

Planning Committee

Town Hall, Colchester
17 June 2010 at 6.00pm

This committee deals with

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

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

Information for Members of the Public

Access to information and meetings

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

Private Sessions

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

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Material Planning Considerations

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

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

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

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

Human Rights Implications

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

Community Safety Implications

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

Equality and Diversity Implications

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

COLCHESTER BOROUGH COUNCIL PLANNING COMMITTEE 17 June 2010 at 6:00pm

Members

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

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

Agenda - Part A

(open to the public including the media)

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

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

Pages

1. Welcome and Announcements

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

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

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

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

2. Have Your Say!

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

3. Substitutions

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

4. Urgent Items

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

5. Declarations of Interest

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

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

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

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

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

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

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

public interest.

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

6. Minutes

The minutes of the meeting held on 3 June 2010 will be submitted to the next meeting.

7. Planning Applications

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

- | | | |
|----|--|----------------|
| 1. | 100660 2 Margaret Road, Colchester, CO1 1RZ
(Castle) | 1 - 7 |
| | Proposed new dwelling. | |
| 2. | 100805 Long Acre Bungalow, Colchester Road, Wakes Colne,
CO6 2BY
(Great Tey) | 8 - 15 |
| | Demolition of existing dwelling and erection of new dwelling,
detached garage and additional crossover. | |
| 3. | 091614 East Street, Colchester, CO1 2TQ
(Castle) | 16 - 24 |
| | Proposed 2 bedroom flat. | |
| 4. | 100760 113 Winnock Road, Colchester, CO1 2DP
(New Town) | 25 - 29 |
| | Single storey side extension and associated alterations. | |
| 5. | 100781 9 Braiswick, Colchester, CO4 5AU
(Mile End) | 30 - 38 |
| | Amendments to design of replacement dwelling (approved under
application ref. 081678) to include:- provision of basement; amend
height and width to allow increased levels of insulation; reduction in
the amount of glass in the southern elevation. | |
| 6. | 100806 Silver Birches, Ipswich Road, Dedham, CO7 6HU
(Dedham and Langham) | 39 - 44 |

Retrospective application for a change of use from woodland to garden use to include retention of cart lodge, workshop, storage container, gates and fencing.

7. 100830 1 The Bungalows, Land rear of Brook Cottage and Huxtables Lane, Fordham (West Bergholt and Eight Ash Green) **45 - 53**

Erection of single detached dwelling and two garages (Resubmission of 090639).

- 8. Enforcement Action // Land at Pantile Farm, Peldon Road, Abberton** **54 - 57**

See report by the Head of Environmental and Protective Services.

9. Exclusion of the Public

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



Application No: 100660

Location: 2 Margaret Road, Colchester, CO1 1RZ

Scale (approx): 1:1250

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Committee Report

Agenda item **7**

To the meeting of **Planning Committee**
on: **17 June 2010**
Report of: **Head of Environmental and Protective Services**
Title: **Planning Applications**

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

7.1 Case Officer: Jane Seeley

EXPIRY DATE: 18/06/2010

MINOR

Site: 2 Margaret Road, Colchester, CO1 1RZ

Application No: 100660

Date Received: 23 April 2010

Applicant: Mrs Lisa Moore

Development: Proposed new dwelling

Ward: Castle

Summary of Recommendation: Conditional Approval with Unilateral Undertaking

1.0 Planning Report Introduction

1.1 This application is referred to the Planning Committee because objections to the scheme have been received from 2 local residents.

2.0 Site Description and Context

2.1 Situated on the east corner of the junction of Margaret Road and Serpentine Walk the application site supports a circa 1950's, detached house (extended to the rear) and a detached flat roof garage. The dwelling is set to the south of the site with garden, mainly lawn, to the north and rear. The rear of the site slopes down from west to east. The side and rear boundaries are fenced apart from a section of the side boundary with Serpentine Walk which is hedged; this hedging continues along the Margaret Road frontage.

DC0901MW 01/02

2.2 On the east side of Margaret Road are predominately pairs of 1950s detached houses. The opposite side of the street has terraces of older style housing; Serpentine Walk, in the vicinity of the site is also characterised by terraced housing. To the rear of the site is a bungalow, in Kings Meadow Road, part of a 1960s development. The bungalow has been extended to the north and has a rear conservatory. This bungalow is at a lower level than the houses in Margaret Road. Unlike the majority of housing in the area, the application property and the houses and bungalows adjacent to the site have short rear gardens.

3.0 Description of the Proposal

3.1 This application follows withdrawal of a previous proposal for a bungalow, which was considered to be a cramped form of development and out of context with the pattern of development in the locality.

3.2 As originally submitted the current application was for a detached house set approx 1.5m from the host dwelling. Following discussion with officers the proposal has been amended. The scheme for determination is for a semidetached dwelling to be joined to 2 Margaret Road. Within the new property a bedroom is proposed in the roof space. Roof lights are included to light this bedroom and the loft space of the host dwelling. To facilitate this development the detached garage will be demolished. Parking spaces for both the new and existing houses will be provided in the front gardens.

3.3 Neighbours and the Highway Authority have been advised of the amended drawings. Their views are not available at the time of the drafting of this report; however any comment received will be included on the amendment sheet.

4.0 Land Use Allocation

4.1 Residential

5.0 Relevant Planning History

5.1 090585 - New single storey one bedroom dwelling - Withdrawn

6.0 Principal Policies

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

UEA11 - Design

UEA13 - Development, including Extensions, Adjoining Existing or Proposed Residential Property

DC1 - Development Control Considerations

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

SD2 - Delivering Facilities and Infrastructure

SD3 - Community Facilities

UR2 - Built Design and Character

DC0901MW 01/02

7.0 Consultations

In addition to the details reported below, the full text of all consultations responses are available to view on the Council's website:

7.1 Heritage and Design:

Comments on revised scheme:

- Semi-detached house built onto the host dwelling is a more satisfactory approach to the development of the site; the accommodation in the roof space still mars the pastiche concept and the relationship to the context but now as the contrived roof arrangement is to the rear the design is appropriate.
- The 2 principal elevations have sufficient detail and fenestration to make a positive contribution as a corner turning building at the end of the street.
- Materials require conditioning; the existing and new roof tiles should be blended to achieve a satisfactory mix.

7.2 Highways: No objection; conditions required

8.0 Representations

In addition to the details reported below, the full text of all consultations responses are available to view on the Council's website.

8.1 2 letters/emails:

Comments on original scheme:

- Proposed building is not in keeping with properties to the rear, which are bungalows.
- Overbearing (massing) effect.
- Overshadowing of living room of bungalow to the rear.
- Radical change from previous single storey proposal
- Proposed bedroom windows would overlook living room and garden causing a loss of privacy and be very intrusive.
- Occupant of bungalow is partially sighted and occupies the bungalow for most of the day Lack of daylight and overshadowing would have an adverse impact on this ability to see well.
- Dwelling will be visible from front windows of house in adjacent road and will cause loss of evening sunlight.
- Additional parking spaces close to the corner would make it dangerous for cars turning in to the road.
- A dwelling of this size would exacerbate parking problems in the area.
- Hard surfacing of garden is not environmentally friendly.
- The construction would cause noise, vibration and parking/access problems.

NB Neighbours have been advised of the receipt of revised drawings. Any comments from the renotification will be reported on the amendment sheet.

9.0 Report

Design and Layout

- 9.1 Concerns regarding the originally submitted drawings have led to the scheme under consideration. The proposed semi-detached solution sits happily with the predominant pattern of development along the east side of Margaret Road. Whilst there are bungalows to the rear of the site this is not a principal elevation. The relationship of Margaret Road and Kings Meadow Road is typical suburban rear garden and elevations. Attempting to design a scheme that reflects this character would lead to a poor standard of design which would not make a positive contribution to the street scene. The elevation to Serpentine Walk has been detailed to acknowledge that this is an important corner plot.
- 9.2 The erection of a semi rather than a detached house will also provide additional space to the north. The garden areas for the dwellings are lower than Essex Design Guide standards, however given that the housing to the south of the site has small garden areas it is not considered that this is inappropriate in this context.
- 9.3 Parking provision for the host and new properties will be provided in the front gardens. This type of parking provision is typical of Margaret Road and would be difficult to resist. This will necessitate removal of the front boundary hedge, however the side hedge to Serpentine Walk can be retained.

Amenity Issues

- 9.4 The site has been viewed by your officers from the garden and lounge of the bungalow to the rear of the site (25 Kings Meadow Road).
- 9.5 Due to the short rear gardens the windows in the houses in Margaret Road do have views into the gardens of the bungalows in Kings Meadow Road. The revised scheme introduces one additional rear window and 2 roof lights. These can be conditioned to be obscure glazed. The application drawings show an additional window in the rear elevation of the host property, again for a bathroom. This is permitted development, but as it is for a bathroom it is anticipated that this would also be obscurely glazed. Accordingly there should not be any increase in overlooking.
- 9.6 The dwellings in Margaret Road are a prominent feature from the garden and rear windows of No25 and there are also views of an end of terrace house in Serpentine Walk. Whilst the proposed dwelling will introduce additional built form into the environment it is not considered that the impact will be so negative as to resist the proposal.
- 9.7 The lounge area of No25 has 4 windows, 2 in the front elevation (east) and 2 in the rear elevation (west); accordingly the room is very light. The erection of a house to the west is unlikely to have such an impact on light in this room as to warrant refusal of planning permission. Likewise any impact on sunlight to the front elevation of the house on the opposite side of Kings Meadow Road (no 1) will not be to a level that justifies refusal.

Highway/Parking Issues

- 9.8 Comments on the revised drawings are awaited. However no objection has been raised to the principle of development.
- 9.9 Parking is provided in line with Adopted Standards. Existing on street parking restrictions will control ad hoc parking by future residents.

Other Matters

- 9.10 Concern has been expressed about the environmental impact of hardsurfacing of the front garden areas. As has already been mentioned hard surfacing of front gardens in the vicinity is widespread. A condition to require the type of surfacing to be agreed is suggested to ensure use of a permeable material or suitable run off areas.
- 9.11 An informative regarding the control of pollution during construction is suggested to try and minimise disturbance.

10.0 Conclusion

- 10.1 It is considered that the proposed development represents a reasonable development in planning terms and a recommendation of approval is made, subject to the imposition of conditions as set out below.

11.0 Background Papers

- 11.1 ARC; Core Strategy; HDU; HA; NRL

Recommendation

Subject to the prior completion of the unilateral undertaking and to no objections being raised by ECC Highways planning permission be granted subject to the following conditions:

Conditions

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

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

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

- 2 - C3.1 Materials (general)

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

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

3 - Non-Standard Condition

The roofing materials used for the front elevation of the hereby approved dwelling shall be a mix of the roofing materials agreed under Condition 2 combined with the tiles stripped from the front elevation of the existing dwelling.

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

4 - Non-Standard Condition

Prior to the commencement of the hereby approved development details of the surfacing of the car parking spaces for the existing and proposed dwellings shall be submitted for the written agreement of the Local Planning Authority in conjunction with the Local Highway Authority and the surfacing shall be implemented and retained as approved.

Reason: To ensure that the development does not prejudice the appearance of the locality, in the interests of Highway safety and to ensure the use of permeable material /appropriate run-off provision.

5 - Non-Standard Condition

The window to be provided above ground floor level in the rear (east) facing elevation and the 2 roof lights shall be glazed in obscure glass with an obscuration level equivalent to scale 4 or 5 of the Pilkington Texture Glass scale of obscuration and shall be retained as such at all times thereafter.

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

6 - Non-Standard Condition

No new window or other openings shall be inserted above ground floor level in the rear (east) facing elevation/roof slopes of the proposed building 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.

