

Planning Committee

**Council Chamber, Town Hall
24 July 2008 at 6:00pm**

This committee deals with

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.

Have Your Say!

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.

Mobile phones, pagers, cameras, audio recorders

Please ensure that all mobile phones and pagers are turned off before the meeting begins and note that photography or audio recording is not permitted.

Access

There is wheelchair access to the Town Hall from West Stockwell Street. There is an induction loop in all the meeting rooms. If you need help with reading or understanding this document please take it to Angel Court Council offices, High Street, Colchester or telephone (01206) 282222 or textphone 18001 followed by the full number that you wish to call, and we will try to provide a reading service, translation or other formats you may need.

Facilities

Toilets are located on the second floor of the Town Hall, access via the lift. A vending machine selling hot and cold drinks is located on the ground floor.

Evacuation Procedures

Evacuate the building using the nearest available exit. Make your way to the assembly area in the car park in St Runwald Street behind the Town Hall. Do not re-enter the building until the Town Hall staff advise you that it is safe to do so.

Colchester Borough Council, Angel Court, High Street, Colchester
telephone (01206) 282222 or
textphone 18001 followed by the full number that you wish to call
e-mail: democratic.services@colchester.gov.uk
www.colchester.gov.uk

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.

**COLCHESTER BOROUGH COUNCIL
PLANNING COMMITTEE
24 July 2008 at 6:00pm**

Members

Chairman : Councillor Gamble.
Deputy Chairman : Councillor Ford.
Councillors Chillingworth, Blandon, Chapman, Chuah, Cory, Elliott, Foster, Hall, Lewis and Offen.

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 Arnold, Barlow, Barton, Bentley, Bouckley, Cook, Dopson, Fairley-Crowe, P. Higgins, T. Higgins, Hunt, Lilley, Lissimore, Maclean, Manning, Martin, Pyman, Quarrie, Sykes, Tod, Turrell and 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. An amendment sheet is circulated at the meeting and members of the public should ask a member of staff for a copy to check that there are no amendments which affect the applications in which they are interested. Could members of the public please note that any further information which they wish the Committee to consider must be received by 5pm on the day before the meeting in order for it to be included on the Amendment Sheet. With the exception of a petition, no written or photographic material can be presented to the Committee during the meeting.

Pages

1. Welcome and Announcements

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

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

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

To confirm as a correct record the minutes of the meeting held on 10 July 2008.

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. 080900 St Andrews Gardens, Colchester** **8 - 16**
(St Anne's)

Use of existing retail premises as a food store including ancillary coffee shop and customer toilets together with works of refurbishment and associated alterations, reconfiguration of car park and service arrangements, reconstruction of retaining wall and erection of new delivery bay, entrance lobby and mezzanine.

- 2. 071036 Port Lane, Colchester** **17 - 38**
(New Town)

Outline application for 373 dwellings plus 390sqm of flexible commercial development comprising A1 and/or A2 and/or A3 and/or B1 and/or B1 and/or D1 and/or D2 uses. Change of use of existing building (830sqm) to flexible use comprising A1 and/or A2 and/or A3 and/or B1 and/or D1 and/or D2.

- 3. 081006 63 Crouch Street, Colchester** **39 - 42**
(Castle)

Variation of Condition 11 of Planning Permission 080129 to allow external music four times a year on Bank Holiday Mondays between 13.00 – 18.00 hours.

- 4. 081039 38 East Hill, Colchester** **43 - 53**
(Castle)

Change of use from existing dwelling to an orthodontist by fitting out the existing building, removing an existing 20th century single storey extension and constructing a two storey extension onto the south elevation (resubmission of 072263).

- 5. 081040 38 East Hill, Colchester**
(Castle)

Listed Building application to change the use from existing Dwelling to an orthodontist by fitting out the existing building, removing an existing 20th century single storey extension and constructing a two storey extension onto the south elevation (resubmission of 072263). Joint report for this listed building application and the previous planning application are attached to previous agenda item.

- 6. 081079 80-82 London Road, Colchester** **54 - 61**
(Lexden)

External alterations to existing retail unit to include provision of two further shop entrances, provision of dock leveller to loading bay, disabled access ramp, trolley park, creation of waste compound and reconfiguration of car park.

- 7. 081103 School Hill, Birch** **62 - 67**
(Birch and Winstree)

Proposed nursery building to be erected in school playground.

- 8. 081105 Colchester General Hospital, Turner Road, Colchester** **68 - 72**
(Mile End)

External works to facilitate future building projects within the hospital site, extension and alterations to main access road within site (as previous approved 071906) creation of additional/replacement parking bays for disabled use and hardstandings for mobile scanning unit.

- 9. 081118 Gosbecks Road, Colchester** **73 - 79**
(Shrub End)

Erection of 3 no. new housing units off shared private drive. Resubmission of 073146.

- 10. 081164 6 Blackwater Drive, West Mersea** **80 - 83**
(West Mersea)

Proposed pitched roof to existing garage.

- 11. 081109 Mill Lane, Dedham** **84 - 89**
(Dedham and Langham)

Removal of existing rooftop extract duct and chimney. Replacement with new extract duct and plant in alternative position.

- 12. 081113 Mill Lane, Dedham**
(Dedham and Langham)

Removal of existing rooftop extract duct and chimney.
Replacement with new extract duct and plant in alternative position.
Joint report for this listed building application and previous planning application is attached to the previous agenda item.

13. 081154 13 Park Road, Colchester
(Lexden)

90 - 95

Proposed single storey extension providing additional bedroom and change of use from residential home to nursing home for people with physical or mental difficulties. Resubmission of 080777.

8. Enforcement Performance Monitoring for the period 1 January 2008 - 30 June 2008

96 - 102

See report by the Head of Environmental and Protective Services

9. 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

10 JULY 2008

Present:- Councillor Gamble* (Chairman)
Councillors Blandon*, Chillingworth*, Chuah*, Cory,
Elliott*, Ford, Foster*, Hall* and Offen*.

Substitute Members:- Councillor Maclean for Councillor Chapman
Councillor Pyman for Councillor Lewis

(* Committee members who attended the formal site visit.
Councillor Hall was present for the site visit at minute no.
67 only.)

Councillors Chuah and Pyman were not present for the consideration and determination of all items agreed en bloc, minutes nos. 65, 66, 71, 73, 74 and 76 refer.

64. Minutes

The minutes of the meeting held on 26 June 2008 were confirmed as a correct record.

65. 080834 Former Armstrong Pumps Works, Peartree Road, Stanway

The Committee considered an application for a change of use of an existing vacant building from industrial, warehousing and offices to car showrooms and workshops including part demolition and part new building. The Committee had before it a report in which all information was set out, see also Amendment Sheet.

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

Councillor Chuah (in respect of being a trustee and secretary of the St. Anne's Community Hall) declared her personal interest in the following item which was also a prejudicial interest pursuant to the provisions of Meetings General Procedure Rule 7(10) and left the meeting during its consideration and determination.

66. 080901 St. Anne's Community Centre, Harwich Road, Colchester, CO4 3HT

The Committee considered an application for an extension to the St Anne's Community Centre hall by means of a side extension to provide additional storage facilities and a covered entrance area. The Committee had before it a report in which all information was set out, see also Amendment Sheet.

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

Councillors Lissimore (in respect of her daughter being a pupil at Philip Morant School) and Pyman (in respect of her spouse being a member of the Board of Governors at Philip Morant School) each declared their individual personal interests in the following item pursuant to the provisions of Meetings General Procedure Rule 7(3) which in the case of Councillor Pyman was also a prejudicial interest pursuant to the provisions of Meetings General Procedure Rule 7(10) and she left the meeting during its consideration and determination.

67. 080925 The Philip Morant School and College, Rembrandt Way, Colchester, CO3 4QS

The Committee considered an application for the removal of two existing demountable classrooms and the erection of a single storey extension to the existing Sixth Form Block, together with the provision of a new internal service road to improve site safety and security. It was intended to relocate overspill parking spaces to allow netball courts to be returned to PE use. The Committee had before it a report in which all information was set out.

The Committee made a site visit in order to assess the impact of the proposal upon the locality and the suitability of the proposal for the site. Ward Councillors Davies and Lissimore were in attendance at the formal site visit pursuant to Section 7(3) of the Planning Procedures Code of Conduct.

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

Sue Cowans, Head Teacher, addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in support of the application. The school had received funding of £1.6million for the project in recognition of its success. The concept behind this application was to enhance Sixth Form teaching at the school by providing specialised teaching areas for Social Sciences, a new IT suite and to ensure the library area for students could be brought up to date together with improved café facilities. She acknowledged that parking was an issue which affected residents in those roads nearest to the school and confirmed that their sixth form students were encouraged not to bring cars to school. The current proposal showed 24 car parking spaces relocated alongside the access road to the new block which complied with planning guidelines, but the school would be prepared to retain these 24 spaces in addition to the new spaces on the internal access road.

Councillor Lissimore, Prettygate ward councillor, attended and, with the consent of the Chairman, addressed the Committee, substantially about traffic problems around the site. It was important that as many cars as possible were parked within the site. Residents were subjected to cars parked across, and sometimes on their driveways. Efforts had been made by Essex County Councillors and, more recently, through the Neighbourhood Action Plan (NAP) initiative to address this problem, but the solutions just moved cars to other roads thereby causing even more disruption. She urged the Committee to support the Head Teacher's offer to retain the overspill parking, and whilst this was not ideal because of the conflict between cars and pupils, the disruption was less than that caused by cars in residential streets outside the school at 3pm. Sixth formers were not allowed to park on the site and were forced to park in surrounding streets and she asked that they be accommodated within the site. She was keen not to divert money away from other projects but there was a need to avoid congestion around the school and she hoped the Committee could help those residents who were affected.

Members of the Committee welcomed the application for improved sixth form facilities but were very concerned about the continuing impact of parking on residents in surrounding streets. There was some concern that the retention of the current overspill parking would mean the netball courts would not be available for netball and members noted that there seemed to be available space on the site which could be used for additional parking which could also assist in avoiding the conflict between pupils and cars. The Committee considered that parking in surrounding streets would not be eliminated unless the school permitted sixth formers to park within the site and an informative note to the school to this effect should be added. The precise number of cycle parking provision was requested.

It was explained that the two different numbers of cycle parking spaces related to two separate areas for cycle parking; one secure and one unsecure. There were no conditions proposed to provide for sixth formers cars to be parked on site. In the long term the school planned to relocate the overspill elsewhere on site and those proposals could come forward in the future. Members of the Committee indicated that they would have found it useful to have sight of any long term development plan for the site and asked that, if one existed, it be provided to the Council particularly to accompany any future applications.

RESOLVED (UNANIMOUSLY) that the application be approved with conditions and informatives as set out in the report together with informative notes in respect of a preference that the school permit sixth formers to park on site and in respect of a long term site development plan being made available to the Council.

68. 080964 21 St. Peter's Street, Colchester, CO1 1EW

The Committee considered an application for the erection of five town houses each having four bedrooms on a plot of land between Claudius Court and Ryegate House. 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.

Members of the Committee noted that this application was a major development for the Dutch Quarter for which there was general support. It was critical that the Roman drains recently discovered on the site were preserved. The private amenity spaces were small as were the footways. In respect of amenity spaces it was noted that this site was in the town centre with access to Castle Park. It was also noted that the Roman Road area had been excluded from the parking permit scheme and a similar request was made in respect of this development.

It was explained that it was not within the remit of planning officers to put restrictions on parking permits and the whole issue of parking permits was under review. The garden spaces were smaller than that recommended in the Design Guide but they were comparable in size to other gardens in the locality. It was intended that the footway would be the same width as the footway on either side of this development. Whilst the site was designated as employment use in the Local Plan, there was an extant permission for residential development on this site.

RESOLVED (UNANIMOUSLY) that –

- (a) Consideration of the application be deferred for the signing of a Unilateral Undertaking under Section 106 of the Town and Country Planning Act 1990 to provide for a contribution towards Open Space, Sport and Recreational Facilities in accordance with the Council's Supplementary Planning Document.

(b) Upon receipt of a satisfactory Unilateral Undertaking, the Head of Environmental and Protective Services (formerly the Head of Planning, Protection and Licensing) be authorised to grant consent with conditions and informatives as set out in the report and on the Amendment Sheet.

69. 080968 Park Lane Farm, Park Lane, Langham, CO4 5NL

This application was withdrawn from consideration at this meeting by the applicant, see Amendment Sheet.

70. 081004 4 The Crescent, Great Horkesley, CO6 4EH

The Committee considered an application for a first floor rear extension over part of an existing single storey structure. 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 neighbours and the suitability of the proposal for the site.

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

Mr Donald Martin, neighbour, addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in opposition to the application. He had lived in the house for 71 years. There were three habitable rooms on the side of his house. The pitched roof would impinge on the first floor extension. Previous applications had been revised and the proposed extension would exacerbate this situation. The proposal would also exacerbate the existing breaches as well as impacting on the bedroom windows. Regarding the 45° rule in the context of overshadowing, this would affect the value of his property. He may need the funds for his care in the future. It will affect his health now and the value of his property in the future.

Mr Michael Baker addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in support of the application. He explained that he would have liked to have two bedrooms upstairs but this application was for a bedroom and en suite with another bedroom downstairs. His family have been resident in the house since 1956; he wished to remain in the house. The cost of housing of the size they need was beyond their means. The Parish Council had commented that the house was not suitable for an extension, but there was a larger extension at no. 8 The Crescent. His main reason for needing the additional accommodation was that his partner had a long term illness and for the sake of convenience she would like to have an en suite facility.

Members of the Committee sympathised with the neighbour, but it appeared that the planning rules had not been breached by this application. Also this application was an improvement for the neighbour compared with previous applications in terms of the lowering of the roof of the existing extension which would help marginally with light into the kitchen. The bedroom would be affected by the loss of the view but a bedroom was not lived in to the same extent as a downstairs room and the effect on that room would not be so significant. Every extension had a detrimental effect to some extent on neighbours and the Committee's had to balance the significance of that impact; assistance was provided by the 45° rule. The Committee reminded the objector that they were unable to take into account loss of property value.

In respect of a request for an explanation regarding how the breach of the 45° line with No. 3 The Crescent had been overcome, it was explained that there are two 45° lines, one taken from the corner of the adjacent property which fails the test. The other test involved two

calculations; the one taken from the centre of the window which was satisfied. It was only necessary for one of the tests to be satisfied which was the case in this instance. Whilst the 45° line from the corner of the property was breached this was not considered sufficient in this case to recommend a refusal. The officer proposed a further condition to require the works to the roof on the existing extension to be carried out and completed prior to the first floor extension being brought into use.

RESOLVED (TEN voted FOR and TWO ABSTAINED from voting) that the application be approved with conditions and informatives as set out in the report together with a further condition requiring works to alter the roof of the existing ground floor extension to be completed prior to the first floor extension being brought into use.

Councillor Elliott (in respect of his acquaintance with the applicant) declared his personal interest in the following item pursuant to the provisions of Meetings General Procedure Rule 7(3).

71. 081069 Land adjacent to 19 Cherry Chase, Tiptree, CO5 0AE

The Committee considered an application for a proposed detached dwelling with detached garage. The Committee had before it a report in which all information was set out, see also Amendment Sheet indicating that the submitted proposed measures to protect the Horse Chestnut tree were satisfactory to the Arboricultural Officer and as a consequence the recommendation had been amended.

RESOLVED (UNANIMOUSLY) that –

- (a) Consideration of the application be deferred until the consultation period has expired to enable any further comments to be received and taken into consideration.
- (b) Subject to there being no further objections being received by 12 July 2008 on material planning issues not previously covered in the Committee report, the Head of Environmental and Protective Services (formerly the Head of Planning, Protection and Licensing) be authorised to grant consent with conditions and informatives as set out in the report and on the Amendment Sheet.
- (c) If objections are received before 12 July 2008 that raise material planning issues not covered in the Committee report, the application to be presented to Committee on 24 July 2008 for determination.

72. O/COL/06/0740 Roberts Farm, Fordham Road, Mount Bures, CO8 5AZ

The Committee considered an outline application for the erection of a permanent dwelling on the equestrian/stud farm complex located close to the main complex of equestrian buildings. All matters were reserved. The application as originally submitted sought a dwelling with 180 metres of floor space which had been reduced to 165 square metres. The Committee had before it a report in which all information was set out, see also Amendment Sheet.

Bradly Heffer, Principal Planning Officer, attended to assist the Committee in its deliberations. An independent consultant had analysed the accounts of the business and found the business to be showing profitability. A further independent assessment had been made on the functional need for a dwelling associated with the business which had confirmed the need for

someone to be on site in accordance with Policy CO13. The permanent dwelling would be a replacement for the temporary structure and it was proposed to impose conditions removing permitted development rights and restricting floor space of the dwelling.

Mr Terry Evans, Mount Bures Parish Council, addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in opposition to the application. The Parish Council had been concerned about this site for several years. In recent years there have been several owners and enterprises none of which had succeeded; they wanted a proper business on the site. The Parish Council had not been able to look at the accounts and it had not been proved to the Parish Council that it this was a viable enterprise. They were also aware that other development had taken place at the site without the benefit of planning permission, including a swimming pool. The site was being developed piecemeal with no proper appraisal of the site.

Mr Brian Barrow, agent, addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in support of the application. Temporary permission would allow finance to be all proven. This permanent application was submitted in 2006 when the temporary permission was expiring. Two more sets of accounts have been submitted which show that the business, which has now been in existence for five years, continues to thrive. Government advice PPS7 states that temporary permission should not be granted where a permanent dwelling would be justified and this was now the case. In 2007 the turnover was £73,000 with a profit of over £30,000 plus the stock value. The owner had invested £40,000 in acquiring further land for grazing and hay making. Having someone living on site would lead to lower vehicle movements. Everything else was dealt with by conditions including a standard occupancy condition and the removal of the temporary dwelling. A retrospective application had been submitted for the swimming pool.

Members of the Committee commented that this holding had been of concern to the Parish Council and ward councillor for many years. This type of operation was labour intensive. A stud business took time to build up and three years was not normally long enough for it to demonstrate profitability. This had been demonstrated because the earlier accounts did not show sufficient profit. However the viability of the business was now proved and he believed that it was now the right time to approve this application. It would provide an opportunity for a rather untidy site to be tidied up. Some of the other issues raised were not for the Planning Committee to comment on but the applicant was now aware that they should be dealt with as quickly as possible.

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

73. 071025 Tesco Stores Limited, Highwoods Square, Colchester, CO4 9ED

The Committee considered an application for a new non-food bulk store extension and canopy extension to be used for Tesco home delivery service. The Committee had before it a report in which all information was set out.

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

74. 080942 Stanway Rovers Football Club, New Farm Road, Stanway

The Committee considered an application for the continued use of floodlights for training and organised football matches at existing football and sports ground which would result in a revision of existing conditions on the existing use. The Committee had before it a report in which all information was set out.

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

75. 081015 32 St. Albans Road, Colchester, CO3 3JQ

The Committee considered an application for a change of use from domestic use to the provision of three car parking spaces for use by the owners and tenants of 32 St Albans Road only. 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.

Members of the Committee were concerned at the principle of the use of the land for commercial purposes which could be anything including a mobile food van. The road was entirely residential apart from one or two offices nearby and this was an application for parking cars for commercial purposes in the garden of the site. There was some concern about the monitoring of the site but it was noted that the neighbours would complain if more cars were parked there.

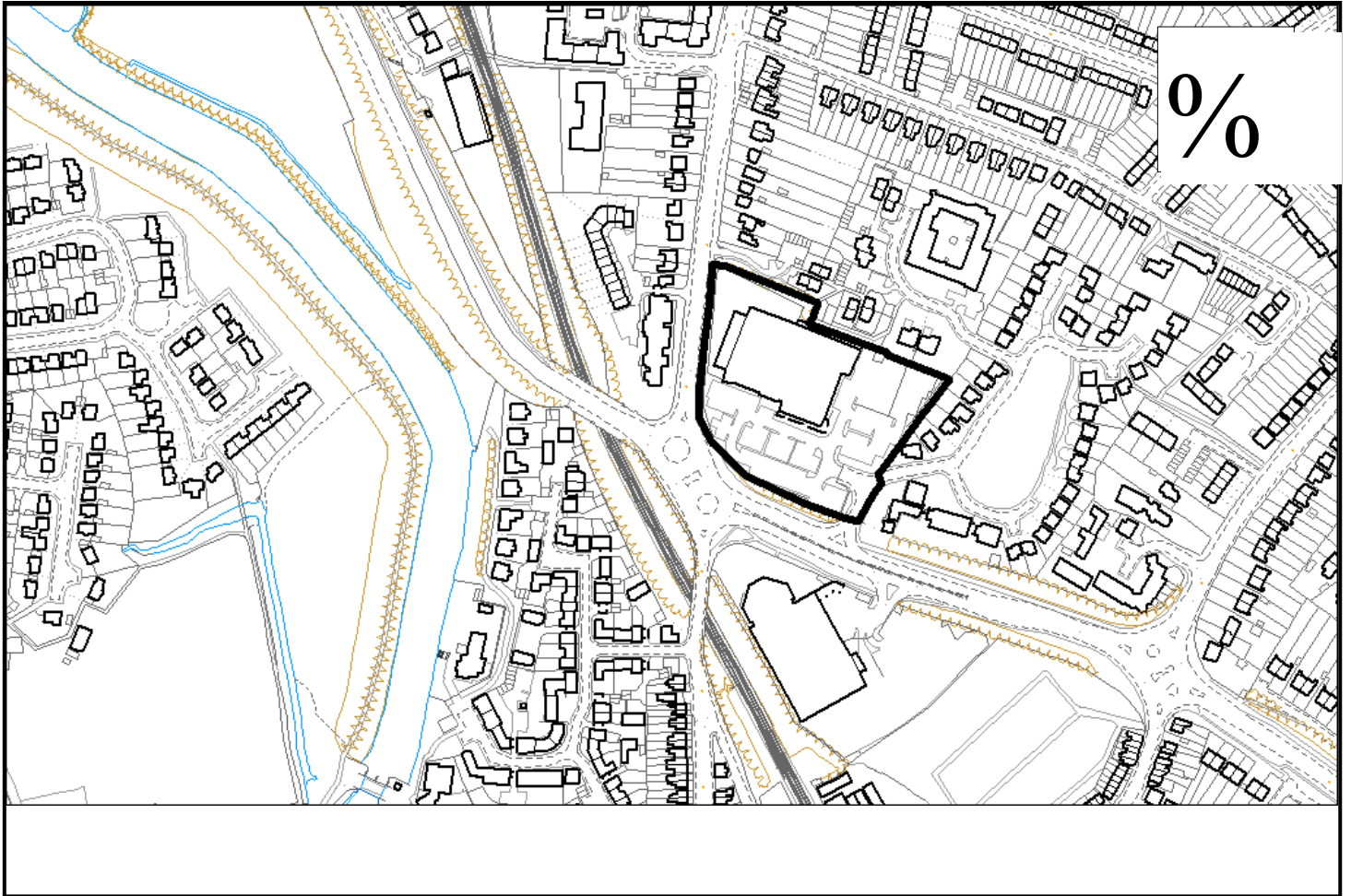
It was explained that this was a retrospective application which had been brought to the attention of the Council by a neighbour. There had been six cars parked on the site but this application had been amended for three spaces, two commercial and one for the use of a tenant. It was confirmed that the majority of roads in the area had parking restrictions. The Highway Authority had commented that the width of the site might be somewhat tight for the purpose, but the owners of the property were aware of the restriction. If the Committee wished it would be possible to prevent commercial vehicles from parking on the site by the imposition of a condition permitting cars only and excluding commercial vehicles from the permission.

RESOLVED (ELEVEN voted FOR and ONE ABSTAINED from voting) that the application be approved with conditions and informatives as set out in the report subject to Condition 2 being amended to state that the consent relates only to the parking of cars and does not include any commercial vehicles.

76. 081081 The Queen's Head, Queens Road, West Bergholt, CO6 3HE

The Committee considered an application for the construction of a false chimney to house a kitchen extraction fan. The Committee had before it a report in which all information was set out.

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



Application No: 080900

Location: Former Glyn Webb, St. Andrews Gardens, Colchester, CO4 3BQ

Scale (approx): 1:1250

The Ordnance Survey map data included within this publication is provided by Colchester Borough Council of PO Box 884, Town Hall, Colchester CO1 1FR under licence from the Ordnance Survey in order to fulfil its public function to act as a planning authority. Persons viewing this mapping should contact Ordnance Survey copyright for advice where they wish to licence Ordnance Survey map data for their own use.

This map is reproduced from Ordnance Survey Material with the permission of Ordnance Survey on behalf of the Controller Of Her Majesty's Stationery Office © Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. Colchester Borough Council 100023706 2006



Committee Report

Agenda item

7

To the meeting of **Planning Committee**
on: **24 July 2008**
Report of: **Head of Planning, Protection and Licensing**
Title: **Planning Applications**

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

7.1 Case Officer: David Whybrow EXPIRY DATE: 08/08/2008 MAJOR

Site: St. Andrews Gardens, Colchester, CO4 3BQ

Application No: 080900

Date Received: 8th May 2008

Agent: Fletcher Burrough Black

Applicant: St Andrews Avenue Llp

Development: Use of existing retail premises as a food store including ancillary coffee shop and customer toilets together with works of refurbishment and associated alterations, reconfiguration of car park and service arrangements, reconstruction of retaining wall and erection of new delivery bay, entrance lobby and mezzanine

Ward: St Annes

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

1.0 Site of Description

1.1 The former Glyn Webb DIY store lies at the junction of Ipswich Road and St Andrews Avenue and gains access from St Andrews Gardens. The site area is 1.4 ha. The site is elevated above Ipswich Road beyond a high retaining wall with trees above. There is also an embanked and treed frontage to St Andrews Avenue. To the north dwellings in Frank Clater Close are at a higher level than the site and the present store and service yard is

DC0901MW 01/02

cut into the slope which continues upwards in a northerly direction. Again trees and hedges provide screening to this boundary.

