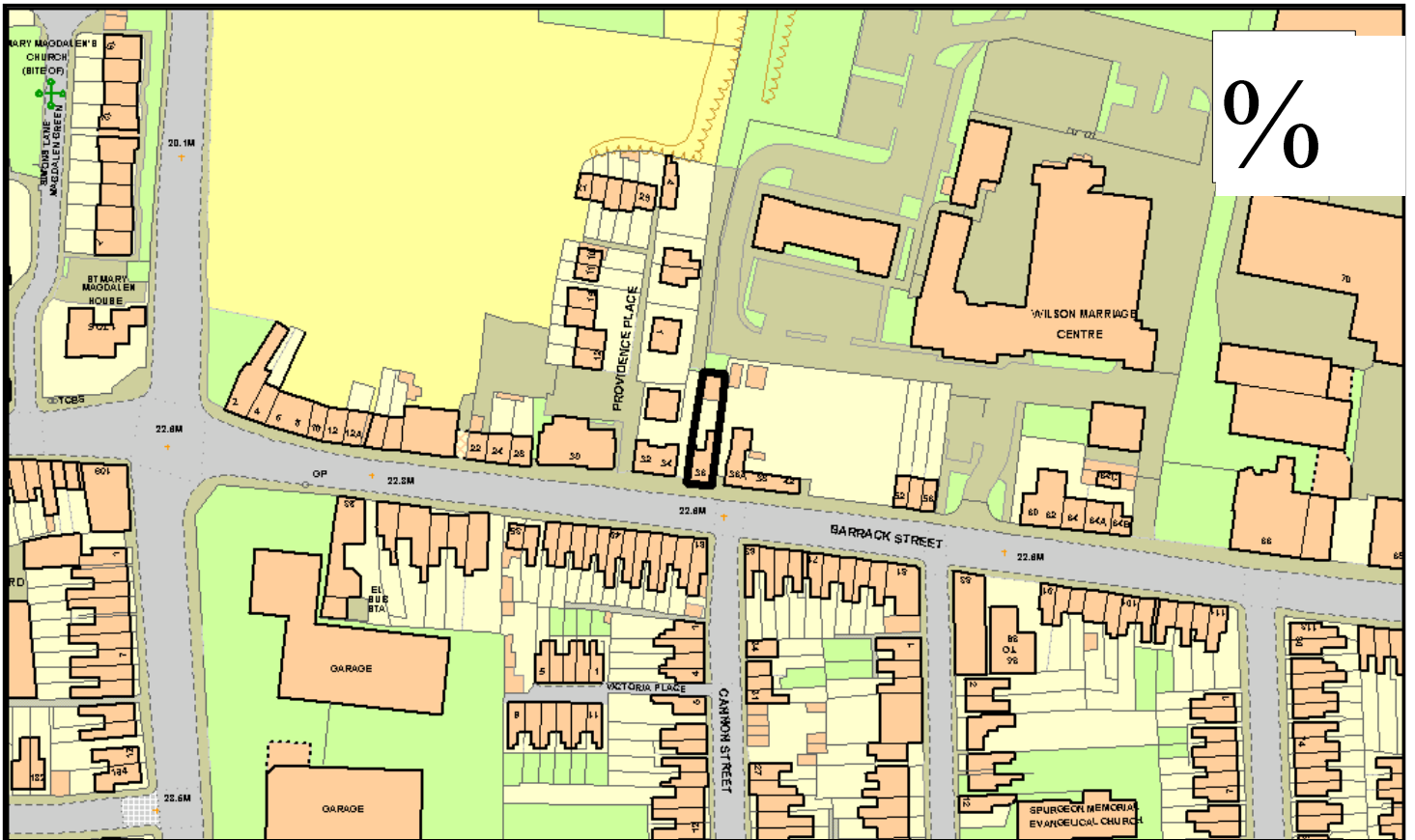
**From:** Brian [brian@adpltd.co.uk]  
**Sent:** 10 January 2011 10:49  
**To:** Nick McKeever  
**Cc:** 'Belinda'  
**Subject:** RE: Coast Inn; application to repair car park sea defence

Mr McKeever,

Thank you for your response and reference to further representations made by the West Mersea Town Council (WMTC). I would like to comment on points raised by them and would be most grateful if you would make my response available to the Planning Committee.

1. The WMTC has raised a number of interesting but wide ranging points. My client has asked me to reconfirm that they simply wish to obtain planning consent to repair one corner of the sea defence to their car park which, in recent years, has been eroded by the sea. The small area of land in question has a long history of use as maintained dry land; it is not undeveloped foreshore and therefore in this respect Policy DP23 does not apply. The recent aerial photograph to which the WMTC refers confirms the current situation shown on our recently submitted plans. The area of the car park damaged by the sea is shown as dry land on both the current the OS map and Local Plan Insert.
2. The issue of sea defence and the extent to which they should be replaced is an increasingly important debate. The cost of maintaining sea defences against the background of predicted sea level rises will cause a rethink over which areas are economic to defend and which will have to be abandoned. Also it is widely recognised that the old Victorian sea walls prevent the renewal of natural salt marshland and there is a case for 'abandonment' to promote natural habitat. To my knowledge this strategy is for rural coast and has never been proposed for urban areas and there is no policy in Colchester's current Core Strategy that occupied urban coast should be abandoned to the sea. The process of coastal management will, by definition, need to be considered on an area wide basis and be the subject of full consultation before policy changes are made.
3. In this case it is not possible for the sea defence of a single plot of land to be considered in isolation. The WMTC suggestion of a gentle slope would of course mean it would be covered by the high tides in the same way as the nearby Town Hard, making it impossible to use as a functional car park. Also this approach would leave unprotected areas to property either side of the application site requiring sheet piling to avoid them being quickly undermined by the action of the sea.
4. We agree with the WMTC regarding the ambitions of the Coastal Protection Belt (CPB), but respectfully point out this site is neither 'rural and undeveloped', nor in fact is it actually in the CBP.
5. Your Council is also aware that my client is required by a planning condition to maintain the sea defence to their car park to prevent damaging erosion to adjacent property and Coast Road itself. If the Council were minded to refuse the current application it may be necessary to revoke the existing planning permission beforehand.

Brian Morgan



**Application No:** 101520

**Application No:** 101520

**Location:** 36 Barrack Street, Colchester

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

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#### 7.4 Case Officer: Nick McKeever

## OTHER

**Site:** 36 Barrack Street, Colchester, CO1 2LJ

**Application No:** 101520

**Date Received:** 27 July 2010

**Agent:** Design and Development Consultancy

**Applicant:** Mr Motin Miah

**Development:** Change of use from A1 shop to A5 takeaway food. New extension at first floor level over existing rear extension to provide new staircase to existing first floor flat. (Resubmission of application 100934)

**Ward:** New Town

**Summary of Recommendation:** Conditional Approval

### 1.0 Planning Report Introduction

1.1 This application is referred back to the Planning Committee following the resolution to defer the application for the consideration of the following matters:-

- (a) Whether the proposal met the parking standards/ is one of the parking spaces to be allocated to the flat and is this flat to be tied to the take-away use or occupied as a separate entity.
- (b) Whether the office was part of the take-away use.
- (c) Clarification of the numbers of staff.
- (d) To seek the advice of Legal Services on whether there could be any control requiring the premises to remain a telephone delivery service.

