

Planning Committee

Council Chamber, Town Hall
3 October 2013 at 6.00pm

This Committee deals with

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

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

Information for Members of the Public

Access to information and meetings

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Material Planning Considerations

The National Planning Policy Framework highlights that the planning system is plan-led and reiterates *The Planning and Compulsory Purchase Act 2004*, which requires (in law) that planning applications “*must be determined in accordance with the development plan, unless material considerations indicate otherwise*”.

The following approach should be taken:

- Identify the provisions of the Development Plan which are relevant to the decision and interpret them carefully, looking at their aims and objectives
- Identify and consider relevant material considerations for and against the proposal
- Consider whether or not the proposal accords with the Development Plan and, if not, whether material considerations warrant a departure from the Development Plan.

When applying material considerations the Committee should execute their decision making function accounting for all material matters fairly, reasonably and without bias. In court decisions (such as *R v Westminster CC ex-parte Monahan 1989*) it has been confirmed that material considerations must relate to the development and use of land, be considered against public interest, and be fairly and reasonably related to the application concerned.

Some common material planning considerations which the Planning Committee can (and must) take into consideration in reaching a decision include:-

- Planning policies, including the NPPF and Colchester’s own Local Plan documents
- Government guidance, case law, appeal decisions, planning history, “fallback” positions
- Design, scale, bulk, mass, appearance and layout
- Protection of residential amenities (light, privacy, outlook, noise or fumes)
- Highway safety and traffic issues, including parking provisions
- Heritage considerations such as archaeology, listed buildings or a conservation areas
- Environmental issues such as impacts on biodiversity, trees and landscape, flooding
- Economic issues such as regeneration, job creation, tourism
- Social issues such as affordable housing, accessibility, inclusion, education, recreation
- The ability to use planning conditions or obligations to overcome concerns

The following are among the most common issues that are **not** relevant planning issues and cannot be taken into account in reaching a decision:-

- land ownership issues including private property rights, boundary disputes and covenants
- effects on property values
- loss of a private view
- identity of the applicant, their character, previous history, or possible motives
- moral objections to a development, such as may include gambling or drinking etc
- competition between commercial uses
- matters specifically controlled through other legislation
- unless they are “exceptional”, personal circumstances, including hardship

Strong opposition to a particular proposal is a common feature of the planning process. However, in the absence of substantial evidence of harm or support from the Development Plan is unlikely to carry much weight. The same principles apply in reverse where there is strong support for a proposal that is contrary to the Development Plan and there is harm (or lack of substantially evidenced benefit).

Inspectors and Courts (see *North Wiltshire DC V SoS & Clover, 1992*) have established that precedent can be a legitimate consideration, but it is not enough to have a “general anxiety” and there has to be evidence of a real likelihood that similar applications (in all respects) will be submitted.

Human Rights, Community Safety and Equality and Diversity Implications

All applications are considered against the background and implications of the:

- Human Rights Act 1998
- Crime and Disorder Act 1998 (and in particular Section 17)
- Equality Act 2010
- Colchester Borough Council 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.

Using Planning Conditions and Considering Reasons for Refusing Applications

The Planning System is designed to manage development, facilitating (not obstructing) sustainable development of a satisfactory standard. The National Planning Policy Framework reinforces this by stating that "*Planning should operate to encourage and not act as an impediment to sustainable growth*". Therefore, development should be considered with a positive approach. However, not all development is acceptable and almost every permission will require planning conditions in order to make them acceptable. Some will remain unacceptable and should therefore be refused. Circular 11/95 (The Use of Conditions in Planning Permissions) and Circular 03/2009 (Costs Awards In Appeals And Other Planning Proceedings) set out advice on the government's policy regarding the appropriate use of planning conditions and when decision makers may make themselves vulnerable to costs being awarded against them at appeal due to "unreasonable" behaviour. They derive from an interpretation of court judgments over the years and, although not planning law, are important material considerations. A decision to set them aside would therefore need to be well-reasoned and justified.

In terms of the Planning Committee, Circular 03/2009 makes it clear that "*Planning authorities are not bound to accept the recommendations of their officers. However, if officers' professional or technical advice is not followed, authorities will need to show reasonable planning grounds for taking a contrary decision and produce relevant evidence on appeal to support the decision in all respects. If they fail to do so, costs may be awarded against the authority*".

The power to impose conditions is an important material consideration in any determination. Circular 03/2009 states that "*Whenever appropriate, planning authorities will be expected to show that they have considered the possibility of imposing relevant planning conditions to allow development to proceed*". Therefore, before refusing any application the Planning Committee should consider whether it is possible to resolve any concerns by use of conditions before refusing permission. *The Circular adds that "A planning authority refusing planning permission on a planning ground capable of being dealt with by conditions risks an award of costs where it is concluded on appeal that suitable conditions would enable the proposed development to go ahead."* Advice on the need to consider whether conditions may make a proposal acceptable which would be otherwise unacceptable is also to be found in Circular 11/95.

Any planning condition imposed on a development must be necessary, relevant to planning, relevant to the development to be permitted, reasonable, precise and enforceable. Unless conditions fulfil these criteria, which are set out in Circular 11/95, they are challengeable at appeal as *ultra vires* (i.e. their imposition is beyond the powers of local authorities). If no suitable condition exists that can satisfy these tests a refusal of planning permission may then be warranted.

In considering the reasons for that refusal, Circular 03/2009 makes it clear that planning authorities must "*properly exercise their development control responsibilities, rely only on reasons for refusal which stand up to scrutiny and do not add to development costs through avoidable delay or refusal without good reason*". In all matters relating to an application it is critically important for decision makers to be aware that the courts will extend the common law principle of natural justice to any decision upon which they are called to adjudicate. The general effect of this is to seek to ensure that public authorities act fairly and reasonably in executing their decision making functions, and that it is evident to all that they so do.

COLCHESTER BOROUGH COUNCIL
PLANNING COMMITTEE
3 October 2013 at 6:00pm

Members

Chairman : Councillor Theresa Higgins.
Deputy Chairman : Councillor Helen Chuah.
Councillors Peter Chillingworth, Stephen Ford, Sonia Lewis, Cyril Liddy, Jackie Maclean, Jon Manning, Philip Oxford and Laura Sykes.

Substitute Members

: All members of the Council who are not members of this Committee or the Local Plan Committee and who have undertaken the required planning skills workshop. The following members meet the criteria:-
Councillors Nick Barlow, Lyn Barton, Kevin Bentley, Mary Blandon, Mark Cable, Nigel Chapman, Barrie Cook, Nick Cope, Beverly Davies, John Elliott, Andrew Ellis, Annie Feltham, Bill Frame, Ray Gamble, Marcus Harrington, Dave Harris, Julia Havis, Jo Hayes, Pauline Hazell, Peter Higgins, Brian Jarvis, Margaret Kimberley, Michael Lilley, Sue Lissimore, Colin Mudie, Nigel Offen, Gerard Oxford, Will Quince, Lesley Scott-Boutell, Peter Sheane, Paul Smith, Terry Sutton, Colin Sykes, Anne Turrell, Dennis Willetts 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 available on the council's website by 4:30pm on the day before the meeting (see Planning and Building, Planning Committee, Planning Committee Latest News). Members of the public should check that there are no amendments which affect the application 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 two days 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 to silent;
- the audio-recording of meetings;
- 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 interests they may have in the items on the agenda. Councillors should consult Meetings General Procedure Rule 7 for full guidance on the registration and declaration of interests. However Councillors may wish to note the following:-

- Where a Councillor has a disclosable pecuniary interest, other pecuniary interest or a non-pecuniary interest in any business of the authority and he/she is present at a meeting of the authority at which the business is considered, the Councillor must disclose to that meeting the existence and nature of that interest, whether or not such interest is registered on his/her register of Interests or if he/she has made a pending notification.
- If a Councillor has a disclosable pecuniary interest in a matter being considered at a meeting, he/she must not participate in any discussion or vote on the matter at the meeting. The Councillor must withdraw from the room where the meeting is being held unless he/she has received a dispensation from the Monitoring Officer.

- Where a Councillor has another pecuniary interest in a matter being considered at a meeting and where the interest is one which a member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice the Councillor's judgment of the public interest, the Councillor must disclose the existence and nature of the interest and withdraw from the room where the meeting is being held unless he/she has received a dispensation from the Monitoring Officer.
- Failure to comply with the arrangements regarding disclosable pecuniary interests without reasonable excuse is a criminal offence, with a penalty of up to £5,000 and disqualification from office for up to 5 years.

6. Minutes

The are no Minutes to be submitted for approval at this 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. | 122134 Land Adj North and South, Grange Road, Tiptree
(Tiptree) | 1 - 23 |
| | Outline application for proposed Development of Land North and South of Grange Road, Tiptree to provide 103 Residential Dwellings, Areas of Public Open Space (including a new Village Green and Allotments), provision of a new Roundabout Access from Grange road, other ancillary infrastructure and workd including drainage provision. | |
| 2. | 131287 Longview, 216 Turner Road, Colchester
(Mile End) | 24 - 45 |
| | Demolition of the existing buildings and redevelopment of the site to provide a 60 bedroom care home together with associated landscaping and parking provision. | |
| 3. | 131471 AGM House, London Road, Copford
(Copford and West Stanway) | 46 - 58 |
| | Demolition of the existing industrial buildings and erection of two new industrial buildings with associated landscaping (resubmission 120856). | |
| 4. | 131317 7 Seldon Road, Tiptree | 59 - 66 |

(Tiptree)

Erection of two bungalows with associated parking and landscaping on land at 7 Seldon Road, Tiptree.

5. 131789 Garage Block, Wheeler Close, Colchester (St Andrew's) **67 - 71**

Application for prior notification of proposed demolition.

6. 131791 Garage Block, Dilbridge Road, Colchester (St Anne's) **72 - 76**

Application for prior notification of proposed demolition.

7. 131539 Trianon, Hall Road, Tiptree (Tiptree) **77 - 83**

First story extension.

8. 131676 9 Little Foxburrows, Colchester (Shrub End) **84 - 93**

Proposed conversion of existing car port and alterations.
Resubmission of planning application reference 131313.

- 8. Appeals Made by Bovis Homes in Respect of Area J2b of the Colchester Garrison Urban Village** **94 - 97**
(Christ Church)

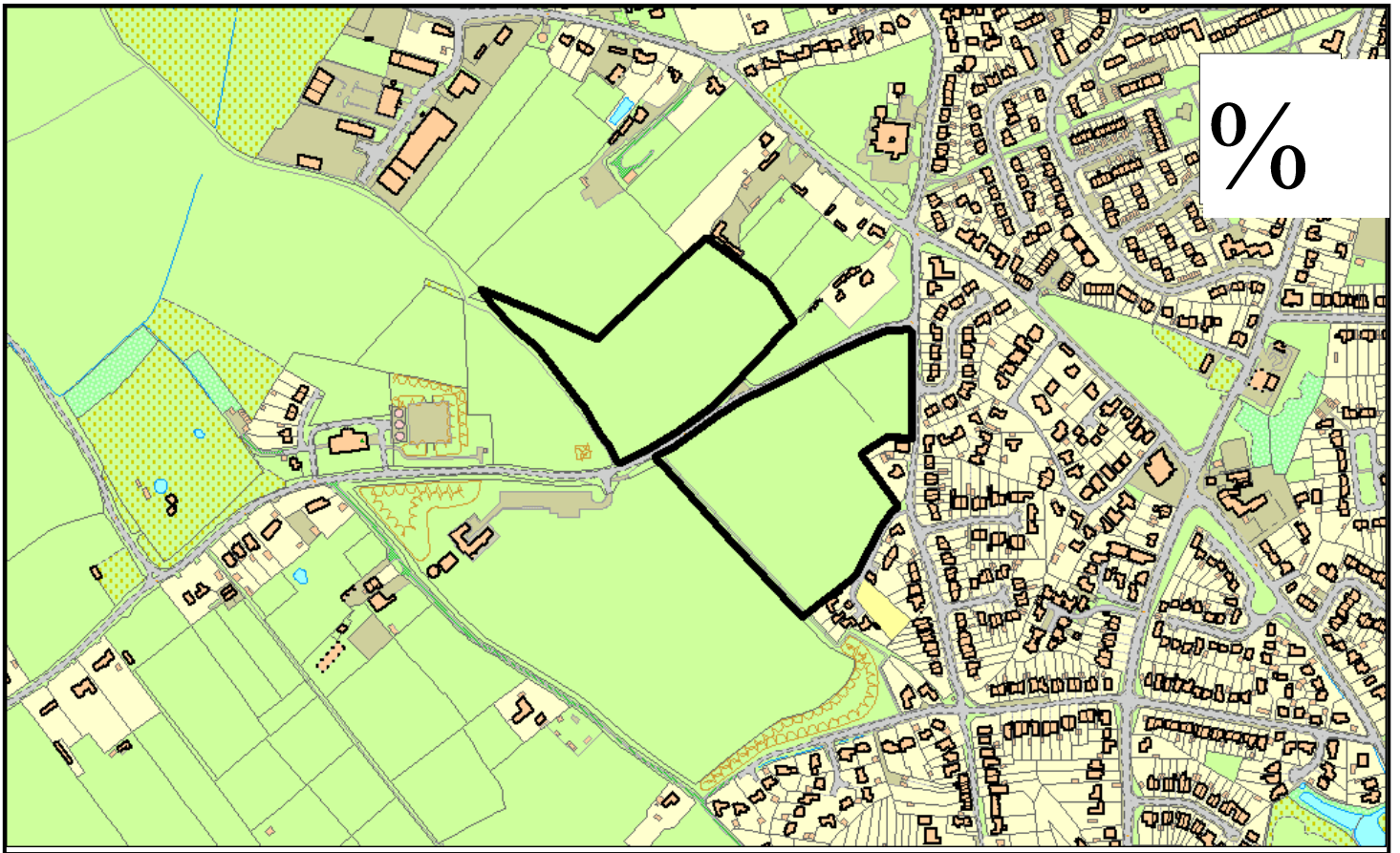
Please see the report of the Head of Planning Services (attached).

- 9. Amendment Sheet** **98 - 101**

Please see the Amendment Sheet (attached).

10. 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: 122134

Location: Land Adjacent (North & South), Grange Road, Tiptree, Colchester

Scale (approx): 1:5000

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Committee Report

Agenda item

7

To the meeting of **Planning Committee**
on: **3 October 2013**
Report of: **Head of Professional/Commercial Services**
Title: **Planning Applications**

7.1 Case Officer: Mark Russell

MAJOR

Site: Grange Road, Tiptree, Colchester

Application No: 122134

Date Received: 3 December 2012

Agent: Lawson Planning Partnership

Applicant: Colchester United Football Club

Development: Outline application for proposed Development of Land North and South of Grange Road, Tiptree to Provide 103 Residential Dwellings, Areas of Public Open Space (including a new Village Green and Allotments), provision of a new Roundabout Access from Grange Road, other Ancillary Infrastructure and Works including Drainage provision.

Ward: Tiptree

Summary of Recommendation: Approval subject to the signing of a S106 Agreement

1.0 Reason for Referral to the Planning Committee

1.1 This application is referred to the Planning Committee because it is a major application and material objections to it have been received.

2.0 Synopsis

2.1 The following report explores an outline proposal for 103 residential dwellings on land allocated for housing in Tiptree to the north and south of Grange Road. It is explained that the proposal has come forward early in the Local Plan cycle. The proposal is set out in detail and consultation replies are looked at. Objections relating to the principle of the development, the layout and highway concerns are considered. Requests from

the Highway Authority, Environmental Control, other Council departments and external bodies such as the Environment Agency, Natural England and Anglian Water are also considered, and the request from Development Team for Section 106 monies is also explained.

- 2.2 In response to the objections, it is re-iterated that this is an allocated housing site and that highways matters, the indicative layout and the open space provision are all held to be acceptable. In conclusion, the application is considered acceptable, subject to the payment of Section 106 monies and improvements to the Highway, and approval is recommended.

3.0 Site Description and Context

- 3.1 The site is on the north-western edge of Tiptree and comprises 6.67ha of agricultural land (currently not being farmed), on both sides of Grange Road. To the north (previously allocated as employment land) is 2.85ha, to the south 3.85ha. Land to the north is almost entirely surrounded by agricultural/paddock land with footpath 150/4 close by to the west, whilst the parcel to the south borders residential land to the east and the Florence Park training ground to the west.

4.0 Description of the Proposal

- 4.1 This is an OUTLINE application, with only the details regarding access being sought at this time. Matters relating to landscaping, design and layout are to be dealt with by Reserved Matters applications. However, many of the matters have been 'front-loaded' to give a strong indication of what would be contained within any such application.
- 4.2 The site is allocated in the Site Allocations document, but as with other green field allocations was not expected to come forward before 2016. The application has been submitted in advance of this date as issues relating to sewerage capacity have been resolved.
- 4.3 The proposal comprises 103 Residential Dwellings (37 x 2 bed, 55 x 3 bed, 7 x 4 bed, 4 x 5 bed) with various provisions of open space and drainage and highway improvements. These are listed in greater detail in the following paragraphs and in the sections relating to Open Space provision, Development Team and Highways issues at paragraphs 12, 14 and 15 below.
- 4.4 The proposal site encompasses two distinct parcels of land. Plans for the 2.85ha landholding to the north show 39 dwellings (7 x 2 bed, 22 x 3 bed, 6 x 4 bed, 4 x 5 bed) as well as an electricity sub-station and a Public Open Space which includes a shallow 'surface water detention basin' and a Local Area for Play (LAP).
- 4.5 The land to the south of Grange Road would contain the bulk of the residential properties (64 - breaking down thus: 30 x 2 bed, 33 x 3 bed, 1 x 4 bed). This parcel also comprises allotments, the village green and a further LAP.
- 4.6 In addition to this, a pumping station at the southern extremity of the site, and a new electricity sub-station just to the north of Grange Road are proposed. As part of the offering, there is also a new roundabout access onto Grange Road, together with various other highway improvements which are detailed at paragraphs 14 and 15.

5.0 Land Use Allocation

5.1 Residential

6.0 Relevant Planning History

6.1 (Part of the land to the north) O/COL/00/0919 - Outline application for residential development (3.47ha) and employment use (B1) 0.57ha). Refused 28th July 2000;

6.2 (Land to the north) F/COL/05/1100 - Use of industrial site for storage of recovered cars and vans. Sale of same by auction. Construction of ancillary office/workshop (15m x 12m) and access road. Refused 30th August 2005;

7.0 Principal Policies

7.1 The National Planning Policy Framework (2012) sets out the national planning principles that guide the decision taking process and how these are expected to be applied in practice. The NPPF makes it clear that planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. The NPPF also sets out the Governments primary objective that there be “a presumption in favour of sustainable development”. There are three dimensions to sustainable development, which are an economic role, a social role and environmental role. The NPPF clarifies that these roles should not be undertaken in isolation, because they are mutually dependent.

7.2 Continuing the themes of the NPPF, the adopted Colchester Borough Core Strategy (December 2008) adds detail through local strategic policies. Particular to this application, the following policies are most relevant:

SD1 - Sustainable Development Locations

SD2 - Delivering Facilities and Infrastructure

SD3 - Community Facilities

H1 - Housing Delivery

H2 - Housing Density

H3 - Housing Diversity

H4 - Affordable Housing

UR2 - Built Design and Character

PR1 - Open Space

PR2 - People-friendly Streets

TA1 - Accessibility and Changing Travel Behaviour

TA2 - Walking and Cycling

TA3 - Public Transport

TA4 - Roads and Traffic

TA5 - Parking

ENV1 - Environment

ER1 - Energy, Resources, Waste, Water and Recycling

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

DP1 Design and Amenity
DP2 Health Assessments
DP3 Planning Obligations and the Community Infrastructure Levy
DP4 Community Facilities
DP12 Dwelling Standards
DP16 Private Amenity Space and Open Space Provision for New Residential Development
DP17 Accessibility and Access
DP18 Transport Infrastructure Proposals
DP19 Parking Standards
DP20 Flood Risk and Management of Surface Water Drainage
DP21 Nature Conservation and Protected Lanes
DP25 Renewable Energy

7.4 Further to the above, the adopted Site Allocations (2010) policies set out below should also be taken into account in the decision making process:

SA TIP1 Residential sites in Tiptree
SA TIP2 Transport in Tiptree

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

Backland and Infill
Community Facilities
Vehicle Parking Standards
Sustainable Construction
Open Space, Sport and Recreation
Extending Your House?
The Essex Design Guide
External Materials in New Developments
Affordable Housing
Cycling Delivery Strategy

8.0 Consultations

8.1 Environmental Control requested informatives for demolition and construction, and also conditions relating to noise and emission control, hours of work/delivery, light pollution and noise from the pumping station. It also suggested that part of the open spaces detailed be located along the boundary with the training ground in order to provide additional separation between the ground and proposed units. All of these informatives and conditions are listed at the foot of this report.

8.2 Contaminated Land Officer no objection, suggestion of various conditions which are also included.

8.3 Natural England Did not object, and suggested the inclusion of bat sensitive lighting, some green or brown roofs, native landscaping, artificial nesting/roosting sites and sustainable drainage. These suggestions are included as informatives and conditions where relevant.

8.4 Anglian Water stated that it had been working with the applicant to overcome issues surrounding flooding downstream, and has recommended a drainage strategy and mitigation in the form of a pumping station with a direct connection to the Sewage Treatment Works. This is to be covered by condition.

8.5 Landscape Conservation The Landscape Conservation Officer has requested several amendments to the submitted scheme. These include added surveillance of the LAP, retention of the existing ditch and hedge boundary to the proposed village green, a more informal approach to the LEAP, addition of a verge to the south-west, and a sympathetic boundary treatment.

Some, but not all, of these elements, should be achievable and such modifications can be finalised at Reserved Matters stage. The recommendations of the Landscape Conservation Officer have been referred to as an informative at the end of this report.

8.6 Arboriculture Our Tree Officer has requested a full arboricultural implication assessment with a tree constraint plan to accompany the initial tree survey. This shall be requested by condition with the Reserved Matters application.

8.7 Environment Agency did not object and recommended conditions relating to sustainable drainage and contaminated land.

8.8 Highway Authority the HA did not object, but requested conditions relating to wheel-washing, plus the following provision of:

- A 40 miles per hour speed limit;
- A roundabout at Grange Road;
- Footway/carriageway provision and widening on surrounding roads;
- Cycleway provision;
- Upgrade of bus-stops;
- Residential Travel Information Packs

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 Tiptree Parish Council has objected to the application for the following reasons:

Drainage

It is noted that the proposal contains Sustainable Urban Drainage Systems. There is strong local concern of an increased flood risk if this development proceeds. Since the installation of the football pitches at Florence Park, there has been an increase in incidents of localised flooding and whilst the recent heavy rain is acknowledged, this is predicted to continue in future and could lead to a greater risk of drainage problems on this development site. Regarding the Sustainable Urban Drainage System – Is there a contingency plan should these overflow?

Sewage

The Local Development Framework stated that no additional houses could be built until 2016 to allow for an upgrade of the local sewage system, however it appears that

this is not now the case and the installation of a pumping station will overcome this issue. Is there to be a back up pump? What contingency plans are in place should the pump fail? Has a survey been conducted to ascertain if adjacent properties are likely to be affected by noise from the pump? Will the building be insulated to protect noise levels?

Highway Issues

Tiptree Parish Council welcome the proposal to install a mini roundabout at the junction of Vine Road/Grange Road, however the required 30 metre visibility on approaching the roundabout does not currently exist, how does the applicant proposed to overcome this?

The application proposes a realignment of the carriageway and introduction of a pedestrian footway. However the plan makes no reference to the purchase of additional land, therefore this will result in a narrowing of the road. Tiptree Parish Council would like to see detailed drawings of this section of the proposal. No consideration has been given to improving the access onto Kelvedon Road, particularly for traffic wishing to cross over into Townsend Road where the local primary school is situated. This needs to be addressed. The traffic report submitted with the application does not include the increase in traffic using the training pitches as a result of the recently approved extended use and therefore it is essential that this report be revisited.

Open Space/Village Green

The siting of the proposed village green is in a dangerous location, bordering 2 busy roads. This is not a safe environment for young children to play in.

S106 Heads of Terms

This statement is very vague and leaves many questions to be answered. It is indicated that the amenity land allocation will remain in the ownership of the applicant – Robert Cowling – and it is difficult to see how, if this is allowed, that this would remain an amenity for the whole of Tiptree, as it is generally the precedent for open spaces to be handed to the local authority.

Under 5.3 – affordable housing, it states that the number of properties is to be agreed. Tiptree Parish Council would want the 35% as stated in the CBC Core Strategy to be adhered to and consideration be given to First Buy/New Buy schemes that are in existence, to allow young people of Tiptree the opportunity to get onto the housing ladder.

The wording of the Open Space and Village Green is of concern as it states that this will be ‘made available for the public in perpetuity’ What does this mean? If this is open space why should it need to be ‘made available’?