1.2 The main car parking areas are in the southern and eastern part of the site.

2.0 Description of Proposal

2.1 The proposal is to change the existing bulky goods, retail premises to a foodstore, together with works of refurbishment and alterations to the building, reconfiguration of car park and service arrangements (the new service yard will be to the north west of the building) and erection of new delivery bay, lobby and insertion of mezzanine floor at the west end of the building. These changes will result in a store of 3530 sq.m. gross internal floorspace, and result in a reduction in the present floor area.

2.2 The application is supported by:-

1. A retail/planning report.
 2. Acoustic report.
 3. Tree survey
 4. Design and access statement
- details of which may be inspected on the Council's website.

2.3 The main features of the scheme are:

1. Relocation of service yard to north west part of the site involving removal of existing garden centre. Existing service yard will revert to car park.
2. Creation of new lobby area replacing existing colonnaded entrance area and introduction of more glazing to east elevation.
3. Remodelling of roof and recladding in "raised seam" aluminium sheeting.
4. The transfer of land in the south west corner of the site to the highway, involving replacement of relocation of existing retaining wall.

3.0 Land Use Allocation

3.1 Retail

4.0 Relevant Planning History

4.1 The site has a lengthy planning history. The applications most germane to these proposals are:-

COL/83/0703 - Proposed 'Do it All Store' including greenhouse, garden centre, associated office and toilet accommodation and all parking and off-loading facilities - Conditional Approval 29 September 1993

4.2 97/0714 - Modification to Condition 08 on planning application COL/83/0703 (in respect of sale of retailing home improvements products/DIY) to allow sale of additional products – Approved 3 July 1997

4.3 97/1005 - Proposed alterations to subdivide units including new entrance - Approved 22 August 1997

- 4.4 97/1530 - Application for Certificate of Lawfulness in respect of premises for sale of a range of household goods by C.R.S. Homeworld - No decision
- 4.5 97/1788 - Modification of Condition 8 of COL/83/0703 to permit sale of furniture/carpets/electrical goods/home improvement products/DIY goods and materials, gardening products and ancillary and complementary home furnishings and homeware and shoppers restaurant and for no other purposes - Refused 19 February 1998

5.0 Principal Policies

- 5.1 Adopted Review Borough Local Plan
 - DC1 - General Development Control considerations
 - UEA11 - Design
 - TCS1 & 3 - Town Centre/Major Foodstores
 - TCS11 - Bulky goods retailing
 - P1 & P2 - Pollution
 - T1-T3 - Pedestrian/cycle facilities/green commuter plans

6.0 Consultations

- 6.1 At the time of writing this report, the Environmental Control team were involved in a dialogue with the agents regarding the impact of the service yard on adjacent residents. The results of those discussions will be reported at the Meeting.
- 6.2 The Environmental Policy Team's comments are set out in full:-

"The site is currently designated for 'Bulky Goods – Comparison Retail' on the Adopted Local Plan proposals map and is covered by Policy TCS11, which provides that the range of retail products will be limited to bulky goods. The designation reflects the site's location at the edge of the Town Centre and the focus on directing retail development to the Town Centre. A retail use for the site accordingly would not be in line with current Local Plan policy for the site. Core Strategy policy also seeks to direct retail development to the Town Centre, and does not include the isolated Glyn Webb site in its list of Urban District Centres programmed for retail and mixed use development.

The proposed use thus requires further justification to demonstrate need for the development and compliance with the sequential test required by PPS6, showing that there are no alternative Town Centre sites where the proposed use could be accommodated. The Retail Assessment carried out to comply with this requirement considers the need for the development, with the evidence for this coming out of the 2006 Retail Study by GVA Grimley carried out to inform the Core Strategy. This study identified capacity for a new foodstore in the urban area of Colchester to absorb additional convenience turnover, and it is not considered that any further evidence is required on this point. The Assessment does not, however, provide evidence on whether the provision of additional capacity at an out-of-centre location will have a negative effect on Town Centre trading, and in the absence of this it is considered that the store would compete with Town Centre uses rather than complement them.

The Retail Assessment also provides an evaluation of a number of town centre and edge of centre potential sites for a supermarket. It is considered that sufficient evidence has been provided to discount other more sequentially preferable sites due to their current unavailability or small size. Over the longer term, the Cowdray Centre would be an appropriate location for a supermarket to support the North Station Regeneration Area, but it will not be available in the short term.

It is not agreed, however, that the lack of sequentially preferable sites translates somehow into making it a 'sustainable' site as described in the Retail Assessment. The site's edge of centre location means that it will primarily be accessible by private car and therefore not located in the most sustainable location. Bus service along St Andrews Avenue/Cowdray Avenue is limited, so public transport access to the site is not considered good. The site is located at a busy intersection subject to congestion. The application includes transferring a small segment of land for junction improvements, at the request of the County Council to partially address the bottleneck

issue. While it is appreciated that use of the site for its permitted use for bulky goods retail would add to congestion, use for a Waitrose could generate a higher marginal rate of traffic due to its wide catchment area.

Mitigation of the potential negative effects on Town Centre retail uses and for the site's lack of accessibility could be provided through the following planning gain measures

1. Improvements to the cycle network, bus services and bus sheltered serving the site.
2. Improvement to the Ipswich Road junction (by donating strip of land).
3. Revenue contributions to the North Park and Ride to increase accessibility and consequently the attractiveness of town centre retail facilities.
4. Customer and staff travel plan
5. Provision of 'real time' bus travel information (in the coffee shop perhaps?)

The overall acceptability of the proposal in planning policy terms is accordingly considered to depend on the extent to which a planning gain package can be agreed to mitigate the negative aspects of the site's location."

6.3 The Highway Authority do not wish to raise an objection to the application subject to the following:-

No occupation of the development shall take place until such time as the following have been provided or completed to the satisfaction of the Highway Authority.

- The levelling (including relocation of existing retaining wall), hardening and dedication of land as public highway (details to be agreed with the Highway Authority).
- A £413,000 contribution towards transport improvements in the vicinity of the proposal site to include improvements to highway capacity and safety as well as for public transport, cyclists and walkers, along the A133 corridor (links and junctions).

In addition the following conditions are recommended:-

1. A travel plan in accordance with current ECC policy.
2. The proposed ramp along the westernmost boundary of the proposal site shall be for pedestrians and cyclists.
3. There shall be a direct footway between St Andrew's Gardens and the proposed food store main pedestrian entrance.

4. Measures shall be provided to ensure no mud and/or debris is deposited on the public highway by any vehicle associated with construction of the proposal. Details to be agreed with the Local Planning Authority and Highway Authority.

7.0 Representations

7.1 3 letters of representation have been received from residents in Ipswich Road. The following concerns are expressed:-

1. Loss of trees along the length of the Ipswich Road frontage which presently block out unsightly buildings.
2. Delivery trucks may extend beyond the store's normal opening hours i.e. 08.00 - 22.00 hours.
3. When not in use the car park could be used as a playground, race-track or football pitch.
4. The position of the new service yard will increase light and noise pollution. A soundproof fence or barrier must be installed.
5. The pedestrian ramp onto Ipswich Road will cause further disturbance. The present store operates without the changes now proposed.

8.0 Report

8.1 The Environmental Planning and Highway Authority's teams views on this application are significant. Their key conclusions are that this out of town centre is not ideal for food retailing, however other sequentially preferable sites, such as those at The Garrison, Vineyard Gate or Cowdray Avenue for example, are not readily available. Mitigation for this non-optimum location may be secured in the form of highway/transport infrastructure contributions which are part of an evolving scheme of improvements to highway capacity along the A133 corridor, together with its links and junctions.

8.2 The suggested alterations to the building itself are designed to bring life to a somewhat "tired" brick and tiled building. The new roofing, glazed entrance area and extensive new fenestration and introduction of panning, together with new boundary treatments to Ipswich Road and St Andrews Avenue, retaining existing trees so far as is possible, will breathe new life into the site. There should be no detriment to views from Ipswich Road.

8.3 The repositioning of the service yard in the north part of the site close to dwellings in Ipswich Road and Frank Clater close has been investigated at length by Environmental Control. Their fully comments in relation to - noise, attenuation and screening, delivery times, light pollution and positioning of plant and equipment will be available at the meeting. For Members' information the store is intended to open from 08.00 - 22.00 hours Monday to Saturday and reduced Sunday and Bank Holiday trading hours. The agents have suggested that special provision could be made for out-of-hours deliveries, at the front of the store.

8.4 As indicated, the final comments of the Environmental Control team and the Trees and Landscapes Officer are awaited and should be available at the Meeting. The applicants are also holding discussions with the Council's Economic Development Staff with a view to contributing towards their training initiative for retail staff. Provided that positive responses are forthcoming, it is recommended that although this site does not sit entirely comfortably with retail and town centre policy, the contributions recommended by the Highway Authority provide satisfactory mitigation and on balance the proposals are worthy of support.

9.0 Background Papers

9.1 ARC; HA; PP; HH; TL; NLR

Recommendation

Upon completion of a Section 106 Agreement securing the highway improvements and transport contributions required by the Highway Authority and set out earlier in this report, 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 - A2.2 Development to Accord With Revised Plans

The development hereby permitted shall be implemented in all respects strictly in accordance with the revised drawings.

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

3 - C3.3 Samples to be Submitted

Samples of the materials to be used on the external finishes shall be submitted to and approved in writing by the Local Planning Authority before the development commences. The development shall only be carried out using the approved materials.

Reason: To ensure the use of an appropriate choice of materials having regard to the prominence of this site and to ensure that the choice of materials will harmonise with the character of the surrounding area.

4 - C12.1 Comprehensive Boundary Scheme

A scheme of environmental works including construction of walls/fences/railings/ planting of hedges as appropriate and other structures on or adjacent to the boundary of the site with the highway/means of access shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development. The approved scheme shall be completed prior to the development being brought into use and shall be retained thereafter.

Reason: To ensure a satisfactory form of development and in the interests of visual amenity.

5 - Non-Standard Condition

No occupation of the development shall take place until such time as a Travel Plan in accordance with current Essex CC Policy has been submitted to the satisfaction of the Local Planning Authority and Highway Authority.

Reason: To ensure the development is occupied in accordance with sustainable transport objectives in the interests of highway safety.

6 - Non-Standard Condition

The proposed ramp along the westernmost boundary of the site shall be for use by both pedestrians and cyclists and there shall be a direct footway access between the St Andrews Gardens access and the proposed food store main pedestrian entrance.

Reason: To maximise access to the site by pedestrians and cyclists in accordance with sustainable transport objectives.

7 - Non-Standard Condition

A scheme of measures to ensure no mud and/or debris is deposited on the public highway by any vehicles associated with demolition/construction works shall be submitted to and agreed in writing by the Local Planning Authority and Highway Authority. The development shall be implemented wholly in accordance with the agreed details.

Reason: In the interests of highway safety and the amenity of local residents.

8 - D4.4 Bicycle Parking (satisfactory arrangements)

The building/s or land subject to this permission shall not be brought into use for the purposes hereby approved until satisfactory arrangements for the provision of bicycle parking have been agreed in writing and implemented to the satisfaction of the Local Planning Authority.

Reason: To ensure that adequate provision is made for cycle parking in accordance with both local and national policy to encourage and facilitate cycling as an alternative mode of transport and in the interests of both the environment and highway safety.

9 - 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.

10 - C10.18 Tree and Hedgerow Protection: General

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

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

11 - B3.2 Light Pollution

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

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

12 - Non-Standard Condition

The proposed foodstore shall only be open for business during those hours detailed in the submitted application documents - i.e. 08.00 - 22.00 hours Monday to Saturday and as may be agreed in writing with the Local Planning Authority before the use is commenced on Sundays and Bank Holidays.

Reason: For the avoidance of doubt as to the scope of this permission and protect local amenity.

DC0901MW 01/02

13 - Non-Standard Condition

The proposed food-store shall be operated strictly in accordance with those details contained in the Acoustic report by Bickerdike Allen Partners which was submitted with the planning application.

Reason: For the avoidance of doubt as to the scope of this permission and protect local amenity.

14 - Non-Standard Condition

The proposed coffee house shall, unless otherwise agreed in writing by the Local Planning Authority, be confined to that area shown on the approved drawings and shall only be open for business during the opening times of the food-store.

Reason: To ensure that the coffee shop use is strictly ancillary to the main use as a food-store.

15 - Non-Standard Condition

Any additional condition(s) recommended by the Environmental Control Team and the Trees and Landscapes Officer.

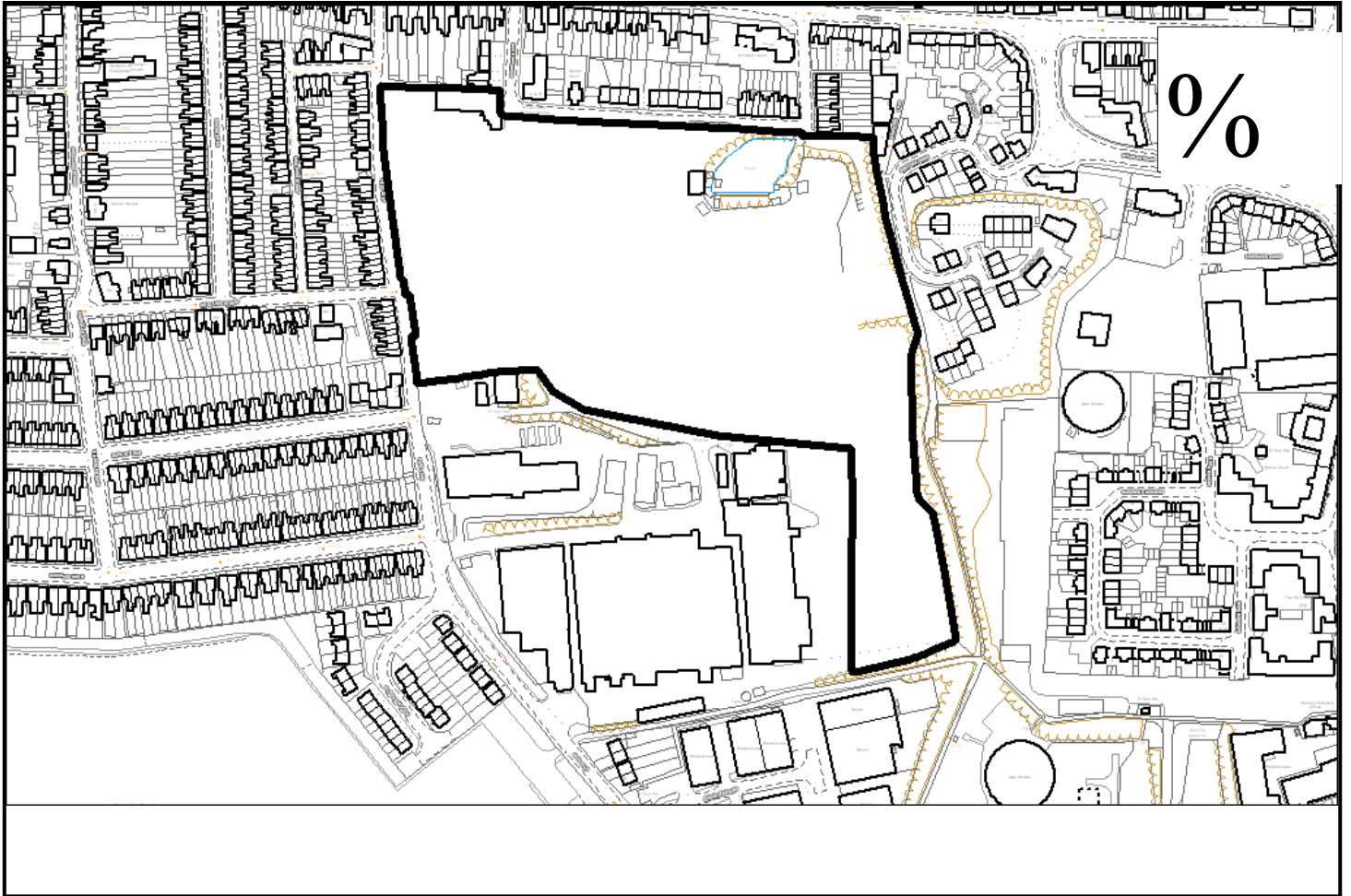
Informatives

Non-Standard Informative

1. Your attention is drawn to the accompanying notes concerning demolition/construction works.

Non-Standard Informative

2. In relation to access and transport considerations your attention is drawn to the following advisory comments by the Highway Authority in support of their recommendations:-
 1. The above is required to ensure the proposal complies with the County Council's Highways and Transportation Development Control Policies, as originally contained in Appendix G of the Local Transport Plan 2006/2011 and refreshed by Cabinet Member Decision dated 19 October 2007.
 2. In making this recommendation the Highway Authority has assumed the proposal site internal layout will not be laid out and constructed to adoptable standards and that the applicant does not intend to offer it to the Highway Authority for adoption.
 3. Prior to any works taking place in the public highway the developer shall enter into an agreement with the Highway Authority under the Highways Act 1080 to regulate the construction of the highway works.
 4. All highway related details shall be agreed with the Highway Authority.
 5. Number of parking spaces, including disabled, cycle and motorcycle shall be in accordance with those standards set down within Essex Planning Officers Association, Vehicle Parking Standards, August 2001. Further all cycle and motorcycle parking shall be convenient, covered and secure.
 6. Any proposed traffic calming shall be laid out and constructed having consulted the emergency services and bus operators.



Application No: 071036

Location: Man B&W, Port Lane, Colchester, CO1 2JF

Scale (approx): 1:1250

The Ordnance Survey map data included within this publication is provided by Colchester Borough Council of PO Box 884, Town Hall, Colchester CO1 1FR under licence from the Ordnance Survey in order to fulfil its public function to act as a planning authority. Persons viewing this mapping should contact Ordnance Survey copyright for advice where they wish to licence Ordnance Survey map data for their own use.

This map is reproduced from Ordnance Survey Material with the permission of Ordnance Survey on behalf of the Controller Of Her Majesty's Stationery Office © Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. Colchester Borough Council 100023706 2006

7.2 Case Officer: Richard Button

MAJOR

Site: Port Lane, Colchester, CO1 2JF

Application No: 071036

Date Received: 21st March 2007

Applicant: Jubilee Homes, Jubilee House, The Drive, Warely, Brentwood

Development: Outline application for 373 dwellings plus 390sqm of flexible commercial development comprising A1 and/or A2 and/or A3 and/or B1 and/or B1 and/or D1 and/or D2 uses. Change of use of existing building (830sqm) to flexible use comprising A1 and/or A2 and/or A3 and/or B1 and/or D1 and/or D2

Ward: New Town

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

1.0 Site Description

- 1.1 This application relates to part of the site of the former Paxman Engineering Works, a once internationally famous Colchester firm. The current owners, MAN B&W wish to hive off the development site, from their existing landholding whilst continuing to operate from smaller premises adjacent. Comprising 5.32 ha, the development site lies just to the east of Port Lane. It is broadly L shaped and bounded by St Leonards Terrace to the north and Parsons Lane and Ventura Drive to the east. The southern site boundary adjoins the premises that MAN B&W propose to retain. The late 19th century suburb known as New Town lies immediately to the west, the historic settlement of Hythe, running down to the river is to the north and Colchester's former industrial heartland, now being regenerated, stretches away to the east.
- 1.2 The site has been completely cleared with the exception of the entrance building in Standard Road, which is to be retained. The demolished buildings were all large scale commercial structures varying in age. Although they were examined for listing and preservation options, and acknowledged as being of local interest in terms of industrial archaeology, none were found to be of sufficient architectural or historic merit in national terms to warrant adding to the Statutory List.
- 1.3 A number of studies and reports support the application including a planning statement, design and access statement and detailed submissions covering noise, pollution and transportation. Discussion between environmental health and highway officers has been ongoing during the course of the application covering access, layout and noise levels in relation to the existing industrial use - these all being principal planning considerations.

- 1.4 The retained Man B&W industrial use consists of an engine testing facility and falls under Use Class B2 (General Industrial). There are no limitations or planning conditions applying to the operation in terms of hours of use. Man B&W's operation involves the testing of combustion engines. Whilst there is the capacity to test over a 24 hour period without restriction, information supplied with the application indicates that 24 hour testing normally only takes place once or twice a year.
- 1.5 The application has been subject to a lengthy period of negotiation involving a range of internal and external stakeholders. The Council's Development Team has recommended a package of mitigation measures and planning gain following an open book cost appraisal process.

2.0 Land Use Allocation

- 2.1 The site is shown as white land on the East Colchester Local Plan inset map. Its location within the East Colchester Regeneration Area however has established that mixed use redevelopment is acceptable in planning policy terms.

3.0 Relevant Planning History

- 3.1 O/COL/07/1036 Outline application for a mixed use development including 393 dwellings and commercial floorspace - withdrawn.

4.0 Principal Policies

- 4.1 The site is situated within the East Colchester Regeneration Area and partly within the Hythe Conservation Area; the core planning policies are;

ECH1 - Development in the Regeneration Area

DC1 - Infrastructure and Service Provision

H4 - Affordable Housing Requirements

H13 - Housing Density

UEA 15 - Adjacent Greenlinks

L5 - Open Space

P1 - Pollution

- 4.2 The Borough Council issued a Development Brief for this site in 2005. The brief expands on the formal regeneration policies in the local plan and urban design principles set out in the Colne Harbour Design Framework. It provides informal technical planning guidance and covers built form, layout and land use.
- 4.3 Earlier this year the Council adopted the East Colchester/Colne Harbour Masterplan as a Supplementary Planning Document.

5.0 Consultations

5.1 Essex County Council (Highways)

The Highway Authority raises no objections subject to conditions/informatives and a financial contribution being secured (by means of a S106 Agreement) towards improvements to the transport network in the vicinity of the application site.

5.2 Essex County Council (Education Service)

The Education Authority seeks a financial contribution (by means of a S106 Agreement) in accordance with the formula set out in the Council's adopted SPG "School Contributions from Residential Developments"

5.3 Housing and Community Partnership

The partnership requests an affordable housing contribution in accordance with the Council's Local Plan Policy H4 and the adopted Supplementary Planning Guidance on affordable housing.

5.4 Essex Police

Essex Police request a facility within the development for Neighbourhood Policing purposes. The Colchester Police Command Team has expressed a desire to have a police presence in the East Colchester Area. Ideally this would be a shared facility perhaps on a one stop shop basis with a public counter and accommodation for a team of say 6 Police Officers and Police Community Support Officers.

5.5 Museums Service

The Council's Archaeological Officer raises no objections to the proposal.

5.6 Environmental Health

The Council's Environmental Control Team wish to raise no objections subject to conditions

5.7 Anglian Water

Anglian Water wishes to raise no objections subject to conditions and informatives

5.8 Environment Agency.

The Environment Agency raises no objections subject to conditions.

5.9 Essex Fire and Rescue

No objections are raised by Essex Fire and Rescue

6.0 Representations

6.1 Four representations have been received expressing the following principal concerns and objections:

- Existing properties in St Leonards Road will be overlooked and their privacy and amenity adversely affected.
Officer comment: The proposed development includes properties that will front onto the opposite side of St Leonards Road. A degree of overlooking will be inevitable, but it is normal practice for dwellings to face each other on either side of a residential street. The development will not affect the private/garden side of the existing properties.

- The proposal would represent overdevelopment of the site. The density exceeds the 45 dwellings per hectare recommended in the Council's development brief
Officer comment: The proposed development responds to its context, in particular the nearby traditional family housing of New Town where the density is mostly in the region of 55-60dph, with some pockets lower and higher than this range. Although the overall proposed density is 70 dwellings per hectare, this is mainly because some of the units are provided in apartment buildings, however approximately 1/3 of the total number of units are houses and these occupy the majority of the site at a significantly lower density. It is considered that the mix of apartments and houses will provide a good balance of accommodation and the layout will create an attractive environment for future residents
- The development will result in an increase in traffic noise in the area
Officer comment: As with any new development additional traffic is inevitable, however the site is in an urban area close to good bus and train services and within a walkable distance of local shops, schools and other services. It is anticipated that a significant number of journeys will be by sustainable transport.
- Construction work will cause increased noise and disturbance for existing residents in the vicinity of the site
Officer comment: As with any new development a degree of noise and disturbance is inevitable during the construction stage, however it is recommended that conditions be imposed to mitigate this by limiting the hours of working/vehicle arrivals and requiring a scheme for noise and dust control to be submitted prior to commencement.
- Buildings over three storeys would be totally inappropriate.
Officer Comment: - The application is for outline permission with the detailed design of the buildings reserved for future approval. The illustrative drawings submitted with the application indicate that most of the buildings would be of two and three storey height and therefore in context with their surroundings. The higher buildings are situated at the south eastern corner of the site where the existing context is set largely by industrial premises. The taller buildings would not overlook or adversely affect any existing dwellings. Although some taller buildings would be situated adjacent to Port Lane, due to the difference in levels they would present a two/two and a half storey aspect to that street.
- The access onto Port Lane is contrary to the Council's Development Brief and will lead to congestion and conditions of danger at the junction of Port Lane and Hythe Hill.
Officer comment: - The County Council has confirmed that from a highway safety perspective the principle of an access to the site from Port Lane is acceptable and indeed the preferred option.