### 2.0 Synopsis

2.1 The original report submitted to Members on the 18<sup>th</sup> November has been amended to cover the issues additional matters in paragraph 1.1, together with the matters raised in the submitted objections and the planning considerations. These considerations include the provision of on-site car and cycle parking, the impact upon residential amenity, and the impact upon the primary retail role of the neighbourhood centre. The recommendation will be that permission should be granted subject to conditions.

### 3.0 Site Description and Context

3.1 The site is located on the north side of Barrack Street. It is a two storey Victorian building finished in red brick and render with a pantiled roof on the main building and a slate roof on the rear extension. The ground floor consists of a shop with storage in the basement. The shop is currently unoccupied. The first floor has been used as a one bedroom flat with access from the shop.

- 3.2 To the rear is a detached garage. Between this garage and the main building is a car parking area, accessed via a drive between numbers 34 and 36 Barrack Street. This car park serves number 36 Barrack Street.
- 3.3 The land falls away to north.
- 3.4 The site lies within a mixed use area. Numbers 32 & 34 Barrack Street are a pair of shops with residential accommodation at first floor level. No. 36A is a single storey building currently used as a shop. Number 30 Barrack Street is a more recent infill development consisting of commercial units on the ground floor with residential accommodation on the first and second floors. There are commercial properties to the north.

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

- 4.1 The application seeks permission to divide the existing ground floor shop into two takeaway food outlets with the basement area being used for related storage. The floor plans show a customer area with trade counter within the ground floor area at the front of each of the two takeaway units, beyond which will be the kitchen areas. One of these new units (shown as Shop 2) is to be extended at the rear to form part of the kitchen area. The roof of this extension is to provide a balcony area of 7.4 sq.metres for use of the first floor flat.
- 4.2 These plans show the provision of basement area as providing storage areas, shower rooms, two small office/staff rooms areas and a rear extension providing a stairway to the first floor flat. The Applicant has confirmed that the office/staff rooms are to be used as part of the take-away use and not as a separate use. This can be reasonably be conditioned should there remain any element of doubt.
- 4.3 The rear extensions are to be finished in vertical boarding to provide a contrast to the existing building.
- 4.4 Two car parking spaces were to be provided to the rear of the site, whilst the existing detached garage was to be used for cycle parking for the staff together with powered two wheel delivery vehicles. The plans have now been amended to show the detached storage building as being reduced in size. This will enable the provision of three parking spaces. It has been confirmed that one of these spaces will be allocated to the first floor flat. The reduced storage building will provide secure parking for 2 powered two wheel vehicles and up to eight bicycle spaces. A further two secure bicycle spaces for customers are now to be provided under the covered entrance to the lower ground floor, as shown on the amended drawing number 2316/19C. In total 10 bicycle parking spaces and 2 two wheel powered two wheel spaces are to be provided. The Applicant has advised that no car parking spaces are to be provided specifically for customers as the A5 use will provide home delivery and walk in collection for takeaway food.
- 4.5 The submitted application details the existing floorspace of the retail use as being 122 sq.metres. The floor area of the proposed A5 use will be 124 sq.metres.



- 4.6 The Applicant has confirmed that the numbers of staff to be employed will be 8 full time and 4 part-time, as specified in the application. The opening hours are stated as being 12:00 to 14:30 and 19:30 to 23:00.
- 4.7 The Design and Access Statement states that the new business uses will provide a phone and delivery service with the deliveries being carried out by powered two wheel vehicles. It is envisaged that the majority of the business will be by telephone orders with a delivery service or walk in customers.

## **5.0 Land Use Allocation**

- 5.1 Neighbourhood Centre

## **6.0 Relevant Planning History**

- 6.1 19775 – Use of garage as carpenters workshop and subsequent renewals for this use. Multiple Decisions 18/07/1967
- 6.2 18588/4 - Installation of shop front. Approved 08/02/1971
- 6.3 18588/2 - Erection of warehouse and offices for motor factors distribution. Withdrawn. 31/05/1969
- 6.4 18588/1 - Erection of warehouse and offices. Refused 27/06/1969
- 6.5 100934 – Change of use from A1 shop to A5 takeaway food. New extension at first floor level over existing rear extension to provide new staircase to existing first floor flat. Withdrawn 08/07/2010

## **7.0 Principal Policies**

- 77.1 The following national policies are relevant to this application:  
Planning Policy Statement 1: Delivering Sustainable Development  
Planning Policy Statement 4: Planning for Sustainable Economic Growth  
Planning Policy Statement 23: Planning and Pollution Control  
Planning Policy Guidance 24: Planning and Noise
- 7.2 In addition to the above national policies, the following policies from the adopted Colchester Borough Core Strategy (December 2008) are relevant:  
SD1 - Sustainable Development Locations  
CE1 - Centres and Employment Classification and Hierarchy  
CE2c - Local Centres  
CE3 - Employment Zones  
UR1 - Regeneration Areas  
UR2 - Built Design and Character  
TA1 - Accessibility and Changing Travel Behaviour  
TA2 - Walking and Cycling  
TA3 - Public Transport  
TA4 - Roads and Traffic  
TA5 - Parking

- 7.3 In addition, the following are relevant adopted Colchester Borough Development Policies (October 2010):  
DP1 Design and Amenity  
DP7 Local Centres and Individual Shops  
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:  
Vehicle Parking Standards  
Extending your House  
The Essex Design Guide  
External Materials in New Developments

## **8.0 Consultations**

- 8.1 The Highway Authority originally had concerns regarding parking within the highway and potential conflict with existing highway users. However given the information provided by the Applicant, the Highway Authority considers the proposal is not contrary to the policies within the Local Transport Plan 2006/2011. No objection is raised and no conditions are recommended.
- 8.2 The Highway Authority has been re-consulted following the referral by the Planning Committee. Their advice regarding the lack of a condition restricting the use to a mainly delivery based operation is that, given the previous use also involved the brief duration of stay involved in collecting or returning fancy dress costumes, it is considered that a refusal is not likely to be sustainable. On this basis their recommendation remains that of no objection.
- 8.2 Environmental Control comments that this is a predominantly commercial area with similar establishments nearby. Although there are some terraced residential properties opposite, there are none adjacent to the site or to the rear where the odour extraction system would be fitted. Some minimal odour from fugitive emissions may be expected at the properties across the road. There is concern that there is a residential unit located above the shop, which could potentially be affected by odours and noise. It is recommended that occupancy of this accommodation should be linked to the business. Conditions relating to noise and sound, fumes and odour control, light pollution and provision of grease traps should be required. The uses should not be open beyond 23:00 hours.