7 -Non-Standard Condition

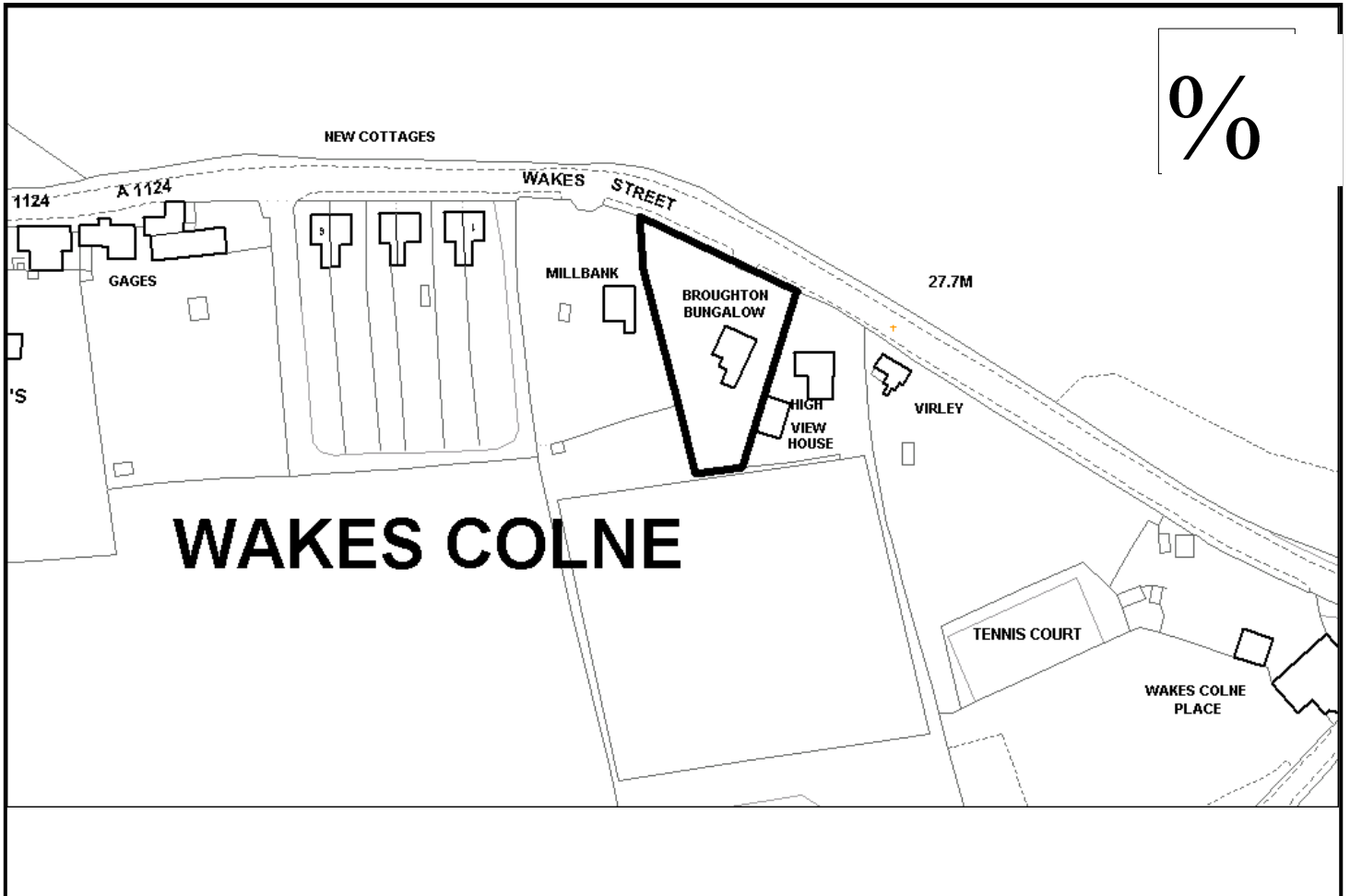
As may be recommended by Highway Authority

Informatives

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

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

You are advised that there is a Unilateral undertaking requiring the payment of Community and Open Space Sport and Recreation Facilities associated with this permission.



Application No: 100805

Location: Long Acre Bungalow, Colchester Road, Wakes Colne, Colchester, CO6 2BY

Scale (approx): 1:1250

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7.2 Case Officer: Jane Seeley

EXPIRY DATE: 22/06/2010

MINOR

Site: Long Acre Bungalow, Colchester Road, Wakes Colne, Colchester, CO6 2BY

Application No: 100805

Date Received: 27 April 2010

Agent: Mr Andrew Davison

Applicant: Mr. Paul Dyer

Development: Demolition of existing dwelling and erection of new dwelling, detached garage and additional crossover

Ward: Great Tey

Summary of Recommendation: Conditional Approval

1.0 Planning Report Introduction

1.1 This application is referred to the Planning Committee because objections have been received from 3 local residents.

2.0 Site Description and Context

2.1 Situated on the south side of Colchester Road and sloping up from the road the site currently supports a bungalow and a couple of wooden outbuildings. The site is on a hill side, consequently it is higher than the house to the east (Highview House) but lower than Millbank to the west. The site is wide at the front (approx 42m) but tapers back to a width of approx 13 metres at the rear boundary. Side boundaries are fenced. There are 2 vehicular accesses; one to the east of the site which is a shared access with Highview House and a second unauthorised access to the west of the site.

2.2 Within the Village Envelope development in the vicinity is mainly houses of differing eras. The adjacent houses date from 1990's (Highview House) and approx 1950s (Millbank). Housing in the wider area is 19th century. The bungalow currently on the site is of inter-war period.

3.0 Description of the Proposal

3.1 It is proposed to demolish the current bungalow and erect a large 2 storey 5 bedroomed house. This application follows on from a previous scheme for a replacement dwelling which was withdrawn; this was considered inappropriate due to its size and design.

- 3.2 As originally submitted the current application also included a large garage/outbuilding to the front of the proposed dwelling, the stopping up of the existing authorised vehicular access and the regularising of the existing unauthorised access point. However amended drawings have been submitted which remove the garage and retain the existing authorised access. The ridge height of the dwelling has also been reduced.
- 3.3 Neighbours, the Highway Authority and the Heritage and Design Unit have been advised of the amended drawings. Their views were not available at the time of the drafting of this report; however any comment received will be included on the amendment sheet.

4.0 Land Use Allocation

- 4.1 Village Envelope

5.0 Relevant Planning History

- 5.1 091361 Demolition of existing dwelling and erection of new dwelling, detached garage and additional cross over – Withdrawn
- 5.2 91/1282 Outline for construction of dwelling - Approved
- 5.3 94/0324 Erection of detached house and garage - Approved
- 5.4 95/0458 Application for non-compliance of Condition 03 relating to Vehicular Access (COL/91/1282) Refused

6.0 Principal Policies

- 6.1 In addition to national and regional policies, the following policies from the adopted Colchester Borough Review Local Plan (March 2004) are relevant to the consideration of this application:
DC1- Development Control considerations
UEA11 - Design
UEA13 - Development, including Extensions, Adjoining Existing or Proposed Residential Property
H7 – Development within village envelopes
- 6.2 In addition, the following policies from the adopted Colchester Borough Core Strategy (December 2008) are also relevant:
UR2 - Built Design and Character
ENV1 - Environment
ENV2 - Rural Communities

7.0 Consultations

In addition to the details reported below, the full text of all consultations responses are available to view on the Council's website.

- 7.1 Environmental Control:
Recommend inclusion of standard informative regarding control of pollution during demolition/construction
- 7.2 ECC Highways:
Comments on revised drawings awaited.
- 7.3 Tree Officer:
Comments awaited
- 7.4 Heritage and Design:
Comments on revised drawings awaited

8.0 Parish Council's Views

- 8.1 Comments awaited

9.0 Representations

In addition to the details reported below, the full text of all consultations responses are available to view on the Council's website.

- 9.1 7 letter/emails have been received (3 from the occupiers of Highview House, 2 from the occupier of Millbank, 1 from a local resident and 1 from the local Borough Councillor) commenting on the originally submitted scheme:
- 9.2 Highview House:
- The dwelling is too far too high and too close to Highview; it is 2 metres higher than Highview House, this will have an adverse impact on the all day natural light and summer evening sunlight to the western flank and will be overbearing.
 - The depth of the property is the principle reason why the huge mass of the property will bear so heavily on Highview. With the depth reduced the house could be positioned more centrally and the bulk redesigned to reduce its impact.
 - Consider that the design restrictions applied at the time of the grant of planning permission for the dwelling k/a Highview House have not been applied to current proposal.
 - The application blocks off Highview's legal rights to a manoeuvring area which is also required by condition of the original planning permission for the dwelling.
 - No tree planting should be allowed near Highview's boundary for fear of undermining of the foundations.
- 9.3 Millbank:
- The garage will remove significant light from the kitchen and utility room of Millbank.
 - Due to its bulk, height and large roof the extension will have a significant presence and be very overbearing on Millbank.

- It is shoehorned into the site and out of keeping with the rural nature of the locality and will increase the urbanisation of rural area.
- Sets a precedent for small plots to be developed with large houses and does nothing for the affordable housing agenda.

9.4 Other comments:

- The design does not fit comfortably where it is, not blending in as part of the street scene and not in harmony with its immediate surroundings

9.5 Local member:

- The dwelling fits much better in the street scene than the previous scheme; the reduced foot print is welcome.
- It is still large and high compared to the property to the east (Highview House)
- Garage is very large and over dominates the single storey extension of Millbank.
- Closing off of shared access causes problems and danger for the neighbour.

NB Neighbours have been advised of the receipt of revised drawings any comments from the renotification will be reported on the amendment sheet.

10.0 Report

Design and Layout

10.1 The size and design of the dwelling has been amended since the 2009 application in line with officer advice. The garage was considered over dominant and gave no visual space between Millbank and the proposed dwelling. Its removal from the scheme will allow the development to sit more satisfactorily in the street scene. The lowering of the ridge line creates a more traditional H plan footprint.

10.2 Whilst the site is in a rural location it is within a Village Envelope where policy does not require that replacement dwellings are of a similar bulk to the existing building. The development in the vicinity is historic, however the properties on either side of the site are of the 20th Century; it is considered that the impact of the proposed dwelling in the street scene will be satisfactory. An amended street scene drawing is anticipated before committee. The Urban Design response to the revised scheme is awaited; any additional comments/suggests will be actioned before committee and recorded on the amendment sheet .

Amenity Issues

10.3 The application site has been viewed from both Millbank and Highview House by your officer. The deletion of the garage from the scheme has removed the concerns expressed by the owner of Millbank regarding the impact on a side kitchen and utility area.

- 10.4 The impact of the development has been assessed to determine if it complies with SPD guidelines in “Extending Your House”. Whilst this document is not primarily intended for new housing its guidance is a useful method of assessing the impact of such development on residential amenity. In particular the guidance seeks to ensure that new building does not impact on light to neighbouring dwellings or is overbearing. The proposed development accords with the guidance in the SPD. The projection to the rear of the neighbouring properties does not exceed the suggested limits and 45 degree lines drawn from the rear of the adjacent dwelling are not infringed. The proposed dwelling whilst significantly larger than the bungalow is a minimum of 4.7 metres from the boundary of Highview House and 5.5m from Millbank.
- 10.5 The occupants of Highview House are concerned about the impact of the dwelling on the west side of the property. There are no windows (other than a bath room roof light) in the side elevation of this property and the assessment already referred to suggests that the new dwelling will not have any undue impact on light to the kitchen diner which has windows to the south and north. There is an outside patio area adjacent to the driveway of the house and it is acknowledged that the house will have some impact on evening light. However on balance it is not considered that a refusal of planning permission on this issue could be sustained.
- 10.6 In order to ensure that the proposed dwelling is not any higher than detailed on the drawings the imposition of a condition relating to floor and ground levels is recommended.

Highway Issues

- 10.7 Research of the original planning permission for Highview House (COL/94/032) has established that there is a condition requiring the existing access to be retained for use by that property and Longacre. A ECC Highways Officer has met with the applicant and he has reported that ECC are prepared to accept the regularisation of the authorised access but require the existing shared access to be retained as required by the 1994 permission. The drawings have been amended in line with these discussions. Highways Officer comments on the revised arrangements are awaited and will be reported on the amendment sheet.

Other Matters

- 10.8 It is not considered appropriate to seek to control planting in the rear garden. Any issues relating to possible future damage to adjacent property is not a planning matter.

11.0 Conclusion

- 11.1 It is considered that the proposed development represents a reasonable development in planning terms and a recommendation of approval is made, subject to the imposition of conditions as set out below.

12.0 Background Papers

- 12.1 ARC; Core Strategy; HH; HA; TL; HDU; PTC; NLR

Recommendation

That subject to no objection being raised by Highway Authority, Heritage and Design Unit, Tree Officer and planning permission be granted subject to the following conditions:

Conditions

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

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

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

2 - C3.1 Materials (general)

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

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

3 - A7.5 Rem of Perm Dev Extens Rel to Erect Bldngs et

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 as amended by the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 (or any Order revoking and re-enacting that Order with or without modification), no extensions shall be constructed (other than any expressly authorised by this permission or any other grant of express planning permission), or freestanding buildings erected on any part of the site or an access/hardstandings created 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.

4 - Non-Standard Condition

The window to be provided above ground floor level in the side (east and west) facing elevations and the 2 roof lights shall be glazed in obscure glass with an obscuration level equivalent to scale 4 or 5 of the Pilkington Texture Glass scale of obscuration and shall be retained as such at all times thereafter.

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

5 - Non-Standard Condition

No new window or other openings shall be inserted above ground floor level in the side (east and west) facing elevations/roof slopes of the proposed building 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.

6 - Non-Standard Condition

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

Reason: To ensure that the development is constructed at suitable levels in relation to its surroundings and to protect the amenity of the occupants of existing adjacent properties.