- The proposals run contrary to the Council's development brief as the scheme does not include a new school
Officer comment: - School provision within East Colchester has been explored with Essex County Council - the local education authority. Whilst a school can technically be provided on the site, there is no funding available to secure construction of the school, further Essex County Council's Schools Service advice is that investment and improvement of the existing schools will meet the additional demand hence the proposed S106 contribution. This will be used to fund the expansion of existing schools in the locality.
- There will be greater pressure on parking in surrounding streets to the detriment of existing residents
Officer comment: - Car parking provision is proposed at 100% for one and two bedroom units and 200% for 3 and 4 bedroom units with a 10% visitor parking capacity. This is in accordance with adopted policy, however if Members are minded to grant permission it is recommended that a condition be imposed requiring a car parking management strategy to be submitted and agreed.

7.0 Report

- 7.1 The proposed development consists of 373 dwellings plus 390 square metres of commercial floor space comprising A1 (retail) and/or A2 (professional offices) and or A3 (restaurants and cafes) and/or B1 (business) and or D1 (non residential institutions) and or D2 (assembly and leisure). In addition the proposal includes the change of use of the retained building for A1/A2 A3/B1/D1 and or D2 uses.
- 7.2 The principle planning considerations are as follows:
- Mix of uses
 - Access layout and built form
 - Density and open space
 - Car parking
 - Education provision
 - Noise impact from the existing industrial use

Mix of uses

- 7.3 The proposal includes 1190 square metres of potential employment space, 390 square metres of which would be provided within the new build and 830 square metres within the retained building. The application includes the offer to repair, fit out as shell and transfer the retained building to the Council at nil cost.
- 7.4 The Council's policy for East Colchester requires that no single use in a development scheme should exceed 60% of the total floor space, although in practice this has proved impossible to achieve on other sites. Although the dominant (residential) use on this site amounts to around 93% it is considered that the proposed mix (which has been arrived at through a process of negotiation with the applicants) is appropriate for this particular site which does not have the locational advantages of a main road or riverside frontage that might be attractive to commercial uses.

7.5 The residential component comprises the following:

- 181 two bedroom apartments
- 91 one bedroom apartments/studios
- 38 two bedroom houses
- 37 three bedroom houses
- 26 four bedroom houses

7.6 The applicants have offered 10% affordable housing. Although this is below the current policy requirement of 25%, the exceptional development costs associated with decontaminating the site (which have been independently appraised by the Council's consultants), are such that the development would not be viable with a higher provision and this has been accepted by the Council's Development Team.

Access layout and built form

7.7 The principal vehicular means of access to the site would be via a new junction with Port Lane, with limited secondary access provided from Standard Road and St Leonards Terrace. The secondary accesses would only serve the new houses that front onto St Leonards Terrace and the retained building. St Leonards Terrace would be closed off to vehicular traffic at its western end and provided with a turning head. A number of new pedestrian access points would also be provided from St Leonards Terrace and the existing public footpath/Parsons Lane that skirts the site to the east. If members are minded to grant permission it is recommended that a clause should be included in any S106 agreement requiring the existing path that fringes the site (and linkages to it from the site) to be upgraded to a foot/cycleway.

7.8 The layout indicates how access could be extended to the remaining part of the MAN B&W site, should that ever come forward for redevelopment

7.9 The Highway Authority has confirmed that the means of access and layout proposed are acceptable in terms of highway safety. The applicants have offered a contribution of £190,000 towards local transportation improvements (to be provided under the terms of a S106 agreement) and this is considered acceptable by the Council's Development Team.

7.10 Houses are laid out in a grid pattern that closely follows that of neighbouring New Town with the apartment blocks situated in three groups of buildings in the south eastern and north eastern corner of the site and adjacent to and extending back from Port Lane. Building heights range from mainly 2 and 3 storeys to 5 storeys - the taller buildings being sited at the south eastern corner of the site. Indicative drawings have been submitted showing the proposed height and massing of the apartment blocks together with cross sections through the site. These give an impression of the likely visual impact of the buildings. It will be important to ensure at the reserved matters stage that the design of the taller buildings reflects their role as features in the landscape, as they will stand out prominently in the Colne Valley.

Density and open space

7.11 The overall density of the development equates to 70dph. This is roughly equivalent to the average density of the surrounding residential area.

- 7.12 The proposal includes a series of potentially attractive public open spaces including a central square and secondary square at the western (Port Lane) end of the site, a further small urban square at the end of St Leonards Road and a larger grassed and landscaped linear park running along the eastern (Parsons Lane) boundary. The houses will all have small private rear gardens of a size generally comparable with those in New Town, whilst the apartments would be provided with communal amenity areas.

Car parking

- 7.13 The 3 and 4 bedroom units will be provided with 200% car parking whilst the smaller units would have 100% with an additional 10% visitor parking. It is accommodated in a variety of forms including rear parking courts and parking barns, undercroft parking and street parking. The development will provide a suitably permeable and traffic calmed environment in which cars should not dominate the street scene. In this latter respect, if members are minded to grant permission it is recommended that a condition be imposed requiring a car parking management strategy to be agreed.

Educational provision

- 7.14 Although the Council's development brief for the site (which was largely aspirational, reflecting the circumstances applicable at that time) suggested that a new school could be sited here, subsequent discussions with the education authority have revealed that there is no funding for a new school and hence a contribution has been sought for extending existing schools in the area. The application includes the offer of £500,000 towards educational provision, a sum that is considered acceptable by the Council's Development Team following a full open book cost appraisal process.

Noise impact from the existing factory

- 7.15 The final planning issue relates to the proximity of the development to the retained MAN B&W engineering works and the impact that noise from the factory could have upon future residents. The development brief states: "The suitability of the retained industrial use as a safe and non-polluting neighbour must be established prior to the grant of planning permission." Being a long established use there are no planning controls over MAN B&W's existing industrial operations.
- 7.16 During the course of the application the scheme has been amended to meet the concerns of the Council's environmental control team. In particular the layout has been designed to include a continuous residential block running parallel with the southern boundary of the factory (Block H). The majority of properties on the site will be adequately shielded behind this block and therefore unlikely to suffer unreasonably from factory noise. Of those that will abut the factory, the environmental control team considers that the levels of noise in the rear gardens and ground floor living areas on the exposed side of Block H can be brought within current standards and a suitable condition is recommended to this effect. Installation of the correct glazing should ensure that acceptable internal noise levels are achieved in the bedrooms of properties in this block.

- 7.17 The Environmental Control team acknowledges that at times of engine testing/cooling tower operations windows will have to be closed for internal noise levels to be met. In this respect in recent appeals Inspectors have deemed the closure of windows to be a reasonable mitigation measure providing an alternative means of ventilation is provided (air bricks/trickle vents). In addition it is noted that the current engine testing regime is such that current tests affecting bedrooms are only occasional. In summary it is considered that suitably worded conditions can be applied that will mitigate noise nuisance. These will require all rooms and gardens to be designed to achieve specific noise levels and an acoustically designed fence to be erected along the boundaries of private rear gardens to the properties in Block H.
- 7.18 The proposed redevelopment of this former industrial site should make a significant contribution to regeneration in this part of East Colchester bringing a range of housing types and tenure, new employment uses, a variety of small parks, improved foot/cyclepath linkages and a financial contribution of over £1m towards education, transportation infrastructure and open space. The overall form layout and density will be compatible with the established adjoining areas of New Town to the west and Hythe to the north offering the potential for creating an attractive and sustainable living environment for future residents.

8.0 Background Papers

- 8.1 ARC; HA; ECC; Housing; EP; AT; HH; AW; NR; Essex Fire and Rescue, NLR

Recommendation

That the application be deferred and the Head of Environmental and Protective Services be authorised under delegated powers to grant outline planning permission subject to the conditions set out below and the signing of a Section 106 Agreement to secure the following:

- A contribution of £190,000 towards improvements to the transport network in the vicinity of the site as considered appropriate and/or necessary by the local highway authority. The improvements may include all or any of the following:
 - The improved re-modelling of St Botolphs Roundabout
 - The proposed re-modelling of the Magdalen Street/Brook Street/Barrack Street/Wimpole Road traffic signal controlled junction
 - The East Colchester Regeneration Area Transportation Fund and
 - Traffic calming/management measures in the roads surrounding the proposal site, particularly to the west and south
- A contribution of £500,000 towards educational provision within East Colchester:
- A contribution of £400,000 towards open space provision:
- Provision of 10% affordable housing
- Transfer to the Council without cost of the retained building repaired and fitted out as a shell for reuse.

- The carrying out of the following highway works:
 - Construction of a priority junction off Port Lane to include 2 no. kerbed radii (minimum dimension 10 metres each with a dropped kerb/tactile paving and a minimum 90 x 4.5 x 90 metre visibility splay maintained clear to ground level at all times
 - The widening of Port Lane along the entire westernmost boundary of the proposal site as shown on application drawing number B740-006 Rev. C prepared by Argent Consulting Engineers
 - Provision of a foot/cycleway (minimum width 3.0 metres) along the entire western most boundary of the proposal site
 - Construction of a kerb build out at both the Port Lane/Artillery Street and Port Lane/New Park Street junctions to provide protected residents on street parking
 - Construction of kerb build outs at and to the east of the Hythe Hill/Standard Road junction
 - An extension to Standard Road to provide access to Block B and the retained building located immediately west of Standard Road
 - The severing (prohibition of vehicular traffic) of St Leonards Terrace at its western end and the provision of a minimum size 2 turning head
 - Provision of a continuous footway (minimum width 2.0 metres) along the south side of St Leonards Terrace from Standard Road to St Leonards Road
 - The upgrading of a foot/cycle path (minimum width 3.5 metres) of the footpath located along the proposal site easternmost boundary to run continuously from Hythe Hill to the meeting of footpaths at the south-easternmost point of the proposal site and to include a minimum of 3 no. direct cycle/pedestrian links between the foot/cyclepath and the proposal site.
 - The upgrading to a foot/cyclepath (minimum width 3.5 metres) of the footpath located along the proposal site and retained Man B&W site south-eastern most point of the proposal site, to run from Port Lane to the meeting of footpaths at the south-eastern most point of the proposal site and including 1 no. direct cycle/pedestrian links between the foot/cyclepath and the proposal site.

- The provision for the residential element of the proposal of a Transport and Marketing Scheme, which shall include among other features, free season tickets and timetable information as well as publicity (e.g. by poster and leaflet)

- The provision for non residential element of the proposal, of a travel plan in accordance with Essex County Council's "Travel Plan Measures" document including a Travel Plan Monitoring fee of £3000.

Conditions

1 - A1.1 Outl Perms (submission of reserved matters (1)

Approval of the details of the scale, appearance and landscaping of the site (hereinafter called "the reserved matters") shall be obtained from the local planning authority in writing before any development is commenced.

Reason: The outline application as submitted does not give particulars sufficient for consideration of these reserved matters.

2 - A1.2 Outl Perms (submission of reserved matters (2))

Plans and particulars of the reserved matters referred to in condition 1 above, relating to the siting, design and external appearance of any buildings to be erected and the landscaping of the site, shall be submitted in writing to the Local Planning Authority and shall be carried out as approved.

Reason: The outline application as submitted does not give particulars sufficient for consideration of these reserved matters.

3 - A1.3 Outl Perms (time limit for subm of res matter)

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

Reason: In order to comply with Section 92 of the Town and Country Planning Act 1990.

4 - A1.4 Outl Perms (time limit for commencement of Development)

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

Reason: In order to comply with Section 92 of the Town and Country Planning Act 1990.

5 - C3.1 Materials (general)

Before the development hereby permitted commences, the external materials and finishes to be used, shall be agreed in writing by the Local Planning Authority. The development shall be implemented in accordance with agreed details.

Reason: The application has insufficient detail for approval to be given to the external materials; and [to ensure that the development does not prejudice the appearance of the locality/to ensure that the development has a satisfactory appearance in order to protect and enhance the visual amenity of the area).

6 - Non-Standard Condition

The local planning authority shall be notified in writing of the date that the development will commence and furnish details of their representative on site.

Reason: To ensure that the Council may monitor the development from commencement and throughout the construction phase in collaboration with the developers and or their representatives in order to ensure that the scheme is carried out to a high standard and in accordance with the approved details under the terms of the planning permission.

7 - Non-Standard Condition

Details of all ground surface finishes, including kerbs and manhole covers, both within adoptable highways and non adopted areas on public frontages shall be submitted to and approved in writing by the local planning authority prior to installation.

Reason: To ensure that these elements of the scheme are given full and proper consideration in the overall design process such that they may contribute to the creation of a high quality public realm.

8 - Non-Standard Condition

Details of street lighting, lanterns and columns shall be submitted to and approved in writing by the local planning authority prior to installation.

Reason: To ensure that these elements of the scheme are given full and proper consideration in the overall design process such that they may contribute to the creation of a high quality public realm.

9 - Non-Standard Condition

Details of the design, height, materials and location of all street furniture including traffic signs, traffic calming and traffic management devices and installations, bollards, street name plates and seating shall be submitted to and agreed in writing by the local planning authority in conjunction with the highway authority.

Reason: To ensure that these elements of the scheme are given full and proper consideration in the overall design process such that they may contribute to the creation of a high quality public realm.

10 - Non-Standard Condition

Prior to the development being brought into use, refuse storage facilities shall be provided in a visually satisfactory manner and in accordance with a scheme that shall have previously been submitted to and approved in writing by the local planning authority.

Reason: To ensure that adequate facilities are provided for refuse in a manner that does not detract from the character of the development.

11 - Non-Standard Condition

Prior to the development being brought into use, facilities for the collection of recyclable materials shall be provided in a visually satisfactory manner and in accordance with a scheme that shall have previously been submitted to and approved in writing by the local planning authority.

Reason: To ensure that adequate facilities are provided for the collection of recyclable materials in a manner that does not affect the character of the development.

12 - Non-Standard Condition

Prior to the commencement of the development a scheme of boundary treatment including walls, railings, fences, and hedges etc shall be submitted to and approved in writing by the local planning authority. The details shall include the position, height and design and materials/species to be used. The walls/railings/fences/hedging etc features shall be provided as approved and thereafter retained.

Reason: To ensure a satisfactory form of development and in the interests of visual amenity..

13 - C12.2 Details of Walls or Fences

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 and in the interests of visual amenity.

14 - C12.5 Boundary Screening by Trees and Hedging

The development hereby approved shall be screened by trees/hedges/shrubs on the southern and eastern boundaries adjoining the retained industrial site boundaries of the site in accordance with details to be submitted to and approved in writing by the Local Planning Authority before any part of the development is begun. The planting of all trees/hedges/shrubs agreed shall be completed not later than the next planting season following commencement/completion of the development unless otherwise agreed in writing by the Local Planning Authority. Any tree, shrub or hedge planting that dies is diseased, becomes seriously damaged or is removed within five years of planting shall be replaced with another of similar size and species in the next planting season.

Reason: To ensure a satisfactory form of development and in the interests of visual amenity.

15 - Non-Standard Condition

In accordance with the Council's policies relating to arts and culture in the Borough, a scheme indicating the provision of public art shall be submitted to and approved in writing by the local planning authority. This scheme shall be carried out within six months of completion of the development.

Reason: To ensure that this development scheme makes a contribution to the Borough in the field of arts and culture in accordance with the local planning authority's policies contained in the Adopted Local Plan and to enhance the quality of the public realm.

16 - Non-Standard Condition

Prior to the development commencing a scheme of maintenance of the proposed public realm (including regular street cleaning), until such times as the streets/other open spaces are formally adopted, shall be submitted to and agreed in writing by the local planning authority. The agreed scheme shall thereafter be implemented in accordance with the approved details.

Reason: To ensure a satisfactory environment for residents until the public realm is formally adopted.

17 - Non-Standard Condition

The development shall not commence until a car parking strategy for the site has been submitted to and been approved in writing by the local planning authority. This shall specify the level of car parking, how it will be allocated and shall include measures to prevent indiscriminate parking and encourage alternative modes of travel to the private car.

Reason: To ensure that car parking does not dominate or otherwise detract from the appearance character and functionality of the public realm.

18 - C10.12 Tree Survey

Before any works commence on site, details of all existing trees with a stem diameter of 75mm or greater at 1.5m above ground level, shall be submitted to and agreed in writing by the local Planning Authority and shall include, as appropriate, a Tree Survey, Categorisation and Constraints Plan in accordance with BS 5837.

Reason: To enable proper attention to be given to the impact of the proposed development on existing trees.

19 - C10.19 Tree and Hedgerow Protection: Excavations

No works shall start on site until an Arboricultural Implications Assessment, Arboricultural Method Statement and Tree Protection Plan in accordance with BS 5837, have been submitted to and approved in writing by the Local Planning Authority (LPA). The details shall include the retention of an Arboricultural Consultant to monitor and periodically report to the LPA, the status of all tree works, tree protection measures, and any other arboricultural issues arising during the course of development. The development shall then be carried out strictly in accordance with the approved method statement.

Reason: To adequately safeguard the continuity afforded by existing trees.

20 - 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 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.

21 - 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.

22 - C11.16 Earthworks

No development shall take place until details of earthworks have been submitted to and approved in writing by the local Planning Authority. These details shall include the proposed grading and mounding of land areas including levels and contours to be formed, showing the relationship of proposed mounding to existing vegetation and surrounding landform. Development shall be carried out in accordance with approved details.

Reason: To ensure proper consideration and approval of any effects of change in topography on landscape features.

23 - 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.

24 - Non-Standard Condition

Details of foul drainage for the site shall be submitted to and approved in writing by the local planning authority in consultation with the local drainage authority before any work on site commences. The drainage works shall be constructed in accordance with the approved plans.

Reason: To ensure satisfactory drainage of the site

25 - Non-Standard Condition

Details of surface water drainage and attenuation for the site shall be submitted to and approved by the local planning authority in consultation with the local drainage authority before any work on the site commences. The drainage works shall be constructed in accordance with the approved plans.

Reason: To ensure satisfactory drainage of the site.

26 - D4.4 Bicycle Parking (satisfactory arrangements)

The building/s or land subject to this permission shall not be brought into use for the purposes hereby approved until satisfactory arrangements for the provision of bicycle parking have been agreed in writing and implemented to the satisfaction of the Local Planning Authority.

Reason: To ensure that adequate provision is made for cycle parking in accordance with both local and national policy to encourage and facilitate cycling as an alternative mode of transport and in the interests of both the environment and highway safety.

27 - Non-Standard Condition

Prior to occupation of the dwellings the existing site access from St Leonards Road shall be permanently closed off to all vehicular traffic. Direct access for cyclists and pedestrians shall be retained.

Reason: In the interests of highway safety.

28 - Non-Standard Condition

This consent expressly excludes the proposed mini-roundabout at the Standard Road/St Leonards Terrace junction which shall be deleted from the proposal.

Reason: In the interests of highway safety.

29 - Non-Standard Condition

This consent expressly excludes the use of "Block B" and the retained building for any commercial uses.

Reason: In the interests of highway safety.

30 - Non-Standard Condition

The proposed Standard Road access shall be used solely to serve "Block B" and the retained building.

Reason: In the interests of highway safety.

31 - Non-Standard Condition

This consent expressly excludes the proposed parking court/parking barn access located opposite nos. 1 and 2 St Leonards Terrace which access shall be deleted.

Reason: In the interests of highway safety.

32 - Non-Standard Condition

Access to the parking court/parking barn referred to in Condition 31 above shall be solely via Port Lane.

Reason: In the interests of highway safety.

33 - Non-Standard Condition

Prior to the commencement of the development measures to be taken to ensure that no mud and/or debris is deposited on the public highway by any vehicle associated with construction of the development shall be submitted to and agreed in writing with the local planning authority and local highway authority. Such agreed measures shall be undertaken throughout the construction period.

Reason: In the interests of highway safety.

34 - Non-Standard Condition

The Port Lane access road shall be a minimum width of 6.75 metres between Port Lane and the junction at the northern end of the proposed central square.

Reason: In the interests of highway safety.

35 - Non-Standard Condition

The Port Lane access road gradient shall not exceed 8%.

Reason: In the interests of highway safety.

36 - Non-Standard Condition

Prior to the commencement of the development details of the width of the footways of the Type 4 Road adjacent to the raised speed tables (2.0/1.5 metres as appropriate) shall be submitted to and agreed in writing by the local planning authority and local highway authority. The footways shall be constructed in accordance with the agreed details.

Reason: In the interests of highway safety.

37 - Non-Standard Condition

The road bends adjacent to "Block C3", "Block H", and "Block D2" shall have a mountable shoulder, details of which shall be submitted to and approved in writing by the local planning authority and local highway authority, to enable larger vehicles to override the inside of the bend.

Reason: In the interests of highway safety.

38 - Non-Standard Condition

The turning head adjacent to "Block B" shall be a minimum size 3.

Reason: In the interests of highway safety.

39 – Non Standard Condition

Prior to the commencement of the development details of the proposed "link park" emergency access (which shall be designed to ensure its use by emergency vehicles, cyclist and pedestrians only) shall be submitted to and approved in writing by the local planning authority and local highway authority. The proposed emergency access shall be constructed in accordance with the agreed details.

Reason: In the interests of highway safety.

40 - Non-Standard Condition

All trees shall be provided with root barriers.

Reason: To avoid damage to underground services.

41 - Non-Standard Condition

Prior to the commencement of the development details of all trees to be planted in areas that are to be adopted by the local highway authority (which must be sited clear of all underground services and visibility spays and located to complement the street lighting scheme) shall be submitted to and agreed in writing by the planning authority in liaison with the highway authority.

Reason: Insufficient details have been submitted with this application.

42. Non-Standard Condition

Prior to occupation of each property each vehicular access shall be provided on both sides by a 1.5 metre x 1.5 metre pedestrian visibility splay as measured from the highway boundary. There shall be no obstruction above a height of 600mm as measured from the finished surface of the access within the area of the visibility splays thereafter.

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

43. Non-Standard Condition

No unbound material shall be used in the surface finish of the driveway within 6 metres of the highway boundary of the site.

Reason: To avoid displacement of loose material onto the highway in the interests of highway safety.

44. Non-Standard Condition

The carriageways of the proposed estate roads shall be constructed up to and including at least road base level, prior to the commencement of the erection of any dwelling intended to take access. The carriageways and footways shall be constructed up to and including base course surfacing to ensure each dwelling prior to occupation has a properly consolidated and surfaced carriageway and footway between the dwelling and the existing highway. Until final surfacing is completed the footway base course shall be provided in a manner to avoid any upstands to gullies, covers, kerbs or other such obstructions within or bordering the footway. The carriageways, footways and footpaths in front of each dwelling shall be completed with final surfacing within twelve months (or three months in the case of a shared surface road or mews) from the occupation of the dwelling.

Reason: In the interests of highway safety

45. Non Standard Condition

A number of underground cellular storage systems and oversized pipes shall be provided to attenuate surface water up to and including flows generated by a 1 in 100 year rainfall event with an allowance of additional 20% additional storage for potential climate change.

Reason: To reduce flood risk from surface water.

46. Non Standard Condition

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

- (i) a survey of the extent, scale and nature of contamination, including contamination by soil gas and asbestos;
- (ii) an assessment of the potential risks to:
 - human health,
 - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
 - adjoining land,
 - groundwaters and surface waters,
 - ecological systems,
 - archaeological sites and ancient monuments;
- (iii) an appraisal of remedial options, and proposal of the preferred option(s).

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

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy P4 of the Adopted Review of the Colchester Borough Local Plan 2004.

47 - Non Standard Condition

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

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy P4 of the Adopted Review of the Colchester Borough Local Plan 2004.

48. Non Standard Condition

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 land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy P4 of the Adopted Review of the Colchester Borough Local Plan 2004.

49 – Non Standard Condition.

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 46 and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 47, which is subject to the approval in writing of the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition 48.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy P4 of the Adopted Review of the Colchester Borough Local Plan 2004.

50 – Non Standard Condition

Prior to occupation of any property hereby permitted and the provision of any services, 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 approved documents and plans.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy P4 of the Adopted Review of the Colchester Borough Local Plan 2004.

51 - Non Standard Condition

Prior to the commencement of development a scheme for the provision and implementation of water, energy and resources efficiency measures during the construction and occupation phases of the development shall be submitted to and agreed in writing by the local planning authority. The scheme shall include a clear timetable for the implementation of the measures in relation to the construction and occupancy of the development. The scheme shall be constructed and the measures provided and made available for use in accordance with such timetable as may be agreed.

Reason: To enhance the sustainability of the development through an efficient use of water, energy and materials.

52 - Non Standard Condition

Prior to the commencement of development a scheme for the provision and implementation of rainwater harvesting shall be submitted and agreed in writing with the local planning authority. The works/scheme shall be constructed and completed in accordance with the approved plans/specification before occupancy of any part of the proposed development.

Reason: To enhance the sustainability of the development through the efficient use of water.

