

# Planning Committee

**Council Chamber, Town Hall  
10 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](http://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](http://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](mailto:democratic.services@colchester.gov.uk)  
[www.colchester.gov.uk](http://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  
10 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 26 June 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.

- |           |                                                                                                                                                                                                                                                                                 |                |
|-----------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------|
| <b>1.</b> | <b>080834 Former Armstrong Pumps Works, Peartree Road, Stanway</b><br>(Stanway)                                                                                                                                                                                                 | <b>11 - 16</b> |
|           | Change of use of existing vacant building from industrial, warehousing and offices to car showrooms and workshops including part demolition and part new building.                                                                                                              |                |
| <b>2.</b> | <b>080901 St Anne's Community Centre, Harwich Road, Colchester</b><br>(St Anne's)                                                                                                                                                                                               | <b>17 - 20</b> |
|           | Proposed entrance and storage extension.                                                                                                                                                                                                                                        |                |
| <b>3.</b> | <b>080925 Philip Morant School &amp; College, Rembrandt Way, Colchester</b><br>(Prettygate)                                                                                                                                                                                     | <b>21 - 26</b> |
|           | Removal of two existing demountable classrooms and erection of single storey extension to existing Sixth Form Block. Provision of new internal service road to improve site safety and security. Relocation of parking spaces to allow netball courts to be returned to PE use. |                |
| <b>4.</b> | <b>080964 21 St Peters Street, Colchester</b><br>(Castle)                                                                                                                                                                                                                       | <b>27 - 35</b> |
|           | Proposed erection of 5 no. 4 bed townhouses.                                                                                                                                                                                                                                    |                |
| <b>5.</b> | <b>080968 Park Lane Farm, Park Lane, Langham</b><br>(Dedham and Langham)                                                                                                                                                                                                        | <b>36 - 44</b> |
|           | Divide existing single storey barn into 6 no. office units with alterations to elevation treatment, detached electric hut and bin storage.                                                                                                                                      |                |
| <b>6.</b> | <b>081004 4 The Crescent, Great Horkesley</b><br>(Fordham and Stour)                                                                                                                                                                                                            | <b>45 - 49</b> |

First floor rear extension over existing single storey structure

- 7. 081069 Land adjacent to 19 Cherry Chase, Tiptree** **50 - 54**  
(Tiptree)

Proposed detached dwelling with detached garage

- 8. O/COL/06/0740 Roberts Farm, Fordham Road, Mount Bures** **55 - 64**  
(Great Tey)

Outline application for erection of dwelling

- 9. 071025 Tesco Stores Ltd., Highwoods Square, Colchester** **65 - 70**  
(Highwoods)

New non food bulk store extension and canopy extension to be used for Tesco home delivery service.

- 10. 080942 Stanway Rovers Football Club, New Farm Road, Stanway** **71 - 75**  
(Stanway)

Continued use of floodlights for training and organised football matches at existing football and sports ground. Revision of conditions.

- 11. 081015 32 St Albans Road, Colchester** **76 - 79**  
(Castle)

Change of use from domestic use to provision of 3 car parking spaces for use by owners and tenants of 32 St Albans Road only.

- 12. 081081 Queen's Head, Queens Road, West Bergholt** **80 - 84**  
(West Bergholt and Eight Ash Green)

Construction of false chimney to house kitchen extraction fan.

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

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





# PLANNING COMMITTEE

## 26 JUNE 2008

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

(\* Committee members who attended the formal site visit.  
Councillor Hall was present for the site visit at minute nos.  
52 and 58 only.)

### 51. Minutes

The minutes of the meeting held on 12 June 2008 were confirmed as a correct record subject to the addition of the following sentence at the end of the second paragraph in minute no. 44:-  
“Ward Councillor Fairley-Crowe was in attendance at the formal site visit pursuant to Section 7(3) of the Planning Procedures Code of Practice.”.

**Councillor Hall (in respect of his employer's premises being in close proximity the site) declared his personal interest in the following item pursuant to the provisions of Meetings General Procedure Rule 7(3).**

### 52. 071108 Land to the north of London Road, Stanway

The Committee considered an outline application for a mixed development of a new retail superstore, associated parking and a petrol filling station. The Committee had before it a report in which all information was set out, see also Amendment Sheet.

The Committee made a site visit in order to assess the impact of the proposal upon the locality and the suitability of the proposal for the site. Ward Councillor Maclean was in attendance at the formal site visit pursuant to Section 7(3) of the Planning Procedures Code of Practice.

David Whybrow, Planning Team Manager (Fast Track), attended to assist the Committee in its deliberations. He described the layout of the superstore, petrol filling station, car parking and the service entrance within the site. Conceptual drawings had been submitted with a good mix and variety of materials and the form of the filling station reflected the design of the superstore. Highway improvements comprising bus stop improvements, pedestrian crossings and cycleways around the perimeter of the site were included. It was considered that objections to the proposals could be dealt with by way of conditions at the reserved matters stage. The site was designated for employment uses and the transfer of the superstore from its present site would result in a small net loss of employment use land. However current take up rates of employment land throughout Colchester was currently slow and the view had been taken that there was an adequate supply of employment land and the proposal would not have an adverse effect on other outlets in the town centre. The retail land use for the current store

would be relinquished for at least 2 years while the building was marketed for employment uses. London Road was a leafy road and whilst the screening wall and acoustic fencing was necessary a planting scheme would help to retain the leafy character of the road; further details of the screening in the London Road frontage and the service yard would need to be seen. He also referred to the innovative retail training programme.

Members of the Committee considered that this was a very important application in this part of the town with a lot of work having been done to get the application right. The loss of a small amount of employment land was more than compensated for in the Stane Park development, and this proposal would achieve considerable employment. Members were satisfied with the Section 106 Agreement, the training package and the design but considered that the number of parking spaces should be constrained to the actual number permitted under local plan policies which would release a little extra land. They wanted the extra land to be utilised to as a stacking area for customers' cars when the site was at its busiest so as to avoid traffic backing up onto the new relief road. The solid barrier along the London Road frontage would prevent sound leakage from the site but an additional soft landscaping scheme would fit in with the character of London Road. These measures were supported. Deliveries of lorries could be controlled by condition.

In respect of 'green' issues, it was explained that it was only possible to request that the building be as 'green' as possible by way of an informative; it was not possible to impose a condition in this respect because there were as yet no policies in place to support the measure.

*RESOLVED (UNANIMOUSLY) that –*

(a) Consideration of the application be deferred and referred to GO-East for a decision on whether it would be called in by the Secretary of State because it was a departure from the Local Plan. The Secretary of State to be advised that, subject to the signing of a Section 106 Agreement to secure, amongst other things, matters referred to in Section 10 of the report, the Council was minded to grant approval with conditions and informatives to include:-

- Submission of detailed elevation drawings at a scale of 1:100 and layout drawings (with particular attention to the design, appearance, texture, colour, profile, illumination, materials used in the decorative panelling)
- Reserved matters to closely match the detail submitted including design code
- Restriction on the total gross/net retail floor area and restriction on the amount of sales area for comparison goods
- Restriction on the creation of mezzanine floorspace
- Recycling to be provided within the site
- Additional detail of yard enclosure, acoustic screening and delivery cages to be used
- Requirement to agree a delivery vehicle layover strategy with the Council prior to commencement
- Submission of landscaping/irrigation
- Tree retention
- Water storage on-site
- Archaeological watching brief
- Submission of drainage details (SUDS)

- Control over construction times, compound location and construction vehicle delivery routes
- Submission of lighting detail
- Cycle parking provision
- Restriction on the use of car park for any purpose other than customer parking,
- Reduction in the overall level of parking by 30 spaces and the extra land generated to be used for a scheme to mitigate against cars backing up onto the roadway,
- any landscaping scheme to include soft landscaping to soften the London Road boundary, and
- any other conditions considered appropriate by the Head of Planning, Protection and Licensing.

(b) Upon notification from GO-East that the Secretary of State did not wish to call in the application, the Head of Planning, Protection and Licensing be authorised to grant planning consent with conditions and informatives as indicated.

**Councillor Hall (in respect of his employer's premises being in close proximity the site) declared his personal interest in the following item pursuant to the provisions of Meetings General Procedure Rule 7(3).**

**53. 070390 Land at Floral Acres/Tollgate West, London Road, Stanway**

The Committee considered an application for the erection of a new two storey B1 use office building fronting onto the recently completed northern section of the Western Bypass together with circulation areas, car parking, covered cycle parking, landscaping and access. This proposal was immediately north and adjacent to the proposal at minute no. 55. The building materials would be drawn from a pallet of materials which provided continuity with another office building to the north which already had planning permission. 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.

Bradly Heffer, Principal Planning Officer, attended to assist the Committee in its deliberations.

Members of the Committee expressed some concern that the presence of a neighbouring poultry farm could give rise to nuisance from smells etc. However, it was explained that the Council's Environmental Control Team would only have raised an issue regarding the adjacent poultry farm if this application had been for residential use. The land currently occupied by the poultry farm was allocated for industrial development.

*RESOLVED* (UNANIMOUSLY) that –

a) Consideration of the application be deferred for a Unilateral Undertaking to secure the following:-

- A contribution of £25,000 towards transport improvements to be triggered by the first of the developments to be occupied relating to the following applications: 070390, 070391, 071087, 071932, 080640 and 080642. (Note: A £25,000 payment is not payable on each of the aforementioned developments.)
- The payment of a £3,000 Travel Plan monitoring fee.

- The setting aside of land for possible future alterations to the western bypass, as required by the Head of Planning, Protection and Licensing.

(b) Upon completion of a satisfactory Unilateral Undertaking, the Head of Planning, Protection and Licensing be authorised to issue a planning permission for the development subject to the imposition of any conditions deemed appropriate by the Head of Planning, Protection and Licensing.

**Councillor Hall (in respect of his employer's premises being in close proximity the site) declared his personal interest in the following item pursuant to the provisions of Meetings General Procedure Rule 7(3).**

#### **54. 070391 Land at Tollgate West, Stanway**

The Committee considered an application for the erection of a distribution centre together with circulation areas, car parking, landscaping and access. The Committee had before it a report in which all information was set out, see also Amendment Sheet. This site is the subject of application 071932 for a car showroom also on this agenda, see minute no. 56.

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.

Bradly Heffer, Principal Planning Officer, attended to assist the Committee in its deliberations.

Members of the Committee did not have any issues with the application itself, but there was some concern about the number of applications for distribution centres in the Tollgate area and highways issues in respect of the ability of the road network to cope with the additional traffic and the potential for large vehicles to use local roads through villages. Members were disappointed that the traffic surveys related only to the Tollgate Centre and no account had been taken of the traffic flow in the wider locality, particularly Stanway, Copford and Marks Tey.

Whilst there was some sympathy with the Committee's concerns about traffic generation, the Highways Authority had undertaken an analysis of traffic and the infrastructure was considered acceptable for the level of traffic predicted which left the Council with no grounds to impose any restrictions. However, a letter could be submitted to the Highways Authority conveying the concerns of the Committee and any response be passed to the Chairman.

**RESOLVED** (ELEVEN voted FOR, ONE ABSTAINED from voting) that –

a) Consideration of the application be deferred for a Unilateral Undertaking to secure the following:-

- A contribution of £25,000 towards transport improvements to be triggered by the first of the developments to be occupied relating to the following applications: 070390, 070391, 071087, 071932, 080640 and 080642. (Note: A £25,000 payment is not payable on each of the aforementioned developments.)
- The payment of a £3,000 Travel Plan monitoring fee.
- The setting aside of land for possible future alterations to the western bypass, as required by the Head of Planning, Protection and Licensing.

(b) Upon completion of a satisfactory Unilateral Undertaking, the Head of Planning, Protection and Licensing be authorised to issue a planning permission subject to the imposition of any conditions deemed appropriate by the Head of Planning, Protection and Licensing.

**Councillor Hall (in respect of his employer's premises being in close proximity the site) declared his personal interest in the following item pursuant to the provisions of Meetings General Procedure Rule 7(3).**

**55. 071087 Floral Acres/Tollgate West, London Road, Stanway**

The Committee considered an application for the erection of a new two storey B1 use office building orientated at right angles to the recently completed northern section of the Western Bypass, together with circulation areas, car parking, covered cycle parking, landscaping and access. This proposal is immediately south and adjacent to the proposal at minute no. 53 above. The building materials would be drawn from a pallet of materials which provided continuity with an office building to the north which already had planning permission. 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.

*RESOLVED* (UNANIMOUSLY) that –

a) Consideration of the application be deferred for a Unilateral Undertaking to secure the following:-

- A contribution of £25,000 towards transport improvements to be triggered by the first of the developments to be occupied relating to the following applications: 070390, 070391, 071087, 071932, 080640 and 080642. (Note: A £25,000 payment is not payable on each of the aforementioned developments.)
- The payment of a £3,000 Travel Plan monitoring fee.
- The setting aside of land for possible future alterations to the western bypass, as required by the Head of Planning, Protection and Licensing.

(b) Upon completion of a satisfactory Unilateral Undertaking, the Head of Planning, Protection and Licensing be authorised to issue a planning permission for the development subject to the imposition of any conditions deemed appropriate by the Head of Planning, Protection and Licensing.

**Councillor Hall (in respect of his employer's premises being in close proximity the site) declared his personal interest in the following item pursuant to the provisions of Meetings General Procedure Rule 7(3).**

**56. 071932 Land at Tollgate West, Stanway**

The Committee considered an application for the erection of a car showroom/workshops together with circulation areas, car parking, covered cycle parking, landscaping and access. The Committee had before it a report in which all information was set out, see also Amendment Sheet. This site is the subject of application 070391 for a distribution centre also on this agenda, see minute no. 54. The building would be constructed using steel and glazed

areas which was common throughout Europe but unique in the United Kingdom.

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.

Bradly Heffer, Principal Planning Officer, attended to assist the Committee in its deliberations.

Members of the Committee considered this building to be the better of the two proposals for this site.

*RESOLVED* (UNANIMOUSLY) that –

a) Consideration of the application be deferred for a Unilateral Undertaking to secure the following:-

- A contribution of £25,000 towards transport improvements to be triggered by the first of the developments to be occupied relating to the following applications: 070390, 070391, 071087, 071932, 080640 and 080642. (Note: A £25,000 payment is not payable on each of the aforementioned developments.)
- The payment of a £3,000 Travel Plan monitoring fee.
- The setting aside of land for possible future alterations to the western bypass, as required by the Head of Planning, Protection and Licensing.

(b) Upon completion of a satisfactory Unilateral Undertaking, the Head of Planning, Protection and Licensing be authorised to issue a planning permission for the development subject to the imposition of any conditions deemed appropriate by the Head of Planning, Protection and Licensing.

**Councillor Hall (in respect of his employer's premises being in close proximity the site) declared his personal interest in the following item pursuant to the provisions of Meetings General Procedure Rule 7(3).**

#### **57. 080640 Tollgate West, Stanway**

The Committee considered an application for the erection of a distribution centre together with circulation areas, car parking, landscaping and access road. The application was a resubmission of F/COL/06/2056. 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.

Bradly Heffer, Principal Planning Officer, attended to assist the Committee in its deliberations.

Members of the Committee again expressed concerns about the number of applications for distribution centres in the Tollgate area and highways issues in respect of the ability of the road network to cope with the traffic and the potential for large vehicles to use local roads through villages. They remained disappointed that the traffic surveys related only to the Tollgate Centre and no account had been taken of the traffic flow in the wider locality, particularly Stanway, Copford and Marks Tey, see also minute no. 54.

*RESOLVED* (ELEVEN voted FOR, ONE ABSTAINED from voting) that –

a) Consideration of the application be deferred for a Unilateral Undertaking to secure the following:-

- A contribution of £25,000 towards transport improvements to be triggered by the first of the developments to be occupied relating to the following applications: 070390, 070391, 071087, 071932, 080640 and 080642. (Note: A £25,000 payment is not payable on each of the aforementioned developments.)
- The payment of a £3,000 Travel Plan monitoring fee.
- The setting aside of land for possible future alterations to the western bypass, as required by the Head of Planning, Protection and Licensing.

(b) Upon completion of a satisfactory Unilateral Undertaking, the Head of Planning, Protection and Licensing be authorised to issue a planning permission for the development subject to the imposition of any conditions deemed appropriate by the Head of Planning, Protection and Licensing.

**Councillor Hall (in respect of his employer's premises being in close proximity the site) declared his personal interest in the following item pursuant to the provisions of Meetings General Procedure Rule 7(3).**

#### **58. 080642 Tollgate West, Stanway**

The Committee considered an application for a restaurant, car parking, landscaping and access, a resubmission of F/COL/06/2057. The site is an area of land bounded by Tollgate West and the Tollgate Medical Centre. 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.

Bradly Heffer, Principal Planning Officer, attended to assist the Committee in its deliberations. It was explained that this application was for a restaurant only and not a takeaway. The design of the building was a single storey element with a flat roof, comprising glazed areas to the front and projecting steel columns. Whilst it was an unusual design it reflected the style of the remodelled buildings in the Tollgate Centre.

Members of the Committee had some concerns regarding the prevailing wind taking any smells across to nearby homes to the west. A very high standard state of the art extraction and odour control system was requested to provide as much protection to local residents as possible. There was a view that the design was uninteresting and generally poor. Other members considered the building was set well back and there was considerable screening from the road.

It was explained that it would be possible to impose a condition in respect of air emissions. The building was six metres high but had no impact on the adjoining medical centre in terms of the 45 degree rule. It was explained that this was an amended design and was submitted on the back of other applications in the Tollgate Centre using a similar construction approach. Planning officers were comfortable with the design provided the detail was good and would not be harmful to the visual amenity.

*RESOLVED* (UNANIMOUSLY) that –

a) Consideration of the application be deferred for a Unilateral Undertaking to secure the following:-

- A contribution of £25,000 towards transport improvements to be triggered by the first of the developments to be occupied relating to the following applications: 070390, 070391, 071087, 071932, 080640 and 080642. (Note: A £25,000 payment is not payable on each of the aforementioned developments.)
- The payment of a £3,000 Travel Plan monitoring fee.
- The setting aside of land for possible future alterations to the western bypass, as required by the Head of Planning, Protection and Licensing.

(b) Upon completion of a satisfactory Unilateral Undertaking, the Head of Planning, Protection and Licensing be authorised to issue a planning permission for the development subject to the imposition of any conditions deemed appropriate by the Head of Planning, Protection and Licensing.

### **59. 080693 Building 4, Moler Works, Colne View, Colchester**

The Committee considered a partially retrospective application for the erection of fifteen dwellings, four of which have been completed, following application F/COL/06/1067, a resubmission of 071984. The report explained that this application was identical in every respect to the previous application F/COL/07/1984 which the Committee resolved to approve subject to a legal agreement and the satisfactory resolution of an objection by the Environment Agency. The applicants were unable to resolve the flood risk issue within the 13 week period and the application was refused. A Flood Risk Assessment was submitted six weeks after submission of this application and at the time of writing the report no comments had been received from the Environment Agency. The Committee had before it a report in which all information was set out, see also Amendment Sheet.

*RESOLVED* that consideration of the application be deferred –

(a) To permit the Environment Agency to confirm that it wishes to raise no objections on flood risk grounds and no alterations are proposed to the physical form of the building or its surroundings that might potentially harm their appearance and or functionality, and for completion of an appropriate legal agreement to secure the following contributions:

- £240,000 towards off site affordable housing provision;
- £8,805 towards the East Colchester Regeneration Area Transportation Fund;
- £12,006 towards the provision or improvement and/or maintenance of open space.

