

# Planning Committee

Town Hall, Colchester  
1 November 2012 at 6.00pm

## **This committee deals with**

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

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

# Information for Members of the Public

## Access to information and meetings

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

## Have Your Say!

The Council values contributions from members of the public. Under the Council's Have Your Say! policy you can ask questions or express a view to meetings, with the exception of Standards Committee meetings. If you wish to speak at a meeting or wish to find out more, please refer to Attending Meetings and "Have Your Say" at [www.colchester.gov.uk](http://www.colchester.gov.uk)

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## **Material Planning Considerations**

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

- planning policy such as adopted Local Development Framework documents, for example the Core Strategy, Development Plan Documents (DPDs) and the Site Allocations DPD, 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 among the most common issues that 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
- effects on property values
- restrictive covenants
- loss of a private view
- identity of the applicant, their personality or previous history, or a developer's motives
- competition
- the possibility of a "better" site or "better" use
- anything covered by other 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. The legal context for this framework is for the most part set out in the Equality Act 2010.

# COLCHESTER BOROUGH COUNCIL PLANNING COMMITTEE 1 November 2012 at 6:00pm

## Members

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

**Substitute Members** : All members of the Council who are not members of this Committee or the Local Plan Committee and who have undertaken the required planning skills workshop. The following members meet the criteria:-  
Councillors Lyn Barton, Mary Blandon, Mark Cable, Barrie Cook, Beverly Davies, Annie Feltham, Marcus Harrington, Jo Hayes, Pauline Hazell, Peter Higgins, Brian Jarvis, Michael Lilley, Sue Lissimore, Colin Mudie, Will Quince, Terry Sutton, Anne Turrell, Dennis Willetts and Julie Young.

## Agenda - Part A

(open to the public including the media)

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

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

## Pages

### 1. Welcome and Announcements

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

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

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

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

## **2. Have Your Say!**

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

## **3. Substitutions**

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

## **4. Urgent Items**

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

## **5. Declarations of Interest**

The Chairman to invite Councillors to declare individually any interests they may have in the items on the agenda. Councillors should consult Meetings General Procedure Rule 7 for full guidance on the registration and declaration of interests. However Councillors may wish to note the following:-

- Where a Councillor has a disclosable pecuniary interest, other pecuniary interest or a non-pecuniary interest in any business of the authority and he/she is present at a meeting of the authority at which the business is considered, the Councillor must disclose to that meeting the existence and nature of that interest, whether or not such interest is registered on his/her register of Interests or if he/she has made a pending notification.
- If a Councillor has a disclosable pecuniary interest in a matter being considered at a meeting, he/she must not participate in any discussion or vote on the matter at the meeting. The Councillor must withdraw from the room where the meeting is being held unless he/she has received a dispensation from the Monitoring Officer.
- Where a Councillor has another pecuniary interest in a matter being considered at a meeting and where the interest is one which a member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice the

Councillor's judgment of the public interest, the Councillor must disclose the existence and nature of the interest and withdraw from the room where the meeting is being held unless he/she has received a dispensation from the Monitoring Officer.

- Failure to comply with the arrangements regarding disclosable pecuniary interests without reasonable excuse is a criminal offence, with a penalty of up to £5,000 and disqualification from office for up to 5 years.

## **6. Minutes**

**1 - 4**

To confirm as a correct record the minutes of the meeting held on 11 October 2012.

## **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. 121547 14 Honywood Road, Colchester  
(Christ Church)

**5 - 11**

Variation/removal of condition 17 of planning permission 111842 and conditions 16 and 18 of planning permission 112480 (relating to boundary treatments).

2. 121476 High Woods Country Park, Visitors Centre, Turner Road, Colchester  
(Mile End)

**12 - 16**

Internal remodelling to convert existing public wc's into office space. New stand alone building for public wc's and additional office space.

3. 121289 Colchester Leisure World, Cowdray Avenue, Colchester  
(Castle)

**17 - 22**

Internal remodelling and refurbishment, single storey main entrance and cafe extension. External works including drainage and relocation of cycling facilities.

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

In accordance with Section 100A(4) of the Local Government Act 1972 to exclude the public, including the press, from the meeting so that any items containing exempt information (for example confidential personal, financial or legal advice), in Part B of this agenda (printed on yellow

paper) can be decided. (Exempt information is defined in Section 100I and Schedule 12A of the Local Government Act 1972).





## **PLANNING COMMITTEE 11 OCTOBER 2012**

*Present :-* Councillor Theresa Higgins (Chairman)  
Councillors Nick Barlow\*, Peter Chillingworth\*,  
Helen Chuah\*, John Elliott\*, Sonia Lewis,  
Jackie Maclean\*, Jon Manning, Nigel Offen and  
Laura Sykes\*

*Substitute Members :-* Councillor Pauline Hazell for Councillor Nigel Chapman  
Councillor Michael Lilley for Councillor Stephen Ford  
Councillor Julie Young for Councillor Cyril Liddy

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

### **47. Minutes**

The minutes of the meeting held on 27 September 2012 were confirmed as a correct record.

### **48. 121543 Celebrations, 44 St Christopher Road, Colchester**

The Committee considered an application for a change of use from A1 retail to A5 takeaway, including the installation of an associated kitchen extract system with the flue to terminate at the rear. The Committee had before it a report in which all information was set out.

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

Simon Osborn, Planning Officer, and Alistair Day, Principal Planning Officer, attended to assist the Committee in its deliberations. The planning officer drew attention to his responses to objections relating to highways and parking which were set out in his report. He explained that objections relating to noise were easily overcome by measuring the background noise and controlled thereafter by the imposition of a condition. Odour was more difficult to measure and it was important that the appropriate abatement technology should be installed. In this respect it was noted that a number of planning conditions required further details to be submitted and agreed in writing. He confirmed that the hot food takeaway use in this location was in accordance with planning policy and the 9pm closing time was similar to the existing takeaway facility although they were not open on Sundays.