53 - Non Standard Condition

No vehicle connected with the works shall arrive on site before 07.30 or leave after 19.00 (except in case of emergency) Working hours shall be restricted to 08.00 to 18.00 Monday to Saturday (finishing at 13.00 on Saturdays) with no working of any kind permitted on Sundays or Bank Holidays.

Reason: In the interests of the amenity of the area.

54 - Non Standard Condition

Prior to the works commencing a scheme for the control of noise and dust during construction shall be submitted to and agreed in writing by the local planning authority.

Reason: In the interests of protecting the amenity of the area.

55 - Non Standard Condition

For the commercial elements of the development hereby approved a competent person shall ensure that the rating level of noise emitted from the site plant equipment and machinery does not exceed 5dBA above the background noise level prior to the commercial uses hereby approved commencing. The assessment shall be made in accordance with the current version of British Standard 4142. The noise levels shall be determined at all boundaries near to noise-sensitive premises. Confirmation of the findings of the assessment shall be provided in writing to the local planning authority prior to these uses commencing.

Reason: In order to protect the amenity of the area

56 – Non Standard Condition.

Any plant equipment or machinery on the commercial premises hereby approved shall be constructed, installed and maintained so as to comply with the above condition (35). 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 noise sensitive premises.

Reason. In order to protect the amenity of the area

57 – Non Standard Condition

The commercial uses hereby approved shall not operate/have deliveries/be open to customers outside the following times: 7.00 to 19.00 Monday to Saturday unless otherwise agreed in writing by the local planning authority.

Reason: In order to protect the amenity of the area.

58 - Non Standard Condition

All residential rooms shall be designed to achieve internal noise levels no greater than those specified as 'good' in the current version of BS 8233. This equates to 30dB (A) Leq 8 hour (23:00 to 07:00) and a maximum of 45 Db L (A) in bedrooms, 30Db (A) Leq 16 hour (0:700 to 23:00) in living and dining rooms and 45Db (A) Leq 16 hour (07:00 to 23:00) in kitchens/bathrooms/utility rooms. These figures are with windows closed and an adequate alternative means of ventilation provided. The levels specified shall apply to all noise conditions and the mitigation shall take into account external frequencies so that internally there is no dominant frequency.

Reason: To protect the amenity of future residents and to ensure a satisfactory living environment adjacent to a potentially noisy industrial use.

59 – Non Standard Condition.

Private gardens shall be designed to achieve a level of noise no greater than 50 Db (A) Leq 16 hour (7:00 to 23:00).

Reason: To protect the amenity of future residents and ensure a satisfactory domestic environment.

60 – Non Standard Condition

An acoustically designed fence shall be erected along the boundaries of the private rear gardens to Block H. This shall be designed, installed and maintained to achieve an overall attenuation of at least 8Db (A) inside the gardens.

Reason: To protect the amenity of future residents and to ensure a satisfactory living environment adjacent to a potentially noisy industrial use.

Informatives

Non-Standard Informative

1. No works should take place in the public highway until an agreement has been entered into with the highway authority

Non-Standard Informative

2. All highway related details should be agreed with the highway authority.

Non-Standard Informative

3. The number of parking spaces, including disabled, cycle and motorcycle should be in accordance with the standards set down in the Essex Planning Officers Association, "Vehicle Parking Standards 2001". Further all cycle and motorcycle parking should be convenient, covered and secure.

Non-Standard Informative

4. Any proposed traffic calming shall be laid out and constructed having consulted the emergency services and bus operators.

Non-Standard Informative

5. The local planning authority may wish to extend the New Town 'residents only' controlled parking zone to cover the proposal site.

Non-Standard Informative

6. The Highway Authority will not adopt the proposed stepped footpath links. The steps shall also be accompanied by ramps.

Non-Standard Informative

7. All trees proposed for adoption within the highway must be supported by a commuted sum to be agreed with the highway authority to cover the cost of future maintenance.

Non-Standard Informative

8. With regard to Conditions 58/59/60 it is advised that based on the figures provided by STATS these figures appear perfectly achievable and take into account the hours of testing. Particular attention will have to be paid to the exposed bedrooms and it should be ensured that alternative ventilation will not compromise the acoustic performance of the glazing. The measurements revealed a tonal component to the cooling tower operation and it is important that this is mitigated, together with maximum levels. Further the acoustically designed fence required by Condition 60 should ensure that the gardens have a BS 1442 rating of a maximum of a +5-marginal, achieve the desirable level stated in BS 8233 and meet the WHO standard. It may also mean that ground floor living rooms can achieve the 'reasonable' levels specified in BS 8233 with windows partially open, taking into account all day engine testing.

Non-Standard Informative

9. Any facilities above ground for the storage of oils fuels or chemicals shall be provided with adequate durable secondary containment to prevent the escape of pollutants. The bunded area shall be designed constructed and maintained in order that it can contain a capacity not less than 110% of the total volume of all tanks or drums contained therein. All filling points vents gauges and sight glasses should be bunded. Any tank overflow pipe outlets shall be directed into the bund. Associated pipe work should be located above ground and protected from accidental damage.

Non Standard Informative

10. There shall be no gravity or automatic discharge arrangement for bund contents. Contaminated bund contents shall not be discharged to any watercourse land or soakaway. The installation must where relevant comply with the Control of Pollution (Oil Storage) (England) Regulations 2001 and the Control of Pollution (Silage, Slurry and Agricultural Fuel Oil) Regulations 1991 and as amended in 1997. Site occupiers intending to purchase or install pollutant secondary containment (bunding) should ensure that the materials are not vulnerable to premature structural failure in the event of a fire in the vicinity.

Non Standard Informative

11. The developer should note that in the event of the removal for disposal of contaminated soils and other associated wastes the Environment Agency would expect to be consulted so that it can ensure the proposed disposal methods are satisfactory.

Non Standard Informative

12. Additional water supplies for fire fighting may be necessary for this development. Advice may be obtained from the Water Technical Officer Essex Fire and Rescue at Service Headquarters, telephone 01277 222531

Non Standard Informative

13. The site is known or suspected to be contaminated. Please be aware that the responsibility for the safe development and secure occupancy of the site rests with the developer.

Non Standard Informative

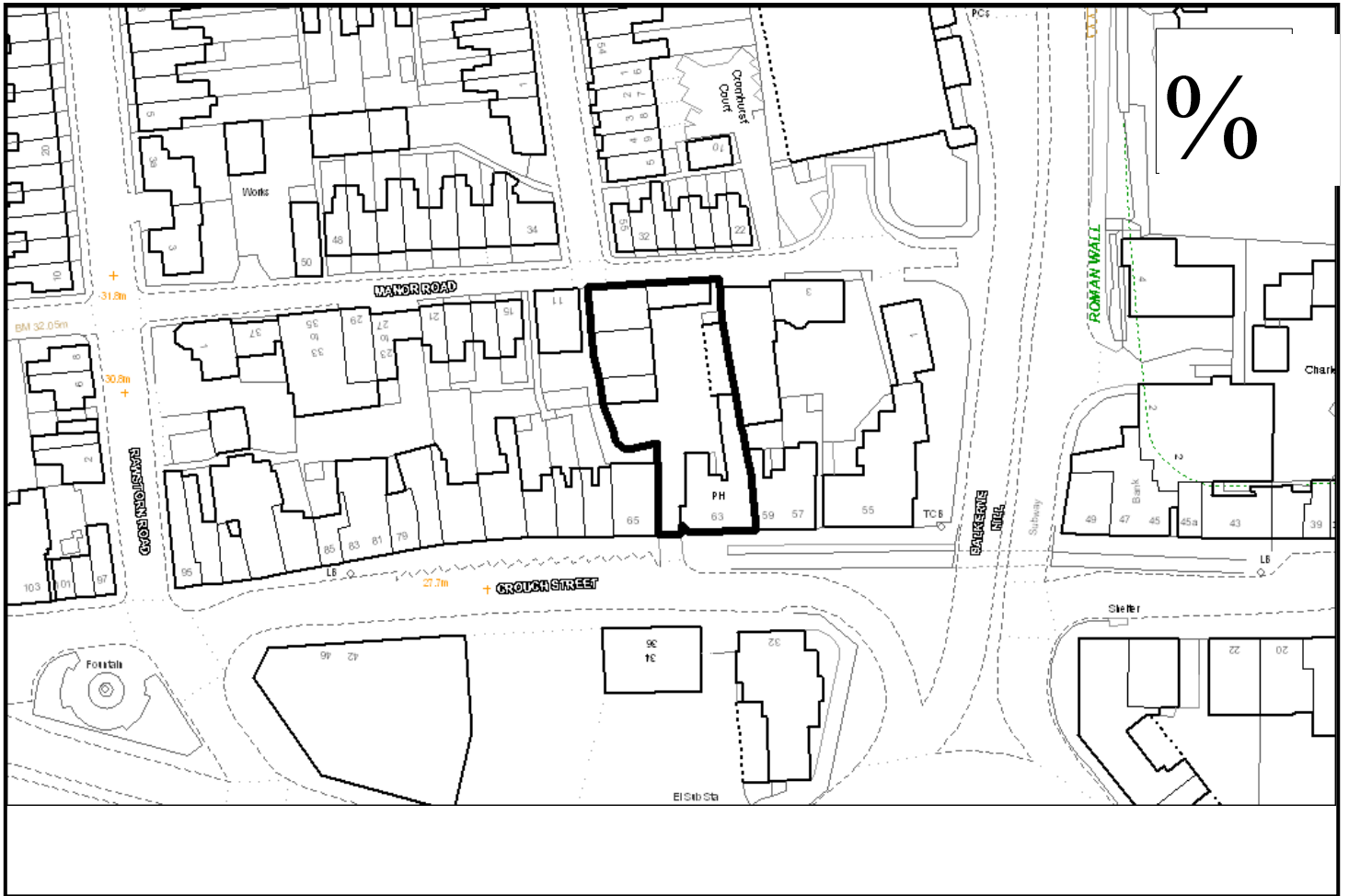
14. The local planning authority has determined the application on the basis of the information made available to it.

Non Standard Informative

15. 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.

Non Standard Informative

16. For further information about the design of the public realm including car parking management please refer to the Colchester Borough Council's technical guidance document - 'Towards Better Street Design' This is also available in PDF format and can be viewed online at www.colchester.gov.uk under Planning/Regeneration.



Application No: 081006

Location: Kings Arms, 63 Crouch Street, Colchester, CO3 3EY

Scale (approx): 1:1250

The Ordnance Survey map data included within this publication is provided by Colchester Borough Council of PO Box 884, Town Hall, Colchester CO1 1FR under licence from the Ordnance Survey in order to fulfil its public function to act as a planning authority. Persons viewing this mapping should contact Ordnance Survey copyright for advice where they wish to licence Ordnance Survey map data for their own use.

This map is reproduced from Ordnance Survey Material with the permission of Ordnance Survey on behalf of the Controller Of Her Majesty's Stationery Office © Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. Colchester Borough Council 100023706 2006

7.3 Case Officer: Sue Jackson

EXPIRY DATE: 29/07/2008

MINOR

Site: 63 Crouch Street, Colchester, CO3 3EY

Application No: 081006

Date Received: 2nd June 2008

Agent: Dha Planning

Applicant: Greene King

Development: Variation of Condition 11 of Planning Permission 080129 to allow external music four times a year on Bank Holiday Mondays between 13.00 - 18.00

Ward: Castle

Summary of Recommendation: Conditional Approval

1.0 Site Description

1.1 This application relates to the Kings Arms Public House in Crouch Street.

2.0 Description of Proposal

2.1 Some Members will recall a recent application at these premises which included the creation of external dining areas and smoking area.

2.2 Councillor Spyvee and residents objected to the application on various grounds including noise and nuisance.

2.3 Members agreed officer's recommendation to grant planning permission but added a condition, Condition 11. This condition states: "There shall be no amplified music or speaker systems within any part of the courtyard/external area at any time."

2.4 This application seeks to vary this condition to allow external music four times a year on a Bank Holiday Monday between 13.00 - 18.00 hours.

3.0 Land Use Allocation

3.1 Local Shopping Area
Mixed Use C
Within the Conservation Area

4.0 Relevant Planning History

- 4.1 080129 - Permission granted for alteration and demolition of existing single storey additions, single storey rear extensions and conversion of outbuildings into trade kitchen, dining areas, stores and toilets. Internal alterations and installation of new yard gates to main existing. Creation of exterior dining areas and smoking solution area and provision of access ramp.- Approved 19th March 2008

5.0 Principal Policies

- 5.1 Adopted Review Borough Local Plan
P1 - Pollution
DC1 - Development Control considerations

6.0 Consultations

- 6.1 Environmental Control comment as follows:-

"Environmental Control received a complaint on the May Spring Bank Holiday this year about loud external music. We have also received the occasional complaint about external music in previous years. There are conditions already on the premise licence to help to control noise and deal with complaints from residents. These are as follows:-

1. Local residents will be notified in writing at least 5 days in advance of outdoor music events. Information should include a telephone number of the organiser for residents to call with any queries prior to the event and any complaints during the event.
2. The licence holder or his representative shall conduct regular assessments of the noise coming from the premises on every occasion the premises are used for regulated entertainment and shall take steps to reduce the level of noise where it is likely to cause a disturbance to local residents. A written record shall be made of these checks in a log book kept for that purpose and shall include, the time and date of the checks, the person making them and the results including any remedial action.

Environmental Health consider that there are adequate controls under the licensing regime and Environmental Health legislation and we do not therefore object to this application."

7.0 Representations

- 7.1 None received

8.0 Report

- 8.1 The planning statement submitted with the application states:-

- 2.1 This application seeks permission to hold four external live music events at the Kings Arms PH during the year. It is proposed to hold these events on Bank Holiday Mondays between the hours of 13.00 and 18.00.

- 2.2 There have been no conditions previously imposed on the use of the courtyard or the patio area at the rear of the site. Therefore this use has taken place for the past 5 years and during this time the PH manager has only received 2 noise objections from the same neighbour.
- 2.3 Before a forthcoming music event at The Kings Arms, the PH manager writes to all the nearby residents, and includes his contact details, so if any of the residents have any complaints during the events the manager can deal with them straight away.
- 2.4 During the events, the manager also carries out subjective noise monitoring at 3 different locations in the nearby residential streets to check that the noise levels are acceptable. If they are found to be too loud, the speak systems are adjusted.
- 2.5 The manager also has 632 letters in support of the annual music events at the Kings Arms, which clearly demonstrate the acceptability of this type of event in the locality.
- 4.5 As previously stated the surrounding area is a mix of residential and retail properties. The residential properties along Manor Road to the rear of the site are separated from the patio area of the public house by the existing outbuilding and Manor Road itself. The other properties immediately surrounding the public house are in retail or commercial use, with a church adjacent to the existing outbuilding.
- 4.6 It is also important to note that once the newly approved development is constructed at the Kings Arms, the majority of the existing courtyard will become exterior dining areas and a smoking solution area that will largely be covered by flat and pitched roofs, which will act as buffers and attenuate some of the music.
- 4.14 To allow the management skills of the applicant to be fully established and to further assess the impact, if any, of the proposed external music events during the year, a temporary permission could be granted.

8.2 The Kings Arms is a long established Public House and there are no planning restrictions on the use except this condition imposed earlier this year. It is considered the variation of the condition as requested is reasonable. If Members consider a temporary permission is appropriate a further condition to that effect can be added.

9.0 Background Papers

9.1 ARC; HH; 080129

Recommendation - Conditional Approval

Conditions

1 - Non-Standard Condition

Condition 11 on planning permission 080129 is varied as follows:

There shall be no amplified music or speaker systems within any part of the courtyard/external area at any time except on Bank Holiday Mondays between the hours of 13.00 and 18.00.

Reason: To safeguard the amenities of nearby residential properties.



Application No: 081039

Location: 38 East Hill, Colchester, CO1 2QX

Scale (approx): 1:1250

The Ordnance Survey map data included within this publication is provided by Colchester Borough Council of PO Box 884, Town Hall, Colchester CO1 1FR under licence from the Ordnance Survey in order to fulfil its public function to act as a planning authority. Persons viewing this mapping should contact Ordnance Survey copyright for advice where they wish to licence Ordnance Survey map data for their own use.

This map is reproduced from Ordnance Survey Material with the permission of Ordnance Survey on behalf of the Controller Of Her Majesty's Stationery Office © Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. Colchester Borough Council 100023706 2006

7.4 Case Officer: Mark Russell

EXPIRY DATE: 25/07/2008

MINOR

Site: 38 East Hill, Colchester, CO1 2QX

Application No: 081039

Date Received: 29th May 2008

Agent: Miss Kristen Balkie, Broughton Ferry, Dundee

Applicant: Dr Louis Smit

Development: Change of use from existing dwelling to an orthodontist by fitting out the existing building, removing an existing 20th century single storey extension and constructing a two storey extension onto the south elevation (resubmission of 072263)

Ward: Castle

Summary of Recommendation: Conditional Approval

7.5 Case Officer: Mark Russell

EXPIRY DATE: 25/07/2008

OTHER

Site: 38 East Hill, Colchester, CO1 2QX

Application No: 081040

Date Received: 29th May 2008

Agent: Miss Kristen Balkie, Broughton Ferry, Dundee

Applicant: Dr Louis Smit

Development: Listed Building application to change the use from existing dwelling to an orthodontist by fitting out the existing building, removing an existing 20th century single storey extension and constructing a two storey extension onto the south elevation (resubmission of 072263)

Ward: Castle

1.0 Planning Report Introduction

1.1 These applications are resubmissions of 072232 and 072263 which were refused by committee this April due to overbearing impact and loss of amenity of the neighbouring property.

2.0 Site Description

- 2.1 The site comprises the 15th/16th Century Grade II Listed house and garden of 38 East Hill. This is near the junction with Rosebery Avenue and forms part of Colchester Conservation Area 1.

3.0 Description of Proposal

- 3.1 The proposal is to change the use of the residential dwellinghouse 38 East Hill to an orthodontist (use-class D1). This would be run in conjunction with Dr Smit's existing dental surgery at 41 East Hill ('Orthoworld') which borders number 38.
- 3.2 To enable this change of use, the following works are required: Fitting out the existing building, removing the existing 20th century extension and constructing a two storey extension onto the south elevation.

4.0 Land Use Allocation

- 4.1 Mixed Use Area B

5.0 Relevant Planning History

- 5.1 14467 - Alterations to form bathroom and new drainage. Approved 19th December 1957
- 5.2 97/0923 - Restoration of fireplace. Approved 29th July 1997;
- 5.3 072232 - Fitting out of existing building, removal of 20th century extension and constructing a two storey extension onto south side elevation. Listed Building Application. Refused 24th April 2008;
- 5.4 072263 - Fitting out of existing building, removal of 20th century extension and constructing a two storey extension onto south side elevation. Refused 24th April 2008

6.0 Principal Policies

- 6.1 Adopted Review Colchester Local Plan:
DC1- Development Control considerations;
UEA1 - Character of Conservation Areas;
UEA2 - Alteration to buildings in Conservation Area;
UEA5 - Works to a Listed Building;
UEA11 - Design;
UEA12 - Infilling and Backland Development;
UEA13 - Development, including Extensions, Adjoining Existing or Proposed
CF9 - Medical and Veterinary Facilities
TCS6 - Mixed Use Area B

7.0 Consultations

- 7.1 Environmental Control has suggested various conditions, including one that the use be restricted to that applied for and also suggested standard demolition and construction advisory notes.
- 7.2 Conservation and Design were involved in the pre-application discussions and have not objected to the proposal.
- 7.3 English Heritage has not objected to the Listed Building application.
- 7.4 In reference to the Listed Building application, The Society for the Protection of Ancient Buildings (SPAB) asked why the modern stairway (in the position of the original) could not be kept. However, after discussion with the applicant, SPAB has withdrawn its concerns.

8.0 Representations

- 8.1 One objection has been received, this is from 37 East Hill which is immediately neighbouring the site and shares a party wall with 38 East Hill.
- 8.2 This neighbour has been in lengthy correspondence with this office and with the applicant, both directly and via his agent, particularly during the progress of the previous applications. The salient points are as follows:
 - 1. The objector, and his agent, having attended the Committee meeting at which the previous applications were refused, were under the impression that the Committee had opposed the principle of a two storey rear extension;
 - 2. Potential loss of the old garden wall;
 - 3. Poorly designed and out of keeping with the original building;
 - 4. Possible loss of privacy through the louvres and from the planted area on the roof ;
 - 5. Overbearing on neighbouring properties;
 - 6. No distinct separation between eaves/valley lines and wall planes - leading to an uncomfortable merging of building styles;
- 8.3 The minutes of the April Committee are attached as Appendix 1.

9.0 Report

081039

- 9.1 The design of the two-storey extension is a deliberate contrast to the original Listed Building and offers a more contemporary appearance, albeit with a traditional roof. This amended scheme now insets the two-storey element approximately one and a half metres away from the boundary with number 37 East Hill.
- 9.2 The use would be D1 (orthodontist), which is acceptable in this mixed use area.
- 9.3 The proposed amount of development is approximately 40 sq.m. mainly at two storeys.

- 9.4 The scale is largely in keeping with, and subservient to the prevailing pattern of development on East Hill, although the positioning of the two-storey element is further to the rear than many properties along this row.
- 9.5 The appearance from the public realm would be limited, but glimpses of the new extension would be apparent from Rosebery Avenue as one progressed down that road towards its junction with East Hill.
- 9.6 The amenity of neighbouring residential property 37 East Hill is affected, and issues of overshadowing, overlooking and being overbearing need to be considered.
- 9.7 The objector has not mentioned loss of light this time, and it is hoped that this issue is no longer of concern. The applicant has provided schematic drawings showing that the added loss of light to the courtyard at 37 would be minimal, as would the loss of light to the windows of number 37.
- 9.8 In terms of loss of outlook from the rear bedroom window of number 37 (the only habitable room window affected by the development), a 45 degree line in elevation is not breached, therefore the development would be compliant to Local Plan policies and the Essex Design Guide.
- 9.9 In reference to being overbearing, the 2 storey part of the proposal does, just, infringe a 45 degree line from the rear corner of number 37, and would therefore appear to be contrary to guidance. However, there is an existing single storey extension right in the boundary.
- 9.10 The issue of privacy needs to be examined. The objector has pointed out two different ways in which this could occur. i) From the louvred area, ii) From the planted area.
- 9.11 On point i) Details of the louvred area, for example relating to orientation, can be agreed to avoid any chance of overlooking. On point ii) the use of the planted area does have potential to cause overlooking, this would appear to be rare, and just relating to maintenance of the area. A condition requiring the removal of the plants and no use of the area is proposed.
- 9.12 The point about the uncomfortable merging of styles is noted, but this has in part come about due to the re-design to accommodate amenity concerns at the neighbouring property. In the light of the benefits of the development (below) this is a small price to pay and the merging should not be visible from a public perspective.
- 9.13 The benefits of the proposal need to be considered. Paragraph 8.30 in the preamble to Policy CF9 of the Approved Review Colchester Borough Council Local Plan (2004), states: "The development of a comprehensive and effective network of neighbourhood "primary healthcare centres" throughout the Borough will generally be encouraged (e.g. via the expansion of doctors' surgeries into larger medical centres incorporating a wide range of community health facilities and services)." The applicant has advised that the Primary Care Trust has become aware of a shortfall of provision of orthodontists, and has thus "amended its procurement system to facilitate an expansion of such services". In order to address this, the applicant is proposing to give Orthoworld over to NHS patients only. This proposal is supported by the NHS. The community benefits of this proposal do, therefore, need to be acknowledged.

081040

- 9.14 Regarding the Listed Building application, the contrasting style of new to old has previously been mentioned. This has received the support of your Conservation & Design team and has not been opposed by the learned bodies. Nor has the setting of the neighbouring Listed Building 37 East Hill been raised as an issue, although the setting would, of course, be altered.
- 9.15 The potential loss of the old garden wall is noted, but the applicant has stated his intention to retain it. If it is to be lost, then the applicant will have to submit a fresh application as this wall is a curtilage structure to the Listed Building, and thus Listed in its own right.
- 9.16 Regarding the proposed internal works, these are minimal and largely on the modern elements of the building.

10.0 Conclusion

- 10.1 In conclusion the principle of this development is not opposed, the scheme is considered to be acceptable in scale and design, and the proposed extension does not unacceptably affect the amenity of any nearby residents or other users. This amended scheme is considered to affect neighbours less than the original application.

11.0 Background Papers

11. ARC; HA, HH, NLR, CD, EH, Learned bodies

Recommendation - 081039 - 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 - 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.

3 - A7.11 No New Windows

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order with or without modification), no windows/dormer windows or any other form of opening other than those expressly authorised by this permission shall be constructed in any walls or roof slopes of the extension hereby approved.

Reason: To protect the amenities and privacy of adjoining residents.

4 - Non-Standard Condition

Prior to the commencement of development, details of glass effect and louvred sections shall be submitted to, and agreed in writing by, the Local Planning Authority, these shall then be implemented as such prior to the building being brought into use, and retained at all times thereafter.

Reason: In the interests of residential amenity.

5 - Non-Standard Condition

Prior to permission being granted, the applicant shall submit a detailed contamination investigation and risk assessment undertaken by competent persons. This investigation shall be undertaken in accordance with the Essex Contaminated Land Consortium's Land Affected by Contamination: Technical Guidance for Applicants and Developers and DEFRA & Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11. It shall, where necessary, identify required remediation measures and programmes along with consequent impacts on development phasing.