(b) Upon receipt of such confirmation from the Environment Agency and the completion of a satisfactory legal agreement, the Head of Planning, Protection and Licensing be authorised to grant consent with conditions to cover the following matters:-

- Full Planning Permission Time Limit
- Detail of bicycle parking to be submitted and agreed
- Details of refuse storage to be submitted and agreed
- Details of communal storage areas to be submitted and agreed



- Details of car parking to be submitted and agreed
- A car park management strategy to be submitted and agreed
- Any other appropriate conditions recommended by the Environment Agency or considered appropriate by the Head of Planning, Protection and Licensing.

(c) If the applicants fail to complete a satisfactory Section 106 Agreement as set out above and the flood risk issues are not resolved without adversely affecting the physical appearance or functionality of the building and its surroundings in time to enable permission to be issued before the expiry of the 13 week determination period, the Head of Planning, Protection and Licensing be authorised to refuse the application for failure to comply with these requirements.

**60. 081016 Cowdray Avenue, Colchester**

The Committee considered an application for alterations to the existing perimeter fencing around an artificial pitch to form recesses using 4.0 metre high "Ball Stop" fencing to match existing. The proposal concerns the existing weld mesh fencing around the perimeter of the site. It is proposed to extend this fencing using matching fencing to create new 20 metre by 3 metre recesses at either end of the pitch to be used for the storage of sports equipment within the enclosed area. The Committee had before it a report in which all information was set out.

*RESOLVED* that the application be approved with conditions as set out in the report.

**61. Section 106 Agreement // Harveys Farm, Wigborough Road, Peldon, COL/04/0337**

The Head of Planning, Protection and Licensing submitted a report requesting authorisation to delete the requirement for a Section 106 agreement and to replace it with a standard condition removing permitted development rights under The Town and Country Planning Act (General Permitted Development) Order 1995, Classes A to E of Part 1, and Classes A to B of Part 2 of Schedule 1 of the Order. The application had been for a change of use from an agricultural holding to create a residential curtilage and the conversion of a former farm building to ancillary domestic use. The Committee had before it a report in which all information was set out.

Bradly Heffer, Principal Planning Officer, attended to assist the Committee in its deliberations.

*RESOLVED (UNANIMOUSLY)* that the need for the applicants to enter into a Section 106 Agreement be replaced by a condition removing the Permitted Development Rights over the new garden area thus preventing it being covered by garden structures and fixtures such as sheds and fences, as referred to in paragraph 4 of the report by the Head of Planning, Protection and Licensing.

**62. Breach of Condition Notice // 27 Marlowe Way, Lexden**

This report was withdrawn from consideration at this meeting by the Head of Planning, Protection and Licensing. Remedial works have been agreed and therefore it is no longer reasonable to serve a breach of condition notice.

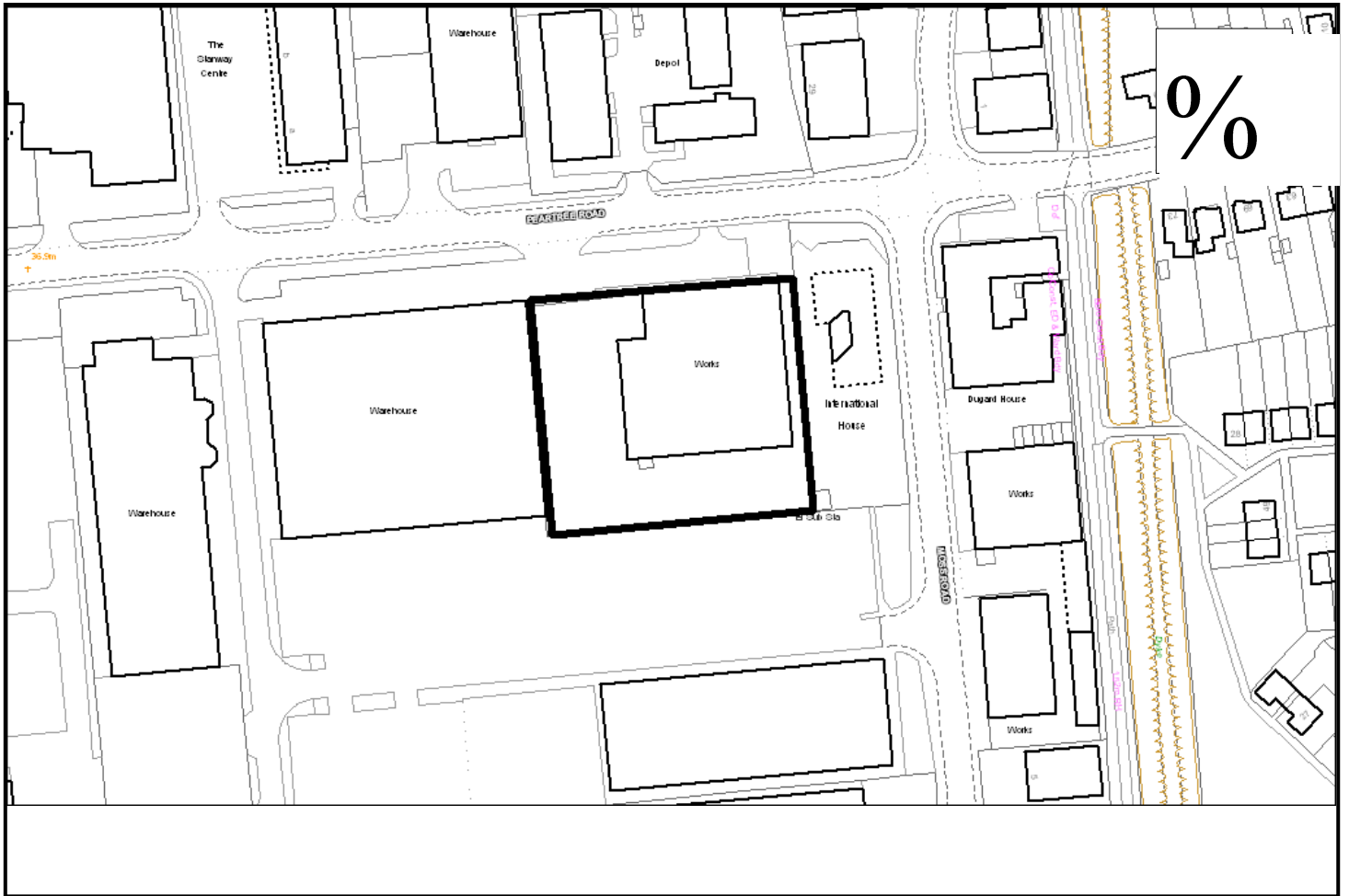
**63. Enforcement Notice // Land at Elm Farm, Elm Lane, Marks Tey**

The Head of Planning, Protection and Licensing submitted a report seeking authorisation to take enforcement action for the cessation of the use as a haulage yard and the removal of the

portacabin office, the cessation of the use for storage of building materials, and the associated earth bunds, all sited on the land contrary to planning policies with a compliance period of six months. The Committee had before it a report in which all information was set out.

David Whybrow, Planning Team Manager (Fast Track), attended to assist the Committee in its deliberations.

*RESOLVED* (UNANIMOUSLY) that an enforcement notice be served with a compliance period of six months requiring the cessation of the use as a haulage yard, the removal of the portacabin office, the cessation of the use for storage of building materials and the associated earth bunds, all sited on the land contrary to planning policies.



**Application No:** 080834

**Location:** Former Armstrong Pumps Works, Peartree Road, Stanway, Colchester, CO3

**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: **10 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: Mark Russell**

**EXPIRY DATE: 25/07/2008**

**MAJOR**

**Site:** **Former Armstrong Pumps Works, Peartree Road, Stanway, Colchester**

**Application No:** **080834**

**Date Received:** 24th April 2008

**Agent:** The Johnson Dennehy Partnership

**Applicant:** Thorndale Investments Ltd

**Development:** Change of use of existing vacant building from industrial, warehousing and offices to car showrooms and workshops including part demolition and part new building.

**Ward:** Stanway

**Summary of Recommendation:** Conditional Approval

### 1.0 Site Description

1.1 The site comprises the former Armstrong Pumps industrial and office building on the south side of Peartree Road. The building is predominantly 1970's design, with later additions.

## **2.0 Description of Proposal**

2.1 The application proposes the change of use from the previous industrial and office use to car showrooms and workshops for Colchester Toyota. Physical works would entail the demolition and rebuilding of a small section of the building, new cladding to the building and a new frontage boundary treatment. Full details of this are in the sections below.

## **3.0 Land Use Allocation**

3.1 B1/B8 in a mixed use/employment area.

## **4.0 Relevant Planning History**

4.1 LEX/581/70. Warehouses and offices. Approved 26th March 1971;

4.2 LEX/224/71. Extension to warehouse. Approved 5th August 1971; 83/1137 - Outline application for extension to factory to be used for light engineering purposes, assembly of pump units. Approved 26<sup>th</sup> September 1983;

4.3 C/COL/06/1509 - Change of use from B2/B1 to A1 (retail) and B1. Refused 7th February 2007.

## **5.0 Principal Policies**

5.1 Adopted Review Colchester Local Plan:  
DC1- Development Control considerations  
STA4 - Stanway  
EMP1 - Employment  
EMP4 - Employment  
UEA11 - Design  
P1 - Pollution

## **6.0 Consultations**

6.1 Environmental Policy has objected as the site is within Stanway special policy area STA4 where there is a presumption in favour of employment (B1, B2 and B8 uses) and the application would be of little benefit to the surrounding area. It also states that in the up-and-coming Core Strategy, this area is defined as an Urban District Centre in which this use would not appear to be appropriate, although the strategy has not yet been adopted.

6.2 The Highway Authority requested a suitably-sized turning space and cycle parking.

6.3 Environmental Control requested a standard demolition and construction guidance note and also requested conditions on noise levels and other matters. These are detailed at the end of the report.

6.4 Development Team originally recommended refusal until proof was supplied that the unit had been unsuccessfully marketed. It also requested provision of a Real Time bus shelter on land transferred from the site into highway control, should permission be granted.

*Officer Note: The applicant has now provided the marketing information and the Estates Manager has stated that this is acceptable.*

## **7.0 Parish Council's Views**

7.1 Stanway Parish Council raised no objection to the application.

## **8.0 Representations**

8.1 None received

## **9.0 Report**

9.1 In terms of design, the current asbestos covering of the shallow-sloping double roof would be removed and the proposal would clad the current brick façade in a Celestia silver curtainwalling, with metallic silver workshop doors, thus giving the building a more modern appearance. It is proposed to remove the easternmost element of the building and replace it with a smaller section which would now be flush with the front of the building.

9.2 The use would be sui generis car showrooms and workshops. There is a proposed decrease in floorspace by approximately 70 sq.m. although the scale would be largely the same.

9.3 The appearance from the public realm would be of a predominantly silver rectangular building with mainly red signage. To the front would be some display vehicles behind a 1.5m wall and railings boundary treatment.

9.4 There are no issues of residential amenity.

9.5 The proposed use does conflict with policy STA4, which seeks to preserve employment uses (B1, B2, & B8) and does appear to be at odds with the longer term aims for the area as an Urban District centre. The applicants have, however, proved that extensive marketing has failed to find a user of the desired type. It must also be remembered that the longer term aims in the Core Strategy carry, as yet, little weight as the document has not yet been adopted.

## **10.0 Conclusion**

10.1 In conclusion, the change of use is considered to be acceptable. In addition the proposed provision of a bus shelter, and a real-time information system, together with boundary improvements to the front, are considered to enhance the public realm.

## **11.0 Background Papers**

11.1 ARC; PP; HA; HH; Development Team; PTC

## **Recommendation - Conditional Approval**

### **Conditions**

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

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

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

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

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

Reason: To avoid noise nuisance.

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

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

Reason: In order to comply with the initial noise condition and to avoid doubt as to the scope of the permission hereby granted.

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

Waste water wash-off from vehicle cleaning shall be disposed of in accordance with a scheme devised by a competent person and approved in writing by the Local Planning Authority.

Reason: In the interests of disposal of waste water wash-off.

#### **5 - 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 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 avoid noise nuisance.

#### **6 - B8.9 Oil Interceptor Required**

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

Reason: To prevent pollution of the water environment.

#### **7 - Non-Standard Condition**

Prior to occupation of the development hereby permitted, the turning space enabling a car transporter to enter and leave the highway in a forward gear shall be constructed, surfaced and made available for use and shall be retained for that sole purpose.

Reason: To ensure appropriate turning facilities are provided so that vehicles can enter and leave the highway and load/unload in a safe and controlled manner in accordance with policy 1.1 in appendix G to the Local Transport Plan.

#### **8 - Non-Standard Condition**

Prior to occupation of the development hereby permitted, clearly marked separate parking for staff and customers shall be provided as per the approved drawings. These spaces shall be used for the allotted purposes at all times.

Reason: To provide adequate parking for customers and staff.

9 - Non-Standard Condition

Prior to the occupation of the development the details of the number, location and design of bicycle parking facilities shall be submitted to and approved in writing by the Local Planning Authority. The approved facility shall be provided before occupation and retained at all times.

Reason: To ensure appropriate bicycle parking is provided in accordance with policy 3.3 in appendix G of Local Transport Plan.

10 - Non-Standard Condition

The development hereby permitted shall not commence before the applicant has entered into a Highways Agreement to dedicate an area of land to the front to public highway. The applicant shall then, prior to the commencement of development hereby approved, enter into a Highways Agreement to provide a bus shelter and Real Time Information Board. These shall then be provided prior to occupation of the development.

Reason: To ensure appropriate bicycle parking is provided in accordance with policy 3.2 in appendix G of Local Transport Plan.

11 - Non-Standard Condition

Boundary treatment shall be as indicated on the submitted drawings and shall be provided prior to occupation of the development.

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

12 - 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: In the interests of visual amenity.

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

The development hereby permitted shall be implemented in all respects strictly in accordance with amended drawing no[s] 8010/200/A, dated March 2008, rec'd 26th June 2008 as well as original [8010/201, 8010/202, 8010/203, dated March 2008, rec'd 24th April 2008] and additional drawings 8010/204 and 8010/205, dated June 2008, rec'd 26th June 2008.

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

**Informatives**

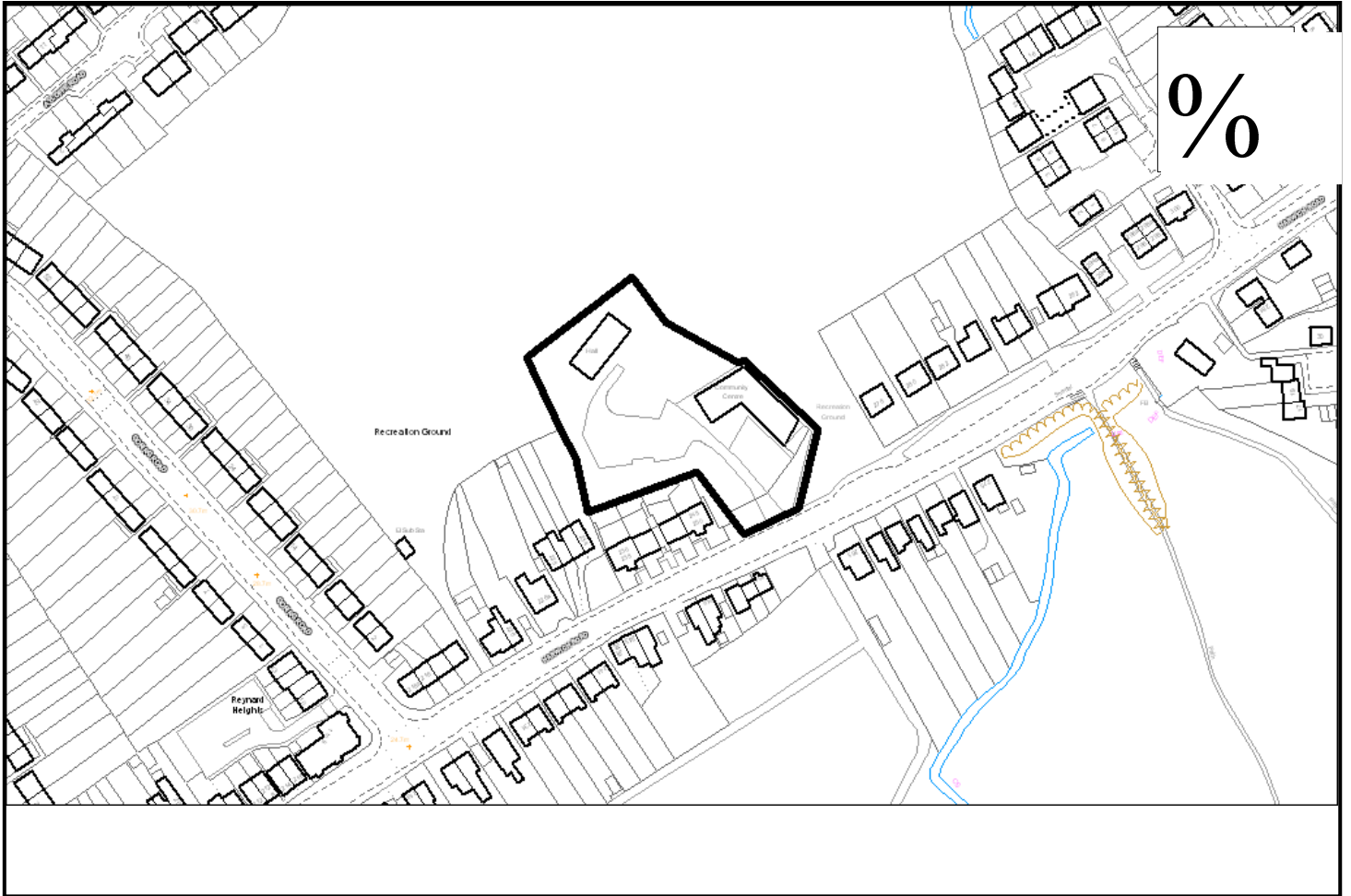
Non-Standard Informative

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

Non-Standard Informative

2. 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:** 080901

**Location:** St Annes Community Centre, Harwich Road, Colchester, CO4 3HT

**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: Corine Walsh**

**EXPIRY DATE: 16/07/2008**

**MINOR**

**Site:** Harwich Road, Colchester, CO4 3HT

**Application No:** 080901

**Date Received:** 20th May 2008

**Agent:** Esposito Mclean Architectural Consultants Ltd

**Applicant:** Councillor Barrie Cook

**Development:** Proposed entrance and storage extension

**Ward:** St Annes

**Summary of Recommendation:** Conditional Approval

## **1.0 Planning Report Introduction**

1.1 The application is presented to the Committee as the application has been made by a Councillor.

## **2.0 Site Description**

2.1 The application site is accessed off the northern side of Harwich Road. The Community Hall is situated to the rear of the site curtilage and consists of a single storey building.

2.2 This application proposes to extend the Community Hall by means of a side extension to provide additional storage facilities and a covered entrance area.

