

Planning Committee

Town Hall, Colchester
9 September 2010 at 6.00pm

This committee deals with

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

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

Information for Members of the Public

Access to information and meetings

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

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The Council values contributions from members of the public. Under the Council's Have Your Say! policy you can ask questions or express a view to meetings, with the exception of Standards Committee meetings. If you wish to speak at a meeting or wish to find out more, please pick up the leaflet called "Have Your Say" at Council offices and at www.colchester.gov.uk

Private Sessions

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

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Material Planning Considerations

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

- planning policy such as local and structure plans, other local planning policies, government guidance, case law, previous decisions of the Council
- design, appearance and layout
- impact on visual or residential amenity including potential loss of daylight or sunlight or overshadowing, loss of privacy, noise disturbance, smell or nuisance
- impact on trees, listed buildings or a conservation area
- highway safety and traffic
- health and safety
- crime and fear of crime
- economic impact – job creation, employment market and prosperity

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

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

Human Rights Implications

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

Community Safety Implications

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

Equality and Diversity Implications

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

**COLCHESTER BOROUGH COUNCIL
PLANNING COMMITTEE
9 September 2010 at 6:00pm**

Members

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

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

Agenda - Part A

(open to the public including the media)

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

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

Pages

1. Welcome and Announcements

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

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

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

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

2. Have Your Say!

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

3. Substitutions

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

4. Urgent Items

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

5. Declarations of Interest

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

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

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

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

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

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

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

public interest.

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

6. Minutes

1 - 9

To confirm as a correct record the minutes of the meeting held on 26 August 2010.

7. Planning Applications

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

1. 101253 The Oaks Hospital, Oaks Place, Colchester, CO4 5XR
(Mile End) **10 - 20**

Proposed single storey extensions for consultants suite.
Replacement physiotherapy department, and corridor link in courtyard and 7 no. additional car parking spaces and other minor works.
2. 091559 Former Cooks Shipyard, Phase 3 Walter Radcliffe Way,
Wivenhoe **21 - 37**
(Wivenhoe Quay)

Erection of 32 no. dwellings, 11 no. office units (within Class A2 - Financial and Professional Services and Class B1 - Business), garages, off street parking, roads and footpaths, public open space, foul and surface water drainage and hard and soft landscaping.
3. 101311 88 and 90 Mersea Road, Colchester, CO2 7RH **38 - 45**
(Berechurch)

Two semi-detached houses (resubmission of 100446).

PLEASE NOTE: This application has been withdrawn from consideration at this meeting by the Head of Environmental and Protective Services.
4. 101542 Plot 300 Severalls Business Park, Colchester **46 - 49**
(Highwoods)

Erection of a single storey sub station.
5. 101283 36 Marlowe Way, Colchester, CO3 4JP **50 - 54**
(Lexden)

Two storey side extension and single storey side extension.

PLEASE NOTE: This application has been withdrawn from consideration at this meeting by the Head of Environmental and Protective Services.

6. 101405 25 High Street, Dedham, CO7 6DE **55 - 59**
(Dedham and Langham)

Change of use from A1 Retail (Gift Shop) to A2 Professional Service (Estate Agent) and the erection of a hanging sign onto a listed building.

7. 101408 25 High Street, Dedham, CO7 6DE **60 - 65**
(Dedham and Langham)

Listed Building Consent for Change of Use from A1 Retail (Gift Shop) to A2 Professional Service (Estate Agent) and the erection of a hanging sign onto a listed building.

8. Exclusion of the Public

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

PLANNING COMMITTEE

26 AUGUST 2010

- Present :-* Councillor Ray Gamble* (Chairman)
Councillor Helen Chuah* (Deputy Mayor)
Councillors Peter Chillingworth*, Andrew Ellis*,
Stephen Ford*, Theresa Higgins*, Jon Manning*,
Philip Oxford*, Ann Quarrie and Laura Sykes*
- Substitute Members :-* Councillor Richard Martin for Councillor John Elliott*
Councillor Barrie Cook for Councillor Ray Gamble*
Councillor Wyn Foster for Councillor Jackie Maclean
- Also in Attendance :-* Councillor Kevin Bentley
Councillor Bill Frame
Councillor Martin Goss
Councillor Mike Hardy
Councillor Pauline Hazell
Councillor Sonia Lewis
Councillor Sue Lissimore

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

70. Minutes

The minutes of the meeting held on 12 August 2010 were confirmed as a correct record.

71. 101378 30 St Clare Road, Colchester, CO3 3SZ

The Committee considered an application for the temporary use of a new garage to make it habitable for the duration of the development permitted by planning application 090785. The Committee had before it a report in which all information was set out.

Sue Jackson, Principal Planning Officer, attended to assist the Committee in its deliberations. She acknowledged the neighbour's concerns which were understandable. She reported an amendment to Condition 1 to include all temporary doorways and internal fittings and fixtures to be removed and the building restored to its original floor plan and elevation treatment. Condition 2 to be amended to clarify that the only change to the external appearance of the garage is the front and rear doorways as described in this application as shown on the drawing received on 25 August 2010.

Councillor Hardy attended and, with the consent of the Chairman, addressed the Committee. He referred to the possibility of policy UEA21, Areas of Special Character, being compromised. The policy provided protection for the trees, open spaces and other aspects of the environment in the area, and enabled any development leading to a loss of that character to be refused. He also referred to a restrictive covenant dated 1924 which required the protection of the area. If this was an application for a dwelling

on this site it would be refused under delegated powers, but this is an application for the conversion of a garage and when the use ceases the shell and utilities for a dwelling would remain. He agreed that this was a better solution for the area but he also believed it left the council vulnerable. He considered the mobile home gave the best protection for the area and avoided any compromise.

Members of the Committee acknowledged the concerns but the development was in a Special Character Area and was a substantial development. It was probably in the best interests of all concerned that there was residential occupancy on the site because that provided a more suitable accommodation which was protected by condition. If it was intended to remain as a dwelling after completion of the development a further planning application would be required.

The planning officer suggested an additional condition to specify that once the residential use had ceased it should be used only as a garage and should be retained as such and not converted to any other incidental residential use.

RESOLVED (UNANIMOUSLY) that the application be approved for two years temporary use expiring on 31 August 2012 with conditions and informatives as set out in the report together with the following amendments to Conditions 1 and 2 and an additional condition:-

Condition 1 – after “all temporary doorways” add “and all internal partitions and fittings” and after “elevational treatment” and “and internal floor plan”.

Condition 2 – after “application documents” delete rest of condition but add “as shown on the layout drawing received on 25 August 2010”.

Additional Condition – to require the garage, once the residential use ceases, to be used only for garage purposes and to be retained as such and not converted to any other incidental residential use.

72. 091245 Bellwood, Colchester Road, Great Wigborough, CM9 8HG

The Committee considered an application for a proposed conservation woodland and meadow with support facilities comprising a tractor/grass cutter storage shed with internal toilet area and an implement store. The Committee had before it a report in which all information was set out, see also Amendment Sheet.

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

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

Councillor Bentley attended and, with the consent of the Chairman, addressed the Committee. It had taken eight months for the applicant to provide an explanation about planting the woodland and a justification for the buildings. The explanation regarding

the woodland should have included a timetable for planting, establishing and maintenance. He considered the buildings were excessively large and there was still no explanation about the need for a toilet and washroom given the size of the field. The site was part of the Coastal Protection Belt and should be retained as open countryside. He did not consider that all the information requested had been provided and asked the Committee to refuse the application or defer the matter for the submission of the required information.

It was explained that the applicant's responses to the request for information had been reported as submitted and that the applicant had been in discussions with the borough and parish councils. This matter was extremely complicated with a complexity of associated planning issues and enforcement issues. It was also explained that compared to modern farm buildings these structures were quite modest. The principal concern was the 12metre building in the Coastal Protection Belt which states that only in exceptional circumstances are buildings permitted.

Members of the Committee remained concerned about the site being in a Coastal Protection Belt. They believed that other agencies would be able to plant up to 2,500 trees in days and the Committee struggled to believe it would take two years. There did not seem to be any justification for the toilet, and on the grounds that there would be very little required in the way of large implements one building should be sufficient. They acknowledged that once planted, the trees would require monitoring and failed trees would need replacing, but it would mainly be a question of waiting for the trees to grow. They believed some of the tree species proposed were not suited to the soil conditions nor to the proximity to the coast and they asked for an independent assessment of the proposals by the Council's tree officer.

RESOLVED (UNANIMOUSLY) that –

- (a) Consideration of the application be deferred for consultation with the Landscape Officer and other Council specialists as appropriate to assess the information submitted in respect of the managed woodland aspect of the application. To consider in particular whether the tree species are appropriate for the soil conditions and proximity to the coast; whether the buildings proposed are justified; the work requirements and timescale, including monitoring and management; and the siting of the buildings.
- (b) Upon the receipt of the response to the consultations, the matter to be referred back to the Committee for a decision.

73. 101267 6 Braiswick, Colchester, CO4 5AX

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

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

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

Gavin Holt addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in opposition to the application. He was concerned that if a section of the hedge had to be removed to resolve an ongoing subsidence problem the visual impact would be increased. He referred to the start date of the 28 day period and wanted to know what would happen if deadlines were missed. In regard to the provision of parking spaces he hoped that the Committee would seek the views of the Highway Authority who did not appear to have been consulted on this application. The report stated that the applicant had erected a building which, under planning rules would not have been permitted as it was so close to the tree. It appeared that the applicant was determined to develop the site and he was concerned that it would indicate to other developers that they too could ignore the planning procedures.

Steve Harbrow addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in support of the application. He apologised for not submitting a planning application; he and his professional advisors had not realised that permitted development rights had been withdrawn from the site. Building Control inspectors had viewed the building and advised that it would come within permitted development rights if they were retained on the site. He was aware of the situation regarding the structural damage and believed that the best solution was to removal of the hedge to prevent further damage. Nothing had changed in respect of the parking provision and it was still possible to enter and leave the site in a forward gear. The building would be used for domestic storage.

Councillor Goss attended and, with the consent of the Chairman, addressed the Committee. The area comprised a mix of housing types with a settled community. He questioned the motives for the building. He considered it was a massive over development of the site; the building was monstrous and showed disregard and disrespect for the planning process which should not be tolerated. The parking provision was extremely tight and he believed it would result in cars being reversed out into the road. He considered the site was untidy and was concerned that the weatherboarding may not be maintained properly in keeping with the area; he asked for a condition in this regard. He referred to gas and electricity being provided in the shed and questioned the purpose of the shed.

It was explained that the removal of the hedge was related to an insurance claim for subsidence, but if the hedge was removed the owners could erect a boundary fence up to two metres. The conditions would take effect within 28 days of the date of the planning notice and thereafter the applicant would be in breach of the conditions if not complied with. The tree was not protected and could be felled, but if the application had been submitted in the usual way the council may have sought to reposition the building away from the tree. Reference was also made to the proposed conditions securing satisfactory treatment of the tree and an additional condition could be added to require a replacement tree if it died within five years. In response to the Committee's query it was explained that in principle there was no objection to the erection of a building in the rear garden and the application would be assessed on the

basis of whether it complied with the local plan policies, the Essex Design Guide and the usual impacts on neighbouring properties. In this instance it did not infringe the amenity of adjacent buildings and if the correct process had been followed it would still be acceptable as a storage building.

Members of the Committee considered the site visit and visits to the neighbours' gardens to have been very useful and some reservations had been removed as a result, particularly those regarding the impact on neighbours' amenity. The neighbours' concerns regarding the view from their properties was understood but so was the fact that a view was not a planning consideration. Referring to the appearance of the building, a weatherboarding cladding in a dark colour was preferred, for example black, brown or green was considered to be essential and the existing white plastic should also be replaced with something less stark. In response to a query regarding the Committee's preference for all three flats to have the use of the storage building, it was explained that it would be necessary to consult the applicant and come back to the Committee if it was only for the use of one flat.

RESOLVED (UNANIMOUSLY) that –

(a) Consideration of the application be deferred for confirmation from the applicant that the storage building will be available for the use of occupants of all three flats.

(b) Upon receipt of confirmation that the storage building will be available for the use of occupants of all three flats, the application be approved with conditions and informatives as set out in the report and including the following amendments:-

Condition 1 be amended to include reference to all three flats.

Condition 6 to be amended so that in the event of any tree dying or being removed as a consequence of the approved development within 5 years from the date of the planning permission, it shall be replaced in accordance with details submitted to, and in agreement in writing with, the Local Planning Authority.

(c) In the event that the storage building will be available only for the use of occupants of only one of the flats, the application to be referred back to the Committee for a decision.

74. 091539 Land to rear of 185 Shrub End Road, Colchester, CO3 4RG

The Committee considered an application for a change of use of a log cabin from ancillary residential use to a training room in connection with the child care nursery. The Committee had before it a report in which all information was set out, see also Amendment Sheet.

Alistair Day, Principal Planning Officer, attended to assist the Committee in its deliberations. He explained that at the previous meeting amongst other issues, the Committee had sought guidance in respect of various issues and the applicant had sought to address these in the letter appended to the committee report. The

recommendation was for a temporary approval in order that the use could be monitored for any disturbance to nearby residents.

Dr Atul Shah addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in opposition to the application. He lived and worked immediately adjacent to the application site and would be directly affected by any noise and disturbance. He had suggested to the applicant that her residential property be used for the training but the applicant did not consider the suggestion to be commercially viable. In respect of the written evidence provided by the applicant in response to the Committee's earlier request for further information about the training activity to be verified by an independent party. In the event that the Committee were minded to approve the application he sought reassurance that he would not be required to monitor the activity and that measures would be taken to curtail excessive noise or any unauthorised activities.

Catherine House addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in support of the application. She spoke about the work of the nursery over the last 25 years and their contribution in respect of enabling students to gain practical qualifications; this facility would enhance their training facilities. She gave a reassurance that the cabin would only be used between the hours of Monday to Friday from 9am to 5pm and any profit from the training would be used to subsidise childcare fees. She was willing to operate with the temporary permission and would work with neighbours to overcome any difficulties that may arise from the activity. The officer report had concluded that the use was unlikely to cause undue disturbance and that there was no planning reason for a refusal.

Councillor Lissimore attended and, with the consent of the Chairman, addressed the Committee. This issue had been ongoing for many years and with some resentment from residents remaining from the construction of the log cabin. It was acknowledged that there were a number of business premises in the road but residents from other streets should not have to tolerate unacceptable nuisance. She referred to the comments made by the Council's Environmental Control team who considered that 20 pupils may create too much noise and if windows were open it would impact on the surrounding area. She was also concerned about the behaviour of pupils in the outside areas during break times and about the building itself being used for this purpose. Information that the building was fit for purpose had still not been received. She wanted the application to be refused, but if it was to be approved she wanted the permission to be temporary, the door closest to the neighbour to be used only for emergencies, the hours of use to be 9am to 5pm and the use to be limited to a maximum of 15 people. She was pleased that Springlands was a successful business but did not want it to be at the detriment of local residents.