Mr Cross addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in opposition to the application. His main objections were on the grounds of odour emissions and reduced air quality, a late closing time, there being no need for another takeaway, an increased amount of litter nuisance, and parking facilities being insufficient and dangerous. He referred to other people present at the meeting also being dissatisfied with the situation.

Councillor Smith attended and, with the consent of the Chairman, addressed the Committee. The current group of retail units complemented each other but if this application was approved the takeaway facility would detract from the mix. He asked that the policy to preserve local shopping areas be taken into account. He considered residents' concerns regarding the effectiveness of the odour attenuation equipment at the existing takeaway premises were well founded, and in this respect he referred to an earlier appeal decision which rejected an application in 2001 in this arcade for a takeaway on the grounds of smell. In that instance residential accommodation was extremely close which had been a material factor. Overall he considered the development would be harmful to residents in nearby properties on the grounds of smell and the noise generated by the activity of customers.

The planning officer responded by describing the proposed method of extraction of odours at the premises. In respect of the appeal decision in 2001 for a Chinese takeaway he explained that the means of extraction was via a chimney which went above the eaves but no other information was supplied on how smells were to be dispersed. Whereas in this application the extraction equipment would be a better quality system; Environmental Control did not object to the method of odour extraction but did require further information on use, level of filtration, and maintenance of the system, all of which would be required by condition. The closing time in the 2001 application was much later with consequent disturbance from noise generated by people congregating in the vicinity. He confirmed that the reduction in percentage of A1 retail use conformed to planning policy of 50%, the hours of use of the premises would be in line with the other takeaway premises, and there being a number of litter bins at the front of the parade.

Members of the Committee were satisfied that a parade of shops was a suitable place to have a takeaway. However, having noted smells and noise from the extraction equipment for the existing takeaway, members of the Committee questioned whether it was reasonable to measure the ambient noise level where there was a particularly noisy extractor fan nearby; they were concerned not to make the situation any worse in terms of noise and smell nuisance. They also noted that the rear of the parade was strewn with litter but recognised that this was a behaviour issue. The parking area in front of the parade of shops was particularly difficult to access at busy times, but it was considered that the peak trading time was likely to be early in the evening when other shops were closed. It was recognised that in terms of the previous appeal decision there were significant differences between the two applications hence it could not be used as a precedent.

In response the planning officer confirmed that there were no extant permissions for an A1 retail use to become a non A1 use. Noise was easily measured and there was a condition requiring the provision of information about the proposed equipment together with an informative which required the applicant to contact Environmental Protection before undertaking the assessment of background noise levels. Environmental Control had highlighted that cooking odours were less easy to measure and difficult to control and in this instance the type of food had not been specified. However, they required that the correct type of odour abatement technology be installed and consequently there was no objection to the application on the grounds of odour. The principal

planning officer reaffirmed that all advice from other bodies and this council's Environmental Control team had assessed the application and deemed it acceptable, and as no objections had been received by those relevant bodies any refusal would be on uncertain grounds.

*RESOLVED* (MAJORITY voted FOR) that the application be approved with conditions and informatives as set out in the report.

#### 49. 121457 Moss Farm, Penlan Hall Lane, Fordham

**Councillor Chillingworth (in respect of his business relationship with the applicant) declared a pecuniary interest in this item pursuant to the provisions of Meetings General Procedure Rule 7(12) and left the meeting during its consideration and determination.**

The Committee considered a listed building application for a single storey garden room extension. The Committee had before it a report in which all information was set out.

Lucy Mondon, Planning Officer, attended to assist the Committee in its deliberations.

Mr Richardson addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in support of the application. He explained that he had acquired Moss Farm 6 years ago, prior to that it had been a tied house during which no repairs had been undertaken. They had completely renovated the property in keeping and now wanted a garden room to sit in and enjoy the countryside. The original character of the property would remain and be visible from the gable end because the garden room would be all glass. He confirmed that the lane on the west side was no longer in existence and he could not see how the extension would impact that view on as no-one would be using the lane. As the refusal was on the basis of size and siting he asked that the Committee consider a smaller garden room extension.

The planning officer confirmed that the lane along the west side no longer existed but drew attention to the need to consider whether proposals would cause harm to a listed building and to take into account the public benefit. In this case the benefit was personal to the applicant and therefore did not outweigh the harm to the listed building.