## **3.0 Land Use Allocation**

3.1 Open Space adopted 2004  
Green Links 2004.

## **4.0 Relevant Planning History**

4.1 Single storey side extension - 01/0885 - approved 31 July 2001

## **5.0 Principal Policies**

- 5.1 Adopted Review Borough Local Plan
  - DC1 - Development Control considerations
  - L3 - Protection of Existing Public Open Space
  - UEA11 - Design
  - UEA13 - Development, including extensions, adjoining existing or proposed residential property
  - UEA14 - Greenlinks

## **6.0 Consultations**

- 6.1 None

## **7.0 Representations**

- 7.1 None received

## **8.0 Report**

- 8.1 The Community Centre is located within an area of public open space also identified as a greenlink. The proposal to extend the existing Community Hall does not compromise the intentions of the relevant policies which seek to protect and retain the amenity value of such areas.
- 8.2 The proposed side extension would be erected along the south east facing flank elevation of the hall. It would have no adverse impact on neighbouring residential property, given that the Community Centre is situated to the rear of the site curtilage and approximately 45 metres away from the rear boundaries of the adjacent residential property on Harwich Road.
- 8.3 The land upon which the proposed extension is to be erected is currently a grassed area. Consequently the extension would not compromise the existing off street parking facilities.
- 8.4 The design of the proposed extension would be in keeping with the host building and would accord with the requirements of local plan policies.

## **9.0 Background Papers**

- 9.1 ARC

## **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 - C3.3 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 that the development has a satisfactory appearance 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:** 080925

**Location:** The School, Rembrandt Way, Colchester, CO3 4QS

**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: Nick McKeever**

**EXPIRY DATE: 17/07/2008**

**MINOR**

**Site:** Rembrandt Way, Colchester, CO3 4QS

**Application No:** 080925

**Date Received:** 21st May 2008

**Agent:** Purcell Miller Tritton & Partners

**Applicant:** The Philip Morant School And College

**Development:** Removal of two existing demountable classrooms and erection of single storey extension to existing Sixth Form Block. Provision of new internal service road to improve site safety and security. Relocation of parking spaces to allow netball courts to be returned to PE use.

**Ward:** Prettygate

**Summary of Recommendation:** Conditional Approval

## **1.0 Site Description**

- 1.1 The Philip Morant School and College is one of three schools located on land to the South of Lexden Road and to the immediate north of Rembrandt Way, Prettygate. To the east of the School are school playing fields; to the south is the established residential development at Prettygate.
- 1.2 The School is accessed via the Prettygate estate roads and ultimately by way of Rembrandt Way.
- 1.3 The Philip Morant School has been extended in recent years to provide purpose built accommodation for a 6th form college. These buildings are located along the eastern boundary, immediately adjacent to the existing school playing fields.
- 1.4 Behind these new buildings are existing demountable classrooms, adjacent to the northern boundary with St. Benedicts School. Tennis courts also adjoin this boundary, part of which is used for car parking.
- 1.5 The application proposes the erection of a single storey, square plan building, joined onto the northern end of the existing 6<sup>th</sup> form building. The building is to be constructed in facing brickwork and slates to match the existing.

1.6 The following accommodation is to be provided within this new building:

- Central Library
- Common Room & cafe area
- Study area
- Reception
- 4 Offices
- 2 Tutorial Rooms
- Lobby/circulation areas

1.7 The development also includes the relocation of existing parking from the existing tennis courts to the eastern boundary. The existing service road is to be extended along the eastern perimeter, terminating in a turning head adjacent to the northern boundary. This turning head is to be of sufficient dimensions to accommodate a fire appliance.

1.8 Existing designated cycle parking is to be provided immediately to the south of one of the existing 6<sup>th</sup> form buildings.

## **2.0 Land Use Allocation**

2.1 Private Open Space

## **3.0 Relevant Planning History**

3.1 The School has a long planning history dating back to the original permission in the late 1950's. As is the case with most schools, there is also a long history of permissions relating to the provision of demountable classrooms.

3.2 The 2 following consents relate to the erection of the existing buildings currently used on part of the 6<sup>th</sup> form college.

COL/96/0587 – Demolition of 3 nos. demountable classrooms buildings and erection of replacement teaching block and 6<sup>th</sup> form social area – Approved 13 June 1996

COL/97/1172 – Erection of single storey maths teaching block including two science rooms – Approved 16 October 1997

3.3 Also of relevance is COL/05/1349 (construction of new roadway within school site and extension of existing hardstanding area in order to create 22 new parking spaces – Approved 10 March 2005). The proposed new internal service road and car parking will be a continuation of this previously approved internal road.

## **4.0 Principal Policies**

4.1 Adopted Review Borough Local Plan  
Development Control Considerations - DC1  
Design - UEA11& UEA13

## **5.0 Consultations**

5.1 None

## **6.0 Representations**

6.1 Two letters have been received raising the following concerns:-

1. Infrastructure of the school is not able to cope with the rising numbers of students.
2. Serious lack of on-site car parking. Overspill car parking continues into the adjacent road. The school has more than adequate space in which to provide additional car parking.
3. Possible future increase in the numbers of 6th form places.

## **7.0 Report**

7.1 The school has witnessed significant growth in recent years, particularly with the provision of purpose built accommodation for the 6th form college. Unfortunately the school is located within an estate area and has to be accessed via the estate roads. This undoubtedly results in conflict with the residents, particularly those who reside in Rembrandt Way and Gainsborough Road. The issue of on-site car parking is ongoing. Unfortunately there is a conflict between the perceived need for more parking on one hand and the need to retain the playing fields together with the current adoption of minimum car parking provision as part of the drive towards sustainable development and the associated policy to discourage the use of private motor vehicles. This is always a contentious issue and is difficult to resolve.

7.2 In this context the Philip Morant School and Sixth Form College has provided the following Statement of Justification for the proposed development:-

### **"EXTENSION TO EXISTING SIXTH FORM BLOCK AT PHILIP MORANT SCHOOL**

Although the agreed number to 'Admit' has not changed, a need for additional 6th form space was identified by Philip Morant and the Learning & Skills Council to enhance the learning environment for students.

The concept includes the construction and rationalisation of 3 new teaching spaces to replace 3 teaching areas presently housed in portable classrooms. One classroom is to be demolished and one double classroom to be removed from site. Due to the increasing interest in the Social Sciences the new spaces will include a specialist suite of teaching space. Also the addition of a purpose built ICT room to facilitate the teaching of the subject to 'A' level. The build also includes a library/study area for private study. We have also included an enhanced kitchen facility and seating area to deliver healthy food to the students. The present accommodation only has a small servery which is geared to fast food and therefore the new provision will meet with the School & College's move towards the DCFS Healthy School Status and the new nutritional standards.

The proposal contained within the current Planning application addresses this need. The School is aware that the parking of vehicles associated with the normal business of the School is an issue that affects local residents. In an effort to mitigate this problem, the School signed up to the recent Government initiative 'Safer Routes to School' via the 'Sustrans' initiative and actively promotes cycle use by pupils and



staff alike. The School provides dedicated secure parking for 300 cycles in a secure purpose built area, which also has its own cycle entrance and cycle way into the School. There is also separate provision for staff cycles. Current proposals show 24 parking spaces relocated from the hard tennis courts to alongside the new internal access road. Whilst these proposals comply with current Government Planning guidelines, ("Not specifically identifying any additional parking spaces on the site), the School would be prepared to maintain the availability of the existing 24 temporary spaces on the hard tennis courts for use as overspill parking in addition to providing those to the new internal access road".

- 7.3 At the present time the school has 135 parking spaces for cars, 6 spaces for motorcycles, space for 2 buses and 160 cycle spaces (proposed to increase to 180 spaces). The submitted application does, however, not propose any additional staff (currently 95 F/T & 130 P/T, equivalent to 186 full-time staff) or pupils/students.
- 7.4 Notwithstanding this situation, if Members are minded to approve this development they may wish to take advantage of the offer made by the school to utilise the existing use of the tennis courts as overspill car parking in the event that there are situations when this need may arise.
- 7.5 With regard to the location and design of the new building, access way and car parking, it is acknowledged that this will all be positioned immediately adjacent to the eastern boundary. This is screened from the adjoining playing field by dense and tall hedging. The building is to be in keeping with the existing buildings which accommodate the 6<sup>th</sup> form. Under these circumstances there is no objection in principle to these works in terms of any loss of visual or residential amenity.

## **8.0 Background Papers**

- 8.1 ARC; 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 extension of the internal access road, car parking and the provision of the turning head shall be provided and completed prior to the occupation of the new building hereby approved.

Reason: To ensure a satisfactory development and in the interests of the amenity of the adjoining residential property.

3 - Non-Standard Condition

The existing demountable classrooms which are to be replaced by the development hereby approved shall be removed permanently from the school grounds upon the commencement of the use of the new building.

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

#### 4 - 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 and hedges 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.

#### 5 - Non-Standard Condition

Notwithstanding the detail shown on the approved drawings, the existing 24 temporary parking spaces on the hard tennis courts shall be made available as overspill parking in addition to the provision of the parking spaces adjacent to the new internal access road. This in accordance with the Statement of Justification dated 27 June 2008.

Reason: In the interest of highway safety and the amenity of the residential properties within the vicinity of the school.

#### 6 – Non Standard Condition

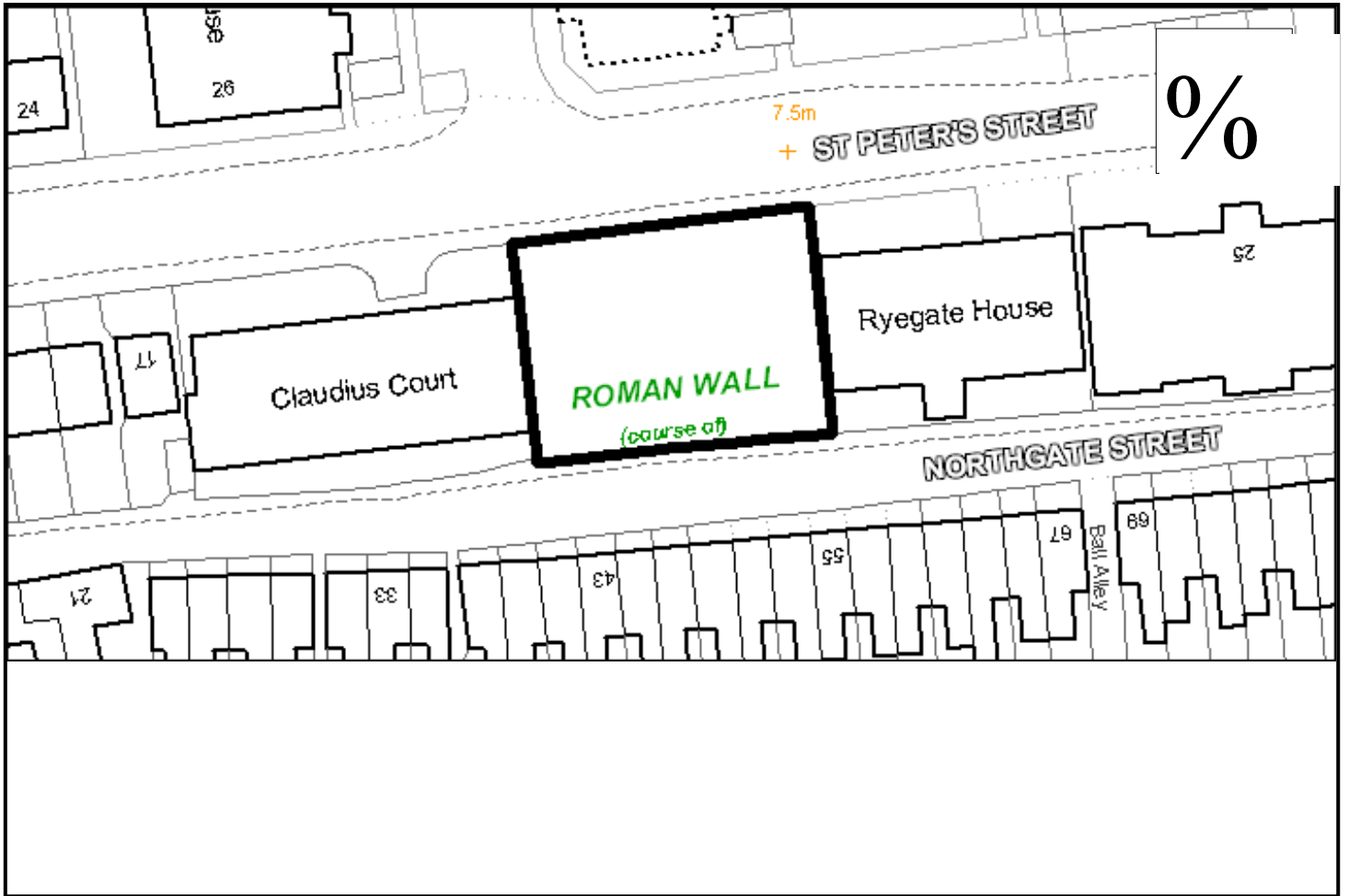
The bicycle parking facilities proposed in the application shall be provided and made available prior to the occupation of the new accommodation hereby approved.

Reason: To ensure the proper provision of parking facilities for cyclists in accordance with the Local Planning Authority's standards.

### **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:** 080964

**Location:** 21 St. Peters Street, Colchester, CO1 1EW

**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: John Davies**

**EXPIRY DATE: 18/07/2008**

**MINOR**

**Site:** 21 St. Peters Street, Colchester, CO1 1EW

**Application No:** 080964

**Date Received:** 22nd May 2008

**Agent:** Grafik Architecture

**Applicant:** Mr M Le Blond, Enterprise Heritage

**Development:** Proposed erection of 5 no. 4 bed townhouses

**Ward:** Castle

**Summary of Recommendation:** Conditional Approval subject to signing of a Unilateral Undertaking

## **1.0 Site Description**

- 1.1 The application site comprises a rectangular plot of land with a frontage onto St Peter Street and a rear boundary onto Northgate Street which is at a higher level. The site has an area of approximately 0.567 hectares. The site is allocated for employment use in the adopted Local Plan.
- 1.2 Part of the site running along the southern boundary includes remnants of the old Roman wall to the town which is a Scheduled Ancient Monument. The site, along with properties on either side, is excluded from the Conservation Area No.1 which has its northern boundary along St Peters Street.
- 1.3 The site has been cleared but formerly contained an existing single storey building which was formerly occupied as a computer centre by the Colchester Borough Council prior to the site's disposal. There are no trees on the site but there is a large silver birch tree on the frontage of the building to the east of the site. Adjoining development comprises a block of flats known as Claudius Court to the west and Ryegate House, a 1970s office building to the east.

## **2.0 Proposal**

- 2.1 The proposal is for the erection of a 4 storey building providing 5 no. four bedroom town houses with integral garage parking and small rear courtyard gardens.
- 2.2 The application is accompanied by a DAS, Tree Impact Assessment, Archaeological Impact submission and Contaminated Land report.

### **3.0 Land Use Allocation**

- 3.1 Town Centre  
Employment Zone

### **4.0 Relevant Planning History**

- 4.1 F/COL/04/1984- residential development of 12, 2 bedroom flats- Approved 3 November 2005

### **5.0 Principal Policies**

- 5.1 Adopted Review Colchester Borough Local Plan-March 2004
  - DC1- Development Control considerations
  - CO4 - Landscape features
  - UEA1 - Character of conservation areas
  - UEA11- Design
  - H13 - Density
  - EMP1- Employment allocations and zones
  - TCS20- The Town Wall

### **6.0 Consultations**

- 6.1 Trees and Landscape Officer is satisfied with the submitted arboricultural impact assessment regarding impact on the silver birch tree.
- 6.2 Environmental Health recommends inclusion of standard advisory note on demolition and construction.
- 6.3 Contaminated Land Officer notes that the application is supported by a Site Investigation Report and Remediation Method Statement which were prepared for a previous application for flats with a small area of communal landscaping. As the current application is for town houses with gardens the conceptual model must be re-assessed for risks associated for the new use. Satisfied that submitted information shows that it is possible to safely develop the site.
- 6.4 Highways Authority - no objections subject to suitable conditions to achieve visibility at the access, pedestrian visibility, no un-bound surface finishes within 6metres of highway, garage doors set back 6 metres, surface water drainage and improvements to footway width.  
*Officer comment: The Highway Officer comments have raised issues with regard to the submitted layout, which have led to discussions between the applicants and the Highway Authority. The outcome of these discussions will be reported prior to the meeting.*
- 6.5 Curator of Museums (Archaeology) - response to be reported prior to the meeting.

## 7.0 Representations

- 7.1 Dutch Quarter Residents Association- no objection to the application but request contribution to CCTV camera provision (as in previous scheme) and request that residents of houses be restricted from obtaining parking permits given pressure for parking in area.

*Officer comments: The contribution sought for CCTV was justified on the basis of a Major development for 12 flats on the site which was agreed through the Development Team. This proposal is only for 5 houses and is not classified as a Major development. The only benefit that can be secured is a contribution to Open Space, Sport and Recreation provision which applies to new dwellings of any number. There is no planning power available to restrict residents in the development from applying for a parking permit.*

One reply received from neighbour in Northgate Street expressing concerns over possible appearance of proposed 'privacy screen' enclosing gardens on Northgate Street.

*Officer comment: This matter is dealt with later in the report.*

## 8.0 Report

- 8.1 The main issues to consider are the principle of residential development on the site, the impact of the development on the character and appearance of the area including the adjacent conservation area, impacts on neighbours living conditions, access and parking matters, together with other issues including impacts on landscaping, archaeology and ground conditions.
- 8.2 The principle of residential development on the site was considered in the application for flats which was approved in 2005. That approval is not being pursued as it is no longer seen as viable in the current economic climate. Although the site is designated for employment use in the Local Plan, it was accepted in approving the flatted scheme that the site could be developed for housing. Given the precedent of that permission it is considered that residential development is acceptable. Under the requirements of the Council's adopted SPD on Open Space, the development is required to make a contribution to Open Space, Sport and Recreation. To this end the applicants have submitted a signed Unilateral Undertaking.
- 8.3 With regard to building design the proposed scheme has had regard to the approved scheme for flats. The approved scheme comprised a semi-basement and three storey building providing 12 x 2 bedroom flats together with underground car and cycle parking. It had a double piled clay tiled roof, buff coloured facing bricks with articulation of the front elevation provided by projecting rendered gables. The overall height was lower than Claudius Court immediately to the west and higher than Ryegate House to the east and therefore provided a 'stepping down' in scale between its neighbours.