7 -Non-Standard Condition

As may be recommended by the Highway Authority

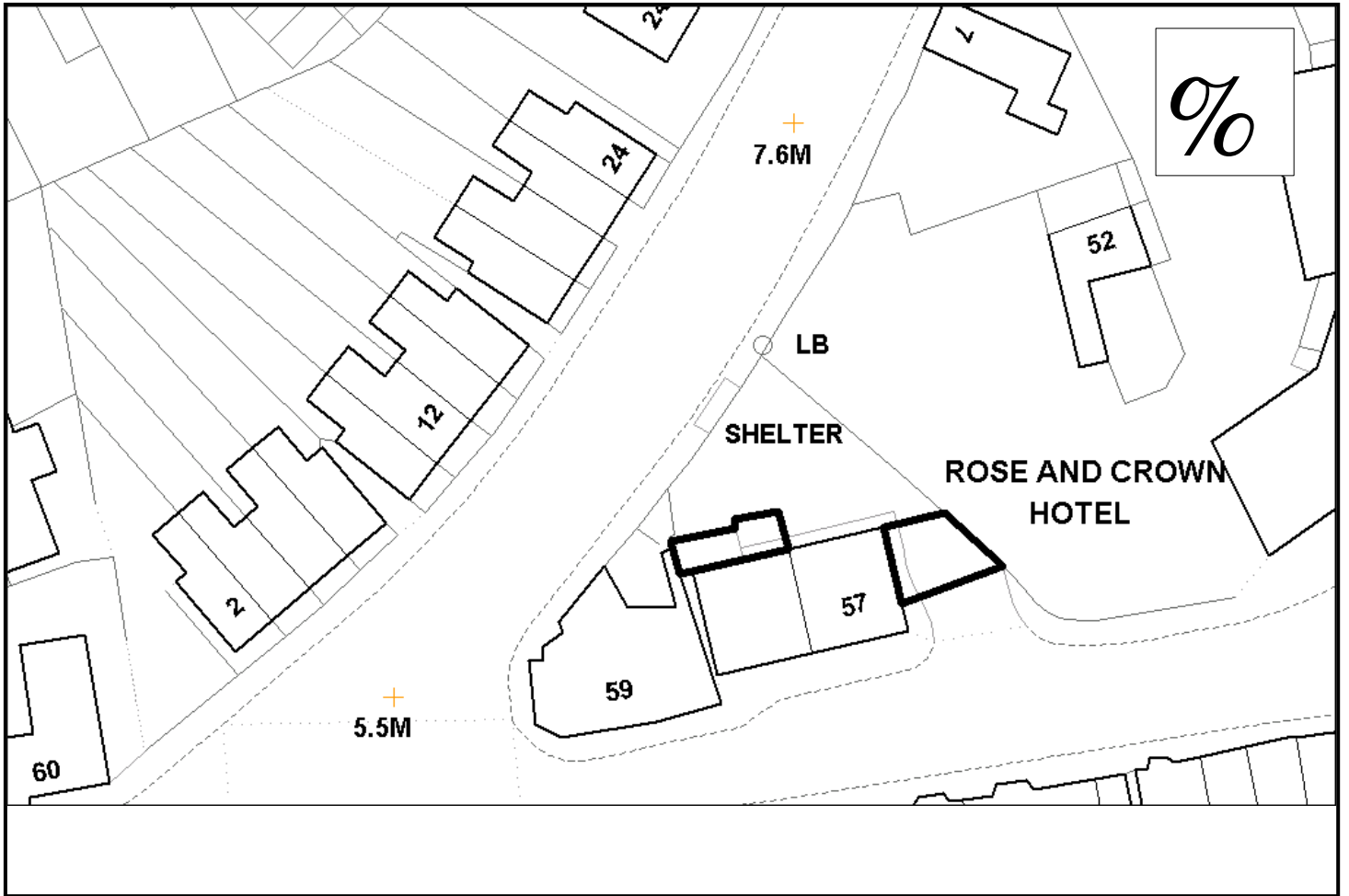
8 – Non Standard Condition

As may be recommended by the Trees and Landscape Officer

Informatives

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

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



Application No: 091614

Location: Land Adjacent to 57a, East Street, Colchester, CO1 2TQ

Scale (approx): 1:1250

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7.3 Case Officer: Andrew Huntley

MINOR

Site: East Street, Colchester, CO1 2TQ

Application No: 091614

Date Received: 17 December 2009

Agent: Mr Steve Dobbs

Applicant: Mr C & B Patel

Development: Proposed 2 bedroom flat

Ward: Castle

Summary of Recommendation: Conditional Approval with Unilateral Undertaking

1.0 Planning Report Introduction

1.1 This application is referred to the Planning Committee because ECC Highway's Authority has raised an objection to the proposal, in which has not been possible to overcome either by condition or negotiation.

2.0 Synopsis

2.1 The main planning issues relating to this case are the planning history to this site, which includes an upheld appeal decision against a refusal for a side extension, the proposals design and its impact on the character of the area and neighbouring residential amenity. Having regard to the inspector's previous decision, it is considered that the highway reasons for refusal do not warrant the refusal of this application and that an appeal would likely succeed. The design of the extension is very similar to the design of the appeal proposal and is considered acceptable. In addition, the proposal is considered acceptable in terms of its impact on neighbouring residential amenity.

3.0 Site Description and Context

3.1 The site is located on the northern side of East Street, in a triangle formed by the railway line, Ipswich Road and East Street. The premises on the application site lies within the Conservation Area and comprises a shop on the ground floor with two floors of residential accommodation above. The building is of a relatively modern design with flat roofed dormers to the front and rear. Access to the rear of the property is gained from East Street where there is a parking and servicing area and separate doorways to the residential accommodation above. There is also a narrow lay-by to the front of the premises.

4.0 Description of the Proposal

- 4.1 Planning consent is sought for a side extension to the eastern gable, to form an additional two bedroom flat, with amenity space and car parking to the rear.

5.0 Land Use Allocation

- 5.1 The land is currently designated in the Development Plan as a mixed use area (B) and also falls within the Conservation Area.

6.0 Relevant Planning History

- 6.1 Prior to this application, there have been two previous applications for additional accommodation. The first application listed below was refused under delegated powers and the second was refused on highways grounds only by the Development Control Committee.

6.2 F/COL/94/1823 - Side Extension - Refused 25 November 2004

6.3 F/COL/04/2299 – Side Extension – Appeal upheld 8 September 2005

7.0 Principal Policies

- 7.1 The following policies from the adopted Colchester Borough Review Local Plan (March 2004) are relevant to the consideration of this application:

DC1- Development Control considerations

UEA1 - Character of Conservation Areas

UEA2 - Building within Conservation Areas

UEA11 - Design

UEA13 - Development, including Extensions, Adjoining Existing or Proposed Residential Property

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

SD1 - Sustainable Development Locations

UR2 - Built Design and Character

TA5 - Parking

8.0 Consultations

- 8.1 In consultation on the planning application, expert opinions were sought from Essex County Council Highway's Authority. Their response stated that the application was unacceptable as it would prevent service vehicles from accessing the yard and result in the loss of turning facilities for those vehicles. In addition, the proposal would also lead to the intensification of a substandard access, where the visibility splay should be 90m x 2.4m x 90m.

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

9.0 Representations

9.1 The number of people who have expressed their support for this application is zero and the number of objections received is also zero.

10.0 Report

10.1 The main issues in this application are considered to be as follows:

- Design and Layout
- Scale Height and Massing
- Impact on the Surrounding Area
- Impacts on Neighbouring Properties
- Amenity Provisions
- Highway Issues
- Other Matters

Design and Layout

10.2 The proposal is very similar in appearance to the previous applications for a side extension. Both of these applications considered that the design was acceptable. While, this was back in 2004, it is considered that the design of the new flat is in keeping with the host building and is acceptable in this location.

Scale, Height and Massing

10.3 The proposed extension has been articulated from the host building so it would be seen as a subservient element, with a ridge line below that of the main building. Therefore, it is considered that the proposal's scale, height and massing is acceptable.

Impact on the Surrounding Area

10.4 The site lies with the Conservation Area so it is important to ensure that any proposal preserves or enhances the character of the streetscene. While, the proposal would not enhance the character of the area, it is considered that it would be preserved. Therefore, the extension would have a neutral impact due to its acceptable design and articulation.

Impact on Neighbouring Properties

10.5 The proposal would not have any impact on neighbouring properties due the site's location as the building to the rear and north is the Rose and Crown Hotel. So while it is acceptable there would be and intensification of overlooking toward the Rose and Crown, it is not considered to warrant the refusal of this application. No private residential properties outside the applicant's ownership would be affected. Therefore, it is considered that the proposal is acceptable in regard to its impact on residential amenity.

Amenity Provisions

- 10.6 The block plan submitted with the application shows a small area for private amenity space and space for the parking of vehicles. The proposal accords with the amenity space requirements and parking standards. Therefore, the proposal is acceptable on these grounds.

Highway Issues

- 10.7 The Highway Authority has objected to the proposal due to the loss of service area and being able to turn within it and the intensification of a substandard access. The planning Inspector considered the first highway reason for refusal within the appeal for application F/COL/04/2299. In the appeal decision (which is attached as appendix 1), the Inspector considered that the small retail premises would not be deprived of the service area for small vehicles and that larger delivery vehicles would likely use the bay to the front of the property in any case. He concluded that the proposal would not result in any material increase in harm to highway safety in East Street. In light of the Inspector's decision, it is clear that this reason for refusal would in all likelihood fail at appeal. Therefore, it is considered that this highways reason for refusal does not warrant the refusal of this application.
- 10.8 However, this still leaves the second highway reason for refusal, which was not part of the previous reasons for refusal. This would be because the previous applications were for an extension to an existing flat and not a new separate flat. The block plan shows that the new extension would not impact on the existing visibility splays and that they could not be increased in this urban location due to existing buildings. Overall, it is considered that this reason is weak, and that deficiency of the visibility splays would not in this case, increase the harm to highway safety in any meaningful manner as this is often a busy road with slow moving traffic.
- 10.9 Therefore, it is considered that both Highway Authority reasons for refusal do not warrant the refusal of this application.

Other Matters

- 10.10 There are no other matters that require consideration.

11.0 Conclusion

- 11.1 In conclusion, the design and impact on the Conservation Area and neighbouring residential amenity is considered to be acceptable. In light of the previous appeal decision for this site, it is considered that on balance, the Highway Authority objections raised do not warrant the refusal of this application.

12.0 Background Papers

- 12.1 ARC; Core Strategy; HA

Recommendation

Conditional Approval subject to the dating of a Unilateral Undertaking for the provision of a contribution to Open Space, Sport and Recreation and Community Infrastructure. The Head of Planning, Protection and Licensing to be authorised to issue the decision subject to the following planning conditions:

Conditions

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

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

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

2 - Non-Standard Condition

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

Reason: To ensure the use of an appropriate choice of materials having regard to the importance of this scheme in the Conservation Area and to ensure that the choice of materials will harmonise with the character and appearance of other buildings and development in the area.



Appeal Decision

Site visit made on 12 July 2005

by Ann Caffall BSc Dip TP MRTPI

an Inspector appointed by the First Secretary of State

The Planning Inspectorate
4/09 Kite Wing
Temple Quay House
2 The Square
Temple Quay
Bristol BS1 6PN
☎ 0117 372 6372
e-mail: enquiries@planning-
inspectorate.gsi.gov.uk

Date

08 SEP 2005

Appeal Ref: APP/A1530/A/05/1178386
57A East Street, Colchester, Essex CO1 2TQ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr R Patel against the decision of Colchester Borough Council.
- The application (Ref F/COL/04/2299), dated 15 December 2004, was refused by notice dated 9 February 2005.
- The development proposed is a side extension.

Summary of Decision: The appeal is allowed, and planning permission granted subject to conditions set out below in the Formal Decision.

Main Issue

1. I consider the main issue in this case is the effect of the proposed side extension on highway safety on East Street.

Planning Policy

2. The Development Plan includes the Adopted Review Colchester Borough Local Plan March 2004 (RLP). I am referred to Policy DC1 which sets down a number of criteria that should be met by new development. These include requirements (criteria c and d) to safely accommodate traffic that a proposal will generate, and to make adequate provision for parking and servicing. RLP Policy UEA13 sets out the guidelines for extensions to buildings or new buildings adjoining existing or proposed residential buildings, and criterion f) indicates that new development will not be allowed where the proposal leads to an unacceptable reduction in garden area or an increase in off-street car parking requirement which cannot be adequately met on site in a visually acceptable manner.
3. RLP Policy UEA1 indicates that development considered detrimental to the setting of Conservation Areas will be refused and UEA2 sets down criteria to be applied when considering applications for new buildings, alterations and extensions affecting a Conservation Area.