The allotment provision is referred to as ‘public allotments’. There is already a waiting list of 60+ Tiptree residents for an allotment, will these residents qualify for an allotment? Or will allotments tenants need affiliation to CUFC or Job Serve?

The health contribution refers to ‘should it be required’. Specific contributions should be earmarked to supplement the existing medical/dental facilities in Tiptree that are already overstretched.

The whole of the S106 agreement should be addressed before the planning application is considered further. This should be done in consultation with CBC, Tiptree Parish Council and the relevant CBC Cllrs. The devil is in the detail!!

The planning application is listed as 'outline', but is a very detailed plan. Tiptree Parish Council request that before final approval is given to the 'detailed' plan, that it be reviewed by all parties including the parish council and Tiptree residents and not be signed off without further consultation.

Tiptree Parish Council request that all points made be addressed with the applicant and the parish council be kept informed of the progress of this application.'

10.0 Representations

10.1 At the time of writing, 29 objections have been received. These relate to the following headings:

- The principle of the development
- Extra traffic, both locally and through Kelvedon and Feering
- Highway danger
- Infrastructure (taking into account the Wilkin application as well) is unable to cope
- Flooding
- Spoilt views
- Decreased house value
- The proposal does not comply with the Council's adopted policy documents
- Proposed open space should be in the middle of the site
- Loss of light and privacy to neighbouring house (Vine Farm and Walnut Tree Cottage amongst others)
- Loss of hedgerow
- The submitted Transport Assessment is flawed, including the fact that - the applicant does not control sufficient land to supply the desired footway/carriageway improvements etc, survey data is out of date and understates reported accidents, no swept-path analysis for the roundabouts,
- Neighbouring property (Springfield) controls access onto Grange Road

10.2 In addition to this a number of personal comments were submitted regarding the applicants and Colchester Borough Council which are not relevant to the determination of this application.

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

11.0 Parking Provision

11.1 232 parking spaces are proposed. This is fully compliant with the amount expected for a development of this size (103 dwellings x 2.25 = 231.75 spaces).

12.0 Open Space Provisions

12.1 This provision has several elements to it which are, overall, in excess of the Council's on-site policy requirements for public open space. The main feature is the proposed

village green (0.6ha) at the eastern end of the southern site which contains a pond (this also acts as a sustainable form of drainage) and a Local Equipped Area for Play (LEAP).

12.2 On the northern site, allotments measuring 0.3ha (approximately 16 allotments) with dedicated parking is proposed.

12.3 A pair of Local Areas for Play (LAPs) is also shown - one LAP for each site.

13.0 Air Quality

13.1 The site is outside of any Air Quality Management Area and will not generate significant impacts upon the zones.

14.0 Development Team and Planning Obligations

14.1 This application is classed as a “Major” application and therefore there was a requirement for it to be considered by the Development Team. It was considered that Planning Obligations should be sought via Section 106 (S106) of the Town and Country Planning Act 1990.

14.2 In the absence of a financial appraisal, the obligations that were expected as part of any planning permission were:

- 35 per cent affordable housing (as per our adopted guidance), reflective of the overall site mix;
- £6,600 for provision and maintenance of two litter and two dog bins;
- Community Facilities - £106,000 to be directed towards the repair and refurbishment of Factory Hall – subject to a costing analysis of these works;
- Residential Travel Information Packs - £5,150
- £33,600 towards health-care facilities
- Open Space, sports and recreation contribution of £211,628
- Highways works to an approximate value of £200,000

14.3 Subsequent to this, a financial appraisal was undertaken on behalf of the applicants, which was then analysed by Colchester Borough Council’s own consultant. This concluded that 15 per cent affordable housing was more realistic. However, other elements required consideration, as below.

14.4 The Local Development Framework documents suggest that the provision of some of the facilities at Florence Park form part of the wider vision for the site. In the event, the only community facility provided on that site is the community pitch and associated buildings such as the changing rooms (with others being provided at Warrior’s Rest). Therefore, only the Grange Road element has been included in the costs for the greater site and some of this can be defrayed against section 106 monies. This takes the expected provision of affordable housing to 10 per cent.

14.5 In conclusion, the following has been requested:

- 10 per cent affordable housing, reflective of the overall site mix (80/20 affordable rented/shared ownership) ;

- £6,600 for provision and maintenance of two litter and two dog bins;
 - £106,000 for the Factory Hall site;
 - Residential Travel Information Packs - £5,150;
 - £33,600 towards health-care facilities;
 - Open Space, sports and recreation contribution of £211,628. This item is discussed below in the section 106 paragraphs.
- Highways works - including off-site footway provision and carriageway widening, provision of mini-roundabout and cycle paths, improved pedestrian links to Tiptree town centre via Vine Road and Ransom Road, upgrade of two bus stops and provision of Residential Travel Information Packs. These items equate to a value of about £200,000, are to be secured by condition and are listed in full at condition 29.

15.0 Report

- 15.1 This application is Outline, and details involving landscaping, design and layout are left to Reserved Matters. However, the level of detail provided gives a very good indication of what is likely to be proposed at the detailed stage. These elements are considered below.
- 15.2 Principle: Members are reminded that this site is allocated for residential development under the adopted Site Allocations policy 'SA TIP1 - Residential sites in Tiptree.' Thus refusal in principle would be difficult to sustain at appeal. Other matters require close consideration, as below:
- 15.3 The planning application has been the subject of a Planning Performance Agreement (PPA) with the Applicant during which extensive pre-application consultation has taken place. As part of this process, the applicant undertook a community consultation exercise including a public exhibition held in Tiptree. Following this process the proposed scheme was revised to take account of discussions and comments received as summarised in the Applicant's Statement of Community Involvement submitted with the application.
- 15.4 Design and Layout: The layout has been dictated to some extent by the constraints on site, namely the two distinct parcels, the tapering section at the western aspect of the northern parcel. In addition there are the two Essex & Suffolk Water mains which have six metre easements either side of them as well as the *cordon sanitaire* of 15 metres next to the proposed waste pumping station. Following agreed provisions with the Essex & Suffolk Water Authority and Anglian Water, this has resulted in a lower density than initially envisaged. Each section comprises spine roads with smaller roads off, and small pockets of housing on the perimeter of each block, with gardens meeting in the middle. The southern parcel has a small open space in the middle, with the proposed village green to the east and allotments to the south. The northern section shows an area of open space to its south-western aspect.
- 15.5 Scale, Height and Massing: The low density means a satisfactory spread of built form, largely with hard built form to the perimeter of blocks and large spaces within. The scale is sympathetic to its residential surroundings, and is no more than two to two-and-a-half storeys high.

- 15.6 Impact on the Surrounding Area: The proposal will, undoubtedly, in part have a suburbanising effect. Both halves of the site are currently open space, albeit rough and unkempt in the southern part. It must be noted, however, that it is proposed that the northern parcel be separated from the road by the open space, and by the garden of Springfields, and more than a third of the southern site is the proposed village green. Therefore, more than half of the proposal does not give a 'hard edge' to the public realm. However, the widened carriageway and new/widened footways and cycleways will have a visual impact.
- 15.7 Another effect is the increased activity which the development, including traffic, will have on the area. This is acknowledged, and cannot be disputed. This strategic decision was made at policy level, and it was accepted then that the rural tranquillity would be affected by a housing scheme. The purely Highways issues (efficiency and safety) are looked at below.
- 15.8 Impacts on Neighbouring Properties: The development site benefits from having virtually no common boundaries with existing residential properties. On the northern site the only matter of note is the boundary with Springfields, and this is only the lower half of an expansive rear garden. This does not affect amenity
- 15.9 Of more relevance are the three properties "Vine Farm", "Vine Barn" and "Sparrow Cottage" whose immediate residential curtilages border the site. Of these, the latter would share a boundary with the allotments part of the site. Vine Farm and Vine Farm's gardens would share common boundaries with gardens belonging to houses on the site. Issues of possible overlooking or being overbearing would have to be carefully considered at Reserved matters, but from the indicative layout it appears that the proposed houses are so positioned to avoid any serious overlooking and loss of light/outlook. These matters will also need to be examined in relation to Walnut Cottage, which although separated from the site by a thin road, might be overlooked (although the orientation of Walnut Cottage itself makes this unlikely). Finbar Lodge and Thatched Cottage are equally nearby, but are near to the proposed allotments rather than to any residential property.
- 15.10 In conclusion there do not appear to be any identifiable residential amenity issues.
- 15.11 Highway Issues: Members are reminded that the Highway Authority has not objected. However, representations have been received, including a lengthy one, regarding these matters.
- 15.12 Several objectors voiced concerns about inadequate footways and dangerous speeds. However, it must be remembered that the package of measures proposed include extensive improvements to the highway network, including speed reduction to 40 miles per hour on Grange Road and the provision of three-metre wide foot/cycleways along the south side of Grange Road from Vine Road (north of its junction with Lansdowne Close and along the north side of Grange Road from the site's western boundary to the site access roundabout, retention of a cyclepath between Grange Road and Harrington Close and improved pedestrian links to the town centre via Vine Road and Ransom Road, as well as other measures such as the provision of roundabouts.

- 15.13 A further point has been raised that the applicant does not own or control sufficient land to deliver the required improvements. However, the Highway Authority has confirmed that it is “content that the proposed arrangement within highway land provides significant benefit over the existing situation.”
- 15.14 Section 106 Matters: Concerns have been raised over the ownership/stewardship of the provided open space facilities (the village green, the allotments and so on). From Colchester Borough Council’s perspective, provided that an agreed scheme is in place (including right of access to such facilities) then it is academic who owns them. Any subsequent owner would be tied to such matters. The applicants have advised that it is their intention to retain ownership.
- 15.15 The allocation of open space, sports and recreation monies is on a 65 per cent local/35 per cent Borough-wide basis. However, the Borough-wide segment can be allocated towards local schemes if necessary.
- 15.16 The applicants have argued that some of the on-site community provisions at Florence Park will now not be provided there and are tabled for Warrior’s Rest. Chiefly, this would involve the provision of a multi-use games area (MUGA) and pavilion. Whilst the former is not a corporate priority for Colchester Borough Council, the latter is desired. It would therefore seem logical to direct monies towards that.
- 15.17 The added advantage of this would be that a community use agreement could be secured. The applicant has confirmed support for such an initiative under a section 106 agreement and Sport England is supportive of this approach.
- 15.18 However, it will be for the ward Members and our Parks & Recreation Manager to decide, post permission, how and where these monies are allocated.
- 15.19 Other Matters: The issue of sewerage capacity has been raised. It was this issue which led to the site being tabled for being brought forward no earlier than 2016. However, the statutory undertaker has confirmed that the sewage works has the capacity, and that on site provision of a pumping station would satisfy network demand. Therefore the main reason for including a post 2016 phasing requirement has been addressed.
- 15.20 The neighbouring landowner (at Springfields) has claimed that his right of access (off of Kelvedon Road) would be lost due to the development. However, the Highway Authority has confirmed that access “will still be available onto the highway, as the land over which access is re-provided is to be adopted. The access will therefore not be over private land.” Therefore, the objector’s access over private land will still be provided from the applicant’s site onto Kelvedon Road, and this is sufficient.

16.0 Conclusion

- 16.1 Matters of design and layout (albeit that this is an outline application) are largely satisfied, as are those relating to residential amenity. The proposed scheme, with improvements to the Highway, and other open space and community provisions is held to be acceptable and approval is recommended.

17.0 Recommendation

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

- 10 per cent affordable housing, reflective of the overall site mix;
- £3,300 for provision and maintenance of two litter and two dog bins;
- Community Facilities - £106,000 for the Factory Hall site;
- £33,600 towards health-care facilities;
- POS - contribution of £211,628

17.2 On completion of the legal agreement, the Head of Environmental and Protective Services be authorised to grant planning permission subject to the following conditions:

18.0 Recommended Reasons for the Decision

18.1 YOP - *Reason for Approval (Objection(s) Received - Committee)

The Planning Committee having considered the recommendation contained in the officer's report was of the opinion that the proposal does comply with the relevant policies in the Statutory Development Plan (as set out above). In particular Members were of the opinion that the proposal warranted approval because of the acceptable layout and density and also the provision of open space and community facilities and Highways improvements. Thus, having had regard to all material planning considerations the Council is of the opinion that the proposal will not cause any harm to interests of acknowledged importance that would warrant the refusal of this application.

19.0 Conditions

1 - *Time Limit for Outline Permissions Part 1 of 3

No development shall be commenced until plans and particulars of "the reserved matters" referred to in the below conditions relating to the, APPEARANCE, LANDSCAPING, LAYOUT AND SCALE have been submitted to and agreed, in writing, by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: The application as submitted does not provide sufficient particulars for consideration of these details.

2 - Time Limit for Outline Permissions Part 2 of 3

Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

Reason: To comply with the requirements of Section 92 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

3 - Time Limit for Outline Permissions Part 2 of 3

The development hereby permitted shall be begun before the expiration of two years from the date of approval of the last of the reserved matters to be approved.

Reason: To comply with the requirements of Section 92 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

4 - Construction Method Statement

Prior to the commencement of development, including any works of demolition, a Construction Method Statement shall have been submitted to and approved, in writing, by the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period and shall provide details for: the parking of vehicles of site operatives and visitors; hours of deliveries and hours of work; loading and unloading of plant and materials; storage of plant and materials used in constructing the development; the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate; wheel washing facilities; measures to control the emission of dust and dirt during construction; and a scheme for recycling/disposing of waste resulting from demolition and construction works.

Reason: In order to ensure that the construction takes place in a suitable manner and to ensure that amenities of existing residents are protected as far as reasonable.

5 - Limits to Hours of Work

No demolition or construction work shall take outside of the following times;

Weekdays: 08:00-18:00

Saturdays: 08:00-13:00

Sundays and Bank Holidays: No working.

Reason: To ensure that the construction phase of the development hereby permitted is not detrimental to the amenity of the area and/or nearby residents by reason of undue noise at unreasonable hours.

6 - Limits to Hours of Construction Deliveries/Worker Traffic

No construction deliveries to or from the site, worker vehicle movements, or construction work shall take place outside of the following times;

Weekdays: 07:30-18:00

Saturdays: 07:30-13:00

Sundays and Bank Holidays: No deliveries.

Reason: To ensure that the construction phase of the development hereby permitted is not detrimental to the amenity of the area and/or nearby residents by reason of undue noise at unreasonable hours.

7 - *External Noise

Prior to the commencement of development, a noise report for proposed residential properties that are in the vicinity of the training ground shall have been submitted to and approved, in writing, by the Local Planning Authority. The report shall have been undertaken by a competent person and shall include periods for daytime as 0700 2300 hours and identify appropriate noise mitigation measures. It shall take into account the periods of the noisiest activity, i.e. several adult matches on the nearest pitches. All residential units shall thereafter be designed so as not to exceed the noise criteria based on current figures by the World Health Authority Community Noise Guideline Values given below:

- Dwellings indoors in daytime: 35 dB LAeq,16 hours

- Outdoor living area in day time: 55 dB LAeq,16 hours

Such detail and appropriate consequential noise mitigation measures as shall have been agreed, in writing, by the Local Planning Authority shall be implemented prior to occupation of any building on the site and shall be maintained as agreed thereafter.

Reason: To ensure that the development hereby permitted is not detrimental to the amenity of the future residents by reason of undue external noise where there is insufficient information within the submitted application. The properties along the perimeter with the training ground shall be sited so there is a minimum 20 metre buffer between the nearest pitch and façade, to provide attenuation of maximum noise levels.

8 - Non-Standard Condition/Reason

Any private gardens close to the training ground that are not screened by buildings shall be bounded by a wall or close-boarded fence of at least 1.8 metres in height.

Reason: In the interests of residential amenity

9 - Non-Standard Condition/Reason

Units located along the boundary with the training ground shall be fitted with double glazing incorporating trickle ventilation.

Reason: In the interests of residential amenity

10 - Non-Standard Condition/Reason

The properties along the perimeter with the training ground shall be sited so there is a minimum 20 metre buffer between the nearest pitch and façade.

Reason: To provide attenuation of maximum noise levels.

11 - Non-Standard Condition/Reason

Prior to the commencement of development, the applicant shall provide proof to the satisfaction of the Local Planning Authority that no noise from the proposed private pumping station to the south of the site will impact upon either existing or proposed residential units. The pumping station shall comply with these provisions at all times.

Reason: In the interests of residential amenity.

12 - Car Parking and Service Areas (Outline Planning Permission only)

Prior to their first use, any car parking and service areas shall be screened to minimise any noise impact on nearby residential premises and in such a manner so as to prevent nearby residential premises being affected by vehicle exhaust fumes in accordance with a scheme that shall previously have been submitted to, and agreed in writing by, the Local Planning Authority.

Reason: To ensure that there is adequate screening in place to limit any unnecessary fumes, noise and disturbance to the surrounding areas and/or residents from vehicles using these areas.

13 - *Light Pollution for Minor Development

Any lighting of the development (including resultant sky glow, light trespass, source intensity and building luminance) shall fully comply with the figures and advice specified in the CBC External Artificial Lighting Planning Guidance Note for zone EZ2 RURAL, SMALL VILLAGE OR DARK URBAN AREAS.

Reason: In order to safeguard the amenity of the surrounding area by preventing the undesirable, disruptive and disturbing effects of light pollution.

14 - Contaminated Land Part 1 of 4 (Site Characterisation)

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

(i) a survey of the extent, scale and nature of contamination, including contamination by soil gas and asbestos;

(ii) an assessment of the potential risks to:

- human health,
- property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
- adjoining land,
- groundwaters and surface waters,
- ecological systems,
- archaeological sites and ancient monuments;

(iii) an appraisal of remedial options, and proposal of the preferred option(s).

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

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

15 - Contaminated Land Part 2 of 4 (Submission of Remediation Scheme)

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

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

16 - Contaminated Land Pt. 3 of 4 (Implementation of Approved Remediation)

Prior to the commencement of development other than that required to carry out remediation, the approved remediation scheme must be carried out in accordance with the details approved, unless otherwise agreed, in writing, by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works. Following completion of measures identified in the approved

remediation scheme, a verification/validation report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors

17 - Contaminated Land Part 4 of 4 (Reporting of Unexpected Contamination)

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition 14, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 15, which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition 16.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

18 - *Validation Certificate

Prior to the first occupation of each phase of the development (north and south), the developer shall submit to the Local Planning Authority a signed certificate to confirm that the remediation works have been completed in accordance with the documents and plans detailed in Condition 15.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

19 - Non-Standard Condition/Reason

All external lighting provided shall be bat sensitive to the satisfaction of the Local Planning Authority.

Reason: In the interests of the amenity of bats.

20 – Non-Standard Condition/Reason

Development shall not begin until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme shall include:

- The scheme will fully investigate the feasibility of infiltration SuDS as a preference. Details of the location and sizing of any proposed infiltration drainage systems to dispose of the surface water.

- The discharge rate to the watercourses will be at the Greenfield runoff rate for the equivalent event and calculated for each catchment.
- Attenuation storage shall be provided to cater for the 1 in 100 year critical storm plus allowance for climate change.
- Details of any exceedance and conveyance routes and calculations of its performance in the 1 in 30 year or 1 in 100 year rainfall events, including climate change.
- A drainage plan for the site including the proposed location/size of any infiltration/attenuation device.
- Details of the future adoption and maintenance of the proposed surface water scheme for the lifetime of the proposed development.
- Confirmation that the receiving watercourses are in a condition to accept and pass on the flows from the discharge proposed.

The scheme shall be fully implemented and subsequently maintained, in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

Reason: To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site.

21 – Non-Standard Condition/Reason

No development shall commence until a foul water strategy has been submitted to and approved in writing by the Local Planning Authority. No dwellings shall be occupied until the works have been carried out in accordance with the foul water strategy so approved unless otherwise approved in writing by the Local Planning Authority.

Reason: To prevent environmental and amenity problems arising from flooding.

22 - *Full Landscape Proposals TBA

Prior to the commencement of development, full details of all landscape works shall have been submitted to and agreed, in writing, by the Local Planning Authority and the works shall be carried out prior to the occupation of any part of the development unless an alternative implementation programme is subsequently agreed, in writing, by the Local Planning Authority. The submitted landscape details shall include:

- proposed finished levels or contours;
- means of enclosure;
- car parking layouts;
- other vehicle and pedestrian access and circulation areas;
- hard surfacing materials;
- minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, lighting etc.);
- proposed and existing functional services above and below ground (e.g. drainage power, communications cables, pipelines etc. indicating lines, manholes, supports etc.);
- retained historic landscape features;
- proposals for restoration;
- planting plans;
- written specifications (including cultivation and other operations associated with plant and grass establishment);
- schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate; and
- implementation timetables and monitoring programs.

Reason: To ensure that there is a suitable landscape proposal to be implemented at the site

for the enjoyment of future users and also to satisfactorily integrate the development within its surrounding context in the interest of visual amenity.

23 - Landscape Management Plan

Prior to the first occupation of the development, a landscape management plan including long term design objectives, management responsibilities and maintenance schedules for all landscape areas other than small, privately owned, domestic gardens shall be submitted to and agreed, in writing, by the Local Planning Authority. The landscape management plan shall thereafter be carried out as approved at all times.

Reason: To ensure the proper management and maintenance of the approved landscaping in the interests of amenity and the character and appearance of the area.

24 - Earthworks

Prior to the Commencement of development, details of all earthworks shall have been submitted to and agreed, in writing, by the Local Planning Authority. These details shall include the proposed grading and mounding of land areas including the levels and contours to be formed, showing the relationship of proposed mounding to existing vegetation and surrounding landform. The development shall thereafter be carried out in accordance with the approved details.

Reason: To ensure that any earthworks are acceptable in relation to their surroundings.

25 - Play Area TBA

Prior to the first occupation of the development hereby permitted, a play area shall have been laid out in full accordance with details that shall have previously been approved, in writing, by the Local Planning Authority, and that area shall be maintained thereafter for use as a play area.

Reason: To ensure that there is adequate play provision available for use from the first occupation of the development and that this is subsequently retained in perpetuity.

26- Open Space Provision (Outline Permission)

At least 10% of the site area shall be laid out for use as amenity open space in accordance with a scheme submitted to and agreed, in writing, by the Local Planning Authority before the work commences and made available for use within 12 months of the occupation of the first dwelling to which they relate and thereafter retained for public use.

Reason: In order to ensure that the development provides an adequate provision of open space(s) that are usable for public enjoyment after the development is completed.

27 - Non-Standard Condition/Reason

Prior to commencement of the development details of a wheel cleaning facility within the site and adjacent to the egress onto the highway shall be submitted to and approved in writing by the Local Planning Authority. The wheel cleaning facility shall be provided prior to commencement and during construction of the development

Reason: To protect highway efficiency of movement and safety in accordance with policy DM1 of the Highway Authority's Development Management Policies as adopted as County Council Supplementary Guidance in February 2011

28 - Non-Standard Condition/Reason

No occupation of the development shall take place until the following have been provided or

completed:

- A 40 mph speed limit in Grange Road as shown in principle on planning application drawing number E534-014
- A roundabout in Grange Road to provide access to the proposal site as shown in principle on planning application drawing number E534-003 Rev. B
- New footway & carriageway widening along Vine Road between the B1023 Kelvedon Road and Lansdowne Close as shown in principle on planning application drawing number E534-005 Rev. C
- A mini roundabout at the Grange Road/Vine Road junction as shown in principle on planning application drawing number E534-005 Rev. C
- A 3 metre wide foot/cycleway along the south side of Grange Road from Vine Road (north of its junction with Lansdowne Close) to the proposal site's western boundary
- A 3 metre wide foot/cycleway along the north side of Grange Road from the proposal site's western boundary to the site access roundabout
- Retention of the cyclepath between Grange Road and Harrington Close immediately adjacent the proposal site's western boundary
- Upgrade to current ECC specification the two bus stops in the vicinity of the B1023 Kelvedon Road/Vine Road junction, upgrade to include but may not be limited to real time passenger information
- New sections of footway along Vine Road and Ransom Road as shown in principle on planning application drawing number E534-017 Rev. B
- Residential Travel Information Packs

Reason: To protect highway efficiency of movement and safety and to ensure the proposal site is accessible by more sustainable modes of transport such as public transport, cycling and walking, in accordance with policy DM1, DM9 and DM10 of the Highway Authority's Development Management Policies as adopted as County Council Supplementary Guidance in February 2011

29 - Non-Standard Condition/Reason

The Reserved Matters application shall be accompanied by a full arboricultural implication assessment with a tree constraint plan.

Reason: In order to protect nearby trees.

30 - ZDC - Removal of PD for All Residential Extensions & Outbuildings

Notwithstanding the provisions of Classes A, B, C, D and E of Part 1 Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 (or the equivalent provisions of any order revoking and re-enacting that Order), no extensions, ancillary buildings or structures shall be erected unless otherwise subsequently approved, in writing, by the Local Planning Authority.