- 8.4 The current proposal comprises a ground and three storey development of five town houses. The front elevation is articulated by three rendered projecting gables rising to above ridge level with set back, brick-faced sections. The overall composition is symmetrical with the central gable having a double height oriel window feature. The height of the building would be no greater than the approved scheme nor the block of flats on the west side. The ground floor frontage is expressed by front doors and set back garage doors. The accommodation is laid out as garage, hall and garden room on ground floor, kitchen/living rooms on first floor, and bedrooms on upper floors.
- 8.5 To the rear there is a difference in levels of around 3 metres between the garden and road level of Northgate Street. Special consideration has focused on the boundary treatment, which is proposed by the applicant as a 1.5 metre timber fence with metal railing detail on the upper part comprising a total height of 1.8 metres. Your Officers have sought the provision of a wall along this boundary in preference to a fence in view of the impact on the Conservation Area. However, the applicants have advised that they do not own the retaining wall and there would be major constructional, legal and archaeological problems in building a wall over the existing retaining wall and therefore propose a fence which would be constructed so as not to take any structural support or cause any intervention into the retaining wall. With regard to the height of the fence a balance has to be struck between maintaining a reasonable level of privacy to the gardens from the road as against the visual impact of the fence from the road. In the circumstances and having regard to the constraints imposed by the existing retaining wall the proposed fence is considered the best option.
- 8.6 Proposed rear garden areas are quite small and well below normal minimum standards as set out in the Essex Design Guide (EDG) of 100 square metres for houses of 3 or more bedrooms. Average garden areas are only 25 square metres, which is largely dictated by the limited distance of only 5 metres between the back wall of the houses and the retaining wall to Northgate Street. The size of the gardens is an important factor to consider and one which could be used as a reason to refuse the scheme. However, the following factors need to be also taken into account:
- The ground floor includes 'garden rooms' which have large glazed areas which open out onto the garden and provide an enhancement of the garden area.
  - This is a town centre location where garden sizes generally are below minimum standards and the site is only a few minutes walk from Castle Park
  - It is not feasible to design a town house development that substantially increases garden areas given the narrow depth of the plot.
- 8.7 For these reasons your Officers consider that it would not be reasonable to treat small garden size as a reason for refusal given the above factors and the wider benefits of securing the development of this vacant site.

- 8.8 With regard to impacts on neighbours it should be noted that the development is no higher than the scheme previously approved and has a narrower width. Therefore impacts of the development on daylight particularly to neighbours in Northgate Street are not considered to be an issue. Sunlight impacts are not relevant as properties in Northgate Street are north-facing. There is a separation of approximately 13 metres between the rear elevation of the development and the fronts of houses in Northgate Street, which is over a metre greater than in the approved scheme. No neighbour objections on any of these grounds have been received.
- 8.9 Parking provision within the scheme comprises a garage and forecourt parking space for each unit. This is considered reasonable for houses of such size. Parking on the frontage is inevitable in this type of development and would be against the principles of the EDG, which advocates that parking should be concealed from public view as much as possible. However, rear garden parking is not possible in this form of development and to try to offset the impact of parking on the frontage the scheme includes purpose-built planters on each of the forecourts for soft landscaping.
- 8.10 With regard to archaeology the site has been the subject of an archaeological evaluation and investigation over the last year, which has led to the discovery of Roman wooden drains running north-south across the site and a roadway which suggested to the archaeologists that there may have been a gateway through the wall at the site. The proposed scheme would include piled foundations sited to avoid the drains with other elements such as service runs, floor construction, piling mat etc. located at much shallower depths so as to avoid any potential damage to the excavated remains. The remains of the Roman Wall itself, located along the southern boundary of the site would remain untouched and buried within rear garden areas.

## **9.0 Conclusions**

- 9.1 This is an important site in the street scene of both St Peters Street and Northgate Street and in its present condition does nothing to enhance the character and appearance of the area. The principle of residential development has already been accepted in a previous scheme, that is no longer viable to implement. The proposed scheme is smaller in height and footprint compared to the approved scheme and is of a design that is of a high standard that will enhance the adjacent Conservation Area and the visual amenity of the area generally. Whilst garden sizes are sub-standard it is not considered that this is sufficient justification to refuse the scheme and it will be important that Officers secure the best possible boundary treatment to Northgate Street. For these reasons the application is recommended for approval.

## **10.0 Background Papers**

- 10.1 ARC; TL; HH; HA AT; NLR



## **Recommendation**

APPROVE subject to the dating of a Unilateral Undertaking under Section 106 of the Town and Country Planning Act 1990 in respect of the provision of a contribution to Open Space, Sport and Recreation.

## **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 - A7.4 Removal of ALL Perm Devel Rights (residential)

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 development within Classes A to E of Part 1 of Schedule 2 of the Order (any extension, outbuilding, garage or enclosure) shall take place without the prior written permission of the Local Planning Authority.

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

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 that the proposed development is visually [satisfactory/attractive] and enhances the appearance of the locality.

4 - A7.7 Exclusion of Garages Conversions

Any garage hereby permitted shall be retained as such at all times and shall at no time be physically altered in a manner which would prevent its use as a car parking space.

Reason: To ensure adequate parking and garage space is provided within the site in accordance with the adopted standards of the Local Planning Authority.

5 - 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.

#### 6 - 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.

#### 7 - 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.

#### 8 - 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 5, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 6, 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 7.

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.

## 9 - Non-Standard Condition

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

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.

Landscape conditions to be confirmed

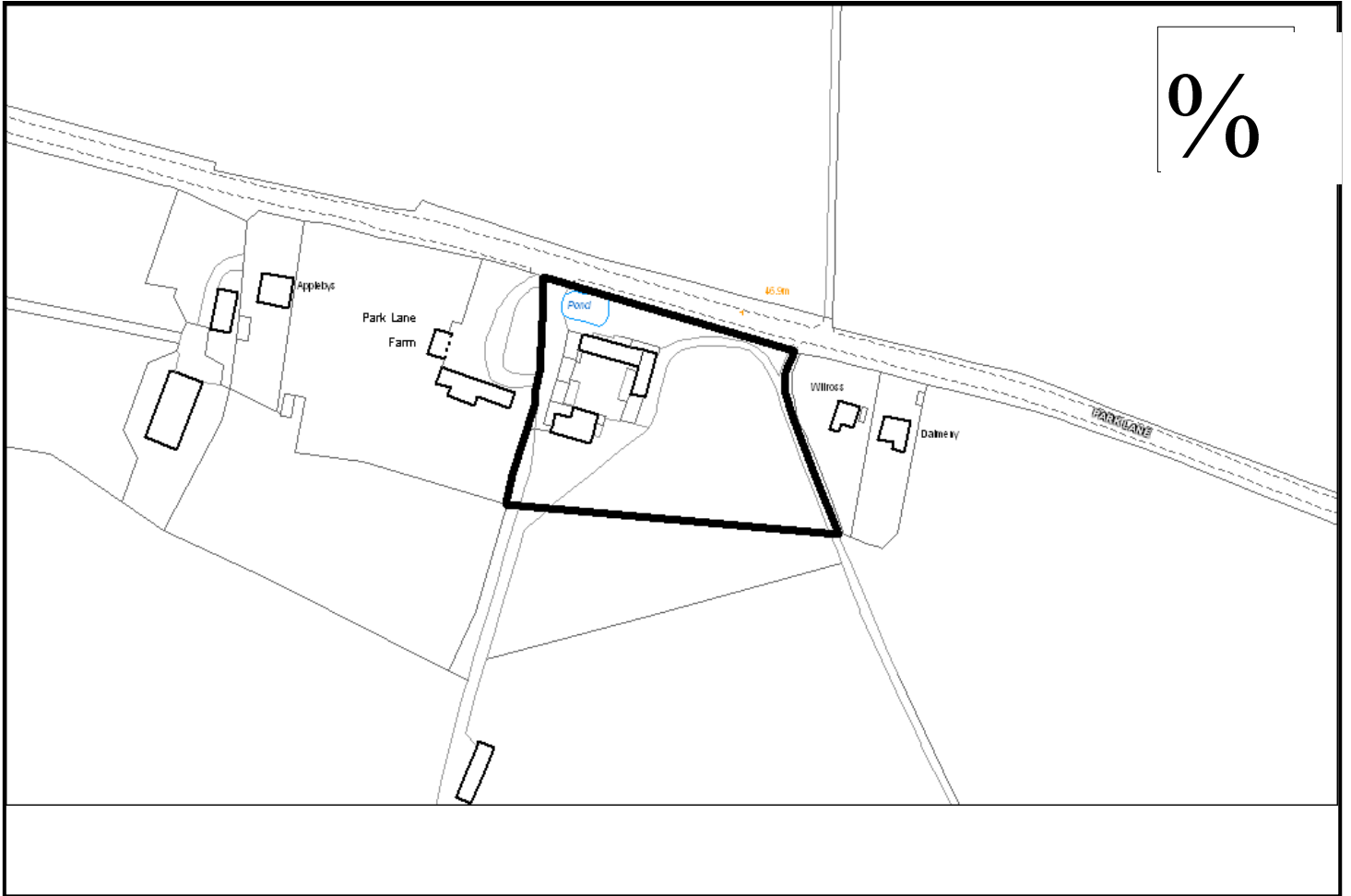
Highway conditions to be confirmed

Archaeology to be confirmed

### **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:** 080968

**Location:** Barns At, Park Lane Farm, Park Lane, Langham, Colchester, CO4 5NL

**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

**7.5 Case Officer: Andrew Tyrrell**

**EXPIRY DATE: 11/07/2008**

**Site:** Park Lane Farm, Park Lane, Langham, Colchester, CO4 5NL

**Application No:** 080968

**Date Received:** 15th May 2008

**Agent:** Planman Design

**Applicant:** Mr G Williamson

**Development:** Divide existing single storey barn into 6no. office units with alterations to elevation treatment, detached electric hut and bin storage.

**Ward:** Dedham & Langham

**Summary of Recommendation:** Conditional Approval

## **1.0 Planning Report Introduction**

1.1 This application is referred to the committee in light of one objection received by a local resident, and the recommendation of Essex County Council Highway Authority. Amended plans are expected prior to the committee meeting to satisfy the requirements of Essex County Council.

## **2.0 Site Description**

2.1 The application site comprises land on the south side of Park Lane and formerly used as offices and workshops associated with the fruit growing business operated by Williamson's Fruit Farms Ltd. The 0.63 Hectare site is accessed off the Park Lane highway, of which 90m runs along the northern boundary. At present the existing access is to the western end of this boundary, adjacent a small pond. The character of the area is very rural, with a collection of redundant agricultural barns running in almost a square shape. A "courtyard" is formed within these, with the south-east corner being open.

2.2 The southern wing of this collection of connected barns is currently under refurbishment following a recent approval of offices in this building. These units, numbered 1-5 on the submitted drawing, are already approved and are effectively not part of this application (an amended application site boundary plan has been requested prior to the committee meeting).

2.3 The topography is relatively flat, with a slight downward slope from north to south. Native hedging has recently been planted along the eastern boundary to compliment that existing hedge already mentioned on the northern boundary, and the existing hedge on the western boundary.

### **3.0 Description of Proposal**

- 3.1 The proposed use is for B1 office use. This is the same as that which has been previously approved in 2005 at this site. There have also been some external alterations approved. However, this application is a full application to be considered afresh with a slightly different scheme. Therefore, the principle of this development is already established and it is the details of the scheme that are of greater interest.
- 3.2 The floor area is that of the existing barn buildings, which provides for a total foot print area of 388 square metres. The usable floor space would be slightly less to allow for the depth of the walls. This space will be subdivided into 6 business units accessed through doors into the central "courtyard" area. The heights of the barns remain unchanged and the buildings would undergo some relatively minor aesthetic changes on the external elevations to make them usable as office units.
- 3.3 The scheme includes three new structures of limited size, one is a bin store, one is a sewage treatment building, and the other is an electricity substation. There are also 20 parking spaces at present and a proposed number of 26, giving a net increase of 6 spaces. There will also be a provision of 8 cycle parking spaces.
- 3.4 The access is being moved eastwards, as was previously agreed with the 2005 applications. The existing access will be closed off with a native hedge mix.

### **4.0 Land Use Allocation**

- 4.1 The site is not allocated for any specific use in the Local Plan. It is situated just outside the area covered by Local Plan Inset Map D22, a rural location in a south-easterly direction from the Langham village envelope.

### **5.0 Relevant Planning History**

- 5.1 There were two related application approved by the committee in 2005. Application 05/1218 sought external alterations to accompany application 05/1216 for a "Change of use from vacant offices and redundant workshops and stores and agricultural land to office use within Class B1"
- 5.2 The approval of application 06/0401 allowed the visibility at the new access to be reduced from the standards in condition 7 of the 05/1216 permission, to a requirement of 2.4m x 115m to the west and 2.4m x 170m to the east. No other conditions were varied.
- 5.3 Application 080484 approved earlier this year gave permission for the external alterations to the southern block of buildings, which has already been implemented is currently under construction.

## **6.0 Principal Policies**

- 6.1 Adopted Review Colchester Borough Local Plan-March 2004
  - DC1- Development Control considerations
  - EMP4 - Employment uses in the countryside
  - UEA11 - Design
  - P1- Pollution
  - C01 - Countryside

## **7.0 Consultations**

- 7.1 Environmental Control: No comments received at the time of writing. Any comments received will be reported at the committee.
- 7.2 ECC Highways: recommend that the application be refused because "the proposal fails to provide a safe location for large vehicles to park or turn. The proposal would lead to vehicles queuing in the highway or reversing in and out of the highway contrary to highway safety". The Highway Authority has invited further plans showing revised parking and turning areas which are being pursued at the time of writing and should be available prior to the committee meeting.

## **8.0 Parish Council's Views**

- 8.1 Langham Parish Council state:

"Whilst we see no difficulties with this application, we note that no details have been given yet of the proposed sewerage treatment system, as the barns are not on main drainage and the system would need to cope with the extra employees. Also, although this is not strictly a planning matter, no reference has been made to the footpath to the east of this site".

## **9.0 Representations**

- 9.1 One objection has been received. The issues raised relate to the traffic from 6 more offices in Langham that will destroy the village as Park Lane and Wick Road are already busy roads used as a "rat run" from Severalls Industrial site and a route for lorries using the A12.

## **10.0 Report**

### Design

- 10.1 The buildings are small in size and scale with a limited impact on the visual amenity of the area. The proposals are for conversion of existing floor space only with no extended buildings. There are limited ancillary service buildings around the site, none of which are out of keeping with the character of the existing barns. Therefore, the visual impact is limited to the creation of new openings in the existing barns, the landscaping associated with the car parking and the addition of the ancillary buildings (bin store etc). None of this raises any concerns.

### Use

- 10.2 The proposed B1 use was previously limited to only office use only in consideration of the impacts on the highway of larger vehicles likely to be associated with workshop and storage uses. This will require a condition. This restriction is also beneficial to neighbours insofar as office use is likely to be a far better neighbour in terms of possible noise and disturbance.

### Amount

- 10.3 As stated above, there is very limited new development other than alterations. Therefore, the amount of development is considered to be acceptable. The number of units is considered to be appropriate and gives a good size unit for small businesses. The number of car parking spaces is appropriate for the units and occasional visitors.

### Layout

- 10.4 At present, the layout at the time of writing is not satisfactory in highway terms because it is not possible to turn a HGV within the site. It has been demonstrated by the highway officer that a HGV can turn at the southern end of the site, which would require the relocation of several car parking spaces to accommodate a larger turning area. A revised scheme is expected prior to the meeting to address these concerns. The layout of the buildings is unchanged.

### Scale

- 10.5 The scale of building is unchanged from the existing development on site. There are some minor additions, but not of any significance. The alterations proposed will retain the rural character and scale of the site.

### Landscaping

- 10.6 The existing access is to be closed off by the planting of a new native mixed hedgerow to match the existing hedge adjacent to the highway. There will also be some soft planting to break up the car parking areas, whilst the access ways are to be hard landscaped with gravel. There have been some recent hedge plantings on other boundaries which are currently maturing and will take a few years to fully develop. Overall, the amount of landscaping looks acceptable, but there is insufficient detail within the application to avoid conditions to secure adequate landscaping proposals and protection.

### Appearance

- 10.7 The appearance remains largely unchanged. The office use requires more openings to allow access to each unit and daylight from windows. However, the majority of these changes take place within the internal courtyard. Changes that will be seen from outside the site are limited. The scheme retains the rural barn feel and will bring the added benefit of improved maintenance associated with the re-use of these buildings.



## Social Function

- 10.8 The scheme offers the potential for employment uses in the countryside, which may meet local needs. There is no power to "ring fence" the market or workforce so such a benefit can not be guaranteed. However, the provision of office accommodation for small businesses is considered to be a positive contribution that could assist the local community and should be welcomed.

## Other Material Considerations

- 10.9 If an amended scheme is not received then it is recommended that the application be refused on highway grounds. However, amendments are expected so this should not be an issue. An update on this will be apparent at the time of the committee meeting. This report is written on the basis that the scheme is satisfactory in all other respects and that the highway issue will be resolved in time.
- 10.10 The issues raised by the Parish and the one objector also need to be addressed. Firstly, there is a sewerage treatment building shown on the submitted plans. The sewerage treatment concerns are also an issue that can be addressed by building control rather than planning. Secondly, in relation to the objection from the local resident, it is not considered that the traffic from 6 more offices will be significant in the overall scheme of traffic in Langham. This proposal has also been approved already, which is a material consideration in determining this application.

## **11.0 Conclusion**

- 11.1 To summarise, the application proposes very little physical change and the use has already been approved once, in an application that could still be implemented. The changes herein are minor and raise no concerns to which a refusal could be justified, provided that the turning area is increased prior to the committee meeting as expected.

## **12.0 Background Papers**

- 12.1 ARC; HH; HA; 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 - 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.

### 3 - Non-Standard Condition

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

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

### 4 - 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 noise frequency component that exceeds more than 5dB above the background frequency levels as measured at all boundaries near to noise-sensitive premises.

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

### 5 - Non-Standard Condition

No development shall take place until a scheme for the control of light pollution has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be devised by a competent person and fully comply with the Code of Practice for the Reduction of Light Pollution issued by the Institution of Lighting Engineers, the DETR document "Lighting in the Countryside: Towards Good Practice" and all current official guidance. Such light pollution control measures as shall be approved shall be installed prior to use hereby permitted commencing and thereafter be retained and maintained to the agreed specification and working order.

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

### 6 - Non-Standard Condition

Prior to the use hereby approved being commenced the existing vehicular access from Park Lane shall be closed to all vehicular traffic in accordance with details that shall have been previously agreed, in writing, by the Local Planning Authority. The access shall remain closed thereafter in the approved form.

Reason: To ensure that there is no unnecessary increase in the number of points of traffic conflict at this location, in the interests of highway safety.

### 7 - Non-Standard Condition

The new access hereby approved shall be constructed to a width of 5.5 metres and shall be provided with a 6 metre radius bellmouth connection with Park Lane. The access shall be provided prior to the commencement of any of the uses hereby approved.

Reason: In the interests of highway safety.

### 8 - Non-Standard Condition

Prior to the use hereby approved being commenced the proposed access shall be provided with vehicular visibility splays of 2.4 metres x 115 metres to the west and 2.4 metres x 170 metres to the east onto Park and containing no obstruction exceeding a height of 0.6 metres.

Reason: In the interests of highway safety.

### 9 - Non-Standard Condition

No gates shall be erected within 15m of the highway boundary.

Reason: To allow HGVs to access the site clear of the highway prior to stopping at any gates that might be erected, in the interests of highway safety.

#### 10 - 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.

#### 11 - 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.

#### 12 - 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 standard of visual amenity in the local

#### 13 - Non-Standard Condition

The premises shall be used for office use and for no other purpose (including any other purpose in Class B1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that class in any statutory instrument revoking or re-enacting that Order, with or without modification.

Reason: To be consistent with the previous approval at this site, as this is the basis upon which the application has been submitted and considered and further consideration would be required for other uses, and in the interests of highway safety.