8.3 Legal Services have been consulted in accordance with Members' recommendation. The response provided is that there must be some justification for imposing such a restriction. The other question is whether there is a shortage of telephone delivery services in the area and it is therefore felt that there is a need to retain and safeguard such uses? As with all planning applications, members are required to consider all relevant planning considerations and if their considerations are not deemed to be planning considerations, they can not be relied upon to restrict the use and impose any conditions, especially bearing in mind that such decisions can be challenged. If it is established that the reasons for imposing those conditions are planning considerations, it will still be necessary to demonstrate that the conditions are necessary, reasonable, precise and relevant to the planning permission, enforceable and reasonable in all respects. If these criteria are satisfied, then the use can be restricted accordingly.

## **9.0 Representations**

9.1 Five letters of objection have been received from local occupiers. The objections are summarised as follows:-

- The existing shops, including two take-away shops, one 24 hour shop an off licence etc, gives rise to noise & disturbance within a predominantly residential area.
- Over concentration of shops, resulting in the breach of parking restrictions and traffic congestion, is a safety hazard to pedestrians.
- Additional litter and detritus reducing the amenity of local residents.
- Odour problems
- Additional takeaway is not in the best interests of residents and shop owners

9.2 A petition has been submitted raising objection on the basis of disturbance, noise and inconvenience during very late hours, highway safety matters and oversupply of this type of use. This petition contains 153 signatures.

9.3 Two letters of objection have been received from Rose Kebab House, 4 Barrack Street, and New Town Fish Bar, 64 Barrack Street, raising the following objections:-

- Need to retain A1 shopping uses within Local Centres to meet local needs.
- Oversupply of takeaway outlets
- Additional noise & disturbance within a predominantly residential area.
- Parking on the opposite side of Barrack Street is a highway safety hazard.
- Adverse impact upon local amenity.

## **10.0 Parking Provision**

10.1 The application proposes the provision of three car parking spaces located within a hard surfaced area to the rear of the building. In addition it is proposed to provide cycle and power two wheeled parking within the detached garage at the rear of the site. This building is to be reduced in size in order to provide the three car parking bays.

- 10.2 The floor area of the existing shop is given as 122 sq. metres. Under these adopted parking standards (November 2009) the required standard for an A1 (non-food use) is 1 space for every 20 sq.metres floor area. This is the same standard as the proposed A5: Hot food takeaway use. The application does propose a very small extension to 224 sq. metres to improve the kitchen. In terms of this standard the proposal would generate a need for 6 spaces. It is noted that the standard does not prescribe whether the parking requirement is for staff or for customers.
- 10.4 Each of these spaces should be 5.5 metres x 2.9 metres.
- 10.5 In terms of cycle parking the standard requires 1 space per 100 square metres floor area plus 1 space per 100 square metres floor area for customers. On this basis the proposed provision exceeds the minimum requirement of 4 cycle parking spaces.
- 10.6 The standard requirement for PTW parking is 1 space plus one space for the first 100 car spaces. In this context the requirement is for two spaces, which the application is to provide.
- 10.7 The extract of the relevant parking standard advises that a lower provision of vehicle parking may be appropriate in urban areas where there is good access to alternative forms of transport and existing car parking facilities.
- 10.8 It is clear that the existing, as well as the proposed use, both fail to meet the required parking standard. The site is, however, located on a main bus route and within walking distance of the established residential areas in which it is located. It is also noted that, whilst there are parking restrictions in front of the site, there are currently no such restrictions on the opposite side of Barrack Street.
- 10.9 The Applicant has stated that it is the intention that the business will be based predominantly on a telephone/delivery basis, with some 'walk-in' customers. It is on this basis that a trade counter is to be provided. Clearly it would be impossible to prevent 'car- borne' users. Given the particular circumstances it is considered that the use is acceptable in respect of the provision of vehicle and cycle parking.
- 10.11 The standard for the one bedroom flat is 1 space. The residential use of the site currently exists and as such there is no change to these circumstances. The Applicant has however confirmed that one of the proposed three car parking spaces will be allocated to this residential unit.

## **11.0 Report**

### Design and Layout

- 11.1 The property is currently unoccupied and according to information supplied by the Council Tax records it has been vacant for over a year. In this context it has a rather neglected and unkempt appearance. Notwithstanding this the proposed elevations to Barrack Street appear very similar to the existing. The ground and first floor extensions are, however, to be finished in vertical boarding to provide a contrast to the existing finishes. These extensions to the rear of the property will not have a significant visual impact when viewed from Barrack Street.

- 11.2 Given the physical separation from the residential accommodation at number 32 and 34 Barrack Street, the aforementioned extensions will not have any adverse impact in terms of overbearing or overshadowing. The proposed first floor amenity area will overlook the rear car parking area serving these residential units.

#### Impact upon the neighbouring properties and the amenity

- 11.3 The objections contain reference to this area being a predominantly residential area. In terms of the Core Strategy proposals this site forms part of a Local Neighbourhood Centre. In this context a commercial use is supported in terms of land use. It is noted that there are already a number of Take-away establishments and a restaurant use in the immediate vicinity.
- 11.4. The Applicant has agreed with the recommendation made by Environmental Control that the use should not be open after 23:00 hours. In this respect it is noted that other commercial uses in Barrack Street are open after this time. The Applicant has also agreed that the first floor accommodation would be occupied in association with the proposed A5 use.

#### Highway Issues

- 11.5 The Application is supported by a letter from a Civil and Traffic Engineering Consultant addressed to Essex County Council Sustainability & Highways Department. This letter advises that the proposed change of use will not materially increase the traffic that would be generated by the former retail use as a fancy dress hire shop. This former use would be likely to have attracted customers travelling to the shop by private car. A general retail use would be likely to attract more customers within the peak hours of the day. In addition it acknowledges that the Applicant's intention is to provide a take-away service that will be based mainly upon a local delivery service.
- 11.6 The letter also notes that unrestricted parking is available on the opposite side of Barrack Street, whilst parking outside of the premises is prohibited only between 8:00 am and 6:00 pm.
- 11.7 Having regard to all of these considerations, the Highway Authority has made their recommendation of no objection.
- 11.8 It must be acknowledged, however, that the floor plans show the provision of a customer area with service counter within the front part of the building. As such it is clearly envisaged that there will be customers calling-in at the premises. Furthermore restriction of the use to the Applicant (i.e. a personal consent) would not meet the tests of reasonableness given the financial outlay that is likely be involved in setting up the businesses. Given that there is no support from the Highway Authority for a refusal, it is unreasonable to justify the restriction of the use to a delivery based operation in perpetuity on the basis of any adverse impact upon matters of highway safety.
- 11.9 In this context the potential for the premises to be occupied by a different use within Use Class A5, and not operating on a delivery basis, has to be weighed against the fact that the site lies in close proximity to a predominantly residential area, together with its sustainable location on a main bus route.

## Other Matters

- 11.10 The recently adopted policy DP7 seeks to safeguard the primary retail role of the Centre. It does however support other uses where they complement the existing role. The supporting text to this policy makes specific reference to other uses within the 'A' Use Class such as A2, A3 cafes, A4 pubs and A5 takeaways which may also be present.
- 11.11 In this context the policy test for these complementary uses are :-
- (a) Meets the needs of residents within the local neighbourhood and/or the district settlement.
- 11.12 In this context the site lies within close proximity to established residential areas, which are served by the existing take-away uses. The presence of these other establishments could reasonably demonstrate that there is a demand for take-away's.
- (b) Would not reduce the number of A1 retail units below 50% of the units used for commercial purposes.