It was explained that the building has been accepted as currently forming part of a residential curtilage and as such was a structure that could be erected under permitted development rights without needing planning permission. Members of the Committee should consider whether the change of use would have a detrimental impact on the surrounding area and a one year temporary permission had been suggested by Environmental Control to enable any such impact to be quantified. However, it would be incumbent upon neighbouring residents to make the Council aware of any noise

issues by keeping a formal log. The issue of whether the building was fit for purpose was not a planning issue and the applicant would need to consult Health and Safety Regulations or other appropriate bodies in this matter.

Members of the Committee supported the amended and additional conditions to achieve the revised hours, the use of the rear door for emergency purposes only, and with the suggestion that Council officers make unannounced visits to take noise readings they were satisfied that the neighbour's concerns had been addressed regarding the premises and their operation and the temporary period would enable the operation to be monitored.

RESOLVED (MAJORITY voted FOR) that the application be approved with conditions and informatives as set out in the report with Condition 2 being amended to read 9.00am to 5.00pm, and an additional condition restricting the door in the rear elevation to emergency use only.

Councillor Andrew Ellis (in respect of the applicant being well known to him) declared a personal interest in the following item which is also a prejudicial interest pursuant to the provisions of Meetings General Procedure Rule 7(10) and he left the meeting during its consideration and determination.

75. Enforcement Action // Pantile Farm, Peldon Road, Abberton, CO5 7PD

The Head of Environmental and Protective Services submitted a report on enforcement action which had been taken under delegated authority. The Committee had before it a report in which all information was set out, see also Amendment Sheet.

Sue Jackson, Principal Planning Officer, attended to assist the Committee in its deliberations. She referred to the Amendment Sheet which reported the progress made on the site since the report had been published. The enforcement team has had further discussions with the owner who has employed legal advice. The owner has agreed that the open storage on the site has taken place and on that basis he has agreed to submit a planning application for the unauthorised building and a second application in respect of the unauthorised storage, both to be submitted within two months. If they are not received within that time, or received within the period but refused, enforcement action will proceed as authorised on 17 June 2010.

Members of the Committee were content with the proposals offered by the owner which they considered was a much improved solution and regularised the uses on the site.

RESOLVED (MAJORITY voted FOR) that –

(a) The service of an enforcement notice as authorised at the Committee's meeting on 17 June 2010, see minute no. 27, be deferred to allow a period of two months for the submission of planning applications to regularise some of the unauthorised structures/uses within the site.

(b) If the planning applications are not received within two months, or if the planning applications are received within two months and refused, the Head of Environmental and Protective Services to take any enforcement action required and authorised on 17 June 2010 in line with the legal advice obtained.

76. Endorsement of Section 106 Agreement // Garrison Urban Village Development (O/COL/01/0009)

The Head of Environmental and Protective Services submitted a report seeking authorisation to issue planning approval notices for the conversion and alteration of retained Garrison buildings with a Section 106 agreement that links the said applications to the main Garrison legal agreement where the decision would otherwise be delegated, that is no objection is raised and/or there is not a requirement for additional Section 106 obligations. The Committee had before it a report in which all information was set out.

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

RESOLVED (UNANIMOUSLY) that the Head of Environmental and Protective Services be authorised to issue planning approval notices for the conversion and alteration of retained Garrison buildings with a Section 106 agreement that links such applications to the main Garrison legal agreement.

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

The Head of Environmental and Protective Services submitted a report seeking authorisation for a variation to the legal agreement accompanying application 082124 which achieves a reduction in the open space, sport and recreational facilities commuted sum associated with the above proposal from £138,154 to £59,234.80. It had been confirmed that this represented the correct sum for landscape maintenance having regard to the character and layout of the open space provision at the site. The Committee had before it a report in which all information was set out.

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

David Madden addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in support of the application. He explained that the original financial contribution towards the maintenance of open space was based on a predominantly urban area, but following discussions it had been confirmed that the scheme to be delivered would have a rural character which was more appropriate as the site was some way from the town centre. A rural scheme has a reduced maintenance requirement and this was the correct contribution for the scheme to be

provided.

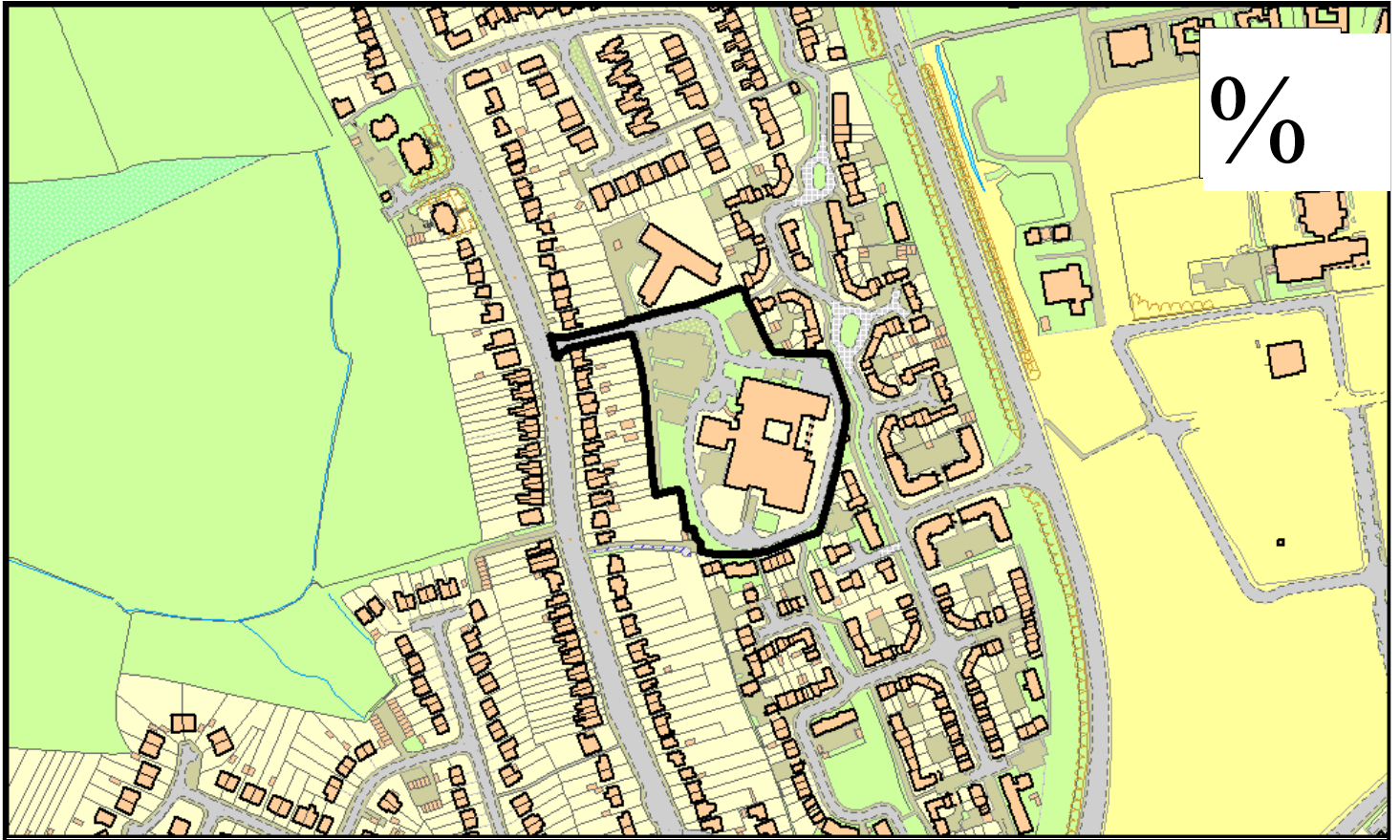
Councillor Frame attended and, with the consent of the Chairman, addressed the Committee. He referred to the original Section 106 Agreement which contained £60,000 provision for a wildflower grass which seemed to have disappeared. This open space provision appeared to have changed character from urban to rural without anyone being notified. He considered that the developer appeared to be threatening the council by suggesting they may not go ahead with the development if the council insisted that they pay the larger sum. It may send a message to other developers that the council will accept a lower figure if threatened.

The planning officer explained that it was not a question of the developer trying to get out of his responsibilities; all other elements of the Section 106 Agreement remained in place. The Parks and Recreation Team apply a scale of contributions depending on the work required and in this case it is an area devoted to meadowland which may be cut once or twice a year which will support the ecology of the area and encourage wild flowers. It is not a reduction but an appropriate contribution for this type of open space and if members insist on the larger amount it is likely that the applicant may not proceed with the development.

Vincent Pearce, Planning Service Manager, added that the Council has been recognised nationally for best practice in monitoring all Section 106 Agreements and have trained a significant number of other councils. The Council is scrupulous in ensuring it can not be challenged by virtue of acting unreasonably and it operates a strict regime on behalf of the community.

Members of the Committee supported the reduction because in their opinion it was an administrative correction.

RESOLVED (UNANIMOUSLY) that the Head of Environmental and Protective Services be authorised to vary the legal agreement as set out in the report.



Application No: 101253

Location: Oaks Hospital, The Oaks Hospital, Oaks Place, Colchester, CO4 5XR

Scale (approx): 1:1250

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Committee Report

Agenda item

7

To the meeting of **Planning Committee**
on: **9 September 2010**
Report of: **Head of Environmental and Protective Services**
Title: **Planning Applications**

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

7.1 Case Officer: Sue Jackson

EXPIRY DATE: 20/09/2010

MAJOR

Site: The Oaks Hospital, Oaks Place, Colchester, CO4 5XR

Application No: 101253

Date Received: 21 June 2010

Agent: Hall Needham Associates Llp

Applicant: Ramsay Health Care Uk Ltd

Development: Proposed single storey extensions for consultants suite. Replacement physiotherapy department, and corridor link in courtyard and 7 no additional car parking spaces and other minor works.

Ward: Mile End

Summary of Recommendation: Conditional Approval

1.0 Planning Report Introduction

1.1 This application is referred to the Planning Committee as a letter has been received from a resident. Councillor Goss has also written on behalf of neighbours and the Parish Council has commented on the proposal.

2.0 Synopsis

2.1 The following report describes the proposal and sets out consultations and neighbour representations. It explains the main issues raised by the development and responds to the objections raised. Finally permission is recommended subject to conditions.

3.0 Site Description

3.1 Oaks Hospital occupies a site of 1.41 hectares. It is accessed via Oaks Place off Mile End Road. The site extends behind the rear gardens of houses in Mile End Road and has boundaries with more recent residential properties in Hutley Drive and Hakewill Way.

3.2 The site contains a substantial building, part 2-storey and part single storey. An internal access road surrounds the building and there are parking and landscaped areas between the access road and site boundaries. The exception to this is part of the Hakewill Way boundary where the building is close to the road.

4.0 Description of Proposal

4.1 The application involves extensions to the building, the re-alignment of part of the internal road and additional parking spaces, new plant and the loss of some planting.

4.2 The extensions involve the following:-

1. A single storey extension to the consultants' suite.

This will be located adjacent to the existing suite. The extension will comprise of a single storey building with a pyramid roof form replicating the roof form on the adjacent building. This element faces the rear garden of houses in Mile End Road but is separated from it by the visitors' car park.

The extension will encroach onto the consultants' car park which will be relocated.

2. A single storey extension for a replacement physiotherapy department.

This extension will fit into an existing open recess of the main building. (The applicant explains this recess was intentionally left with a view to extending it at some time) and will join existing corridor links. Whilst this extension includes some element of flat roof they will be hidden from public view.

3. Single storey corridor link in the courtyard.

This extension will project approximately 2 metres. In addition the application includes alterations at the main entrance and internal alterations.

4.3 The extension to the consultants' suite and physiotherapy extension will result in the loss of parking spaces. The consultants' parking will be relocated on an adjacent planted area. At this point a bend in the internal road will be slightly re-aligned bringing it closer to the long rear garden in Mile End Road by a maximum of 4 metres.

- 4.4 The spaces lost by the physiotherapy extension will be replaced together with 7 extra staff spaces. The new parking areas involve extending existing parking areas and the loss of some planted areas in the north east corner of the site near to 50 Hakewill Way.
- 4.5 In addition a further 17 spaces will be provided for visitors between the consultants' extension and the rear boundary. (These spaces have already been constructed).

5.0 Land Use Allocation

- 5.1 Predominantly residential

6.0 Relevant Planning History

- 6.1 91/0098 - Outline application for erection of 70 bed-hospital, OPD Diagnostic and Theatre Departments, Access Drive, 140 space car park and landscaping - planning permission granted 1991.
- 6.2 91/0098/A - Reserved Matters approval for Phase I - a 57 bed hospital and 140 space car park - Approved 1993
- 6.3 Since 1993 there have been several applications approved for additional facilities including an extension to the physiotherapy unit (2008) and a fertility clinic (2000).
- 6.4 072799 - Single storey extension to consultants department – Refused in 2008 due to the lack of information regarding parking matters and impact on a public footpath. (This application was in fact a renewal of an application originally approved in 1997 and renewed in 2002 and is referred to in the applicant's submission).
- 6.5 T/COL/95/1560 - Temporary planning permission for 2 portacabins - Expired 2008

7.0 Principal Policies

- 7.1 In addition to national and regional policies, the following policies from the adopted Colchester Borough Review Local Plan (March 2004) are relevant to the consideration of this application:-
DC1 - Development Control considerations
UEA11 - Design
UEA12 - Backland development
UEA13 - Development, including extensions, adjoining existing or proposed residential property.
- 7.2 In addition, the following policies from the adopted Colchester Borough Core Strategy (December 2008) are relevant:-
SD1 - Sustainable development locations
SD2 - Delivery facilities and infrastructure
SD3 - Community facilities
UR2 - Built design and character
TA1 - Accessibility and changing travel behaviour

8.0 Consultations

- 8.1 The Highway Authority raises no objection.
- 8.2 Environmental Control has no objection subject to conditions.

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

9.0 Parish Council's Views

- 9.1 The Parish Council responds as follows:-

“Myland Parish Council has no problems with the proposed buildings, however, there is concern regarding car parking and noise disturbance, both current and future. Inconsiderate parking occurs along the access road at the rear of the neighbouring properties on Mile End Road. Despite the existence of raised kerbs/grassy areas Mile End Road residents often experience problems accessing the rear of their properties. The additional parking (from an earlier planning permission) which is to be created if this application is granted is likely to make matters worse. Double yellow lines along both sides of the entire access road behind the Mile End Road properties would, hopefully, alleviate this problem, in conjunction with white lines across residents rear entrances and a clear sign saying ‘Strictly no parking along Access Road.’

Residents around the hospital report that there is, already, a lot of noise that emanates from the hospital at all hours of early morning to late at night (van/lorry deliveries and bin emptying) – installing fencing and additional tree/hedge planting would alleviate this problem for the nearby residents.”

- 9.2 The Parish Council recommend several conditions to prevent unacceptable noise from plant and machinery measures to eliminate dust and fumes, restrict traffic movement during peak traffic periods to prevent obstruction of footpaths/cycleways, no construction work during unsocial hours, no burning or bonfires, no mud on footpaths or roads and all construction vehicles etc to park on site.