#### 14 - D4.5 Bicycle Parking (as approved plan)

The bicycle parking facilities indicated on the approved plans returned herewith, shall be provided and made available to serve the use hereby approved before that development becomes operational. These facilities shall thereafter be retained as such.

Reason: To ensure proper provision for cyclists, including parking in accordance with the Local Planning Authority's standards.

### **Informatives**

#### Non-Standard Informative

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

#### Non-Standard Informative

2. The public's rights and ease of passage over public footpath no.33 (Langham) shall be maintained free and unobstructed at all times.

Non-Standard Informative

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

Non-Standard Informative

4. The applicant is referred to the attached advisory note for the avoidance of pollution during demolition and construction phases.



**Application No:** 081004

**Location:** 4 The Crescent, Great Horkeley, Colchester, CO6 4EH

**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: Jane Seeley**

**EXPIRY DATE: 16/07/2008**

**MINOR**

**Site: 4 The Crescent, Great Horkesley, Colchester, CO6 4EH**

**Application No: 081004**

**Date Received: 20th May 2008**

**Agent: A D James**

**Applicant: Mr Michael Baker**

**Development: First floor rear extension over existing single storey structure**

**Ward: Fordham & Stour**

**Summary of Recommendation: Conditional Approval**

## **1.0 Planning Report Introduction**

1.1 This application has been "called in" by Councillor Arnold. He believes it is appropriate for this application to be determined by Committee because it has generated strong feeling locally which can be adequately addressed only by having a debate by Committee Members after a site visit.

## **2.0 Site Description**

2.1 The application site is on the east side of The Causeway A134; it is one of a number of semi-detached dwellings in a staggered line fronting the road. The adjacent attached house (No. 5) is set back from No. 4.

2.2 In March 1999 planning permission (99/1022) was granted for a single storey rear extension to No. 4. This extension is approximately 4.5m to ridge height with a hipped roof. Applications to create a first floor above the extension have been refused in November 2007 and March 2008. Both these applications were refused due to infringement of Adopted Supplementary Planning Document Extending Your House and Policy UEA13 and due to an oppressive and overbearing impact on the main kitchen window of No. 5 The Crescent. The latter application had a second reason for refusal relating to its unsatisfactory design.

2.3 The current application is for a first floor over part of the single storey extension and lowering the height of the retained single storey element. Since submission revised drawings reducing the size of the extension have been received. The neighbours have been advised of the amended drawings and any comments will be reported on the Amendment Sheet.

2.4 A letter has been submitted from the applicant's partner's Consultant neurologist advising that she has been diagnosed with Multiple Sclerosis and that this disease has the potential to cause bladder problems and difficulties with walking.

### **3.0 Land Use Allocation**

3.1 Village Envelope

### **4.0 Relevant Planning History**

4.1 99/1022 - Single storey annexe - Approved 5 March 1999

4.2 072686 - First floor extension - Refused 29 November 2007

4.3 080119 - First floor extension - Refused 6 March 2008

### **5.0 Principal Policies**

5.1 Adopted Review Borough Local Plan

DC1 - Development Control considerations

UEA11 - Design

UEA12 - Backland Development

UEA13 - Development, including extensions, adjoining existing or proposed residential property

### **6.0 Consultations**

6.1 None

### **7.0 Parish Council's Views**

7.1 Great Horkesley Parish Council comment:

1. Whilst sympathetic to the applicant and his family needs insufficient regard has been given to the impact on the neighbouring property (No. 5), recommend refusal.
2. Dwelling is unsuitable for what is proposed, perhaps the applicant needs to find an alternative dwelling rather than impinge on neighbouring properties.

### **8.0 Representations**

8.1 Two letters have been received from the occupiers of No. 5. The full text and supporting photographs and sketches can be viewed on the Council's website.

1. Surprised and disappointed that applicant has submitted another application given reasons for refusal of previous applications.
2. Fence/trellis on boundary has been replaced with a 6ft. close boarded fence.
3. Whilst sympathetic to applicant's partners medical condition suitable accommodation could be provided by moving to more appropriate accommodation or by extending at ground floor level, thereby freeing up space in existing first floor area for a toilet etc. Existing extension already has ensuite accommodation.
4. Concerned about impact of extension on property value and ease of sale. This could have a bearing on the quality of assisted accommodation that we will be possible to afford.

5. The continuous stress of having to deal with these continuing applications and apprehension of the extension going ahead is impacting on our present health.

Note: Whilst not referred to in the letters summarised above the accompanying photographs and sketches indicate that the writer has concerns, which have been expressed in letters relating to the previous applications, regarding loss of light to kitchen and bedrooms, loss of view and detrimental impact on health as extension would be oppressive, depressing and claustrophobic.

## **9.0 Report**

- 9.1 Following the previous two refusals of planning permission the applicants have been discussing alternative schemes with your officers in an attempt to provide the extra accommodation they desire. These discussions have continued since submission of the current application and revised drawings have been submitted.
- 9.2 The breach of the criteria set out in SPP Extending Your House relates to No 3 The Crescent. The extension as amended will still result in a breach of the 45 degree line drawn from the closest corner of No. 3. However, when a 45 degree line is drawn from the middle of the ground floor window closest to the boundary there is not a breach. Given the impact on light should not be unduly effected and the occupants of No. 3 have not raised any concerns it is considered that no reason for refusal regarding the amenity of No. 3 is justified.
- 9.3 No. 5 The Crescent has two first floor bedroom windows in the side elevation and a ground floor kitchen and cloakroom window. Due to the juxtaposition of the dwellings these windows are facing the existing single storey extension and the site of the proposed first floor extension. Neither bedroom has any additional windows. The kitchen has one small window in the rear elevation but the primary window is to the side. The side of No. 5 is orientated to the north. The gap between the 2 properties is approximately 3.6m. Concerns about the impact of the previous application on the outlook of the main kitchen contributed to the refusal of these applications.
- 9.4 As originally submitted the extension would have resulted in the proposed first floor extension being partly in line with the kitchen window. Following discussions the depth of the extension has been reduced by 456mm. and is not immediately opposite the kitchen window. It is also proposed to reduce the height of the retained single storey element from 4.5m to 3.5m. Whilst this will result in a part flat roof extension it is considered that the benefit for the outlook/light to the kitchen window should carry more weight than design concerns.
- 9.5 The Building Research Establishments Report "Site Layout Planning for daylight and sunlight" suggests that acceptable daylight in interiors is achieved if a 25 degree vertical angle from a point 2 metres above floor area at the facade is not obscured. The 25 degree line has been applied to the side elevation of No. 5; it is not obscured.
- 9.6 It is acknowledged that the front bedroom window is immediately opposite the proposed extension and there will be some impact on views. However, this is not a material consideration.



9.7 The kitchen window does not have any significant view. Whilst the first floor extension will be visible in oblique views the lowering of the existing roof will have some positive impact. It will increase the amount of skyline in view. On balance it is considered that the impact of the extension as amended will not have such an adverse impact on No 5 as to warrant refusal.

9.8 Members will be aware that property values are not a material planning consideration. The recently erected boundary fence is permitted development

## **10.0 Background Papers**

10.1 ARC; 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 - B4.3 Windows to be Obscure Glazed (2)

The window to be provided above ground floor level in the south facing elevation shall be glazed in obscure glass of a type agreed in writing by the Local Planning Authority and shall be retained as such at all times thereafter.

Reason: In the interests of residential amenity and to secure the privacy of adjoining occupiers.

3 - B4.5 No Additional Windows in Walls/Roof Slope

No new window or other openings shall be inserted above ground floor level in the south and north facing elevation/ roof slope of the proposed extension without the prior approval in writing of the Local Planning Authority.

Reason: In the interests of residential amenity and to secure the privacy of adjoining occupiers.

4 - C3.2 Materials as Stated in Application

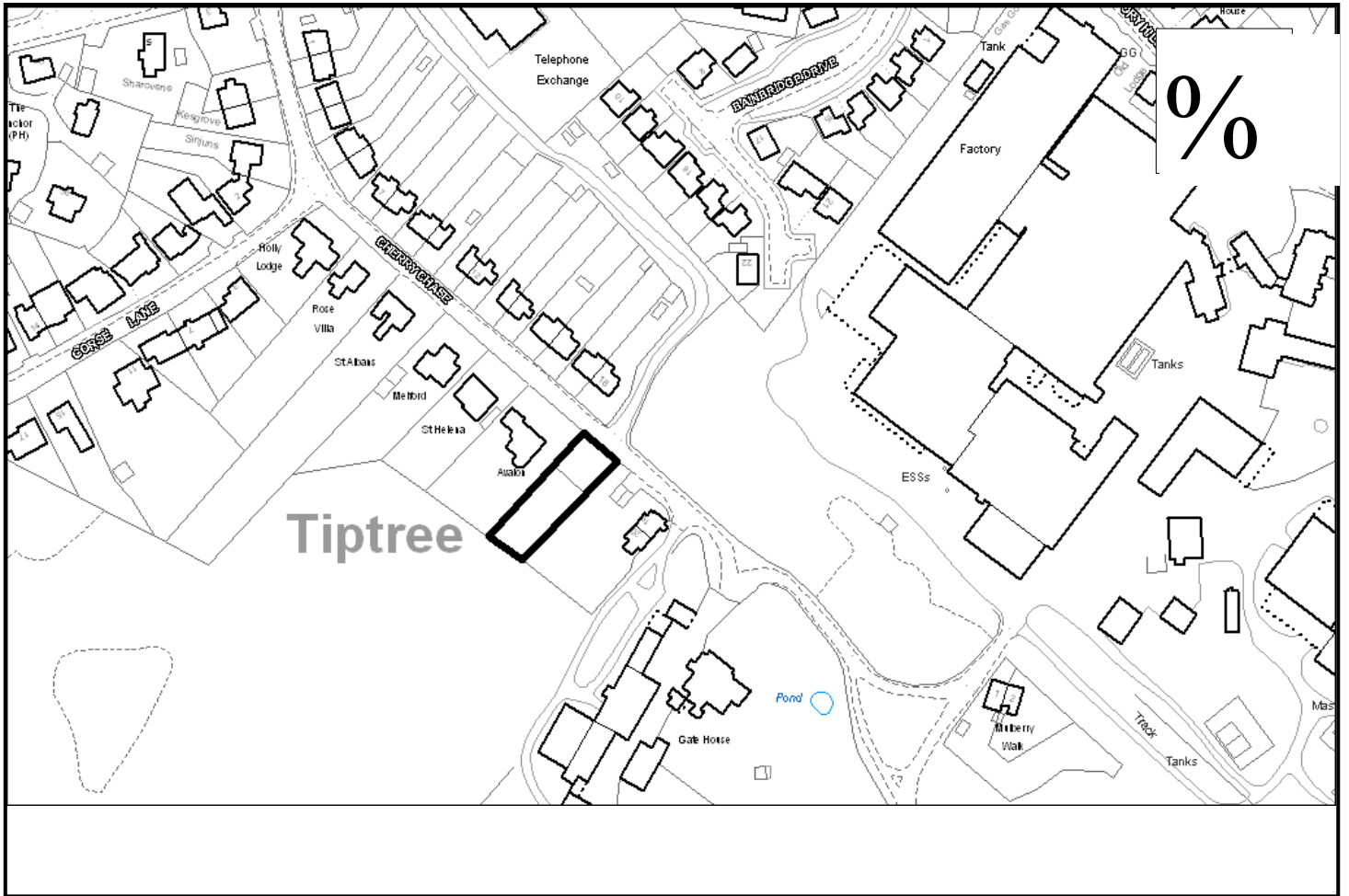
The external materials and finishes to be used shall be as stated on the application form and as indicated on the approved plans and schedule returned herewith, unless otherwise agreed in writing by the Local Planning Authority.

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

#### **Informatives**

##### **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:** 081069

**Location:** Land adj, Land adjacent to, 19 Cherry Chase, Tiptree, Colchester, CO5 0AE

**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

**7.7 Case Officer: Nick McKeever**

**EXPIRY DATE: 29/07/2008**

**MINOR**

**Site:** Land adjacent to, 19 Cherry Chase, Tiptree, Colchester, CO5 0AE

**Application No:** 081069

**Date Received:** 2nd June 2008

**Agent:** Vaughan & Blyth Group

**Applicant:** Wilkin & Sons Ltd

**Development:** Proposed detached dwelling with detached garage.

**Ward:** Tiptree

**Summary of Recommendation:** Approve subject to measures agreed by Arboricultural Officer to protect existing Horse Chestnut tree or to refuse on the grounds of the adverse impact of the development upon the tree

## **1.0 Site Description**

- 1.1 The site is a vacant plot of land (approximately 0.07ha in area) located towards the end of Cherry Chase, Tiptree. The Chase is a private road owned by Wilkin & Sons of Tiptree. The existing dwellings along Cherry Chase are of varying ages and styles. The semi-detached, two storey dwellings fronting onto the north side of the Chase are owned by Wilkin & Son and are occupied by past and present employees of the company. 19 Cherry Chase is also in their ownership. The property, Avalon, on the north west side of the proposed building plot is privately owned. Further to the south east is a large, detached two story dwelling known as "Gate House".
- 1.2 To the east is the factory owned and run by Wilkin & Sons Ltd. Immediately to the north west of this factory are more dwellings.
- 1.3 The plot has a frontage of 15.250m and an average depth of 46.0m. It is enclosed on the north west and south east boundaries by a brick wall, fences and hedges, which form the boundaries of 'Avalon' and 19 Cherry Chase. The western boundary is not enclosed and opens out onto agricultural land.
- 1.4 There is a large, mature, Horse Chestnut tree immediately adjacent to Cherry Chase on the eastern boundary. This tree is within the garden of 19 Cherry Chase.

## **2.0 Land Use Allocation**

- 2.1 No notation. The village envelope for Tiptree is drawn along the south east boundary of 'Avalon'.

### **3.0 Relevant Planning History**

3.1 None

### **4.0 Principal Policies**

4.1 Adopted Review Borough Local Plan  
Development Control Considerations - DC1  
Countryside (General) - CO1  
Design - UEA11& UEA13  
Landscape Features - CO4

### **3.0 Consultations**

3.1 The Landscape Officer has advised that the proposed development is too close to the Horse Chestnut and that the construction of the development will have a detrimental effect on the tree. It is suggested that development should be positioned outside of the Root Protection Area (RPA). Refusal is recommended subject to revision/additional information.

*Officer Comment: Amended drawings have been submitted showing that the new dwelling has been moved 2 metres further away from the Horse Chestnut tree. These drawings are out to consultation.*

3.2 The Highway Authority has no objection subject to conditions.

### **4.0 Parish Council's Views**

4.1 Tiptree Parish Council has no objection.

### **5.0 Representations**

5.1 Responses have been submitted by the occupiers of 'Avalon' and St. Helena, Cherry Chase.

5.2 The occupiers of Avalon, whilst not being thrilled at the prospect of a building on the land adjacent to their property, appreciate that the design and position has been carefully considered to minimise the impact. They are pleased to note the retention of the Horse Chestnut tree, which adds to the visual amenity of the area.

5.3 The occupiers of St. Helena are very pleased that the Horse Chestnut is to be retained and would object if it was to be cut down.

### **6.0 Report**

6.1 The site lies outside of the designated development area for the Local Urban Area of Tiptree as defined in the Local Plan. As such it is subject to policies:-

CO1 - This policy seeks to protect the open countryside for its own sake and to resist development that does need to be located in the countryside but which could be located elsewhere within the Borough.

H8 - In general terms the Local Plan makes three exceptions to the general presumption against residential development in the open countryside:-

- Where the development is considered to be essential for the purposes of agriculture or forestry;
- For affordable housing, where the land is adjacent to the village envelope;
- Where it is the last resort to preserve a listed building.

- 6.2 There is no such justification for the proposed new dwelling. However, it is considered that due regard should be given to the particular and individual circumstances relating to the proposed development.
- 6.3 It is difficult to explain the justification for the exclusion of this site from the designated development area. Whilst this particular part of Cherry Chase has a pleasant rural character derived from the presence of open space, established trees and hedges, the site is enclosed on three sides by established residential and commercial development.
- 6.4 When viewed from Cherry Chase this vacant plot of land appears somewhat as an anomaly in that, to all intents and purposes, it appears very much as a vacant building plot of a size commensurate to that of its neighbours and elsewhere within the Chase. It is enclosed on two sides by the wall, fence and hedges that form the side boundaries to the two adjacent dwellings.
- 6.5 Apart from the nearby row of semi-detached dwellings occupied by employees of Wilkin & Sons Ltd, the existing residential properties do not have a uniform appearance. They are all of different styles and sizes. No. 19 has a detached garage on the front boundary with the Chase, adjacent to the proposed plot.
- 6.6 The proposed dwelling reflects the vernacular in terms of its design and external materials, drawn from the Essex palette.
- 6.7 With regard to these particular circumstances it can not be said that the new dwelling to be erected on this vacant plot, part of which appears to be used for casual car parking, would look out of place or be detrimental to the character of this part of Cherry Chase.
- 6.8 In terms of the size and location of the new dwelling, it complies with the Council's adopted policies relating to space around the building and the provision of private amenity space. It also complies with the Local Plan policy UEA13 in terms of its impact upon the neighbouring dwellings. On this basis the development can be accommodated within the plot without appearing cramped or causing any loss of visual or residential amenity.

## **7.0 Conclusion**

- 7.1 This development has been advertised as a departure from the Local Plan in as much as it lies outside of the designated development area for Tiptree, albeit on land which is immediately adjacent to the envelope. However, having regard to the particular characteristics of the site and the existing residential and commercial development, it is considered that this can be considered to constitute reasonable infill development without having any significant detrimental impact upon visual or residential amenity.
- 7.2 The only issue that remains to be resolved is the impact of the development upon the mature Horse Chestnut tree. It is hoped that a mutually agreeable solution can be found prior to the Committee Meeting. At the time this report was drafted, the applicant had just submitted an amended drawing number 490/1. This shows the building as being moved 2m further into the site and away from the Horse Chestnut tree. On this basis it is recommended that delegated powers be given to the Head of Planning, Protection and Licensing to either approve the application, subject to conditions, or to refuse the application on the grounds of the potential adverse impact upon the longevity of the Horse Chestnut tree and the subsequent detrimental affect upon the visual amenity and character of this area. This application will need to be determined on or before the 29 July 2008 (i.e. the eight weeks determination period).

## **8.0 Background Papers**

- 8.1 ARC; TL; PTC; NLR

### **Recommendation**

That delegated authority be given to the Head of Planning, Protection and Licensing to either approve the application, subject to measures agreed by the Arboricultural Officer to protect the existing Horse Chestnut tree, and other conditions, or to refuse the application on the grounds of the adverse impact of the development upon the tree and the subsequent loss of amenity afforded by the tree.