Reasons

4. The appeal property is situated on the north side of East Street in a triangle formed by the railway line, Ipswich Road and East Street. To the west is a barbers shop and tandoori restaurant and to the east is the Rose and Crown Hotel. The appeal premises comprise a shop on the ground floor with two floors of residential accommodation above. It is of a modern design (possibly 1970s) with flat roof dormer windows to the front and rear elevations. Access to the rear of the property is gained from East Street where there is a parking and servicing area and separate doorways to the residential accommodation above.

In front of the property is a lay-by which appeared to me to accommodate a maximum of two cars but also appeared to be of a reduced width because cars were not parked entirely clear of East Street.

5. The proposal involves extending the property eastwards over the access to provide separate residential accommodation on two floors to match the existing. Access to the rear would be provided by a 2.5 metre high archway. In addition there would be a single storey store room located between the eastern boundary of the property and the access archway.
6. The Borough Council maintain that because service vehicles would be unable to access the rear of the premises, and also unable to turn, the proposal would lead to servicing, parking, and manoeuvring in East Street to the detriment of highway safety. However the appellant uses his own van to purchase stock, and the size of the van is such that he could continue to use to access the rear service yard via the proposed archway. I am also of the view that any future occupiers of this small retail unit would not necessarily be deprived of service facilities if they only relied on light vans similar to that of the appellant.
7. Third party evidence is submitted to confirm that the rear yard of the appeal premises is restricted by parked cars and that delivery vehicles use the lay-by to make deliveries at the front of the shop. Delivery vehicles parking at the front of the shop would be wider than a private car, however in my experience servicing of retail premises is usually early in the morning when there is less traffic, as the evidence suggests in this case. Consequently, it is my opinion that proposed residential extension would be unlikely to materially interfere with the traffic on East Street.
3. Overall, I conclude that, as access to the rear service area would still be provided for small delivery vehicles and that larger delivery vehicles park in the lay-by in front of the appeal premises for deliveries, the servicing, parking and manoeuvring resulting from the proposal would not result in any material increase in harm to highway safety in East Street. The proposal would, therefore, accord with RLP Policy DC1.

Other Matters

9. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special attention be paid to the desirability of preserving or enhancing the character or appearance of a Conservation Area. No party has raised objection to the proposal on the basis that this test would not be met or that the character, appearance or setting of the Conservation Area would be harmed. Moreover the Borough Council say that the relevant design policies of the RLP would be met. On this basis, and in my own judgment on this matter, I am satisfied that the character and appearance of the Conservation Area would be preserved and RLP Policies UEA1 and UEA2 would be satisfied.

Conclusion

10. I note that the Council have not suggested any conditions. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should be allowed and planning permission granted.

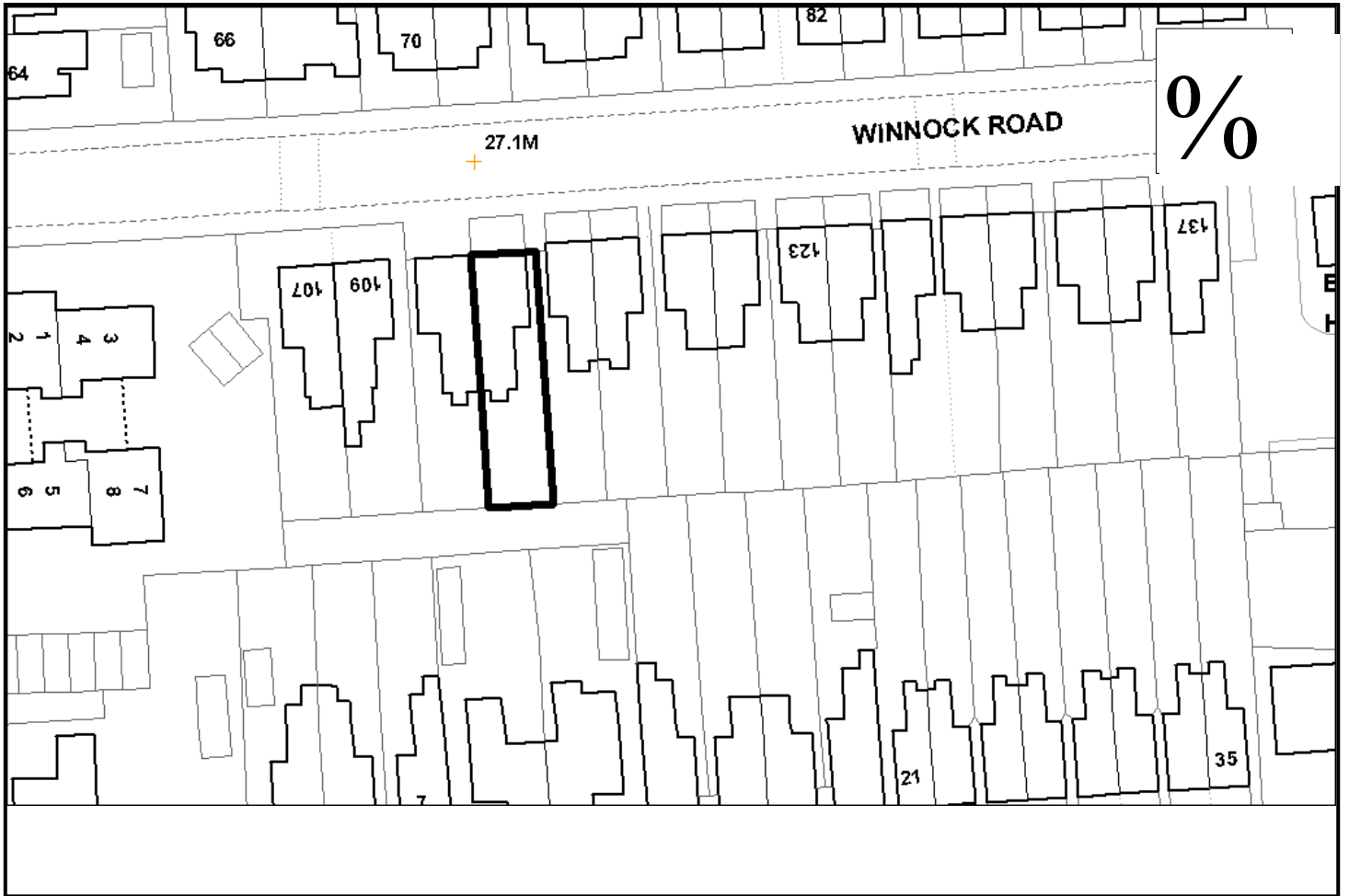
Formal Decision

11. I allow the appeal, and grant planning permission for a side extension at 57A East Street in accordance with the terms of the application, Ref F/COL/04/2299, dated 15 December, and the plans submitted therewith, subject to the following condition.

- 1) The development hereby permitted shall be begun before the expiration of five years from the date of this decision.

J. Ann O'Keefe

INSPECTOR



Application No: 100760

Location: 113 Winnock Road, Colchester, CO1 2DP

Scale (approx): 1:1250

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7.4 Case Officer: Mark Secker

EXPIRY DATE: 22/06/2010

OTHER

Site: 113 Winnock Road, Colchester, CO1 2DP

Application No: 100760

Date Received: 27 April 2010

Agent: Richard Johnson Chartered Architect Ltd

Applicant: Mr A Cowie

Development: Single storey side extension and associated alterations

Ward: New Town

Summary of Recommendation: Conditional Approval

1.0 Planning Report Introduction

1.1 This is an application for a single storey side extension and associated alterations to a semi-detached dwelling in the New Town Conservation Area. The application falls to be considered by the Planning Committee under the scheme of delegation since it has been submitted by or on behalf of a Council Officer (or their spouse/partner).

2.0 Site Description

2.1 The dwelling is a Victorian semi-detached property within a Conservation Area in a predominantly residential area of New Town.

3.0 Description of Proposal

3.1 The proposed rear extension would create an enlarged kitchen/breakfast room. The form would be a lean-to addition within the "L" formed by the existing property. A new window and French doors would face towards the rear of the property. Also, a new window would be created in the side of the existing dwelling, to provide lighting to the existing dining room. Further lighting would be created by two roof lights in the new lean-to roof. The overall dimensions of the extension would be approx 4.9m x 2m.

4.0 Land Use Allocation

4.1 Predominantly residential area/Conservation Area

5.0 Relevant Planning History

5.1 None relevant

6.0 Principal Policies

- 6.1 Adopted Review Colchester Borough Local Plan Saved Policies-March 2004
DC1- Development Control considerations
UEA1 - Character of Conservation Areas
UEA2 - Building within Conservation Areas
UEA13 - Development, including Extensions, Adjoining Existing or Proposed Residential Property
- 6.2 Adopted LDF Core Strategy- December 2008
UR2 - Built Design and Character
- 6.3 Supplementary Planning Document
"Extending your House?" A Householder's Guide to Residential Extensions – CBC April 2005

7.0 Consultations

- 7.1 Heritage and Design Unit: No objection

The full text of all consultations and representations are available to view on the Council's web-site.

8.0 Representations

- 8.1 None received

9.0 Report

- 9.1 The main issues in respect of this application are considered to be as follows:
- Impact on the character or appearance of the Conservation Area
 - Impact on the amenities of neighbours
 - Other issues

Impact on the Conservation Area.

- 9.2 The extension is to the rear of the property and not visible from any public area, and it is considered that it would not have a detrimental impact on the character or appearance of the Conservation Area.

Impact on Neighbouring Properties.

- 9.3 The extension would project 4.9m from the rear wall of the adjoining property that contains a living room window. The Council's SPD "Extending your House" includes guidance intended to prevent unacceptable overshadowing or overbearing effects. On overshadowing, (a 45 degree line drawn in plan and elevation into the centre of the affected window) the extension meets the guidance and accords with Adopted Local Plan Policy UEA13(d). On overbearing, the guidance is that rear projections should not exceed three metres beyond the main rear wall of the adjoining property plus one metre for each metre of isolation from the boundary. The boundary is 1 metre from the proposed extension and so the maximum projection should be 4 metres. The extension would exceed this by 0.9 metres. There are three factors relevant to this issue. Firstly, the original, existing properties have two storey elements that project approx 5.8metres from the rear wall that contains a living room window, and thus the properties already have an overbearing effect upon each other to some degree.
- 9.4 Secondly, there is a close boarded fence approx 1.6 metres in height on the boundary, plus a shed on the neighbour's side, that would lessen any additional impact of the proposal. Thirdly, there is a further gap of about one metre between the boundary and the adjoining property, which would further lessen the impact of the proposal. In summary, whilst the proposal is marginally excessive compared with the guidance, it is considered that in view of the particular site characteristics its impact would not be sufficient to warrant a refusal of permission.
- 9.5 It is considered that the windows at the rear and in the roof of the extension would not lead to undue overlooking of neighbouring properties. The proposed new window in the side wall of the existing building would face towards the blank side wall of the neighbouring property. It would afford an oblique view towards the neighbouring kitchen area but this view would be partially restricted by the boundary fence and it is not considered that the window would give rise to undue overlooking. For these reasons it is considered that the proposal would be satisfactory when assessed against Policy UEA13 of the Adopted Local Plan.

Other Issues

- 9.6 It is considered that there are no other issues that would mitigate against this proposal.

10.0 Conclusions

- 10.1 It is considered that the proposal would be satisfactory in accordance with the Council's policies and guidance, having regard to the particular site characteristics.

11.0 Background Papers

- 11.1 ARC; Core Strategy; Supplementary Planning Guidance

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 - C3.5 Materials to Match Existing

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

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

3 – Non-Standard Condition

No new windows or other openings shall be inserted in the ground floor east facing elevations of the existing or extended building, other than the windows indicated in the approved drawing no 207/01, without the prior approval in writing of the Local Planning Authority.

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



Application No: 100781

Location: 9 Braiswick, Colchester, CO4 5AU

Scale (approx): 1:1250

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7.5 Case Officer: Simon Osborn

EXPIRY DATE: 21/06/2010

OTHER

Site: 9 Braiswick, Colchester, CO4 5AU

Application No: 100781

Date Received: 26 April 2010

Agent: Pps Ltd

Applicant: Mr Ralph Black

Development: Amendments to design of replacement dwelling (approved under application ref. 081678 to include: - provision of basement - amend height and width to allow increased levels of insulation - reduction in the amount of glass in the southern elevation.