In this respect the proposed use is marginal in that the numbers of A1 Uses currently operating within this part of Barrack Street is just above this threshold (i.e. 15 compared to 6 non A1 uses). These figures exclude units which are currently vacant, including this site. On this basis the proposal would only just comply with this part of policy DP7.

## **12.0 Conclusion**

- 12.1 The proposed site lies within a designated Neighbourhood Centre where a takeaway use is considered to complement the primary retail use. In this context it is observed that this property is one of at least three other commercial properties within the immediate vicinity which are currently unoccupied. Whilst the Council Tax records show that the retail use of 36 Barrack Street ceased on 31<sup>st</sup> March 2009, it is considered that a pragmatic approach could be taken in order to encourage an alternative use within this Centre.
- 12.2 There are issues relating to the impact upon the amenity of residential properties in the vicinity. It is noted, however, that Environmental Control have not raised any objection subject to appropriate conditions to regulate the use.
- 12.3 There are also objections relating to additional traffic hazards and highway safety issues. In this context these objections are not supported in terms of the recommendation made by the Highway Authority.

## **13.0 Background Papers**

- 13.1 Core Strategy; LDF; SPG; HA; HH; NLR

## **Recommendation - Conditional Approval**

### **Conditions**

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

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

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

#### **2 - Non-Standard Condition**

The development shall accord with approved drawings numbers 12 Rev B, 15 Rev C, 16 Rev A, 17 Rev C, 18 Rev B, 19 Rev C, 20 and 21 rev A.

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

#### **3 - Non-Standard Condition**

A competent person shall ensure that the rating level of noise emitted from the site plant, equipment, machinery shall not exceed 5dBA above the background prior to the use hereby permitted commencing. The assessment shall be made in accordance with the current version of British Standard 4142. The noise levels shall be determined at all boundaries near to noise sensitive premises. Confirmation of the findings of the assessment shall be provided in writing to the local planning authority prior to the use hereby permitted commencing. All subsequent conditions shall comply with this standard.

Reason: To ensure that the development hereby permitted is not detrimental to the amenity of the area by reason of undue noise emission and/or unacceptable disturbance.

#### **4 - Non-Standard Condition**

The use hereby permitted shall not operate/be open to customers outside of the following times - no later than 23:00 hours.

Reason: To ensure that the development hereby permitted is not detrimental to the amenity of the area by reason of undue noise emission and/or unacceptable disturbance.

#### **5 - Non-Standard Condition**

The planning permission hereby granted requires that from the commencement of the use all doors allowing access and egress to the premises shall be self closing and maintained as such thereafter.

Reason: To ensure that the development hereby permitted is not detrimental to the amenity of the area by reason of undue noise emission and/or unacceptable disturbance.

#### 6 - Non-Standard Condition

The use hereby permitted shall not commence until there has been submitted to and approved in writing by the local planning authority a scheme for the control of fumes and odours. This shall be in accordance with Colchester Borough Council's Guidance Note for Odour Extraction and Control Systems. Such fume/odour control measures as shall have been approved shall be installed prior to the use hereby permitted commencing and thereafter be retained and maintained to the agreed specification and working odour.

Reason: To ensure that the permitted development is not detrimental to the local amenity by reason of air pollution and odours.

#### 7 -Non-Standard Condition

Any lighting of the development shall fully comply with the figures specified in the current 'Institution of Lighting Engineers Guidance Notes for the Reduction of Obtrusive Light' for zone E3. This shall include sky glow, light trespass into windows of any property, source intensity and building luminance.

Reason: In order to safeguard the amenity of neighbouring properties by controlling the undesirable, disruptive and disturbing effects of light pollution.

#### 8 - Non-Standard Condition

Foul water drains serving the kitchens shall be fitted with grease traps maintained in accordance with the manufacturer's instructions prior to the use hereby permitted commencing. Such equipment as shall have been installed shall be retained and maintained to the agreed specification and in good working order.

Reason: To prevent pollution of the water environment.

#### 9 - Non-Standard Condition

A minimum of three car parking spaces shall be provided within the site prior to the occupation of the building and thereafter maintained as such at all times thereafter.

Reason: In the interests of highway safety.

#### 10 - Non-Standard Condition

A minimum of 4 cycle parking spaces, together with provision of 2 powered two wheel vehicle parking spaces, shall be provided within the site prior to the occupation of the premises.

Reason: To ensure the satisfactory provision of cycle and powered two wheel vehicles within the site.

#### 11 – Non Standard Condition

The first floor accommodation as hereby extended, shall only be occupied in association with the permitted use of the ground floor as A5 use.