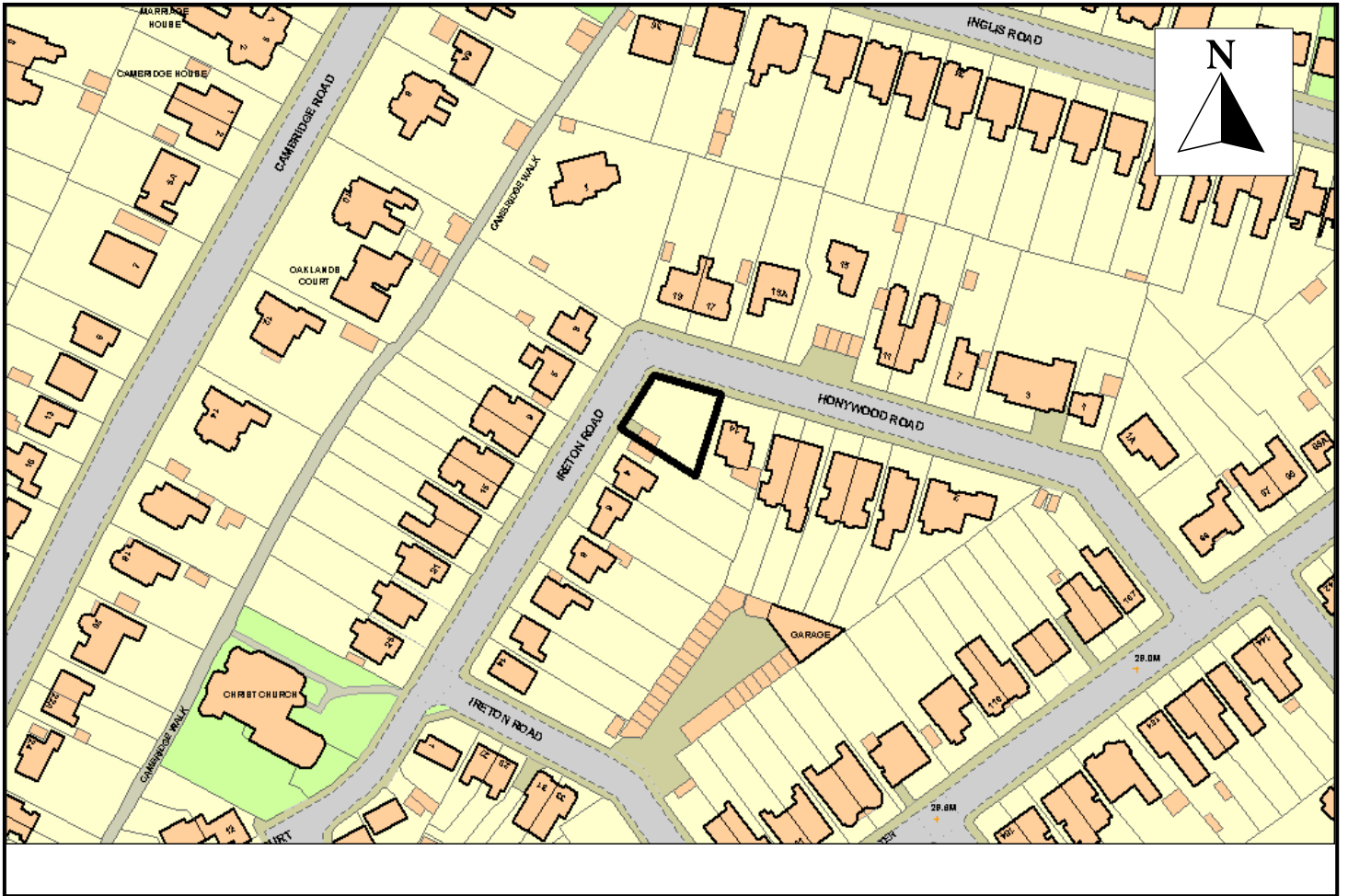
Some members of the Committee supported the proposal, some opposed the proposal and some were in favour of a deferral for discussion to take place between the applicant and officers on a revised design to minimise the impact. There were concerns that the proposal might spoil the listed building whilst others were mindful of the amount of work the applicant had put into renovating a run down building and considered that he should be allowed to improve the property to benefit his quality of life. Other members wanted to explore possible variations on design and materials to minimise the harm to the building.

The planning officer cautioned the Committee that if the proposal was deemed to cause harm to the building, a householder wanting to enlarge such a property would not outweigh the harm. The principal planning officer stated that with a listed building the

only consideration was the effect that the proposed alteration works would have on the special architectural or historic interest of the building. The Council's Conservation Consultant's comments were set out in the report which noted that Moss Farm was a small vernacular cottage which had been extended to its limit. Central Government guidance stated that the layout and plan form of a building were fundamental to the special interest of a listed building and that extensions should not be dominant in terms of their size, scale, design and siting. The proposed extension was located on the original front façade and would fail to respect the historic plan form of the cottage. Officers were clear that the form of extension was unacceptable and the application should be determined on what had been submitted. However, there was no objection to the officer meeting the applicant and agent to discuss alternative design solutions. A fresh application could be submitted thereafter. He confirmed that there was no fee for listed building applications.

RESOLVED (MAJORITY voted FOR) that –

- (a) Consideration of the application be deferred for re-negotiate the size/design of the garden room.
- (b) The application to come back to the Committee for determination.



**Application No:** 121547

**Location:** 14 Honywood Road, Colchester, CO3 3AS

**Scale (approx):** 1:1250

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## Committee Report

Agenda item

**7**

To the meeting of **Planning Committee**  
on: **1 November 2012**  
Report of: **Head of Environmental and Protective Services**  
Title: **Planning Applications**

### 7.1 Case Officer: Mark Russell

**OTHER**

**Site:** 14 Honeywood Road, Colchester, CO3 3AS

**Application No:** 121547

**Date Received:** 22 August 2012

**Agent:** Mr Steve Norman

**Applicant:** Mr William Anthony

**Development:** Variation/removal of condition 17 of planning permission 111842 and conditions 16 and 18 of planning permission 112480 (relating to boundary treatments).

**Ward:** Christ Church

**Summary of Recommendation:** Conditional Approval

### 1.0 Reason for Referral to the Planning Committee

1.1 This application is referred to the Planning Committee because of a call in from Councillor Cope:

*"I support Richard Spooner's objections and consider that, with your official agreement, he has provided enough material to qualify as a planning policy objection to the application. I therefore ask that the application be called in so as to enable the arguments that he has ably provided to be made before the committee.*

*I remember the last time this went to committee we were already saying that the planning system was being stretched if not actually abused by repeated applications relating to the same development after the committee had already made a decision relating to the proposals on the site -- which incidentally, hadn't been adverse to the*

*developer anyway. I wrote to you to ask that you "hold the line" on the last determination as might behove the planning authority, and which might be expected in any other circumstances where a determination had already been made by the committee. What's different about this one that allows the developer to "go behind" decisions of the committee apparently innumerable times? Are there precedents where previous decisions of the committee are repeatedly treated in this way?"*

## **2.0 Synopsis**

2.1 The application before Members is to vary conditions relating to boundary treatment and retention of trees. The site history of this new dwelling is briefly explained and the proposal for the removal of corner vegetation and its replacement with railings and holly hedge planting is described. The report looks at objections mainly based on visual amenity and describes an amended scheme which, it is hoped, is acceptable to all parties. Approval of the amended scheme is then recommended.