Reason: This submission to the planning authority is required to enable it to decide whether the details have taken account of an acceptable risk from contamination with regards to proposed end users, property, controlled waters and ecological systems

6 - Non-Standard Condition

Should contamination be found that was not previously identified during any stage of the application hereby approved or previous to this and not considered in the any remediation scheme it shall be made safe and reported immediately to the local planning authority. The site shall be assessed in accordance with condition 5 and the remediation scheme shall be submitted for approval by the planning authority.

Reason: In the interests of amenity of nearby residential properties.

7 - Non-Standard Condition

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

Reason: In the interests of amenity of nearby residential properties.

8 - Non-Standard Condition

The use hereby approved shall not commence until the building has been constructed/modified to provide sound insulation against internally generated noise in accordance with a scheme devised by a competent person and approved in writing by the local planning authority. This shall comply with the initial noise condition.

Reason: In the interests of amenity of nearby residential properties

9 - 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: In the interests of amenity of nearby residential properties.

10 - Non-Standard Condition

The use hereby permitted shall not operate outside of the following times:

08:00 to 18:00 Monday to Friday,

08:00 to 13:00 Saturday, with no opening on Sundays or Bank Holidays.

Reason: In the interests of amenity of nearby residential properties.

11 - Non-Standard Condition

The flat roof shall not be used as a planted area and there shall be no use of this area except for maintenance purposes.

Reason: In the interests of amenity of nearby residential properties.

Informatives

Non-Standard Informative

1. 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.

Non-Standard Informative

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

Recommendation - 081040 – Listed Building Consent

Conditions

1 - A1.6 LBs & Con Area Consents-time lim for comm 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 - 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.

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.

**329. 072263 and
072232**

38 East Hill, Colchester, CO1 2QX

The Committee considered application 072263 for a change of use from residential (Class C3) to orthodontist (Class D1) and fitting out the existing building, the removal of the existing 20th century extension and the construction of a two storey extension onto the southern elevation. Also submitted to the Committee was application 072232 for listed building and Conservation Area consent in respect of fitting out the existing building, the removal of the existing 20th century extension and the construction of a two storey extension onto the southern elevation.

The Committee had before it a report in which all information was set out, see also the 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.

John Davies, Principal Planning Officer, attended to assist the Committee in its deliberations. He explained that the change of use was acceptable in this location. At the rear there would be an obscure glazed link at first floor level from the existing building to an office area contained in a new two storey extension. Alongside the link there would be a first floor terrace area for the use of staff. There would be no overlooking from the first floor terrace area which would be screened by a 1.8 metre brick wall and no windows would face onto no. 37. It was noted that the proposed extension would fail the 45 degree test from the rear part of the building.

Mr Egerton, agent, addressed the Committee on behalf of the objector at no. 37, Mr Mills, pursuant to the provisions of Planning Committee Procedure Rule 8 in opposition to the application. The proposal involves raising a 26' length of wall to 16' high beside the patio. The patio is only 8' wide and the wall will extend over three quarters of the way along it. The officers' report acknowledges that the proposal partly fails and infringes the guidance. In terms of the way it has been assessed the report refers to the first floor bedroom. The ground floor window to the ground floor dining room/kitchen is another instance where the 45 degree line conflicts with policy. In terms of policy this structure will be overbearing and will overshadow the window and the patio, and there would be a loss of ambient daylight. A 16' wall will reduce the amount of day light into the space. In terms of privacy, the report talks about visual intrusion but the terrace is at first floor level with implications of noise and being near the adjacent window. There will be a 16' wall surmounted by a pyramidal roof rising to 20'. Between 10am and 11.30am there will be intrusion. These are listed buildings of significance to Colchester.

Professor Russell, architect and agent, addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in support of the application. There is a shortage of orthodontists in the northeast area and the expansion of the practice will benefit the community by accommodating between 150 and 200 patients, mainly children, who are currently awaiting

treatment. The current practice does not provide for patients with a disability and this will enable people with all forms of disability to be catered for. The functional needs of the building combined with the materials used ensures a sympathetic extension with its surroundings. The scheme has received a positive response from the Ancient Monuments Society and the Society for the Protection of Ancient Buildings. He is aware of Mr Mills' concerns and they have met with him and made significant efforts to alleviate his concerns by making amendments to the proposal to take account of the issues raised. They have also constructed a computer generated model representing sunlight penetrating into Mr Mills' courtyard at various times of the year. Clearly the ambient light will have a marginal effect but there is also reflectivity of the wall especially on the west light in the evening. The courtyard was presently overshadowed by two trees which are out of anybody's control at the moment. The courtyard is south facing and there will be very little loss of sunlight for the majority of the year.

It was explained that the ground floor dining room window of 37 East Hill faced on to the rear extension and as such was already obscured by a building so any further impact from this proposal would not be significant. It was considered that the scheme did not give rise to overlooking and thus it met the guidance in respect of privacy. In respect of sunlight and daylight to the bedroom window, the guidance was met. However, in terms of the 45 degree elevation it depended on where the line was taken from. There would be a 2 metre increase in the height of the extension on the rear of no. 38 but it was considered that overall the benefits of the proposal outweighed any harm it may cause to the neighbour, and in this connection it was mentioned that the scheme was more acceptable than it would have been if it were for residential use only by virtue of the change of use.

Members of the Committee acknowledged the importance of the buildings and the need to bring no. 38 back into beneficial use to prevent its further deterioration. The amenity of the neighbour outside of surgery times would be assured by the imposition of an hours of use condition. In general there was no objection to the change of use and the removal of the existing ground floor rear extension, but concern was expressed at the potentially deleterious effect of its proposed two storey replacement. Also, whilst it was not a planning matter, Members had concerns about the ability of the existing wall to support the wall which it was intended to be built on top. Having seen the drawings some Members had become concerned about the size and height of the extension which appeared bigger and higher than it had on the site visit, and also it appeared very much higher than the existing wall.

This crystallised into a specific concern at the raised wall adjoining the proposed first floor roof terrace/sitting out area and its proposed use for socialising giving rise to noise and disturbance. With regard to the proposed first floor office extension, some members considered that the pyramidal roof sat very comfortably with the old buildings and others did not consider it so oppressive from the courtyard at no. 37 partly because the roof would slope towards the east and away from the courtyard, but some had reservations about it. Members noted that the scheme as submitted envisaged 100% site

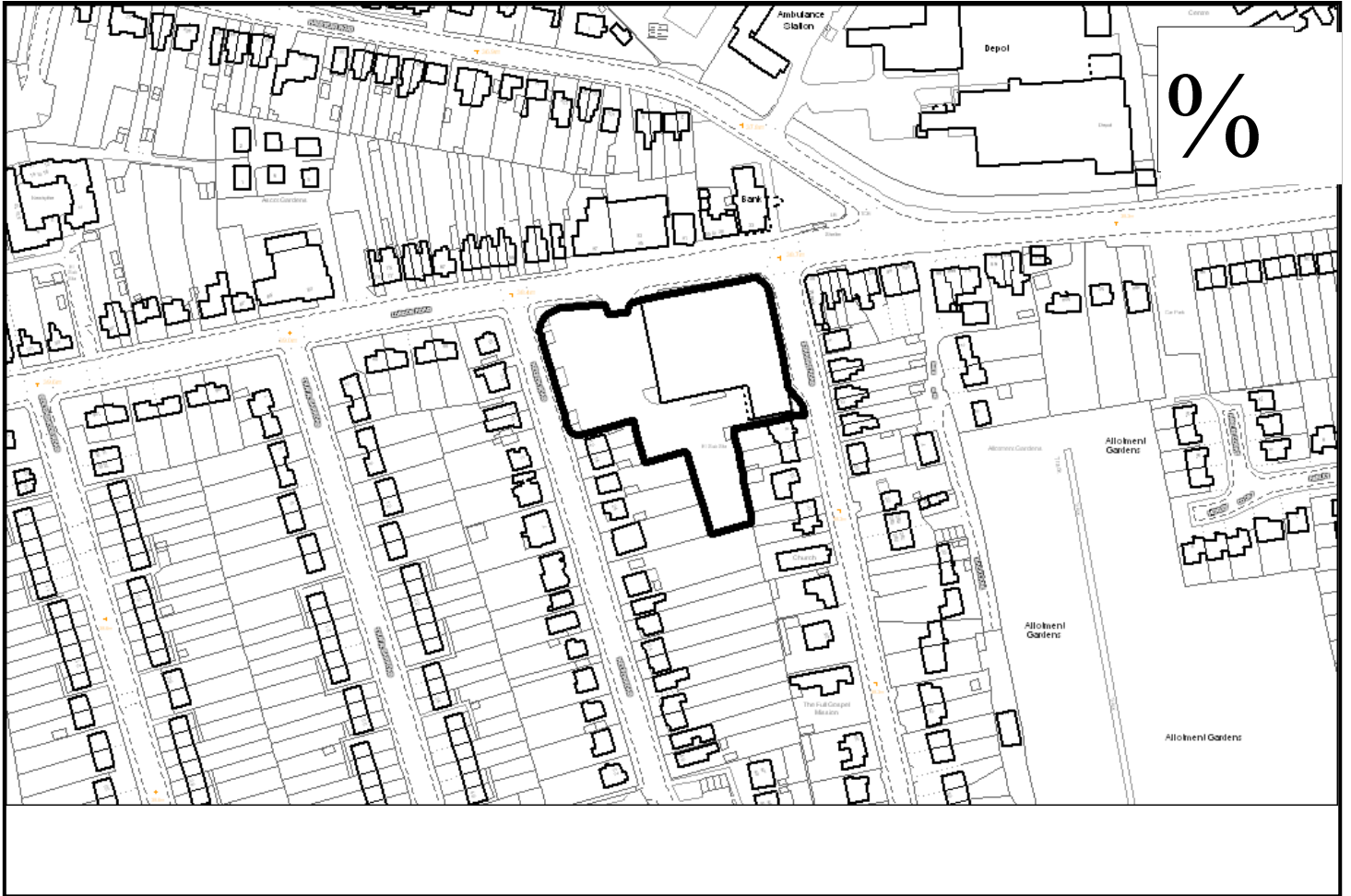
cover of the garden area to the rear of nos. 40, 41 and 42 notwithstanding that there appeared to be significant areas of undeveloped cartilage to the south of the property and fronting Roseberry Avenue which could potentially allow for reconsideration/relocation of the proposed first floor elements.

Without the terrace and increase in height of the wall some Members considered they would be able to support the proposal for dental purposes as all patient facilities were contained within the main building and the ground floor of the proposed rear extension, but other Members were very concerned at the first floor extension, the terrace and screening wall.

It was explained that the change of use was a material consideration, Policy CF9, in the local plan which members can give greater weight to than if it was purely residential. The position in regard to the wall was not a planning consideration, but is a listed building consideration and the wall would be retained as a historic wall. This is a matter between the parties but planning officers shared Members' concerns about the condition of the wall and whether it would be possible to build off the wall. On balance Members considered that the potential harm to the amenities of no. 37 outweighed the benefits of granting permission.

RESOLVED that –

- (a) In respect of planning application 072263, the application be refused on the grounds that the rear two storey extension and terrace would result in an adverse impact on the residential amenity of the neighbour at no. 37 East Hill.
- (b) In respect of listed building application 072232, the application be refused on the grounds that it would be inappropriate to grant listed building consent given that the proposed scheme was unacceptable on planning grounds, Policy UEA4.



Application No: 081079

Location: M F I Homeworks, 80-82 London Road, Colchester, CO3 0HD

Scale (approx): 1:1250

The Ordnance Survey map data included within this publication is provided by Colchester Borough Council of PO Box 884, Town Hall, Colchester CO1 1FR under licence from the Ordnance Survey in order to fulfil its public function to act as a planning authority. Persons viewing this mapping should contact Ordnance Survey copyright for advice where they wish to licence Ordnance Survey map data for their own use.

This map is reproduced from Ordnance Survey Material with the permission of Ordnance Survey on behalf of the Controller Of Her Majesty's Stationery Office © Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. Colchester Borough Council 100023706 2006

7.6 Case Officer: Simon Osborn

EXPIRY DATE: 30/07/2008

MINOR

Site: 80-82 London Road, Colchester, CO3 0HD

Application No: 081079

Date Received: 3rd June 2008

Agent: Mrs Shelagh Gray

Applicant: MFI Furniture Centres Limited

Development: External alterations to existing retail unit to include provision of two further shop entrances, provision of dock leveller to loading bay, disabled access ramp, trolley park, creation of waste compound and reconfiguration of car park.

Ward: Lexden

1.0 Planning Report Introduction

1.1 This application has been "called-in" by Councillor Mike Hardy on the following grounds: traffic concerns including increased volume and offset parking to adjacent roads; noise pollution; light pollution; resident's rights/quality of life.

2.0 Site Description

2.1 The application site relates to the existing MFI site on the corner of London Road with Straight Road in Lexden. The existing building has "dead" frontages onto both of these roads, the main frontage and the public entrance into the shop being from the large car park to the west. The car park, which is bounded by a brick wall, lies close to the corner of London Road with Nelson Road. Vehicular access to the site is from the London Road, approx 50m from the traffic lights at the junction of London Road with Straight Road.

2.0 Description of Proposal

2.1 The application seeks to make various physical alterations to the building and to the external areas. These changes include: a new entrance facing toward the car park, with a new ramp and covered trolley bay adjacent; two new shop frontages facing directly onto London Road; and, a reconfiguration of the parking and servicing area, which will reduce the number of car parking spaces from 107 to 86.

2.2 The agent indicates that the staff quota for Aldi will be circa 13 full-time employees plus circa 1 employee per small shop unit (compared with MFI staff quota of 11.2 full-time employees).

3.0 Land Use Allocation

3.1 Local Shopping Centre

4.0 Relevant Planning History

- 4.1 COL/75/0626, (A) and (B) - erection of supermarket, lock-up shops and maisonettes - approved 1975 and 1976.
- 4.2 COL/77/0986 - supermarket and 4 maisonettes - approved 1977. An amendment in 1978 omitted the 4 maisonettes. The planning permission, as amended, was implemented and subsequently occupied by Sainsbury's as a food store.
- 4.3 In 1985, planning permission was granted for a new Sainsbury's superstore at the Tollgate West Retail Park. As part of the grant of planning permission, a Section 52 Agreement (now known as a Section 106 Agreement) was entered into under which Sainsbury's agreed not to allow selling of food retail units at the MFI site for a period of two years and six months from the date of trading at the Tollgate site.
- 4.4 COL/88/0750 - extensions and alterations for non-food retail use - approved 1988, but there were no conditions limiting the use of the unit to "non-food".

5.0 Principal Policies

- 5.1 Adopted Review Colchester Borough Local Plan - 2004
DC1 - Development Control Considerations
TCS1 - New Retail Developments
TCS12 - Local Shopping Centres
P1 and P2 - Pollution
UEA11 - Design

6.0 Consultations

6.1 The Highway Authority stated it would not wish to raise an objection to the above application subject to the following:

1. No occupation of the development shall take place until such time as the following have been provided or completed to the satisfaction of the Highway Authority: The provision of a travel plan in accordance with current Essex County Council policy.
2. Measures shall be provided to ensure no mud and/or debris is deposited on the public highway by any vehicle associated with construction of the proposal. Details to be agreed with the Local Planning Authority and Highway Authority

Notes:

1. The above is required to ensure the proposal complies with the County Council's Highways and Transportation Development Control Policies, as originally contained in Appendix G of the Local Transport Plan 2006/2011 and refreshed by Cabinet Member Decision dated 19 October 2007.

2. In making this recommendation the Highway Authority has assumed the proposal site internal layout will not be laid out and constructed to adoptable standards and that the applicant does not intend to offer it to the Highway Authority for adoption
3. The requirements contained in 1 above shall be imposed by way of negative planning conditions or planning obligation agreements as appropriate.
4. Prior to any works taking place in the public highway the developer shall enter into an agreement with the Highway Authority under the Highways Act 1980 to regulate the construction of the highway works
5. All highway related details shall be agreed with the Highway Authority
6. Number of parking spaces, including disabled, cycle and motorcycle shall be in accordance with those standards set down within Essex Planning Officers Association, Vehicle Parking Standards, August 2001. Further all cycle and motorcycle parking shall be convenient, covered and secure.
7. Any proposed traffic calming shall be laid out and constructed having consulted the emergency services and bus operators.

6.2 Environmental Control recommended the standard Construction and Demolition informative.

7.0 Representations

7.1 A letter with signatures from 30 addresses, primarily in Nelson Road, was received, together with 4 emails from other local residents/traders, plus an email from the Headteacher of Lexden Primary School in Trafalgar Road. These raised the following issues:

1. A large supermarket will add to congestion in the area and create traffic safety issues, including at the controlled junction at the north end of Straight Road, and will increase response times for emergency vehicles leaving the Halstead Road depot;
2. Additional traffic will be hazardous to young children and schoolchildren;
3. Will increase the use of the vehicle entrance to the site, which lacks pedestrian prioritisation;
4. The new retail outlets onto London Road, where the pavement is narrow and well used, is likely to result in injuries;
5. No rear service access from the main store to the new retail units on London Road is likely to result in delivery lorries stopping/leaving stock on the pavement;
6. Likelihood of late-night delivery lorries causing noise nuisance to nearby properties;
7. MFI have allowed owners of other businesses to park on their site, helping to relieve parking difficulties on surrounding residential streets - the proposed supermarket is likely to increase the risk of private drives being blocked;
8. Likely increase in vermin, with consequent increased risk of Weil's disease.

8.0 Report

Principle of Retail Use

- 8.1 Planning permission for the use of these premises as an A1 retail use was granted back in the 1970s and the site was occupied by Sainsbury's until the 1980s, when Sainsbury relocated to Tollgate. The site has been occupied by MFI for approx 20 years. MFI received planning permission at the end of the 1980s for extensions and alterations to the premises: that planning permission did not specify (by the placing of a planning condition) that the permission was limited to non-food retail use.
- 8.2 The Design and Access Statement submitted with the application indicates that MFI are proposing to vacate the premises in the near future. The main user of the premises will be an Aldi Foodstore. It is the view of your Officers that the re-use of these premises as a supermarket does not require planning permission.
- 8.3 The Design and Access Statement also indicates that the application relates to the existing ground floor of the premises. It is intended that the existing ground floor will be subdivided, to create a total of three units; one larger unit for Aldi (floor area 1603 sqm) and two smaller units of 113 sqm and 125 sqm fronting directly onto the London Road.
- 8.4 Internal alterations to sub-divide retail units from one unit into more than one unit would not normally held to require planning permission. In this instance, however, the alterations to create three retail units from one larger unit require external alterations to be made. External alterations to retail units do normally require planning permission.

Planning Policy

- 8.5 The application site forms part of a designated Local Shopping Centre. Policy TCS12 supports uses which complement the primary retail role of such centres. In principle, the proposal is consistent with this policy in the Local Plan.

Design

- 8.6 The introduction of shop fronts into an otherwise largely "dead" frontage would help lift the visual impact of this building and purely in design terms is to be supported. The alterations to the main elevation fronting onto the car park, including, a new trolley bay, do not have a significant impact upon the appearance of the building.

Parking Considerations

- 8.7 The proposal involves a reconfiguration of the existing parking/servicing arrangements. The Planning Statement indicates there will be a total of 86 parking spaces including 4 disabled spaces, one motorbike space and 9 secure cycle racks. Whilst the current car parking layout indicates the provision of 107 spaces, some of these spaces are not easily accessible or of a size suitable for use by larger private vehicles.

- 8.8 The Essex Planning Officers Association Vehicle Parking Standards, which is adopted SPG, recommends the standard of one space per 20 sqm for shops (although a rider is added that an absolute maximum standard of 1 space per 14 sqm may be applied to food retail developments). These standards are expressed as a maximum, rather than a minimum. The total ground floor area measures 1,841 sqm; applying the standard of one space per 20 sqm equates to a standard of 92 spaces.
- 8.9 It is noted that the reconfigured parking proposals result in the loss of potentially 21 car spaces. Eight of these spaces will be lost within an area of the site, which is to be kept free to provide a more convenient turning area for large delivery vehicles; a further eight spaces will be lost to accommodate the proposed access ramp and trolley bay; four will be lost to accommodate the cycle parking; and one will be lost to accommodate a motor cycle space.

Highway Considerations

- 8.10 The prospective re-use of the premises for food retail purposes does not require planning permission. Whilst, the sub-division of existing floor space to create three units instead of one is unlikely to result in additional traffic generation of itself; in this instance providing two units fronting directly onto the London Road rather than onto the internal car park, potentially has an impact upon pedestrian and servicing movements in particular, which it is considered legitimate to consider.
- 8.11 All pedestrian access to these two units will be from the London Road. At present there is an unusable strip of land between the pavement and the MFI building - this will be levelled under the proposals and would appear to aid pedestrian access in the vicinity. No internal connection is shown between the proposed units fronting London Road and the Aldi store. The agent indicates that service vehicles for these two units will park within the existing MFI parking area.
- 8.12 The comments of the Strategic Highway Authority indicated that they had no objection to the proposal subject to conditions to achieve the submission of a travel plan and, a scheme to ensure no mud or debris is carried onto the highway during construction works.

Other Material Considerations

- 8.13 Concerns have been put forward regarding potential increase in noise (from late-night deliveries) and vermin, associated with a food retail use. However, there are no planning restrictions to prevent a food retail use from this site, nor any planning restrictions relating to hours of use. An increase in light pollution has also been referred to, but there are existing car park lights already in place, and the application does not propose any changes.

9.0 Conclusion

9.1 The site has an existing use for retail purposes. The proposal will create two new retail units fronting onto the London Road. This is in line with policy TCS12 of the Local Plan which supports uses/development that complement local shopping centres; it will further help to improve the appearance of this frontage onto London Road. It is recognised that the proposal will result in a reduction of parking from 107 spaces to 86; however, the reconfigured layout offers improvements to the on-site turning facilities and provides new bicycle parking facilities.

9.2 The application is recommended for approval.

10.0 Background Papers

10.1 ARC; 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

No occupation of the development shall take place until such time as a comprehensive Travel Plan shall have been submitted for the approval in writing of the Local Planning Authority (in consultation with the Highway Authority), and all measures arising from that shall thereafter be implemented.

Reason: In the pursuance of sustainable travel objectives.

3 - Non-Standard Condition

Measures shall be provided to ensure no mud and/or debris is deposited on the public highway by any vehicle associated with the construction of the proposal, in accordance with a scheme which shall first have been submitted to and agreed in writing by the Local Planning Authority (in consultation with the Highway Authority).

Reason: In the interest of highway safety.

4 - Non-Standard Condition

The new units fronting onto the London Road and the main ground floor premises shall be used for Class A1 purposes only, as defined by the Town and Country Planning Use Classes (Amendment) Order 2005.

Reason: For the avoidance of doubt.

5 - Non-Standard Condition

No retail sales shall take place from the first floor of the building.

Reason: In accordance with the details submitted with the application and for the avoidance of doubt.

6 - Non-Standard Condition

All service deliveries for the main unit and the two new units fronting onto the London Road shall take place within the on-site parking area.

Reason: In the interest of highway safety.

7 – B3.3 – Light Pollution

No new external lighting fixtures for any purpose shall be constructed or installed until details of all external lighting proposals have been submitted to and approved by the Local Planning Authority; and no lighting shall be constructed or installed other than in accordance with those approved details.

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

8 – Non Standard Condition

Prior to the commencement of the development hereby permitted, details of a covered shelter for the cycle parking facilities shown on the proposed site layout drawing 1371PD03 Rev D, shall be submitted to and agreed in writing by the Local Planning Authority, and the details as approved shall be implemented prior to the occupation of the development, and thereafter retained as such.

Reason: In the interest of local amenity and for the pursuance of sustainable travel objectives.