Reason: In the interest of visual amenity and to ensure the development avoids an overdeveloped or cluttered appearance.

20.0 Informatives

(1) **ZT0 – Advisory Note on Construction & Demolition** 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 08456 037631.

(3) **ZTA- Informative on Conditions Stating Prior to Commencement Occupation**

PLEASE NOTE that this permission contains a condition precedent that requires details to be agreed and/or activity to be undertaken either before you commence the development or before you occupy the development. This is of critical importance. If you do not comply with the condition precedent you may invalidate this permission. Please pay particular attention to these requirements.

(4) **Green/brown roofs** The use of alternative roofing (turf, aggregate, brown and green roofs) can make a significant contribution to biodiversity, attenuation of rainfall, and energy efficiency as they can provide a high degree of insulation.

(5) **Landscaping** Native species of plant should be used in landscaping proposals associated with development, unless there are over-riding reasons why particular non-native species need to be used. The nature conservation value of trees, shrubs and other plants includes their intrinsic place in the ecosystem; their direct role as food or shelter for species; and in the case of trees and shrubs, their influence through the creation of woodland conditions that are required by other species, e.g. the ground flora.

(6) **Nesting and roosting sites** Modern buildings tend to reduce the amount of potential nesting and roosting sites. Artificial sites may therefore need to be provided for bats and birds. There is a range of ways in which these can be incorporated into buildings, or built in courtyard habitats. Their location should provide protection from the elements, preferably facing an easterly direction, out of the direct heat of the sun and prevailing wind and rain.

(7) **Sustainable urban drainage systems** Many existing urban drainage systems are damaging the environment and are not, therefore, sustainable in the long term. Techniques to reduce these effects have been developed and are collectively referred to as Sustainable Urban Drainage Systems (SUDS). SUDS are physical structures built to receive surface water runoff. They typically include ponds, wetland, swales and porous surfaces. They should be located as close as possible to where the rainwater falls, providing attenuation for the runoff. They may also provide treatment for water prior to discharge, using the natural processes of sedimentation, filtration, adsorption and biological degradation.

(8) The developer should address risks to the water environment from contamination at the site, following the requirements of the National Planning Policy Framework and the Environment Agency Guiding Principles for Land Contamination

(9) At detailed design (i.e. Reserved Matters application), further consideration will be given to the use of rain gardens, swales and filter strips.

(10) The applicant is advised to take into account the Landscape Conservation Officer's consultation response of 18th January and the recommendations therein.

(11) Under Section 23 of the Land Drainage Act 1991, prior written consent from the Lead Local Flood Authority (Essex County Council) is required to construct any culvert (pipe) or

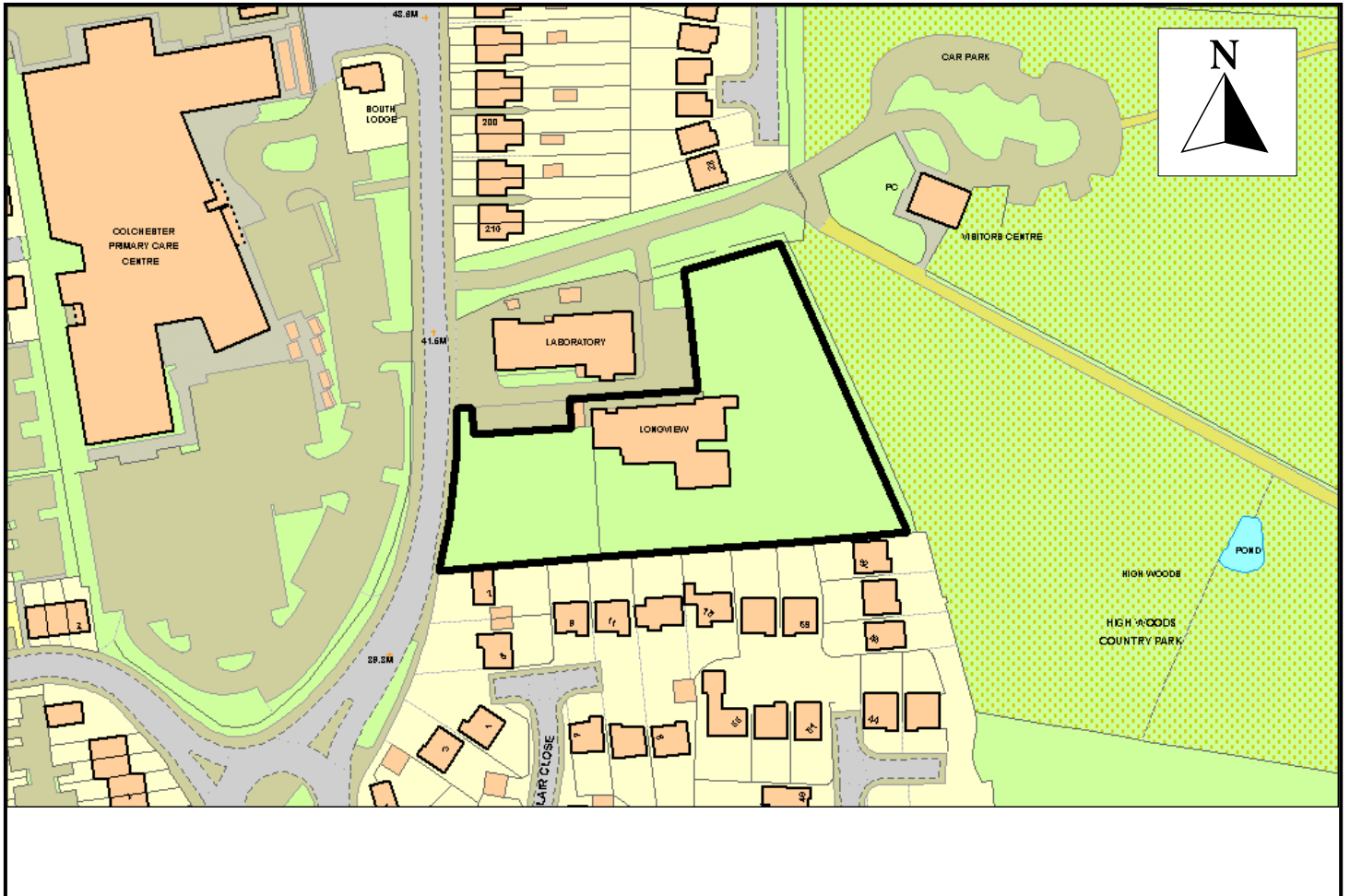
structure (such as a dam or weir) to control or alter the flow of water within an ordinary watercourse. Ordinary watercourses include ditches, drains and any other networks of water which are not classed as Main River.

(12) Prior to any works taking place in the highway the developer should enter into an agreement with the Highway Authority under the Highways Act 1980 to regulate the construction of the highway works

(13) If the applicant believes they need to apply for consent, further information and the required application forms can be found at www.essex.gov.uk/flooding. Alternatively they can email any queries to Essex County Council via watercourse.regulation@essex.gov.uk. Planning permission does not negate the requirement for consent and full details of the proposed works will be required at least two months before the intended start date.

21.0 Positivity Statement

- 21.1 The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, via a Planning Performance Agreement, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.



Application No: 131287

Location: Longview, 216 Turner Road, Colchester, CO4 5JR

Scale (approx): 1:1250

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7.2 Case Officer: Peter Hill

Due Date: 07/10/2013

MAJOR

Site: Longview, 216 Turner Road, Colchester, CO4 5JR

Application No: 131287

Date Received: 8 July 2013

Agent: AKA Planning

Applicant: MedixcX

Development: Demolition of the existing buildings and redevelopment of the site to provide a 60 bedroom care home together with associated landscaping and parking provision.

Ward: Mile End

Summary of Recommendation: Conditional Approval

1.0 Reason for Referral to the Planning Committee

1.1 This application is referred to the Planning Committee because it is a major application and objections have been received.

2.0 Synopsis

2.1 The key issues explored below are;

1. Design and Character
2. Impact on Neighbours' Amenities
3. Trees and Impact on High Woods Country Park
4. Wildlife and Habitat
5. Legal Agreement Requirements
6. Economic / Employment Considerations
7. Travel Plans and Parking Provision
8. Highway Safety and Access
9. Disabilities Act Requirements

2.2 It is concluded the development is well located and minimises the need for private motor transport. It exceeds the parking requirements claimed as necessary for the scheme, does not have a materially detrimental impact on neighbours' amenities, is of adequate design quality, does not harm highway safety or affect public rights of way. The intended residents would place no significant additional demand upon public open space, community or leisure facilities and so no legal agreement is required. It is concluded that there may be some impact on trees and to habitat potential in the fringe of High Woods Country Park, but that this is not so significant as to justify a refusal on that basis, especially when balanced against the significant economic and employment benefits of the scheme.

3.0 Site Description and Context

- 3.1 Longview is a single-storey building on the east side of Turner Road. Currently vacant, the site was last used as a care home. The existing building is well set back from the road and the rest of this large site is laid to grass. The site slopes in a southerly direction.
- 3.2 To the north is an NHS laboratory – a single-storey flat roofed building. The application site continues in an ‘L’ shape behind this site. North of that is the public footpath and main entrance to High Woods Country Park. The trees of High Woods mark the western boundary of the site. To the south are the back gardens of two-storey houses of Sinclair Close and Thornton Drive. Across Turner Road (west) is the car park of the North Colchester Healthcare Centre – a three-storey, flat-roofed building set back from the road. Generally the area has a mixed character with residential properties and healthcare related development centring on the hospital itself.

4.0 Description of the Proposal

- 4.1 A 60-bed care home is proposed. The care home is to serve elderly persons.

5.0 Land Use Allocation

- 5.1 The site is within the defined settlement limits and is unallocated.

6.0 Relevant Planning History

- 6.1 None relevant.

7.0 Principal Policies

- 7.1 The National Planning Policy Framework (2012) sets out the national planning principles that guide the decision taking process and how these are expected to be applied in practice. The NPPF makes it clear that planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. The NPPF also sets out the Governments primary objective that there be “a presumption in favour of sustainable development”. There are three dimensions to sustainable development, which are an economic role, a social role and environmental role. The NPPF clarifies that these roles should not be undertaken in isolation, because they are mutually dependent.

7.2 Continuing the themes of the NPPF, the adopted Colchester Borough Core Strategy (December 2008) adds detail through local strategic policies. Particular to this application, the following policies are most relevant:

- SD1 - Sustainable Development Locations
- SD2 - Delivering Facilities and Infrastructure
- SD3 - Community Facilities
- UR2 - Built Design and Character
- PR1 - Open Space
- TA1 - Accessibility and Changing Travel Behaviour
- 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
- DP2 Health Assessments
- DP3 Planning Obligations and the Community Infrastructure Levy
- DP4 Community Facilities
- DP16 Private Amenity Space and Open Space Provision for New Residential Development
- DP17 Accessibility and Access
- DP19 Parking Standards
- DP20 Flood Risk and Management of Surface Water Drainage
- DP21 Nature Conservation and Protected Lanes
- DP25 Renewable Energy

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

- Community Facilities
- Vehicle Parking Standards
- Sustainable Construction
- Open Space, Sport and Recreation
- Cycling Delivery Strategy

8.0 Consultations

8.1 Highway Authority – no objection, subject to conditions requiring

- Vehicular visibility splays
- Pedestrian visibility splays
- Provision of parking and turning areas as shown on plans
- Minimum parking bay size
- No unbound materials within 6 metre of highway
- Details of cycle facilities

8.2 Woodlands Trust

The Woodlands Trust make a number of observations and comments regarding the relationship of the development to the adjacent woodland and the species therein. The main recommendations are;

- Light pollution may affect protected species, therefore recommend that external lights are directed away from the woodland and kept to a minimum-
- Request that the buffer with High Woods is extended to 15m. The 15m buffer should contain no less than 50% native deciduous trees accompanied by scrubby hawthorn so as to provide a phased habitat from the edge of the development to the woodland and reduce the impacts of waste, noise, light and general disturbance.
- In relation to the Cotoneaster bush present on site we would recommend that herbicide application is avoided, with manual removal and appropriate disposal being the preferred method of eradication. This is due to potential herbicide drift into the nearby ancient woodland.
- Commend the use of the BS5837 Trees in relation to design demolition and construction, in relation to effects on the root protection area of individual trees.

8.3 Environmental Control recommends the following conditions;

- Construction Method Statement
- 0dBA site boundary noise levels above background levels from plant /machinery
- Controls for fumes, smells, odours.
- Control of light pollution
- Prior approval of any external lighting
- Provision of grease Traps

Environmental Control confirms that it is satisfied with the results of the contaminated land desk study and require no further work.

8.4 The Council's Urban Design Officer comments;

"The design should be presented in its evolution, showing the previous incarnations. this large building has become far more appropriate for the site.

Given that this is a typical size of care home, the scale and mass has been well designed. The elements have coherence and appear as a good visual composition whilst articulating and visually reducing the large mass into an acceptable appearance. The layout has provided some suitably private spaces for residents and the public realm is well defined and functional.

With the exception of the substation to Turner Road the scheme is largely as negotiated and acceptable."

8.5 The Council's Tree Officer comments;

1. The trees proposed for removal are categorised as C as per BS5837 – as such it is my opinion that they have a relatively short useful life (10 years or less) and shouldn't constrain the development.

2. The trees shown to be retained are categorised as B. In order to maintain these trees during the construction process a site specific arboricultural method statement should be provided (via condition) – this should confirm methodology for fencing, construction techniques that may affect trees etc.
3. The proximity of the built form and the proposed patio type areas adjacent Highwoods are likely to create an increased pressure to prune or remove trees from the boundary as such the distance of this part of the development should be looked at with a view to increasing the distance.

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

9.0 Parish Council Response

9.1 Myland Community Council has commented:-

“Concern is expressed at the lack of clarity regarding the vehicular access to the staff car park and service areas. Such access is clearly outside the application site boundary and both possible means are problematic.

1. Access via a new lane on the southern boundary of the Microbiology lab, is on land than it is expected to be sold for further development to another party and therefore this service access cannot be relied on.
2. The current service access is along the primary combined footpath and road leading to High Woods Country Park (HCP) which is in continues use at all times. The HGP park junction onto Turner road is poor and badly cambered. It is noted that no calculations for service & staff traffic trips to the rear of the home has been provided in the transport analysis.

It is also disturbing that staff at the HCP have not been formally consulted on the possible proposals/implications of service lane use.

The potential for conflict in both these circumstances is an unacceptable omission in this application. MCC request CBC resolve this matter permanently with the applicants, and if the HCP access is to be used then MCC wish to be consulted and approve significant safety modifications before the application can be sent to CBC committee.

Subject to resolution of this matter MCC approve this application.”

10.0 Representations

10.1 Comments from five members of the public have been received. Comments are summarised as follows;

1. Further traffic on an already busy road affecting cyclists
2. Loss of green open space
3. Lack of staff parking spaces, resulting in on-street parking
4. Possible impact of external lighting on neighbours
5. Good to see derelict site re-developed.
6. Colchester Cycling campaign requested a six metre area in front of the site be kept clear for potential future cycle lane.

10.2 In addition, comments were made by Councillor Martin Goss and Councillor Scott Greenhill.

10.3 Councillor Martin Goss:

- Loss of green open space on the site
- Lack of car parking for staff - this is the biggest issue and needs serious rework as it will impact the local area
- Impact the lack of car parking could have on surrounding road.
- Impact of noise and light on Sinclair Close residents
- Is CCTV included for the security of staff and patients?
- Litter bins need to be included externally for staff and visitors to use
- A travel plan is not suitable for this establishment due to the nature of some staff working nights and odd hours when public transport won't be running.

10.4 Councillor Scott Greenhill

The application itself looks like it will bring a much needed facility to Colchester and give a old building a new lease of life. However, I am concerned about the loss of the green open space as the grass area is a welcome divide between residents in Sinclair Close and this building. There appears to be an apparent lack of staff car parking spaces which needs to be addressed, as staff are less likely to be using public transport if they are part-time or working through the evening. With that in mind, this site must not be allowed to impact on local staff or visitors parking in side roads. It would therefore seem sensible to bring forward the parking scheme for Turner Road in light of this, and the hospital extension becoming finalised.

The full text of all of the representations received is available to view on the Council's website. These comments, together with those of the Community Council are addressed in the subsequent sections of this report.

11.0 Parking Provision

11.1 30 spaces are proposed – see main body of report for details

12.0 Open Space Provisions

12.1 No public open space or contributions are proposed – see main body of report for details.

13.0 Air Quality

13.1 The site is outside of any Air Quality Management Area and will not generate significant impacts upon the zones.

14.0 Development Team and Planning Obligations

14.1 This application is classed as a “Major” application and therefore there was a requirement for it to be considered by the Development Team. It was considered that Planning Obligations would not be sought – see main body of report for more details.

15.0 Report

15.1 Design and Character

- 15.1.1 The proposed building is mostly two-storey in form and scale, although its spans and large roofs (that in a small area includes a third storey) will cause it to appear higher than the two-storey dwellings to the south as well as higher than the laboratory building to the north. Nevertheless, the wider area is mixed in character and scale and the building would not overly dominate its surroundings. Due to the shape of the site, the element fronting the highway is fairly narrow and the building in effect fronts its access drive. This is situated on the south side of the site so as to enable maximum separation of the building from the residential southern boundary.
- 15.1.2 It is considered that the building has successfully broken down its large mass into a series of elements and the areas of outside amenity space are well connected with the building. There are no large expanses of amenity space, but with residents having a high degree of dependence, this would seem appropriate to the manner in which amenity space areas will be used. The Council's Urban Design Officer is satisfied with this design that has evolved and improved significantly since original pre-application submissions.
- 15.1.3 Development Team requested that the application investigate the potential for linking the site to High Woods Country Park. The applicant has responded that this is neither desirable nor feasible, due to the need to maintain safety and security and due to it necessitating crossing third party land that has trees on it. The distance to High Woods via the main entrance is short and Planning Officers do not consider that the lack of such an alternative pedestrian access weighs against the scheme. Objectors have commented on the loss of green space. This is not designated for protection in the Local Development Framework, nor does the land have any other status. The principle of its loss can therefore be given no significant weight.
- 15.1.4 Comments have also been raised by Councillors regarding CCTV. The applicants confirm that they intend to install their own CCTV system to cover the main entrance, car parking, servicing and garden areas. There is not considered to be planning justification for imposing a condition to this effect as it is an internal matter on which the operators of the site need to make their own judgement. Similarly, litter bins within the site are an internal management issue. The proposed use is not a litter generating use such as a takeaway or shop and there is no reason to suppose that litter would be such a materially harmful problem as to justify a condition to that effect. It is furthermore noted that Environmental Services has not recommended any such condition.

15.2 Impact on Neighbours' Amenities

15.2.1 The proposed care home building varies in its distance from the backs of primary elements of Sinclair Close / Thornton Drive properties, but this 'back-to-back' distance is a minimum of 28 metres. There is no specific policy guidance on what separation distances should be achieved between dwellings and care homes. The Essex Design Guide does recommend a minimum back-to-back distance of 25 metres between dwelling houses and 35 metres between flatted developments. The greater distance for flats is in recognition of the fact that intensely used rooms such as kitchens may generate higher levels of overlooking than kitchens. In officer opinion, the intensity of overlooking generated by the proposed use is probably somewhere between the two and the proposed 28 metres separation is adequate to prevent materially harmful overlooking.

15.2.2 The proposed building also faces two properties that are side-on to the development – 1 Sinclair Close and 52 Thornton Drive. 1 Sinclair Close does not have windows on the principle element of its facing elevation. Its conservatory and garden will be overlooked by the corridor windows towards the front part of the proposed building at a distance of 8 metres. These windows will need to be conditioned to be obscure-glazed to prevent unacceptable levels of overlooking. Other windows that directly face the garden of 1 Sinclair Close at a potentially harmful distance serve a shower room / WC and are therefore unlikely to generate materially harmful levels of overlooking. With respect to 52 Thornton Drive, facing windows are a minimum of 18 metres away from the nearest part of the boundary of that property and at such distances, overlooking is considered to be within acceptable bounds.

15.2.3 In terms of noise and disturbance, the applicant's Traffic Assessments predict 157 additional traffic movements on a typical day. The applicants have submitted a Noise Assessment to accompany the application. The Noise Assessment concludes that predicted noise from vehicle movements within the car park would be considered to have a "negligible" impact on surrounding properties, with typical noise levels not materially exceeding existing levels generated on Turner Road.

15.3.1 Trees and Impact on High Woods Country Park

15.3.2 Some small trees within the site are proposed for removal as part of the scheme. These offer little amenity value and the Council's Tree Officer has no objection to their removal. It is noted that no trees on site are protected and all can be removed at any point without permission.

The closest part of the proposed building to the development does not infringe upon the root protection zones or canopy spread of trees in High Woods Country Park (all of which benefit from protection by Tree Preservation Order. However, the Council's Tree Officer has expressed concern about the proximity, commenting;

"The proximity of the built form and the proposed patio type areas adjacent Highwoods are likely to create an increased pressure to prune or remove trees from the boundary as such the distance of this part of the development should be looked at with a view to increasing the distance."

15.3.3 It is the case that the proximity of the proposed building to the canopies of trees will result in those rooms being darker than would otherwise be the case and garden or patio areas between the building and the trees receiving limited light. As canopies grow, branches may interfere with the building itself. As suggested by the Council's Tree Officer, this may create pressure to prune or remove trees from the boundary. Benefitting as they do from Tree Preservation Orders, the Council's consent would need to be acquired to undertake such works, however if deemed essential it may be difficult to resist granting such consent.

15.3.4 That said, the existing care home on the site has a similar position (indeed, parts of it are closer to trees) – although it is accepted that the existing less intense use of the site and single storey nature of the existing building makes for less conflict in the relationship. Furthermore, the amenity value offered by the parts of trees that may cause conflict is reduced because the building largely screens them from public view. It is further noted that the distance between building and trees is similar to that which exists for the dwellinghouses south of the site that have their rear elevations and back gardens overshadowed in a similar way.

15.3.5 Overall however, the reduced light resulting from the relationship between building and trees and/or the pressure this may place on parts of those trees is a weakness of this scheme and must be given some weight in considering the overall acceptability or otherwise of this proposal. In considering how much weight should be given to the issue, the importance of these parts of trees in the wider context of the many hectares of woodland within High Woods Country Park must be considered. In your Planning Officer's opinion that weight is small.

15.4.1 Wildlife and Habitat

15.4.2 The applicants have submitted an ecological assessment that states that no evidence of protected species has been found on the site, but recommending measures to minimise impacts on protected species in adjoining sites as well as to guard against protected species that may use the site during the construction process. The same report makes recommendations to improve biodiversity on the site, including planting and bat boxes.

15.4.3 The report does not properly address the potential for impact of development on wildlife habitat within the adjoining High Woods Country Park. Noise and light pollution may extend beyond the bounds of the site and infringe upon the Country Park, potentially discouraging wildlife from this woodland fringe and harming its character. The Woodlands Trust has suggested a 15 metre deep buffer zone between the building and the woodland, planted with trees. Allowing for future growth of trees would, in effect, mean that the building would need to be 20 metres away from the site boundary, making a large part of the site undevelopable and the development proposal unachievable. Such a buffer does not form part of this proposal and the application must be assessed as submitted.

15.4.4 As proposed, the rear elevation of the building varies in its distance from the boundary between 6.5 metres and 17 metres. New soft landscaped areas are proposed that offer greater benefit to wildlife than the existing mowed grass that largely covers the existing site and other improvements are set out within the ecology assessment for improving biodiversity at the site. Together with conditions restricting lighting levels, the overall impact on biodiversity is considered to be very minor.

15.5.1 Legal Agreement Requirements

15.5.2 Development Team has determined that the proposal generates no Section 106 requirements.

15.5.3 Whilst a residential care home can attract contributions towards public open space, leisure and community facilities, in this case residents will be care-dependant elderly persons. Supplementary Planning Document on Open Space specifically precludes nursing homes, stating “it is accepted by the Council that there are certain types of development, which may not create a demand for certain facilities. For example, the occupants of a sheltered housing scheme, nursing homes.....” This proposal is such a scheme and consequently a contribution is not required.

15.5.4 The NHS has sought £7,200 to mitigate against the costs of providing additional GP services as a result of the development and objects if this payment is not secured. It provides information that seeks to justify this contribution. However it does not detail where / how money would be spent to meet the increased demand on healthcare resources. Unfortunately, the NHS did not make representations through Development Team – the correct forum for such S106 bids, and its request was made late in the life of this application – eight weeks after the application was validated. Furthermore, the Council has no adopted methodology for calculating or justifying such contributions. In this context, it has not been possible to accede to its request and its objection can be given little weight.

15.6.1 Economic / Employment Considerations

15.6.2 The applicants highlight that the development will create approximately 40 full time equivalent permanent jobs, around 60 temporary jobs through the construction phase and a capital investment of approximately £5 million. The also highlight other benefits, including add-on benefits to local businesses. None of this is easily verifiable, but the figures do not seem unrealistic. What can be concluded is that the proposal will bring significant economic benefits with it and this fact must be given substantial weight.