## **3.0 Site Description and Context**

3.1 The site is part of the former garden on 14 Honywood Road which now contains a newly-built four storey detached dwelling which is nearing completion. The house has been built in a style which is sympathetic with its surroundings.

3.2 To the northern and western edges of the site is an established group of smallish, mature and semi-mature trees which are predominantly holly, comprising two lines of trees on the Ireton Road side. These sit behind an existing close-board fence which is approximately 1.8 metres.

## **4.0 Description of the Proposal**

4.1 The proposal is to vary condition 17 of permission 111842 which states: 'The development hereby approved shall comply in all respects with the submitted drawings "Front Ireton Road", "Side - Honywood Road", "Layout", and the submitted elevations and floor plans, received 23rd September, unless otherwise agreed in writing by the Local Planning Authority.' These drawings show the retention of the group of trees described above. The new proposal involves new drawings which show the trees to be removed and replaced by ornate railings back planted with smaller holly specimens.

4.2 The proposal is also to vary condition of 16 of permission 112480 which states: "The development hereby approved shall comply in all respects with the amended drawings WA/1A REV A, WA.2A REV A and WA.3A REV A , unless otherwise agreed in writing by the Local Planning Authority." This drawing also shows the retention of the group of trees described above. The reason for this seeming duplication is that application 112480 varied conditions on the original permission. Effectively, reference to application 111842 is not really required as it was permission 112480 (with a small rear extension) which was actually implemented. The proposed conditions, and decision notice, would therefore refer only to permission 112480.

4.3 The final limb of the application is to remove condition 18 of 112480, which quite clearly states:

“In connection with the landscaping and boundary conditions above, the fence and existing planting to the north-western corner shall not be removed.”

4.4 In conclusion, and for the absolute avoidance of doubt, the proposal as submitted was to remove all of the fencing and trees on the Ireton Road aspect, and those for the six metres nearest to the corner on the Honywood Road aspect, and to replace them with iron railings and capped brick piers to a height of approximately 1.2 metres, back-planted with low holly bushes.

4.5 Also in the proposal drawings, but not described in the application, are a cycle shed of 1.7 x 1.7 metres and a waste/recycling storage unit of 800mm x 1 metre is also shown.

4.6 The proposal has now been amended to include retention of the existing fence and trees on the Honywood Road side, and retention of it on the Ireton Road side to such as point as where the front-facing windows begin (three metres along). This is described in more detail in the following sections.

## **5.0 Land Use Allocation**

5.1 Residential

## **6.0 Relevant Planning History**

6.1 110165 - Erection of detached dwelling house with an associated garage and parking facilities. WITHDRAWN 17<sup>th</sup> March 2011.

6.2 111842 - Erection of detached dwelling house with an associated parking facilities. Resubmission of 110165. APPROVED 18<sup>th</sup> November 2011.

6.3 112480 - Minor material amendment to permission 111842 (erection of a detached dwelling house with associated parking facilities) to permit the addition of a single storey garden room. APPROVED 23<sup>rd</sup> February 2012.

## **7.0 Principal Policies**

7.1 The following national policies are relevant to this application:  
The National Planning Policy Framework (NPPF)

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

SD1 - Sustainable Development Locations

H1 - Housing Delivery

UR2 - Built Design and Character

TA5 - Parking

ENV1 - Environment



7.3 In addition, the following are relevant adopted Colchester Borough Development Policies (October 2010):  
DP1 Design and Amenity  
DP12 Dwelling Standards  
DP19 Parking Standards

7.4 Regard should also be given to the following adopted Supplementary Planning Guidance/Documents:  
Backland and Infill  
Vehicle Parking Standards  
Sustainable Construction  
Open Space, Sport and Recreation  
The Essex Design Guide  
External Materials in New Developments

## **8.0 Consultations**

8.1 Highway Authority - No objection

8.2 Environmental Control – No objection

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

## **9.0 Parish Council Response**

9.1 n/a

## **10.0 Representations**

10.1 Four letters of objection from three nearby households were received.

10.2 These letters covered the following points:

- The existing trees and hedges should be preserved;
- The applicants should not repeatedly attempt to overrule the Council's decisions;
- The justification (based on security) is spurious;
- The proposed treatment is not in keeping;
- Extra elements were been included on the drawings (i.e. the bike shed and the refuse/recycling store) without being described in the application