Informatives

Non-Standard Informative

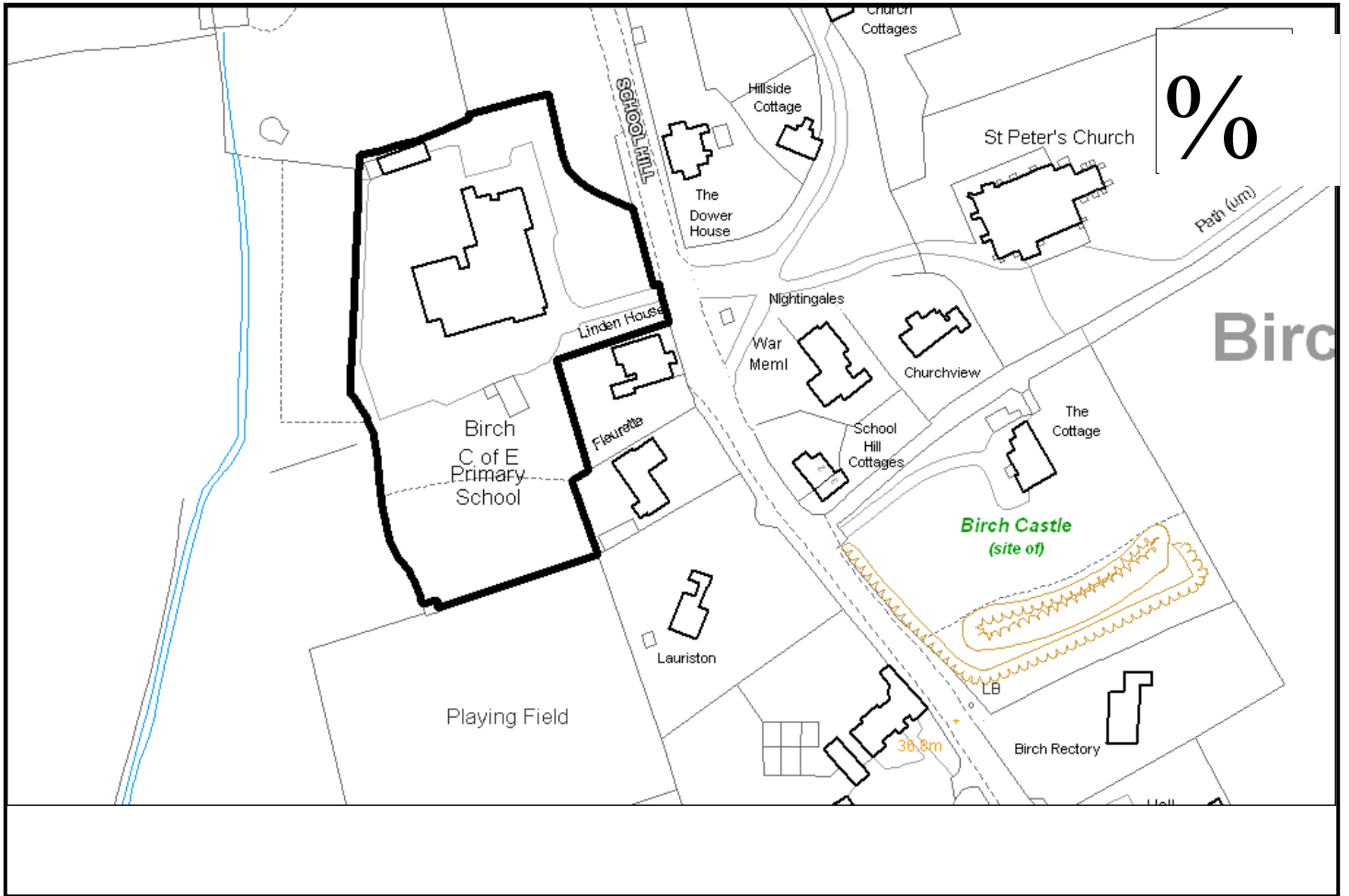
1. The developer is referred to the attached advisory note Advisory Notes for the Control of Pollution during Construction and Demolition Works for the avoidance of pollution during the demolition and construction of works. Should the applicant require any further guidance they should contact Environmental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

Non-Standard Informative

2. The proposed signage will be the subject of a separate advertisement application, in accordance with the requirements of the Town and Country Planning (Control of Advertisements) Regulations 2007.

Non-Standard Informative

3. Prior to any works taking place in the public highway the applicant/developer shall enter into an agreement with the Highway Authority under the Highways Act 1980 to regulate the construction of the highway works. Any proposed traffic calming shall be laid out and constructed having consulted the emergency services and bus operators.



Application No: 081103

Location: Birch C Of E School, School Hill, Birch, Colchester, CO2 0LZ

Scale (approx): 1:1250

The Ordnance Survey map data included within this publication is provided by Colchester Borough Council of PO Box 884, Town Hall, Colchester CO1 1FR under licence from the Ordnance Survey in order to fulfil its public function to act as a planning authority. Persons viewing this mapping should contact Ordnance Survey copyright for advice where they wish to licence Ordnance Survey map data for their own use.

This map is reproduced from Ordnance Survey Material with the permission of Ordnance Survey on behalf of the Controller Of Her Majesty's Stationery Office © Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. Colchester Borough Council 100023706 2006

Site: School Hill, Birch, Colchester, CO2 0LZ

Application No: 081103

Date Received: 5th June 2008

Agent: Richard Johnson Chartered Architect Ltd

Applicant: The School Governors, Birch C Of E School

Development: Proposed nursery building to be erected in school playground

Ward: Birch & Winstree

Summary of Recommendation: Conditional Approval

1.0 Site Description

- 1.1 Birch School is an early 19th Century, single storey, Grade II Listed Building with more modern extensions. It sits on an elevated position fronting onto School Hill, Birch, and lies within a conservation area.
- 1.2 There are residential properties to the immediate South and on the Eastern side of School Hill. Open countryside lies to the North and to the West.
- 1.3 This application is for the erection of a detached, single storey building 7.25m x 6.0m, located adjacent to the rear, North facing elevation of the existing school building. The plans show the building as being constructed in stained, timber log walls and felt shingled pitched roof. The building is not purpose built but comes supplied in a "kit form".
- 1.4 The following is an extract from the Design & Access Statement that accompanies the application and provides the justification for the building:-

"The works proposed aim to deal with the main issues of:

1. No nursery pre-school education within the village. Consultations with the local community have identified this lack of provision as a priority to resolve. there is no other suitable site or location within the village.
2. Ease the transition from pre-school education into mainstream school education.
3. Develop the school's continued commitment to the Extended School Agenda and furthering links with the Government's Children's Centre Initiative, which is located on the school site.
4. Provide a safe and secure environment where there will be restricted and controlled access to the site.
5. Provide accommodation for the school's extra curricular activities in connection with the Government's Extended Schools Agenda.

2.0 Land Use Allocation

2.1 Conservation Area

3.0 Relevant Planning History

3.1 The school has a long planning history relating to extensions and alterations. More recent development includes:-

070377 - New single storey extension to provide combined school entrance and new Children's Centre providing outreach services, drop-in information area, health consulting and training facilities. Formation of new disabled car parking bay adjacent. Essex County Council application.

071636 & 071642 (Full & Listed Building applications) - Alterations & improvements to school entrance. Formation of new parking area and associated works. Erection of free standing white painted steel frame canopy to provide weathering & shade protection to the Foundation and Year 1 class group. Approved 28/08/2007.

071644 - Demolition and removal of redundant timber framed storage building. Approved 28/08/2007.

4.0 Principal Policies

4.1 Adopted Review Borough Local Plan Development Control Considerations - DC1 Listed Buildings - UEA5 Conservation Area – UEA2 Design – UEA11

5.0 Consultations

5.1 None

6.0 Parish Council's Views

6.1 Birch Parish Council's only concern would have been parking and increased traffic in the road but the application covers this. However, the new parking work needs to be done during the school holidays.

7.0 Representations

7.1 The occupier of "The Dower House", School Hill, Birch has written to object. The objections are summarised as follows, whilst the letter can be seen in full on the Council website:-

- The proposed timber building is out of keeping with the existing school buildings and the character of the conservation area;
- The building has neither running water nor toilet facilities and yet is supposed to cater for the needs of up to 16 three & four year old children;

- Ongoing serious traffic and parking congestion issues. The facility will attract a new parent grouping with only 3 & 4 year olds thereby increasing vehicular activity. The proposed hours of 0830 am to 1230 pm will add traffic to collect children not attending the normal school day.
- Existing parking provision of 14 spaces, plus one disabled space, is already fully occupied by teaching staff and visitors to the recently completed Drop In Centre. The Village Hall car park is also normally full. The proposal makes no additional parking provision.

8.0 Report

- 8.1 The Council generally seeks to support the provision community facilities but also recognises the need to balance this provision against all other material considerations. In this case the main issues are the impact upon the setting of this Grade II listed building, the impact upon the character and appearance of the Conservation Area, and the available on-site parking facilities.
- 8.2 The Design & Access Statement makes the case for the local need of this community facility and its direct relationship to the school (e.g. ease the transition from pre-school education to mainstream school education, provide accommodation for the school's extra curricular activities in connection with the Government's Extended Schools Agenda).
- 8.3 The school has also explained that the proposed timber building has been selected after full consideration has been given to the other possible alternatives (e.g. a building of a more vernacular design & construction or the use of a demountable). These other alternatives have been discounted for various reasons including cost and suitability for use by 3 & 4 year old children.
- 8.4 With regard to the facilities provided within the new build, the Agent has advised that the children will use the existing school facilities. The provision of such facilities is controlled by other regulations and it is not within the scope of planning to duplicate other legislation.
- 8.5 In general terms the erection of this "log cabin" as proposed would not be acceptable in terms of its impact upon the character and setting of a listed building and the conservation area. However, in addition to the need for this facility within the local community, the following considerations have been taken into account:-
- Whilst the proposed building is located in very close proximity to the existing school buildings, it is not physically attached to any part of it. On this basis it will not result in any harm being caused to the fabric of the school;
 - It will not be visible from School Road and will be screened by existing tall hedges, particularly along the western boundary.
 - It will not result in the permanent loss of the existing school playground;
 - The site has previously been occupied by a demountable classroom

- 8.6 If members are minded to accept in principle the erection of this type of building, it is recommended that it should only be on a temporary basis of no more than 5 years, this being the usual term for the siting of a demountable building. This period would allow the school an opportunity to fund a building of a form, design and construction more appropriate to its setting.
- 8.7 As with most proposals relating to the increased use of school facilities, there is all too often a conflict of interest in terms of important community facilities and the impact of the additional vehicular activity/parking demand.
- 8.8 The submitted application shows that the use is expected to generate 2 additional full-time and 1 part-time staff. This will result in a total of 22 full-time and 1 part time staff being employed within the school. The current adopted minimum parking standard is 1 space per 2 daytime teaching staff. In order to comply with this standard the school should be able to provide 12 parking spaces.
- 8.9 The application does not show the available parking provision within the school. However, the two permissions 071636 & 071642 propose a re-arrangement and extension of the existing on-site parking to provide 14 parking spaces. Confirmation from the school is being sought that this new parking scheme is to be implemented prior to the commencement of the proposed use and the occupation of the new building for this purpose.

9.0 Background Papers

- 9.1 ARC; PTC; NLR

Recommendation - Conditional Approval

Conditions

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

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

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

2 - A6.1 Temporary Use or Building

The building hereby permitted shall be removed and the land restored to its former condition on or before 1 August 2013 in accordance with a scheme of work submitted to and approved by the Local Planning Authority in writing.

Reason: The temporary use hereby permitted is not appropriate for a permanent permission because the form, design and external appearance is not considered to be appropriate to the setting of this Grade II listed building and the character and appearance of the conservation area.

3 - Non-Standard Condition

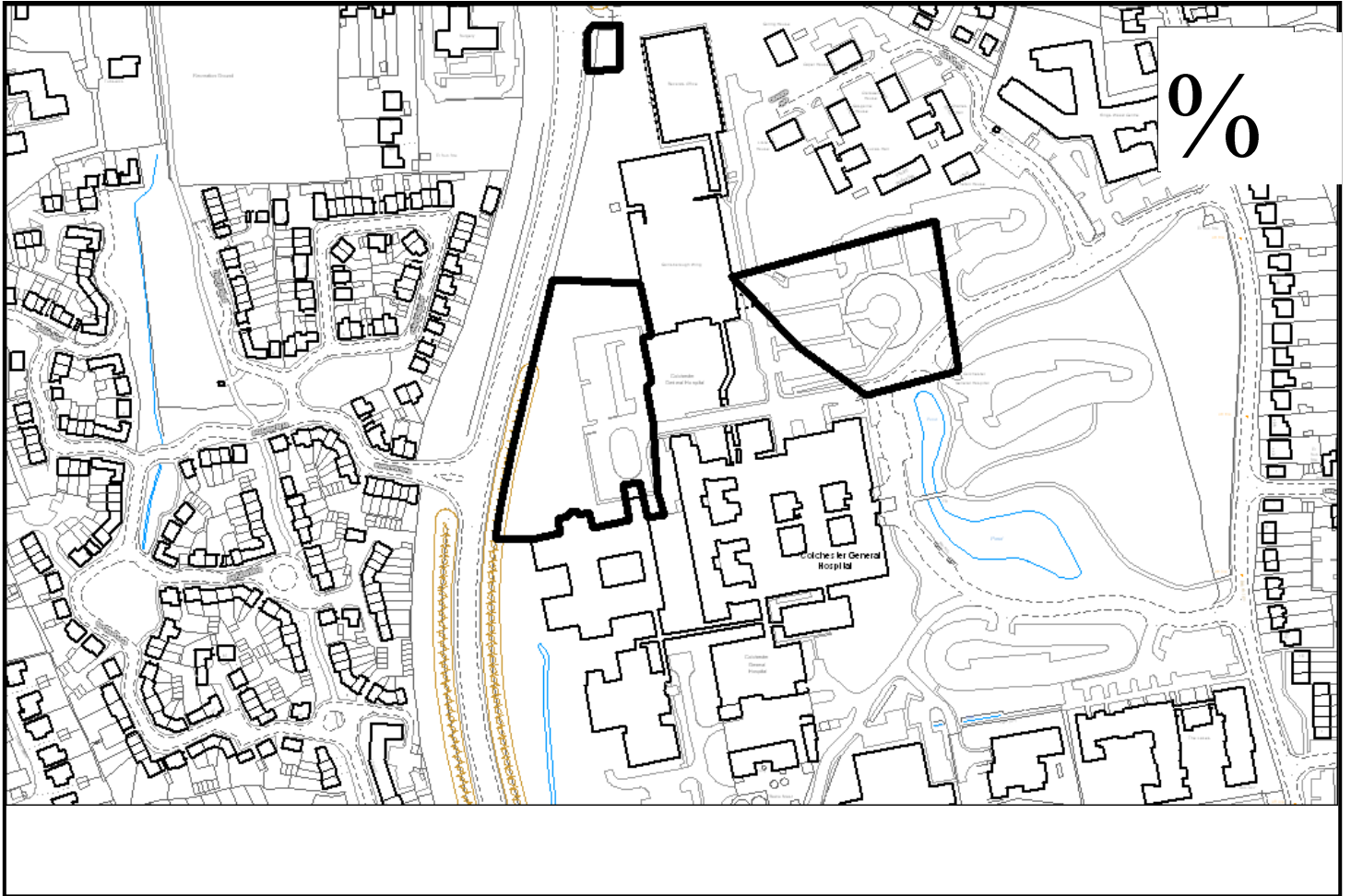
Parking for up to 14 cars shall be provided within the site in accordance with details to be submitted to and agreed in writing by the Local Planning Authority prior to the commencement of the proposed use and the occupation of the proposed building for this use.

Reason: To ensure adequate on-site car parking provision in the interest of the amenity of the area and in the interest of highway safety.

Informatives

Non-Standard Informative

1. 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: 081105

Location: Essex Rivers Healthcare N H S, Colchester General Hospital, Turner Road, Colchester, CO4 5JL

Scale (approx): 1:1250

The Ordnance Survey map data included within this publication is provided by Colchester Borough Council of PO Box 884, Town Hall, Colchester CO1 1FR under licence from the Ordnance Survey in order to fulfil its public function to act as a planning authority. Persons viewing this mapping should contact Ordnance Survey copyright for advice where they wish to licence Ordnance Survey map data for their own use.

This map is reproduced from Ordnance Survey Material with the permission of Ordnance Survey on behalf of the Controller Of Her Majesty's Stationery Office © Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. Colchester Borough Council 100023706 2006

7.8 Case Officer: John Davies

EXPIRY DATE: 07/08/2008

MINOR

Site: Colchester General Hospital, Turner Road, Colchester, CO4 5JL

Application No: 081105

Date Received: 11th June 2008

Agent: Roff Marsh Partnership

Applicant: Essex Rivers Healthcare

Development: External works to facilitate future building projects within the hospital site, extension and alterations to main access road within site (as previous approved 071906) creation of additional/replacement parking bays for disabled use and hardstandings for mobile scanning unit.

Ward: Mile End

Summary of Recommendation: Conditional Approval

1.0 Site Description

1.1 The General Hospital is located on a large site bounded by the NAR to the west, Beaumont Close and the Kingswood Centre to the north, Turner Village housing site to the south and Turner Road to the east. The area of the site the subject of this application is in the north-west corner and comprises land surrounding the Gainsborough, Easthorpe and Medical Records buildings.

2.0 Description of Proposal

2.1 This application is largely similar to the road scheme approved under Application 071906 in October last year. This was to replace the existing access road that runs East-West in front of the current A and E Department on the north side of the original hospital building and to the south of the Gainsborough Wing in order to allow for future development of the land between these buildings for a new Emergency Department and Oncology Unit. That approval has not been implemented yet. The current application differs in the following respects:

- The formation of a new car parking area providing 13 spaces for disabled persons to the north-west of the helipad and to serve the Gainsborough wing
- Extension of approved roadway on west side of hospital to provide link to front of Constable Building
- Provision of new car parking area in front of Constable Building providing 26 spaces
- Other alterations to existing road layout on west side to improve access for ambulances

- Provision of temporary contractors compound in north-west corner of site to south of blue light access to NAR.
- Formation of hardstanding for mobile scanning unit.

2.2 No alterations are proposed to north site road (close to Beaumont Close) or the blue light access.

2.3 The application is accompanied by a DAS and Tree Survey and Arboricultural Implication Assessment.

3.0 Land Use Allocation

3.1 Hospital

4.0 Relevant Planning History

4.1 The General Hospital has a lengthy planning history; the following applications have the greatest relevance to the present application.

RM/COL/05/0504 - new emergency centre, out-patients department, oncology centre and extensions to existing hospital buildings (PFI proposal) - Approved 14 October 2005

F/COL/06/1656 - Medical records Storage Building - Approved 13 February 2007

F/COL/07/1906- New access road within the hospital site- Approved 9 October 2007

5.0 Principal Policies

5.1 Adopted Review Colchester Borough Local Plan-March 2004

DC1- Development Control considerations

CF8 - Colchester District General Hospital

C04 - Protection of landscape features

6.0 Consultations

6.1 Highway Authority raise no objections subject to a suitable condition to ensure satisfactory provision is made for cycle parking on the site.

6.2 Trees and Landscape Team - no objection subject to compliance with the submitted tree impact report.

6.3 Environmental Control - no objection subject to inclusion of standard advisory note on construction.

7.0 Parish Council's Views

7.1 Myland Parish Council support proposal subject to provision of bunding and fencing to Beaumont Close boundary as per previous conditions and their standard environmental conditions.

8.0 Representations

8.1 Collective letter from residents in Beaumont Close objecting to proposals on following grounds:

- No further proposals should be allowed until the new bunding and fencing facing Beaumont Close have been agreed and completed pursuant to previous approvals for the Medical Records building and the access road.
- Request confirmation in writing that Highways are satisfied with use of blue light entrance by contractors on health and safety grounds
- Restrictions on plant operating times, by condition.

9.0 Report

9.1 The principle of a new loop road around the Gainsborough/Medical Records buildings serving the western part of the site including the Constable Building in place of the existing link has been agreed under Application 071906. This application is for variations as set out earlier in the report.

9.2 The proposed road is wholly within the hospital complex and is designed to meet current and future operational requirements. The future requirements in particular being the development of new A&E and Oncology facilities. Proposed parking is intended to compensate for that which would be lost by these developments. The application submission refers to an overall loss of parking of 18 spaces as a result of the new road, however, spaces for disabled parking would be maintained as existing numbers.

9.3 The amended proposals raise issues in respect to impact on mature trees on the site. The applicants have submitted an arboricultural impact assessment for a number of trees which may be affected by the proposed works. The report concludes that the works will not require the removal of any trees and that any encroachment into the root protection areas can be satisfactorily mitigated by measures such as 'no dig' construction.

9.4 With regard to the impact on Beaumont Close residents there are proposals for a bund and fence along the northern boundary to safeguard residents' amenity and security. These proposals have been the subject of discussions between your Officers, the Hospital and residents over recent months and it is expected that there will soon be agreement on a scheme comprising a bund, acoustic fence and new tree and shrub planting. Any update on the position will be reported prior to Committee.

9.5 The use of the access onto the NAR for contractors' vehicles was agreed by the Highways Authority for the construction of the Medical Records Building and there would be no objection to its continued use. Construction activity on site, including use of machinery and equipment, is normally regulated by the Environmental Control Team under Control of Pollution legislation and the standard informative is attached to the recommendation.

9.6 The application is recommended for approval subject to conditions covering use of the access, boundary treatment, tree protection, bicycle parking and the standard construction informative.

10.0 Background Papers

10.1 ARC; HA; TL; HH; PTC; NLR

Recommendation - Conditional Approval

Conditions

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

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

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

2 - Non-Standard Condition

The proposed access off the NAR shall be for emergency vehicle ingress only and a management plan for this access which shall include the provision of an automatically controlled barrier which can only be operated by "blue light" vehicles, shall be submitted to and approved in writing by the Local Planning Authority before the development is commenced.

Reason: In the interests of both highway safety and the amenities of local residents.

3 - Non-Standard Condition

Prior to the commencement of any part of the development, a scheme for new boundary enclosure and planting, including trees, hedges and shrubs, to form a screen of a width to be agreed along the boundary of the site with Beaumont Close, shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented within the first planting season following the approval of the details.

Reason: In the interest of the appearance of the site and the amenities of nearby residents.

4 - Non-Standard Condition

The works hereby approved shall be carried out fully in accordance with the recommendations as set out within the Tree Survey and Arboricultural Implication Assessment dated 3 June 2008 prepared by Hayden's Arboricultural Consultants which was submitted with the application.

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

5 - Non-Standard Condition

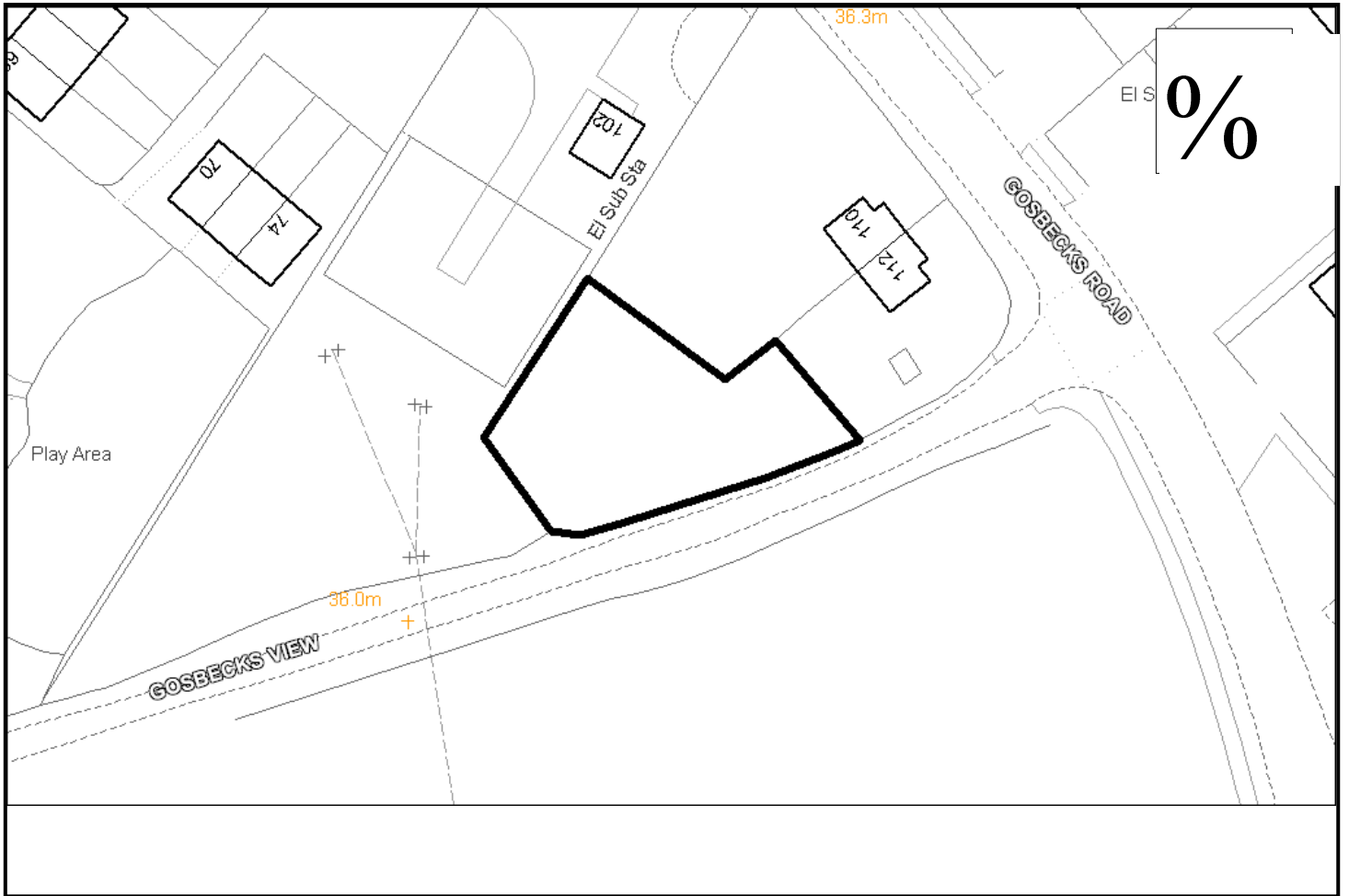
Prior to the commencement of works hereby approved details of proposed bicycle parking provision on the site shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented prior to the first use of the road hereby approved and shall be maintained thereafter.

Reason: To ensure that adequate provision is made for cycle parking in accordance with both local and national policy to encourage and facilitate cycling as an alternative mode of transport and in the interests of both the environment and highway safety.

Informatives

Non-Standard Informative

1. Your attention is drawn to the attached Advisory Note on Control of Pollution during demolition and construction works on site.