15.7.1 Travel Plan and Parking Provision

15.7.2 Adopted parking standards have no minimum parking requirements for care homes – only maximums. The maximum set out is one staff parking space per FTE and one visitor parking space for each three bedrooms. That would equate to a maximum of 48 parking spaces.

- 15.7.3 Nevertheless Local Development Framework (LDF) policies do require that development makes adequate provision for parking, and residential areas around Turner Road are already under pressure for on-street parking. It is therefore necessary for this development to avoid overspill of parking into nearby streets. This requirement needs to be balanced against the objectives of other LDF policies seeking to discourage private car use. Government guidance in the NPPF does not refer to maximum or minimum car parking standards for new development, but instead promotes a flexible approach to car parking provision having given consideration to the accessibility of a development by non-car modes, local car ownership and the need to reduce the use of high emission vehicles.
- 15.7.4 A Travel Plan has been submitted to accompany the application. As a base line, the plan uses census data that suggests 66% of journeys to work made by residents of Mile End are made as drivers of private cars (other journeys being as car passengers, on public transport, by bicycles and by foot). The Travel Plan seeks to reduce this figure to 56%. This objective does not seem unrealistic as the development is particularly well sited in terms of accessibility. It is within walking distance of Colchester North train station, Turner Road is served by several bus services with high frequency and being an urban area there is a significant local population within a short walk or cycle journey.
- 15.7.5 Measures outlined in the Travel Plan to achieve the reduction include the appointment of a Travel Plan Coordinator, staff induction packs including sustainable transport information, secure cycle facilities, staff changing facilities, on-site marketing, discounted or 'taster' bus tickets for staff, and a car share scheme. Eight parking spaces are proposed (adopted standards would require a minimum of seven).
- 15.7.6 It is accepted that staff are less likely to use sustainable transport at night, but at these times, there would be less staff working and less visitors, meaning a greater availability of parking spaces.
- 15.7.7 The applicants envisage a maximum of 28 staff on site at any one time. That would equate to a need for 19 staff parking spaces based upon the 66% base line figure and 16 spaces if the 55% objective of the Travel Plan is achieved.
- 15.7.8 In plans originally submitted with the application a total of 26 parking spaces were proposed (including disabled parking and minibus parking.) That would have left a minimum of ten spaces available for visitor use. At likely peak visitor times (after 5pm on weekdays and at weekends), staffing levels are lower and there would be more visitor parking available. Barchester (the applicants) are a national provider of care homes and assert that from their experience, a care home in this location would have a maximum requirement for 20-22 parking spaces. The Council has no evidence to suggest that these figures are wrong.

15.7.9 Although the applicants maintain that 26 parking spaces is more than adequate for their needs, to address objectors' concerns, they have amended plans to include 30 spaces. These amendments were not at the request of Planning Officers. This, they argue, brings parking ratios in line with other care homes recently approved by Colchester Borough Council. It is, in officer's opinion, at the expense of soft landscaping that served in the original plans to break up the parking area and provide an attractive setting to the care home. Furthermore, if, as is implied by the applicant, it presents a significant surplus of parking, that would work against measures to reduce car dependence by staff and against the interests of sustainability. It is therefore recommended by officers that a parking scheme of 26 spaces be required by condition.

15.7.10 Proposed parking spaces shown are not of adopted standard dimensions, generally measuring 4.8 metres by 2.4 metres (as opposed to a required 5.5 x 2.9 metres). A revised parking scheme submitted as an application for discharge of condition would need to address this. It is the view of Officers that such increased dimensions are achievable without materially impinging upon other aspects of the scheme.

15.8.1 Highway Safety and Access

15.8.2 A new vehicular and pedestrian access is proposed on the south side of the site as the primary access to the site.

15.8.2 In addition, the site retains rights to use the vehicular access off Turner Road serving the laboratory that is in the north of the site. This access also served the existing (now vacant) care home on the site. In this proposal, the northern access will serve the six parking spaces and service court in the northernmost part of the site. Myland Community Council commented that this access is outside of the red line. Plans have since been amended to include it within the red line of the site.

15.8.3 As was the case with the previous care home, there is the potential for vehicles to exit the northern part of the site onto the public footpath and vehicular access to High Woods Country Park. Such connection is undesirable, but cannot be blocked off, as the laboratory retains rights over this part of the site. The applicants have confirmed that they do not need or intend to use it. There would be no obvious reason for vehicles to use this access via the public footpath and as it reflects the current situation and only connects to a small parking area, the new arrangement reduces such potential when compared to the current situation. The proposal does not therefore materially affect a public right of way. Similarly, there will be a less intense use of the access onto Turner Road in the north of the site compared with the existing situation which is beneficial in view of its limited dimensions and visibility.

15.8.4 Comments from Colchester Cycling campaign requesting a six metre area in front of the site be kept clear for potential future cycle lane can be given no material weight. Such a proposal does not form part of the Local Development Framework and has not been requested by the Highway Authority.

15.8.5 The Highway Authority has no objection to the proposal, subject to conditions and as the responsible authority for highway safety, its views must be given considerable weight.

15.9.1 Disabilities Act

15.9.2 Under the Disability Discrimination Act 2005 (DDA) it is the responsibility of site occupiers to ensure that adequate provision is made for the needs of people with disabilities. Nothing within these plans suggest that compliance with the requirement of the act will be unachievable. The nature of the development should mean that its developers and end-users are very aware of such requirements and the Design and Access Statement confirms that the development is DDA compliant.

16.0 **Conclusion**

16.1 Whilst this proposal may result in some environmental and social harm (in particular resulting from the inter-relationship between the building and the trees of High Woods), such harm would be relatively small and must be weighed up against the benefits of the proposal that include significant economic and employment benefits as well as benefits resulting from the sustainable location of the development. In Officers' opinion, the latter outweighs the former and the development is therefore 'sustainable development' as defined by the NPPF. Consequently the application is recommended for approval.

16.2 Aspects of the proposal such as residential amenity, parking, design and highway safety are considered acceptable and are largely neutral considerations as far as the NPPF definition of sustainable development is concerned.

17.0 **Recommendation**

17.1 APPROVAL, subject to the conditions set out in section 19.

18.0 **Recommended Reasons for the Decision**

18.1 The Planning Committee having considered the recommendation contained in the Officer's report was of the opinion that the proposal does comply with the relevant policies in the Statutory Development Plan (as set out above). In particular Members were of the opinion that the proposal warranted approval because the substantial employment and economic benefits of the proposal outweighed the limited identified potential harm to trees and habitat in the fringe of High Woods Country Park. It was further concluded that the proposal was satisfactorily designed, did not harm highway safety or materially harm neighbours' amenities. Thus, having had regard to all material planning considerations the Council is of the opinion that the proposal will not cause any harm to interests of acknowledged importance that would warrant the refusal of this application.

19.0 **Conditions**

1 – Time Limit for Full Permissions

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

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.

2 - *Development to Accord With Approved Plans

The development hereby permitted shall be carried out in accordance with the details shown on the submitted drawings numbers PL.01 A, PL.02, PL.05 A, PL.06 A, PL.07 C, PL.08, PL.10 A and PL.11, except where differing details are approved through a submission of matters reserved by other conditions in this permission and specifically relating to the requirements of those conditions.

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

3 - Non-Standard Condition/Reason

No development shall be commenced until such times as a full drainage scheme has been submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall include evidence that the development will result in no increase in surface water run-off leaving the site and include timing / triggers for the implementation of the provisions proposed. The approved provisions shall be implemented in precise accordance with the approved scheme and in accordance with the timing / triggers outlined therein. The approved provisions shall be retained and maintained in working order thereafter.

Reason: To ensure that no additional surface water is discharged into public sewers as a result of this development.

4 - Non-Standard Condition/Reason

Prior to the commencement of any works at the site, a survey accurately identifying any Cotoneaster plants on the site, together with a scheme for their removal and disposal shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in full, prior to the commencement of development, including any demolition works.

Reason: To ensure that the development does not contribute towards the spread of such plants that are an invasive species.

5 - Non-Standard Condition/Reason

Development shall only be undertaken in such a way that accords with the recommendations set out within the Ecological Assessment by Medicx Special Development Ltd dated April 2013.

Reason: To ensure that protected species that may be using the site at the time or during development are afforded appropriate protection, and to minimise impact on wildlife in the adjacent High Woods Country Park.

6 - Non-Standard Condition/Reason

The recommendations for improving habitat potential within the site set out within the Ecological Assessment by Medicx Special Development Ltd dated April 2013 shall be implemented in full prior to the first occupation of the building.

Reason: To ensure that improvements to the biodiversity potential of the developed site in mitigation for the lost biodiversity potential of the undeveloped site and any impact on biodiversity within the near edge of High Woods Country Park

7 - Non-Residential BREEAM (Part 1 of 2)

No works shall take place until evidence that the development is registered with a BREEAM certification body and a pre-assessment report (or design stage certificate with interim rating if available) has been submitted indicating that the development can achieve a final BREEAM rating level of at least Very Good.

Reason: To ensure that the completed development is sustainable and makes efficient use of energy, water and materials.

8 - Non-Residential BREEAM (Part 2 of 2)

Within 3 months of the occupation of the development, a final Certificate shall have been submitted to the Local Planning Authority certifying that BREEAM rating Very Good has been achieved for this development.

Reason: To ensure that the completed development is sustainable and makes efficient use of energy, water and materials.

9 - Non-Standard Condition/Reason

Prior to the first occupation of the care home, the cycle and refuse facilities shown on drawing PL.08 shall be implemented in precise accordance with that drawing. The facilities shall be retained thereafter in their approved form, for their approved purpose.

Reason: To ensure that adequate facilities existing to contain refuse in a tidy manner, in the interests of visual amenity and to provide for cycle parking, in the interests of reducing demand for private car use.

10 - Non-Standard Condition/Reason

Prior to the first occupation of the development, the new vehicular access at its centre line shall be provided with a clear to ground visibility splay with dimensions of 2.4 metres by 90 metres to the north and 2.4 metres by 70 metres to the south, as measured from and along the nearside edge of the carriageway. Such vehicular visibility splays shall be provided before the access is first used by vehicular traffic and retained free of any obstruction at all times.

Reason: To provide adequate inter-visibility between vehicles using the access and those in the existing public highway in the interest of highway safety.

11 - Non-Standard Condition/Reason

Prior to the first occupation of the development, 1.5 metre x 1.5 metre pedestrian visibility splays, as measured from and along the highway boundary, shall be provided on both sides of the new vehicular access. Such visibility splays shall be retained free of any obstruction in perpetuity. These visibility splays must not form part of the vehicular surface of the access.

Reason: To provide adequate inter-visibility between the users of the access and pedestrians in the adjoining public highway in the interest of highway safety.

12 - Non-Standard Condition/Reason

There shall be no occupation of the development until such times as the vehicular access and turning facilities shown on drawing PL.07 C have been completed in precise accordance with the details shown on that drawing. Those vehicular access and turning facilities shall thereafter be retained in their approved form for their approved purpose, free of any obstruction.

Reason: To ensure that vehicles can safely enter and leave the highway in a forward gear in the interest of highway safety.

13 - Non-Standard Condition/Reason

Prior to the commencement of development, a revised parking plan shall be submitted to and approved in writing by the Local Planning Authority. The submitted plan shall show 26 parking spaces of dimensions that comply with the Council's adopted parking standards. A minimum of two of these spaces shall be parking for people with disabilities. The approved parking scheme shall be implemented prior to the first occupation of the development and shall be retained thereafter in its approved form, available for its approved purpose.

Reason: To ensure that there is adequate parking for the development without there being a significant surplus that would work against the interests of sustainability and would result in a less attractive appearance to the landscaping.

14 - Non-Standard Condition/Reason

The access drive connecting the staff car parking area and service yard in the north of the site and running along the south side of the existing laboratory building before connecting with Turner Road, shall be retained at all times, free of obstruction as vehicular access to the afore-mentioned staff car parking area and service yard. Within one week of the cessation in availability of any part of this access drive, the use of the car parking and service yard shall cease and revised site plans shall be submitted to and approved in writing by the Local Planning Authority showing a revised layout of the site (including car parking, access, maneuvering, and landscaping), together with floor plans showing a reduction in resident numbers proportionate to the reduction in car parking spaces and timings for that reduction in resident numbers. All provisions within the revised site plan and floor plans shall be implemented in full within two months of the approval of the revised details and shall be retained thereafter in their approved form. The agreed reduction in resident numbers shall be implemented in accordance with the agreed time frame and no new residents shall occupy the care home until such times as it is achieved. It shall thereafter be occupied with no more than the agreed number of residents.

Reason: The northern access is essential to provide access to the northern parking area and service yard, but appears to be only a right of access, not in the exclusive control of the applicant. Were parts of this access to cease to be available for care home use, the result may be vehicles cutting through onto the public footpath to the north which would be detrimental to highway safety. Alternatively, it may be that this area ceases to be usable as car parking / servicing and this in turn will have impacts for the overall site layout and its potential to make adequate provision for the needs of a 60-bed care home.

15 - Construction Method Statement

No works shall take place until including any works of demolition, a Construction Method Statement shall have been submitted to and approved, in writing, by the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period and shall provide details for:

- the parking of vehicles of site operatives and visitors;
- hours of deliveries and hours of work;
- loading and unloading of plant and materials;
- storage of plant and materials used in constructing the development;
- the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- wheel washing facilities;
- measures to control the emission of dust and dirt during construction; and
- a scheme for recycling/disposing of waste resulting from demolition and construction works.

Reason: In order to ensure that the construction takes place in a suitable manner and to ensure that amenities of existing residents are protected as far as reasonable.

16 - Site Boundary Noise Levels

Prior to the first use or occupation of the development as hereby permitted, a competent person shall have ensured that the rating level of noise emitted from the site's plant, equipment and machinery shall not exceed 0dBA above the background levels determined at all boundaries near to noise-sensitive premises. The assessment shall have been made in accordance with the current version of British Standard 4142 and confirmation of the findings of the assessment shall have been submitted to, and agreed in writing by, the Local Planning Authority and shall be adhered to thereafter.

Reason: To ensure that the development hereby permitted is not detrimental to the amenity of the surrounding area by reason of undue noise emission and/or unacceptable disturbance, as there is insufficient information within the submitted application.

17 - Non-Standard Condition/Reason

All residential units shall be designed, constructed and maintained in accordance with the noise mitigation measures specified in the Noise Assessment by Hawkins Environmental dated 7 June 2013.

Reason: To ensure that the development hereby permitted is not detrimental to the amenity of the future residents by reason of undue external noise.

18 - Food Premises (Control of Fumes and Odours)

Prior to the first use of the development hereby permitted, control measures shall be installed in accordance with a scheme for the control of fumes, smells and odours that shall have been previously submitted to, and agreed in writing by, the Local Planning Authority. This scheme shall be in accordance with Colchester Borough Council's Guidance Note for Odour Extraction and Control Systems. Such control measures as shall have been agreed shall thereafter be retained and maintained to the agreed specification and working order.

Reason: To ensure that there is a scheme for the control of fumes and odours in place so as to avoid unnecessary detrimental impacts on the surrounding area and/or neighbouring properties, as there is insufficient detail within the submitted application.

19 - *Light Pollution for Minor Development

Any lighting of the development (including resultant sky glow, light trespass, source intensity and building luminance) shall fully comply with the figures and advice specified in the CBC External Artificial Lighting Planning Guidance Note for zone EZ2 RURAL, SMALL VILLAGE OR DARK URBAN AREAS.

Reason: In order to safeguard the amenity of the surrounding area by preventing the undesirable, disruptive and disturbing effects of light pollution.

20 - Non-Standard Condition/Reason

No external lighting fixtures shall be constructed, installed or illuminated until details of all external lighting proposals have been submitted to and approved, in writing, by the Local Planning Authority. The submitted scheme shall detail provisions for minimising light pollution to residential properties and to High Woods Country Park. Thereafter, no lighting shall be constructed or installed other than in accordance with those approved details.

Reason: To reduce the risks of any undesirable effects of light pollution on neighbouring residential properties and to minimise the impacts of light pollution on the dark character and habitat of High Woods Country Park

21 - Grease Traps Required

Prior to the first use of the development hereby permitted, any foul water drains serving the kitchen shall be fitted with grease traps that shall at all times thereafter be retained and maintained in good working order in accordance with the manufacturer's instructions.

Reason: To prevent unnecessary pollution of the groundwater environment quality in the area and/or blocking of the drainage system.

22 - Materials to be Agreed

No works shall take place until precise details of the manufacturer and types and colours of the external facing and roofing materials to be used in construction shall have been submitted to and approved, in writing, by the Local Planning Authority. Such materials as may be approved shall be those used in the development unless otherwise subsequently agreed, in writing, by the Local Planning Authority.

Reason: In order to ensure that suitable materials are used on the development as there are insufficient details within the submitted planning application.

23 - Non-Standard Condition/Reason

Prior to the commencement of development, there shall have been submitted to and approved, in writing, by the Local Planning Authority a scheme of hard and soft landscaping works, which shall include any proposed changes in ground levels and also accurately identify positions, spread and species of all existing and proposed trees, shrubs and hedgerows on the site, as well as details of any hard surface finishes and external works, which shall comply with the recommendations set out in the relevant British Standards current at the time of submission.

Reason: In order to ensure an attractive setting to the site, both from the public domain and for residents and visitors using the site and to assimilate the development as much as possible into its adjacent wooded environment.

24 - Simple Landscaping Scheme Part 2 of 2

All changes in ground levels, hard landscaping, planting, seeding or turfing shown on the approved landscaping details shall be carried out in full prior to the end of the first planting and seeding season following the first occupation of the development or in such other phased arrangement as shall have previously been agreed, in writing, by the Local Planning Authority. Any trees or shrubs which, within a period of 5 years of being planted die, are removed or seriously damaged or seriously diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority agrees, in writing, to a variation of the previously approved details.

Reason: In order to ensure that there is a sufficient landscaping scheme for the development where there is insufficient detail within the submitted application.

25 - Non-Standard Condition/Reason

No development shall take place until such times as a scheme of protective fencing sufficient to protect trees north and east of the site has been submitted to and approved in writing by the Local Planning Authority. No demolition or construction works shall be commenced until such times as the approved scheme of fencing has been put in place in precise accordance with the approved details. All agreed protective fencing shall thereafter be maintained during the course of all works on site and no access, works, or placement of materials or soil shall take place within the protected areas without prior written consent from the Local Planning Authority.

Reason: To ensure that trees bounding the site are not harmed during the course of development, in the interests of visual amenity and the habitat potential that they provide.

26 - Non-Standard Condition/Reason

No works or development shall take place until a scheme of supervision for the arboricultural protection measures required by condition 25 has been submitted to and approved in writing by the local planning authority. This scheme will be appropriate to the scale and duration of the works and will include details of:

- a. Induction and personnel awareness of arboricultural matters
- b. Identification of individual responsibilities and key personnel
- c. Statement of delegated powers
- d. Timing and methods of site visiting and record keeping, including updates
- e. Procedures for dealing with variations and incidents.
- f. The scheme of supervision shall be carried out as agreed.
- g. The scheme of supervision will be administered by a qualified arboriculturist instructed by the applicant and approved by the Local Planning Authority.

The provisions of this scheme of supervision shall be implemented in precise accordance with the approved details.

Reason: Trees protected by Tree Preservation Orders bound the site and expert supervision is essential to ensure that they are not harmed during the development process.

27 - Tree and Natural Feature Protection: Entire Site

No burning or storage of materials shall take place where damage could be caused to any tree, shrub or other natural feature to be retained on the site or on adjoining land (see BS 5837).

Reason: To protect the health of trees, shrubs and other natural features to be retained in the interest of amenity.

28 - Non-Standard Condition/Reason

Prior to the commencement of development, a scheme of boundary treatment shall be submitted to and approved in writing by the local Planning Authority. The submitted scheme shall identify in plan form all existing boundary treatment to be retained as well as the positions of new boundary treatment. It shall include sample elevations and precise details of materials and colours to be used in new boundary treatment as well as for the 'double gates' and 'manual closing double gates' annotated on drawing PL.07 C. The submitted scheme shall be implemented in full prior to the first occupation of the development and shall be retained thereafter in its approved form.

Reason: To ensure an attractive and appropriate finish to the scheme, in the interests of visual amenity.

29 - Non-Standard Condition/Reason

Notwithstanding the provisions of Class A of Part 2 Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 (or the equivalent provisions of any order revoking and re-enacting that Order), no fences, walls, gates or other means of enclosure, other than any shown on the approved drawings or approved in relation to the requirements of another condition to this permission, shall be erected.

Reason: To ensure that unattractive boundary treatment does not harm the visual appearance of the site or the vitality of trees bounding the site, in view of the site's sensitive location adjacent to the Country Park.

30 - Non-Standard Condition/Reason

Prior to the first occupation of the development, a travel plan shall be submitted to and approved in writing by the Local Planning Authority. The submitted travel plan shall set targets for the reduction of single-occupancy car use by staff. It shall precisely detail the measures to be taken in order to achieve these reductions, together with timings / triggers for the implementation of such measures and provisions for the measuring of the success or otherwise of such measures. It shall include details by which the travel plan will be reviewed and the corrective measures will be employed in the event that the identified targets are not met. It shall include provisions for the appointment of a Travel Plan Co-ordinator. The provisions of the approved travel plan shall be implemented in accordance with the approved timings / triggers.

Reason: To reduce the number of car journeys associated with the development, in the interests of sustainability.

31 - Non-Standard Condition/Reason

The premises shall be used for care home purposes only as defined in the Use Class Order and for no other purpose (including any other purpose in Class C2 of the Schedule to the Town and Country Planning (Use Classes) (Amendment) Order 2005. It shall only be occupied by persons over the age of 55, in need of managed care, who are not able to live independently.

Reason: This is the basis on which the application has been considered. An alternative care home use would need to be considered on its own merits. More active residents would place a demand on local sports, leisure and community facilities that has not been addressed by this application. Such use would also place increased demand for parking and garden areas than is proposed as part of this application.

32 - Non-Standard Condition/Reason

All windows on the south elevation serving the area defined on drawing PL.03 A as being 'Safe Resident Circulation' shall be constructed as obscure-glazed and fixed shut at all points above ground floor level and shall be retained as such thereafter.

Reason: To prevent overlooking of residential properties to the south, in the interests of the amenities of the occupiers of those properties.

20.0 Informatives

(1) **ZT0 – Advisory Note on Construction & Demolition** 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 08456 037631.

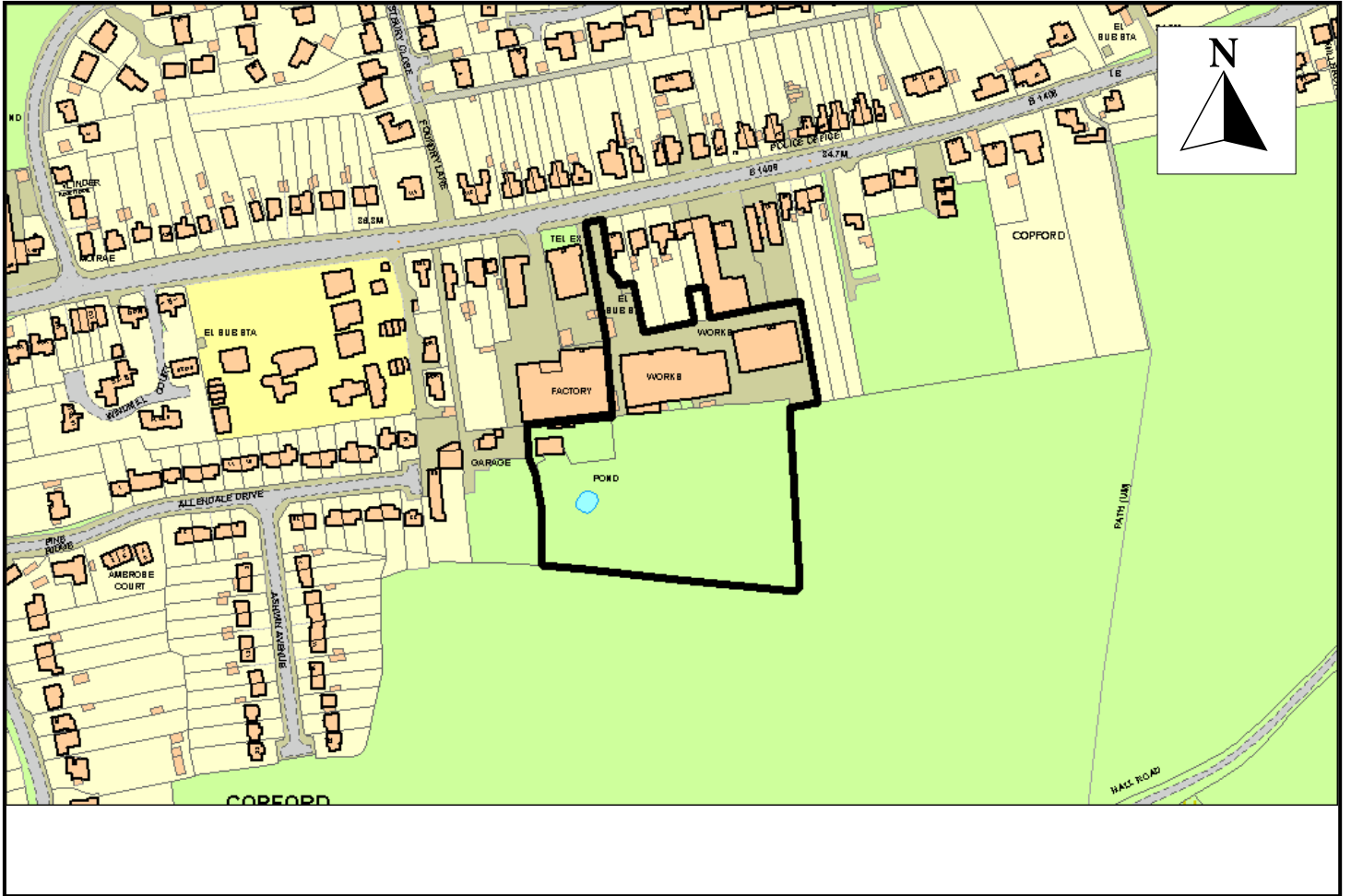
(3) ZTA - Informative on Conditions Stating Prior to Commencement/Occupation

PLEASE NOTE that this permission contains a condition precedent that requires details to be agreed and/or activity to be undertaken either before you commence the development or before you occupy the development. This is of critical importance. If you do not comply with the condition precedent you may invalidate this permission. Please pay particular attention to these requirements.