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

## **11.0 Parking Provision**

11.1 n/a

## **12.0 Open Space Provisions**

12.1 n/a

### **13.0 Air Quality**

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

### **14.0 Report**

- 14.1 This site will be well known to Members, having been to Committee twice previously (once for the house itself, once for the rear extension). The current application simply looks at issues of boundary treatment (and two smaller elements added into the side garden).
- 14.2 The issue of security has not been accepted as a reason for recommending the current proposal. The only issue which has been considered is that of visual amenity.
- 14.3 Much store has been held in the vegetation on this corner, which local residents consider to be a positive feature. It could have been removed at any time prior to the first application and prior to development, but has been retained and is protected by condition because of its positive contribution.
- 14.4 This means that any application to alter or remove it must be of a high quality in what is a high quality environment (albeit not a conservation area).
- 14.5 Your Officer had discussions with the applicants prior to the submission of this application, and the idea of railings and piers, with back-planting, was mooted. This would preserve, to some extent, the green corner, albeit much reduced. Your Officer did suggest removing the piers and having railings only, to enhance the green look, but this was not followed up.
- 14.6 It became clear during consultations that the desire amongst residents to preserve the green corner as it is now was very strong. In order to accommodate this, a scheme was looked at which would preserve the corner as much as possible, whilst at the same time allowing more light into the front windows.
- 14.7 The compromise solution was to preserve the Honywood Road aspect and to preserve the first three metres of the Ireton Road aspect. This is near to the point at which the front-facing windows begin. From that point on, the pier and railings with newly planted low-set holly bushes could fill the front elevation.
- 14.8 An amended set of drawings was received and posted on the website on 18<sup>th</sup> October and neighbours were reconsulted. Any additional comments received will be put on the amendment sheet.
- 14.9 The remaining frontage treatment to Ireton Road does not have a precedent in the immediate locality, but is of a high quality and is held to be acceptable. It is noted that there is not a uniform pattern of frontage treatment, although wood does predominate.
- 14.10 The depth of the vegetation will have to be carefully agreed. It is predominantly two trees deep, and at a certain point on the Honywood Road aspect may have to be reduced to a depth of one tree to allow a little more space and light. This will have to be the subject of a suitably-worded condition.

## **15.0 Conclusion**

- 15.1 The amended scheme, with about half of the vegetation retained and new low level planting on the remaining part of the Honywood Road aspect, is held to be a good compromise and Members are requested to approve this application.

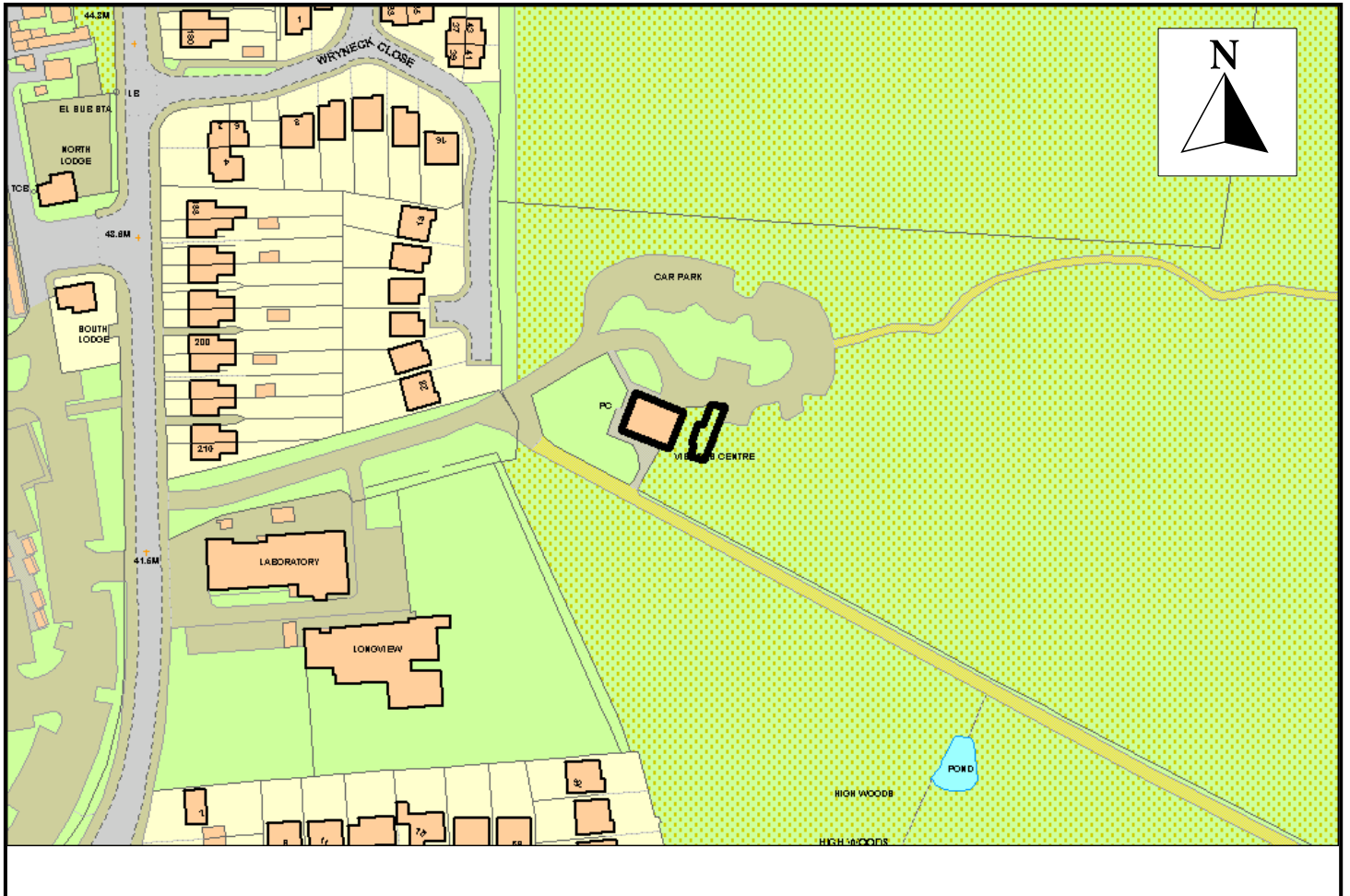
### **Recommendation**

Full wording of conditions to follow, including re-wording of all other conditions from Planning permission 112480.

### **Informatives**

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

(2) All works affecting the highway should be carried out by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority and application for the necessary works should be made by initially telephoning 08456 037631.



**Application No:** 121476

**Location:** High Woods Country Park, Visitors Centre, Turner Road, Colchester, CO4 5JR

**Scale (approx):** 1:1250

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**7.2 Case Officer: Peter Hill**

**Due Date: 12/11/2012**

**MINOR**

**Site:** Highwoods Country Centre, Visitors Centre, Turner Road,  
Colchester, CO4 5JR

**Application No:** 121476

**Date Received:** 13 August 2012

**Agent:** Nps South East Limited

**Applicant:** Colchester Borough Council

**Development:** Internal remodelling to convert existing public wc's into office space.  
New stand along building for public wc's and additional office space.