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

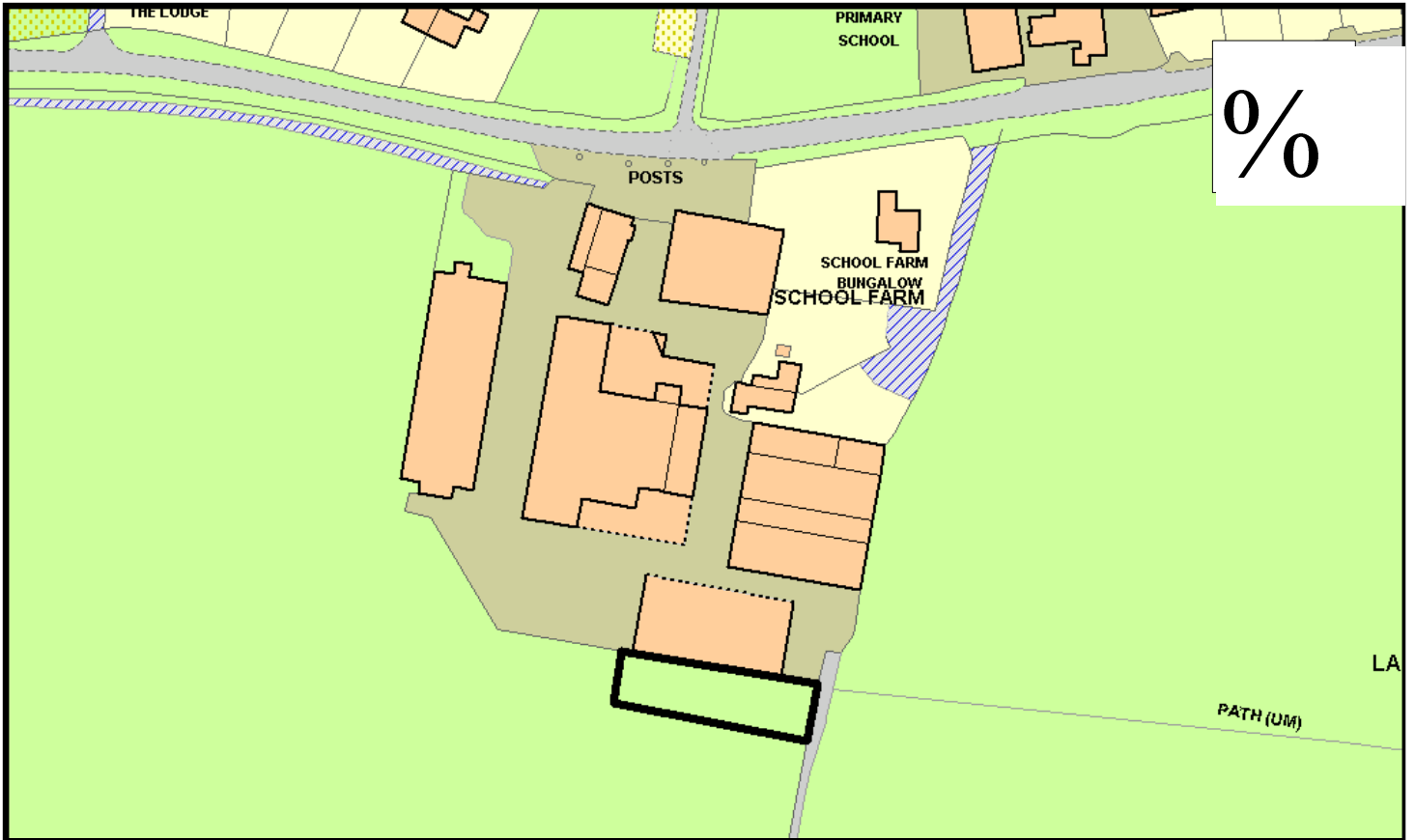
### **Informatives**

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



A competent person is defined as someone who holds a recognised qualification in acoustics and/or can demonstrate relevant experience.

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



**Application No:** 101901

**Location:** Powerplus Engineering Ltd, School Farm Buildings, School Road, Langham, Colchester, CO4 5PA

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

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**7.5 Case Officer: Simon Osborn**

**MINOR**

**Site:** School Farm Buildings, School Road, Langham, Colchester, CO4 5PA

**Application No:** 101901

**Date Received:** 17 September 2010

**Agent:** Edward Gittins & Associates

**Applicant:** Powerplus Engineering Ltd

**Development:** Provision of thirteen staff car parking spaces including two disabled spaces and associated hedgerow.

**Ward:** Dedham & Langham

**Summary of Application:** Conditional Approval

**1.0 Introduction**

1.1 This application is referred to the Planning Committee because it was received prior to the amended Scheme of Delegation coming into effect. Objections have been received from the Parish Council and the Ramblers Association and the application is recommended for permission.

**2.0 Synopsis**

2.1 The application seeks to provide an additional parking area outside of the designated local employment zone within the open countryside and on land that is crossed by a public footpath. The proposal does however provide an opportunity to alleviate parking pressures on the existing employment site and to provide landscaping at the interface where the factory building meets the countryside. The application is recommended for approval.

**3.0 Site Description and Context**

3.1 The application site comprises a flat rectangular-shaped parcel of land (48m wide and 13m deep), across which runs a public footpath immediately to the south of a factory building that forms part of a rural employment area. A larger rectangular-shaped parcel of land (90m wide and 28m deep), of which the red-lined application site is a part, which is also within the applicant's ownership, has been enclosed by a line of perimeter fencing and a recently planted laurel hedgerow.

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

- 4.1 The application proposes to use the red-lined application for sixteen staff car parking spaces (two of which are for disabled drivers), plus space for a motor bike and 4 bicycles. The layout within the car park has been amended from the original submission to take Officer comment into account.
- 4.2 The application as originally submitted showed a paddock within the larger rectangular-shaped parcel of land, enclosed by the recently planted laurel hedge and the existing perimeter fence taken down and relaid behind this hedge. The application has since been amended to show the existing fence and hedge around this paddock area removed.

#### **5.0 Land Use Allocation**

- 5.1 The application site is designated as countryside by the LDF Proposals Map.

#### **6.0 Relevant Planning History**

- 6.1 090409 - Retrospective application to regularise change of use of land from agriculture to commercial use to provide open storage and car parking, together with the erection of a perimeter fence and diversion of public footpath. Application refused and dismissed on appeal June 2010.

#### **7.0 Principal Policies**

- 7.1 The following national policies are relevant to this application:  
Planning Policy Statement 1: Delivering Sustainable Development  
Planning Policy Statement 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:  
CE1 - Centres and Employment Classification and Hierarchy  
CE3 - Employment Zones  
ENV1 - Environment  
ENV2 - Rural Communities
- 7.3 In addition, the following are relevant adopted Colchester Borough Development Policies (October 2010):  
DP1 Design and Amenity  
DP5 Appropriate Employment Uses and Protection of Employment Land and Existing Businesses  
DP9 Employment Uses in the Countryside  
DP19 Parking Standards
- 7.4 Regard should also be given to the following Supplementary Planning Guidance/Documents:  
Vehicle Parking Standards

## 8.0 Consultations

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

- Prior to occupation of the development the vehicular parking and turning facilities, as shown on the submitted plan 1508:002D dated December 2010 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

- The public's rights and ease of passage over public footpath 35 (Langham) shall be maintained free and unobstructed at all times.

Reason: To ensure the continued safe passage of the public on the definitive right of way and accessibility in accordance with Policies 1.1 and 3.5 of the Highways and Transportation Development Control policies.

- The proposed new boundary hedge shall be planted a minimum of 600mm. back from the highway boundary.

Reason: To ensure that the future outward growth of the hedge does not encroach upon the highway or interfere with the passage of users of the highway, to preserve the integrity of the highway and in the interests of highway safety.

- Each individual parking space including regular spaces and those for disabled users shall have minimum dimensions as detailed in the current parking standards.

Reason: To ensure adequate space for parking off the highway is provided in the interest of highway safety in accordance with Policy 7 of the Highways and Transportation Development Control policies.

INF01: All works affecting the highway to be carried out by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority and application for the necessary works should be made to the Area Highways Manager (01206 838600)

8.2 The Ramblers Association object to the provision of a car park on land which is crossed by a definitive right of way (Footpath 35 Langham). It is wholly inappropriate to mix walkers – often accompanied by children and dogs, with vehicles undergoing parking manoeuvres.

8.3 The Landscape Officer stated the juvenile laurel hedge should be replaced with a locally characteristic native hedge, such as hawthorn. Recommended agreement subject to this amendment and to a planning condition.