(4) Please note that the submitted Type 2 Asbestos Survey, dated October 2008 is not a suitable survey for demolition purposes and that further reporting will be required prior to any demolition works (including in those areas not previously accessible). Since this survey has identified some asbestos-containing materials, it will be necessary for an appropriate method statement to be produced to ensure safe removal and disposal of all relevant material.

21.0 Positivity Statement

21.1 The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.



Application No: 131471

Location: AGM Plc, AGM House, London Road, Copford, CO6 1GT

Scale (approx): 1:2500

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7.3 Case Officer: Mr David Whybrow Due Date: 21.10.13

MAJOR

Site: AGM House, London Road, Copford, CO6 1GT

Application No: 131471

Date Received: 22 July 2013

Agent: Mr Robert Pomery

Applicant: Agm Plc

Development: Demolition of existing industrial building and erection of two new industrial buildings with associated landscaping (resubmission 120856)

Ward: Copford & West Stanway

Summary of Recommendation: Conditional Approval

1.0 Reason for Referral to the Planning Committee

1.1 This application is referred to the Planning Committee because it is a major application that has attracted material planning objections but is recommended for approval by officers.

2.0 Synopsis

2.1 The following report will provide a description of the site and its setting and compare the proposal with recent approval 120856, which it seeks to vary. The representations resulting in the "call in" and consultation responses will be considered. It will be concluded that the proposed development is an acceptable variation of the earlier consent and is recommended for approval.

3.0 Site Description and Context

3.1 This is an established employment site of 1.6 ha set behind residential property on the south side of London Road, Copford. AGM PLC is an engineering company specializing in water pumps and associated products, which occupies buildings of 1 and 2 storeys in a variety of external finishes. Adjacent gardens are largely screened by 1.8m high timber fencing and substantial evergreen hedges.

3.2 The meadowland to the rear of the site is enclosed by substantial trees and hedges which filter views of the existing buildings from the adjacent arable land and public right of way to the south east.

4.0 Description of the Proposal

- 4.1 Application ref 120856 was approved last year under delegated powers and proposed the erection of 2 no. industrial buildings (2325 m²). This involved extending onto land to the rear of the present complex and outside the settlement boundary, together with part demolition of existing industrial building in order to gain access to the extended site and associated car parking and landscaping.
- 4.2 The present application is for full demolition of the existing building & construction of 2 new, larger buildings in a re-configured layout. The new floorspace created is 4000 sq.m, which following demolition equates to a net additional floor area of 2471 sq.m. In the case of 120856 the comparable figures were 2325 sq.m (new) and 2034 sq.m (additional).
- 4.3 The application is accompanied by Design & Access Statement, Arboricultural Impact Assessment, Phase 1 Habitat Survey and Ground Investigation Report. The previous application also incorporated a landscape & visual appraisal that proposed a 10m wide landscape strip around all outer edges of the site and concluded that the landscape and visual impacts of the development would be of very minor nature that would not compromise the surrounding landscape or affect the visual amenities of local residents or walkers. The landscape strip is maintained in the present case.
- 4.4 The submitted Planning Statement suggests that the previous approval involved the part demolition of an existing industrial building to allow the scheme to proceed. However due to the logistics and longer term requirements of the group of companies, a decision has been taken to demolish the whole building and simply replace the existing, which is of poor quality and inappropriate for modern manufacturing needs. Presently, the Group employs 140 staff, of which 108 are based in Colchester; the remaining 32 staff are based at the Group's substantial premises in Manchester. In the last 12 months the Group has employed an additional 14 people, employed to work at the Copford HQ; 3 of these staff are engineering apprentices and a further 3 are school leavers. Furthermore, the company's growth plan could result in 100 additional jobs.
- 4.5 The design of the buildings is such that they comprise a series of bays. If needs be, construction can be phased either one bay at a time or one whole building at a time, the logic being that the development can evolve with the pace of growth of the business.

5.0 Land Use Allocation

- 5.1 With the exception of the vehicular access onto London Road, the site falls outside the village settlement boundary.

6.0 Relevant Planning History

- 6.1 There have been a number of applications submitted in respect of the wider employment area but application 120856 (as described above) is of key relevance to the determination of this application.

7.0 Principal Policies

7.1 The National Planning Policy Framework (NPPF) (2012) sets out the national planning principles that guide the decision taking process and how these are expected to be applied in practice. The NPPF makes it clear that planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. The NPPF also sets out the Governments primary objective that there be “a presumption in favour of sustainable development”. There are three dimensions to sustainable development, which are an economic role, a social role and environmental role. The NPPF clarifies that these roles should not be undertaken in isolation, because they are mutually dependent.

7.2 Continuing the themes of the NPPF, the adopted Colchester Borough Core Strategy (December 2008) adds detail through local strategic policies. Particular to this application, the following policies are most relevant:

- SD1 - Sustainable Development Locations
- CE1 - Centres & Employment Classification
- CE3 - Employment Zones
- UR2 - Built Design and Character
- TA1 - Accessibility & Changing Travel Behaviour
- ENV 1 & 2 - Environment & 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
- DP9 - Employment Uses in the Countryside
- DP17 - Accessibility & Access

8.0 Consultations

8.1 The views of the Environmental Policy team are set out below :

“The current application is similar in principle to the previous application 120856. The previous comments should be referred to for the relevant policy considerations. The previous application involved the part-demolition of an existing industrial building, while the current application entails its total demolition and a larger new building. The applicants state that the existing building is of poor quality and inappropriate for modern manufacturing needs. The need for its demolition is accepted, although the resulting proposed new building incorporating the floorspace results in a significantly larger built mass. Urban design and landscape advice will be required to assess whether the impact of the larger building is acceptable.

Planning Policy comments on 120856 concluded that the original proposal satisfied the criteria for an ‘exceptional case’ justifying the approval of new rural employment buildings in accordance with DP9, and it is considered that the new proposal does not raise any further considerations to change that view.”

- 8.2 Environmental Control team recommend conditions and an informative to be attached to any consent granted.
- 8.3 Natural England have provided their standard advisory letter.
- 8.4 The Trees & Landscape Officer was satisfied with the landscape character of the previous application which is unchanged in the present case.
- 8.5 As before, the Highway Authority recommend approval with conditions and informatives.

9.0 Parish Council Response

- 9.1 Copford & Easthorpe Parish Council has concerns about traffic movements and would like consideration of a restriction being put on delivery times.

10.0 Representations

- 10.1 Representations have been received from 5 local residents, whose concerns are paraphrased as follows :

- the proposed buildings are too large, significantly larger than those previously approved and will threaten the character of the village.
- will adversely affect the (mainly residential) street scene and rear prospect of the village and compromise this rural location.
- additional traffic, especially articulated lorries, will add to existing problems, causing congestion and traffic hazards with adverse effects on through traffic
- the site is not well served by public transport and it's likely new employees will arrive by car
- increased traffic and expansion of manufacturing activity will increase noise and pollution.
- there are vacant sites in area – former Sainsbury's site & others at Tollgate and Parkinson's motorcycles at Marks Tey – that should be developed before this land outside settlement boundary.

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

11.0 Parking Provision

- 11.1 The submitted planning statement indicates that "additional car parking is to be provided in conjunction with the additional floor space. The use of the building will be a mixture of B1, B2 and B8 uses. Presently, it is not possible to be precise in relation to the proportion of each use that will prevail, in order to meet any particular parking standard. The existing activities are similarly mixed in terms of the use classes. However, a level of parking, which adequately meets existing needs, is known. Therefore, an existing floor space to parking space ratio has been calculated as 1 space per 42 m². This ratio can be applied to the new floor space, which arrives at the requirement for 47 new spaces. As adopted parking standards range from 1 space per 30 m² for B1 uses and 1 space per 150 m² for B8 uses, a local standard for this site of 1 space per 42 m² would seem appropriate. The parking spaces have

been designed with dimensions of 5.5 x 2.9 m. The layout also makes provision for HGV turning within the site to allow proper servicing of the units.”

12.0 Open Space Provisions

12.1 n/a.

13.0 Air Quality

13.1 The site is outside of any Air Quality Management Area and will not generate significant impacts upon the zones.

14.0 Development Team and Planning Obligations

14.1 This application is classed as a “Major” application and therefore there was a requirement for it to be considered by the Development Team. It was **not** considered that Planning Obligations should be sought via Section 106 (S106) of the Town and Country Planning Act 1990.

15.0 Report

Land Use Considerations

15.1 The principle of developing this site, outside the settlement boundary, has been established by approval ref 120856 as explained in the Environmental Policy team’s comments. The Development Team supported the previous proposal having noted that the site provides a significant level of manufacturing employment for the Borough, with many of the employees local to Copford. Several inter-related enterprises are housed on the site, each of which add value to the other. That said, the existing buildings were felt to be largely of poor quality, and this is reflected in the fairly haphazard organisation of spaces and levels of internal fittings, the conclusion being that the premises are clearly in need of an upgrade.

15.2 The same considerations apply in the present case, the new buildings offering purpose built, efficient workspace. The staffing levels are to be the same as in the earlier scheme.

Scale height and massing

15.3 The buildings are to be constructed in standard modules as in the previous case with low pitched roofs. The eaves height is broadly consistent with the height of an adjacent flat roofed commercial block but the ridge height is some 60cm higher than the approved scheme. The limited additional height is not considered to be material in terms visual impact.

Impact on the surrounding area and neighbouring properties

- 15.4 The footprint of the proposed buildings is substantially the same as that of the approved scheme with only a small further incursion into the open land at the rear of the site. Having regard to the existence of existing tree cover, the proposal to reinforce this by a new landscape strip and the limited increase in height of the new units, it is again considered that the findings of the original landscape and visual appraisal continue to apply and landscape and visual impacts should not compromise the surrounding landscape or affect the visual amenities of local residents.
- 15.5 As reported above, this proposal is not expected to increase numbers of employees over and above that intended in relation to 120856. Both applications show employee numbers at present as 108 with an expectation that the new proposal could, over time, provide another 100 jobs so that the activities at the site would not be any different in nature to those already benefitting from permission.
- 15.6 Members will also have noted that the Environmental Control team do not object to the proposal but recommend a range of conditions, as before, in respect of noise and emission controls (both during construction works & once the buildings are operational), light pollution and hours of working.

Highways issues

- 15.7 Notwithstanding the concerns of local residents, the Highway Authority again recommend approval with conditions. These include negative conditions requiring the up-grade of 2 nearby bus stops before the development commences and securing a Travel Plan in order to encourage sustainable travel arrangements. As in the previous paragraph, the level of traffic activity generated by this proposal should be no different to that already agreed.

16.0 Conclusion

- 16.1 The proposals are considered to be acceptable as a variation to the existing, extant consent approved under 120856 and are recommended for approval with conditions consistent with those already in place.

17.0 Recommendation – Conditional Approval

18.0 Recommendation Reasons for Decision

- 18.1 Whilst the proposal accords with most of the relevant policies in the Statutory Development Plan (as set out below), it does not fully comply with policy DP9 in so far as the proposal involves substantial new built development outside the settlement boundary of Copford. That said, the Council has, after having regard to all the material considerations, concluded that the proposal is acceptable because the application is for a variation of an earlier planning permission, 120856. Thus, having had regard to all material planning considerations the Council is of the opinion that the proposal will not cause any significant harm to interests of acknowledged importance that would warrant the refusal of this application. In reaching this decision the Council is mindful of the particular circumstances and reasons set out below, namely:

In that case it was concluded that the proposal satisfied the criteria for an 'exceptional case' justifying the approval of new rural employment buildings in accordance with DP9, and it is considered that notwithstanding matters raised in representations received, the new proposal does not raise any further considerations to change that view.

19.0 Conditions

1 - Time Limit for Full Permissions

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

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.

2 - *Development to Accord With Approved Plans

The development hereby permitted shall be carried out in full accordance with the approved dwg nos 5993/1103/A, 1305/A, 1306/A and 1307/A and submitted application documents including landscaping proposals as described in the Landscape & Visual Appraisal accompanying app ref 120856 & Arboricultural Impact Assessment.

Reason: For the avoidance of doubt as to the scope of the permission & in the interests of good planning.

3 - Materials as Stated in Application

The external facing and roofing materials to be used shall be those specified on the submitted application form and drawings.

Reason: To ensure that materials are of an acceptable quality appropriate to the area

4 - Non-Standard Condition/Reason

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.

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

5 - Non-Standard Condition/Reason

The use hereby approved shall not commence until the building has been constructed to provide sound insulation against internally generated noise in accordance with a scheme approved in writing by the Local Planning Authority. The building shall be maintained in accordance with the approved scheme thereafter.

Reason: To ensure that the permitted development does not harm the amenities of the area by reason of undue noise emission.

6 - Non-Standard Condition/Reason

The development hereby approved shall not be carried out anywhere on the site except within the buildings on the approved plans.

Reason: To ensure that the permitted development does not harm the amenities of the area by reason of undue noise emission.

7 -Non-Standard Condition/Reason

The use and industrial activity hereby permitted shall not commence until the applicants (or their agents or successors in title) have submitted details of acceptable equipment for the suppression of fumes, odours, dust and smell together with a code of practice for the future installation of, and operation of that equipment; and the equipment and code of practice have been approved in writing by the Local Planning Authority. The industrial activity shall not take place other than in accordance with these approved details.

Reason: To ensure that the permitted development does not harm the amenities of the area by reason of undue noise emission.

8 - Non-Standard Condition/Reason

Any lighting of the development shall be located, designed and directed or screened so that it does not cause avoidable intrusion to adjacent residential properties/ constitute a traffic hazard/cause unnecessary light pollution outside the site boundary. "Avoidable intrusion" means contrary to the Code of Practice for the Reduction of Light Pollution issued by the Institute of Lighting Engineers.

Reason: To reduce the undesirable effects of light pollution on the amenity of neighbouring residential properties.

9 - Non-Standard Condition/Reason

Prior to being discharged into any watercourse, surface water sewer or soakaway all surface water drainage shall be passed through an oil interceptor designed and constructed to have a capacity compatible with the site being drained. Roof water shall not pass through the interceptor.

Reason: To prevent pollution of the water environment.

10 - Non-Standard Condition/Reason

Any facilities for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The volume of the bund compound shall be at least equivalent to the capacity of the tank plus 10%. If there is a multiple tankage, the compound shall be at least equivalent to the capacity of the largest tank, or the combined capacity of interconnected tanks, plus 10%. All filling points, vents, gauges and sight glasses shall be located within the bund. The drainage system of the bund shall be sealed with no discharge to any watercourse, land or underground strata. Associated pipework shall be located above ground and protected from accidental damage. All filling points and tank overflow pipe outlets shall be detailed to discharge downwards into the bund.

Reason: To prevent pollution of the water environment.

11 - Non-Standard Condition/Reason

Unless otherwise agreed in writing by the Local Planning Authority the hours of operation & deliveries shall be restricted to between 07.00 & 20.00 Monday to Friday with no deliveries or operation on Saturdays, Sundays or Bank Holidays.

Reason: To protect the amenities of the locality.

12 - Non-Standard Condition/Reason

A competent person shall ensure that the rating level of noise emitted from the site plant, equipment & machinery shall not exceed 0dBA above the background prior to the development being implemented. The assessment shall be made in accordance with the current version of BS 4142 & determined at all noise sensitive premises & confirmed in writing with the Local Planning Authority before the use is commenced.

Reason: To protect the amenities of the locality.

13 - Non-Standard Condition/Reason

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

(i) a survey of the extent, scale and nature of contamination, including contamination by soil gas and asbestos;

(ii) an assessment of the potential risks to: • human health, • property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes, • adjoining land, • groundwaters and surface waters, • ecological systems, • archaeological sites and ancient monuments;

(iii) an appraisal of remedial options, and proposal of the preferred option(s). This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and the Essex Contaminated Land Consortium's 'Land Affected by Contamination: Technical Guidance for Applicants and Developers'.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

14 - Non-Standard Condition/Reason

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

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

15 - Non-Standard Condition/Reason

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

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

16 - Non-Standard Condition/Reason

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition 13 and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 14, which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition 15.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

17 - Non-Standard Condition/Reason

Prior to occupation of any property hereby permitted and the provision of any services the use hereby permitted commencing, the developer shall submit to the Local Planning Authority a signed certificate to confirm that the remediation works have been completed in accordance with the documents and plans detailed in Condition 14. This certificate is attached to the planning notification.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

18 - Non-Standard Condition/Reason

Prior to occupation of the development the vehicular parking and turning facility, as shown on the submitted plan 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 in accordance with policy DM1 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

19 - Non-Standard Condition/Reason

Any vehicular parking space shall have minimum dimensions of 2.9 metres x 5.5 metres.

Reason: To ensure adequate space for parking off the highway is provided in the interest of highway safety in accordance with Policy DM8 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

20 - Non-Standard Condition/Reason

No works in connection with the proposed development shall commence until such time as the two bus stops in the vicinity of the site; outside the police station opposite, and the Essex County Council building to the east, have been upgraded to include RTPI information, shelters, and raised kerbs as appropriate. The aforementioned to be provided entirely at the Developer's expense.

Reason: To make adequate provision within the highway for extra employees, and visitors to the site as a result of the proposed development. (Note: This condition requires a Legal Agreement between the Applicant/Developer and the Highway Authority using the powers in Section 278 of the Highways Act, 1980)

21 - Non-Standard Condition/Reason

No works in connection with the proposed development shall commence until the Highway Authority shall have secured a Travel Plan in the interests of promoting sustainable modes of transport. The Travel Plan, which must incorporate a scheme of monitoring by the Essex County Council shall be supported by a non-returnable fee payable by the Developer.

Reason: In the interests of promoting sustainable transport objectives in accordance with policies DM8 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011R. (Note - Further advice is given in: www.essexcc.gov.uk/vip8/ecc/ECCWebsite/content/binaries/documents/Helping_you_create_a_business_travel_plan.pdf)

20.0 Informatives

(1) **ZT0 – Advisory Note on Construction & Demolition** 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 08456 037631.

(3) ZTA - Informative on Conditions Stating Prior to Commencement/Occupation

PLEASE NOTE that this permission contains a condition precedent that requires details to be agreed and/or activity to be undertaken either before you commence the development or before you occupy the development. This is of critical importance. If you do not comply with the condition precedent you may invalidate this permission. Please pay particular attention to these requirements.

(4) Your attention is drawn to the comments of Natural England (copy enclosed).

(5) Site Workers - Steps should be taken to ensure that the Developer provides sufficient turning and off loading facilities for delivery vehicles, within the limits

(6) For the purpose of Condition 12 a competent person is defined as someone who holds a recognised qualification in acoustics and/or can demonstrate relevant experience.

21.0 Positivity Statement

21.1 The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within The National Planning Policy Framework.



Application No: 131317

Location: 7 Seldon Road, Tiptree, Colchester CO5 0HH

Scale (approx): 1:1250

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7.4 Case Officer: Simon Osborn

MINOR

Site: 7 Seldon Road, Tiptree, Colchester CO5 0HH

Application No: 131317

Date Received: 10 July 2013

Agent: Raymond Stemp Associates

Applicant: Mr Conor & Declan Bays

Development: Erection of two Bungalows with associated parking and landscaping on land at 7 Seldon Road

Ward: Tiptree

Summary of Recommendation: Refusal

1.0 Reason for Referral to the Planning Committee

1.1 This application is referred to the Planning Committee because it has been called-in by Councillor Martin because “the application meets the development plan requirements and should be approved”.

2.0 Synopsis

2.1 The key issues explored below are the extent to which the proposed scheme complies with the Council’s development plan, with reference in particular to the adopted Backland and Infill Development SPD. The proposal is also considered with regard to a previous application for residential development of the site, which was dismissed at appeal. The report considers that the proposal does not create an appropriate sense of place and is out of character with the surrounding area.

3.0 Site Description and Context

3.1 The application site comprises a vacant parcel of land that was formerly part of the rear gardens of 5 and 7 Seldon Road. These two properties are bungalows about 5m in height. To the south-east of the site is a narrow public footpath linking Seldon Road with Grosvenor Close, with 1.8m high close boarded fences to either side of the path. Properties in Grosvenor Close are 2-storey houses about 7m height.

4.0 Description of the Proposal

- 4.1 The proposal is for 2 new bungalows, each with 3-bedrooms and a ridge height of 6.125m, with associated rear garden space. A new access to the development will be formed between the side of the existing bungalow (7 Seldon Road) and the footpath connecting Seldon Road with Grosvenor Close. A parking and turning area is shown between the new development, the rear of 7 Seldon Road and the public footpath. The proposal shows a picket fence replacing the close-boarded fencing adjacent to the line of the new access.

5.0 Land Use Allocation

- 5.1 Predominantly Residential

6.0 Relevant Planning History

- 6.1 102091 – demolition of No. 7 Seldon Road and proposed 3 detached bungalows – refused and dismissed on appeal July 2011.

7.0 Principal Policies

- 7.1 The National Planning Policy Framework (2012) sets out the national planning principles that guide the decision taking process and how these are expected to be applied in practice. The NPPF makes it clear that planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. The NPPF also sets out the Government's primary objective that there be "a presumption in favour of sustainable development". There are three dimensions to sustainable development, which are an economic role, a social role and an environmental role. The NPPF clarifies that these roles should not be undertaken in isolation, because they are mutually dependent.
- 7.2 Continuing the themes of the NPPF, the adopted Colchester Borough Core Strategy (December 2008) adds detail through local strategic policies. Particular to this application, the following policies are most relevant:
SD1 - Sustainable Development Locations
H1 - Housing Delivery
H2 - Housing Density
H3 - Housing Diversity
UR2 - Built Design and Character
- 7.3 In addition, the following are relevant adopted Colchester Borough Development Policies (October 2010):
DP1 Design and Amenity
DP12 Dwelling Standards
DP13 Dwelling Alterations, Extensions and Replacement Dwellings
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 adopted Supplementary Planning Guidance/Documents:
Backland and Infill
Community Facilities
Vehicle Parking Standards
Open Space, Sport and Recreation
Extending Your House?
The Essex Design Guide

8.0 Consultations

- 8.1 ECC Highways – no objection subject to conditions
- 8.2 Environmental Protection – recommended conditions relating to hours of work and reporting unexpected contamination.
- 8.3 Planning Project Team (Urban Design) – This is a backland land scheme that fails to meet the requirements of the Backland and Infill SPD for the following reasons. The entrance to the site does not allow 3 metres either side of the highway to protect neighbours amenity. This factor has now been upheld in many appeal decisions and is a major consideration when determining the suitability of a site for backland development. The design has not taken into account and illustrated how a comprehensive development of all back gardens could come forward. The parking arrangement does not include visitor parking. The layout creates a poor sense of place and impacts poorly on the area which flies in the face of the high quality design required by the NPPF. I would suggest that this is not an appropriate site for a backland scheme

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: Although not approving of backland development, this appears to be a well designed development and the parish Council gives approval subject to approval by ECC Highways.

10.0 Representations

- 10.1 Four representations of support were received. A representation from 9 Seldon Road raised concern at the impact of noise and pollution from additional traffic using the proposed access and that the proposal would result in on-street parking congestion.