**Ward:** Mile End

**Summary of Recommendation:** Conditional Approval

## **1.0 Reason for Referral to the Planning Committee**

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

## **2.0 Synopsis**

2.1 Highwoods Country Park is a popular visitor attraction served by an existing visitor centre. This proposal is for a small additional building to provide improved office, café and toilet facilities to the visitor centre. There is a strong policy presumption in favour of developments that improve leisure facilities subject to the details being satisfactory. In this case a low key design appropriate to its setting is proposed and there will be only very minor harm to wooded areas. Consequently, the detail is acceptable and the application is recommended for approval.

## **3.0 Site Description and Context**

3.1 The site is adjacent to the visitor centre building in High Woods Country Park. This is a brick and timber-boarded building, comprising of a visitors centre with café facilities, an office and public toilets for users of the country park. The visitor centre and nearby car park are surrounded at close quarters by woodland.

3.2 The proposed development is on an area to the side (east) of the visitor centre that currently includes some small trees and a semi-dry pond. A small bird cage is also currently located on this site.

#### **4.0 Description of the Proposal**

- 4.1 A new building is proposed to the east side of the existing visitor centre. The building would accommodate public toilets and an office. The new building would provide for enlarged and improved public conveniences (including baby changing facilities). It would also allow the main building to be reconfigured, with an additional office created, improved staff facilities and a tea-making area.

#### **5.0 Land Use Allocation**

- 5.1 The site is allocated as 'Open Space'

#### **6.0 Relevant Planning History**

- 6.1 Planning Permission 090533 granted permission for an extension to the existing building in the same location as the current proposal. Although this permission expired unimplemented in April 2012, such a recent approval remains a material consideration in favour of the proposal.

#### **7.0 Principal Policies**

- 7.1 The following national policies are relevant to this application:

The National Planning Policy Framework (NPPF)

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

UR2 - Built Design and Character

PR1 - Open Space

ENV1 - Environment

ER1 - Energy, Resources, Waste, Water and Recycling

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

DP1 Design and Amenity

DP4 Community Facilities

DP10 Tourism, Leisure and Culture

DP21 Nature Conservation and Protected Lanes

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

Sustainable Construction

Open Space, Sport and Recreation

External Materials in New Developments

Cycling Delivery Strategy

## **8.0 Consultations**

- 8.1 CBC Landscape officer - No objection subject to conditions
- 8.2 CBC Urban Design Officer – No objection
- 8.3 CBC Tree Officer – No objection subject to conditions (following discussions relating to a previous recommendation of refusal)

## **9.0 Parish Council Response**

- 9.1 No objection

## **10.0 Representations**

- 10.1 No objections have been received.

## **11.0 Report**

### Policy Principle

- 11.1 Adopted policy is generally supportive of proposals that improve tourism, leisure and community facilities as well as access to public open space. In proposing such improvements, there is a strong policy presumption in favour of this development so long as the detail is acceptable.

### Design and Layout

- 11.2 The proposal is a simple mono-pitched addition that is low key and in keeping with the existing building and its woodland setting. Walls are to be finished in black stained timber cladding, whilst the roof tiles will be red pan tiles to match the existing building. The design is therefore satisfactory.

### Protected Species

- 11.3 A preliminary ecological assessment has been submitted with this application that concludes that no protected species or habitat for protected species would be harmed by this development, subject to certain precautions being taken. Compliance with these recommendations will need to be ensured through conditions.

### Trees

- 11.4 High Woods is protected by a single Tree Preservation Order. Three trees are proposed for removal as part of the development. The Council's Tree Officer has no objection to the loss of these trees. Although the submitted tree survey is out of date, referring to a previous planning application, it is sufficient to allow conditions to be imposed that will ensure the protection of the remaining trees during the construction process.

## **12.0 Conclusion**

12.1 The proposal presents a minor addition that will allow for improved facilities at this visitor attraction without causing material harm to the site or its setting. Consequently it is acceptable.

### **Recommendation – Conditional Approval**

#### **Conditions**

##### **1 - Time Limit for Full Permissions**

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

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

##### **2 - \*Development to Accord With Approved Plans**

The development hereby permitted shall be carried out in accordance with the details shown on the submitted drawing numbers 01A, 04, 05A and P100, unless otherwise subsequently agreed, in writing, by the Local Planning Authority.

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

##### **3 - Non-Standard Condition/Reason**

No work shall commence on site until a scheme of protective fencing during construction works in relation to trees T5, T6, T8, T9 and T10 identified on drawing 04 has been submitted to and agreed in writing by the Local Planning Authority (see BS 5837). All agreed protective fencing shall be maintained during the course of all works on site. No access, works or placement of materials or soil shall take place within the protected areas at any time.