### **Conditions**

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

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

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

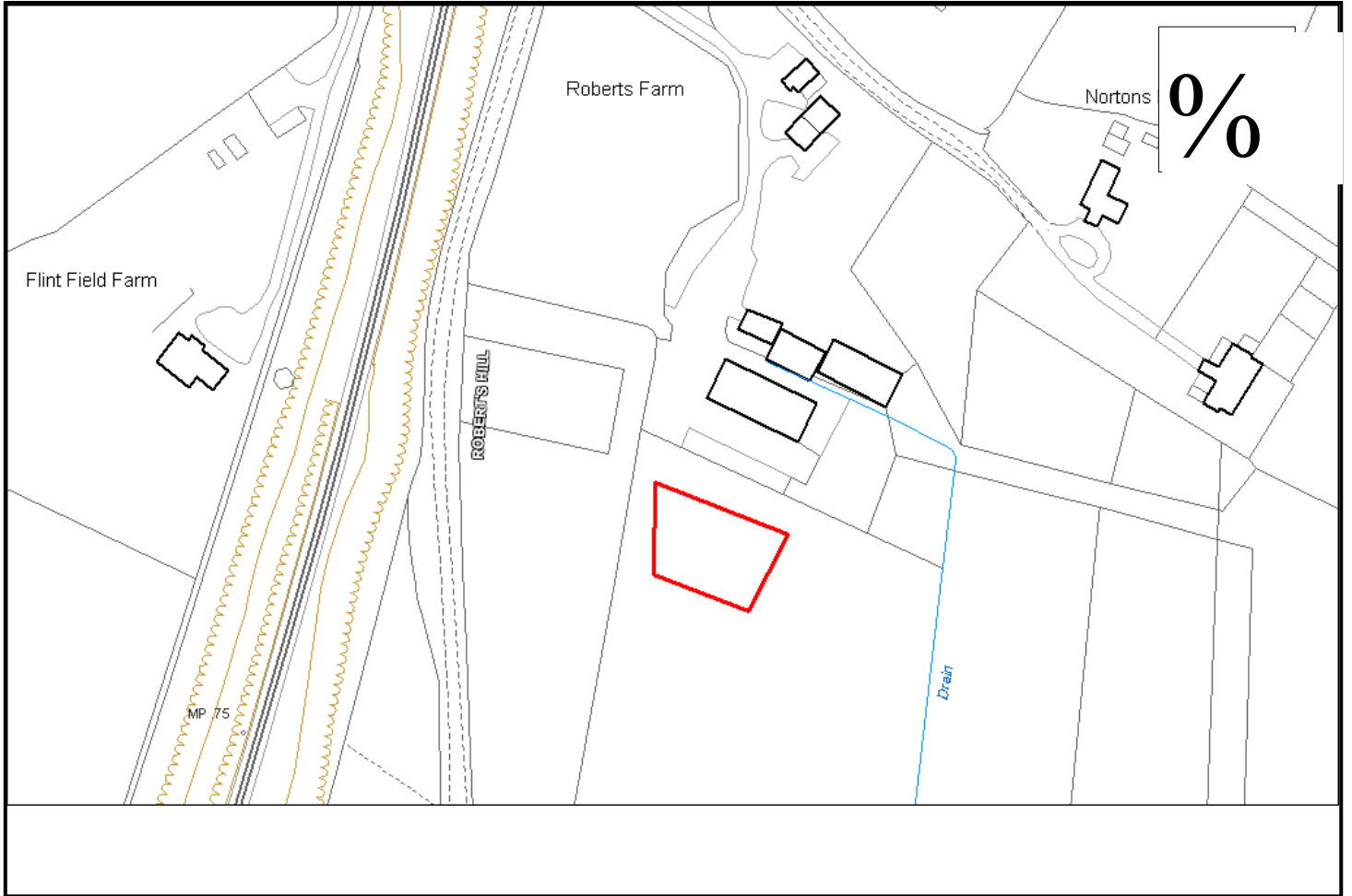
2 – A2.3 (Devel to Accord With Original and Revised Plans)

The development hereby permitted shall be implemented in all respects strictly in accordance with the revised drawing no[s] 490/1 Rev A, dated 26 June 2008, received 27 June 2008, in addition to those originally submitted which are not superseded, drawing nos 490/2.

Reason: The original plans were unsatisfactory because the potential adverse impact upon the longevity of the existing Horse Chestnut tree and the value that this tree contributes to the amenity of the area.

3 – Non Standard Condition

Any conditions as may be recommended by the Arboricultural Officer and which are considered by the Local Planning Authority to be justified and reasonable in order to permit the development.



**Application No:** 060777

**Location:** D J Wilson, Roberts Farm, Fordham Road, Mount Bures, Bures, CO8 5AZ

**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: Simon Osborn**

**MINOR**

**Site:** Roberts Farm, Fordham Road, Mount Bures, Bures, CO8 5AZ

**Application No:** O/COL/06/0740

**Date Received:** 8th May 2006

**Agent:** Mr Brian B Barrow

**Applicant:** Mrs V Woodward

**Development:** Outline application for erection of dwelling.

**Ward:** Great Tey

**Summary of Recommendation:** Conditional Approval

**1.0 Site Description**

1.1 Roberts Farm is an equestrian/stud farm complex, with 40 acres of land, a range of equestrian buildings and also includes a temporary mobile home. The site is situated off Fordham Road in generally open countryside, with a loose scatter of dwellings in the vicinity.

**2.0 Description of Proposal**

2.1 The application has been submitted in outline form for a permanent dwelling, with all matters being reserved. The red line on the submitted documents shows the proposed dwelling located close to the main complex of equestrian buildings. The application as originally submitted sought a dwelling with 180 square metres of floorspace; this has subsequently been reduced to 165 square metres.

2.2 The applicant has submitted financial information in support of the proposal for the years ending 31st August 2004, 2005, 2006 and 2007, on a confidential basis. The Council submitted the information supplied (excluding the 2007 accounts) to an independent consultant for a view on the proposal at the end of last year, and has awaited the submission of the latest accounts (received May 2008) in order to be in a position to make a recommendation on the application.

**3.0 Land Use Allocation**

3.1 Countryside Conservation Area  
Fordham Road is a Protected Lane

**4.0 Relevant Planning History**

4.1 COL/91/0069 granted planning permission in 1991 for 2 caravans for accommodation in connection with farm and erection of 4 livestock buildings.



- 4.2 COL/93/0943 refused planning permission for an agricultural workers dwelling and this was then dismissed on appeal in 1994.
- 4.3 COL/94/0544 granted planning permission in 1994 for continued use of the two caravans for accommodation in connection with the agricultural business.
- 4.4 COL/97/1084 granted planning permission in 1997 for continued use of the 2 caravans, polytunnel and livestock barns.
- 4.5 COL/03/0375 granted planning permission in 2003 for change of use of former free range hens and livestock enterprise to stud farm, including retention of existing buildings and mobile home.
- 4.6 COL/03/1879 granted planning permission in 2003 for erection of loose box accommodation and food storage building.
- 4.7 COL/05/0708 granted temporary planning permission for the retention of pre-fabricated residential unit.
- 4.8 COL/06/0408 refused planning permission in 2006 for an agricultural and equestrian building and a new access track (this application was sited away from the main complex of buildings).
- 4.9 071972 refused a certificate of lawfulness application for a proposed hay barn in 2007.
- 4.10 072160 granted temporary planning permission in October 2007 for retention of a temporary dwelling for a further 2 years.
- 4.11 080311 refused planning permission for a proposed hay barn in April 2008.

## **5.0 Principal Policies**

- 5.1 Adopted Review Colchester Borough Local Plan - 2004  
DC1 - Development Control Considerations  
CO3 - Countryside Conservation Areas  
CO7 - Protected Lanes  
CO13 - Residential Accommodation for Existing Stables

## **6.0 Consultations**

- 6.1 The Highway Authority stated no objection subject to the layout, turning facilities, surfacing materials and visibility at the access being subject of reserved matters
- 6.2 Environmental Control recommended conditions relating to contaminated land investigation and assessment.
- 6.3 The Environment Agency provided guidance notes for the applicant.

## 7.0 Parish Council's Views

### 7.1 Mount Bures Parish Council comment as follows:-

"Mount Bures Parish Council convened a special meeting to consider this application as the application date does not coincide with a regular meeting of the Council which only meets bi-monthly.

There is some confusion over this application as there is already a structure on this site, permission for which is dependant on an outstanding application, F/COL/05/0708, due to be completed on, or before 1 October 2006, and itself dependent on conditions pertaining to application COL/03/0375.

This current application does not make it clear as to whether the application is a straightforward Outline Planning Application or whether it is an application for a building with a restrictive equestrian occupancy condition. If this application is for a simple Outline Planning Consent then this Council does NOT support the application as the property is outside the Village Envelope and as such would not be permitted development.

Roberts Farm has been occupied by the applicant for about three years and was granted permission for a temporary mobile home with a view to a permanent structure subject to a satisfactory trading performance.

The mobile home on the site seems to have been converted to a permanent structure and this application would appear to be for a further house on the same site. If this is the case then Mount Bures Parish Council does NOT support the application as the property is outside the Village Envelope and as such would not be permitted development.

If this application is for a house to replace the existing "permanent mobile home" then the application must be subject to the conditions already extant. The application is supported by some evidence of trading performance and comments on the enterprise by the Agent. The enterprise would seem to be similar to any livestock enterprise and as such Mount Bures Parish Council is not convinced that a case for permanent on-site animal husbandry has been made. This Council is also not convinced that the conditions of having three years good trading and profitability in one of those years has been met either. From the information provided it would seem that the projected income is to be raised from having two stallions, ten breeding mares and associated foals on site with visiting mare also. Research shows an absolute minimum cost of supporting a horse is £2000 per annum with a more likely cost of £4000 per annum for a stud enterprise of this nature. See the British Horse Society's web pages.

Even working to the absolute minimum, figure of £2000 per annum per animal it is clear that the costs of maintaining the twelve animals, plus foals, plus visiting mares must far exceed the figures stated in the application.

Mount Bures Parish Council would therefore require sight of three years audited accounts for this enterprise, or a full report from a suitably qualified and experienced agricultural/equestrian consultant to establish the viability of this enterprise at Roberts Farm, as the initial application was granted subject to this condition (as per PPS 7). From the information provided it would seem that the enterprise at Roberts Farm is more akin to a hobby than to a serious commercial enterprise.

If permission was given, would its access on to the highway result in added problems, being a designated/protected lane?"

## **8.0 Representations**

- 8.1 Letters were received from the neighbours at Oldcastle and Nortons Farm, which raised the following points:
1. Outside the village envelope and should avoid altering the rural nature of the landscape.
  2. Finances do not support the scale of the proposal.
  3. Proposed dwelling will reduce the area available for paddock.
  4. Appears to result in the creation of two separate dwellings (the temporary dwelling and the proposed permanent dwelling).
  5. If planning permission is granted, the existing temporary dwelling should be returned to office use only.

## **9.0 Report**

### Planning Policy

- 9.1 Policy CO13 of the Local Plan states that planning permission will be granted for residential accommodation associated with existing equestrian establishments provided that it is adjacent to the existing stables; the accommodation can be provided from income associated with the business; there being no adverse impact on the character of the surrounding countryside; and, a standard occupancy condition being imposed.

### Planning History

- 9.2 A series of temporary planning permissions were granted in the 1990s for a mobile home in connection with an agricultural business. The land changed hands in November 2002 and in 2003 planning permission was granted to the current applicant (Mrs Woodward) for the retention, again on a temporary basis, of the mobile home in connection with a stud farm. At that time the holding amounted to 14 acres and a Business Plan was put forward in support of the proposal, which was assessed for the Council by an independent consultant. That assessment concluded there was a functional need for a dwelling associated with the business enterprise and a reasonable prospect of it becoming financially sound.
- 9.3 Since then a new purpose built stable block containing ten foaling stables has been erected in accordance with planning permission F/COL/03/1879 granted in September 2003.

## Assessment

- 9.4 The current holding within the applicant's ownership extends to 40 acres. The enterprise at Roberts Farm has four principal sources of income; the production of home bred foals from brood mares kept on the farm, the purchase of mares and selling-on as in-foal mares, stud fees from the stallion kept on the farm and livery income from mares visiting the stallion. Financial information was supplied on a confidential basis by the agents in support of the application for the years ending 31st August 2004, 2005 and 2006. This was considered by an independent consultant for the Council in November 2007, who also visited the holding. At the time of the consultant's visit, there were 7 brood mares all in foal for 2008; 1 stallion; 3 in-foal brood mares kept on long-term livery arrangements; 3 two-year olds; 2 colts ready for sale; 1 yearling sold and awaiting collection; and 5 foals remaining from 2007, of which 2 were sold and awaiting collection.
- 9.5 The independent consultant found that the horses on the holding were representative of the breeding and sales programme outlined in the agent's submission. The business had made significant strides since 2003; and there had been capital investment in the purchase of additional land, the construction and completion of a new building, and the completion of post and rail fencing. There remained a functional need for at least 1 full-time worker to be present on the site.
- 9.6 The accounts (ending 31st August 2004, 2005 and 2006) demonstrate that the business has been established for 3 years, has been profitable for at least one of these years and is currently financially sound; indeed the original budget projections when the business was established have been exceeded. However, to the extent that the future prospects of the business may be gauged by a greater understanding of existing performance, the consultant suggested that the accounts for the financial year ending 31st August 2007 were also made available to the Council. The accountant's report for this period was received by the Council in May 2008; this confirms a trend of rising profitability.
- 9.7 With regard to the proposed size of the dwelling, the Council's consultant noted that only two Local Authorities in Essex specify a maximum size of dwelling (Epping 150 sqm, Brentwood 167 sqm or 204 sqm if the proposal incorporated additional permitted development rights). The proposed dwelling size for Roberts Farm is 165 sqm and the Council's consultant considered this not to be unreasonable, particularly if the special circumstances of the applicant's disabled daughter were taken into account.
- 9.8 There is an existing mobile home on this site and temporary consent was granted recently for a further two-year period. The annex to PPS7 cautions against successive renewals of temporary consents and on the basis of the information presented and the report of the Council's independent consultant, it is recommended that outline planning permission for a permanent dwelling be granted.

## 10.0 Conclusion

10.1 The application site is in the countryside, where planning permission would not normally be granted for a new dwelling. The Local Plan does make exceptions to this in the case of a dwelling required by an agricultural or equestrian worker, where there presence is required on site and the application has demonstrated that the dwelling can be constructed using business income only. The application has demonstrated that the business has made significant strides since become established in terms of increasing the land ownership, capital investment in buildings and profitability from the breeding of horses. It is considered that the proposal has met the requirements of Policy H13, but it will be necessary to tie the occupancy of the dwelling and to remove the temporary dwelling use upon first occupation of the permanent dwelling.

## 11.0 Background Papers

11.1 ARC; HA; HH; NR; PTC; NLR

### Recommendation - Conditional Approval

#### Conditions

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

Approval of the details of the layout, scale, appearance, access 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, the means of access to the site 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 - Non-Standard Condition

The details to be submitted with the reserved matters shall ensure that the overall floorspace of the new dwelling does not exceed 165 square metres.

Reason: To ensure that the size of the dwelling is appropriate to the needs of the business and to help protect the amenities of the countryside.

#### 6 - A7.4 Removal of ALL Perm Devel Rights (residential)

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 development within Classes A to E of Part 1 of Schedule 2 of the Order (any extension, outbuilding, garage or enclosure) shall take place without the prior written permission of the Local Planning Authority.

Reason: To ensure that the size of the dwelling is appropriate to the needs of the business and to help protect the amenities of the countryside.

#### 7 - Non-Standard Condition

The occupation of the dwelling hereby permitted shall be limited to a person solely or mainly working, or last working at Roberts Stud Farm, and to any resident dependents.

Reason: The site lies in a rural area where residential development would not normally be permitted except in association with the use of the farm for horse breeding.

#### 8 - Non-Standard Condition

The temporary dwelling granted planning permission under application 072160 shall be removed from the site in accordance with details previously agreed in writing with the Local Planning Authority within one month of the first occupation of the dwelling hereby permitted or, before 31 October 2009, whichever is the earlier.

Reason: The site lies within a rural area and it would not be appropriate to have more than one dwelling on the site.

#### 9 - Non-Standard Condition

The details to be submitted with the reserved matters shall include proposed on-site turning facilities for vehicles associated with the new dwelling and proposed surfacing materials and visibility details at the junction of the site access with the highway.

Reason: In the interests of highway safety.

#### 10 - 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.

#### 11 - 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.

#### 12 - 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.

#### 13 - 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 10, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 11, 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 12.

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

#### 14 - Non-Standard Condition

Prior to occupation of any property hereby permitted and the provision of any services the use hereby permitted commencing, the developer shall submit to the Local Planning Authority a signed certificate to confirm that the remediation works have been completed in accordance with the documents and plans detailed in Condition 11 above.

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.

## **Informatives**

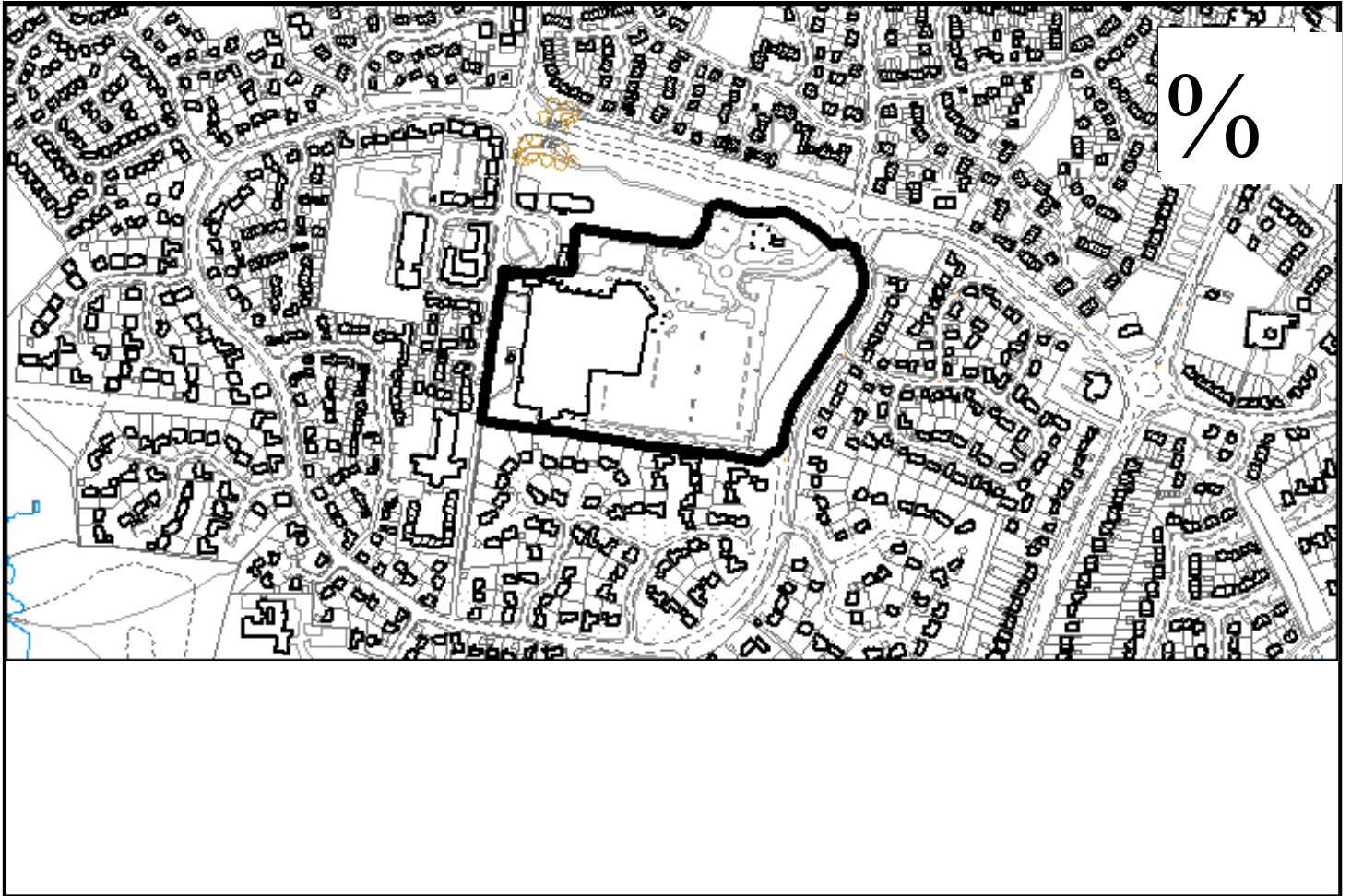
### **Non-Standard Informative**

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 comments of the Environment Agency are copied and attached for information purposes.