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 makes provision for 2 parking spaces off a new turning head for the development. Two of the parking spaces are sited in front of one of the proposed bungalows; the other two are sited to the rear of 7 Seldon Road.

12.0 Open Space Provisions

- 12.1 The site is not sufficiently large to require provision of public open space to be made. However, a contribution towards public open space is made within a Unilateral Undertaking in accordance with the Council's adopted policy guidance.

13.0 Air Quality

- 13.1 The site is outside of any Air Quality Management Area and will not generate significant impacts upon the zones.

14.0 Development Team and Planning Obligations

- 14.1 This application is not classed as a "Major" application and therefore there was no requirement for it to be considered by the Development Team and it is considered that no Planning Obligations should be sought via Section 106 (S106) of the Town and Country Planning Act 1990.

15.0 Report

- 15.1 The most significant planning issues are the design of the proposed development including its layout and relationship to the surrounding townscape, highway safety, and its impact on neighbouring amenity in terms of potential noise disturbance and impacts including outlook, light and privacy.
- 15.2 A planning application for the replacement of 7 Seldon Road and two further bungalows (reference 102091) has previously been refused for the site and dismissed on appeal. The Inspector considered that the proposal represented a tandem form of development that was neither innovative nor respected the local context, as demonstrated in particular by the garden sizes for the new development significantly smaller than those nearby. The Inspector also considered that the starting up and manoeuvring of vehicles would give rise to noise and disturbance and be significantly harmful to the living conditions of the occupiers of 9 Seldon Road and 33 Grosvenor Close.
- 15.3 There are a number of differences between the current application and the previous scheme. These are the design of the bungalows, the size of the garden space provided and the specific details of the proposed access and parking arrangements. The new scheme also envisages the retention of the existing bungalow on the Seldon Road frontage, rather than its replacement. Nonetheless, the layout and principle of the scheme is still to be considered as an essentially tandem form of development.

15.4 The adopted SPD 'Backland and Infill Development' generally seeks to ensure that all new residential development creates an appropriate sense of place and has a satisfactory relationship with existing neighbouring properties. The SPD is in particular not supportive of tandem forms of backland development, because it rarely creates an appropriate sense of place and usually has adverse impacts on neighbouring property. In this instance, it is recognised that the presence of the footpath link between Seldon Road and Grosvenor Close along the southeast boundary of the application site could provide an opportunity to enhance the setting and sense of place for users of the footpath and might provide an opportunity to create a greater sense of place than would normally be found within a tandem form of development. The DAS puts forward a case that removal of boundary fencing along the footpath would remove an unsightly feature and increase surveillance of the path. The submitted plan drawing 03B, however, shows only part of the eastern boundary of the site with the footpath being removed of close-boarded fencing, with this being retained to the front of the two new properties. Notwithstanding the proposed benefits put forward by the DAS, there remains officer-level concern that an adequate sense of place has not been achieved by this proposal as evidenced by the following:

- the size and prominence of the parking/turning head adjacent to the public footpath;
- the treatment to the footpath between the back of the proposed turning area and Grosvenor Close is to remain as close boarded fencing (and hence does not enhance the public realm);
- the placement of the bungalows recessed back from the footpath link (a closer presence might help provide a greater sense of place); and
- the design of the proposed bungalows, in particular the increase in height, is not reflective of the building form on the Seldon Road frontage (and does not reflect any characteristic of the surrounding built form that might achieve a greater sense of place).

15.5 The adopted SPD states that garden sizes of new backland development reflect those of surrounding properties, which may require sizes significantly larger than adopted minimum standards. In this instance, one of the 2 new properties will have a rear garden of about 140 sqm, the other about 200 sqm. These are significantly larger than the minimum adopted standard for 3-bed properties (which is 60 sqm) and larger than the standard proposed by the appeal case. There is a mix of garden size within the vicinity, and whilst the rear garden size could have been increased by placement of the buildings closer to the footpath, nonetheless there is no officer objection to the proposed garden size for the new bungalows in this scheme.

15.6 The adopted 'Backland and Infill Development' SPD states a distance of 3m should be provided either side of a new access to residential property, so as to soften the impact of a new access on existing residential property, for example by the introduction of soft landscaping. This can help improve the public realm as well as providing a reasonable distance between it and neighbouring property to help reduce noise and disturbance from traffic movements. The appeal Inspector was critical of the previous scheme in this respect and considered the new access (and the resulting increase in vehicle movement) would be significantly harmful to the living conditions of the occupiers of 9 Seldon Road and 33 Grosvenor Close. The new proposal has reduced potential impact, in particular on 33 Grosvenor Close, by a reduction in the length of the access. Furthermore, parking of

vehicles for 7 Seldon Road will be from the Seldon Road rather than the new access. This will reduce the number of movements to those associated with 2 new properties. Nonetheless, the scheme does not provide a 3m wide margin between the new access and 9 Seldon Road (although there is public footpath, which is about 2m wide). The proposal will adversely affect the enjoyment of the rear garden of 9 Seldon Road resulting from the increased level of vehicle activity, including the starting and manoeuvring of vehicles, from the proposed parking and turning area, which will be separated from the neighbour's rear garden only by a 2m wide footpath.

- 15.7 The adopted SPD (The Essex Design Guide and 'Extending Your House') require that proposed development would not appear overbearing on the outlook of neighbours. The Council policy sets out that a 45 degree angle of outlook from the mid-point of the nearest neighbouring windows should be preserved and it is considered that this proposal satisfies this requirement. Similarly, there are no concerns regarding loss of light. The combined plan and elevation tests are not breached and the proposal therefore satisfies the Councils standards for assessing this issue as set out in the Essex Design Guide and the 'Extending Your House' SPD. Additionally, the proposal does not include any new windows at first floor level that would offer an unsatisfactory angle of overlooking that harmed the privacy of the neighbouring properties, including their protected sitting out areas as identified in the above SPD.
- 15.8 The Highway Authority has stated it has no objection to the proposal in regard to highway safety issues. Comments were received with regard to on-street congestion resulting from the proposal. However, the proposed development makes provision for 2 off-street parking spaces for each of the new properties, and this does accord with your standard. No specific visitor space has been provided, although there is scope for an additional space to be provided, were the Council minded to approve the application.

16.0 Conclusion

- 16.1 The Council's development plan and in particular the adopted 'Backland and Infill Development' SPD seeks to ensure that all new development is of a high standard that creates an appropriate sense of place and respects the context of the site and its surroundings. Tandem-style development rarely achieves an appropriate form of development. In this instance, it is acknowledged that a public footpath link adjacent to the eastern boundary of the site could provide an opportunity to enhance the setting and sense of place for users of the footpath. Nonetheless, the scheme that has been proposed provides insufficient benefit to the existing public realm and has not created an appropriate sense of place that reflects the character of the surrounding area. The proposal as such is considered to be contrary to the Council's adopted policies.

17.0 Recommendation - REFUSE planning permission for the reasons set out below.

1 - Non-Standard Refusal Reason

The adopted Local Development Framework Core Strategy (December 2008) policies SD1 and UR2, together with the adopted Development Plan (October 2010), policies DP1 and DP12, support the Council's aim to promote high quality design and to sustain the character of small towns and villages. Developments that are discordant with their context and fail to enhance the character, quality and function of an area will not be supported. Policy DP1 requires that all development proposals must respect and enhance the character of the site,

its context and surroundings in terms of its architectural approach, height size, scale, form, massing, density, and detailed design features. The adopted SPD 'Backland and Infill Development' recognises that new development should reflect the character of its setting and improve local distinctiveness. In this instance, the proposed development is considered to be out of keeping with the context of the surrounding form of development and fails to achieve a visually pleasing form of townscape or to create a development that has its own sense of place. This results in particular from the following aspects of the proposal:

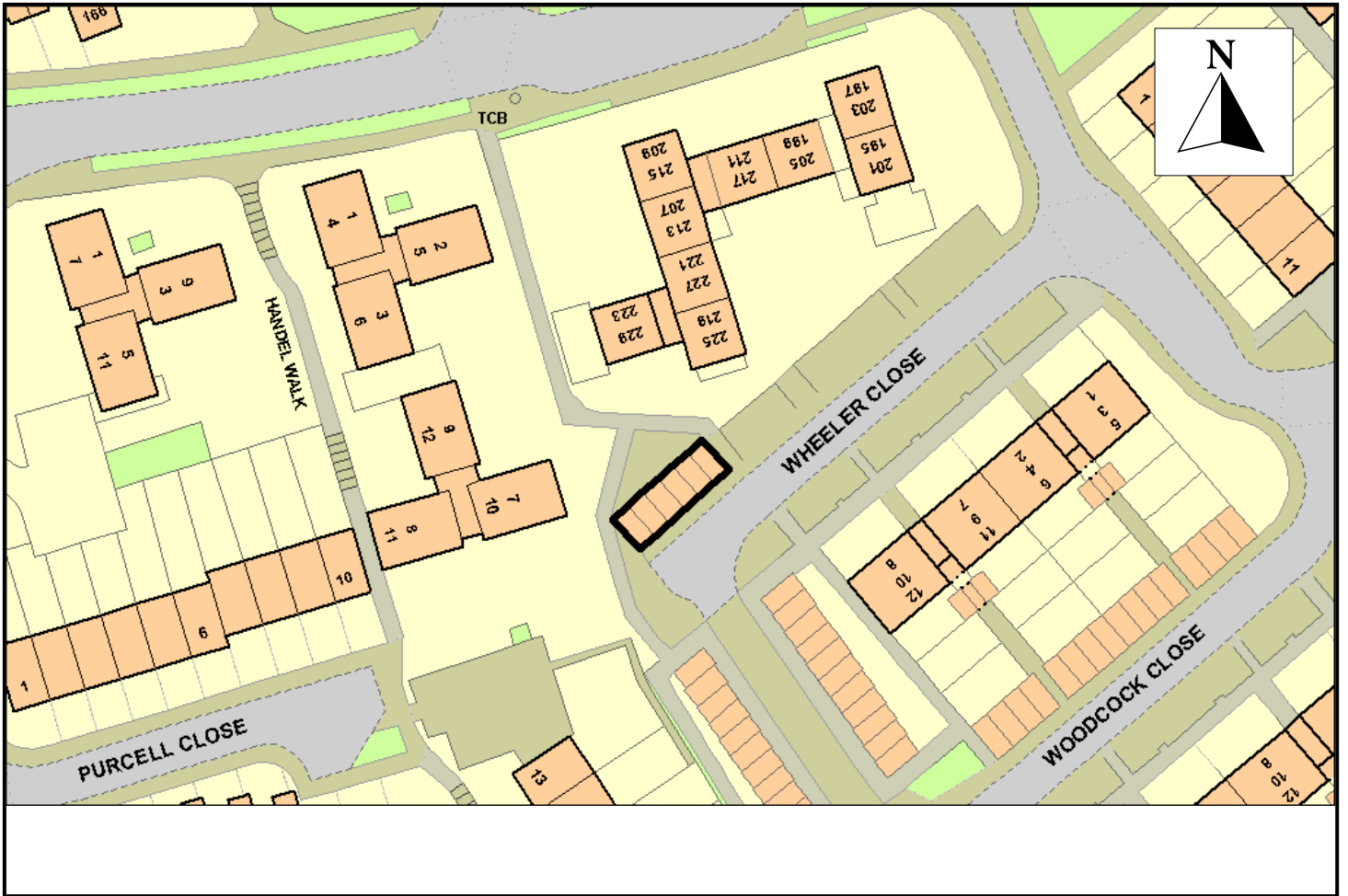
- (i) the size and prominence of the parking/turning head to the public footpath;
- (ii) the proposed treatment of the site adjacent to the footpath (including 1.8m high close-boarded fencing in front of the proposed bungalows and the lack of room for soft planting between the proposed access and the public footpath);
- (iii) the placement of the bungalows, set too far back from the footpath to create a sense of place; and
- (iv) the height and design of the proposed bungalows is not reflective of the building form on the Seldon Road frontage or elsewhere.

The proposal furthermore will adversely affect the enjoyment of the rear garden of 9 Seldon Road resulting from the increased level of vehicle activity, including the starting and manoeuvring of vehicles from the proposed parking and turning area.

Having regard to these considerations, the Council considers that the development does not integrate well with its surroundings, and fails to complement or enhance the local area as required by the aforementioned policies and SPD.

20.0 Positivity Statement

20.1 The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and discussing those with the Applicant. Unfortunately, it has not been possible to resolve those matters within the timescale allocated for the determination of this planning application. However, the Local Planning Authority has clearly set out, within its report, the steps necessary to remedy the harm identified within the reasons for refusal – which may lead to the submission of a more acceptable proposal in the future.



Application No: 131789

Location: Garage Block, Wheeler Close, Colchester

Scale (approx): 1:1250

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7.5 Case Officer: James Ryan

Due Date: 31/10/2013

OTHER

Site: Garage Block, Wheeler Close, Colchester

Application No: 131789

Date Received: 5 September 2013

Applicant: Mr Michael M Gurton (Property Services)

Development: Application for prior notification of proposed demolition.

Ward: St Andrews

Summary of Recommendation: Prior Notification Approved

1.0 Reason for Referral to the Planning Committee

1.1 This application is referred to the Planning Committee because Colchester Borough Council is the applicant.

2.0 Synopsis

2.1 The key issues explored below are the implications of the demolition of the garage block.

3.0 Site Description and Context

3.1 Wheeler Close is located off of Avon Way in Greenstead. The block of garages in question are in a poor state of repair and appear to be visibly cracking. One of the 6 garages is boarded up.

4.0 Description of the Proposal

4.1 The garages are to be demolished.

5.0 Land Use Allocation

5.1 The site is within the village settlement limits of Colchester.

6.0 Relevant Planning History

6.1 There is no planning history relevant to this scheme.

7.0 Principal Policies

- 7.1 The National Planning Policy Framework (2012) sets out the national planning principles that guide the decision taking process and how these are expected to be applied in practice. The NPPF makes it clear that planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. The NPPF also sets out the Government's primary objective that there be "a presumption in favour of sustainable development". There are three dimensions to sustainable development, which are an economic role, a social role and an environmental role. The NPPF clarifies that these roles should not be undertaken in isolation, because they are mutually dependent.
- 7.2 Continuing the themes of the NPPF, the adopted Colchester Borough Core Strategy (December 2008) adds detail through local strategic policies. Particular to this application, the following policies are most relevant:
SD1 - Sustainable Development Locations
UR2 - Built Design and Character
- 7.3 In addition, the following are relevant adopted Colchester Borough Development Policies (October 2010):
DP1 Design and Amenity
DP19 Parking Standards

8.0 Consultations

- 8.1 Environment Protection has no objection to the scheme.
- 8.2 The Highway Authority has no objection.

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 No Parish.

10.0 Representations

- 10.1 No objections have been received.

11.0 Parking Provision

- 11.1 The demolition of the six garages will result in the creation of 6 off street parking spaces.

12.0 Open Space Provisions

- 12.1 As an application for the prior notification of demolition of garages the open space provision are not relevant.

13.0 Air Quality

13.1 The site is outside of any Air Quality Management Area and will not generate significant impacts upon the zones.

14.0 Development Team and Planning Obligations

14.1 This application is not classed as a “Major” application and therefore there was no requirement for it to be considered by the Development Team and it is considered that no Planning Obligations should be sought via Section 106 (S106) of the Town and Country Planning Act 1990.

15.0 Report

15.1 This application proposed the demolition of a block of 6 garages that are in a very condition and are beyond economic repair. The garages have been empty for a number of years due to their physical condition.

15.2 There is a tree located in close proximity to the garage block. Colchester Borough Homes (CBH) has confirmed that no plant or material will be stored on the side of the garage block that the tree is located on during the demolition process.

15.3 CBH has also confirmed that the demolition will be by hand and the appropriate risk assessments will be submitted to CBH prior to any work taking place. The Council’s Environmental Protection team have no objection to the scheme.

15.4 Following the removal of the garages, the land will become off street parking spaces very much in line with the other parking spaces that make up this part of Wheeler Close.

16.0 Conclusion

16.1 The proposal is acceptable and therefore prior notification should be approved.

17.0 Recommendation - APPROVE prior notification.

18.0 Recommended Reasons for the Decision

18.1 The proposal accords with the relevant policies in the Statutory Development Plan (as set out above). Having also had regard to all material planning considerations, the Council is of the opinion that the proposal will not cause any significant harm to interests of acknowledged planning importance.

19.0 Conditions

19.1 No conditions

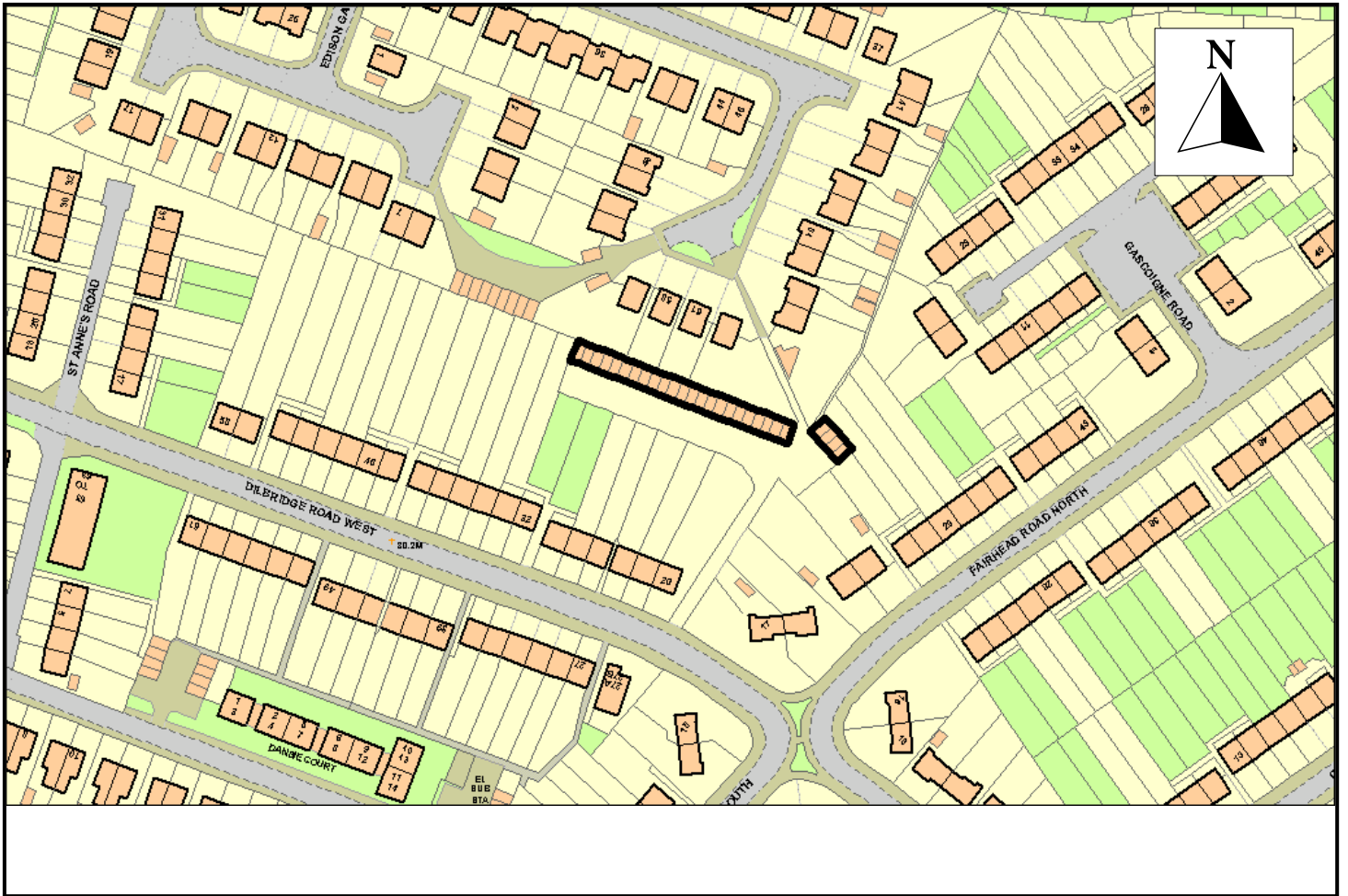
20.0 Informatives

(1) **ZT0 – Advisory Note on Construction & Demolition** 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 08456 037631.

21.0 Positivity Statement

21.1 The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.



Application No: 131791

Location: Garage Blocks, Dilbridge Road West, Colchester

Scale (approx): 1:1250

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7.6 Case Officer: James Ryan Due Date: 31/10/2013

OTHER

Site: **Garage Blocks, Dilbridge Road West, Colchester**

Application No: **131791**

Date Received: 5 September 2013

Applicant: Mr Michael M Gurton (Property Services)

Development: Application for prior notification of proposed demolition.

Ward: St Annes

Summary of Application: Prior Notification approved

1.0 Reason for Referral to the Planning Committee

1.1 This application is referred to the Planning Committee because Colchester Borough Council is the applicant.

2.0 Synopsis

2.1 The key issues explored below are the implications of the demolition of the garage block.

3.0 Site Description and Context

3.1 Dilbridge Road West is located off of the Ipswich Road in St Annes. The site is set in a backland position and comprises two garage blocks. The garages in question are in a very poor state of repair. Some have roofs that have partially collapsed, some have doors hanging off and many appear to be visibly cracking. Many are boarded up and one has been burnt out. There are 23 garages in total, 19 in the larger block and 4 in the smaller block.

4.0 Description of the Proposal

4.1 The garages are to be demolished.

5.0 Land Use Allocation

5.1 The site is within the village settlement limits of Colchester.

6.0 Relevant Planning History

6.1 There is no planning history relevant to this scheme.

7.0 Principal Policies

- 7.1 The National Planning Policy Framework (2012) sets out the national planning principles that guide the decision taking process and how these are expected to be applied in practice. The NPPF makes it clear that planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. The NPPF also sets out the Government's primary objective that there be "a presumption in favour of sustainable development". There are three dimensions to sustainable development, which are an economic role, a social role and an environmental role. The NPPF clarifies that these roles should not be undertaken in isolation, because they are mutually dependent.
- 7.2 Continuing the themes of the NPPF, the adopted Colchester Borough Core Strategy (December 2008) adds detail through local strategic policies. Particular to this application, the following policies are most relevant:
SD1 - Sustainable Development Locations
UR2 - Built Design and Character
- 7.3 In addition, the following are relevant adopted Colchester Borough Development Policies (October 2010):
DP1 Design and Amenity
DP19 Parking Standards

8.0 Consultations

- 8.1 Environmental Protection has no objection to the scheme.
- 8.2 The Highway Authority has no objection.

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 No Parish.

10.0 Representations

- 10.1 An email from Councillor Barry Cook has been received. This stated that he supported the scheme.
- 10.2 One letter from a resident was received requiring further information with regards to the proposed new boundary treatment. In response Colchester Borough Homes have confirmed a new fence will be erected in place of the garages that form a common boundary with neighbour's gardens.

11.0 Parking Provision

- 11.1 The demolition of the 23 garages will result in the creation of 23 off street parking spaces.

12.0 Open Space Provisions

12.1 As an application for the prior notification of the demolition of garages the open space provisions are not relevant.

13.0 Air Quality

13.1 The site is outside of any Air Quality Management Area and will not generate significant impacts upon the zones.

14.0 Development Team and Planning Obligations

14.1 This application is not classed as a “Major” application and therefore there was no requirement for it to be considered by the Development Team and it is considered that no Planning Obligations should be sought via Section 106 (S106) of the Town and Country Planning Act 1990.

15.0 Report

15.1 This application proposed the demolition of two blocks of garages. There are 19 in one block and 4 in the smaller block. The garages are in a very poor state and are beyond economic repair. They have been empty for a number of years due to their physical condition. One appears to contain items such as an old sofa but Colchester Borough Homes has confirmed that they are not rented out and should not contain anything.

15.2 Following the demolition of the garages, the land will be set out as 23 off street parking spaces. Colchester Borough Homes has confirmed that where the garages bound neighbouring properties the boundary will be replaced by new closed boarded fencing.

15.3 Colchester Borough Homes has also confirmed that the demolition will be by hand and the appropriate risk assessments will be submitted to CBH prior to any work taking place. The Council’s Environmental Protection team has no objection to the scheme.

15.4 Following the removal of the garages, the land will become parking off street parking spaces.

16.0 Conclusion

16.1 The proposal is acceptable and therefore prior notification should be approved.

17.0 Recommendation - APPROVE prior notification.

18.0 Recommended Reasons for the Decision

Non Standard

The proposal accords with the relevant policies in the Statutory Development Plan (as set out above). Having also had regard to all material planning considerations, the Council is of the opinion that the proposal will not cause any significant harm to interests of acknowledged planning importance. A representation from a neighbour that related to the proposed replacement boundary treatment was carefully considered and the applicant has confirmed that a new fence will be erected following the removal of the garages.