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

##### **4 - Non-Standard Condition/Reason**

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

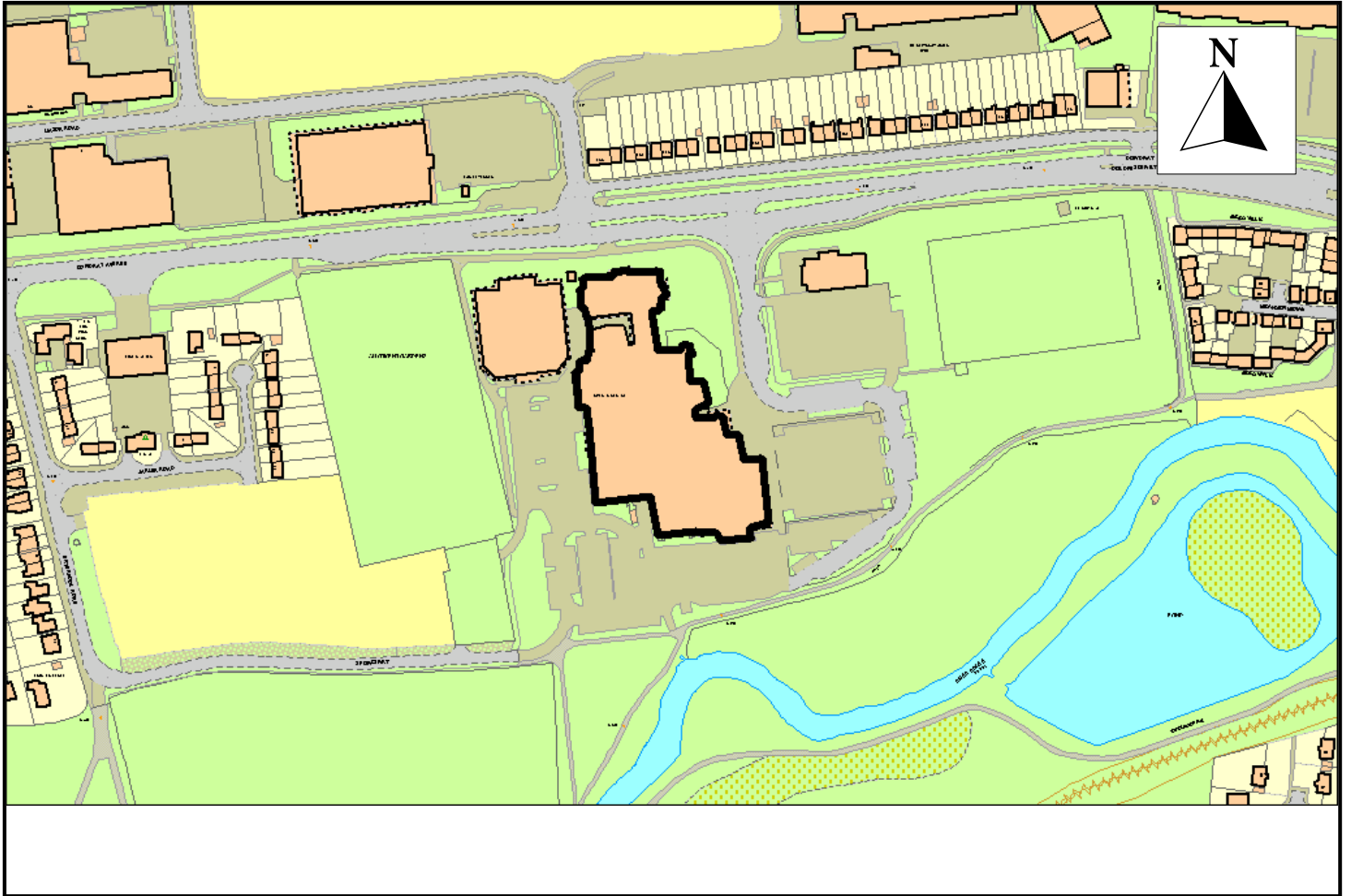
Reason: To protect the health of trees, shrubs and other natural features to be retained in the interest of amenity.

##### **5 - Non-Standard Condition/Reason**

Development shall only be undertaken in such a way that accords with the recommendations and includes the provisions set out in section 5 of the 'Preliminary Ecological Assessment' produced by Ecology Services Limited and dated July 2012.

Reason: To ensure that no harm to protected species or their habitat occurs, and in the interests of promoting biodiversity.





**Application No:** 121289

**Location:** Colchester Leisure World, Cowdray Avenue, Colchester, CO1 1YH

**Scale (approx):** 1:2500

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### 7.3 Case Officer: Mr David Whybrow

**MINOR**

**Site:** Colchester Leisure World, Cowdray Avenue, Colchester, CO1 1YH

**Application No:** 121289

**Date Received:** 13 July 2012

**Agent:** Nps South East Limited

**Applicant:** Colchester Borough Council (Fao Lee Spalding)

**Development:** Internal remodelling and refurbishment, single storey main entrance and cafe extension. External works including drainage and relocation of cycling facilities.

**Ward:** Castle

**Summary of Recommendation:** Conditional Approval

#### 1.0 Reason for Referral to the Planning Committee

1.1 This is a Colchester Borough Council application and is therefore referred to the Planning Committee for determination.

#### 2.0 Synopsis

2.1 The application has not attracted any representations. The report will consider the consultation responses received and conclude that the proposals are satisfactory and recommended for approval.

#### 3.0 Site Description and Context

3.1 Colchester Leisure World is the sport and recreation complex which lies on the south side of Cowdray Avenue and comprises swimming pools, sports halls, Charter Hall, Aqua Springs and Ten Pin Bowling along with extensive car parking. It is served by a light-controlled junction with Cowdray Avenue which also serves a McDonald's restaurant. A secondary access (non vehicular) is available from Sportsway to the south-west.

3.2 A Design and Access Statement accompanies the application.

#### 4.0 Description of the Proposal

4.1 The application is described as internal remodelling and refurbishment, single-storey main entrance and café extension on the building's east elevation and external works including drainage and relocation of cycling facilities. The proposal includes some remodelling of the external space alongside the main entrance including new paving and tree planting and new roof mounted plant in the south-west corner of the complex.

4.2 The entrance and café extension forward of an existing tower feature and consists of flat roofed and mono-pitch elements with bonded brickwork to match the existing building to its north elevation with a mainly glazed front (east) elevation. The new entrance will be the only point of entry for the visiting public with automatic sliding doors and level access from the car park, cycles and bus stop. Another sliding door provides access from the café to the outside seating area.

4.3 The application includes supplementary information in the form of phasing details, work areas for contractors, drainage layout and specifications, electrical services plans and cross sections.