Ward: Mile End

Summary of Recommendation: Conditional Approval

1.0 Planning Report Introduction

1.1 This application is brought before the Committee in view of the representations received against the proposal by neighbouring properties. The application proposes a number of amendments to an earlier approval; in particular the provision of a sunken garden and basement accommodation. The proposed amendments to the design are considered acceptable in principle. The proposed sunken garden and basement will require the removal of a large volume of soil along the line of a public right of way; the Highway Authority have indicated this will require a maintenance bond, secured through an appropriate legal agreement. It is recommended that the application is delegated for approval subject to the maintenance bond being secured through an appropriate legal agreement. If this cannot be secured within a timescale of 6 months, it is recommended that the application should be refused as failure to secure the bond could result in the proposal being detrimental to the infrastructure of the Borough.

2.0 Site Description

2.1 The application site comprises a bungalow property with garden within a residential area surrounded in the main by new houses with a mixed palette of materials. The access to the site is from a private drive, which serves a small number of older more established properties. This drive also forms part of the route of a Public Right of Way from the Bergholt Road to Braiswick golf course and countryside on the northern fringes of Colchester.

3.0 Description of Proposal

3.1 Planning permission was granted in November 2008 for a replacement 2-storey dwelling of contemporary design with a detached building that served as a garage with ancillary annexe accommodation above for a relative. The main dwelling had a T-shaped footprint and was designed with smooth render and glass elevations with monopitch roofs.

3.2 This application proposes a number of amendments to this approval, including:

- The provision of basement accommodation beneath the main dwelling.
- The provision of a sunken garden on the western side of the proposed dwelling (sited 1m from the boundary with 5 Devereux Place).
- The increase in the wall insulation, which has added 300mm to the thickness of the external walls.
- A minor revision to the inclination of the roof slopes, which results in an increase in the height of the roof (at its lowest point) by 300mm;
- Amendments to the design of the entrance and stairwell gallery from a curved structure to a squared-off form.

4.0 Land Use Allocation

4.1 Residential

5.0 Relevant Planning History

5.1 080868 – Extensions to bungalow to provide first floor accommodation and 2-storey additions to front and rear; conversion of existing garage to residential annexe and erection of double garage. Refused June 2008

5.2 081678 – Demolition of existing bungalow, double garage and outbuilding and construction of 2-storey dwelling and garage/annexe, approved November 2008.

6.0 Principal Policies

6.1 Adopted Review Colchester Borough Local Plan Saved Policies-March 2004

DC1- Development Control considerations

UEA11 - Design

UEA 12 - Backland development

UEA13 - Development, including Extensions, Adjoining Existing or Proposed Residential Property

6.2 Adopted LDF Core Strategy- December 2008

UR2 - Built Design and Character

7.0 Consultations

7.1 The Highway Authority initially stated no objection subject to a condition that the occupation of the proposed annexe being restricted to dependents of the occupiers of the principal dwelling. A subsequent condition was then proposed that prior to occupation a before and after condition survey of the footpath running between Braiswick and the application site access point will be undertaken by the applicant and agreed with the Highway Authority. This survey will be supported by a £5,000 bond for use in connection with extraordinary maintenance if required as a result of construction traffic.

Note 1. The initial survey of the route will need to be undertaken prior to any works commencing on site.

Note 2. The provision of the bond shall be secured through an appropriate legal agreement with the Local Planning Authority.

7.2 The Design and Heritage Team stated the amendments were acceptable in principle. It was recommended that sectional drawings be provided for the sunken garden. It was noted that issues of clay soil and flooding of the sunken garden were building control issues and queried if there would be noise issues with the associated pump (Note: Environmental Control have said they do not have issues with the pump as it will be located underground).

7.3 Landscape Officer – comments awaited.

The full text of all consultations and representations are available to view on the Council's web-site.

8.0 Representations

8.1 Representations were received from 3 properties regarding:

1. Facing windows above ground floor level in the western elevation should be obscure glazed
(Officer Comment: see report below);
2. Slightly worried about flooding and drainage concerns regarding the sunken garden
(Officer Comment: These are issues for the Building Regulations stage);
3. Party wall agreement required
(Officer Comment: This would need to be between the applicant and the neighbour);
4. East elevation will block skyline
Officer Comment: This elevation is 0.6m broader to accommodate the additional insulation, but otherwise no higher than previously approved;
5. How will upper storey windows open in the south elevation
Officer Comment: The applicant states these will not be openable; in any case they exceed the minimum back-to-back distance of 25m required by the Essex Design Guide);
6. South facing wall has increased in height from 6.55m to 9m to accommodate stairwell. Extra windows will overlook, house should be moved back
Officer Comment: The height of the wall has not been increased;

7. Would prefer 3 silver birches to single oak in front garden and goat willow a few metres from front gate should be retained
Officer Comment: The applicant has agreed to plant birches rather than a single oak;
8. The proposal will require 700 cubic metres of soil to be moved, equals approx 240 lorry journeys
Officer Comment: see report below.

The full text of all consultations and representations

9.0 Report

- 9.1 The proposed replacement dwelling on this site is very similar in terms of its footprint and overall design concept to the planning permission granted in 2008, reference 081678. The main change is the provision of basement accommodation and a sunken garden on the western side of the main dwelling. The application site is generally enclosed from public view and although the proposal will be visible from neighbouring properties, the additions of the basement accommodation and the sunken garden would not be noticeable from outside the site. Concerns have been expressed regarding flooding and drainage issues associated with the sunken garden, but these are not planning issues in themselves. The main planning consideration resulting from the basement and sunken garden is the movement of construction traffic along the access/ public right of way to remove the significant volume of soil required for their construction. The Highways Authority have not objected to this but do require a condition that requires a before and after condition survey and a £5,000 bond for extraordinary maintenance purposes. This requires the completion of a S106 agreement.
- 9.2 There are a number of other changes, which are relatively minor within the overall design concept, but which have attracted comments with regard to overlooking and visual impact. The overall size of the building has increased from that previously permitted by the provision of additional insulation, which has increased the thickness of the external walls by 300mm. The maximum height of the roof pitches has not increased, although the low point (where the pitches meet) has increased in height by 300mm. These changes do not significantly alter the mass of the overall building form. Amendments have also been made to the design of the entrance and stairwell gallery at the front of the proposed dwelling, from a curved structure to a squared-off form. This has increased the overall footprint of the building by a few square metres and has brought this feature closer to the neighbouring property. Nonetheless, the front of the dwelling will be approx 15m from the boundary of the property with the neighbouring rear gardens and 26.5m from the rear elevation of 2 Braiswick Place, which exceeds the recommended 25m distance in the Essex Design Guide between property backs.

9.3 The neighbour at 5 Devereux Place also seeks a condition that the first floor windows in the west elevation of the proposed dwelling are provided with obscure glazing. The fenestration and room layout on the west elevation is similar to that previously approved, although the provision of the sunken garden between this face of the building to within 1 metre of the boundary will result in the loss of a conifer hedge that currently is approx 2.5 metres in height. The fenestration at first floor level includes full-length bathroom and bedroom windows which face toward a conifer hedgerow in the rear of 6 Devereux Place and a garage at the front of 5 Devereux Place. There are also minor bedroom windows 0.7m in width, one of which faces the side of 5 Devereux Place. This property currently uses the side of their property as a seating area, although planning permission was granted in March 2010 (reference 100089) for a single storey side extension, which will affect the use of this space. This permission has not yet been implemented; nonetheless, it is considered appropriate to require that these narrower first floor bedroom windows are obscure glazed. It is considered that the main windows, by virtue of their position in relation to the existing properties, do not require an obscure glazed condition to be imposed.

9.4 S106 Matters

The proposal generates the requirement for a S106 Agreement to secure the following:-

- A £5,000 maintenance bond for use in connection with extraordinary maintenance required as a result of construction traffic over the public footpath.

This agreement will need to be drawn up between the applicant and County Highways, with the Local Planning Authority also party to the Agreement.

10.0 Conclusions

10.1 The overall form and concept of the proposed replacement dwelling has not changed greatly from that previously approved, at least above ground level. The main changes to this application are the provision of a basement and sunken garden. It is considered that these changes do not have a significant impact upon the amenity of neighbouring properties, in planning terms. However, the construction of the proposed basement and sunken garden will require the removal of a large volume of soil. As the only access to the site from the public highway is along the course of a public right of way, mitigation measures are required to ensure that there is no detrimental impact to this right of way resulting from the movement of construction traffic. This will require a legal agreement to secure an appropriate maintenance bond. It is recommended that the application is delegated to The Head of Environmental and Protective Services for approval subject to the prior completion of an appropriate legal agreement. Should this not be completed within 6 months of the date the application is heard by Committee, it is recommended that the application is refused for failure to secure an appropriate mechanism of ensuring there is no long term harm to the public right of way.

11.0 Background Papers

11.1 ARC; Core Strategy; HA; DHU; TL; NLR

Recommendation

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

- A £5,000 maintenance bond for use in connection with extraordinary maintenance required as a result of construction traffic over the public footpath.

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

Conditions

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

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

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

2 – Non-Standard Condition

Before the dwelling hereby permitted is first occupied the existing dwelling shall be entirely demolished and all materials resulting therefrom shall be completely removed from the site within 28 days of the first occupation of the replacement dwelling.

Reason: To ensure that all of the existing dwelling is demolished and the material is removed from the site within a reasonable timeframe.

3 – Non-Standard Condition

The annexe building, as identified on the submitted plans, shall only be occupied by dependent relatives of the residents of the main dwelling on this site known as Tussocks (or 9 Braiswick) and the planning unit shall not be subdivided, separated or altered so as to create two or more dwelling units.

Reason: The development is not suitable for use as two dwellings and any such proposal would need further consideration in regard to the relationship to the surrounding site contexts. The access is inadequate to serve additional dwellings.

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 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

Any ground or air source heat pumps shall be provided within the building hereby permitted, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of local residential amenity.

6 – Non-Standard Condition

The 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 except where the Local Planning Authority have given their written approval for a replacement car parking space and that replacement space has been constructed as approved.

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

7 -A7.4 Removal of ALL Perm Devel Rights (residential

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

Reason: To ensure that the amount of development remains in keeping and protects the contemporary design of the development and in the interest of residential amenity.

8 – Non-Standard Condition

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 openings other than those expressly authorised by this permission shall be constructed in the elevations or roofs of the main dwelling and annexe buildings hereby approved.

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.

9 – Non-Standard Condition

The narrow windows to be provided above ground floor level to the bedrooms in the east and west facing elevations of the proposed replacement dwelling shall be glazed in obscure glass with an obscuration level equivalent to scale 4 or 5 of the Pilkington Texture Glass scale of obscuration and shall be retained as such at all times thereafter.

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

10 - Non-Standard Condition

Prior to any works commencing on site a before condition survey of the footpath running between Braiswick and the application site access point shall be undertaken by the applicant and submitted to and agreed in writing with the Local Planning Authority (in consultation with the Highway Authority) and, prior to the first occupation of the replacement dwelling, an after condition survey of the footpath running between Braiswick and the application site access point shall be undertaken by the applicant and submitted to and agreed in writing with the Local Planning Authority (in consultation with the Highway Authority).

Reason: Access to the development site is along the line of a Public Right of Way and whilst the Highway Authority has no objection to the principle of the development, the construction process could through delivery or removal of materials and passage of construction traffic cause damage to the Footpath surface over and above that caused through normal user passage. This is required having regard to policy 3.5 in Appendix G to the Local Transport Plan.