The full text of the suggested conditions is available on the Council's website.

10.0 Representations

10.1 Councillor Goss commented as follows:-

"Residents have raised concerns about the proposed extension of the Oaks Hospital. They are concerned about noise, light pollution and an increase in noise from more traffic using the hospital.

These residents in particular come from the Northern Approaches development which backs onto the hospital. The hospital has always been a good neighbour, chopping back overhanging trees and carrying out work when requested.

The fence surrounding the hospital which backs onto Hakewill Way and Hutley Drive is of an open wooden standard. My suggestion would be in order to mitigate against the risk of increased noise pollution and lighting that a solid six foot noise attenuation fence is put around the hospital with some denser tree and bush planting in places.

Can you add this as a condition should this extension receive approval please?"

10.2 One letter of objection has been received:-

"Whilst I welcome the provision of additional healthcare services that may benefit NHS patients, I would like to point out that this is an extremely busy site already. Our property on Hakewill Way is near to the east border of the site and is separated by fencing that does not block out either any sounds or unsightly views.

I do not wish to object to this application, but would expect trees and shrubs planted on the border, alongside the fence running along Hakewill Way within the boundary of the hospital, to try and limit the impact of noise and make it a little more pleasing to the eye."

11.0 Parking Provision

11.1 The site currently has 42 staff spaces, 66 visitor spaces, 3 spaces for disabled visitors and 12 spaces for consultants.

11.2 The proposal involves increasing staff parking to 49 and visitor spaces to 83 (by constructing 17 spaces granted permission in 2003 but not implemented, re-locating the 12 consultant spaces and retaining the 3 spaces for disabled visitors. (Note: The 17 spaces have now been constructed).

11.3 The vehicle parking standard for hospitals is considered on a case by case basis. The cycle parking standard is 1 space per 4 staff with visitor cycle parking to be considered on a case by case basis. The standard for powered two wheelers is 1 space plus 1 per 20 cars spaces (for the first 100 car spaces), then 1 space per 30 car spaces over 100 spaces. The parking standard for disabled spaces is dependent on the actual development, on individual merit, although it is expected to be significantly higher than business or recreational development requirement.

11.4 Information submitted with the application indicates there are 85 full time staff and 53 part time staff. However, they are not all on the site at the same time.

11.5 The application includes no information regarding existing/proposed cycle and powered motor vehicle parking and the applicant has been asked to submit this for the Committee meeting.

- 11.6 However, a Travel Plan has been submitted. The full text is available on the Council's website explaining the measures taken to, in addition to other matters, reduce the number of staff who commute alone by car, and to increase the number of staff who use alternative modes of transport.
- 11.7 The application has been considered by the Development Team. The discussion related to green travel issues and real time bus information has been requested which will be secured by condition.
- 11.8 The vehicle parking provision is considered acceptable - it has not been raised as an issue by either residents or the Parish Council. The concern raised by the Parish Council appear to relate to inconsiderate parking not lack of parking.

12.0 Report

- 12.1 It is considered the main issues are the appearance of the extension, the impact of the development on both the site and residents' amenity and parking. (This is dealt with in the parking section above).

Design Issues

- 12.2 The most significant element is the extension to the consultants suite which is designed to match the existing suite. It comprises a single storey square element with a hipped roof. This design approach is considered appropriate and all the details are acceptable.
- 12.3 The other extensions/alterations are modest and are mainly infill within the fabric of the main building and are all acceptable.

Impact on the Site

- 12.4 Whilst the appearance of the extensions are acceptable they will encroach onto existing parking areas resulting in the re-location of and additional parking provision. The parking spaces will be provided in areas currently laid to grass some with shrubs and trees.
- 12.5 Whilst the site has hedge planting along some site boundaries the landscaped areas within the site are limited and the parking areas will further reduce this.
- 12.6 However, the site is not generally visible from the public domain, except from two public footpaths. The extension and additional parking already have planning permission so the principle of reducing the landscaped areas has already been accepted.
- 12.7 There are some areas adjacent to site boundaries which would benefit from additional planting and landscape conditions will be imposed.

Impact on residential amenity

- 12.8 The extensions will not impact on residents' amenity. The majority of the additional car parking involves the extension of existing parking areas some distance from residents' boundaries. The new consultants' car park is also some distance from residents' boundaries, the additional visitor car parking has already been constructed. There is one area of new parking which may impact on residents' amenity located in the corner of the site where it is proposed to provide 6 spaces adjacent to the boundary with No. 50 Hawkwell Way. This property already has parking along part of the site and rear boundary and the additional parking will result in parked vehicles along the whole of the side boundary and rear boundary. The area is currently grassed and at the time of your officer's site visit was used informally for car parking. It is considered on balance the additional spaces are unlikely to have any unacceptable impact as they will be an extension to an area already used for parking and a service yard.
- 12.9 The new plant is generally proposed in areas already containing other plant and generators and will be controlled by condition recommended by Environmental Control
- 12.10 The neighbour has requested additional tree/shrub planting and this is identified in the report as an area where additional landscaping is required - this will be secured by condition.
- 12.11 Councillor Goss has raised similar concerns on behalf of residents. In addition a solid noise attenuation fence is requested. Your officer has some concerns regarding such a fence as some properties have their front elevations close to the site boundary. Some residents may consider such a fence to have an overbearing impact.
- 12.12 The Parish Council has commented in respect of inconsiderate parking to the rear of properties in Mile End Road. It is assumed these properties have a right of way to garages/parking at the bottom of their gardens and any obstruction would be a private matter between the two parties. However, an informative could be added to the decision notice.
- 12.13 The Parish Council suggests various conditions. Environmental Control recommends conditions and these will be imposed. The Parish Council request that vehicle movements should be restricted during peak traffic periods is not considered reasonable, the development proposed is a relatively small extension to the site and it would not be reasonable to restrict vehicle movement at a hospital. The request for a condition to prevent obstruction of footways/cycleway is not an appropriate planning condition as this is enforced under other legislation. Bonfires and burning is also controlled under other legislation. It is noted the Highway Authority has not requested conditions requiring control of mud on roads or footpaths or for all parking to take place on site. Mud on public highways or public footpaths is controlled by the Highway Authority. It is unlikely parking would take place off site as the closest public highway (Mile End Road) accessible from the site is over 100 metres away.

13.0 Background Papers

- 13.1 ARC; Core Strategy; HA; HH; NLR

Recommendation - Conditional Approval

Conditions

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

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

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

2 - Non-Standard Condition

A competent person shall ensure that the rating level of noise emitted from the site (plant, equipment, machinery) shall not exceed 5dBA above the background prior to the building hereby approved coming into beneficial use. The assessment shall be made in accordance with the current version of British Standard 4142. The noise levels shall be determined at all boundaries near to noise-sensitive premises. Confirmation of the findings of the assessment shall be provided in writing to the Local Planning Authority before the building hereby approved coming into beneficial use. All subsequent conditions shall comply with this standard.

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

3 - Non-Standard Condition

Any plant, equipment or machinery on the premises shall be constructed, installed and maintained so as to comply with the initial noise condition. The noise generated by such equipment shall not have any one 1/3 octave band which exceeds the two adjacent bands by more than 5dB as measured at all boundaries near to noise-sensitive premises.

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

4 - Non-Standard Condition

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

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

5 - Non-Standard Condition

The parking spaces indicated on the approved drawing no. 6401/P27 shall all be provided prior to any of the extensions hereby approved being brought into beneficial use. These spaces shall thereafter be retained.

Reason: To ensure satisfactory provision is made for on-site parking.

6 - C3.2 Materials as Stated in Application

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

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

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

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

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

8 - C10.16 Tree & Natural Feature Protection: Entire Site

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

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

9 - C11.11 Landscape Design Proposals

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

Existing and proposed finished contours and levels.

Means of enclosure.

Car parking layout.

Other vehicle and pedestrian access and circulation areas.

Hard surfacing materials.

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

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

Retained historic landscape features and proposals for restoration.

Soft landscape details shall include:

Planting plans.

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

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

Planting area protection or decompaction proposals.

Implementation timetables.

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

10 - C11.12 Landscape Works Implementation

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

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

11 - Non-Standard Condition

Prior to the commencement of development a detailed scheme, including implementation timetable, shall be submitted to and approved in writing by the Local Planning Authority for the installation of real-time bus information within the hospital building. The approved details shall be installed in accordance with the agreed timetable and thereafter retained to the satisfaction of the Local Planning Authority.

Reason: In the interests of promoting sustainable development and transport.

12 - Non-Standard Condition

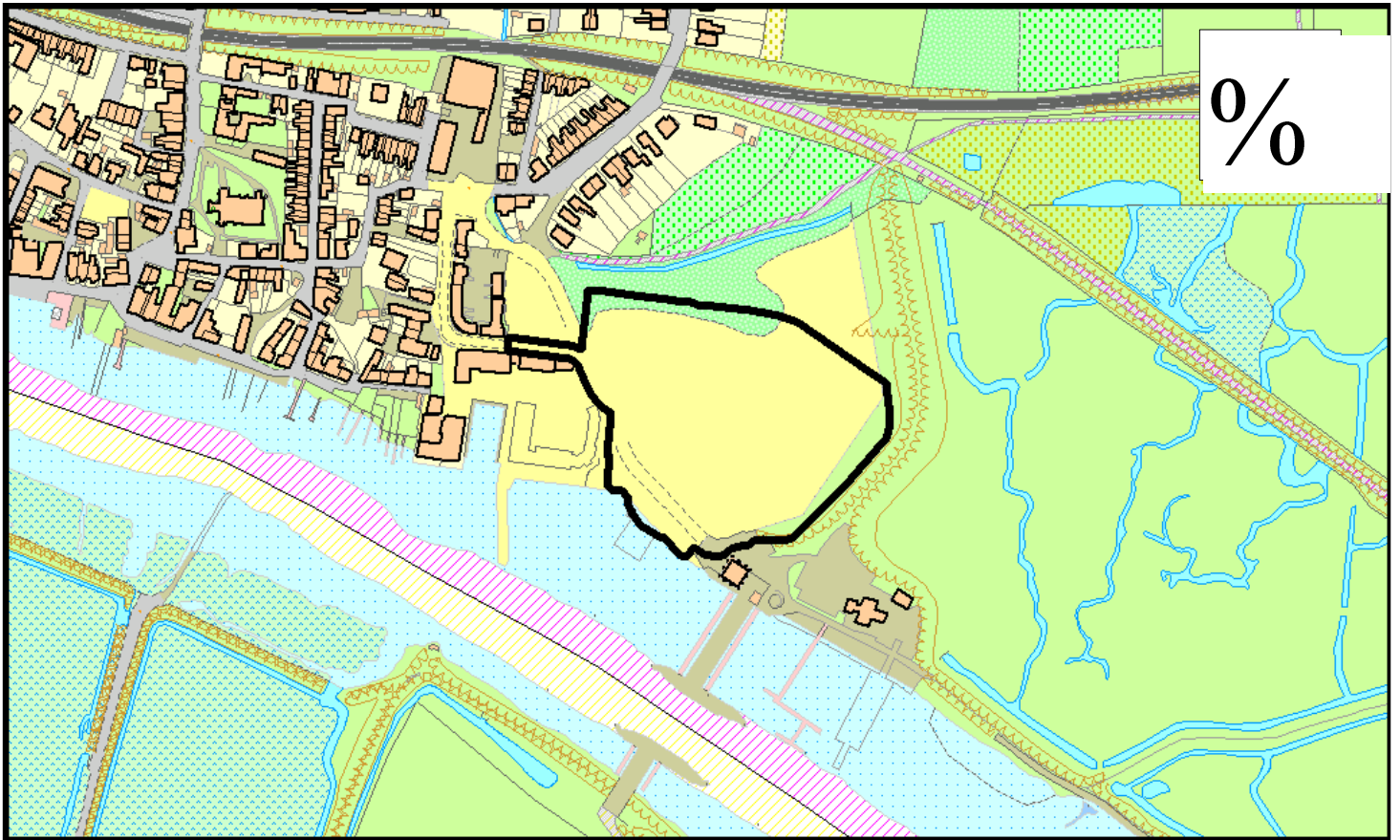
The development hereby permitted shall be implemented in all respects strictly in accordance with the approved plans drawing number 6401-P21-P32 inclusive.

Reason: To ensure the development will be carried out as approved and because any changes must be agreed in advance in writing by the local planning authority.

Informatives

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

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



Application No: 091559

Location: Former Cook's Shipyard - Phase 3, Walter Radcliffe Way, Wivenhoe

Scale (approx): 1:1250

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7.2 Case Officer: Sue Jackson

EXPIRY DATE: 05/03/2010

MAJOR

Site: Walter Radcliffe Way, Wivenhoe

Application No: 091559

Date Received: 4 December 2009

Agent: Melville Dunbar Associates

Applicant: Taylor Wimpey East London

Development: Erection of 32no. dwellings, 11no. office units (within Class A2 - Financial & Professional Services and Class B1 - Business), garages, off street parking, roads and footpaths, public open space, foul and surface water drainage and hard and soft landscaping.

Ward: Wivenhoe Quay

Summary of Recommendation: Conditional approval subject to signing of Section 106 Agreement

1.0 Planning Report Introduction

1.1 This full application is reported to the Planning Committee as objections have been received. A Section 106 Agreement is also required plus the variation of an existing agreement which requires Members' approval.

2.0 Synopsis

2.1 The following report describes the development proposed for Phase 3 of the Cooks Shipyard Site in Wivenhoe. It also explains the planning history and the issues regarding the total number of residential units on the whole site. Consultations, Town Council comments, Residents Associations and neighbour representations are set out and where necessary commented upon. The details of the new Section 106 Agreement are also explained.

3.0 Site Description

3.1 The former Cooks Shipyard site is located on the east side of the town accessed via Anglesea Road or through the historic centre. The site as the name suggests was formerly used as a shipyard and has a substantial river frontage. The east boundary of the site is close to a water meadow (passed to the Council under the original Section 106 Agreement) and open land. Beyond this there is farm land and the coastal footpath. The north boundary is separated from Anglesea Road by unused land and the west boundary is adjacent to the historic town and Conservation Area. The site is crossed by a footpath which is proposed to be relocated onto the new public highway. A public notice in respect of this diversion has recently been published.

3.2 The specific location of Phase 3 is adjacent to the water meadow and unused land. It has a river frontage and is close to the Environment Agency building and Colne Barrier. The site area is just over 2 hectares and it is irregular in shape.

4.0 Description of Proposal

4.1 The development involves the erection of 32 houses. It also includes an area of open space of 0.1306 hectares containing an equipped play area. Other facilities include 26 visitor parking spaces and 14 spaces (public car park) for dinghy parking. 941 square metres of B1 Business floorspace is also proposed.

4.2 The scheme also includes new roads, drainage and landscaping and public access, in particular to the river frontage.

5.0 Land Use Allocation

5.1 Regeneration Area

Conservation Area

A public footpath crosses the site.

The adjacent land is part of the Coastal Protection Belt and Site of Special Scientific Interest.