19.0 Conditions

19.1 None

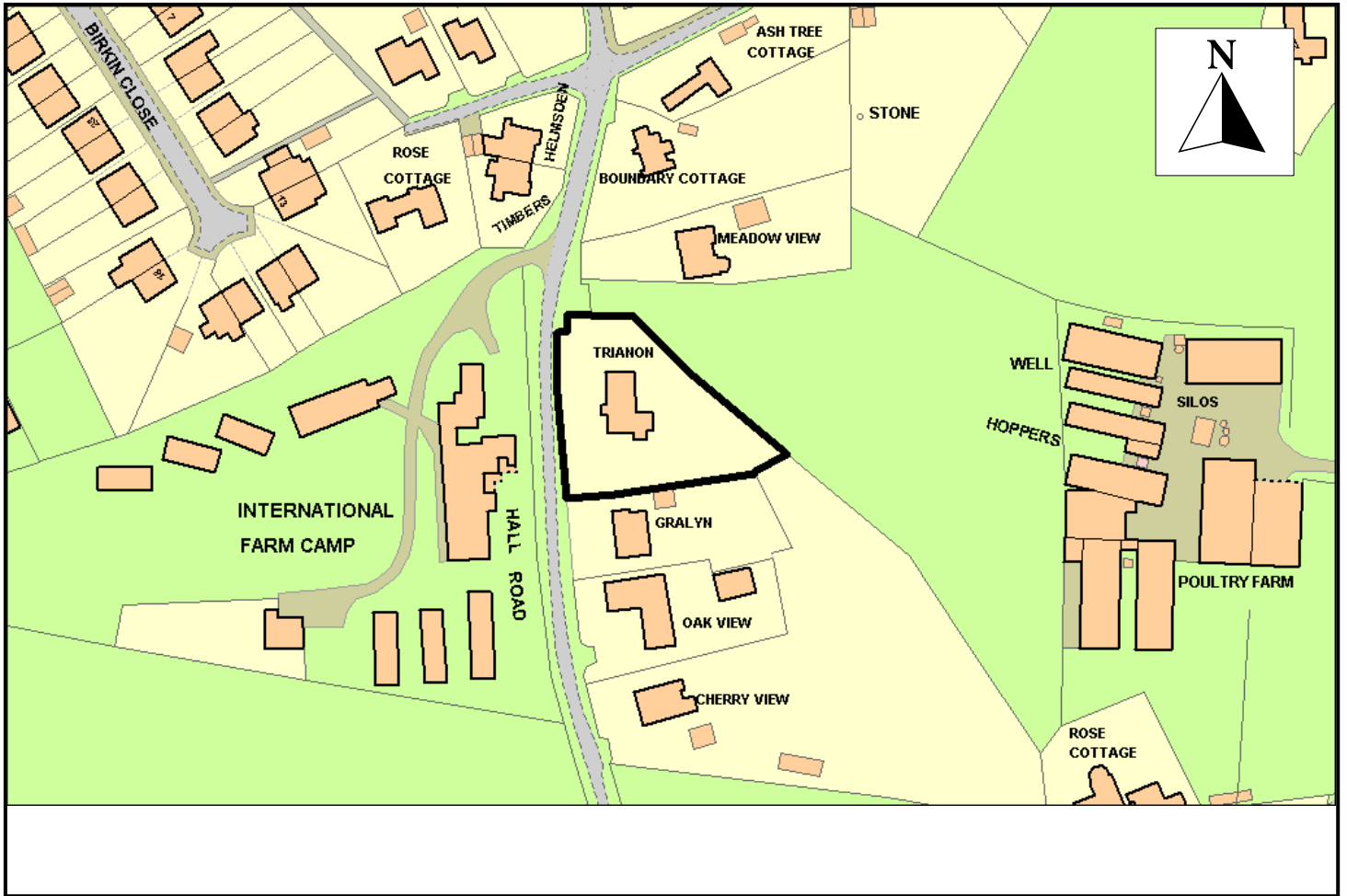
20.0 Informatives

(1) **ZT0 – Advisory Note on Construction & Demolition** 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 08456 037631.

21.0 Positivity Statement

21.1 The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.



Application No: 131539

Location: Trianon, Hall Road, Tiptree, Colchester CO5 0QR

Scale (approx): 1:1250

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7.7 Case Officer: Simon Osborn**HOUSEHOLDER**

Site: Trianon, Hall Road, Tiptree, Colchester CO5 0QR

Application No: 131539

Date Received: 5 August 2013

Agent: Mr Raymond Stemp

Applicant: Mr & Mrs S Bays

Development: First storey extension.

Ward: Tiptree

Summary of Recommendation: Refusal

1.0 Reason for Referral to the Planning Committee

1.1 This application is referred to the Planning Committee because it has been called-in by Councillor Martin for the following reason: "I consider this application meets the development plan requirements and should be approved".

2.0 Synopsis

2.1 The key issues explored below are whether the proposed first floor extension has resulted in a design appearance that is acceptable in itself and with regard to the Council's LDF Policy DP13 for considering the impact of proposed extensions to houses in the countryside.

3.0 Site Description and Context

3.1 The site is located immediately to the south of the Tiptree settlement boundary, along a lane that is rural in character with frontage hedgerows and trees. There is a ribbon of development along the east side of this lane (the same side as Trianon) comprising a mix of one and one-and-a-half storey dwellings. The International Farm Camp on the west (opposite) side of the lane – which formerly provided accommodation for seasonal workers employed by the Wilkins Factory – is in the process of being redeveloped for 10 detached houses. The existing dwelling on the site is a single-storey bungalow, with a ridge height of 5.98 metres and hipped roof form.

4.0 Description of the Proposal

4.1 The application looks to add an additional floor of accommodation on the existing footprint. The appearance of the proposed dwelling seen from the front is a dwelling with two-storey height gabled elements at either end of the house framing a wide central section with a deep roof and a centrally placed dormer; the proposal results in an increase in the height of the property to 7.305 metres.

5.0 Land Use Allocation

5.1 Countryside

6.0 Relevant Planning History

6.1 92/0754 single storey side extensions approved 1992

6.2 96/1170 single storey side and rear extension approved 1996

6.3 121730 second storey extension with attached garage refused 2012.

7.0 Principal Policies

7.1 The National Planning Policy Framework (2012) sets out the national planning principles that guide the decision taking process and how these are expected to be applied in practice. The NPPF makes it clear that planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. The NPPF also sets out the Governments primary objective that there be “a presumption in favour of sustainable development”. There are three dimensions to sustainable development, which are an economic role, a social role and environmental role. The NPPF clarifies that these roles should not be undertaken in isolation, because they are mutually dependent.

7.2 Continuing the themes of the NPPF, the adopted Colchester Borough Core Strategy (December 2008) adds detail through local strategic policies. Particular to this application, the following policies are most relevant:

SD1 - Sustainable Development Locations
UR2 - Built Design and Character
ENV1 - Environment
ENV2 - Rural Communities

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

DP1 Design and Amenity
DP13 Dwelling Alterations, Extensions and Replacement Dwellings

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

Extending Your House?
The Essex Design Guide

8.0 Consultations

8.1 Environment Agency – no objection

8.2 Planning Project Team (Urban Design) – This design has little sympathy to the character of the area. Whilst, loosely, based on a vernacular style the mass and level of detail are inadequate as a pastiche. This reduces the design to an unacceptably poor standard. The scale of the additional floor and new roof are too great. The dormer window is overly large for a vernacular style. The void-to-solid ratio is incorrect, even with the overly large fenestration. The scale of the bungalow does not translate into a two storey building of appropriate proportions, making this a clumsy pastiche design that does not enhance the area. This fails the principles of the NPPF and DP1 regarding the quality of design and cannot be supported for this reason.

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 stated no objection to the proposal.

10.0 Representations

10.1 None

11.0 Parking Provision

11.1 The existing site includes a large-sized area on the frontage, which is available for parking, and meets adopted standards of providing at least 2 off-street parking spaces.

12.0 Open Space Provisions

12.1 There is no requirement for open space provision for a proposed house extension.

13.0 Air Quality

13.1 The site is outside of any Air Quality Management Area and will not generate significant impacts upon the zones.

14.0 Development Team and Planning Obligations

14.1 This application is not classed as a "Major" application and therefore there was no requirement for it to be considered by the Development Team and it is considered that no Planning Obligations should be sought via Section 106 (S106) of the Town and Country Planning Act 1990.

15.0 Report

- 15.1 The LDF Development Policies document was adopted by the Council in October 2010. Policy DP1 encourages all development to be of a high standard that respects and enhances the character of the site, its context and surroundings in terms of its architectural approach, height, scale, form, massing, proportions, landscape setting and detailed design features. DP1 also looks to protect existing residential amenity. Policy DP13 states that outside of the settlement boundaries, house extensions will only be supported where the development:
- (i) respects and enhances the character of the original dwelling and does not significantly alter its size;
 - (ii) respects and enhances the landscape character and setting of the site and the wider rural area; and
 - (iii) avoids a cramped form of development and retains an appropriate level of private amenity space for the occupants of the dwelling.
- 15.2 The application site lies outside of the Tiptree settlement boundary and therefore is to be considered as countryside. The most significant planning issues of the proposal are the design of the proposed development and its impact upon the rural landscape/setting of the site, and, also upon neighbouring amenity in terms of outlook, light and privacy.
- 15.3 The existing dwelling is a single storey bungalow. The proposed extension builds another floor on top of the existing bungalow and in crude terms will double the floorspace of the dwelling and increase the maximum height of the dwelling from 5.9 metres to 7.3 metres. This represents a significant size increase to the dwelling as it exists today; and in comparison with the bungalow as it existed before November 1993 represents an even bigger increase.
- 15.4 In terms of the external appearance of the design, the proposal changes the appearance of the dwelling from a modest single storey bungalow, with hipped roofs on either side into a two-storey property. Single-storey properties have an overall footprint and depth of plan that is not traditional in two-storey properties and this can make it difficult in general terms to add an additional storey, without resulting in a bulky appearance. The agent has sought to overcome this with a design that looks to imitate that of an H-plan house with two-storey gabled elements to either side framing a central roof section. The proportions of the existing bungalow (with a span of 7.8 metres, an overall width of 15.5 metres and a maximum depth of 11.5 metres on the south side) have resulted in a proposal that has created aesthetic issues of composition, scale and mass. The roof form between the two front gabled elements appears overly large, as is the dormer. The void-to-solid ratio is incorrect, even with the overly large fenestration. Although there is a large tree in the northwest part of the garden, this will not screen the front elevation of the proposal and its deep southern gabled side element from public view along Hall Road. The comments of the Council's Urban Design Officer were sought to the proposal, which were reproduced in paragraph 8.2 of this report confirm that the scale of the bungalow does not translate into a two storey building of appropriate proportions, resulting in a proposed design that does not enhance the area.

- 15.5 The existing dwelling is unremarkable in appearance, but at least has a scale and proportion that is appropriate to a single storey building. The proposed design is unacceptable and the significant increase in size and scale will be seen from Hall Road. The proposal as such is considered to be contrary to adopted Policy DP13, which seeks to provide guidance for proposed house extensions in the countryside.
- 15.6 The Supporting Statement refers to the planning permission that has been granted on the opposite side of Hall Road for ten new dwellings, which is also outside the settlement boundary. This site was formerly used for the accommodation of seasonal workers employed by Wilkins and Sons. Re-development of the site was permitted by application 110926 (with amendments to the house types agreed by 121071) in part as enabling development to provide the capital required to fund new development of seasonal workers' accommodation and associated facilities, including a replacement community facilities building for use by the temporary employees of this company, elsewhere. It is also acknowledged that these are substantial sized houses, albeit well proportioned, and their rural impact is also mitigated by the presence of a frontage hedgerow.
- 15.7 It is acknowledged that the character of the immediate surroundings is changing to a degree with the implementation of the planning permission for 10 two-storey houses on the site opposite. Nonetheless, there are many parts of the Borough's designated countryside where there is built development and change in accordance with the Council's LDF policies: this does not set a precedent for development elsewhere, particularly if the proposed external appearance for the development is not considered satisfactory in itself.
- 15.8 Although, the proposed development will have a significant scale, it is considered that it will not have a significant impact upon neighbouring properties. Trianon has good separation from the bungalow to the south, Gralyn, and although the increased built form will have an impact upon the side garden of that property, the impact is not considered sufficient to warrant refusal. The proposed development would not appear overbearing on the outlook of neighbours. The Council policy sets out that a 45 degree angle of outlook from the mid-point of the nearest neighbouring windows should be preserved and it is considered that this proposal satisfies this requirement. Similarly, there are no concerns regarding loss of light. The combined plan and elevation tests are not breached and the proposal therefore satisfies the Council's standards for assessing this issue as set out in the Essex Design Guide and the Extending Your House? SPD. The proposal includes a new first floor window that looks toward the side garden of Gralyn, but this is to an ensuite could be conditioned to be obscure glazed.
- 15.9 An earlier application referred to the lack of a Tree Survey in the refusal notice. However, that application envisaged the construction of a large attached garage, whereas the present application is for building above the existing footprint and is outside the crown spread of the nearest trees. Although a Tree Survey has not been submitted and there are a number of large trees either on the site or very close by, of high amenity value, it is considered that the protection of these trees could be secured by standard planning conditions for the construction of protective fencing beneath them.

16.0 Conclusion

16.1 The proposal addition of a first floor extension to this existing bungalow has resulted in an external appearance that does not translate into a two storey building of appropriate proportions. The proposal will significantly increase the size of the existing dwelling and will have an adverse impact upon the visual quality of this part of the countryside. The proposal as such is contrary to the principles of Policies DP1 and DP13.

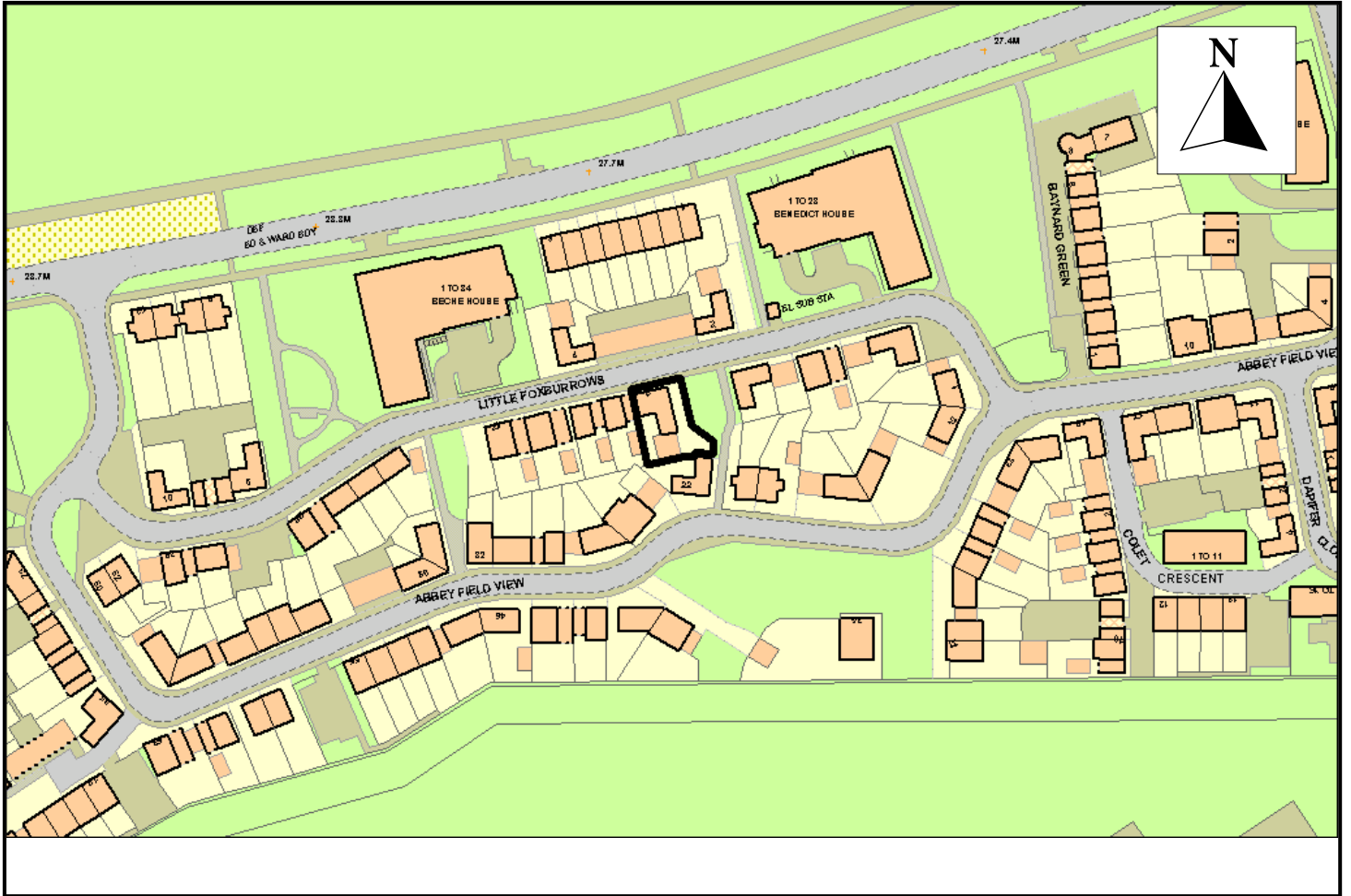
17.0 Recommendation – Refusal

1 - Non-Standard Refusal Reason

The LDF Development Policies was adopted by the Council in October 2010. Policy DP1 encourages all development to be of a high standard that respects and enhances the character of the site, its context and surroundings in terms of its architectural approach, height, scale, form, massing, proportions, landscape setting and detailed design features. Policy DP13 states that outside of the settlement boundaries, house extensions will only be supported where the development: (i) respects and enhances the character of the original dwelling and does not significantly alter its size; and, (ii) respects and enhances the landscape character and setting of the site and the wider rural area. In this instance, the existing dwelling is of fairly modest single storey proportions outside the settlement boundary of Tiptree. The proposed alterations will significantly increase the size and bulk of the building and result in an uncomfortably proportioned house, which will adversely affect the character and appearance of this part of the countryside. The proposal as such is therefore contrary to the aforementioned adopted Council policies.

18.0 Positivity Statement

18.1 The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and determining the application within a timely manner, clearly setting out the reason(s) for refusal, allowing the Applicant the opportunity to consider the harm caused and whether or not it can be remedied by a revision to the proposal.



Application No: 131676

Location: 9 Little Foxburrows, Colchester, CO2 7UG

Scale (approx): 1:1250

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7.8 Case Officer: Nadine Calder**HOUSEHOLDER****Site:** 9 Little Foxburrows, Colchester, CO2 7UG**Application No:** 131676**Date Received:** 21 August 2013**Agent:** Mr Stuart Moncur**Applicant:** Ms Sutheera Ashley-Mead**Development:** Proposed conversion of existing car port and alterations. Resubmission of planning application reference 131313**Ward:** Shrub End**Summary of Recommendation:** Conditional Approval**1.0 Reason for Referral to the Planning Committee**

1.1 This application is referred to the Planning Committee because it has been referred by Councillor Pauline Hazell for the following reason: "Encroachment onto boundary and overpowering impact of neighbouring property at No. 22 Abbey Field View".

2.0 Synopsis

2.1 The key issues explored below are the design of the proposed development as well as its impact on neighbouring amenity and the character and appearance of the surrounding area. It is considered that the proposal would not result in any design or amenity issues and accords with national and local policy requirements. The application is therefore recommended for approval subject to conditions.

3.0 Site Description and Context

3.1 The application site comprises an L shaped two storey dwelling with an existing carport providing two off road parking spaces to the rear of the property. An existing driveway serves the carport along the eastern side of the dwelling. The southern boundary of the site abuts the rear garden of No. 22 Abbey Field View while to the west lies the rear garden of No. 11 Little Foxburrows.

3.2 Directly adjacent the driveway lies a small public open space and a protected tree while a public footpath runs along the open space linking residential properties along Little Foxburrows with properties in Abbey Field View. The application site is located within a fairly new estate where most properties were allocated open carports rather than garages. However, many properties have since enclosed their carports by installing garage doors.

4.0 Description of the Proposal

4.1 Planning permission is sought for the change of use of the existing carport into additional living accommodation in the form of a bedroom with en-suite bathroom and a dressing room. As part of the conversion the existing garage doors would be replaced with two windows and rendered blockwork infill panels to match the existing render finish. The western elevation (facing the applicant's garden) would provide patio style doors and an additional window with the remainder being rendered. To the rear (south), it is proposed to remove two existing wooden panels and to infill the pillars with facing brickwork. Apart from the changes to the three elevations of the carport there would be no other physical external alterations as part of this proposal.

5.0 Land Use Allocation

5.1 The site is located within the defined settlement limits and within a predominantly residential area.

6.0 Relevant Planning History

6.1 Earlier this year, planning permission was sought for the conversion of the existing carport to the rear of the property into additional living accommodation and the construction of a new carport adjacent to the existing one (reference 131313). Due to a high volume of objection, this application was withdrawn. The current application has omitted the construction of the new carport and only seeks planning permission for the conversion of the existing carport into additional living accommodation.

7.0 Principal Policies

7.1 The National Planning Policy Framework (2012) sets out the national planning principles that guide the decision taking process and how these are expected to be applied in practice. The NPPF makes it clear that planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. The NPPF also sets out the Government's primary objective that there be "a presumption in favour of sustainable development". There are three dimensions to sustainable development, which are an economic role, a social role and an environmental role. The NPPF clarifies that these roles should not be undertaken in isolation, because they are mutually dependent.

7.2 Continuing the themes of the NPPF, the adopted Colchester Borough Core Strategy (December 2008) adds detail through local strategic policies. Particular to this application, the following policies are most relevant:

SD1 - Sustainable Development Locations

UR2 - Built Design and Character

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

DP1 Design and Amenity
DP13 Dwelling Alterations, Extensions and Replacement Dwellings
DP19 Parking Standards

8.0 Consultations

8.1 Environmental Protection has this site recorded as being on or within 250 metres of former Ministry of Defence land. Consequently, should permission be granted for this application, Environmental Protection and the Contaminated Land Officer recommend conditions and informatives to be included.

8.2 The Arboricultural Officer has not raised any objection to this proposal subject to conditions relating to the protection of the nearby tree.

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 N/A

10.0 Representations

10.1 Four letters of objection have been received, two from local residents and two from local Councillors. The main concerns are summarised below:

- Creation of a new intrusive carport to create extra bedroom/living space in a house with already 4/5 bedrooms?
- Existing drive can already accommodate 5 medium-sized cars
- Local community would be disproportionately impacted by this building on a small attractive green space. There would be drainage/damage issues to large tree.
- Concerns regarding noise: "The ground level window and doors at the back of the bedroom are very close to my garden. Someone who works at night and sleeps during the day could complain if I cut my grass while they are sleeping".
- Turning a large carport into accommodation would impact further on the serious parking difficulties that already exist in this estate. This project could set a precedent for others with carports on the development to apply for planning for the same reason. This would be very dangerous and mean even more overflow car parking on the narrow roads which is already intolerable.
- This extension is too close to the nearby property and will exacerbate the parking problems already being experienced on this estate.
- This new application has just changed the design from that of the previous application 131313, but the negative impact such an extension would create is exactly as it was under the previous application.
- The resident at No 22 Abbey Field View will be particularly affected through loss of light and an intrusive building close up to the fence of her small garden.

- If this Application were to succeed, all the local residents would be affected by the size of the property overshadowing and impacting on this compactly designed Estate which was built in such a way as to provide no room for further development of this kind.

10.2 Where the above are planning matters, these are addressed within the assessment below. It is noted however that several of the comments relate to the construction of a new carport. As this does not form part of the current application, these concerns are not planning matters and have therefore not been addressed.

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

11.0 Parking Provision

11.1 At least two parking spaces will still be available – this complies with guidance.

12.0 Open Space Provisions

12.1 N/A

13.0 Air Quality

13.1 The site is outside of any Air Quality Management Area and will not generate significant impacts upon the zones.

14.0 Development Team and Planning Obligations

14.1 This application is not classed as a "Major" application and therefore there was no requirement for it to be considered by the Development Team and it is considered that no Planning Obligations should be sought via Section 106 (S106) of the Town and Country Planning Act 1990.

15.0 Report

Note regarding Ownership Issues

15.1 During the course of the application concerns have been raised by the occupier of the neighbouring property at No. 22 Abbey Field View in relation to the ownership of the boundary that separates the garden area of that property from the carport at the application site. Currently this part of the boundary is defined by two wooden fence panels which are fixed to the existing three brick pillars which support the carport. Whilst attempts have been made to obtain legal clarification as to who this boundary belongs to, at the time of writing this report, this has not been clarified. However, this dispute is a civil matter between the respective owners and does therefore not interfere with the proposal subject of this application.