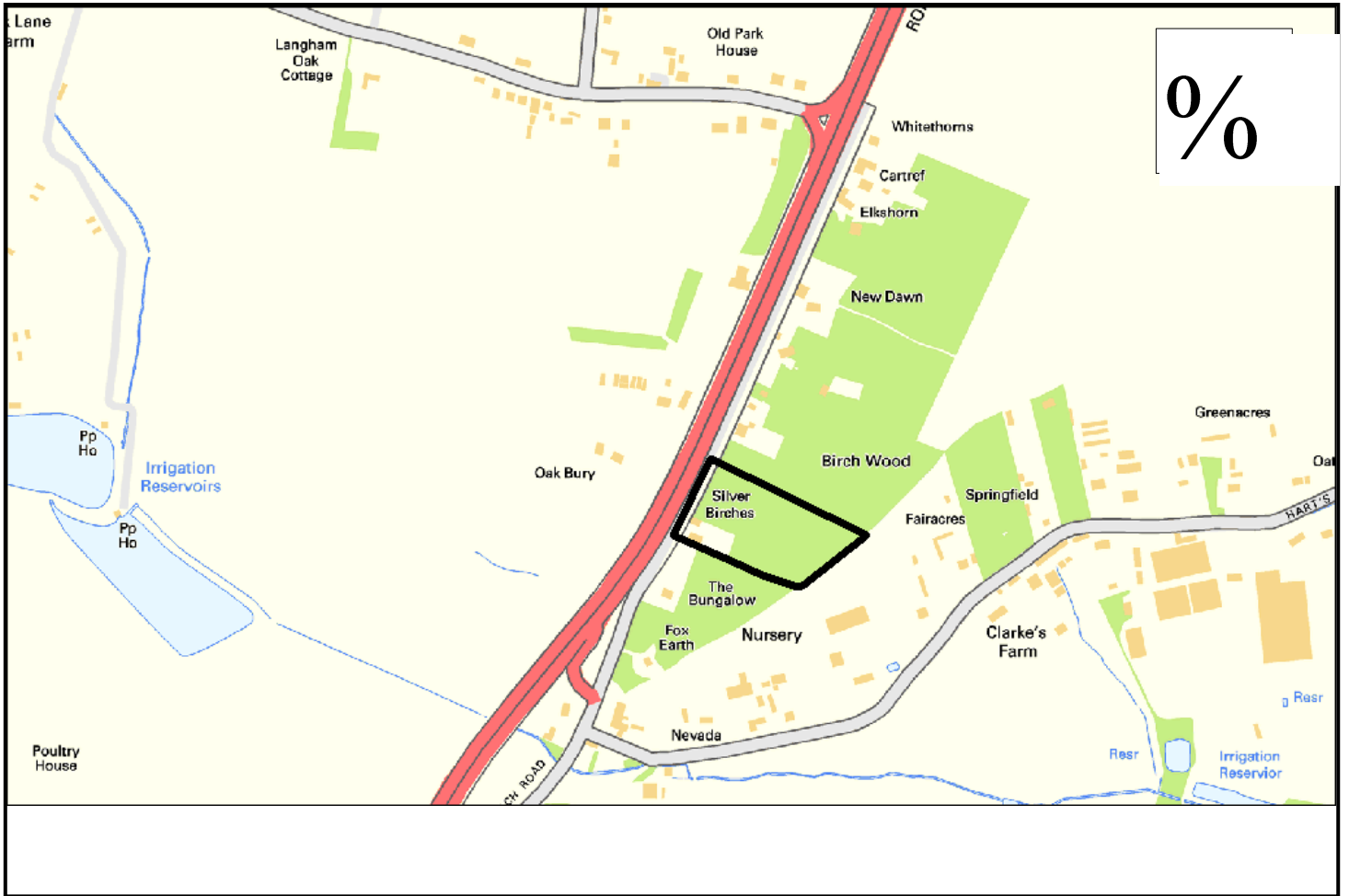
Informatives

In connection with condition no. 10, a S106 legal agreement is applicable to secure a £5,000 bond for use in connection with extraordinary maintenance required as a result of construction traffic.

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

All works affecting the highway 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 by initially telephoning 01206 838600.

- (2). If within 6 months an appropriate legal agreement has not been secured in accordance with Recommendation 1. above, it is recommended that the application should be REFUSED on the basis that the application fails to secure an appropriate mechanism of ensuring there is no long term harm to the public right of way.



Application No: 100806

Location: Silver Birches, Ipswich Road, Dedham, Colchester, CO7 6HU

Scale (approx): 1:1250

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7.6 Case Officer: Simon Osborn

EXPIRY DATE: 22/06/2010

OTHER

Site: Silver Birches, Ipswich Road, Dedham, Colchester, CO7 6HU

Application No: 100806

Date Received: 27 April 2010

Applicant: Mr C Hipkin

Development: Retrospective application for a Change of use from woodland to garden use to include retention of cart lodge, workshop, storage container, gates and fencing.

Ward: Dedham & Langham

Summary of Recommendation: Conditional Approval

1.0 Planning Report Introduction

1.1 This application is brought to the Planning Committee in view of the objection from the Parish Council to certain parts of the application, particularly the size of the proposed addition to the garden. An amendment has been received which substantially reduces the size of the proposed additional garden and proposing that the storage container is retained for a temporary period only. The application is recommended for approval on the basis of the amendments received.

2.0 Site Description

2.1 Silver Birches is an existing bungalow, one of a number of properties set back from the Old Ipswich Road, which here runs parallel with and immediately adjacent to the A12. Many of the properties have substantial gardens within a woodland setting.

3.0 Description of Proposal

3.1 The applicant has erected a cart lodge in front of the existing bungalow, which is largely screened from the road by a substantial conifer hedgerow, and a separate workshop building on land within his ownership immediately to the north of the authorised garden curtilage.

3.2 A further storage container has been placed on this latter parcel of land. The owner has subsequently clarified that this will be removed after the house extension (allowed on appeal reference 091511) has been completed as this container holds their personal belongings from their old house. The application as originally submitted showed a substantial strip of the woodland to the side and to the rear of the bungalow as proposed garden land. This has subsequently been amended to show a much smaller area that includes the new workshop building, a motor home parked behind this building and the vehicular access. This revised area comprises a curved quarter segment with a radius of approx 30m. The final aspect to the proposal is the retention of a new 1.8m fence along the boundary of the property with the Old Ipswich Road.

4.0 Land Use Allocation

4.1 Rural Area
TPO 01/76

5.0 Relevant Planning History

5.1 091511 – Proposed single storey extension, allowed on appeal April 2010.

6.0 Principal Policies

6.1 Adopted Review Colchester Borough Local Plan Saved Policies-March 2004
DC1- Development Control considerations
CO4 – Natural Features
UEA11 - Design
H12 – Extensions to gardens in the Countryside

6.2 Adopted LDF Core Strategy- December 2008
SD1 - Sustainable Development Locations
ENV1 - Environment

7.0 Consultations

7.1 Highways Agency – no objection

7.2 Highways Authority – no objection

The full text of all consultations and representations are available to view on the Council's web-site.

8.0 Parish Council's Views

8.1 Dedham Parish Council comment as follows:-

"The Parish Council Planning Sub-Committee have considered this application and are appalled that this amount of development has taken place without any previous planning consultation.

The site is part of the remaining Birchwood and as such represents an important woodland amenity on the edge of the Parish and a screen from the A12 which must be maintained and improved. With regard to the above we consider that there is no written justification in the application documents to show a need for a change of use.

If the applicant is happy to reside behind a 1.8m high fencing then we offer no objection being so close to the A12 but we consider the visibility when exiting the site at Access A is sub standard and needs to be improved.

Regarding the structures to be retained:-

1. The cart lodge is in the garden and we have no objection to its retention in the current location and materials used.
2. The workshop is a substantial structure and is clad in a material suited to its location but we are concerned as to the compliance/compatibility with the Building Regulations and the heating system shown in the photographs. We would also require a condition that no part of the structure is to be used for human habitation.
3. The storage container is totally unacceptable in this rural environment and sets a dangerous precedence, therefore we require that the applicant be given a temporary permission to use the container until the property extension is signed off by CBC Building Control as fit for habitation then the container must be removed completely from the site within 6 months.
4. Regarding the woodland being incorporated into the garden we are of the opinion that this proposal is totally unacceptable and the woodland must be protected from further destruction therefore the necessary protection must be placed on the existing tree stock and any requests to change the status REFUSED.

Because of the uncontrolled development that has taken place it is felt by the Committee that a compromise could be allowed whereby a 14 metre strip approximately from the back of the boarded fence at the front of the wood (where access B is located) could be added to the garden and therefore include the workshop to a point where the 'thin tree' is to be removed."

9.0 Representations

9.1 No comments received

10.0 Report

- 10.1 Policy H12 in the Local Plan states that a proposal for an extension of a domestic garden into the open countryside will be permitted only if: (a) there is no material adverse impact on the surrounding countryside; (b) there is no material loss of good quality agricultural land and (c) it would not set a precedent for unacceptable extensions to gardens at one or more neighbouring properties. Where permitted, it is generally expected that PD rights will be relinquished.

- 10.2 This stretch of the Old Ipswich Road is characterised by properties with large gardens, many of which have 1.8m high fenced or walled enclosures to the front and within a woodland setting. The cartlodge is barely visible and the workshop building is also not highly noticeable and the materials blend well with the woodland setting.
- 10.3 The proposed extension to the garden, as originally submitted, was wholly out of character with the surrounding properties, by virtue of its massive size 80m wide and over 150m deep. The application has subsequently been amended, so that whilst most of the wood will remain in the applicant's ownership, the extension to the garden will be limited to a much more restricted area, a curved quarter segment with a radius of 30m, immediately adjacent to the existing garden on its northern side. This is considered a more pragmatic approach as it contains the workshop outbuilding with an area behind where the applicant's motor home is parked out of view. It is considered that this smaller area of additional garden will not materially harm the character and appearance of the countryside.
- 10.4 The Council's Tree Officer visited the site, as part of the initial enforcement investigation and was satisfied that the proposed structures had no material impact on the protected trees.
- 10.5 The proposed metal storage container is unacceptable in appearance for long-term retention. The applicant has indicated that this contains personal household objects resulting from their move from larger premises to Silver Birches. It is intended to remove the container once the extension approved in April 2010 has been built. The applicant expects this to be by summer 2011. It is recommended that a condition is imposed in this regard that requires its removal within 2 years of the date of this permission or within 3 months of the occupation of the new extension, whichever is the earlier.

11.0 Conclusions

- 11.1 It is considered that the proposed extension to the size of the garden (as amended) will not be out of character with the surroundings nor have a material impact upon the countryside. The revised size is considered a pragmatic approach to bringing the new workshop outbuilding within the garden curtilage. The application is therefore recommended for approval, subject to conditions relating to the use of the outbuilding and garden and to ensure the storage container is kept for a temporary period only.

12.0 Background Papers

- 12.1 ARC; Core Strategy; HA; Highway Agency; PTC

Recommendation - Conditional Approval

Conditions

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

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

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

2 – Non-Standard Condition

The change of use from woodland to garden area shall be restricted to the curved quarter-segment of land with a radius of approximately 30m shown on the revised drawing Revision A, received on 28 May 2010.

Reason: For the avoidance of doubt and because the proposed garden area shown on the plans now superseded, would have adversely affected the character of the area, contrary to Policy ENV1 of the adopted Core Strategy and Policy H12 in the adopted Local Plan.

3 – Non-Standard Condition

Notwithstanding the provisions of Class E of Part 1 of Schedule 2 to the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order with or without modification) no building or enclosure, swimming or other pool required for a purpose incidental to the enjoyment of the dwellinghouse as such, shall be provided within the curved quarter-segment of land referred to in condition no. 2 above, without express planning permission from the local planning authority.

Reason: To safeguard the visual amenity of the area.

4 – Non-Standard Condition

The workshop building hereby permitted shall only be used for purposes incidental to the enjoyment of the dwellinghouse known as Silver Birches, Old Ipswich Road, Colchester and shall not be altered so as to provide habitable accommodation of any kind without express planning permission from the local planning authority.

Reason: For the avoidance of doubt and to ensure that the use remains truly incidental to the main dwelling.

5 – Non-Standard Condition

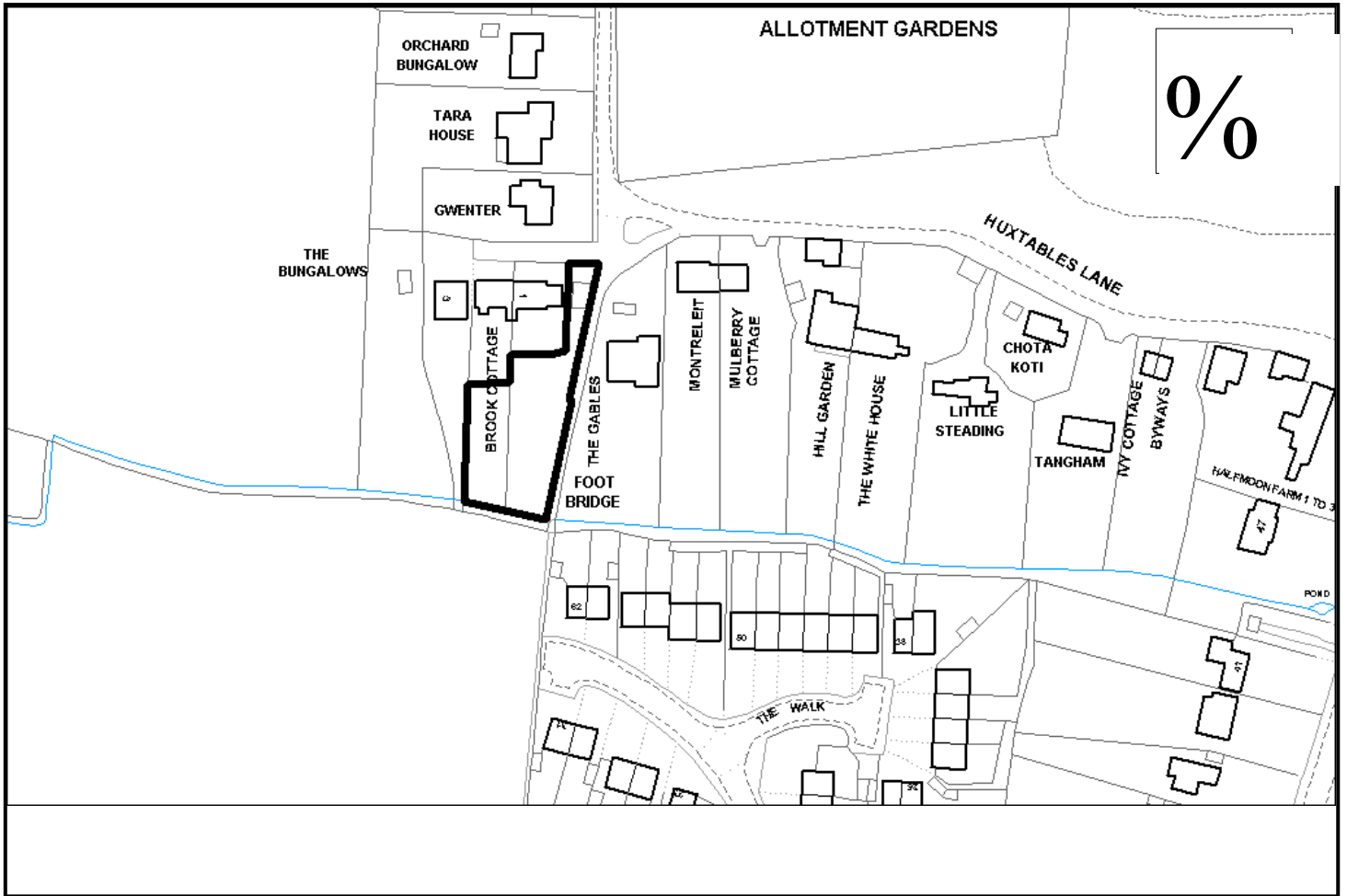
The metal storage container forming part of this application shall be removed from the application site and the land associated with Silver Birches, Old Ipswich Road, Colchester, within 2 years of the date of this permission or within 3 months of the occupation of the new extension permitted by application 091511, whichever is the earlier.