6.0 Relevant Planning History

6.1 O/COL/01/1799 - Outline planning permission approved on 5 November 2004 for erection of houses, flats, offices, fisherman's store and W.C. Refurbishment of wet dock, jetty, slipway and waterfront. Reconstruction of St John's Road and Walter Radcliffe Way.

6.2 RM/COL/04/2159 - Phase 1 - Reserved Matters approval for new access road, 1 3-bed house, a 1-bed maisonette, 4 2-bed maisonette, 5 2-bed flats, 19 garages and 28 space parking court

6.3 RM/COL/05/1808 - Phase 2 - Reserved Matters approval - Removal of public footpaths, restoration of White House, fisherman's store, 6 commercial units, 12 houses and 42 flats, 7 polyfunctional spaces and associated parking for all the above.

6.4 072630 - Reserved Matters approval for access road, play area, dinghy park and public car park

6.5 072248 - Demolition of White House and erection of new dwelling - Refused

6.6 072249 - Conservation Area application for the above - refused.

6.7 072701 - Reserved matters approval for Phase 3 comprising 32 residential units, affordable housing, commercial units – Planning permission granted

7.0 Principal Policies

- 7.1 Adopted Review Borough Local Plan
 - DC1 - Development Control considerations
 - UEA1 - Character of Conservation Areas
 - UEA2 - Building within Conservation Areas
 - UEA11 - Design
 - P1 - Pollution
 - P4 - Contaminated Land
 - CF1 - Infrastructure and Community Facilities Provision
 - L3 - Protection of existing public open space
 - L15 - Footpaths, cycleways and bridleways
 - T9 - Car parking (outside Central Colchester)
 - L14 - Public rights of way
- 7.2 Adopted Core Strategy
 - SD1 - Sustainable development locations
 - SD2 - Delivery facilities and infrastructure
 - SD3 - Community facilities
 - H1 - Housing Delivery
 - H2 - Housing Density
 - H4 - Affordable housing
 - UR2 - Built design and character
 - PR1 - Open space
 - PR2 - People friendly streets
 - ENV1 - Environment

8.0 Consultations

- 8.1 Natural England has no objection.
- 8.2 Environmental Control has no objection subject to conditions.
- 8.3 The Environment Agency:

The requirement of the Agency in respect of Flood Risk Assessment and flood warning and excavation are more stringent than they were when the original outline application was submitted. The delay in reporting this application to Members is due in part to the additional clarification required by the Agency and CBC Emergency Planner. They are now satisfied with the proposals and the Flood Risk Assessment and Flood Warning and Excavation Plan.

- 8.4 The Landscape Officer has no objection subject to conditions.
- 8.5 The Highway Authority comments have not been received but they have confirmed they will not be objecting to the application.

9.0 Town Council's Views

9.1 Wivenhoe Town Council comment as follows:-

1. Wivenhoe Town Council require confirmation of Right of Way and delineation of the boundary with the greensward.
2. An explanation of the Public Rights of Way transecting the Cook's site.
3. Concern regarding street parking on main access road.

9.2 The Town Council has been sent a plan showing the proposed rights of way. A proposed right of way along the north boundary is no longer included. Rights of way proposed include the new adopted highway and the riverside path and it is considered these routes present far more attractive areas than the additional one previously included.

10.0 Representations

10.1 Colchester Cycling Campaign requests contribution to local cycling facilities as well as protection of possible future routes along the waterfront to Brightlingsea.

10.2 The Wivenhoe Society comment as follows:-

"This application for 32 houses appears to increase by one the number approved in the last two applications relating to this site. This may seem an insignificant increase, but 31 are already far too many and considerably more than what was agreed at the outset was the maximum the infrastructure could sustain, notably the local road network.

In the current application, it appears from the drawing that the road through the proposed development leading eventually to the sailing club has a pavement only on one side for part of the route and that there is no pavement on the play area side of the loop road. Is it intended that this area should be fenced off from the road? The layout for plots 67 to 73 shows parking and garages in a courtyard with access to individual houses through the gardens of the houses. This will inevitably lead to on-road parking, judging by the experience on the former Wivenhoe Port estate. Some of this parking will be on the road leading to the sailing club. Given that sometimes boats will be towed along this route, on road parking would cause problems.

We also question whether adequate parking has been provided for the business units. There is an area marked as customer parking with 11/12 spaces, but staff working in the units will also need to park. It is not clear from the drawing whether there is access from the boat parking area to the slipway. Presumably people will want to trundle trolleys to the slipway."

10.3 The Queens Road Residents Association (Wivenhoe) comment as follows:-

1. It is quite unacceptable that Taylor Wimpey state in their original application dated 9 December that they have not consulted either their neighbours or the local community about the proposal because the 'scheme is essentially similar to that which was previously approved'.
This is clearly not the case.

2. The proposed drawings accompanying the development indicate a very different development to that indicated in the previously approved amendments to the Phase 3 application 072701. The former application indicated that there would be 32 units, including 6 polyfunctional units and 6 commercial units, although in other parts of the same application this is confusingly referred to as 32 units (including 6 polyfunctional units) and 6 commercial units presumably standing in addition to the 32 units. However, the current application indicates that there will be 32 dwellings and 11 office spaces, which together appear to be more units than before.
3. There is no justification whatsoever for any increase in the number of additional units, or change of types of units, which will put more pressure on the existing fragile infrastructure of the town. The development now seems to contain provisions for 103 parking spaces, including residential parking (2 per household), office parking (2 per office) plus visitor parking. Any increase in traffic is going to heavily impact on the surrounding narrow and twisting access roads and this has already been clearly outlined in previous objections.
4. The planning department know only too well the difficulties and bad feelings that have been created in lower Wivenhoe by Phase One and Two of this ugly and inappropriate development. It should also not be forgotten that Taylor Wimpey was originally committed to build social housing on the site but were permitted to build them elsewhere on a completely unsuitable site at the top of the village under some electricity pylons.
5. The application proposes to site many of its three storey office buildings on the river front with lower buildings on the perimeter, claiming that this is in keeping with Wivenhoe's existing frontage. It cites that the height of buildings declines as it reaches the perimeter of the development in accordance with the natural slope of the site whereas to most of us it looks perfectly flat. This is completely bizarre when it is self-evident that the only purpose these high buildings serve is to block the view of the river that has always been enjoyed by the existing low level village.
6. The application itself is full of obfuscation and glowing comments about how the development will complement the existing historic environment in Wivenhoe when it is patently clear from what has already been built that the new buildings have no affinity whatsoever with adjacent older housing. Indeed Taylor Wimpey has virtually ruined the existing conservation area by merely treating it as part of the immediate access route to the new development. Rather like the Taylor Wimpey web-site advertisement the application gives the false impression of some kind of ivory tower development situated in an idyllic environment.
7. We object to the timing of this application which coincides with the Christmas Holiday period. This is not the first time that Taylor Wimpey has submitted unpopular amendments to planning applications at a time when most of the community are fully occupied with the festivities.
8. Our Residents Association (whose catchment area comprises five roads in lower Wivenhoe) has always specifically asked to be involved in any such planning application by Taylor Wimpey. On the last two occasions we have not been informed and have only found out about these applications by accident or through our contacts with other local organisations. Once again we have been left off the neighbour notification list for this particular application and this is not acceptable. We still have received no formal notification in spite of emails to your office.

9. No notices about the planning application have been properly displayed on the site. One of our residents particularly walked round the site last week and could not find any, although we were told shortly after contacting CBC that posters had now been displayed.
10. It is really time for the CBC Planning Committee to begin to truly represent the needs and requirements of local communities and insist that Taylor Wimpey stop trying to slip amendments through without proper consultation. Once again they have shown a complete disregard for the strength of feeling of members of the local community who care very much about this once cherished historic site. How this ugly development, which was never intended to meet the needs of local people, ever came to be built on what was previously designated as part of Wivenhoe's Conservation Area, is difficult to understand.

10.4 The East Street and Brook Street Residents Association comment as follows:-

1. As an Association we objected to this application (No. 072701) for increase in units in December 2007, and I understand from you that this was approved then. I am surprised that notification of this planning decision was not made to the various objectors in view of the deleterious impact that extra traffic will have.
2. Considerable time and effort was spent in looking at the impact of vehicular traffic when development of the Cook's Shipyard site was originally considered. As I understand it, planning permission was based on three access/egress routes, namely Valley Road, via Anglesea Road; Queens Road via Anglesea Road and East Street via Brook Street.
3. The route via Queens Road has now been blocked off, leaving only two access/egress routes, and yet planning permission has apparently been granted for an increase in dwellings and units without any regard for the consequent increase in traffic flow along narrow and unsuitable roads.

As planning approval for an increase of 29% in the number of units for Phase 3 has already been granted; and the number of access/egress routes has been reduced from three to two; both these steps being taken with scant regard for the very real concerns of residents and for the carefully considered predications on acceptable traffic flow and access/egress routes, I consider that the Local Government Ombudsman should be consulted as to due process, in respect of failure to properly take account of relevant considerations in this matter.

10.5 Over 20 letters of objection have been received. The objections are summarised as follows:-

1. Extra traffic on the lower part of the village especially West Street, Brook Street, Anglesea Road and Valley Road. These are all narrow streets not suitable for large volumes of traffic.
Health and Safety concerns - school children walking to Millfields School.
Anglesea Road has no pavements and is unmade.
Queens Road is now closed increasing pressure on other roads – to agree to this was a serious mistake.
2. Strain on local services, schools and doctors.
3. This is massive overdevelopment. The original permission was for 80 dwellings.
4. The office buildings will increase the traffic - there has been no consultation with local people and no demand for these units.
5. The buildings are too tall and will block views.
6. The Environment Agency should be consulted.

7. There should be improved facilities for young people.
8. Insufficient parking
9. Noise disturbance
10. East Street has no pavements and is hazardous.
11. The allocation in the local plan generated over 200 objections and the application has also given rise to objections which have been ignored.
12. A resident on the Phase 2 development has objected to the proposed street lighting plan. The applicant has considered this and commented that it is not possible to relocate it. It is also suggested that this plan was made available to residents before they purchased their property.
Other objections raised relate to the proposed window facing his property. The increase in the number of bedrooms in real terms is the equivalent of an additional 7 2-bed homes.

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

10.6 Officer Comment

Clarification on Planning History and the number of dwellings approved.

Outline planning permission was granted in 2004 reference O/COL/01/1799. The application was accompanied by various documents and illustrative elevations and plans. The planning permission did not restrict the number of dwellings although there was an assumption by residents and others that the total number would be 80.

When Members considered the reserved matters application for Phase 3 this issue was dealt with as the total number on the site exceeded 80 and a considerable number of objections had been received. It was explained that legal advice had confirmed that neither the planning permission nor the Section 106 Agreement restricted the number of dwellings. The only restriction related to footprint of buildings as Condition No. 5 required the reserved matters to be in substantial accordance with the submitted layout plan. The Phase 3 plans were in accordance with the outline plan in terms of layout, height of buildings, external appearance and detailed design.

Members granted permission for the Phase 3 reserved matters for 32 dwellings - a total of 98 dwellings.

The outline application and Section 106 Agreement had a requirement for a minimum amount of commercial floorspace and for a package of highway improvements to be carried out. The closure of Queens Road referred to in the representations formed part of the agreed highway works.

The agreement requires business floorspace consisting of 838 square metres of B1 Business floor space and 334 square metres of gallery/studio/offices.

The application proposes 941 square metres of business floor space.

11.0 Parking

- 11.1 The dwellings all have a minimum of 2 parking spaces with 17 having 3 or 4 spaces. Three visitor parking spaces are shown. Cycle/motor bikes will be stored in the rear garden of each of the dwellings. This meets the adopted parking standard.

- 11.2 14 spaces are shown for dinghy parking and 26 additional visitor parking spaces (a public car park).
- 11.3 The application includes 941 square metres of commercial floorspace B1. This parking standard is still a maximum, 1 space per 30 square metres of B1 space; 13 spaces are indicated. Provision is also made for 13 cycle spaces and 2 motorcycle spaces which meets the adopted standard.
- 11.4 It is considered all the parking provision meets adopted standards.

15.0 Report

- 15.1 The main issues raised in the representations are increase in the number of dwellings and increased traffic. These issues are discussed below.

In addition there are the following main issues:

- Design/Layout
- Scale Massing
- Impact on the Area
- Impact on Neighbours
- Development Team/Section 106 proposals and

Increase in the Number of Dwellings

- 15.2 Clarification on the number of dwellings and the perceived increase has already been discussed.
- 15.3 To clarify the application proposes 32 dwellings and the approved Phase 3 was for 32 dwellings. What has changed is the dwelling mix Approved 6 6-bed, 4 5-bed, 7 4-bed, 12 3-bed and 3 2-bed; proposed 8 3-bed houses, 15 4-bed houses and 9 5-bed houses.
- 15.4 The reserved matters application had to be determined in accordance with the outline permission. The current application is a full application to be determined on its own merits, the outline permission and the approved reserved matters are material considerations.

Increased Traffic

- 15.5 The representations generally object to the increase in traffic generated by the 'additional' dwellings above the 80. As previously explained permission has been granted for 98 dwellings. However, the mix of dwellings has changed. It should be noted the Highway Authority has not objected to this application.
- 15.6 The approved Phase 3 also included commercial floor space plus a dinghy park and visitor parking spaces.

15.7 The Transportation Assessment submitted with the outline application considered the potential housing capacity based on the traffic capacity limits of the surrounding road network. The analysts demonstrated that up to 120 housing units could safely be accommodated. The impact of the development on the existing road network and residents' amenity was one of the important considerations when the outline application was debated. It was agreed that Anglesea Road should not be made up. However, a package of site highway works were negotiated. The closure of Queens Road where it meets Valley Road was subsequently agreed and this work has been carried out.

Design and Layout

15.8 The design and layout have been the subject of meetings and negotiation with the Urban Designer who is satisfied a high standard of design is achieved in keeping with the outline permission. 14 different house types are proposed ranging from a design in keeping with medieval buildings to Victorian terraces. Features include cantilevered projections on the upper floors, bay windows, dormer windows and classical doors, door cases, windows and decorative metal work. Materials will comprise render, weatherboarding red brick, slate and plain tiles.

15.9 The commercial building is designed to reflect a simple industrial building typically found in a riverside location. It will comprise a 5 bay gable roofed building weatherboarded with a slate roof.

15.10 The layout, whilst not identified to the approved Phase 3, reflects the principles of the outline consent and Phases 1 and 2 with dwellings presenting a continuous built frontage sited close to the highway boundary.

15.11 The open space forms an important feature in the street scene overlooked by dwellings on all sides.

15.12 The commercial element is repositioned adjacent to the river frontage near the dinghy parking area. It is considered this is an improvement to the approved scheme as it will encourage an active frontage to the river frontage where public access is proposed.

15.13 The most significant change to the layout is along the east boundary of the site where larger detached houses are shown, whilst these houses are in large plots the approved layout had 5 dwellings on this boundary. However, it is considered the current layout has acceptable spacing between buildings and a low density appropriate to the edge of the site adjacent to the SSSI location.