Application No: 081118

Location: Land at 110 & 112, Gosbecks Road, Colchester

Scale (approx): 1:1250

The Ordnance Survey map data included within this publication is provided by Colchester Borough Council of PO Box 884, Town Hall, Colchester CO1 1FR under licence from the Ordnance Survey in order to fulfil its public function to act as a planning authority. Persons viewing this mapping should contact Ordnance Survey copyright for advice where they wish to licence Ordnance Survey map data for their own use.

This map is reproduced from Ordnance Survey Material with the permission of Ordnance Survey on behalf of the Controller Of Her Majesty's Stationery Office © Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. Colchester Borough Council 100023706 2006

7.9 Case Officer: Bradly Heffer

EXPIRY DATE: 05/08/2008

MINOR

Site: Gosbecks Road, Colchester

Application No: 081118

Date Received: 9th June 2008

Agent: PJB Chartered Architects Ltd

Applicant: Eastcombe Properties

Development: Erection of 3no. new housing units off shared private drive. Resubmission of 073146.

Ward: Shrub End

Summary of Recommendation: Approved Conditional subject to the signing of a Unilateral Undertaking

1.0 Description of Proposal

- 1.1 This planning application seeks permission for the erection of 3 no. houses on an area of land to the rear of Nos. 110 and 112 Gosbecks Road, Colchester.
- 1.2 The proposed development would consist of a pair of semi-detached dwellings and a detached dwelling being erected on the site. Detached garage buildings would also be provided. The buildings would be constructed in a combination of brick and render walls, with plain tiled roofs. A single point of vehicular access would be provided; this leading off a narrow road known as Gosbecks View. The dwellings would front onto this road. The Design and Access Statement submitted with the application is available to view on the Council's website.
- 1.3 Currently, the site for this application is overgrown and incorporates an established length of hedging and trees on its southern boundary with Gosbecks View. Other boundaries are defined by fencing and hedging. Immediately to the east of the site are the curtilages of Nos. 110 and 112 Gosbecks Road, while to the north is an electricity substation. To the west of the site lies residential development that forms part of the 'Roman Fields' residential area.

2.0 Land Use Allocation

- 2.1 Residential - as allocated in the adopted Review Colchester Borough Local Plan - March 2004.

3.0 Relevant Planning History

- 3.1 F/COL/00/1765 - Erection of 4 no. additional houses on the site with parking and gardens - Approved 19 May 2001.

4.0 Principal Policies

- 4.1 Adopted Review Borough Local Plan
DC1 - General Development Control criteria
UEA11 - Design
UEA13 - Development..adjoining existing or proposed residential property
H13 - Housing Density

5.0 Consultations

- 5.1 The Highway Authority comments will be available at the Committee meeting.
- 5.2 The Arboricultural Officer has no objection to the proposal, subject to the imposition of conditions.
- 5.3 The Environment Agency has confirmed no objection to the proposal subject to advisory comments to the applicant.
- 5.4 EDF Energy states:-

"With regard to the above application it should be noted that there are EDF Energy Networks system transformers adjacent to the proposed site. These emit a hum at all times, as they are in continuous use apart from maintenance shutdowns. This will be audible from the proposed dwellings and will be particularly noticeable during the summer months with increased use of the back gardens and bedroom windows being open at night. This has not been considered in the application. There are existing dwellings equally close to the transformers in Gladiator Way though."

6.0 Representations

- 6.1 As a result of neighbour notification, three letters have been received from local residents. The comments made are summarised as follows:-
 1. The access arrangements are an improvement on the original proposals. However, road widening works should not be used as parking spaces - parking restrictions should be put in place.
 2. The parking provision is not sufficient for the amount of development. This could lead to parking within Gosbecks View.
 3. There will be an increase in traffic inadvertently arriving at the end of the lane and having to turn in the inadequate turning space.
 4. Gosbecks View should be widened for its entire length.
 5. The residential development could cause dogs to bark and detrimentally impact on residential amenity (overlooking, type of occupiers etc).

7.0 Report

- 7.1 Members will note that planning permission has previously been granted for residential development on land of which this application site formed part (Ref: F/COL/00/1765). As the site does fall within a defined residential area, the principle of residential development taking place is considered to be acceptable.

7.2 The design of the building is similar to the existing dwellings (Nos. 110 and 112 Gosbecks Road) and contains materials that are recognised elements of the vernacular palette (facing brick, render and plain tiles). It is considered, therefore, that the context of the proposed scheme accords with its surroundings.

7.3 Members will note that the proposed development would involve the widening of the carriageway of Gosbecks View along the entire southern boundary of the site. This work would cause the loss of trees and hedging along this boundary. Although these elements are established features in this location, it is noted that the Council's Arboricultural Officer has no objection to their removal. In this respect the following comment has been received.

'...the oak trees adjacent (to) the road are reaching the end of their safe useful life and will therefore require substantial work in the near future. The removal of these trees and (their) replacement with suitable new species would guarantee tree cover in the area over the long term'

7.4 Clearly the imposition of a condition regarding landscaping would enable appropriate replacement trees to be planted. As regards comments received from local residents, the following responses are made:-

1. The road widening works proposed would be dedicated to the Highway Authority. It should be noted that there are no parking restrictions in place along Gosbecks View at the present time. Nevertheless, the views of the Highway Authority on the provision of parking restrictions within the widened area of Gosbecks View are being sought at the time of the preparation of this report.
2. The proposed parking provision for the dwellings i.e. 2 spaces for each 3 bedroom property, accords with the council's adopted standards.
3. The comment relates more to driver behaviour rather than a specific planning issue.
4. The applicant does not control sufficient land to effect widening of the entire Gosbecks View. Additionally, as a planning judgement the character of the road is semi-rural and visually pleasant. The widening of the entire length could adversely impact on this character, if it were to be offered.
5. The buildings proposed have been designed so as to avoid unacceptable overlooking of adjoining rear gardens. The only first floor window facing Nos. 110 and 112 Gosbecks Road serves a landing area (Plot 3). Other windows in this property face southwards (over open undeveloped land) or northwards (facing the substation).

7.5 As regards the comments made by EDF. it is noted that existing dwellings in the area are close to the substation. It is noted that the Environmental Control section does not object on these grounds. Occupiers of the proposed dwellings will be aware of the location of the sub-station.

7.6 As a planning judgement, it is considered that the scheme submitted for determination represents an acceptable development on the identified site. It should be noted that the private amenity areas for the houses fall below the 100 square metres figure stated in the Essex Design Guide. However, the overall density of development is at approximately 33 dwellings per hectare which is at the lower end of the recommended development density contained in PPS3 (Housing). The proposal therefore represents an appropriate use of land in your officer's view. Members are advised that the proposal is accompanied by a Unilateral Undertaking that would secure the necessary contribution to open space, sport and recreation facilities.

8.0 Background Papers

8.1 ARC; HA; TL; NR; EDF

Recommendation

Approved Conditional subject to a Unilateral Undertaking being completed whereby a contribution to Open Space, Sport and Leisure is made in accordance with the Council's Supplementary Planning Document. Once completed, the Head of Environmental Protective Services be authorised to grant planning permission for the proposed development 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 - A7.11 No New Windows

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order with or without modification), no windows/dormer windows other than those expressly authorised by this permission shall be constructed in the east facing walls or roof slopes of the dwelling shown on Plot 3 of the development hereby approved.

Reason: To protect the amenities and privacy of adjoining residents.

3 - Non-Standard Condition

The east facing window serving the first floor landing of the dwelling on Plot 3 shall be glazed in obscure glass with an obscuration level equivalent to Scale 4 or 5 of the Pilkington Texture Glass scale of obscuration and shall be retained as such thereafter.

Reason: In order to safeguard the privacy of adjoining occupiers.

4 - C3.4 Samples of Traditional Materials

Samples of all materials to be used in the external construction and finishes of all parts of the proposed development, shall be selected from the local range of traditional vernacular building and finishing materials and shall be submitted to and agreed in writing by the Local Planning Authority before the development commences. The development shall be implemented in accordance with agreed details.

Reason: To ensure a satisfactory appearance in the interests of visual amenity.

5 - C3.4 Samples of Traditional Materials

Samples of all materials to be used in the external construction and finishes of all parts of the proposed development, shall be selected from the local range of traditional vernacular building and finishing materials and shall be submitted to and agreed in writing by the Local Planning Authority before the development commences. The development shall be implemented in accordance with agreed details.

Reason: In order to safeguard the privacy of adjoining occupiers.

6 - C3.20 Surfacing Materials to be Agreed

Prior to commencement of the development hereby approved full details of the surfacing materials to be used for all private, non-adoptable access ways, footpaths, courtyards, parking areas and forecourts shall be submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out in accordance with the agreed details.

Reason: In order to safeguard the privacy of adjoining occupiers.

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 - C10.18 Tree and Hedgerow Protection: General

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

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

10 - C11.14 Tree / Shrub Planting

Before any works commence on site, details of tree and/or shrub planting and an implementation timetable shall be submitted to and approved in writing by the Local Planning Authority. This planting shall be maintained for at least five years following contractual practical completion of the approved development. In the event that trees and/or plants die, are removed, destroyed, or in the opinion of the Local Planning Authority fail to thrive or are otherwise defective during such a period, they shall be replaced during the first planting season thereafter to specifications agreed in writing with the Local Planning Authority.

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

11 - C12.2 Details of Walls or Fences

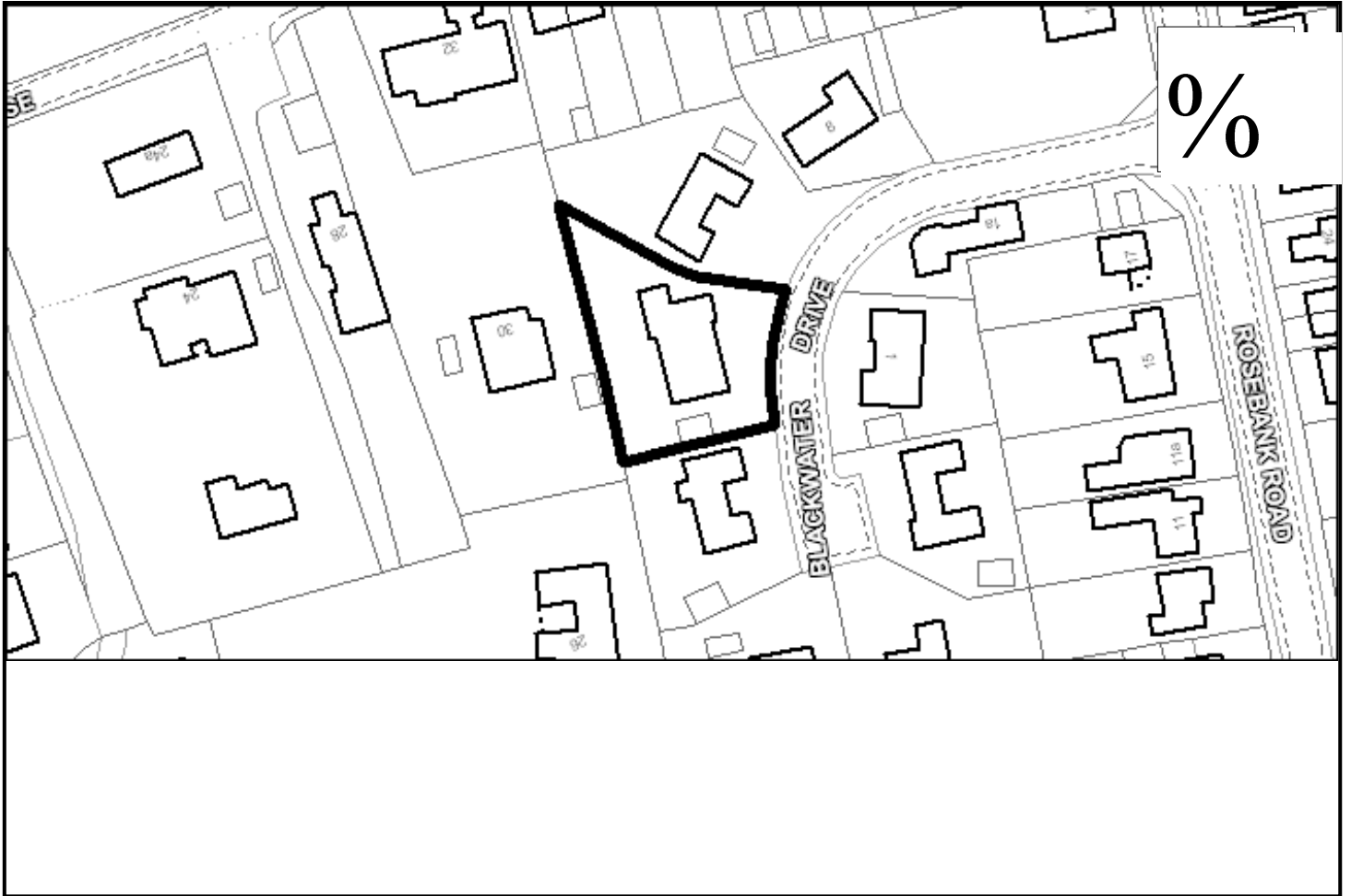
Prior to the commencement of the development details of [screen walls/fences/railings /means of enclosure etc] shall be submitted to and approved in writing by the Local Planning Authority. The details shall include [the position/height/design and materials] to be used. The [fences/walls] shall be provided 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 and in the interests of visual amenity.

Informatives

Non-Standard Informative

1. 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: 081164

Location: 6 Blackwater Drive, West Mersea, Colchester, CO5 8NJ

Scale (approx): 1:1250

The Ordnance Survey map data included within this publication is provided by Colchester Borough Council of PO Box 884, Town Hall, Colchester CO1 1FR under licence from the Ordnance Survey in order to fulfil its public function to act as a planning authority. Persons viewing this mapping should contact Ordnance Survey copyright for advice where they wish to licence Ordnance Survey map data for their own use.

This map is reproduced from Ordnance Survey Material with the permission of Ordnance Survey on behalf of the Controller Of Her Majesty's Stationery Office © Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. Colchester Borough Council 100023706 2006

7.10 Case Officer: John More

EXPIRY DATE: 09/08/2008

MINOR

Site: 6 Blackwater Drive, West Mersea, Colchester, CO5 8NJ

Application No: 081164

Date Received: 13th June 2008

Agent: K C Smith Ltd

Applicant: Mr & Mrs Bouckley

Development: Proposed pitched roof to existing garage.

Ward: West Mersea

Summary of Recommendation: Conditional Approval

1.0 Planning Report Introduction

1.1 The application has been referred to the planning committee as the applicant is a Councillor.

2.0 Site Description

2.1 The site is located in a residential cul-de-sac and comprises a modest bungalow with a detached flat roof garage to the left side with parking to the front and a garden to the rear. The neighbouring property to the left adjacent the garage is a similar style bungalow.

3.0 Description of Proposal

3.1 The application proposes a pitch roof over the existing flat roof garage with the roof pitching front to back over the wider span.

4.0 Land Use Allocation

4.1 Residential

5.0 Relevant Planning History

5.1 F/COL/01/1619 - Rear garden lounge extension - Approved with conditions, 23/11/2001

6.0 Principal Policies

- 6.1 Adopted Review Colchester Local Plan:
DC1- Development Control considerations
UEA11 - Design
UEA13 - Development, including Extensions, Adjoining Existing or Proposed Residential Property

7.0 Consultations

- 7.1 None

8.0 Town Council's Views

- 8.1 West Mersea Town Council recommend consent be granted in respect of this application.

9.0 Representations

- 9.1 None received

10.0 Report

- 10.1 The Councils adopted Supplementary Planning Guidance (SPG) titled "Extending Your House?" indicates that a roof should pitch across the smallest plan dimension of a building as this is the most visually pleasing and robust form of construction. The proposed pitch roof over the garage spans longest plan dimension, contrary to this guidance, giving a less visually pleasing appearance.

- 10.2 The applicant's agent has been asked if would be possible to change the orientation of the roof to make it span the smallest plan dimension resulting in a more pleasing appearance with a gable fronting the road. He comments that this would not be possible as the side wall of the garage forms the boundary with the neighbouring property. Changing the orientation of the roof would result in eaves and rainwater gutter overhanging the neighbour's property.

- 10.3 The garage is set back approximately 4m from the front of the applicant's bungalow and 3m back from the neighbouring bungalow. The proposed ridge would be set just below the roof level of the applicant's and neighbours bungalows. While the proposed roof spans the longest dimension and is less visually pleasing than the alternative, due to the location of the garage it is not visually prominent and it is not considered the proposal would cause such demonstrable harm to the character and appearance of the area to justify refusing the application.

- 10.4 It is not considered the proposal would harm the amenities of the neighbouring residents.

11.0 Conclusion

- 11.1 On balance, it is recommended that the application be approved as it would not cause demonstrable harm to the townscape.

12.0 Background Papers

12.1 ARC; PTC

Recommendation - Conditional Approval

Conditions

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

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

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

2 - C3.2 Materials as Stated in Application

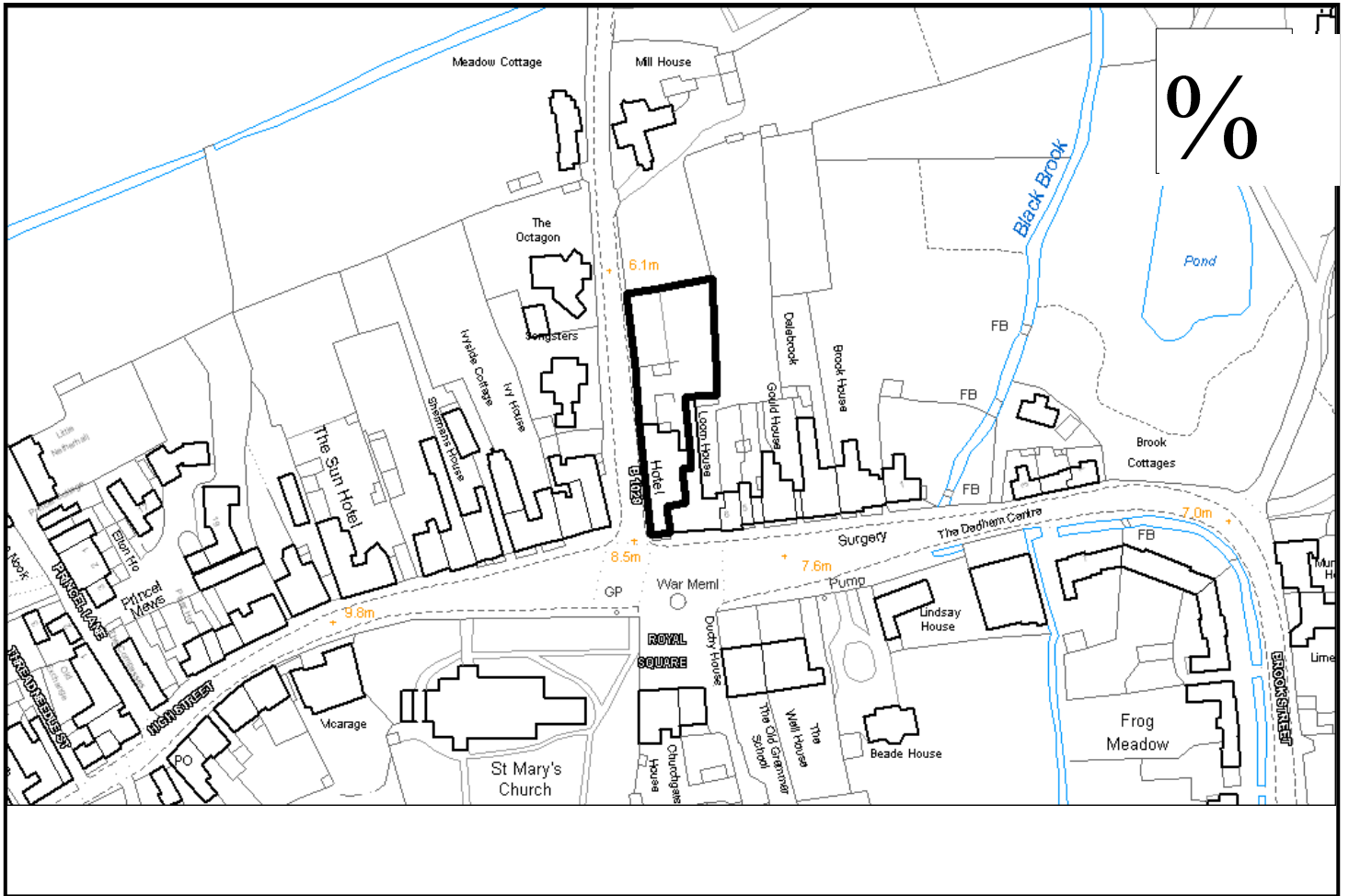
The external materials and finishes to be used shall be as stated on the application form and as indicated on the approved plans and schedule returned herewith, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To harmonise with the character of existing development in the area.

Informatives

Non-Standard Informative

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



Application No: 081109 & 081113

Location: Marlborough Head Hotel, Mill Lane, Dedham, Colchester, CO7 6DH

Scale (approx): 1:1250

The Ordnance Survey map data included within this publication is provided by Colchester Borough Council of PO Box 884, Town Hall, Colchester CO1 1FR under licence from the Ordnance Survey in order to fulfil its public function to act as a planning authority. Persons viewing this mapping should contact Ordnance Survey copyright for advice where they wish to licence Ordnance Survey map data for their own use.

This map is reproduced from Ordnance Survey Material with the permission of Ordnance Survey on behalf of the Controller Of Her Majesty's Stationery Office © Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. Colchester Borough Council 100023706 2006

7.11 Case Officer: David Whybrow

EXPIRY DATE: 02/08/2008

OTHER

Site: Mill Lane, Dedham, Colchester, CO7 6DH

Application No: 081109

Date Received: 6th June 2008

Agent: Mr D Haslam

Applicant: Punch Taverns

Development: Removal of existing rooftop extract duct and chimney. Replacement with new extract duct and plant in alternative position.

Ward: Dedham & Langham

Summary of Recommendation: Conditional approval subject to no comments from Secretary of State

7.12 Case Officer: David Whybrow

EXPIRY DATE: 02/08/2008

OTHER

Site: Mill Lane, Dedham, Colchester, CO7 6DH

Application No: 081113

Date Received: 6th June 2008

Agent: Mr D Haslam

Applicant: Punch Taverns

Development: Removal of existing rooftop extract duct and chimney. Replacement with new extract duct and plant in alternative position.

Ward: Dedham & Langham

Summary of Recommendation: Conditional approval subject to no comments from Secretary of State

1.0 Site Description

1.1 The Marlborough Head Hotel is a prominent, landmark building at the centre of Dedham. It is listed Grade 2*. Access to the site is gained via Mill Road and this access serves a small car park and beer garden enclosed from the street by a red-brick wall. Loom House, a residential property, lies immediately to the east.

2.0 Description of Proposal

- 2.1 Planning permission and listed building consent are sought for replacement of existing unauthorised kitchen extract equipment, the subject of enforcement action. At present this ducting snakes across a flat roofed area above the kitchen from a position close to first floor windows in Loom House and discharges to the air by way of a stainless steel flue positioned behind an existing brick stack. This is not only unsightly and harmful to the setting of an important listed building but has been a source of noise and vibration to the adjoining householder.
- 2.2 The proposed solution is to run the ducting from the existing kitchen roof aperture back towards the host building into a light well and enclosed service area to discharge from a new lower flue sited against the flank wall of the hotel where it is wholly enclosed by buildings and not visible from external viewpoints.

3.0 Land Use Allocation

- 3.1 Grade 2* listed building
Dedham Conservation Area and Area of Outstanding Natural Beauty
Within Village Envelope

4.0 Relevant Planning History

- 4.1 91/0657 & 91/0658 – Proposed extension of existing dining room at the rear of the premises utilising an existing external patio area, the extension to incorporate a ladies toilet and the conversion of an existing ladies toilet into additional dining/restaurant space. Also the construction of a new low brick demarcation wall between the front car parking area and a relocated patio area – Approved 5 August 1991
- 4.2 LB/COL/03/0498 – Rebuild a section of boundary wall, entrance to car park, which is collapsing possibly damaged by impact in past – Withdrawn 12 September 2003
- 4.3 LB/COL/06/1247 – Retention of stainless steel duct/chimney from kitchen extraction system – Refused 30 August 2006

5.0 Principal Policies

- 5.1 Adopted Review Borough Local Plan
UEA11 - Non residential design
UEA2 - Conservation Areas
UEA5 - Listed buildings
P1 - Pollution
DC1 - General Development Control considerations

6.0 Consultations

- 6.1 Environmental Control recommend conditions regarding site boundary noise levels, sound insulation of plant and equipment and the control of fumes and odours.

- 6.2 English Heritage confirm that the application should be determined in accordance with national and local policy guidance and on the basis of the Council's specialist conservation advice.
- 6.3 The views of the Conservation and Design Officer are expected to be available before the meeting and are understood to be supportive of the proposal.

7.0 Parish Council's Views

- 7.1 Dedham Parish Council comment as follows:-

"Whilst we appreciate that there has to be an operational kitchen at the Marlborough Head Hotel this proposal is not a suitable design solution sited as it is between listed buildings and in the heart of the Conservation Area.

The extraction system currently exhausts at a too lower level and smells ingress into adjacent properties so this new level will not improve the situation or reduce the current noise and vibration problems that exist.

Reactions to date indicate because of the sensitivity of the area the Sub-Committee will need to hold a meeting with adjacent property owners and take professional advice on any improvements or alternatives that can be considered."