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

## **9.0 Parish Council Response**

9.1 The Parish Council have stated that It should be noted that the earlier retrospective application no. 090409 was refused and dismissed on appeal by the Planning Inspector and land on which the current application is based has therefore been enclosed unlawfully. Furthermore, the Planning Inspector's report on the SASD has been published and is now a material consideration in respect of planning applications. Paragraph 2.9 of his report refers to this site, endorses his colleague's decision and confirms that the allocation by CBC in their plan is sound. Any assumption by the applicant or their agent that they have the authority to decide on the status of the footpath or that the current status quo in terms of enclosure is lawful, is quite unacceptable. We therefore consider that this application should be refused or set aside pending enforcement action by the Borough Council. Furthermore, we consider that the reasons for the Parish Council's objections to application no. 090409 remain valid and this response is set out for reasons of clarity –

“We note that this application is retrospective and the present fencing, parking and storage is currently illegal. The application seeks change of use for Grade 2 high quality agricultural land, covered by Policy CO8 of the Local Plan. The applicant has also installed a high visibility security fence and storage items which are visually intrusive when viewed from the footpath. The applicant also seeks to divert the footpath, which is depicted incorrectly on the map provided. Permission for such a diversion should be sought from Essex County Council separately and the correct line of the footpath verified. As shown by the Village Design Statement, adopted by Colchester Borough Council in 2008, the village has an essentially rural character, with both residential and business premises abutting high quality agricultural land, and, in some cases, Conservation Zones. It is considered that the Parish Council should be consistent in its approach and oppose this and other similar applications for change of use. The Parish Council is supportive of business and industry within the Parish, as shown by the three industrial and four business/commercial sites located here. However, where an industrial or business organisation has outgrown its present location, expansion through acquisition of adjacent agricultural land is not looked upon favourably. Should the Borough Council be minded to approve this retrospective application, the Parish Council would not wish this to be seen as a precedent for applications of a similar nature.”

We also note that, at the time the boundary fencing was installed, the applicant simply diverted the footpath line outside and, in one place, this diverted line is dangerous to walkers. Accordingly, we register our strong objection to this application.

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

## **10.0 Representations**

10.1 None received

## **11.0 Parking Provision**

- 11.1 As part of the justification for the proposal the agent has stated there are a total of 27 existing car parking spaces, of which 2 are kept available for visitors. There are therefore 25 available staff spaces with 42 employees travelling to work by car. The current shortfall is therefore 17 spaces. In order to avoid off-site parking, those staff who cannot park on the Powerplus Engineering site have to park on Whitnell's land and this itself is a source of problem and friction. Whilst on-street parking is theoretically possible, the agent also notes the proximity of the Primary School in School Road, which is busy with parents dropping off or collecting children. The company is anxious to minimise the impact the enterprise has on the local community.

## **12.0 Report**

### Policy Principles

- 12.1 Policy ENV2 in the Core Strategy states that outside village boundaries, the Council will favourably consider small-scale rural business schemes that are appropriate to local employment needs, minimise negative environmental impacts and harmonise with the local character and surrounding natural environment. Powerplus Engineering is part of a designated Local Employment Zone, which are generally safeguarded in accordance with Policy DP5. The Policy indicates that expansion of businesses outside of the local employment zone will be considered in relation to DP9. This policy states that proposals within the countryside outside of designated LEZ's must contribute to the local rural economy and shall be of a small scale that does not harm the rural character of the area. Proposals to expand an existing employment use into the countryside will only be supported in exceptional cases where there is no space for the required use on the existing site, the need has been adequately demonstrated, and the proposals are essential to the operation of an established business on the site. Consideration must be given to the relocation of the business to available land within strategic or local employment zones.

### Relevant History

- 12.2 Application 090409 for additional car parking and storage areas was refused and dismissed on appeal. The previous application, however, related to a much larger site (broadly equivalent to the larger of the two rectangular-shaped parcels of land, referred to in paragraph 3.1 of this report) and was for open storage purposes in addition to additional staff parking. That application also showed the retention of the perimeter fencing and proposed to divert the public footpath around the fencing. The Inspector in dismissing the appeal referred to the old Local Plan (which did not designate the adjacent employment site as a rural business site. The Inspector stated the expansion of the commercial premises could not be described as a small scale rural business scheme and that the use of the land and the perimeter fencing represented a damaging incursion into the open countryside.

## Planning Considerations

- 12.3 The current application should be considered under the newly adopted Development Policies DPD as well as the Core Strategy. These policies do not rule out the expansion of business premises within the countryside, although they should be small-scale and minimise negative environmental impacts. The smaller proposed parking area (in comparison with the larger storage and parking area dismissed on appeal) represents a relatively small-scale expansion. The proposal will enable additional parking to be provided to meet the shortfall referred to in paragraph 11.1 of this report.
- 12.4. The existing factory building is built hard-up to the open countryside and represents an unattractive interface between the commercial site and the countryside. The provision of additional parking provides an opportunity for the planting of an indigenous hedgerow, which would improve this relationship and potentially represents an environmental improvement.
- 13.5 It is appreciated that concerns have been raised by the Ramblers Association with regard to the desirability of keeping footpath users separate from vehicles. Nonetheless, this will be a limited parking area only, where vehicles are likely to be slow moving. The Highways Authority has not objected to the proposal, subject to the imposition of planning conditions.

### **14.0 Conclusion**

- 14.1 The proposed additional parking area will alleviate pressure for additional parking space for these factory premises. The application provides an opportunity to improve the visual appearance of the factory building from the countryside through the provision of an indigenous hedge. The application is recommended for approval.

### **15.0 Background Papers**

- 15.1 PPS; Core Strategy; CDPD; SPG; HA; Ramblers Association, TL; PTC

### **Recommendation – Conditional Approval**

#### **Conditions**

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

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

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

- 2 - Non-Standard Condition

The development hereby permitted shall be constructed strictly in accordance with the amended drawing no. 1508: 002D dated Dec 10, unless otherwise agreed in writing by the Local planning Authority.

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



### 3 - C11.14 Tree / Shrub Planting

Before any works commence on site, details of tree and/or shrub planting and an implementation timetable shall be submitted to and approved in writing by the Local Planning Authority. This planting shall be maintained for at least five years following contractual practical completion of the approved development. In the event that trees and/or plants die, are removed, destroyed, or in the opinion of the Local Planning Authority fail to thrive or are otherwise defective during such a period, they shall be replaced during the first planting season thereafter to specifications agreed in writing with the Local Planning Authority. The scheme to be submitted shall provide for a new locally characteristic hedge (such as hawthorn *Crataegus monogyna*) along the south and west boundaries of the proposed parking area.

Reason: To ensure an appropriate visual amenity in the local area.

### 4 - Non-Standard Condition

Within two months of the date of this permission, the existing perimeter fencing and laurel hedgerow plants around the south and west perimeters of the applicant's land (edged blue on the scale 1:1250 Location Plan) shall be taken down and removed from the site.

Reason: The existing boundary represents an undesirable incursion into the open countryside and if not removed could lead to the creation of an unauthorised overspill area for commercial purposes.

### 5 - Non-Standard Condition

No fence or other form of boundary treatment shall be provided within the blue edged land to the south and west of the proposed new car park, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that any boundary treatment does not harm the open countryside and does not lead to the creation of an unauthorised overspill area for commercial purposes.

### 6 - Non-Standard Condition

Prior to the first use of the development hereby permitted a scheme of signage to warn vehicle users of the footpath shall be erected in accordance with details which shall first have been submitted to and agreed in writing by the Local Planning Authority.

Reason: To draw the attention of motorists to potential users of the public footpath.

### 7 -Non-Standard Condition

The parking area hereby permitted shall be used solely for the purposes of vehicular parking and turning for staff and visitors to the application premises and for no other purpose.

Reason: In the interest of local amenity.

#### 8 - Non-Standard Condition

The public's rights and ease of passage over public footpath 35 (Langham) shall be maintained free and unobstructed at all times.