Design and Impact on Surrounding Area

- 15.2 Core Strategy Policy UR2 states that the Borough Council will promote and secure high quality and inclusive design in all developments while Development Policy DP1 requires all development to be designed to a high standard, and to avoid unacceptable impacts on residential amenity.
- 15.3 Whilst the carport is located to the rear of the property, there is a public footpath running along the public open space adjacent to the site from which the carport can be seen. It is therefore important to ensure that the proposed external alterations in the elevation visible from public viewpoints would not detract from the character and appearance of the host dwelling and the surrounding area.
- 15.4 The proposed windows and doors would be of the same design and proportions as existing openings within the property. On the eastern elevation, the only external alteration would be the replacement of the two existing garage doors with two windows and render finish to match the appearance of the original dwelling. This alteration is visually acceptable and would not detract from the appearance of the original dwelling. Consequently, the design does not have any negative impact on the surrounding area either.
- 15.5 To the rear, there are two wooden panels fixed to the existing carport pillars. The wooden fence currently marks the boundary to the neighbouring property at No. 22 Abbey Field View. It is proposed to replace the wooden panels with facing brickwork matching the bricks used for the pillars. It is acknowledged that the occupier of the neighbouring property objects to this proposal and that there are discrepancies as to who this boundary belongs to or whether it is jointly owned. However, as stated above, this dispute is a civil matter which has to be solved between the respective owners of the two properties, and does not influence this decision. This section solely assesses the proposed development on its design and appearance, which in this case are considered to be satisfactory. Using the same external materials as the original dwelling and existing pillars ensures that the development is not detrimental to the character and appearance of the host dwelling itself or the surrounding area as a whole. The proposal therefore complies with the requirements of Policies UR2 and DP1 as well as the requirement for good design as set out within the NPPF.

Impact on Neighbouring Properties

- 15.6 Concerns have been raised that the proposed development would have a negative impact upon the residential amenities of the occupier of No. 22 Abbey Field View as a result of loss of light, overshadowing and overpowering. However, the current proposal does not propose to add any bulk to the carport and as such, the neighbouring property would not suffer from any loss of light, neither would the conversion result in any overbearing or overshadowing impacts. The only physical external alterations include the provision of windows and doors in the eastern and western elevation of the carport with the remaining area being rendered and infilled with bricks. However, the proposed windows and doors would not give any rise to overlooking or loss of privacy to the neighbouring properties and their amenities.

- 15.7 Furthermore, comments regarding the potential for future occupiers to complain when the neighbour cuts her grass during the day are unsubstantiated and in any case are not planning considerations. Consequently, there is no potential for the amenities of the neighbouring properties to be materially affected as a result of the proposal. As such, the proposed development complies with the requirements as set out within DP13 and is acceptable.

Highway Issues

- 15.8 It is acknowledged that the conversion of the carport into additional living accommodation would result in the loss of two parking spaces and that concerns have been raised regarding that loss by local residents and Councillors. However, it is noted that the existing driveway along the eastern elevation of the property provides off street parking for at least two vehicles. Development Policy DP19 and guidance within the Vehicle Parking Standards set out that dwellings with two or more bedrooms require a minimum of two parking spaces. As this is the case, the proposal complies with current parking standards and does not therefore raise any concerns on highway safety grounds.

16.0 Conclusion

- 16.1 The proposal is considered to be in accordance with national and local planning policies. The proposed development is acceptable in terms of its design as it would not adversely affect the character of the host dwelling or that of the surrounding area and would not have a detrimental impact upon neighbouring amenities. Furthermore, adequate provision of off street parking is not compromised as a result of the proposal and therefore, the application is acceptable in this instance.

- 17.0 Recommendation** - APPROVE subject to conditions and informatives.

18.0 Recommended Reasons for the Decision

- 18.1 It would be recommended that the reasons for the decision, which are to appear on the decision notice, be that:

The Council is of the opinion that the proposal accords with the relevant policies in the Statutory Development Plan (as set out above). Having had regard to all material planning considerations the Council remains of the opinion that the proposal will not cause any harm to interests of acknowledged importance that would warrant the refusal of this application. In reaching this decision the Council was mindful of the concerns relating to the ownership of the boundary fence, impacts of the proposed development on the residential amenities of the neighbouring properties and their occupiers as well as the general character and appearance of the wider area. The conclusion was that the ownership of the fence is a private non-planning matter and that the proposal would not result in any negative impact upon the amenities of neighbouring properties and their occupiers, nor would it cause any harm to the surrounding area.

19.0 Conditions

1 - Time Limit for Full Permissions

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

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.

2 - *Development to Accord With Approved Plans

The development hereby permitted shall be carried out in accordance with the details shown on the submitted Drawings SAM/SM/Resub/01, SAM/SM/Resub/02, SAM/SM/Resub/03, SAM/SM/Resub/04, SAM/SM/Resub/05 and SAM/SM/Resub/06 dated August 2013 unless otherwise subsequently agreed, in writing, by the Local Planning Authority.

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

3 - Materials as Stated in Application

The external facing and roofing materials to be used shall be those specified on the submitted application form and drawings.

Reason: To ensure that materials are of an acceptable quality appropriate to the area.

4 - Non-Standard Condition/Reason

In the event that contamination that was not previously identified is found at any time when carrying out the approved development, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of the Local Planning Authority and where remediation is necessary, a remediation scheme must be prepared, in accordance with the requirements of, and subject to the approval in writing of, the Local Planning Authority. Following completion of measures identified in the approved remediation scheme, a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with the approved remediation scheme. This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and the Essex Contaminated Land Consortium's 'Land Affected by Contamination: Technical Guidance for Applicants and Developers'.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

5 - Tree and Natural Feature Protection: Protected Areas

No works shall take place until all trees, shrubs and other natural features not scheduled for removal on the approved plans shall have been safeguarded behind protective fencing to a standard that will have previously been submitted to and agreed, in writing, by the Local Planning Authority (see BS 5837). All agreed protective fencing shall thereafter be maintained during the course of all works on site and 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.

6 - Tree and Natural Feature Protection: Entire Site

No burning or storage of materials shall take place where damage could be caused to any tree, shrub or other natural feature to be retained on the site or on adjoining land (see BS 5837).

Reason: To protect the health of trees, shrubs and other natural features to be retained in the interest of amenity.

7 -Tree and Hedgerow Protection: General

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

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

20.0 Informatives

(1) **ZT0 – Advisory Note on Construction & Demolition** 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 08456 037631.

(3) **ZTA - Informative on Conditions Stating Prior to Commencement/Occupation**

PLEASE NOTE that this permission contains a condition precedent that requires details to be agreed and/or activity to be undertaken either before you commence the development or before you occupy the development. This is of critical importance. If you do not comply with the condition precedent you may invalidate this permission. Please pay particular attention to these requirements.

(4) Non Standard Informative

The applicant is advised that the site to which this planning permission relates is recorded by Colchester Borough Council as being Ministry of Defence or former Ministry of Defence land.

Prior to the commencement of the permitted development, the applicant is advised to undertake a suitable and sufficient site investigation and any necessary risk assessment to ensure the land is free from significant levels of contamination. The LPA should be given prior notification of any proposed remediation scheme. The applicant is advised that this must be conducted in accordance with current official guidance, including Approved Document C of the Building Regulations, DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and the Essex Contaminated Land Consortium's 'Land Affected by Contamination: Technical Guidance for Applicants and Developers'.

The LPA has determined the application on the basis of the information available to it, but this does not mean that the land is free from contamination. The applicant is responsible for the safe development and safe occupancy of the site.

Reason: The site lies on former (or suspected) Ministry of Defence land and Environmental Protection wishes to ensure that development only proceeds if it is safe to do so. This informative should not be read as indicating that there is any known danger from Ministry of Defence land in this locality.

21.0 Positivity Statement

21.1 The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.



Planning Committee

Item

3rd October 2013

Report of	Head of Planning Services Services	Author	Alistair Day ☎ 01206 282479
Title	Redevelopment of Area J2B, Colchester Garrison Urban Village		
Wards affected	Christ Church		

This report concerns the planning and conservation area consent appeals made by Bovis Homes in respect of Area J2b of the Colchester Garrison Urban Village development.

1. Decision(s) Required

- 1.1 Members are asked to endorse the officer recommendation to the Planning Inspectorate that the appeals lodged by Bovis Homes in respect of applications 121612 and 121613 for the redevelopment of Area J2b of the Garrison Urban Village development are dismissed.

2. Reasons for Decision(s)

- 2.1 Bovis Homes have appealed the refusal of conservation area consent for the demolition of historic garrison buildings (three locally listed) in the Garrison Conservation Area. This refusal was issued under delegated powers by the Head of Environmental and Protective Services on 1 November 2013. Bovis Homes have also lodged an appeal against the non-determination of the reserved matters application that was submitted concurrently with the conservation area consent application. Appeal Statements have been submitted to the Planning Inspectorate in respect of these appeals. Members are asked to endorse the recommendation to the Planning Inspector that these appeals are dismissed.

3. Alternative Options

- 3.1 Members can decide to withdraw the submitted appeal statements and inform the Planning Inspectorate that the Local Planning Authority no longer wishes to defend the lodged appeals. This option is likely to result in a claim for costs. Furthermore, withdrawing the appeals would set an awkward precedent in respect of harm to heritage assets (conservation area and locally listed buildings), the loss of protected trees and the acceptance of reduced planning standards on the grounds of viability.

4. Supporting Information

- 4.1 The appeal site forms part of Area J2 of the Colchester Garrison Urban Village development which was granted outline planning approval in June 2003. At the time of granting this permission the Council had made known its intention to designate the historic core of the garrison as a conservation area. The Garrison Conservation Area was designated in May 2004.

- 4.2 The July 2004 Master Layout Plan (MLP) was approved in discharge of Condition 1 of the garrison outline planning approval. With specific regard to historic environment, the MLP states that “the majority of the area has been designated as a conservation area where preserving or enhancing the character and appearance of place will be paramount.
- 4.3 Bovis Homes acquired parcels Area J1 and Area J2 of the Garrison Urban Village development in about 2006.
- 4.4 Retained buildings Cav1-8, Cav10, IC9 and the boundary wall and gate piers (within Area J2) are included on Council’s adopted Local List of Buildings of Architectural or Historic Significance. The Local List was compiled by the Colchester Historic Buildings Forum, an independent group of local experts. Bovis Homes were notified of the intention to include the buildings within Area J2b on the Local List and made no objection to this proposal. The Local List was adopted by the Council in December 2011.
- 4.5 In 2008 a series of individual applications were submitted by Bovis Homes for the demolition of the retained buildings on Area J2b. Officers considered that inadequate justification was provided in support of this application and, as such, Bovis Homes were invited to withdraw these applications rather than having them refused. The applications were duly withdrawn.
- 4.6 In 2009 a reserved matters planning application and a concurrent conservation area consent application were submitted for the redevelopment of Area J2b. The applications were refused on the grounds of poor design, detrimental impact on the conservation area and the failure to adhere to the principles of the MLP.
- 4.7 In 2011 a reserved matters application was submitted for the erection of 80 dwellings. The layout of this application indicated the incorporation of Cav2, Cav10 and IC9 with the site of Cav9 being redeveloped for housing; these buildings / sites did not however form part of this application. This application approved in August 2011.
- 4.8 A further reserved matters planning application (ref 121612) was submitted in September 2011 for the redevelopment of Area J2b (the appeal application). This application excludes the parcel of land to the southeast of Cav6 as these houses (15 units) have been constructed under planning approval 111001. The appeal application also proposes the erection 30 new dwellings in the locations of retained buildings Cav2, Cav9, Cav10 and IC9. A total of 94 new dwellings are proposed. A concurrent application for conservation area consent was also submitted.
- 4.9 Bovis Homes opine that the cumulative impact of the existing market conditions, the provision of affordable housing, the retention of existing buildings and trees, the ‘new’ parking standards and the minimum garden sizes have put the approved scheme ‘at risk’. (Officers assume that ‘at risk’ means that Bovis Homes would delay the implementation of this development (i.e. land bank the site) until land values rise to enable a profit to be generated that is comparable with other development sites that they own). On this basis Bovis Homes have sought to justify the demolition of the retained buildings in their ownership and amend the layout and design of the approved scheme. Bovis Homes have also stated that they wish to forgo the requirements to provide affordable housing on this site.

- 4.10 The conservation area consent application was refused under delegated powers on 1 November 2012 on the grounds that the loss of the retained buildings would cause substantial harm to the Garrison Conservation Area and that the public benefits would not outweigh the identified harm. There is a statutory requirement for local planning authorities to preserve or enhance the character and appearance of a conservation area. The NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The tests set out in the NPPF and the PPG15 Practice Guide (which remains extant) regarding the loss or harm to heritage assets were not addressed in the application submission.
- 4.11 Following the conservation area consent refusal, Bovis Homes requested that the decision in respect of the reserved matters application was held in abeyance until the viability of the development had been assessed.
- 4.12 Bovis Homes were advised on 14 February 2013 that the Council's consultant broadly accepted the conclusions of the submitted viability assessment. Bovis Homes were also advised that when determining a planning application the Council has to balance all material planning considerations. In the case of Area J2b, heritage considerations are paramount and that the application submission fails to achieve '*substantial public benefits*' that would outweigh the harm or loss to the identified heritage assets. (The inference of this being that the application as submitted would be refused (under delegated powers)).
- 4.13 In a reply email dated 16 February 2013, Bovis Homes informed officers that they would consider the comments made and revert back to the Council within a few days. No further communication was received from Bovis Homes in respect of this application until the Council was copied into an email sent to the Planning Inspectorate on 25 February 2013 regarding the appeal lodged for non-determination.

5. Proposals

- 5.1 Appeal Statements have been lodged with the Planning Inspectorate in respect of the planning and conservation area consent appeals. The Council's statements conclude that:

Buildings Cav2, Cav9, Cav10 and IC9 are of local significance because of their historic and socio-cultural interest. They have value as a non-designated heritage assets and for their positive contribution to the Conservation Area, a designated heritage asset. The loss of these buildings and the redevelopment by way of the appeal application would harm the character and appearance of the Garrison Conservation Area. It has not been demonstrated that the proposed development is necessary to achieve substantial public benefits, nor has it been demonstrated that any of the bullet points in paragraph 133 of the Framework apply. As such the application proposal conflicts with national and local policy and would not comply with the requirements of Section 72 of the Planning (Listed Buildings and Conservation Area) Act. The design and layout of the appeal scheme also fails to create places, streets and spaces that are visually attractive, safe, accessible, functional, inclusive and have distinctive identity and maintain or improve local character. The proposed development conflicts with Core Strategy policies UR1, UR2, PR2, TA1, TA5, ENV1 and Development Plan Policies DP1, DP14, DP19, DP16, the Council's adopted guidance on

car parking and the approved MLP. The Inspector is therefore respectfully requested to dismiss this appeal.

5.2 Members are asked to endorse the officer's recommendation to the Planning Inspector that the two appeals lodged in respect of the redevelopment of Area J2b are dismissed.

6. Strategic Plan References

6.1 The Strategic Plan supports the protection of the Borough's Heritage.

7. Consultation

7.1 The standard consultations were undertaken as a part of the planning and conservation areas consent application notification process. The Council's Landscape Officer, Tree Officer, Urban Design Officer, the Conservation Consultant and the Highway Authority raised objections to the scheme as submitted. Objection was also received from English Heritage, the Victorian Society and the Colchester Historic Buildings Forum and local resident in respect of the submitted application.

7.2 Notification letters have sent out as a part of the planning appeal process. Sir Bob Russell has objected to the loss of the former garrison buildings. An objection to the appeal has also been received to the lodged appeals by a different local resident.

8. Publicity Considerations

8.1 None directly arising from this report.

9. Financial Implications

9.1 There is the possibility that Bovis Homes may seek to make a claim for costs; however officers do not consider that they have acted unreasonably in respect of these applications.

10. Equality, Diversity and Human Rights Implications

10.1 None directly arising from this report.

11. Community Safety Implications

11.1 None directly arising from this report

12. Health and Safety Implications

12.1 None directly arising from this report

13. Risk Management Implications

13.1 None directly arising from this report

AMENDMENT SHEET

Planning Committee
3 October 2013

AMENDMENTS OF CONDITIONS AND REPRESENTATIONS RECEIVED

7.1 122134 – Land adj. North and south of Grange Road, Tiptree

Clarifications:

Section 106 issues (paragraphs 15.15 to 15.18)

The issue of the proposed expenditure of section 106 monies on open space, sport and recreational facilities requires further clarification.

The provision of a new pavilion at Warriors Rest is considered a Corporate priority for Colchester Borough Council and our Parks and Recreation Manager has stated:

“The contribution being made available for Warriors Rest improvements will in my opinion be of strategic significance and will provide improved facilities for local residents. As the contribution meets a local need and previous attempts to gain opinion from Ward Councillors has not been forthcoming, my opinion remains that this contribution will benefit residents of Tiptree and the wider community.”

“From a service delivery perspective I confirm that S106 open space sport and recreational facilities funding from the Grange Road would deliver improvement of existing dilapidated facilities which would benefit local residents who wish to participate in the recreational facilities provided at the Warriors Rest site. I make these comments on the understanding that there is no bar on any resident making use of facilities at Warriors Rest.

Early discussions with JobServe when drawing up the lease for Warriors Rest with JobServe Sports and Social Club (JSSSC) identified an aspiration of JSSSC to refurbish the buildings which were in a state of disrepair. There is no obligation on the Tenant to improve the facilities beyond the condition identified in the Schedule of Condition and therefore the S106 funding derived from the Grange Road development provides an opportunity for improvements to be delivered.”

In terms of how the decision on expenditure is made, our Parks and Recreation Manager has stated the following:

“The approach to expenditure of S106 open space sport and recreational facilities contributions is to seek Ward Member approval on the use of money that is not allocated for specific works and to seek Portfolio Holder approval for contributions allocated for Borough projects.

If Planning Committee confirms a specific use of the S106 contribution I would progress the use of that funding accordingly without further Ward Member or PHF consultation.”

“Neither the 35% nor the 65% contributions are at my gift to allocate but I offer advice on how I feel the contributions will benefit the community. It will be for the Planning Committee to consider the application and to stipulate how the S106 funding is to be used and whether a 35/65 split is required in the absence of any alternative projects being put forward by Ward Members.”

Tiptree Parish Council, in an email of 2nd July 2013, declared that it was unanimously against the proposal (for monies to go to Warrior’s Rest).

Cllr Richard Martin has made his position clear on this matter, stating on 14th May 2013 that he was “still against the use of s.106 funds for this purpose.”

Councillor John Elliott has stated in an email of 27th June 2013: “We are insisting that all 106 money is spent in Tiptree but is spent on facilities that all members of the public have access to and not on private enterprises. I can confirm that all Tiptree Borough Councillors are in agreement with this.”

To answer concerns about accessibility of use, a formal Community Use Agreement between JobServe Sport & Social Club and the Borough Council would secure community access arrangements to the proposed sports pavilion building between the leaseholders and the community.

Amendments

Recommendation (paragraph 17.1)

In light of the above, and whilst acknowledging the comments made by Parish and Councillors, the fifth point in this section is therefore re-worded thus:

- POS - contribution of £211,628 towards upgrading of the pavilion and other facilities at Warrior's Rest (not including the Multi-Use Games Area) subject to a community use agreement for accessibility and use.
- A community use agreement also to be applied to the allotments and other areas of open space associated with the development.

Additional Information

The applicants have asked for it to be made known that the total cost of Highways works is estimated at £772,419.46. This includes infrastructure works which are necessary to make the scheme possible as well as Highway improvements works such as footpaths etc. which equate to approximately £200,000. This is for information only and was already included in the financial appraisal.

Corrections

Condition 10 is superfluous as it is already covered by the closing sentence in condition 7. This condition is to be removed.

For the recommendation at paragraph 17.1 the second point should read:

- £6,600 for provision and maintenance of two litter and two dog bins.

7.3 131471 – AGM House, London Road, Copford

An amended site plan has been received.

7.8 131676 – 9 Little Foxburrows, Colchester

Additional objection comment to previous objection by Cllr Hazell:

“Regarding the end wall that would become part of the boundary belonging to the resident of No: 22 Abbey Field View: As I understand it, the fences of these properties are the responsibility of each owner. It is one thing to share responsibility of fencing maintenance - quite another to be expected to share the responsibility for the maintenance of a brick wall that belongs to another person's property.”

The agent has since agreed that as 'without prejudice or any admission of ownership' part of the proposal the fence panels between the piers to the rear boundary would be retained and the proposed conversion cavity wall would be constructed directly behind them. For the purpose of this, revised plans have been submitted indicating the retention of the existing wooden panels (Plan reference: SAM/SM/RESUB/04/REV 'A' and SAM/SM/RESUB/05/REV 'A').



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.

The Town and Country Planning (Use Classes) Order 1987 (as amended)

Class A1. Shops

Use for all or any of the following purposes—

- (a) for the retail sale of goods other than hot food,
- (b) as a post office,
- (c) for the sale of tickets or as a travel agency,
- (d) for the sale of sandwiches or other cold food for consumption off the premises,
- (e) for hairdressing,
- (f) for the direction of funerals,
- (g) for the display of goods for sale,
- (h) for the hiring out of domestic or personal goods or articles,
- (i) for the washing or cleaning of clothes or fabrics on the premises,
- (j) for the reception of goods to be washed, cleaned or repaired,
- (k) as an internet café; where the primary purpose of the premises is to provide facilities for enabling members of the public to access the internet where the sale, display or service is to visiting members of the public.

Class A2. Financial and professional services

Use for the provision of —

- (a) financial services, or
- (b) professional services (other than health or medical services), or
- (c) any other services (including use as a betting office)

which it is appropriate to provide in a shopping area, where the services are provided principally to visiting members of the public.

Class A3. Restaurants and cafes

Use for the sale of food and drink for consumption on the premises.

Class A4. Drinking establishments

Use as a public house, wine-bar or other drinking establishment

Class A5. Hot food takeaways

Use for the sale of hot food for consumption off the premises.

Class B1. Business

Use for all or any of the following purposes—

- (a) as an office other than a use within class A2 (financial and professional services),
- (b) for research and development of products or processes, or
- (c) for any industrial process,

being a use which can be carried out in any residential area without detriment to the amenity of that area by reason of noise, vibration, smell, fumes, smoke, soot, ash, dust or grit.

Class B2. General industrial

Use for the carrying on of an industrial process other than one falling within class B1 above

Class B8. Storage or distribution

Use for storage or as a distribution centre.

Class C1. Hotels

Use as a hotel or as a boarding or guest house where, in each case, no significant element of care is provided.

Class C2. Residential institutions

Use for the provision of residential accommodation and care to people in need of care (other than a use within class C3 (dwelling houses)).

Use as a hospital or nursing home.

Use as a residential school, college or training centre.

Class C2A. Secure residential institutions

Use for the provision of secure residential accommodation, including use as a prison, young offenders institution, detention centre, secure training centre, custody centre, short-term holding centre, secure hospital, secure local authority accommodation or use as military barracks.

Class C3. Dwellinghouses

Use as a dwellinghouse (whether or not as a sole or main residence) by—

(a) a single person or by people to be regarded as forming a single household;

(b) not more than six residents living together as a single household where care is provided for residents; or

(c) not more than six residents living together as a single household where no care is provided to residents (other than a use within Class C4).

Class C4. Houses in multiple occupation

Use of a dwellinghouse by not more than six residents as a “house in multiple occupation”.

Class D1. Non-residential institutions

Any use not including a residential use —

(a) for the provision of any medical or health services except the use of premises attached to the residence of the consultant or practitioner,

(b) as a crèche, day nursery or day centre,

(c) for the provision of education,

(d) for the display of works of art (otherwise than for sale or hire),

(e) as a museum,

(f) as a public library or public reading room,

(g) as a public hall or exhibition hall,

(h) for, or in connection with, public worship or religious instruction, (i) as a law court.

Class D2. Assembly and leisure

Use as —

(a) a cinema,

(b) a concert hall, (c) a bingo hall or casino,

(d) a dance hall,

(e) a swimming bath, skating rink, gymnasium or area for other indoor or outdoor sports or recreations, not involving motorised vehicles or firearms.

Sui Generis Uses

Examples of sui generis uses include (but are not exclusive to):

theatres, amusement arcades or centres, funfairs, launderettes, sale of fuel for motor vehicles, sale or display for sale of motor vehicles, taxi businesses or a business for the hire of motor vehicles, a scrapyards or the breaking of motor vehicles, hostels, retail warehouse clubs (where goods are sold, or displayed for sale, only to persons who are members of that club), night-clubs, or casinos.

Interpretation of Class C3

For the purposes of Class C3(a) “single household” shall be construed in accordance with section 258 of the Housing Act 2004.

Interpretation of Class C4

For the purposes of Class C4 a “house in multiple occupation” does not include a converted block of flats to which section 257 of the Housing Act 2004 applies but otherwise has the same meaning as in section 254 of the Housing Act 2004.