Reason: The container is a temporary structure that has an appearance that is not appropriate for permanent planning permission. Permission has been granted for a temporary basis only in view of the personal circumstances of the applicant.

6 – Non-Standard Condition

The metal storage container permitted for a temporary period by condition no. 5 above, shall be used solely for domestic storage associated with the residential use of the dwelling known as Silver Birches, Old Ipswich Road, Colchester.

Reason: To ensure the use is incidental to the main dwelling, in the interests of rural amenity.



Application No: 100830

Location: 1 The Bungalows, Land rear of Brook Cottage and Huxtables Lane, Fordham

Scale (approx): 1:1250

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7.7 Case Officer: Mark Russell

EXPIRY DATE: 24/06/2010

MINOR

Site: 1 The Bungalows, Land rear of Brook Cottage and Huxtables Lane, Fordham

Application No: 100830

Date Received: 29 April 2010

Agent: Edward Gittins & Associates

Applicant: Mr C Watts

Development: Erection of single detached dwelling and two garages (resubmission of 090639)

Ward: W. Bergholt & Eight Ash Green

Summary of Recommendation: Conditional Approval with Unilateral Undertaking

1.0 Planning Report Introduction

1.1 This planning application is before Members as it is non-householder application, objections have been received, and the officer recommendation is for approval. This application follows the refusal of 090639 which sought to place two dwellings in this location.

2.0 Report Summary

2.1 The following report outlines the proposal to erect a detached dwelling and garages to the rear of Brook Cottage, Huxtables Lane, Fordham Heath. The report details consultation replies and objections from the Parish Council and some residents on the grounds of incongruity of design and tandem development, lost views, mistakes on the DAS and applications forms, possible damage to the highway and trees, water run-off, and possible precedent. Responses are given to each of these and, finally, conditional approval is recommended.

3.0 Site Description

3.1 The site comprises part of the back gardens of Brook Cottage and 1 The Bungalows. These dwellings form part of an erratic ribbon of housing on Huxtables Lane which borders Fordham Heath and is towards the north-western limit of the Eight Ash Green Village Envelope. To the east is a narrow footpath leading through to the modern development of The Walk, to the south is agricultural land with long sloping views towards the A1124 Halstead Road and All Saints Church.

4.0 Description of Proposal

- 4.1 The proposal is to place a stylish three bedroom one-and-a-half storey house described as being of "Edwardian/New England" design to the rear of the existing properties. Proposed materials are clay plain tiles, feather-edged weather-boarding, render and a facing brick plinth.
- 4.2 The removal of the existing garage to Brook Cottage would facilitate the introduction of an access way off Huxtables Lane. Garaging with clay plain tiles and brick walls for the host and new dwelling is proposed.
- 4.3 Parking is proposed at one garage per dwelling. In addition space exists for a second vehicle for each dwelling, plus turning space. This issue is considered further on in the section below.

5.0 Land Use Allocation

- 5.1 Residential, within a Village Envelope

6.0 Relevant Planning History

- 6.1 090639 - Erection of two detached dwellings and two garages. Refused: 18th November 2009.

7.0 Principal Policies

- 7.1 Adopted Review Colchester Local Plan:
DC1- Development Control considerations;
UEA11 – Design
UEA12 – Backland Development
UEA13 - Residential Amenity
H7 - Development Within Village Envelopes
- 7.2 Core Strategy:
UR2 – Built Design and Character
- 7.3 Supplementary Planning Documents
Backland and Infill (Colchester Borough Council, 2009)
Parking Standards (Essex Planning Officers Association 2009)
- 7.4 Background Document:
Local Transport Plan 2006/2011, Appendix G

8.0 Consultations

- 8.1 The Highway Authority (HA) did not object, but requested conditions relating to turning facilities, unbound materials, driveway width and use of the public right of way.

9.0 Parish Council's Views

9.1 Eight Ash Green Parish Council responded as follows:

“At the Parish Council meeting held on Wednesday 12th May 2010 It was resolved to object to this application for the following reasons; There is concern that by permitting such a development comprising back-land development in a very rural and open part of the village it will set a dangerous precedent in relation to future applications. Contrary to information contained within the Design and Access Statement (DAS), there are no similar developments in this area of the village and the only examples of back-land development within the parish take place in much more intensely developed areas. The proposed development will have a detrimental impact on the amenity of adjacent residents because of the levels, proximity and orientation of the buildings. The architectural style of the building is also out of keeping with the surrounding properties and while steps have been taken by the applicant to mitigate the development’s impact on the adjacent public right of way there is still concern raised regarding the proposed planting and its future intrusion onto the path.

Concern is expressed regarding issues of surface water runoff, resultant flooding and the practicalities of dealing with foul water drainage. This application is likely to raise unacceptable issues on all of these fronts and nothing within the submitted information adequately explains how this might be mitigated.

The Parish Council would also like to note that access to the properties may actually take place over common land and therefore any rights that the existing property may have in this regard do not extend to the proposed dwellings. We would respectfully ask the planning authority to investigate ownership issues in this area of Huxtables Lane before determining any application. Statements relating to the alleged affordability of the proposed dwellings made within the DAS are also refuted.”

10.0 Representations

10.1 One letter of objection was received from a neighbouring occupier. Their objections covered the same points as above, whilst also mentioning:

- Loss of views;
- Some errors and inconsistencies in the application form and Design and Access Statement;
- Possible loss of planting;
- Driveway entrance being substandard;
- Precedent for further similar schemes;

11.0 Report

11.1 The main issues in this application are considered to be as follows:

- The principle of the development;
- Design of the proposed building;
- Effect on the amenity of neighbours;
- Effect on the footpath;
- Effect on trees;
- Parking

The principle of the development

11.2 The location of the site is wholly within the Eight Ash Green Village Envelope. Development within this area is therefore supported in principle by Policy H7 of the Approved Review Colchester Borough Local Plan (2004) as follows:

“Proposals for residential development, including replacement dwellings and extensions to existing dwellings, within village envelopes will be permitted provided that development:

- (a) will not result in the development of a gap, where this would lead to the loss of important natural or built features in the street scene;
- (b) will not adversely affect the existing pattern and character of development;
- (c) harmonises with, and reinforces, local distinctiveness and sense of place.”

11.3 Point (a) is not of relevance, points (b) and (c) require discussion. The pattern of development in this area is hard to identify. Whilst it loosely follows a linear association with the southern and western edges of Fordham Heath and its allotment gardens, the line itself – especially at the southern edge - is erratic. Whilst Halfmoon Farm to the east, together with Ivy Cottage, Byways, Chota Koi, and – nearer to the site – Mulberry Cottage and Montreleit, almost hug the lane, dwellings such as Hill Garden and The White House stand back further, and in the case of Little Steading and Tangham are set back 28 and 23 metres respectively, whilst The Gables which is adjacent to the site is set back approximately 25 metres. The pattern is therefore held to randomly arranged as is eloquently demonstrated by reference to an OS extract of the area.

11.4 In terms of the development being described as “tandem” your Officer has sought to avoid this by advising the applicants to orientate the long axis, and the frontage, of the dwelling towards the footpath so that it reads as addressing this right of way rather than reading as a second row of housing behind the existing. This is an improved arrangement from the refused application for two houses which were set out in a tandem form of development.

Design of the Proposed Building

11.5 Regarding clause (c) of the above-mentioned policy H7, and this also covers point 2 of the main issues, the lack of a definable pattern is further complicated by a lack of definable style and design of house in this row. This variety spans the smaller rows of cottages (Brook Cottage, The Bungalow) through to farmhouses such as Halfmoon Farm, and Little Steading. Newer dwellings have also been allowed nearby under applications 90/0570, 92/1031 and 93/0450, and Meadowside, as a replacement dwelling in 1987; This leaves an eclectic mix of reference points.

11.6 The architect’s response has been to opt for what is described as a “New England/Edwardian” style of property. This has sliding sash windows, and a rotunda element which acts as a visual point of interest as seen at the end of the driveway from Huxtables Lane. The dwelling is smaller than some of the properties on Huxtables Lane, but larger than the nearby cottages.

11.7 The fall of land has presented a challenge, and the house has been designed to step down and is read as three elements from the more public side (Huxtables Lane), as well as from the footpath. Long views from the Halsted Road across farmland present a complicated roof-form.

Effect on the amenity of neighbours

11.8 The effect of the fall of land also assists with issues of amenity. Whilst it is noted that the objection from a neighbouring property mentions lost views, these are not a material consideration from a private property. The proposed first floor bedroom windows also face out on to the field. Other first floor windows are to be obscured in order to prevent overlooking.

Effect on the footpath

11.9 In terms of the footpath, a post and rail treatment has been mooted. Whilst this would help to prevent boundary planting from encroaching on to the path, it would lead to the southern stretch of the footpath being opened out, with the house easily visible it. The applicants have been advised that a more enclosed solution is required, probably in the form of native hedge planting. This can be resolved by condition.

Effect on trees

11.20 The applicants have been advised that the garage for the new dwelling should be omitted. This is due to the potential effect on a neighbouring tree, but also to assist with parking (below).

Parking

11.21 The removal of the garage means that two parking spaces are achievable to the new dwelling without obstructing the turning head. The host dwelling will have garaging for one car (a like for like replacement) with room at the front for an additional vehicle. Provision of this can also be secured by condition.

11.22 In response to the outstanding matters, Colchester Borough Council is not aware of any irregularities regarding access rights, and the Highway Authority has not objected to any element of the scheme.

11.23 The issue of possible damage to the verge is not a material consideration, and the fear of precedent is not a reason for refusing this application which must – as with any application – be judged on its own merits.

12.0 Conclusion

12.1 The proposal is seen as being acceptable in principle and a visual enhancement to Huxtables Lane. It does not raise any issues of residential amenity or highway safety which override the benefits of the proposal. Approval is, therefore, recommended.

13.0 Background Papers

13.1 ARC; Core Strategy; HA; PTC; NLR

Recommendation

Conditional Approval subject to the signing of the Unilateral Undertaking for the provision of a contribution to leisure and open space.

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

Samples of the proposed materials which shall be substantially as indicated in the submitted application documents 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: In the interests of visual amenity.

3 - Non-Standard Condition

Before the development hereby permitted is begun, the colour of the proposed render and weatherboarding shall be submitted to, and approved in writing by, the Local Planning Authority and the development shall be carried out in accordance with this agreed scheme and remain so at all times.

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

4 - B4.2 Windows to be Obscure Glazed (1)

The windows marked OBS on the side and rear elevations hereby approved scheme shall be glazed in obscure glass with an obscuration level equivalent to scale 4 or 5 of the Pilkington Texture Glass scale of obscuration and shall be retained as such at all times thereafter.

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

5 - C3.21 Hard Surfacing

Prior to the commencement of the development hereby permitted details of all materials to be used for hard surfaced areas within the site including [roads/driveways/car parking areas/courtyards/etc] shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the agreed details.