15.14 Another change relates to the north boundary where originally dwellings fronted this boundary facing towards the rear garden of houses in Anglesea Road. Rear gardens are now proposed along this boundary.

Scale Massing

- 15.15 The majority of dwellings are 2 storey with limited use of roof spaces. Three storey dwellings are proposed at strategic points to terminate a view or provide a landmark feature. This scale of building reflects the existing development and the traditional character of historic Wivenhoe.
- 15.16 The commercial building is 3 storeys high characteristic of commercial waterfront buildings.

Impact on the Area

- 15.17 It is considered the built form will have a positive impact on the area. It will provide an attractive active waterfront and buildings which reflect the built form in Wivenhoe. Your officer does not accept the comments made in some of the representations regarding the building erected on earlier phases.
- 15.18 It is accepted residents have genuine objection about the impact of traffic through the historic street of Wivenhoe. Access to the site has always been a major issue.

Impact on Residents

- 15.19 The majority of the site is distant from existing residents and the development itself will not impact on residents' amenity. The closest boundary, the north, now has rear gardens instead of dwellings fronting Anglesea Road.
- 15.20 The facilities forming part of this application, the dingy park and improved public access to the river frontage will have a positive impact.
- 15.21 Many residents will however consider that any benefits are far outweighed by the traffic generated by the development.

Development Team/Section 106 requirements

- 15.22 The application has been considered by the Development Team on several occasions. Following the submission of a Financial Appraisal the Development Team has agreed the Section 106 Agreement should secure the open space and commuted sum for equipment and maintenance, the visitor parking and dinghy store, the commercial units and 2 affordable housing units on site (Plots 92 & 98) in addition to 3 units already provided off-site.
- 15.23 These 3 units are provided at the site of the former Flag Public House where the affordable housing for Phases 1 & 2 is located.
- 15.24 The Section 106 Agreement will also secure public access to the river frontage. A drawing will be available at the Committee Meeting showing the publicly accessible areas.
- 15.25 These matters, with the exception of the 2 affordable housing units, are all secured under the existing agreement which will need reviewing to take account of the new planning permission which is not a reserved matters consent.

16.0 Conclusions

- 16.1 The proposed development is of a high quality and reflects the principle established under the earlier permission. It will provide an attractive extension to the town. The proposal includes the same community benefits originally negotiated including public access to an active waterfront.
- 16.2 It is accepted many residents have raised strong objections to the application and the original concerns about traffic have not been overcome by the package of highway improvements. However, the Highway Authority has recommended approval of the application.

17.0 Background Papers

17.1 ARC; Core Strategy; Natural England; HH; NR; HA; TL; NLR; PTC; OTH

Recommendation

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

- 2 affordable housing units Plots 97 & 98.
- Dinghy parking
- Visitor car park
- Public access
- Commercial floor space

and subject to the prior variation of the existing Section 106 Agreement to take account of the development proposed in Application 091559.

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

Conditions

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

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

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

2 - Non-Standard Condition

The external finishes shall be as shown on drawing No. 1369-P004 and the samples of bricks, slate, plain tile and pantile agreed with the Local Planning Authority, unless otherwise agreed in writing with the Local Planning Authority.

Reason: To ensure that the development has a satisfactory appearance in the interests of visual amenity and helps to reinforce local character and identity.

3 - C11.11 Landscape Design Proposals

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

Existing and proposed finished contours and levels.

Means of enclosure.

Car parking layout.

Other vehicle and pedestrian access and circulation areas.

Hard surfacing materials.

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

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

Retained historic landscape features and proposals for restoration.

Soft landscape details shall include:

Planting plans.

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

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

Planting area protection or decompaction proposals.

Implementation timetables.

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

4 - C11.12 Landscape Works Implementation

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

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

5 - C11.17 Landscape Management Plan

A landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, other than privately owned domestic gardens, shall be submitted to and approved by the Local Planning Authority prior to any occupation of the development (or any relevant phase of the development) for its permitted use.

Reason: To ensure that due regard is paid to the continuing enhancement and maintenance of amenity afforded by the landscape.

6 -Non-Standard Condition

The garage shown on the approved drawing shall be provided and thereafter retained for the garaging of motor vehicles. They shall not be converted to any other residential use without the prior consent in writing of the Local Planning Authority.

Reason: To ensure satisfactory provision for on site parking is retained.

7 - Non-Standard Condition

The business units hereby permitted shall be used solely for B1 business purposes.

Reason: To avoid doubt as to the scope of the consent hereby granted.

8 - B6.8 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 shall be submitted to the Local Planning Authority for approval. 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 soil contamination to the future occupants of the development and neighbouring occupiers are minimised, together with those to controlled waters and ecological systems and to ensure that site workers are not exposed to the unacceptable risks from contamination during construction.

9 - B6.9 Implementation of Approved Remediation Scheme

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

Reason: To ensure that risks from soil contamination to the future occupants of the development and neighbouring occupiers are minimised, together with those to controlled waters and ecological systems and to ensure that site workers are not exposed to the unacceptable risks from contamination.

10- B6.13 Validation Certificate

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 9 above.

Reason: To ensure that risks from soil contamination to the future occupants of the development and neighbouring occupiers are minimised, together with those to controlled waters and ecological systems and to ensure that site workers are not exposed to the unacceptable risks from contamination during construction.

11 - B6.10 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 9, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 10 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

Reason: To ensure that risks from soil contamination to the future occupants of the development and neighbouring occupiers are minimised, together with those to controlled waters and ecological systems and to ensure that site workers are not exposed to the unacceptable risks from contamination during construction.

12 - Non-Standard Condition

The development shall be carried out in accordance with the Flood Warning Response Plan prepared by Richard Jackson dated November 2009, Flood Warning and Excavation Plan submitted by Richard Jackson dated May 2010 Revision A and Site Specific Flood Risk Assessment prepared by Richard Jackson dated November 2009 together with the additional information submitted by Richard Jackson in correspondence dated 6 April 2010 and 18 June 2010.

Reason: To ensure appropriate measures are put in place to protect residents and property against flood risk in accordance with Planning Policy Statement 25.

13 - A5.1 Industrial Uses

In relation to the B1 business units no machinery shall be operated, no process shall be carried out and no deliveries taken at, or despatched from the site outside the following times 8.00 a.m. to 7.00 p.m. Monday to Saturday nor at any time on Sundays or Public Holidays.

Reason: To safeguard the amenities of nearby residential properties.

14 - B8.1 Drainage Scheme Prior to Commencement of Work

Prior to the commencement of any work on site, a scheme of surface water and foul drainage shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be carried out prior to the occupation of the building/s hereby permitted.

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

15 - Non-Standard Condition

No development shall take place until a Method Statement for work on the southern site boundary including proposes changes in levels and construction of retaining river walls have been submitted to and approved in writing with the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: To protect visual and residential amenity.

16 - A7.2A Op Plan-rem of PD rights-fences/walls front

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 as amended by the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 (or any Order revoking and re-enacting that Order with or without modification) no gate, fence, wall or other means of enclosure shall be erected, constructed or placed within the curtilage of any dwelling forward of any wall of that dwelling which fronts onto a highway without express planning permission from the Local Planning Authority.

Reason: In the interests of the visual amenity of the area and to prevent the piecemeal erection of walls and/or fences to front gardens.

17 - Non-Standard Condition

All external joinery shall be of painted timber, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure a satisfactory visual appearance.

18 - B4.6 Slab Levels (1)

No development of the site shall take place until cross sections of the site and adjoining land and buildings, including details of existing ground levels around the buildings hereby approved and any changes in levels proposed, together with the proposed floor slab levels within that part of the site, have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with those approved cross sections.

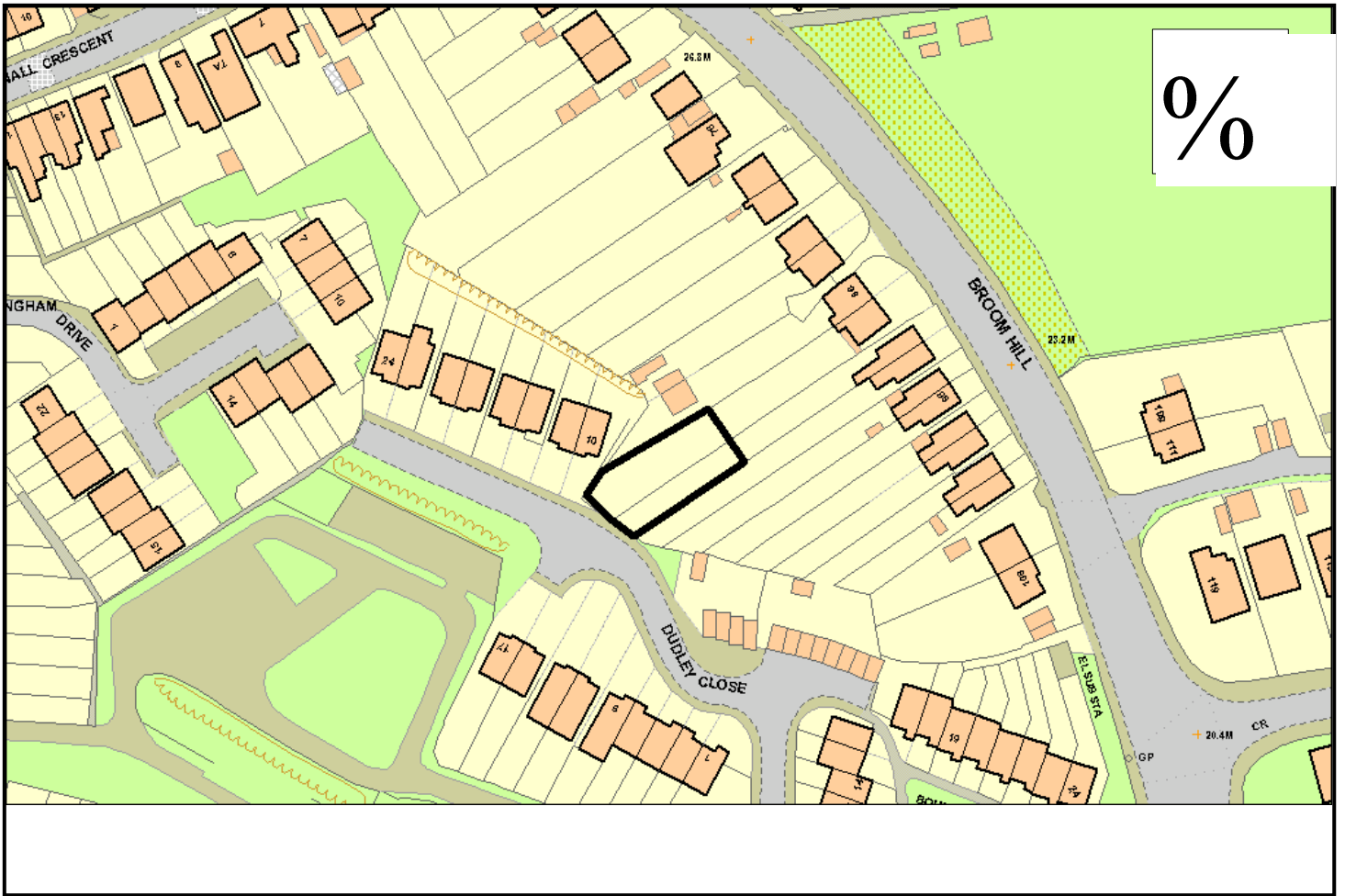
Reason: To ensure that construction is carried out at suitable levels having regard to drainage, access, the appearance of the development and the amenities of neighbouring properties.

Plus any conditions required by the Highway Authority.

Informatives

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

Under the terms of the Water Resources Act 1991 and the Land Drainage Byelaws the prior written consent of the Environment Agency is required for any proposed works or structures either affecting or within 9 meters of the tidal or fluvial flood defence.



Application No: 101311

Location: Land R/O (Fronting Dudley Close), 88 & 90 Mersea Road, Colchester, CO2 7RH

Scale (approx): 1:1250

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Site: 88 & 90 Mersea Road, Colchester, CO2 7RH

Application No: 101311

Date Received: 29 June 2010

Applicant: Mr Mark Plummer

Development: Two semi-detached houses (resubmission 100446)

Ward: Berechurch

Summary of Recommendation: Conditional Approval subject to Unilateral Undertaking

1.0 Planning Report Introduction

1.1 This application was considered at the Committee meeting on 12 August 2010 and the decision was to grant conditional planning permission. Subsequently it has been discovered that although neighbour notification letters were sent out to 17 residents in Mersea Road and Dudley Close, 2 adjoining occupiers in Mersea Road were not sent this letter and therefore did not have the opportunity to comment on the application.

1.2 It has been decided therefore that the decision will not be issued, those 2 residents will be properly notified and the matter referred back to the Committee in the light of any further matters raised.

1.3 The previous report is set out below, with any further matters or amendments shown in bold print:-

2.0 Introduction

2.1 This is a "full" application for 2 semi-detached dwellings submitted following an earlier refusal of a similar scheme on grounds of unsatisfactory layout. That decision (Ref: 100446) is the subject of a current appeal. The application has attracted a number of objections by local residents.

3.0 Site Description

3.1 88 and 90 Mersea Road are semi-detached 2 storey dwellings lying to the west of Mersea Road. They have long rear gardens extending to the south-west and dropping down in level to Dudley Close, a cul de sac of semi-detached, 2 storey dwellings and 3 storey terraced houses. The land not only slopes from Mersea Road to Dudley Close but also from north to south.

3.2 The area is residential in character and is so allocated in the adopted Local Plan.

3.3 The application site is roughly rectangular with an average depth of 27.5m and width of 14m. The front boundary is screened by conifers behind a low brick retaining wall. Garden land to Mersea Road properties adjoins its north-west and south-east boundaries and a multi-stemmed sycamore overhangs the latter boundary. There is a well developed hedge in addition to timber fencing to the eastern boundary of the nearest dwelling, 10 Dudley Close, and there is a garage court located a short distance to the south-east.

4.0 Description of Proposal

4.1 2 semi-detached dwellings, each of 3 bedrooms and one with integral garage, are proposed.

4.2 A Design and Access Statement, sectional drawing and street elevation to Dudley Close have been submitted with the application and may be viewed on-line. It is indicated that the development would reflect the existing dwellings in Dudley Close, using a similar mixture of facing bricks and roof finishes and the dwellings will be designed to accord with "Lifetime Homes" criteria and have regard to DDA regulations.

4.3 A unilateral undertaking in respect of open space and recreation and community contributions has been submitted.

5.0 Land Use Allocation

5.1 Residential

6.0 Relevant Planning History

6.1 100446 - 2 semi-detached houses - Refused May 2010 (appeal pending).

7.0 Principal Policies

7.1 Adopted Review Borough Local Plan
DC1 - General Development Control considerations
UEA11-13 - Residential design and amenity considerations

7.2 Adopted Core Strategy
UR2 - Built design and character

8.0 Consultations

8.1 The Highway Authority have commented that they would require revisions to the scheme in terms of improved dimensions for garage parking spaces before approval will be recommended. Amended proposals have been submitted and the further views of the Highway Authority have been requested but no response has been received to date.