## **5.0 Land Use Allocation**

5.1 No notation

## **6.0 Relevant Planning History**

6.1 The leisure complex has been the subject of a number of planning applications but none of direct relevance to the current proposals.

## **7.0 Principal Policies**

7.1 The following national policies are relevant to this application:

The National Planning Policy Framework (NPPF)

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

SD1 - Sustainable Development Locations

SD2 - Delivering Facilities and Infrastructure

SD3 - Community Facilities

CE2 - Mixed Use Centres

CE2a - Town Centre

UR2 - Built Design and Character

TA1 - Accessibility and Changing Travel Behaviour

TA2 - Walking and Cycling

TA4 - Roads and Traffic

TA5 - Parking

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

DP1 Design and Amenity

DP4 Community Facilities

DP6 Colchester Town Centre Uses

DP17 Accessibility and Access

DP19 Parking Standards

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

Community Facilities  
Vehicle Parking Standards  
Sustainable Construction  
Open Space, Sport and Recreation  
External Materials in New Developments

## **8.0 Consultations**

8.1 Environmental Control require the standard informative regarding demolition and construction works.

8.2 The Highway Authority have no objections and confirm the proposals are consistent with relevant policies.

8.3 The Design and Heritage Unit indicate that the design of the proposal is acceptable but comment further:-

“The relocation of cycle parking and respect of desire lines and movements will be an important consideration when considering the potential for outside tables and café activities”

8.4 The Transportation Team identified potential for cycle infrastructure improvements including completion of a cycle link from the south with appropriate signage. Their requirements have been incorporated into amended drawings and confirmation has been received that these are now acceptable and achieve linkage with national and local network. 38 cycle parking spaces will be provided, mainly in covered bays or secure pods.

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

## **9.0 Parish Council Response**

9.1 Not applicable

## **10.0 Representations**

10.1 None received

## **11.0 Parking Provision**

11.1 Car parking provision is unchanged but it will have been seen that cycle infrastructure enhancement is a part of this proposal. 435 car parking spaces, including disabled bays, are maintained.

## **12.0 Open Space Provisions**

12.1 Not applicable

## **13.0 Air Quality**

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

## **14.0 Report**

14.1 There is no basic land use objection to this proposal. Design and layout are considered acceptable. There are no immediately adjacent residential areas that would be affected by these proposals; there are allotments immediately to the west of the site. The application has not attracted adverse representations and the consultation responses are all favourable. The opportunity to improve conditions for cyclists as identified by your Transportation Team have been realised and incorporated into the amended plans.

## **15.0 Conclusion**

15.1 The scheme is satisfactory and a conditional approval is recommended.

### **Recommendation – Conditional Approval.**

#### **Conditions**

##### **1 - Time Limit for Full Permissions**

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

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

##### **2 - \*Development to Accord With Approved Plans**

The development hereby permitted shall be carried out in accordance with the details shown on the submitted Drawing Numbers MS116110.DO1, Rev T1, PE04, P01, 03-06, 12, 21, 31, 40/41, 48-50, 53-58, 60, amended plans MS116110.P02 rev A and P10 rev A received 18 September 2012 and MS116110.P101 Rev A received 4 October 2012, unless otherwise subsequently agreed, in writing, by the Local Planning Authority.

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

##### **3 - Materials as Stated in Application**

The external facing and roofing materials to be used shall be those specified on the submitted application form and drawings, unless otherwise agreed, in writing, by the Local Planning Authority.

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

#### 4 - Tree or Shrub Planting

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

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

#### **Informatives**

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

(2) No works affecting the highway should be carried out without prior arrangement with, and to the requirements and satisfaction of, the Highways Authority. The applicant is advised to contact Essex County Council on 08456037631 with regard to the necessary application and requirements.



## **Colchester Borough Council Development Control**

### **Advisory Note on Parking Standards**

The following information is intended as guidance for applicants/developers.

A parking space should measure 2.9 metres by 5.5 metres. A smaller size of 2.5 metres by 5 metres is acceptable in special circumstances.

A garage should have an internal space of 7 metres by 3 metres. Smaller garages do not count towards the parking allocation.

The residential parking standard for two bedroom flats and houses is two spaces per unit. The residential parking standard for one bedroom units is one space per unit. One visitor space must be provided for every four units.

Residential parking standards can be relaxed in areas suitable for higher density development.



## Colchester Borough Council Environmental Control

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

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

#### Best Practice for Construction Sites

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

#### Noise Control

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

#### Emission Control

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



## **Best Practice for Demolition Sites**

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

### **Noise Control**

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

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

### **Emission Control**

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

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

## **Class A1. Shops**

Use for all or any of the following purposes—

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

## **Class A2. Financial and professional services**

Use for the provision of —

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

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

## **Class A3. Restaurants and cafes**

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

## **Class A4. Drinking establishments**

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

## **Class A5. Hot food takeaways**

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

## **Class B1. Business**

Use for all or any of the following purposes—

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

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

## **Class B2. General industrial**

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

## **Class B8. Storage or distribution**

Use for storage or as a distribution centre.

## **Class C1. Hotels**

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

**Class C2. Residential institutions**

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

Use as a hospital or nursing home.

Use as a residential school, college or training centre.

**Class C2A. Secure residential institutions**

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

**Class C3. Dwellinghouses**

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

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

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

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

**Class C4. Houses in multiple occupation**

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

**Class D1. Non-residential institutions**

Any use not including a residential use —

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

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

(c) for the provision of education,

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

(e) as a museum,

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

(g) as a public hall or exhibition hall,

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

**Class D2. Assembly and leisure**

Use as —

(a) a cinema,

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

(d) a dance hall,

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

**Sui Generis Uses**

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

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

**Interpretation of Class C3**

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

**Interpretation of Class C4**

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