**Application No:** 071025

**Location:** Tesco Stores Ltd, Highwoods Square, Colchester, CO4 9ED

**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 10023706 2006

**7.9 Case Officer: John Davies**

**MINOR**

**Site:** Tesco Stores Ltd, Highwoods Square, Colchester, CO4 9ED

**Application No:** 071025

**Date Received:** 30th March 2007

**Agent:** Woods Hardwick

**Applicant:** Mr Richard Seward

**Development:** New non food bulk store extension and canopy extension to be used for Tesco home delivery service

**Ward:** Highwoods

**Summary of Recommendation:** Conditional Approval

## **1.0 Site Description**

1.1 This application relates to the Tesco superstore in Highwoods and specifically the home delivery service which is located to the rear of the store at the south-west corner of the site. The existing home delivery service has been operating for around 5 years and comprises a loading/unloading bay with capacity for 4 vans situated just inside the gates to the service yard and facing the southern boundary fence. The home delivery vehicles share the use of the main store delivery yard and service road which runs along the southern boundary of the site and backs onto the rear gardens of properties in Pinecroft Gardens and Langham Place.

## **2.0 Description of Proposal**

2.1 The proposals are for an expansion of the home delivery service by an increase in the number of dedicated loading area from 4 to 8 bays. Associated works include an extension to the non food bulk store extension into the car park area which will involve relocation of the entrance gates into the service yard and an extension of the 4m high acoustic fence further along the service road.

2.2 Since the application was first submitted there has been a long dialogue with the applicants over the possible environmental impacts of the expansion given that the present use has given rise to complaints about noise. Such impacts have to be carefully considered as the home delivery service operates within a larger service yard where there are existing activities relating to unloading of store deliveries, refuse removal, goods storage and movement that are taking place and also contributing to the noise climate. In response to existing concerns about noise from the home delivery service the applicants have provided an Acoustic Report and Noise Management Plan prepared by Sharps Redmore. The main elements of the report are:

- There are 4 bays in use and 11 vans. The proposals would increase the number of vans over the next 5 years to 20 no. vans
- The facility operates between 7am -11pm on Monday to Saturday and 7am to 5pm on Sundays and Bank Holidays.
- The purpose of the noise assessment was to identify physical and administrative measures aimed at mitigating noise which would be incorporated into a Noise Management Plan
- Observations of the home delivery service showed that in addition to loading/unloading in the dedicated bays, vans were parked in the service road adjacent the fence and were loaded/unloaded using trolleys causing noise on the road surface. In addition, as these vehicles were unable to hook up to electric power provided for vehicles in the loading bays to maintain the onboard refrigeration, these vehicle kept their engines running to power the chillers directly.
- Proposed Noise Management Plan to deal with above issues.

These measures are considered later in the report.

### **3.0 Land Use Allocation**

3.1 Residential  
Local Shopping

### **4.0 Relevant Planning History**

4.1 F/COL/03/1900- erection of internet loading area and additional storage area.  
Approved 28 May 2004

4.2 F/COL/04/1565- extend loading bay and create new lay by parking for home shopping vehicles and extension to acoustic timber fencing - Approved 2 December 2004

### **5.0 Principal Policies**

5.1 Adopted Review Colchester Local Plan:  
DC1- Development Control considerations  
P1-Pollution  
P2-Light Pollution  
TCS1- New retail development  
TCS3- Major Food stores

## **6.0 Consultations**

6.1 Environmental Control support application subject to the recommended noise management in the acoustic report.

## **7.0 Representations**

7.1 In response to notifications to neighbours when the the application was submitted 4 letter replies were received from residents in Pinecroft gardens and Langham Place. The points raised are summarised below:

- Service yard is used 24 hour basis and concerns over more delivery vehicles and engines being run whilst waiting to enter service yard
- Does home delivery service actually reduce trips- any evidence from Tesco?
- There are existing problems over external lighting in loading bays that need to be resolved - request that lighting is shielded
- More vans will mean more revving of engines, beeping of horns and crashing noise as they are loaded.

## **8.0 Report**

8.1 The main issues to consider are firstly the likely sustainability benefits of an expansion of the home delivery service with regard to a reduction in shopper visits by car to the store. This can be quantified to a certain degree in that each van makes 4 deliveries on average per day and each delivery is to a minimum of 8 customers. Each van every day is therefore potentially saving up to 32 car trips or 352 trips over the whole fleet of 11 vans.

8.2 However, these shopping trip benefits need to be considered against possible impacts of the expansion on the residential amenity of neighbours. The existing home delivery service has generated complaints about noise impacts from neighbours and the potential to exacerbate such problems cannot be ignored. Officers have therefore looked to the applicants to come up with measures to deal with the existing operation of the home delivery service as part of the planned expansion.

8.3 The submitted Noise Management Plan, referred to earlier in the report proposes the following physical measures to deal with noise and disturbance.

- Extension of canopy over loading bay and formation of pelmet to provide additional acoustic screen and enclosure to lights within bay area.
- Electric power hook ups for all loading bays
- Surface finishes of loading dock to be finished in smooth powder-float concrete to minimise rolling noise
- Make good and extend existing acoustic fence on boundary with residential gardens.
- Removal of raised kerb/hardstand opposite docking bay to provide level surface for manoeuvring of home delivery vans.

- 8.4 In addition to these the Plan proposes various administrative measures as follows:
- Loading and unloading only to take place at purpose built bays beneath the extended canopy
  - Drivers to make use of electric hook ups to chill food and not leave engines running unless in case of power failure.
  - Hours for any loading/unloading to be restricted to between 7am to 11pm only
  - Drivers to be made aware of sensitivity of noise generation to surrounding residents and act considerately.
- 8.5 Officers are in principle supportive of the home delivery service and its proposed expansion is indicative of its success and the role it is playing in reducing car based visits to the store. It is evident that its current operation is in excess of the capacity of the loading bays leading to the problems indicated in the Noise report due to vans being loaded outside of the bay area. The proposals would resolve this by providing more bays and a commitment to stop this practice as well as the running of engines to keep food refrigerated. The current situation should therefore improve with the implementation of these measures. The restricted hours of operation of the service as proposed can be enforced by condition. Members should note that there were no hours of use restrictions on the original permission.
- 8.6 The proposals include screening to deal with lighting associated with the delivery bays. This is in the form of a downstand pelmet at the front of the canopy with a drop of 800mm to screen the lighting.
- 8.7 Officers recommend that planning permission is granted for this development, on the basis of the implementation of all the measures in the Noise Report, the majority of which would be covered by planning conditions. These conditions are enforceable and Environmental Health retain powers under Environmental protection legislation to act against noise and disturbance deemed to be a statutory nuisance.

## 9.0 Background Papers

9.1 ARC; HH; NLR

### Recommendation - Conditional Approval

#### Conditions

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

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

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

2 - Non-Standard Condition

The hours of use of the home delivery loading bay for the purposes of loading and unloading home delivery vehicles shall be limited to between the hours of 7am and 11pm on Mondays to Saturdays and between 7am and 5pm on Sundays and Bank Holidays.

Reason: To protect the amenities of adjoining residents.

### 3 - Non-Standard Condition

Prior to the commencement of use of the enlarged loading bay facility the approved downstand pelmet shall be installed as shown on the approved drawing 15889-006Rev A and it shall thereafter be maintained in perpetuity.

Reason: In order to screen external lighting within the loading bay area and prevent glare and light pollution to neighbouring properties.

### 4 - Non-Standard Condition

Prior to the commencement of use of the enlarged loading bay facility the acoustic fence shall be extended along the access road as indicated on the approved drawings and any damaged or worn existing fence shall be repaired and renewed. Both the existing and new acoustic fencing shall be maintained in good condition.

Reason: To safeguard the amenities of nearby residential properties.

### 5 - Non-Standard Condition

Home delivery vehicles parked in the service yard shall switch off their engines unless the electric hook-up supply to maintain refrigeration has malfunctioned.

Reason: To safeguard the amenities of nearby residential properties.

### 6 - Non-Standard Condition

Loading and unloading of the home delivery vehicles shall only take place in the designated loading bay areas.

Reason: In order to restrict loading activities to within the loading bay areas in the interests of safeguarding the amenities of neighbours.

### 7 - B3.3 Light Pollution

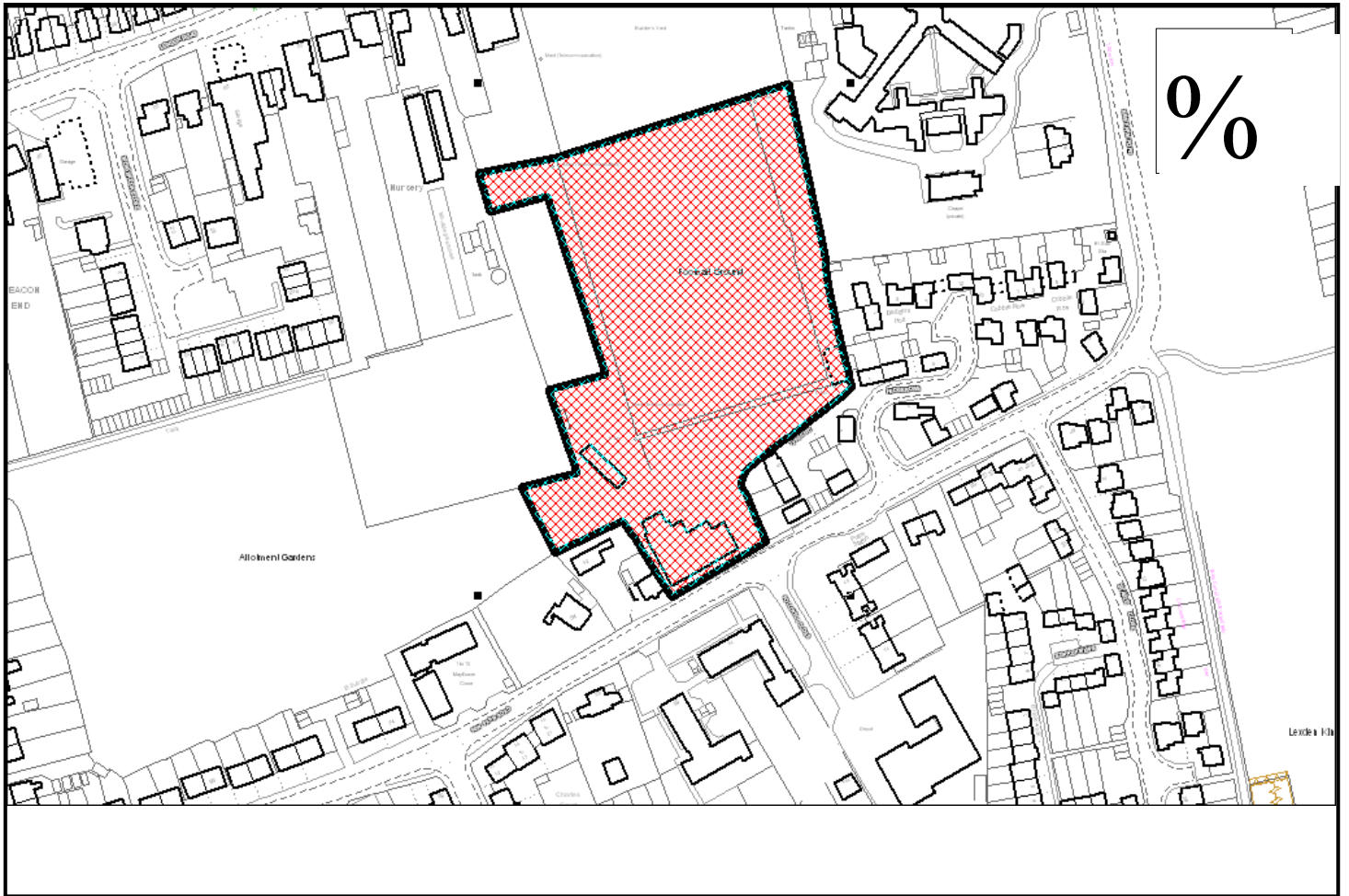
No external lighting fixtures for any purpose shall be constructed or installed until details of all external lighting proposals have been submitted to and approved by the Local Planning Authority; and no lighting shall be constructed or installed other than in accordance with those approved details.

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

## **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:** 080942

**Location:** Stanway Rovers Football Club, Stanway Rovers Football Club, New Farm Road, Stanway, Colchester, CO3

**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: Mark Russell**

**EXPIRY DATE: 15/07/2008**

**OTHER**

**Site:** Stanway Rovers Football Club, New Farm Road, Stanway, Colchester

**Application No:** 080942

**Date Received:** 19th May 2008

**Agent:** Mr Peter Cracknell

**Applicant:** Stanway Rovers Football Club

**Development:** Continued use of floodlights for training and organised football matches at existing football and sports ground. Revision of conditions.

**Ward:** Stanway

**Summary of Recommendation:** Conditional Approval

## **1.0 Site Description**

1.1 The site comprises the pitch and stadium of Stanway Rovers Football Club, on the northern side of New Farm Road, Stanway. This is a predominantly residential area, with the listed St. Albrights building and the Collier and Catchpole builders' merchants to the north and east.

## **2.0 Description of Proposal**

2.1 The proposal is for permanent planning permission for use of the floodlights at the football ground. Hours of use of these are currently restricted, and it is not proposed to change this.

## **3.0 Land Use Allocation**

3.1 Open Space

## **4.0 Relevant Planning History**

4.1 85/1766 - Floodlights for training and organised matches on existing football club. Approved 3rd March 1986;

4.2 91/0765 - Floodlights for training and organised matches for existing sports and football ground. Temporary Approval 16th September 1991;

4.3 92/0197 - Floodlights for training and organised matches for existing sports and football ground. Temporary Approval 27th April 1992;

4.4 95/0736 - Proposed 4 no. floodlights. Temporary Approval 3rd August 1995;



- 4.5 98/0330 - Retention of floodlights. Variation of Condition 03 of permission. Temporary Approval 18th June 1998;
- 4.6 F/COL/00/1006 - Construction of 2 no hard play areas with perimeter fencing and floodlight. Approved (with temporary condition) 19<sup>th</sup> September 2000;
- 4.7 F/COL/01/1522 - Variation of condition 04 of permission F/COL/00/1006 to permit extension of hours for a further 12 months until 30<sup>th</sup> September 2002. Approval (with temporary condition) 26th November 2001;
- 4.8 F/COL/02/1739 - Floodlit sports area variation of condition 04 of planning permission F/COL/00/1006 (hours of use) and condition 01 of F/COL/01/1522 (temporary consent). Approved 12th December 2002;
- 4.9 F/COL/03/0627 - Retention of floodlights for training and organised matches for existing sports and football ground. Temporary Approval 12th June 2003.

## **5.0 Principal Policies**

- 5.1 Adopted Review Colchester Local Plan:  
DC1- Development Control considerations  
UEA11 - Design  
P1 - Pollution  
P2 - Light Pollution

## **6.0 Consultations**

- 6.1 Environmental Control recommended keeping the hours of use conditions in place, and stated that new legislative powers to deal with light pollution could be used if the development did prove to be a nuisance.

## **7.0 Parish Council's Views**

- 7.1 Stanway Parish Council raised no objection to the application.

## **8.0 Representations**

- 8.1 Two objections were received from nearby residential properties. Both stated that they were unaware that the lights existed on a temporary basis, and both objected on the grounds of ongoing light nuisance.

## **9.0 Report**

- 9.1 The application before Members seeks to make permanent the permission granted in 2003, namely: "Retention of floodlights for training and organised matches for existing sports and football ground." Specifically it is proposed to amend the following two conditions:

- 02. "The permission hereby granted is limited to a period terminating on 12 June 2008 and the floodlights hereby permitted shall be removed and the land reinstated to a tidy condition on or before the expiration of the period specified in this permission."

04. "Notwithstanding the terms of Condition Nos. 2 and 3 above, the permission hereby granted shall also allow on the only night of the week specified in Condition 3 for a football game, for the hours of use of the floodlights to be extended from 6.30pm to 9.45pm or until the end of extra time and penalties in a Cup game, for a period terminating on 12 June 2004."

9.2 It is the applicant's desire merely to make permanent the temporary nature of this permission, rather than looking for any relaxation in terms of days or hours of use. Effectively this will mean a removal of condition 02 of F/COL/03/0627, whilst condition 04 of that permission will need to be modified so that the last few words "...for a period terminating on 12 June 2004." are removed.

9.3 Whilst the concerns of nearby neighbours are noted, light pollution is now covered by Environmental Control's legislation, and if a nuisance is found the applicant can be asked to redirect, reduce, or even turn off the cause of the nuisance. For the record, the relevant permission (F/COL/03/0627) also contains the following condition: "The angle of the lights and amount of illumination from the lights shall be inspected and maintained to minimise the spread of light outside the site to the satisfaction of the Council before and after the commencement of each and every football season in accordance with a schedule to be agreed in writing with the Local Planning Authority within two calendar months of the date of this permission."

## **10.0 Conclusion**

10.1 In conclusion, the proposal is deemed acceptable, provided other conditions from permission F/COL/03/0627 are maintained.

## **11.0 Background Papers**

11.1 ARC; HH; PTC; NLR

## **Recommendation - Conditional Approval**

### **Conditions**

#### **1 - Non-Standard Condition**

Notwithstanding the terms of other condition within this permission, the permission hereby granted shall also allow on the only night of the week specified in Condition 3 of F/COL/03/0627 for a football game, for the hours of use of the floodlights to be extended from 6.30pm to 9.45pm or until the end of extra time and penalties in a Cup game.

Reason: In the interests of residential amenity.