9.0 Representations

9.1 Representations have been received from Councillor Harris and 9 residents of the locality. All can be viewed on-line. The following is a summary of the matters raised:-

1. Overlooking of properties in Mersea Road will be an issue.
2. Consultation should have been carried out over a wider area of Dudley Close, Bourne Court and Mersea Road.
3. Extra traffic will have an effect on other householders in Dudley Close. The noise of traffic will also be disturbing and will involve loss of a safe environment for childrens play.
4. This is another example of back garden development, contrary to recent Government advice.
5. Our leisure area (spa and barbecue) will be overlooked.
6. The area has wildlife interest in the form of bats and birds. This will be destroyed by construction work.
7. Would create precedent for development of other rear gardens in locality. New houses are not needed; there are plenty at the Garrison, Abbey Fields, etc, on this side of town.
8. Will erode character of long gardens and views of trees and hedgerows which we regard as an asset to the area.
9. Schools in area are already overcrowded.
10. Negative effect on property prices (not a planning issue).
11. Will exacerbate existing parking congestion in Dudley Close, especially at night. The Close is also used for parking by shoppers, town workers and other local residents.
12. The properties will not match existing; the roof pitch is too steep and palette of materials does not include tile hanging, which is characteristic of houses in the area. A modern, environmentally friendly design would be more appropriate.
13. The higher roofline will block morning sun to my garden (10 Dudley Close).

10.0 Further Representations Received

10.1 Bob Russell MP has written to add his objections on behalf of constituents, believing the proposal to constitute garden grabbing as deemed inappropriate by the new Government. He also expresses concern at the increase in traffic movement in a high density environment and the siting of 2 properties immediately after a bend opposite a turning point which could cause difficulties with visibility for both vehicles and pedestrians.

10.2 Additional representations have also been received from an adjoining resident raising the same issues as before, i.e. garden grabbing should not be allowed, increase noise and traffic, loss of privacy and shortage of local school places and inadequate sewerage facilities. They are also concerned at the potential effect of new building on the stability of their house.

11.0 Report

- 11.1 In the case of 100446, the semi-detached form of the 2 houses was felt to broadly conform to the established building line and character of housing in Dudley Close. The site benefits from a frontage to the highway and therefore must be regarded as an infill rather than a backland location. At this time, the non-assertive elevational treatment of the houses was not considered objectionable and back-to back distances between the proposed properties and those in Mersea Road, at 40m or more, are considered more than adequate to protect the privacy and amenity of the existing dwellings, particularly when coupled with the higher ground levels of the latter. There was also considered to be a minimal impact on the nearest dwelling, 10 Dudley Close, by reason of the juxtaposition of houses, absence of overlooking, side-facing windows and intervening hedge and fencing.
- 11.2 The reason for refusal focused on the overdominance of car parking as proposed to the front of the houses and absence of front gardens. This resulted in a form of development out of keeping with its setting, detrimental to the character and appearance of the street scene and failing to "protect and enhance" the local environment as required by PPS1 and local policy, including adopted guidance for backland and infill development.
- 11.3 The present scheme has attempted to address this issue by abandoning forecourt parking and creating space to establish front gardens with driveways more in keeping with the prevailing form of development. The elevational treatment has also been improved since the last refusal.
- 11.4 The agent has been asked to amend the drawings in order to satisfy the Highway Authority's requirements and those revisions should be confirmed as acceptable in good time before the meeting. The provision of appropriately sized and convenient car parking arrangement on site will not lead to any deterioration in highway conditions in Dudley Close. The suggestion that the scheme will reduce on-street parking facilities in the locality is not in itself grounds for refusal.

12.0 Conclusions

- 12.1 It is again considered that this scheme will cause little harm to the privacy or amenity of adjoining residents. The sectional drawings and street elevations submitted reinforce this point. On the basis that the earlier objection to the overdominance of parked cars has been overcome and front gardens can be created more in sympathy with the existing properties in Dudley Close it is recommended that permission be granted upon the signing of the Unilateral Undertaking.

13.0 Background Papers

- 13.1 ARC; ACS; HA; CBC; NLR

Recommendation - Conditional Approval subject to a Unilateral Undertaking for a contribution to Open Space and Community Facilities.

Conditions

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

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

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

2 - A2.1 Development to Accord With Approved Plans

The development hereby permitted shall be implemented in all respects strictly in accordance with the approved plans returned stamped approved with this decision.

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

3 - Non-Standard Condition

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

Reason: To ensure a satisfactory form of development, to secure the privacy and amenity of adjoining householders and in the interests of visual amenity.

4 - Non-Standard Condition

Details of the proposed finished floor levels of all buildings and the finished ground levels of surrounding property, shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development hereby approved. The development shall be carried out in accordance with the approved details.

Reason: To enable the Local Planning Authority to exercise proper and considered control over the development as whole and to protect the amenity of occupiers of adjacent properties

5 - Non-Standard Condition

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 as amended by the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 (or any Order revoking and re-enacting that Order with or without modification), no development within Classes A to E of Part 1 of the Schedule of the Order (any extension, outbuilding, garage or enclosure) shall take place without the prior written permission of the Local Planning Authority.

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

6 - Non-Standard Condition

Vehicular parking space for 2 vehicles per dwelling, including the integral garage to the south easterly plot, shall be maintained at all times within the site.

Reason: To ensure adequate parking provision so that the development does not prejudice the free flow of traffic or the general safety along the adjacent highway or the convenience and amenities of local residents.

7 -Non-Standard Condition

Prior to occupation of the development, the access at its centre line shall be provided with a clear to ground visibility splay with dimensions of 2.4 metres by 43 metres to the south east, 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 intervisibility between vehicles using the access and those in the existing public highway in the interest of highway safety to ensure accordance with Policy 1.1 of the Highways and Transportation Development Control policies.

8 - Non-Standard Condition

Prior to occupation of the development a 1.5m x 1.5 metre pedestrian visibility splay, as measured from and along the highway boundary, shall be provided on both sides of the 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 intervisibility between the users of the access and pedestrians in the adjoining public highway in the interest of highway safety to ensure accordance with Policy 1.1 of the Highways and Transportation Development Control policies.

9 - Non-Standard Condition

No unbound material shall be used in the surface treatment of the vehicular access within 6 metres of the highway boundary.

Reason: To avoid displacement of loose material onto the highway in the interests of highway safety to ensure accordance with Policy 1.1 of the Highways and Transportation Development Control policies.

10 - Non-Standard Condition

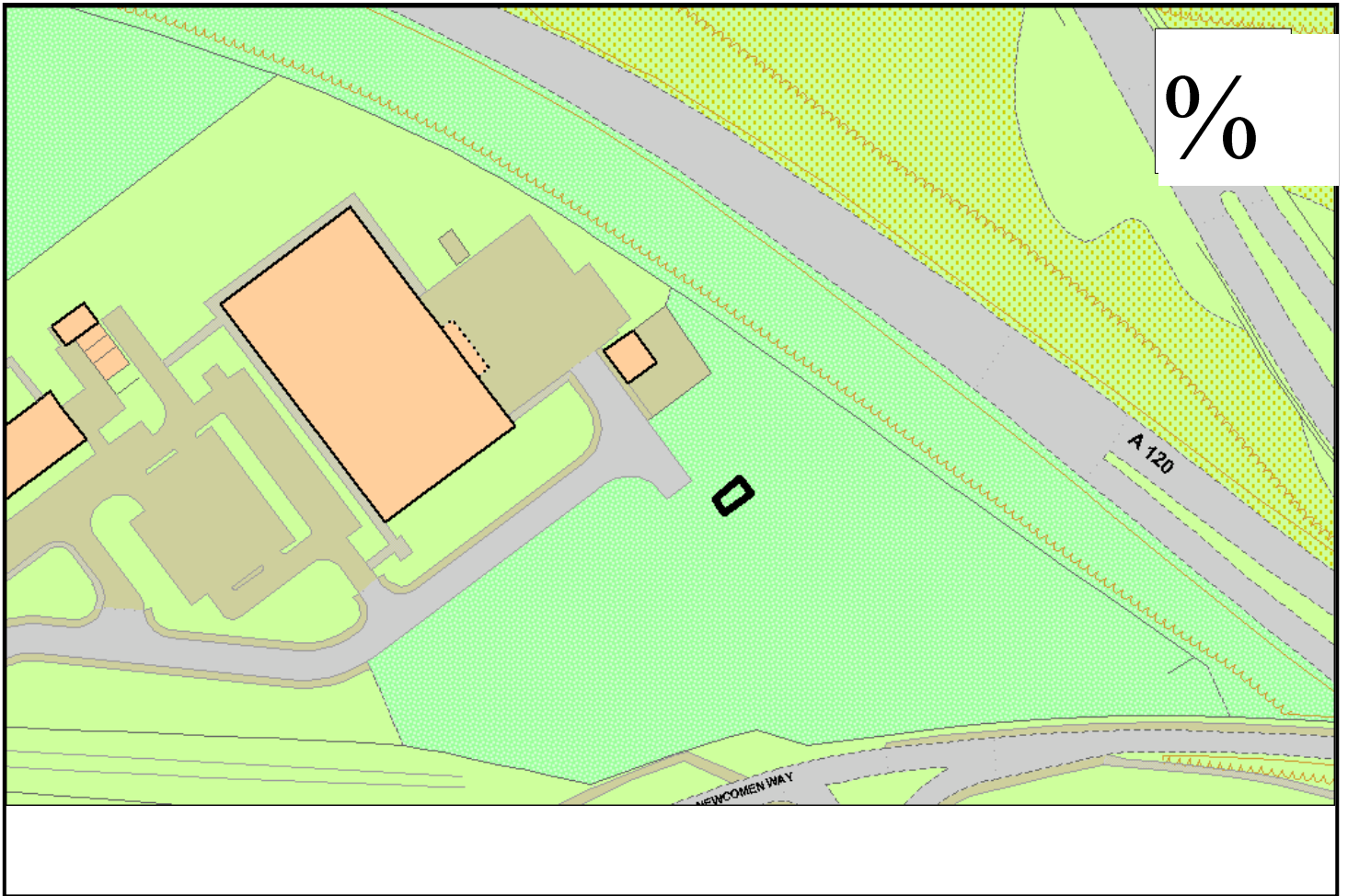
The vehicular hardstandings shall have minimum dimensions of 5 metres x 3.9 metres for each property.

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

Informatives

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

The applicant is advised of the potential wildlife habitat that exists at the site and should be aware of his obligations under the Wildlife and Countryside Act and Habitat Regulations. In particular no work in pursuance of this planning permission should take place during the bird nesting season and every effort should be taken to ensure no bat roost is disrupted or destroyed.



Application No: 101542

Location: Plot 300, Severalls Business Park, North Colchester

Scale (approx): 1:1250

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Site: Severalls Business Park, North Colchester

Application No: 101542

Date Received: 23 July 2010

Agent: Mr Hugh Bennett

Applicant: Mr Patrick O'Sullivan

Development: Erection of a single storey sub station.

Ward: Highwoods

Summary of Recommendation: Conditional Approval

1.0 Planning Report Introduction

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

2.0 Synopsis

2.1 The application is for a small sub station for use by the adjoining Business Incubation Centre. The proposal is considered acceptable by virtue of its small-scale form, its function and its position on designated employment land. There are no material planning reasons not to grant planning approval for this application.

3.0 Site Description and Context

3.1 The application site adjoins the new Business Incubation Centre currently under construction, within Severalls Business Park, close to its northern boundary with the A120 slip road that joins the main A12 carriageway. This northern edge of the Business Park is still largely to be developed. The Business Incubation Centre is a 3-storied building with yellow/buff bricks and light grey metal edged windows and shallow sloping roof form.

4.0 Description of the Proposal

4.1 The application is for a small rectangular electricity sub station, which will supply the new Business Incubation Centre and possible future development on the adjoining site. The substation is approx 3.5m wide, 3.5m deep and 3.5m at its highest point with a shallow sloping roof. The substation will be constructed of brick with louvered panels to the front and a metal roof, with materials similar to those used on the Business Incubation Centre itself and a Bin Store adjacent to the main building.

5.0 Land Use Allocation

5.1 Employment

6.0 Relevant Planning History

6.1 091208 – Erection of 3 storied Business Incubation Centre – approved January 2010.

7.0 Principal Policies

7.1 In addition to national and regional policies, the following policies from the adopted Colchester Borough Review Local Plan (March 2004) are relevant to the consideration of this application:

DC1- Development Control considerations

UEA11 - Design

EMP1 - Employment Allocations and Zones

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

CE3 - Employment Zones

8.0 Consultations

8.1 Environmental Control stated no comments.

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

9.0 Representations

9.1 No comments received.

10.0 Parking Provision

10.1 The proposed sub station is ancillary to the needs of the Business Incubation Centre and generates no requirements for parking provision.

11.0 Report

11.1 The proposed sub station is of single storey form, with materials and design that pick up on the details and design of the main Business Incubation Centre and an adjacent Bin Store. It has a utilitarian form, which is appropriate to the nature and function of the structure.

11.2 The site lies generally to the east of the footprint of the main Business Incubation Centre on land that is allocated for employment purposes, but currently covered with small shrubs. The proposal will largely be hidden from the A120/A12 by boundary hedging, although there will be views of the structure from Newcomen Way until such time as the remainder of this employment land is developed. However, given the scale of the building, it will not appear as a particularly significant feature even whilst the land remains undeveloped.

12.0 Conclusion

12.1 The proposed structure is considered appropriate in form and design for its small-scale nature and function, and its location on designated employment land. The application is therefore recommended for approval.

13.0 Background Papers

13.1 ARC; Core Strategy; HH

Recommendation - Conditional Approval

Conditions

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

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

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

2 - Non-Standard Condition

The development hereby permitted shall be constructed strictly in accordance with the approved drawing nos. A-110, A-111 and A-112/B submitted with the application registered on 23.07.2010, unless otherwise agreed in writing by the Local Planning Authority.