Reason: To ensure the continued safe passage of the public on the definitive right of way and accessibility in accordance with Policies 1.1 and 3.5 of the Highways and Transportation Development Control policies.

#### 9 - Non-Standard Condition

The proposed new boundary hedge shall be planted a minimum of 600mm. back from the highway boundary.

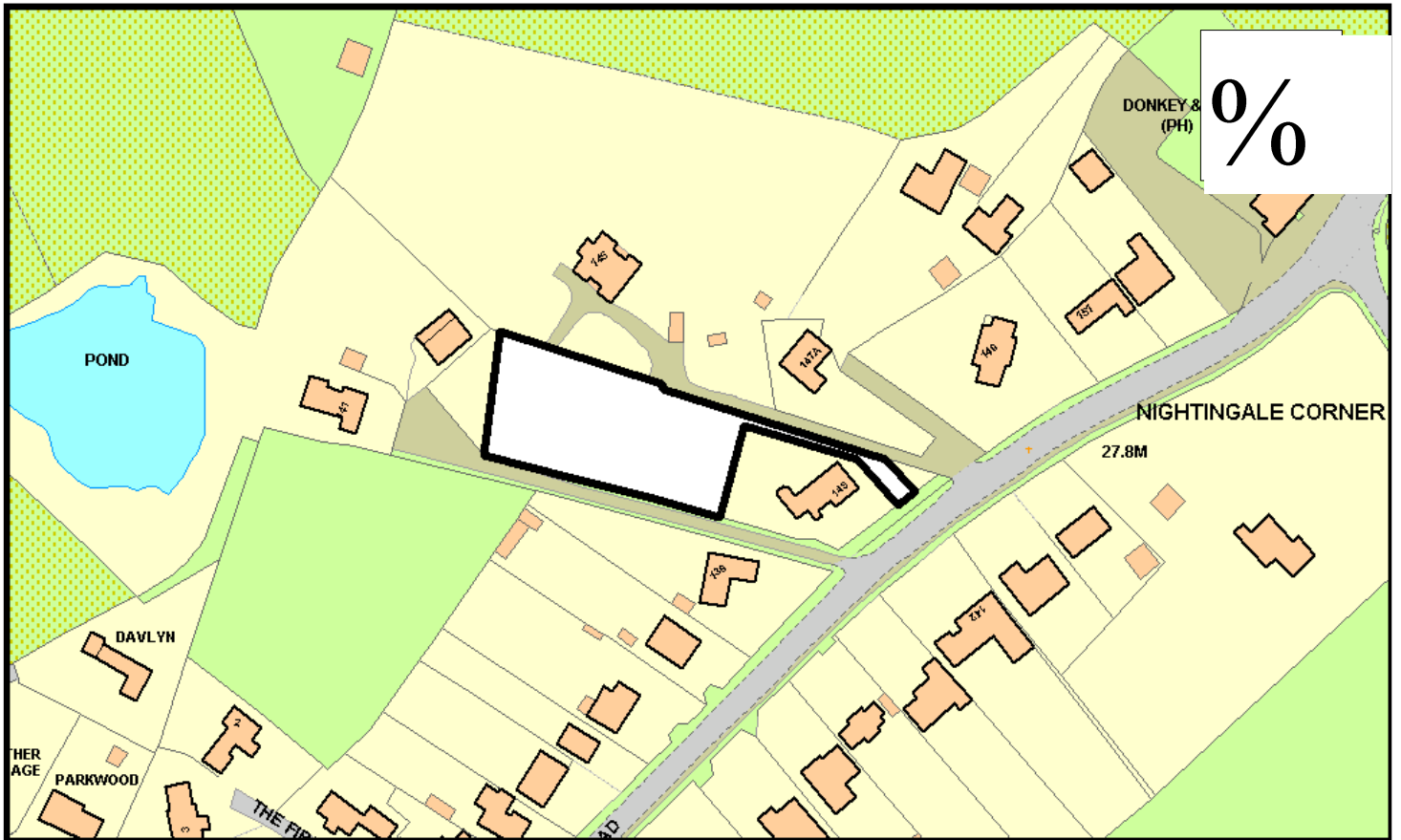
Reason: To ensure that the future outward growth of the hedge does not encroach upon the highway or interfere with the passage of users of the highway, to preserve the integrity of the highway and in the interests of highway safety.

### **Informatives**

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

(2) All works affecting the highway should be carried out by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority and application for the necessary works should be made by initially telephoning 01206 838600. The developer is referred to the attached advisory note *Advisory Notes for the Control of Pollution during Construction & Demolition Works* for the avoidance of pollution during the demolition and construction works. Should the applicant require any further guidance they should contact Environmental Control prior to the commencement of the works.

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



**Application No:** 102414

**Location:** Land to rear of 143, High Road, Layer De La Haye, Colchester

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

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## 7.6 Case Officer: Mark Secker

## MINOR

**Site:** Land to rear of 143, High Road, Layer De La Haye, Colchester

**Application No:** 102414

**Date Received:** 23 November 2010

**Applicant:** Vaughan & Blyth (Construction) Ltd

**Development:** Variation of condition 08 (trees) of planning approval 071986.

**Ward:** Birch & Winstree

**Summary of Recommendation:** Conditional Approval

### 1.0 Introduction

1.1 This application is referred to the Planning Committee because it was submitted prior to the introduction of the current Scheme of Delegation and because a number of objections have been received whilst the recommendation is to grant planning permission.

### 2.0 Synopsis

2.1 This proposal would vary a planning condition, to enable the removal of three trees on a site currently under construction for two dwellings. It is considered that there are sound arboricultural reasons for the proposal and having regard to this and other relevant issues it is recommended that permission be granted subject to conditions.

### 3.0 Site Description and Context

3.1 The site is located to the rear of No 143, High Road, and is currently under development to provide for two new dwellings. There is mature landscaping within and around the site, including preserved trees in an adjacent property. The site is located within an area of established and primarily low density housing, laid out in depth from High Road, served by private drives and with some extensive open garden areas.

### 4.0 Description of the Proposal

4.1 This is an application to vary a planning condition. It has been made to enable the removal three trees within a site. These three trees are covered by Condition 8 of the governing permission (ref 071986 permitted 23<sup>rd</sup> July 2007), which retains all existing trees and hedgerow unless shown to be removed on the approved drawing. The trees concerned are not the subject of a Tree Preservation Order. The applicant's consultant has amended the Tree Survey submitted with the current application, in order to make it clear that the current application does not relate to works to any other trees, including a group of trees subject to a Tree Preservation Order just outside but overhanging the site.

## **5.0 Land Use Allocation**

5.1 The site is within the Layer de la Haye Village Settlement Boundary on the Adopted Local Development Framework Proposals Map (2010)

## **6.0 Relevant Planning History**

6.1 As set out above (4.1).

## **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:

ENV1 - Environment

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

DP1 Design and Amenity

DP21 Nature Conservation and Protected Lanes

## **8.0 Consultations**

8.1 Senior Curator of Natural History:

2007 Survey indicated no potential as bat roosts. Carry out works outside nesting period between March and August. Aesthetics of a tree's form are irrelevant and naturally grow together. Yew is long lived, oak supports native species and can achieve great age, birch also supports native species.