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

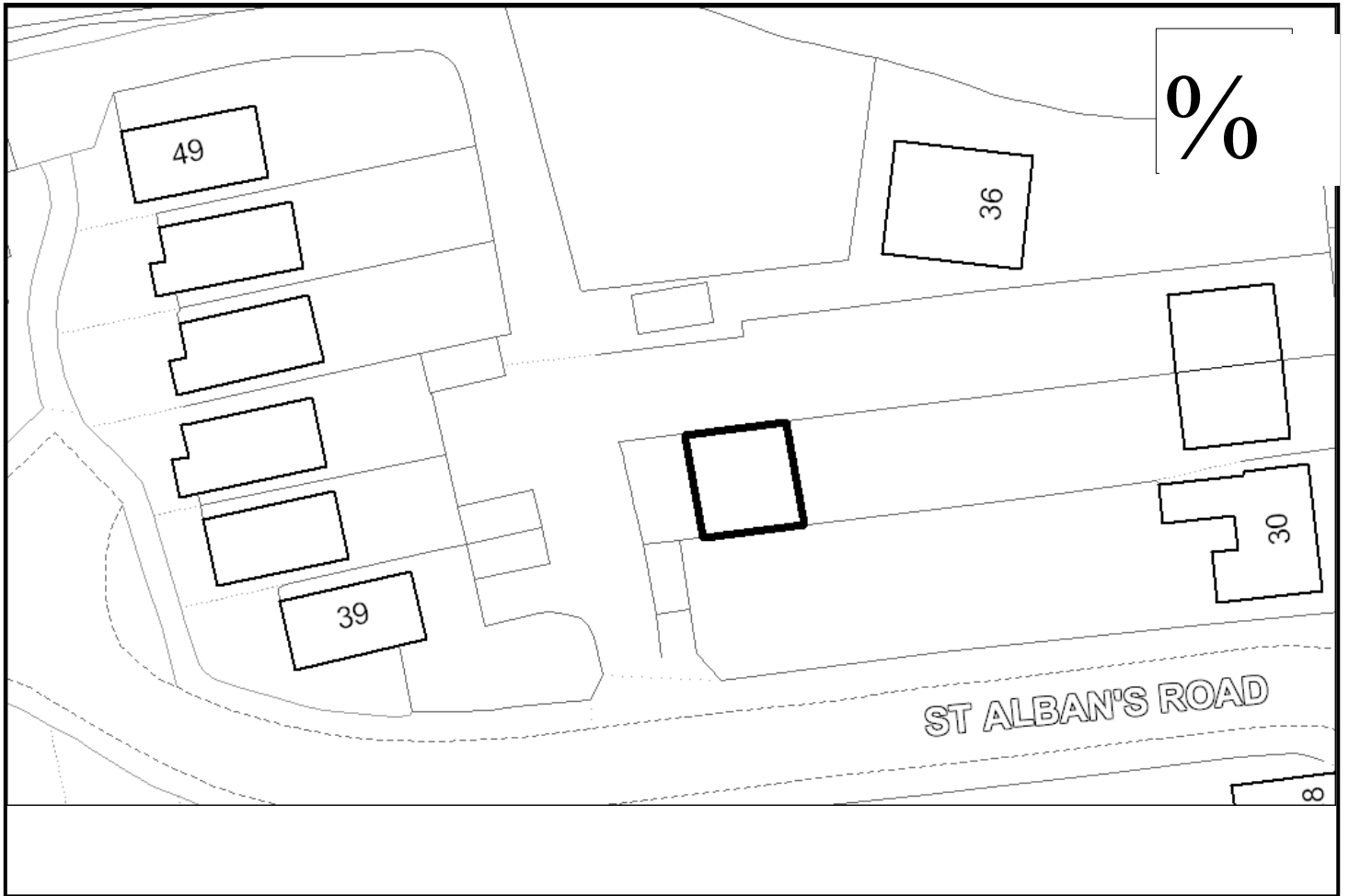
All conditions attached to the grant of planning permission F/COL/03/0627 except Conditions 02 and 04 shall remain extant.

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

## Informatives

### Non-Standard Informative

1. For your information, the relevant conditions to permission F/COL/03/0627 are hereby listed:
  - 1) *The floodlights shall be used for training and organised matches of Stanway Rovers Football Club only;*
  - 2) *Removed, as detailed above;*
  - 3) *The floodlights shall not be used except on Saturdays and shall be switched off before 6pm or immediately it is considered safe after a football match, whichever is the earlier.*  
*Notwithstanding the above the floodlights may be used:-*
    - (i) *on two nights per week between the hours of 7pm and 9pm with no more than two floodlit columns used to illuminate training sessions and, in addition*
    - (ii) *on not more than one night per week between the hours of 7pm and 9.45pm for a football game provided that at all times the floodlights are only used to illuminate a football game or training session;*
  - 4) *Amended, as above;*
  - 5) *The angle of the lights and amount of illumination from the lights shall be inspected and maintained to minimise the spread of light outside the site to the satisfaction of the Council before and after the commencement of each and every football season in accordance with a schedule to be agreed in writing with the Local Planning Authority within two calendar months of the date of this permission.*



**Application No:** 081015

**Location:** Land to rear of, 32 St. Albans Road, Colchester, CO3 3JQ

**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: Simon Osborn**

**EXPIRY DATE: 18/07/2008**

**OTHER**

**Site:** 32 St. Albans Road, Colchester, CO3 3JQ

**Application No:** 081015

**Date Received:** 22nd May 2008

**Agent:** Edward Gittins & Associates

**Applicant:** Mr & Mrs J Palmer

**Development:** Change of use from domestic use to provision of 3 car parking spaces for use by owners and tenants of 32 St Albans Road only.

**Ward:** Castle

**Summary of Recommendation:** Conditional Approval

## **1.0 Site Description**

1.1 The application site comprises an area of hard-surfacing within the curtilage of 32 St Albans Road, a domestic property within a predominantly residential area. The hard-surfacing is situated at the rear of this property and access from St Albans Road is achieved from a private drive, which serves the rear parking for a handful of properties within the near vicinity.

## **2.0 Description of Proposal**

2.1 The application proposes change of use of the area of hard-surfacing to allow 3 cars to park, for use by the owners and tenants of 32 St Albans Road. It is understood that the owners of the property do not live there but work in Colchester and use this space for parking purposes connected with their business.

2.2 The Design and Access Statement states that the application relates to the use of an area 6 metres in depth and 7 metres wide, although the total area of hard-surfacing measures 7.2 metres in width and 10.4 metres in depth.

## **3.0 Land Use Allocation**

3.1 Residential

## **4.0 Relevant Planning History**

4.1 None

## **5.0 Principal Policies**

- 5.1 Adopted Review Colchester Borough Local Plan - 2004  
DC1 - Development Control Considerations  
P1 - Pollution

## **6.0 Consultations**

- 6.1 The Highway Authority recommended refusal of the application for the reasons that:
- (i) the proposal does not comply with the Essex Planning Officers Association vehicle parking standards of 1.5 spaces per dwelling;
  - (ii) the Essex Design Guide states a parking space should be a minimum size of 4.8m x 2.4m and where the plot is between structures an extra metre should be added to the length and an extra 0.5m to the width to cater for pedestrian movements. This means 3 spaces is unachievable on the plot of ground (quoted as 6 x 7m) and will lead to inappropriate parking and turning movements on the highway.

## **7.0 Representations**

- 7.1 One letter received from 43 St Albans Road stating that ratepayers do not want rented properties turned into business car parks and all of affected residents have expressed concern.

## **8.0 Report**

- 8.1 The use of an area of hard-surfacing within the curtilage of a dwelling for purposes not associated directly the use of the dwelling, such as for business parking purposes, is a change of use that requires planning permission. The hard-surfaced area in this instance is at the rear of the property and is in close proximity to a number of garages/other areas of hard-surfacing, which are positioned off a private drive at the rear of nos. 30-36 (evens) and 39-49 (odds) St Albans Road.
- 6.2 It is understood that the owners of the property, who live elsewhere in the district but work in the town centre, originally intended to permit their employees to park here for business purposes. This could have meant up to 6 cars being parked in tandem fashion and it is appreciated that this could have led to an appreciable level of disturbance for neighbouring properties, resulting from the intensity of use and the likely number of reversing movements.
- 6.3 The proposal as submitted, however, would allow a maximum of 3 cars to be parked, 1 for the tenants of the property, and 2 for the owners of the property, for business purposes. It is considered that a total of 3 parking spaces should not result in an unreasonable level of disturbance for neighbouring property given that other properties also have garages and/or hard-surfaced parking areas in the near vicinity of this site. The tenants may of course require an extra visitor space, but this should only be on an occasional basis.

6.4 It is appreciated that the site dimensions within the Design and Access Statement would have resulted in some confusion for the Highway Authority. Nonetheless its recommendation of refusal appears disproportionate to the circumstances of the application.

## **7.0 Conclusion**

7.1 Whilst, it is unusual to provide for business parking within a residential curtilage, the proposal to use the area of hard-surfacing by the owners of the property for two cars in connection with their business, (in addition to one parking space for the tenants) does not appear unreasonable within this location. The application is recommended for approval on this basis. In permission is granted, the level of use (3 cars) can fairly easily be monitored, if necessary.

## **8.0 Background Papers**

8.1 ARC; HA; 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

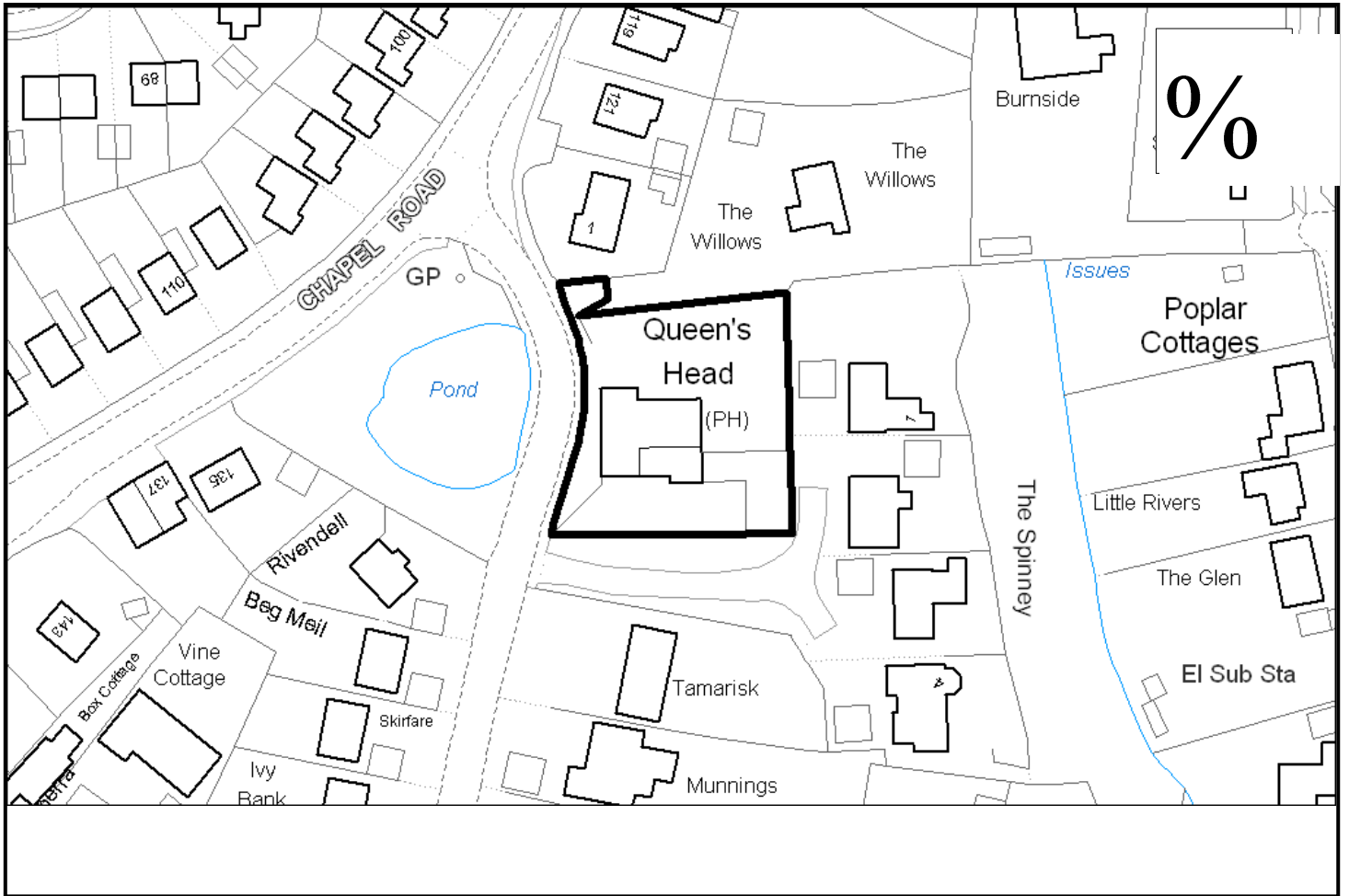
The permission hereby granted shall allow a maximum of 3 cars to be parked within the site, of which no more than 2 spaces shall be for the use of the owners of the property, in connection with their business.

Reason: For the avoidance of doubt and in the interest of local residential 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:** 081081

**Location:** Queens Head Indian Restaurant and Takeaway, Queen's Road, West Bergholt, Colchester, CO6 3HE

**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



**7.12 Case Officer: John Davies**

**EXPIRY DATE: 30/07/2008**

**OTHER**

**Site:** Queen's Road, West Bergholt, Colchester, CO6 3HE

**Application No:** 081081

**Date Received:** 3rd June 2008

**Agent:** Richard Young

**Applicant:** Mr J McGivern

**Development:** Construction of false chimney to house kitchen extraction fan.

**Ward:** W. Bergholt & Eight Ash Green

**Summary of Recommendation:** Conditional Approval

## **1.0 Site Description**

- 1.1 The Queens Head is a public house situated in Queens Road in front of a pond and green within the village of West Bergholt. The property has a large car park to the side and rear. The property is used as a public house together with an Indian restaurant. The latter is located on the first floor.
- 1.2 There is an existing metal extract flue on the side elevation which serves the restaurant and which has been the subject of Planning enforcement action and an abatement notice served by Environmental Health.

## **2.0 Proposal**

- 2.1 The application is for the installation of a kitchen extract flue encased in a false chimney at roof level, which would be a replacement for the existing extract flue on the side of the building.

## **3.0 Land Use Allocation**

- 3.1 Village Envelope

## **4.0 Relevant Planning History**

- 4.1 In 2007 authorisation was secured for enforcement action against two metal flues on the building. One to the rear was serving a kitchen cooking Chinese food for consumption on the premises/take-away and the other was in respect of the extract duct to the side of the building serving an Indian restaurant on the first floor. The Notice required the removal of the rear duct and painting of the side duct in a matt black colour to improve its appearance. These Notices have been complied with.
- 4.2 072914 - Replacement extractor fan - Refused 20 March 2008

## **5.0 Principal Policies**

- 5.1 Adopted Review Colchester Borough Local Plan-March 2004  
DC1- Development Control considerations  
P1- Pollution  
UEA11- Design

## **6.0 Consultations**

- 6.1 Environmental Health express support for the proposals subject to two points. Firstly, that the use of odour neutraliser is only as a secondary precaution and use of carbon filters should be the main agent. Also require a maintenance contract to ensure that the system is properly maintained in an efficient manner.

## **7.0 Parish Council's Views**

- 7.1 Any comments to be reported

## **8.0 Representations**

- 8.1 Two responses have been received from neighbours. These are summarised below:
- Pleased to see positive action being taken but concerned over timescale and want to know when works carried out and operational
  - Needs to be agreement on an auditable maintenance schedule to ensure equipment operates properly and no further nuisance caused
  - Trust Officers to ascertain that this equipment will deal with smell problems
  - Seek confirmation that the approval of this equipment won't lead to another extract duct serving an additional restaurant kitchen in the premises?

## **9.0 Report**

- 9.1 This application seeks to finally resolve problems associated with the operation of the remaining extract duct on the side of the building. The equipment does not adequately deal with cooking odours and has resulted in on-going complaints from neighbours. The submitted DAS refers to problems with the existing duct being due to the installation of an under-powered motor due to complaints about noise, insufficient height to disperse fumes and inadequate maintenance of filters. This has led to the serving of an Abatement Notice on the owners by Environmental Health. Earlier in the year the owner submitted a proposal for a replacement duct on the side of the building, which was larger than the existing equipment. Planning permission was refused on grounds of its over-large appearance and lack of sufficient evidence that it would satisfactorily deal with odour problems. The applicants have since been exploring the potential to direct cooking fumes up into the roof of the building with a terminal at roof level in the form of a dummy traditional chimney.

- 9.2 The proposals are therefore for a false chimney on the roof to contain the kitchen extract duct. The proposed chimney would be located close to the ridge line on the rear roof slope of the main front range of the building. It would be 2.2 metres high overall and 1 metre above ridge level with a square plan section of 900mm x 900mm. It would rise no higher than the highest of the existing chimneys on the roof which is about 1.5 metres further back on the roof. The chimney would have a brick finish made up of applied matching brick slips with details of its construction and finish to be agreed by condition.
- 9.3 With regard to noise impact the applicants propose that noise associated with the fan motor would be satisfactorily attenuated by a silencer in the system and by its enclosure within the building itself. In addition, there is reasonable separation between the building and the nearest residential boundaries across the car park.
- 9.4 With regard to odours, it is proposed that smells would be dealt with by activated carbon filters and an odour neutraliser system branded as Purified Air. The latter system uses specially mixed fragrances to counteract a specific odour such as spices used in Indian cooking and dependant on the level of activity either a faint cooking odour or faint neutralising chemical would be detected at point of discharge. The applicant's also commit to the provision of a maintenance contract with the manufacturer and installer of the system to ensure that the filters are changed at the required intervals. The Environmental Control Officer has reservations over the odour neutralising system and recommends it only be used as a secondary system with the main means of dealing with odours being carbon filters. Further advice on this matter, following discussions with the applicants, will be presented to Members prior to the meeting.
- 9.5 Officers are not aware of any proposals to open another kitchen in the building to utilise the new flue, but will clarify this question at Committee.

## **10.0 Conclusions**

- 10.1 The proposals definitely represent a satisfactory solution in terms of visual amenity. The removal of the existing duct on the side of the building is to be welcomed and the addition of the 'dummy' chimney would not be unduly prominent so long as it is successfully blended into the roofscape. With regard to noise and smells it is considered that the location of the equipment internally and terminating at roof level should have a major effect in reducing their effects. Much will depend on the efficiency and effectiveness of the proposed odour control systems. Conditions are proposed requiring the works to be carried out within an agreed timescale and for the existing duct to be removed.

## **11.0 Background Papers**

- 11.1 ARC; HH; NLR

## **Recommendation - Conditional Approval**

### **Conditions**

#### **1 - Non-Standard Condition**

The works hereby approved shall be carried out within 2 months of the date of this permission.

Reason: In order to safeguard the amenity of neighbours with respect to impact from cooking odours and noise.

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

Details of the external construction, colour and finish of the dummy chimney shall be submitted to and approved by the Local Planning Authority prior to works commencing on site. The chimney shall be installed as approved.

Reason: To ensure that the development [harmonises with/does not detract from] the appearance of the existing building and the character of the area.

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

Prior to first use of the kitchen extract system hereby approved details of a maintenance contract for the regular renewal and servicing of the equipment including scheduled dates for changing filters and other renewable parts, shall be submitted to and approved in writing by the Local Planning Authority. The equipment shall thereafter be operated in accordance with the agreed submitted contract.

Reason: In order to ensure that satisfactory maintenance arrangements are in place to ensure that the approved kitchen extract equipment is properly serviced and maintained in order to control noise and odour associated with cooking on the premises in the interests of safeguarding the amenities of neighbours.

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

Within 21 days of the commencement of use of the kitchen extract flue hereby approved the existing extract duct on the side of the building shall be completely removed.

Reason: 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.

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](mailto:democratic.services@colchester.gov.uk)  
website: [www.colchester.gov.uk](http://www.colchester.gov.uk)