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

3 - C3.2 Materials as Stated in Application

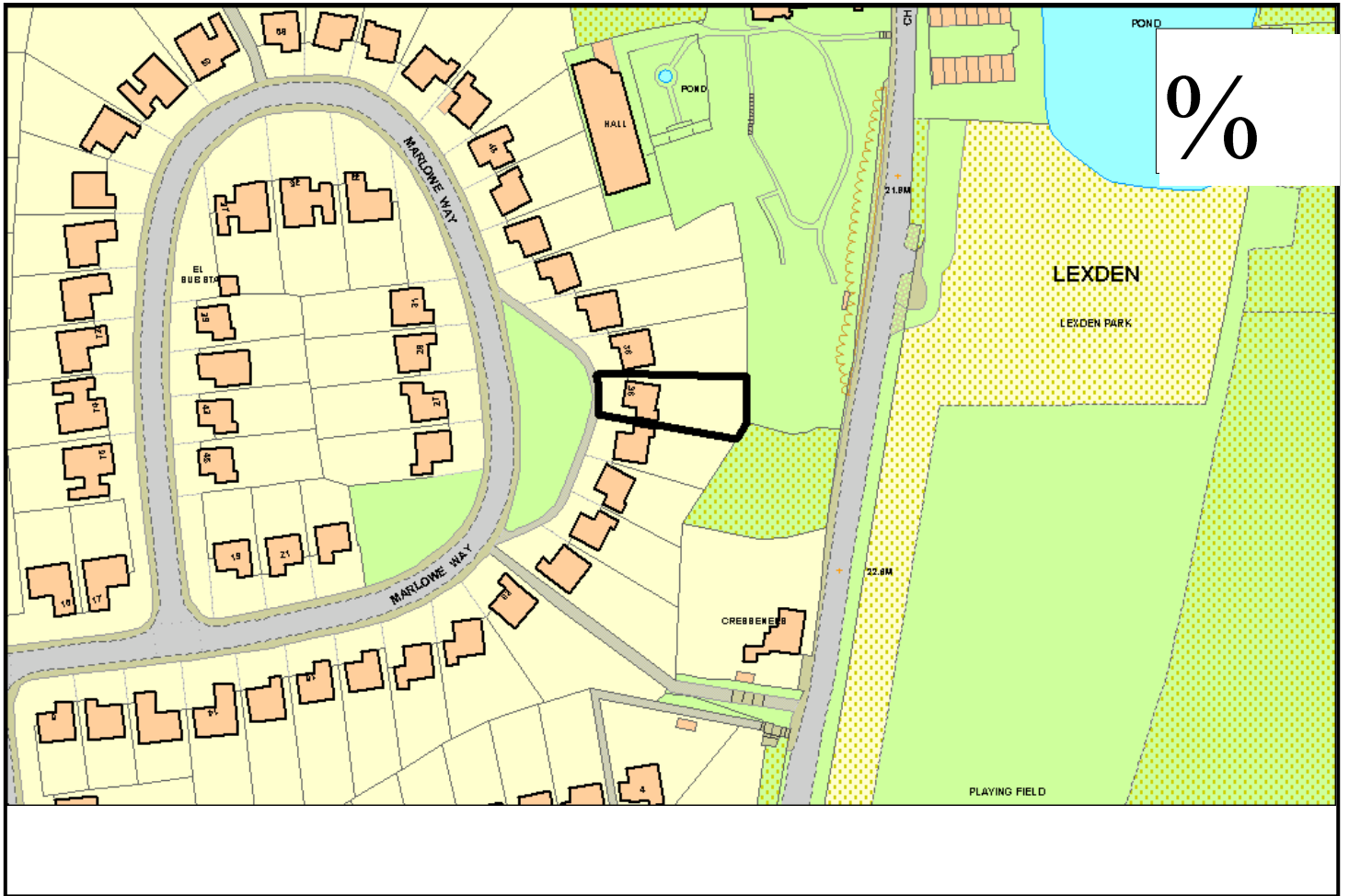
The external materials and finishes to be used shall be as stated on the application form and as indicated on the approved plans and schedule returned herewith, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the development does not prejudice the appearance of the locality.

Informatives

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

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



Application No: 101283

Location: 36 Marlowe Way, Colchester, CO3 4JP

Scale (approx): 1:1250

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7.5 Case Officer: David Whybrow

OTHER

Site: 36 Marlowe Way, Colchester, CO3 4JP

Application No: 101283

Date Received: 25 June 2010

Agent: Mr Bob Tyrrell

Applicant: Mr Joe Nixon

Development: Two storey side extension and single storey side extension.

Ward: Lexden

Summary of Recommendation: Conditional Approval

1.0 Planning Report Introduction

1.1 This householder application has been called in by Councillor Hardy who offers the following explanation:-

"I wish to call in Application 101283, 36 Marlowe Way, on the grounds of loss of light to the neighbouring property (No. 38).

The plots in this part of Marlowe Way are deep and relatively narrow resulting in each house being in close proximity to its neighbours. In recognition of this, the southern (living room) wall of No. 38 does not have full windows, the only view being the side of No. 36, but it does have two clerestory windows, the purposes of these being to allow the ingress of daylight.

The proposed dining area extension of No. 36 will in my view, by virtue of its projection to the northern boundary of the plot and its height, result in a significant loss of (day) light to the living room of No. 38."

1.2 It has also attracted representations by both neighbours.

2.0 Site Description and Context

2.1 36 Marlowe Way is a detached house grouped with other detached housing within established estate development, part of "The Poets" Estate. External finishes are red brick and tile hanging with concrete pantiles to the roof. The roof is asymmetric and a feature chimney stack is a major feature of the front elevation with a garage/car port attached to the southern elevation.

2.2 The group of houses including No. 36 are set back from the highway behind a grassed open space. To the rear, the site abuts woodland that extends to Church Lane.

3.0 Description of Proposal

- 3.1 A first floor addition is proposed to the south elevation providing 2 bedrooms and landing with the garage below enlarged and incorporated into the available living accommodation as study and hallway. On site parking for 2 cars is proposed in the front garden.
- 3.2 A single storey dining room extension is proposed to the north elevation of maximum depth 2.05m and length 3.85m. As originally submitted this had a flat roof. Amended plans have been submitted showing a lower pitched roof of maximum height 3.2m.

4.0 Land Use Allocation

- 4.1 Residential

5.0 Relevant Planning History

- 5.1 None

6.0 Principal Policies

- 6.1 Adopted Review Borough Local Plan
DC1 - Development Control considerations
UEA11-13 - Design
- 6.2 Core Strategy
UR2 - Built Core and Environment

7.0 Consultations

- 7.1 The Heritage and Design Team consider there are no significant conservation issues involved here and do not wish to make any observations.

8.0 Representations

- 8.1 Representations have been received from both immediate neighbours at 38 and 34 Marlowe Way.
- 8.2 The occupiers of 38 Marlowe Way were concerned at the height of the single storey extension as proposed right up to the boundary of their property and considered this to cause loss of light and overshadowing in their sitting room and rear patio, especially in summer. They indicate that light to these rooms is already greatly limited due to the many large trees surrounding the property and the 2 small windows in their south wall are an important source of light. They also consider the appearance of the extension wall an eyesore.
- 8.3 The occupant of No. 34 writes in connection with the first floor addition, believing the design to be detrimental to the appearance of the existing building and overbearing and out of character with the house design. He also has reservations about the loss of the garage, leaving a four bedroom property with just 2 parking spaces and no storage facilities.

9.0 Parking

- 9.1 The proposal indicates that a garage space will be lost but 2 car parking spaces provided on site. This, coupled with the ability of visitors to park off road, within a lengthy driveway, is considered to meet currently adopted standards.

10.0 Report

- 10.1 The juxtaposition of houses at 34 & 36 Marlowe Way is such that the extension to the southern flank elevation do not impact on the light, outlook or amenity of the former. Rather, the objector expresses concern at the design of the extension. This is set in 1m from the boundary, has a lower, subservient roofline when compared to the existing dwelling, and incorporates articulation to the front elevation resulting in a clear distinction between the original and later built form. This is considered acceptable and in conformity with Essex Design Guide principles.
- 10.2 As regards No. 38, the original proposal was for a somewhat higher flat-roofed addition which was subsequently superseded by the current pitched roof version at a total height of 3.45m and with eaves consistent with those of the existing building. As such this extension could be erected as permitted development and it is on this basis that officers consider further negotiation impractical.

11.0 Conclusions

- 11.1 The design of the 2 extensions are considered acceptable, proportionate and in character with the existing dwelling. No adverse effects are envisaged in relation to No. 34 Marlowe Way and although the concerns of the occupiers of 38 are understood, the single storey extension proposed adjacent to their boundary is of a size and height that could be constructed as permitted development. Members should also note that those windows referred to in the flank wall of 38 are high level windows and "secondary" windows for the purposes of your adopted Householders Guidance - i.e. they are not the main source of light to the sitting room.
- 11.2 Approval is recommended.

12.0 Background Papers

- 12.1 ARC; Core Strategy; CBC; HDU; NLR; AT

Recommendation - Conditional Approval

Conditions

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

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

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

2 - A2.3 Devel to Accord With Original and Revised Plans

The development hereby permitted shall be implemented in all respects strictly in accordance with the revised drawing no PP:05A received 29 July 2010, in addition to those originally submitted which are not superseded, drawing no PP:01-04.

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

3 - C3.5 Materials to Match Existing

The external materials and finishes to be used for the approved development, shall be of the same type and colour as those of the existing building unless otherwise agreed in writing by the Local Planning Authority.

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

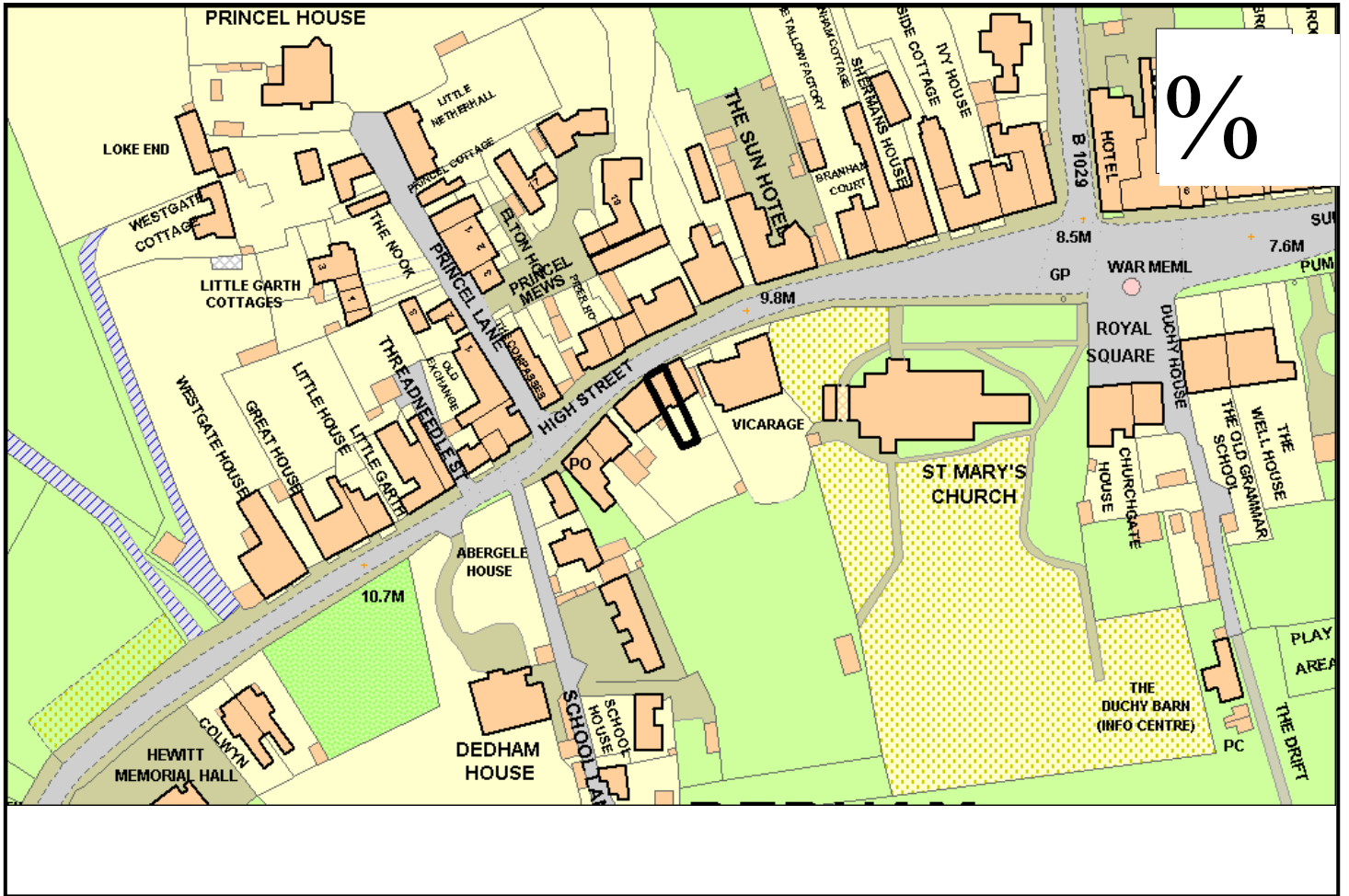
4 – Non-Standard Condition

On site parking facilities for a minimum of 2 vehicles shall be maintained free of obstruction at all times.

Reason: To ensure adequate parking provision so that the development does not prejudice the free flow of traffic or the general safety along the adjacent highway or the convenience and amenities of local residents.

Informatives

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



Application No: 101405

Location: 25 High Street, Dedham, Colchester, CO7 6DE

Scale (approx): 1:1250

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7.6 Case Officer: Simon Osborn**OTHER****Site:** 25 High Street, Dedham, Colchester, CO7 6DE**Application No:** 101405**Date Received:** 8 July 2010**Agent:** Mr Robert Pomery**Applicant:** Palmer & Partners**Development:** Change of use from A1 Retail (Gift Shop) to A2 Professional Service (Estate Agent) and the erection of a hanging sign onto a listed building.**Ward:** Dedham & Langham**Summary of Recommendation:** Conditional Approval**1.0 Planning Report Introduction**

1.1 This application is one of three for the same site. This application (101405) relates to the principal of the change of use of the premises from A1 use to A2 use and is referred to the Planning Committee because objections have been received to the proposal from local residents. Application 101408 seeks listed building consent for the proposed changes and is also brought to Committee in the report following this one. Application 101410 is for advertisement consent for the erection of a hanging sign and in accordance with the Council's delegation procedures will be determined under delegated powers.

2.0 Synopsis

2.1 The Council's adopted policies seek to safeguard local shops and services for the needs of local residents. An A1 use is more likely to meet the needs of local residents than an A2 use. Nonetheless, Dedham village retains a range of A1 retail outlets and it is considered that the proposed change of use would not unreasonably harm the level of shops and service provision within the village. The application is therefore recommended for approval.

3.0 Site Description and Context

3.1 No. 25 is one half of a subdivided building which was almost certainly occupied historically as a single unit. The other half of the property is also in commercial use as an estate agency (Abbotts). The premises are within the High Street and village centre, which contains a varied mix of uses including a range of shops, cafes, public houses, offices, residential dwellings and places of worship.

4.0 Description of the Proposal

- 4.1 The application seeks to change the use of the premises from A1 retail to A2 professional services. No alterations to the layout or appearance of the building are proposed. Separate applications have been submitted for listed building consent (101408) and for advertisement consent (101410) in respect of a proposed hanging sign.

5.0 Land Use Allocation

- 5.1 Village Envelope
Conservation Area
Listed Building

6.0 Relevant Planning History

- 6.1 None

7.0 Principal Policies

- 7.1 In addition to national and regional policies, the following policies from the adopted Colchester Borough Review Local Plan (March 2004) are relevant to the consideration of this application:
DC1- Development Control Considerations
UEA5 - Altering Listed Buildings
CF4 – Community Facilities
TCS13 – Shopping in Villages and Countryside
- 7.2 In addition, the following policies from the adopted Colchester Borough Core Strategy (December 2008) are also relevant:
CE2c - Local Centres
ENV2 - Rural Communities

8.0 Consultations

- 8.1 English Heritage stated it is not necessary for the application to be notified to them.