8.2 Arboricultural Officer:

Satisfied with the arboricultural content of the proposal. Agreement to the landscape aspect of the application subject to conditions.

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

## **9.0 Parish Council Response**

9.1 The Parish Council has no objections to the proposal.

## **10.0 Representations**

### 10.1 Neighbouring properties:

7 Objections, 1 non-committal:

Oppose felling and branch removal; overdevelopment; trees provide a noise and visual shield; trees are part of the amenity of the area as recognised in planning condition, which is intended to preserve the natural environment as it was; should be protected; removal would detract from amenity of neighbouring properties; typical of creeping urbanisation; if part of original application it might have been refused; impact on wildlife; check if used by bats, stag beetles.

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

## **11.0 Parking Provision**

11.1 Not relevant to this proposal

## **12.0 Open Space Provisions**

12.1 Not relevant to this proposal

## **13.0 Report**

### Arboricultural issues

13.1 The main arboricultural issue is the impact of the loss of the three trees currently protected by a planning condition. The Tree Survey makes clear that the reasons for the tree removal are to mitigate any health and safety problems, to promote longevity in the retained trees, and in consideration of long-term landscaping implications. The comments of the Senior Curator of Natural History are noted; however, the Arboricultural Officer is satisfied with the Survey Report and agrees with the landscape aspect. It is therefore considered that the proposal is sound and justified in terms of the long term arboricultural and landscaping benefits.

### Impacts on Amenity/Neighbouring Properties

13.2 The concerns of residents about screening and noise are acknowledged. It is considered, however, that in the longer term the remaining trees will act to adequately screen the development and that the impact of the tree removal itself would be limited. One property (no 141 High Road) would view the development through the group of trees, and a bedroom window in the new development would overlook these trees. However, the front wall of No. 141, High Road is separated from the new development by a distance of approx 46 metres at its closest point and approx 52 metres from the facing first floor bedroom window of the new development. This is well in excess of the minimum 25 metre back to back distance for rear privacy in new properties that is set out in the Essex Design Guide. It is considered that the combination of the remaining tree screening and separation distance provides suitable screening and privacy in this case.

## Other Matters

13.3 In terms of other ecological issues, the Senior Curator of Natural History has been consulted and raises no concerns subject to a condition to carry out works outside the nesting period between March and August.

### **14.0 Conclusion**

14.1 It is considered that the tree removal is justified and that the grant of permission would be appropriate subject to conditions.

### **15.0 Background Papers**

15.1 PPS; Core Strategy; CBDP; Museums; AO; PTC; NLR

## **Recommendation – Conditional Approval**

### **Conditions**

#### 1 – Non-Standard Condition

The permission hereby granted is solely to vary Condition 8 of planning permission reference 071986 granted on 17th October 2007, to allow the removal of three trees marked as T020, T023 and T025 on drawing ref 475/SKI and dated January 2011. All other requirements of this Condition still apply.

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

#### 2 - C10.15 Tree & Natural Feature Protection: Protected

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

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

#### 3 – Non-Standard Condition

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

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

### **Informatives**

(1) It should be noted that any technical interpretation of these detailed requirements by the applicant or their agent should be sought externally from/through the relevant professional (i.e. Arboricultural consultant – details of local practices available through Arboricultural Officer on 01206 282469 (am only).

(2) In the interest of efficiency any clarification of technical requirement should initially be discussed between the relevant professionals (to whom copies of all relevant landscape consultations must be forwarded for reference), i.e. the Applicant's Arboricultural Consultant and the Council's Arboricultural Officer.

(3) The applicant is reminded that work to the trees is not permitted during the bird nesting season.





## **Colchester Borough Council Development Control**

### **Advisory Note on Parking Standards**

*The following information is intended as guidance for applicants/developers.*

A parking space should measure 2.9 metres by 5.5 metres. A smaller size of 2.5 metres by 5 metres is acceptable in special circumstances.

A garage should have an internal space of 7 metres by 3 metres. Smaller garages do not count towards the parking allocation.

The residential parking standard for two bedroom flats and houses is two spaces per unit. The residential parking standard for one bedroom units is one space per unit. One visitor space must be provided for every four units.

Residential parking standards can be relaxed in areas suitable for higher density development.



## Colchester Borough Council Environmental Control

### **Advisory Notes for the Control of Pollution during Construction & Demolition Works**

*The following information is intended as guidance for applicants/developers and construction firms. In order to minimise potential nuisance to nearby existing residents caused by construction and demolition works, Environmental Control recommends that the following guidelines are followed. Adherence to this advisory note will significantly reduce the likelihood of public complaint and potential enforcement action by Environmental Control.*

#### **Best Practice for Construction Sites**

Although the following notes are set out in the style of planning conditions, they are designed to represent the best practice techniques for the site. Therefore, failure to follow them may result in enforcement action under nuisance legislation (Environmental Protection Act 1990), or the imposition of controls on working hours (Control of Pollution Act 1974)

#### **Noise Control**

1. No vehicle connected with the works to arrive on site before 07:30 or leave after 19:00 (except in the case of emergency). Working hours to be restricted between 08:00 and 18:00 Monday to Saturday (finishing at 13:00 on Saturday) with no working of any kind permitted on Sundays or any Public/Bank Holiday days.
2. The selection and use of machinery to operate on site, and working practices to be adopted will, as a minimum requirement, be compliant with the standards laid out in British Standard 5228:1984.
3. Mobile plant to be resident on site during extended works shall be fitted with non-audible reversing alarms (subject to HSE agreement).
4. Prior to the commencement of any piling works which may be necessary, a full method statement shall be agreed in writing with the Planning Authority (in consultation with Environmental Control). This will contain a rationale for the piling method chosen and details of the techniques to be employed which minimise noise and vibration to nearby residents.

#### **Emission Control**

1. All waste arising from the ground clearance and construction processes to be recycled or removed from the site subject to agreement with the Local Planning Authority and other relevant agencies.
2. No fires to be lit on site at any time.
3. On large scale construction sites, a wheel-wash facility shall be provided for the duration of the works to ensure levels of soil on roadways near the site are minimised.
4. All bulk carrying vehicles accessing the site shall be suitably sheeted to prevent nuisance from dust in transit.

## **Best Practice for Demolition Sites**

Prior to the commencement of any demolition works, the applicant (or their contractors) shall submit a full method statement to, and receive written approval from, the Planning & Protection Department. In addition to the guidance on working hours, plant specification, and emission controls given above, the following additional notes should be considered when drafting this document: -

### **Noise Control**

If there is a requirement to work outside of the recommended hours the applicant or contractor must submit a request in writing for approval by Planning & Protection prior to the commencement of works.

The use of barriers to mitigate the impact of noisy operations will be used where possible. This may include the retention of part(s) of the original buildings during the demolition process to act in this capacity.

### **Emission Control**

All waste arising from the demolition process to be recycled or removed from the site subject to agreement with the Local Planning Authority and other relevant agencies.