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

6 -Non-Standard Condition

Notwithstanding the details of the drawings hereby approved, the proposed garage to the new dwelling is hereby excluded from this permission.

Reason: To provide sufficient parking for the new dwelling and to preserve the long-term health of nearby trees.

7 - Non-Standard Condition

Prior to the commencement of development the applicant shall provide drawings showing an additional parking space, to the front of the host dwelling, which complies with local authority standards and hinders neither the driveway to the side, nor Huxtables Lane to the south. These details shall be implemented as such and shall be brought into use prior to the occupation of the new dwelling and shall remain as such at all times.

Reason: To ensure adequate parking for the host dwelling and to avoid nuisance parking in Huxtables Lane.

8 - C12.1 Comprehensive Boundary Scheme

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

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

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

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

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

10 - Non-Standard Condition

Prior to the commencement of the proposed development, the vehicular turning facilities, as shown on the submitted plans, shall be provided within the site and shall be maintained free from obstruction at all times for that sole purpose.

Reason: To ensure that vehicles using the site access may enter and leave the highway in a forward gear, in the interests of highway safety.

11 - Non-Standard Condition

No unbound materials shall be used in the surface treatment of the proposed vehicular access within 6m of the highway boundary.

Reason: To ensure that loose materials are not brought out onto the highway, in the interests of highway safety.

12 - Non-Standard Condition

Prior to the occupation of any of the proposed dwellings, the proposed private drive shall be constructed to a width of 4m and shall be provided with an appropriate dropped kerb vehicular crossing of the highway verge.

Reason: To ensure that all vehicles using the private drive access do so in a controlled manner, in the interests of highway safety.

13 - Non-Standard Condition

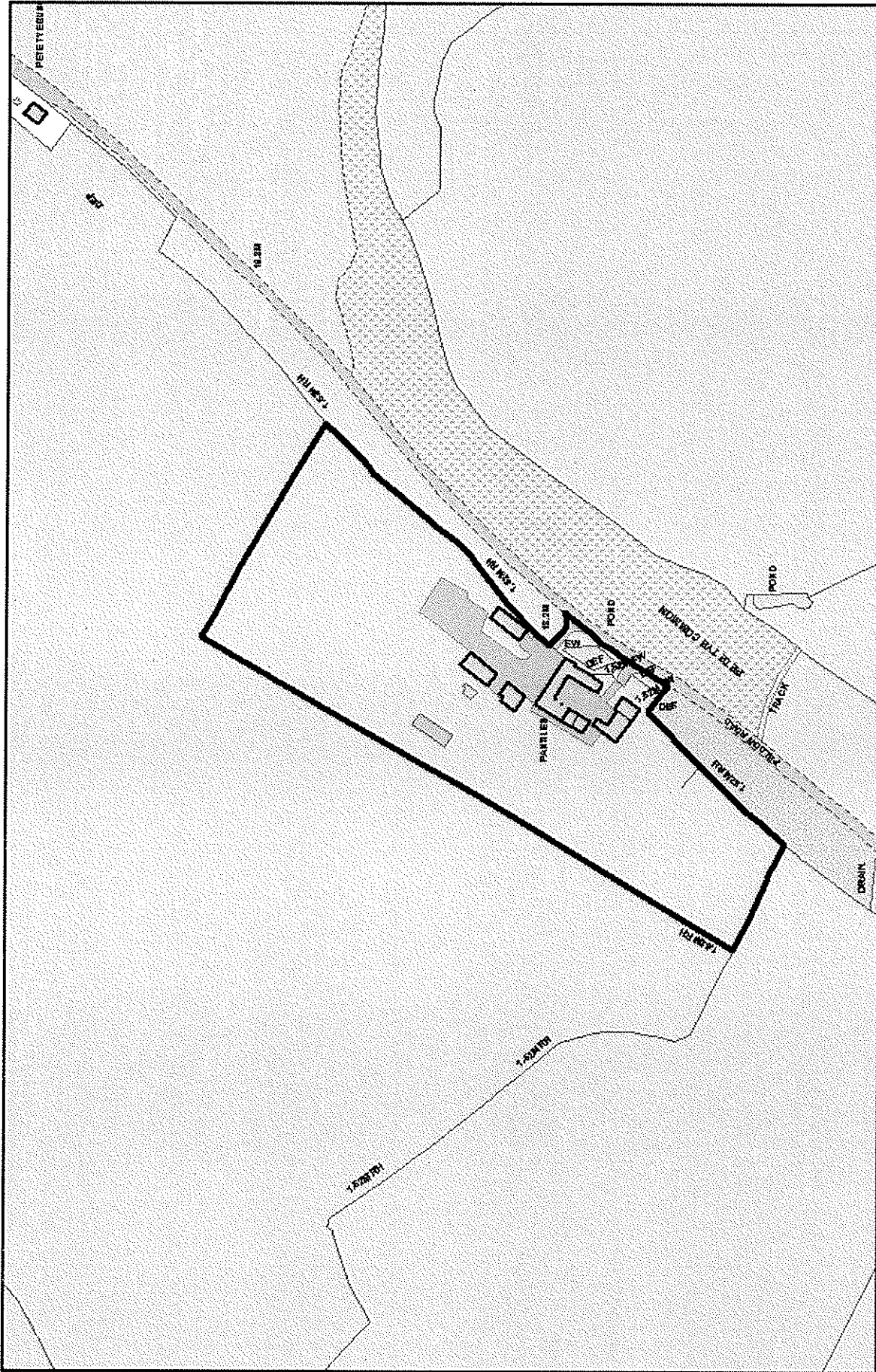
The public's rights and ease of passage over Public Footpath No. 24 (Eight Ash Green) shall be maintained free and unobstructed at all times.

Reason: To ensure the continued safe passage of pedestrians on the definitive right of way in accordance with Policy 3.5 in Appendix G to the Local Transport Plan 2006/2011 as refreshed by Cabinet Member Decision dated 19 October 2007.

Informatives

All works affecting the highway shall 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 phone on 01206 838696 or by email on www.highways.eastarea@essex.gov.uk.

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.



Site Location Plan

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Complaint Reference: 193986

Site Location Address: Pantile Farm, Peldon Road, Abberton, Colchester, CO5 7PD

Date Produced: 7 June 2010

(MAP NOT TO SCALE)

Planning Committee

Item

8

17 June 2010

Report of	Head of Environmental and Protective Services	Author	Sarah Hayes ☎ 01206 282445
Title	Land at Pantile Farm, Peldon Road, Abberton		
Wards affected	Pyefleet		

This report concerns:

- (i) **various unauthorised business activities operating in buildings and on the land around Pantile Farm**
- (ii) **the erection of a large timber building on the site.**

1.0 Decision(s) Required

- 1.1 Members are requested to authorise enforcement action in respect of any unauthorised business uses at the site which have not become lawful due to the passage of time. A period of six months is considered appropriate as two businesses will need to relocate and failure to allow an adequate period of time may result in job losses which could have been avoided.
- 1.2 Members are requested to authorise enforcement action in respect of the large timber building. A period of two months is considered reasonable as there was no use operating in the building during a visit in May 2010.

2.0 Reasons for Decision(s)

- 2.1 There are two businesses operating outside the buildings on the site and a new building has been erected. The businesses and the building are unauthorised and are contrary to Policies DC1 and EMP4 of the Adopted Review Colchester Borough Local Plan and policies ENV1 and ENV2 of the Core strategy. The uses are also contrary to Planning Policy Statement 7 which deals with Sustainable Development in Rural Areas and Planning Policy Statement 4 which deals with Planning for Sustainable Economic Growth. Although the change of use of buildings may sometimes be allowed, outside storage and the erection of new buildings is not considered to be acceptable.

3.0 Alternative Options

- 3.1 A further period could be allowed for the submission of planning applications to try and regularise the unauthorised uses and building as requested by the owner. However, the owner has failed to submit applications despite being allowed over a year to do so. Therefore it is not considered reasonable to allow longer.
- 3.2 In addition, an aerial photograph is available which shows the site in August 2000. It is clear from this photograph that some of the uses, specifically the outside storage and most of the containers were not on the site ten years ago and are therefore not lawful. If the service of an enforcement notice is delayed after August 2010, the aerial photograph will be of far less assistance if the notice is appealed against.

4.0 Supporting Information

- 4.1 A complaint was first received in September 2008 concerning an unauthorised industrial estate and the erection of a large building. A site visit showed that there were indeed many businesses operating from the site and that a building had recently been erected and was nearing completion.
- 4.2 The owner was keen to retain the business uses at the site and was advised of the options available. These were the submission of applications for certificates of lawful use to demonstrate that some of the non-agricultural uses had existed for more than ten years. Such uses would be lawful and immune from enforcement action.
- 4.3 The only option available for the businesses which were not lawful would be to obtain retrospective planning permission. The businesses which operate within existing buildings would probably be acceptable and permission granted. It is not proposed that any action is taken in respect of these businesses as it cannot be demonstrated that they cause any harm. These businesses may in fact be lawful, even though no certificate of lawful use has been submitted.
- 4.4 Two of the businesses are unlawful and also contrary to planning policies. One of these is the storage of reclaimed building materials, occurring outside the buildings. The aerial photographs in particular make the extent of the outside storage clear. It is understood that this business employs 15 people. Clearly employment is an important consideration, but it may be possible for the business to relocate to an alternative site and remain viable, particularly if a longish period for compliance is allowed.
- 4.5 The second business is a storage business operated from containers at the site. However, although most of the containers have been on site for less than ten years, three containers can be seen on the August 2000 aerial photograph and are therefore likely to be lawful. It is not known how many people are employed by this business, but the considerations are the same as with the reclamation company. It is proposed that enforcement action should be taken in respect of all the containers other than the three containers which may be lawful.
- 4.6 In addition a portacabin on site contains personal storage belonging to the owner's brother. This is clearly shown on the earliest aerial photo and it is not proposed that any action is taken regarding it.
- 4.7 The danger of underenforcement – If an enforcement notice is served and complied with, any unauthorised uses or buildings on the site will be automatically granted planning permission. It is therefore important to ensure that nothing is inadvertently omitted from the notice. This applies to the caravans and building mentioned at points 4.8 and 4.9 below.
- 4.8 Two touring caravans belonging to a friend of the owner have recently been moved onto the site, these should be included in the notice and removed from the site.

- 4.9 The large timber building which was the subject of the original complaint was originally constructed to stable the owner's daughter's horses. However, this is no longer the intended use and the owner has suggested the building may now be used for raising young birds, possibly guinea fowl. As there is no obvious existing agricultural activity at the site and certainly no existing agricultural business, the building cannot be erected as permitted development, even if it was to be used for agriculture. It is therefore proposed that an enforcement notice is served requiring it to be removed. Failure to include this building in the enforcement action could lead to underenforcement as described at 4.7. There is a right of appeal against an enforcement notice and the owner may appeal on the grounds that planning permission should be granted.
- 4.10 Policy advice is that part of the site has been considered appropriate for allocation as a Local Employment Site and this is shown on the Proposals Maps which support the LDF, which is included with this report. The whole site was originally put forward for consideration, however after work undertaken on the Sustainability Appraisal it was considered only appropriate to allocate 0.47ha of the site which is roughly the former agricultural buildings currently on the site. The range of uses considered suitable are B1b, B1c, B2 and B8 uses. However B8 distribution is not considered appropriate on this site. Any uses would be subject to planning application and limited to the existing buildings and not spread out across the whole of the site.

5.0 Proposals

- 5.1 The Business and other storage uses - That an enforcement notice is issued requiring that all outside storage at the site should cease. This will include all storage of building materials by the reclamation company and all but three of the storage containers on the site. It will also include the two caravans. A period of six months should be allowed for compliance.
- 5.2 The Timber Building – That an enforcement notice is issued in respect of the black boarded building with a compliance period of two months.

6.0 Equality and Diversity Implications

- 6.1 The Council's Equality Impact Assessment for enforcement matters can be found on the Council's website, www.colchester.gov.uk. Use the following links from the home page to get to the Equality Impact Documents for the Environmental and Protective Services Team. Council and Democracy > Policies, Strategies and Performance > Diversity and Equality > Equality Impact Assessments > Planning – Enforcement

7.0 Standard References

- 7.1 There are no particular references to the Strategic Plan; publicity or consultation considerations; or financial; human rights; community safety; health and safety or risk management implications.

INDEX TO PLANNING APPLICATIONS CODES

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

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

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

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

INTERNAL CONSULTEES

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

REPRESENTATIONS ETC

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

EXTERNAL CONSULTEES (2 character codes)

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



Colchester Borough Council Environmental Control

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

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

Best Practice for Construction Sites

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

Noise Control

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

Emission Control

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

Best Practice for Demolition Sites

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

Noise Control

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

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

Emission Control

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