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

9.0 Parish Council's Views

- 9.1 The Parish Council have stated that they have no objections to the change of use, but wish to ensure that the new sign does not project further out than the adjacent sign and is not larger than the existing sign.

(Officer Comment: The adjacent sign to Abbotts Estate Agents is approximately 80mm side and 55mm deep, so overall is a little larger than the proposed sign and also projects further out than the proposed sign).

10.0 Representations

10.1 4 objections were received and 1 in support. The following matters were raised:

- (a) There are too many estate agents – in addition to Abbots, 2 other shops also have displays for properties;
- (b) Need shops for local people and visitors not professional services;
- (c) Not good to have another advertisement on narrow section of footway.

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 adopted car parking standards are 1 space per 20 square metres of floor space for both the existing use (A1) and the proposed use (A2). The premises make no provision for off-street parking, although short-term parking is provided for the public at various locations in the centre of Dedham for use by shoppers and visitors. It is considered that the proposed use will not add to the need for off-street parking.

12.0 Report

12.1 The primary consideration with regard to this application is the principle of the proposed change of use from a Class A1 use to a Class A2 use. The premises are within the village envelope of Dedham. The application site is not part of a defined local centre and the proposal therefore needs to be considered as an individual shop.

12.2 Policy CE2c in the adopted Core Strategy states, "the provision of local shops and services throughout the Borough will be safeguarded to provide for the needs of local residents."

12.3 The Council's Planning Policy Team has indicated that it would be preferential to retain the current A1 use of the premises, as an A1 use is more suited to the needs of local residents. Emerging policy in the form of the Development Policies Submission Document Policy DP7 outlines that individual shops, not specifically defined on the Proposals Map will be safeguarded for A1 retail purposes. Paragraph 4.15 outlines that the importance of individual shops will vary between communities. In some communities, particularly the villages, a single shop may be considered as a community facility.

12.4 The applicant has rejoined that the purpose of Policy CE2c is to protect both local shops and services from other types of use and this policy does not specifically restrict changes of use from A1 to A2. Both uses have a role in meeting local needs and vibrant centres will often include a mix of Class A uses. Policy DP7 is emerging policy only and therefore cannot be attributed the same weight as adopted policies.

- 12.5 There are a number of saved Local Plan policies that are also relevant. Policy CF4 seeks to retain key community facilities and services, particularly in instances where there loss would either leave communities totally lacking in such provision or give rise to unsatisfactory deficiencies. Policy TCS13 (b) states, “proposals for changes of use of existing village shops and garages to other uses will be resisted unless at least one other viable alternative outlet exists within the local community or within easy and safe walking distance of it.”
- 12.6 In the case of Dedham village there is a range of existing local shops including a butcher, greengrocer, Co-op convenience store, newsagent, clothes shop and book shop. These provide a range of local retail goods. The grant of planning permission for A2 use at these premises would not leave the village with an absence of retail outlets. Whilst the concerns expressed by the Planning Policy Team and a number of local residents are appreciated, it is considered that the proposed change of use would not unreasonably harm the level of shops and services provided within the local community.

13.0 Conclusion

- 13.1 The Council’s adopted policies seek to safeguard local shops and services for the needs of local residents. It is acknowledged by your Officer that an A1 use is more likely to meet the needs of local residents than an A2 use. Nonetheless, Dedham village retains a range of A1 retail outlets and it is considered that the proposed change of use would not unreasonably harm the level of shops and service provision within the village.

14.0 Background Papers

- 14.1 ARC: Core Strategy; English Heritage; PTC; NLR

Recommendation - Conditional Approval

Conditions

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

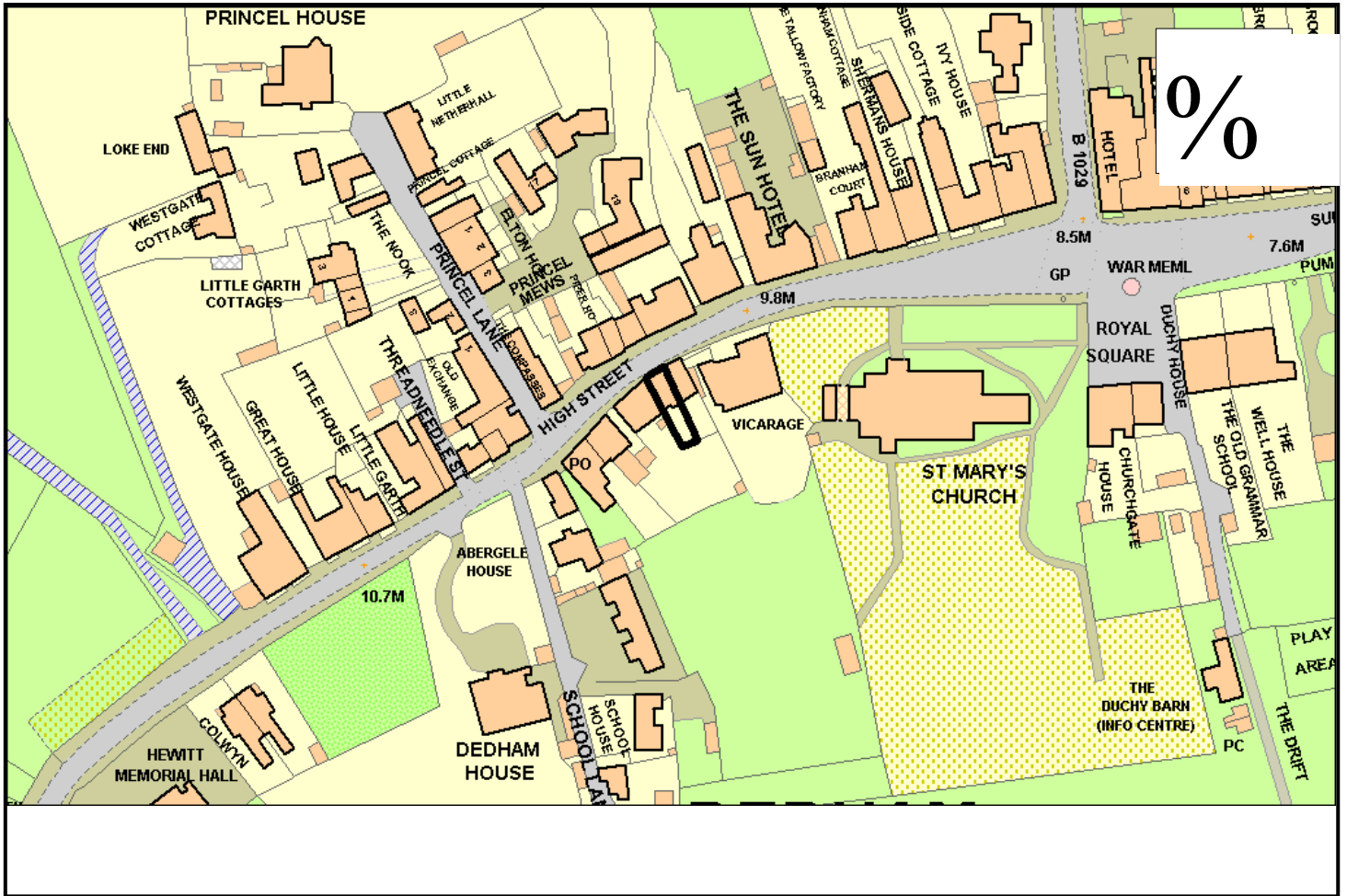
The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

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

Informatives

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

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



Application No: 101408

Location: 25 High Street, Dedham, Colchester, CO7 6DE

Scale (approx): 1:1250

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7.7 Case Officer: Simon Osborn**OTHER****Site:** 25 High Street, Dedham, Colchester, CO7 6DE**Application No:** 101408**Date Received:** 8 July 2010**Agent:** Mr Robert Pomery**Applicant:** Palmer & Partners**Development:** Listed Building Consent for Change of use from A1 Retail (Gift Shop) to A2 Professional Service (Estate Agent) and the erection of a hanging sign onto a listed building.**Ward:** Dedham & Langham**Summary of Recommendation:** Listed Building Consent**1.0 Planning Report Introduction**

1.1 This application is one of three for the same site. Application 101405 (see previous report) relates to the principal of the change of use of the premises from A1 use to A2 use. There are no physical alterations to the building resulting from this change of use. However, consent is also sought for a hanging sign (subject of application 101410, which in accordance with the Council's delegation procedures will be determined under delegated powers). The proposed hanging sign also requires listed building consent (and is subject of application 101408, which is dealt with by this report). The application is referred to the Planning Committee because objections have been received to the proposal from local residents.

2.0 Synopsis

2.1 The principal change to the listed building is the proposed advertisement signage, in particular the new hanging sign. The design and proportions of this are generally of a modest nature. The application is recommended for approval.

3.0 Site Description and Context

3.1 No. 25 is one half of a subdivided building which was almost certainly occupied historically as a single unit. The other half of the property is also in commercial use as an estate agency (Abbotts). The premises are within the High Street and village centre, which contains a varied mix of uses including a range of shops, cafes, public houses, offices, residential dwellings and places of worship. A number of these premises, including Abbotts, have hanging advertisement signs.

4.0 Description of the Proposal

- 4.1 The proposed hanging sign requires listed building consent as well as advertisement consent. The proposed sign will have a height of 700mm, a depth of 500mm and a width of 30mm. The height from the ground to the base of the advertisement will be 2.7m and the maximum projection of the advertisement from the face of the building will be 600mm. The proposed sign will not be illuminated and will have orange and white text on a black background and will hang from a bracket attached to the face of the building.

5.0 Land Use Allocation

- 5.1 Village Envelope
Conservation Area
Listed Building

6.0 Relevant Planning History

- 6.1 None

7.0 Principal Policies

- 7.1 In addition to national and regional policies, the following policies from the adopted Colchester Borough Review Local Plan (March 2004) are relevant to the consideration of this application:
DC1 - Development Control Considerations
UEA5 - Altering Listed Buildings
UEA16 – Advertisements in Conservation Areas
- 7.2 In addition, the following policies from the adopted Colchester Borough Core Strategy (December 2008) are also relevant:
UR2 – Built Design and Character

8.0 Consultations

- 8.1 English Heritage stated it is not necessary for the application to be notified to them.

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

9.0 Parish Council's Views

- 9.1 The Parish Council have stated that they have no objections to the change of use, but wish to ensure that the new sign does not project further out than the adjacent sign and is not larger than the existing sign.

(Officer Comment: The adjacent sign to Abbotts estate agents is approximately 80mm wide and 55mm deep, so overall is a little larger than the proposed sign and also projects further out than the proposed sign)

10.0 Representations

10.1 4 objections were received and 1 in support in respect of this and the other related applications. The following matters were raised:

- (a) There are too many estate agents – in addition to Abbots, 2 other shops also have displays for properties;
- (b) Need shops for local people and visitors not professional services;
- (c) Not good to have another advertisement on narrow section of footway.

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 adopted car parking standards are 1 space per 20 square metres of floor space for both the existing use (A1) and the proposed use (A2). The premises make no provision for off-street parking, although short-term parking is provided for the public at various locations in the centre of Dedham for use by shoppers and visitors. It is considered that the proposed use will not add to the need for off-street parking.

12.0 Report

12.1 Policies UEA5 in the Local Plan and UR2 in the Core Strategy generally seek to retain the special character of listed buildings and Conservation Areas. Policy UEA16 in the Local Plan gives further advice on advertisements within Conservation Areas. This indicates that they will be permitted only if they are well designed and sited and do not detract from the character and appearance of the Conservation Area or are detrimental to highway safety.

12.2 The proposal does not involve any physical change to the building in relation to its design, layout or appearance. There are no structural changes or alterations proposed. The proposal seeks to add a hanging sign onto the frontage. The applicant has submitted a photographic montage to illustrate the position, but notes that the position is approximate and that the final position will be determined in relation to the building's structure (the property is rendered over a timber frame). Signs will also be provided on the face of the building, immediately above the ground floor window frames; these will be in the same position as signs still in place for the previous occupant of the premises.

12.3 The proposed sign is generally modest in terms of its size and appearance, being a little smaller overall than the adjacent sign at the Abbots estate agents. The sign will have a maximum projection of 600mm from the face of the building and will project above the pavement, which is 1.8m wide at this point. The position of the sign is indicative, but reflects the position of both the adjacent hanging sign and other hanging signs elsewhere in the village centre. The application form indicates that the proposed sign will be constructed of aluminium composite with a flat matt finish. The Local Planning Authority would normally expect traditional materials to be used in Conservation Areas. It is noted that not all of the hanging signs in the village utilise timber for their signage. It is therefore recommended that this matter is dealt with by condition that enables further consideration for this.

13.0 Conclusion

13.1 The principal change to the listed building is the proposed advertisement signage, in particular the new hanging sign. The design and proportions of this are generally of a modest nature. The application is recommended for approval.

14.0 Background Papers

14.1 ARC; Core Strategy; English Heritage; PTC; NLR

Recommendation - Listed Building Consent

Conditions

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

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

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

2 - Non-Standard Condition

Notwithstanding any indication to the contrary on the submitted application forms, the advertisement signs on the building shall be constructed of timber with a flat matt finish, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the approved works are carried out without detriment to the architectural character and historic detail of the [listed] building.

3 - Non-Standard Condition

Prior to the installation of the hanging sign, full details to show the design and dimensions of the proposed bracket for the hanging sign shall be submitted to and agreed in writing by the Local Planning Authority. The bracket shall be constructed in metal with a painted black matt finish, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the approved works are carried out without detriment to the architectural character and historic detail of the [listed] building.

4 - Non-Standard Condition

The proposed hanging sign shall be erected in the indicative position indicated within the photographic montage submitted with the application. If it is necessary to alter the final position of the sign by more than 300mm (to take account of the building structure), further details shall first be submitted to and agreed in writing by the Local Planning Authority. The base of the hanging sign shall not be positioned lower 2.7m above ground level, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In accordance with the details submitted with the application and to protect the character and appearance of the historic building.

5 - C1.2 Making Good Any Damage

Following completion of the building operations for which consent is hereby granted any damage to the building shall be made good and all making good of the existing building shall be carried out using materials to be agreed with the Local Planning Authority so as to ensure there is a good match with historic materials.

Reason: To ensure that the approved works are carried out without detriment to the architectural character and historic detail of the [listed] building.

Informatives

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

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

INDEX TO PLANNING APPLICATIONS CODES

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

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

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

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

INTERNAL CONSULTEES

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

REPRESENTATIONS ETC

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

EXTERNAL CONSULTEES (2 character codes)

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



Colchester Borough Council Environmental Control

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

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

Best Practice for Construction Sites

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

Noise Control

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

Emission Control

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

Best Practice for Demolition Sites

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

Noise Control

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

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

Emission Control

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