8.0 Representations

- 8.1 1 letter received from the adjoining resident raising the following matters:-

1. The Marlborough Head's kitchen heat and smells extraction has been a problem over the past 12-15 years and various unauthorised solutions have been installed by the landlords.
2. These proposals are cosmetic only and do not even consider the noise and smell.
3. It appears the filter and motors will still be against my wall and my home will continue to be affected by noise, smell and vibration.
4. Marlborough Head and Loom House are listed together because they are joined and built together.

Officer Comment: The above matters were considered by the Environmental Control Team who consider that the clear parameters set by their recommended conditions will satisfactorily address the objector's concerns.

- 8.2 A second letter, from the current licensee, raises objections on the following grounds:-

1. The current system is a state of the art extraction system that is powerful, well insulated and silent.
2. If approved, the new system will be closer to the older, more historic, part of the building.
3. It would cause unnecessary inconvenience to the operation of my kitchen, close down the space in the inner courtyard, block light from my office window and release fumes close to my personal living quarters.
4. I would prefer to see a retrospective approval for the existing system. It could be painted to camouflage it and match the existing roof lines and chimney pots.

9.0 Report

- 9.1 This scheme has been devised as a response to enforcement action and as a means to secure a more visually sensitive method of dealing with kitchen fumes. It avoids any impact on external views of the listed building, has no effect on the wider Conservation Area setting and routes the ducting away from windows in the adjoining property.
- 9.2 The views of Environmental Control and the Conservation and Design Officer are clearly pivotal to the determination of the applications and these are supportive of the application. As such approval is recommended. Members should note that if they are minded to grant consent in this case the matter must first be referred to the Secretary of State for a determination as to whether the Local Planning Authority can proceed to a decision.

10.0 Background Papers

- 10.1 ARC; PTC; HA; CD; HH; EH

Recommendation for both applications

- (1) The Secretary of State be advised that the Local Planning Authority are minded to grant planning permission and listed building consent as required by Circular 01/2001 (Arrangements for handling Heritage Applications).
- (2) So long as the Secretary of State confirms that the Local Planning Authority may proceed to determine the application, planning permission and listed building consent be granted subject to conditions as recommended by Environmental Control and any additional conditions(s) required by the Conservation and Design Officer.

Conditions for 081109

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 extract duct and plant shall not exceed 5dBA above the background prior to the use hereby permitted commencing. The assessment shall be made in accordance with the current version of British Standard 4142. The noise levels shall be determined at all boundaries near to noise-sensitive premises. Confirmation of the findings of the assessment shall be provided in writing to the Local Planning Authority prior to the use hereby permitted commencing. All subsequently conditions shall comply with this standard.

Reason: To safeguard the amenity of local residents.

3 - Non-Standard Condition

Any plant, equipment of 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 safeguard the amenity of local residents.

4 - Non-Standard Condition

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

Reason: To safeguard the amenity of local residents.

Informatives

Non-Standard Informative

1. 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.

Non-Standard Informative

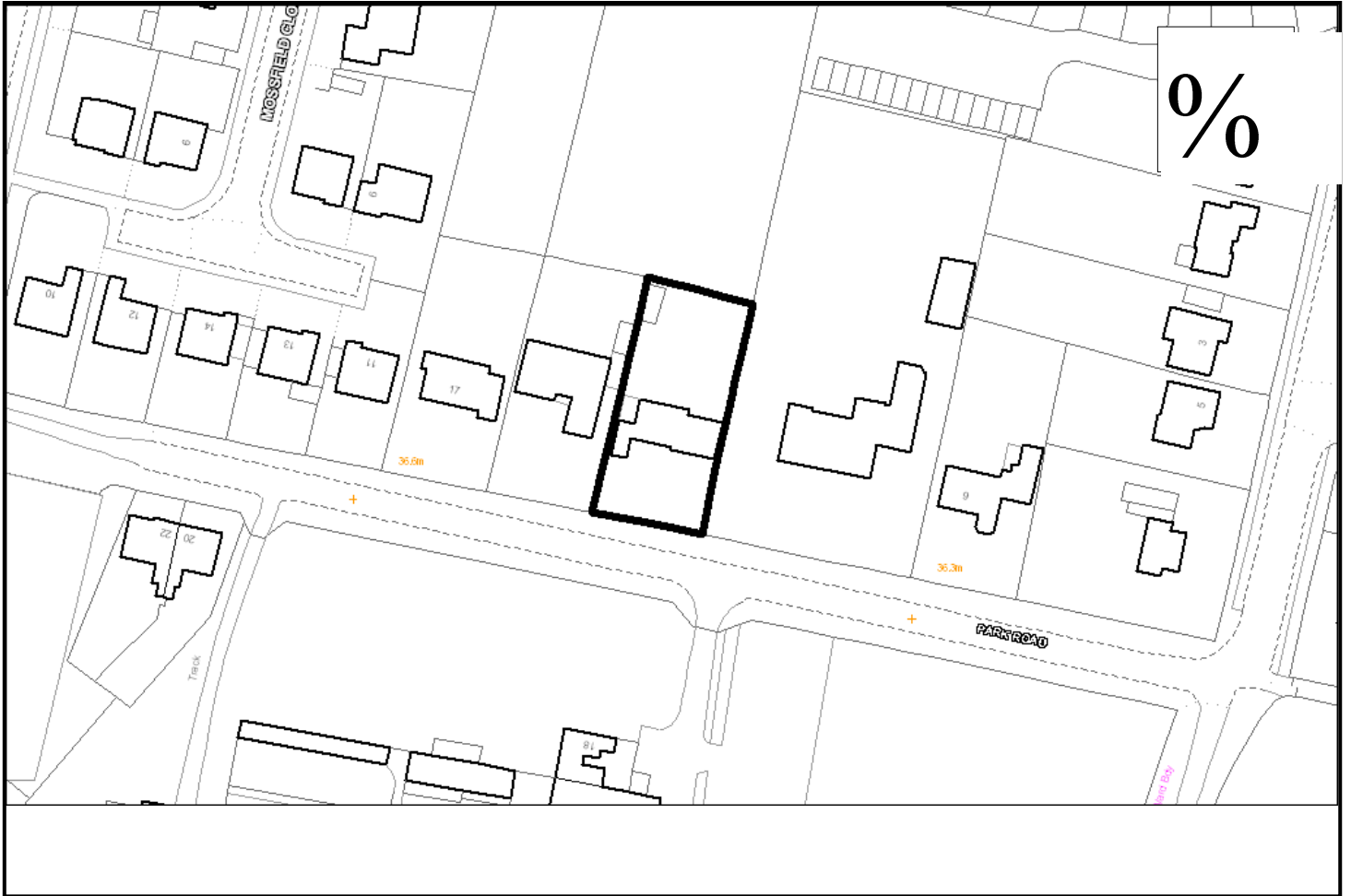
2. A competent person as referred to in Condition 2 is defined as someone who holds a recognised qualification in acoustics and/or can demonstrate relevant experience.

Conditions for 081113

1 - A1.6 LBs & Con Area Consents-time lim for comm 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.



Application No: 081154

Location: Parkdale, 13 Park Road, Colchester, CO3 3UL

Scale (approx): 1:1250

The Ordnance Survey map data included within this publication is provided by Colchester Borough Council of PO Box 884, Town Hall, Colchester CO1 1FR under licence from the Ordnance Survey in order to fulfil its public function to act as a planning authority. Persons viewing this mapping should contact Ordnance Survey copyright for advice where they wish to licence Ordnance Survey map data for their own use.

This map is reproduced from Ordnance Survey Material with the permission of Ordnance Survey on behalf of the Controller Of Her Majesty's Stationery Office © Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. Colchester Borough Council 100023706 2006

7.13 Case Officer: Simon Osborn

EXPIRY DATE: 08/08/2008

OTHER

Site: 13 Park Road, Colchester, CO3 3UL

Application No: 081154

Date Received: 12th June 2008

Agent: Mr Homa Cherry

Applicant: Mr M Patel

Development: Proposed single storey extension providing additional bedroom and change of use from residential home to nursing home for people with physical or mental difficulties. Resubmission of 080777.

Ward: Lexden

Summary of Recommendation: Approved Conditional

1.0 Planning Report Introduction

1.1 This application is called-in by Councillor Mike Hardy, on the grounds of: overdevelopment; unsuitable expansion in a residential area; highway implications; loss of privacy; increased noise levels.

2.0 Site Description

2.1 The application site comprises a single-storey dwelling with a frontage of 19m and a depth of 41m. The site has access onto the adopted part of Park Road via a private drive, which serves a number of properties in the vicinity. The surrounding area is predominantly residential in character, with offices and premises currently in the ownership of Essex County Council, opposite. There are 3 mature trees at the front of the site.

3.0 Description of Proposal

3.1 The existing premises comprise a residential dwelling with six bedrooms utilised by persons with learning disabilities. The proposal, for an extension at the front of the property, will increase the number of bedrooms to seven and provide an "office" room. This requires change of use from Class C3 dwelling house to Class C2 residential institution. The premises will provide employment for a total of 8 persons, working in shifts, with no more than 3 employees in any given shift.

3.2 An arboricultural assessment was submitted with the application to assess the impact of the proposal on the existing trees.

4.0 Land Use Allocation

4.1 Residential.

5.0 Relevant Planning History

- 5.1 The original bungalow and garage was permitted in 1962 (Ref 15314/3) and additions were approved in 1971 (Ref 15314/4) and 1996 (Ref 96/1112).
- 5.2 Application 080777 for a single storey extension providing additional bedroom and change of use to nursing home for people with physical or mental difficulties, was withdrawn by the applicant in June 2008. This was to allow the preparation of an arboricultural assessment and to make alterations to the design/external appearance to the proposal.

6.0 Principal Policies

- 6.1 Adopted Review Colchester Borough Local Plan - 2004
DC1 - Development Control Considerations
UEA11 - Design
UEA12 - Backland Development
UEA13 - Development, including Extensions, Adjoining Existing or Proposed Residential Property
CO4 - Landscape Features
P1 - Pollution
H2 - Meeting Different Needs

7.0 Consultations

- 7.1 The Highway Authority stated it does not wish to object to the proposal as submitted. A note was added that the public's right and ease of passage over Public Footpath No. 201 (Lexden) be maintained free and unobstructed at all times, and no construction plant, vehicles or materials to be left on the public right of way.
- 7.2 Environmental Control recommended the Construction and Demolition standard informative.
- 7.3 The Council's Tree Officer was satisfied with the landscape/arboricultural aspect of the proposal, subject to appropriate conditions.

8.0 Representations

- 8.1 Three letters against the proposal were received, which raised the following issues:
1. The Land Registry title indicates the dwelling shall not be used for any purposes other than as a private dwelling house.
 2. The sewage and drainage facilities are already overloaded.
 3. Cannot be certain that the works will not damage the lime tree at No. 15, which is a protected tree.
 4. Inadequate parking situation will be worsened.
 5. Screaming and shouting from patients is disturbing.
 6. Lack of clarity as to whether the scheme is for people with mental difficulties.
 7. Use not appropriate within a residential area.

9.0 Report

Design

- 9.1 The existing building is an original single-storey bungalow, which has been added to in the past. These additions include a flat-roofed front extension and a Mediterranean-style enclosed patio, also at the front. The proposal involves the demolition of the latter feature and the construction of two pitched roof, gabled projections, with a somewhat larger footprint than the Mediterranean-style patio. These projections extend 550mm forward of the flat-roofed front extension, thus providing an articulation and helping the flat-roofed area to appear subservient. These additions provide a larger kitchen and bathroom, a new (7th) bedroom, and a new office. In overall terms, the design is considered an acceptable addition to the street scene.

Other Material Considerations

- 9.2 The prime issue raised by this application is the principle of the change of use. It is understood that the existing premises has operated as a home for persons with physical and learning disabilities for six persons. Under planning law, it is generally recognised that up to six people may live together in a dwelling (including persons with physical and learning difficulties), but once this number is exceeded, planning permission is required for change of use. Thus the proposed addition to create a 7th bedroom requires change of use from Class C3 (dwellinghouse) to Class C2 (residential institution).
- 9.3 The objectors refer to a covenant on the land that the dwelling shall not be used for any purposes other than as a private dwelling house. Clearly, the proposal will change this. However, this is a private covenant, which was imposed between the vendors and the purchasers of the land back in 1892. It is not the role of the Local Planning Authority to administer compliance with private covenants.
- 9.4 Policy H2 of the Local Plan states that proposals for the provision of specialist residential accommodation for vulnerable groups in the community, including the mentally ill and disabled people, will be granted planning permission, provided that: there is sufficient open amenity space within the curtilage of the unit; and, there is good access to a reasonable range of shops, services and job opportunities, or these are readily accessible by public transport. In this instance, there is a rear garden of approximately 300 square metres in size and the site is within easy walking distance of the Lexden Road bus corridor. It is also noted that the adjacent premises at 11 Park Road operates as a nursing home.
- 9.5 The Essex Planning Officers Association Vehicle Parking Standards recommends in the instance of Class C2 uses, provision of 1 space per resident staff and 1 space per 3 bed spaces. There are no resident staff and 7 bed spaces, which equates to a standard of 2.3 spaces (which is expressed as a maximum). There is sufficient space on the frontage to comply with this standard and the addition of one extra bedroom is unlikely to lead to a significant change to existing requirements.
- 9.6 Concern has also been expressed about sewage capacity. This is the responsibility of Anglian Water, but in any case, as with the parking situation referred to above, the addition of one extra bedroom is unlikely to lead to a significant change to existing requirements.

Conclusion

9.7 In accordance with Policy H2 of the Local Plan, the area in which the application site is located is considered suitable for a residential institution such as the one proposed. The physical extensions to the property are considered to be acceptable in design terms. The additions to create a 7th bedroom do entail a change of use of the premises from Class C3 to Class C2: however, the addition to create a 7th bedroom will not significantly change the way the way in which the premises are being used. In planning terms, therefore, the proposal is considered acceptable and is recommended for approval.

10.0 Background Papers

10.1 ARC; SDD; PTC; NLR; HA; HH; TL

Recommendation – Approved conditional.

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 - 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 does not prejudice the appearance of the locality.

3 - 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.

4 - 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.

5 - C10.18 Tree and Hedgerow Protection: General

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

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

6 - Non-Standard Condition

The construction shall take place solely in accordance with the terms of the Methodology Statement received on 12th June 2008, which forms part of this permission, and no other works shall take place that would affect the trees unless otherwise agreed in writing by the Local Planning Authority.

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

Informatives

Non-Standard Informative

- 1 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.

Non-Standard Informative

- 2 The public's right and ease of passage over Public Footpath No. 201 (Lexden) shall be maintained free and unobstructed at all times and no construction plant, vehicles or materials shall be left on the Public Right of Way.

Non-Standard Informative

- 3 A neighbour has referred to a covenant on the land that the dwelling shall not be used for any proposes other than as a private dwelling house. This planning permission does not override the terms of any private covenant that runs with the land and it is the responsibility of the applicant/developer to consider compliance with it.



Planning Committee

Item

8

24 July 2008

Report of	Head of Environmental and Protective Services	Author	Kate Cookson Tel: 506015
Title	Enforcement Performance Monitoring for the period 1 st January 2008 – 30 th June 2008		
Wards affected	All		

This report provides details of the performance of the Planning Service in respect of identified areas of enforcement activity

1.0 Decision Required

1.1 Members to note.

2.0 Summary of report (Headlines)

- ◆ Enforcement activity in the second quarter of 2008 increased over the previous quarter. There were three successful prosecutions in the first half of the year and two Enforcement Notices were successfully complied with in the last quarter.

3.0 Reasons for Decision

3.1 This report is presented as part of the Service's ongoing commitment to performance management and in response to Members' desires to monitor the performance of the Planning Service in respect of its enforcement activity.

4.0 Alternative Options

4.1 Not applicable.

5.0 Supporting Information

5.1 See performance tables below.

6.0 Performance Assessment

6.1 The tables below provide details of the following:-

- Progress on enforcement action authorised by Planning Committee
- Enforcement appeals decided and prosecutions
- Enforcement Notices served
- Requisition for Information Notices served

7.0 Performance tables

Table 1: Enforcement Action Authorised by Planning Committee 1 January 2008 – 31 March 2008

Date of Planning Committee	Ward/ Parish	Address	Description of Breach	Progress	Officer
27/3/08	Castle	101-104 High St & 6-12 Museum Street,	Not built in accordance with plan	Not served as planning consent given	SJH
27/3/08	Pyefleet	Rose Barn, Colchester Road, Peldon	COU of agricultural land to residential amenity land. Engineering works carried out to widen existing agricultural access and lay down of hardstanding. Erection of 3 m high gates, pedestrian access gates and walls.	Notice being drafted	SJH

Table 2: Enforcement Action Authorised by Planning Committee 1 April 2008 – 30 June 2008

Date of Planning Committee	Ward/ Parish	Address	Description of Breach	Progress	Officer
24/04/08	Fordham & Stour	Land off Chapel Lane, Boxted	Untidy site, Unauthorised stationing of a residential caravan	Notice being drafted	JML
15/05/08	Great Tey	Land at Elm Farm, Elm Lane, Marks Tey	Unauthorised COU agricultural land to haulage yard, temporary storage of building materials & engineering works to form earth bunds	Reported back to 26/6/08 committed.	CAH
29/05/08	Fordham & Stour	Land at 25 Straight Road, Boxted	Unauthorised COU for storage of plant, machinery & building materials including mobile home, shipping and other container	Notice being drafted	SJH
29/05/08	Fordham & Stour	42 Peppers Lane, Boxted	Unauthorised COU use of agricultural land to builders & reclamation yard & COU of agricultural land to domestic curtilage	Notice being drafted	JML
29/05/08	Fordham & Stour	42 Peppers Lane, Boxted	Unauthorised COU of land to storage of plan, machinery building materials, including mobile home, shipping & other container	Notice being drafted	JML
26/06/08	Great Tey	Land at Elm Farm, Elm Lane, Marks Tey	Amended report previously presented to 15/5/08 committee. Amended to request compliance period and to include removal of the portacabin office omitted from previous report	Notice being drafted	CAH

Table 3: Enforcement Appeals Decided: 1 January 2008 to 31 March 2008

Ward or Parish	Address	Description of Breach	Decision	Date of Decision	Officer
Fordham & Stour	Hillview, Halstead Road, Fordham	COU from agriculture to the siting of 2 mobile homes, 2 containers & touring caravan	Withdrawn by applicant	11/03/08	CAH

Table 4: Prosecutions 1 January 2008 – 31 March 2008

Date of Prosecution	Address	Offence	Fine	Costs	Officer
28/05/08	14 Magdalen Street, Colchester	Unauthorised works to LB	£2,100	£350	SJH

Table 5: Enforcement Appeals Decided: 1 April 2008 - 30 June 2008

Ward or Parish	Address	Description of Breach	Decision	Date of Decision	Officer
Fordham & Stour	Land at The Mullions, Nayland Road, Great Horkesley	Change of use of the Land from agricultural to storage of building materials, containers, vehicles, plant machinery and parking of commercial vehicles.	Appeal dismissed and enforcement notice upheld with correction and variation	29 April 2008	CAH

Table 6: Prosecutions 1 April 2008 – 30 June 2008

Date of Prosecution	Address	Offence	Fine	Costs	Officer
28 May 2008	Foxwells, 12 Headgate, Colchester	Displaying advertisements	£500	£150	SJH
28 May 2008	Alex Stuart & Sons, 1 Harwich Road, Colchester	Displaying advertisements	£750	£150	SJH

Table 7: Enforcement Notices Served 1 January 2008 – 31 March 2008

Date of Service	Ward/Parish	Address	Description of Breach	Progress	Officer
19/03/08	Tiptree	55 Grove Road, Tiptree	BOC Opaque glazing F/COL/05/1339	Compliance due 19/07/08	CAH
20/02/08	Great Tey	1 Old Bourchiers Hall, New Road, Aldham	LB Unauthorised replacement windows	Compliance due 20/9/08	CAH
31/03/08	Christ Church	1 Beaconsfield Avenue, Colchester	BOC 1 of 071439	Compliance 03/06/08	SJH

Table 8: Enforcement Notices Served 1 April 2008 – 30 June 2008

Date of Service	Ward/Parish	Address	Description of Breach	Progress	Officer
09/04/08	West Mersea	20 Yorrick Road, West Mersea	Unauthorised works to Listed Building	Compliance due 8/11/08	SJH
10/04/08	Dedham & Langham	r/o Sundowne, The Heath, Dedham	Unauthorised COU and unauthorised operational development	Compliance due 9/8/08	JML
05/06/08	Dedham & Langham	Marlborough Head, Mill Road, Dedham	Unauthorised installation of kitchen extractor flue to rear of property	Compliance due 21/11/08	JML

Table 9: Requisition for Information Notices Served 1 January 2008 – 31 April 2008

Date served	Ward/Parish	Address	Description of Breach	Officer
09/01/08	St Annes	111 Wilson Marriage Road, Colchester	Unauthorised porch extension	CAH
20/03/08	Fordham & Stour	Greenacres, Packards Lane, Wormingford	Erection 4m high bund	CAH
07/03/08	Boxted	Chapel Road, Boxted	Unauthorised operational development	JML
13/03/08	Castle	1-2 Castle Road, Colchester	Unauthorised smoking shelter	CAH
27/03/08	Dedham & Langham	Marlborough Head, Mill Lane, Dedham	Unauthorised flue to LB	JML
28/02/08	Marks Tey	130 Coggeshall Road, Marks Tey	COU to car sales	CAH

Table 10: Requisition for Information Notices Served 1 April 2008 – 30 June 2008

Notice No.	Date served	Ward/ Parish	Address	Description of Breach	Officer
1895	09/04/08	St Annes	Land next to Brook House, Bromley Road, Colchester	COU from office to residential	CAH
1897	09/04/08	St Annes	Land next to Brook House, Bromley Road, Colchester	COU from office to residential	CAH
1953	04/04/08	Tiptree	Church Road, Tiptree	BOC	CAH
1955	14/04/08	Marks Tey	Elm Farm, Elm Lane, Marks Tey	COU	CAH
1956	14/04/08	Marks Tey	Elm Farm, Elm Lane, Marks Tey	COU	CAH
1963	11/04/08	West Bergholt	89 Colchester Road, West Bergholt	Wall built over 2m adjacent to highway	CAH
1964	11/04/08	Tiptree	48 Oak Road, Tiptree	Fence erected over 2m adjacent to highway	CAH
1965	22/04/08	Castle	3 Priory Street	COU	CAH
1967	05/04/08	Boxted	Great Oaks, Horkesley Road, Boxted	Breach of agricultural workers condition	JML
1968	22/ 4/08	St. Andrews	1 Greenstead Road, Colchester	COU	JML
1970	23/04/08	Castle	177 North Station Road, Colchester	COU	SJH
1971	29/04/08	Mount Bures	Small Holding, Colchester Road, Mount Bures	Large outbuilding possibly housing residential caravan	CAH
1972	30/04/08	West Mersea	Seaview Avenue, West Mersea	Various concerns regarding chalets	SJH
1982	08/05/08	Harbour	148 Bourne Road, Colchester	Car sales	SJH
1983	11/04/08	New Town	14 Magdalen Street, Colchester	Unauthorised works to LB	SJH
1989	20/05/08	Christ Church	69 Wickham Road, Colchester	Roof terrace over extension	CAH
2001	18/06/08	Marks Tey	Red Lion, 130 Coggeshall Road, Marks Tey	COU of car park to car sales	CAH
2010	20/05/08	West Bergholt	Patterns Yard, Nayland Road, West Bergholt	Vehicle movement at 3am	JML
2011	10/06/08	Dedham & Langham	Birchwood Farm Shop, Birchwood Road, Dedham	Adverts	JML
2003	19/06/08	Eight Ash Green	Field at Seven Star Green, Eight Ash Green	COU	CAH

Table 11: Compliance with Enforcement Notices 1st April 2008 – 30th June 2008

Date of Service	Ward/ Parish	Address	Description of Breach	Progress	Officer
20/12/08	Fingringhoe	Land at Valley View, Chapel Road, Fingringhoe	Erection of wall with railings adj to highway exceeding 1 metre	Complied 22/4/08	SJH
19/12/08	Tiptree	Basket Works, Grange Road, Tiptree	Siting of 3 residential caravans & portable toilet for residential use	Complied 21/5/08	CAH

8.0 Financial implications

- 8.1 The S106 financial contributions will continue to have a significant impact on the Borough Council's and County Council's ability to deliver infrastructure for the people of Colchester.

9.0 Strategic Plan References

- 9.1 Improving the performance of the Planning Service is identified as a priority within the Strategic Plan and the Service's performance contributes, amongst other things, to the broad objectives of raising the performance/reputation of the Council, contributing towards making the Borough clean and green, promoting economic prosperity, tackling deprivation and making Colchester the prestige town of East Anglia.

10.0 Risk Management

- 10.1 There are no risk management issues to report this quarter.

11.0 Publicity Considerations

- 11.1 None.

12.0 Human Rights Implications

- 12.1 None.

13.0 Community Safety Implications

- 13.1 None.

14.0 Health and Safety Implications

- 14.1 None.

Our vision is for Colchester to develop as a prestigious regional centre

Our goal is to be a high performing Council

Our corporate objectives for 2006-2009 are:



e-mail: democratic.services@colchester.gov.uk
website: www.colchester.gov.uk