

# Planning Committee

Town Hall, Colchester  
19 January 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  
19 January 2012 at 6:00pm**

**Members**

Chairman : Councillor Ray Gamble.  
Deputy Chairman : Councillor Theresa Higgins.  
Councillors Christopher Arnold, Peter Chillingworth,  
John Elliott, Stephen Ford, Peter Higgins, Sonia Lewis,  
Jackie Maclean, Jon Manning, Philip Oxford and  
Laura Sykes.

**Substitute Members** : All members of the Council who are not members of this Committee or the Local Development Framework Committee and who have undertaken the required planning skills workshop. The following members meet the criteria:-  
Councillors Nick Barlow, Lyn Barton, Mary Blandon,  
John Bouckley, Nigel Chapman, Barrie Cook, Nick Cope,  
Annie Feltham, Bill Frame, Mike Hardy, Marcus Harrington,  
Pauline Hazell, Michael Lilley, Sue Lissimore, Nigel Offen,  
Ann Quarrie, Will Quince, Paul Smith, Terry Sutton,  
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, Latest News). Members of the public should check that there are no amendments which affect the applications in which they are interested. Could members of the public please note that any further information which they wish the Committee to consider must be received by 5pm on the day before the meeting in order for it to be included on the Amendment Sheet. With the exception of a petition, no written or photographic material can be presented to the Committee during the meeting.

**Pages**

**1. Welcome and Announcements**

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

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

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

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

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

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

## **3. Substitutions**

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

## **4. Urgent Items**

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

## **5. Declarations of Interest**

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

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

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

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

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

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

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

public interest.

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

## **6. Minutes**

**1 - 4**

To confirm as a correct record the minutes of the meeting held on 5 January 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. 110953 Church Lane, East Mersea  
(Pyefleet)

**5 - 24**

Application for the conversion of existing barns and stables to form 18 self catering holiday accommodation units and erection of 14 new holiday cottages.

2. 111981 Colchester Town Station, St Botolph's Circus, Colchester, CO2 7EF  
(New Town)

**25 - 40**

Development of town station approach area, including removal of parking area, to form new pedestrian space. Works include new paving, lighting and bespoke artwork for seating, guarding/gates and feature rails (inset within the paving).

3. 111725 13 Park Road, Colchester, CO3 3UL  
(Lexden)

**41 - 48**

Proposed single storey extension providing additional bedroom and change of use from dwelling house (C3) to nursing home for people with physical or mental difficulties (C2). Resubmission of application 081154 after expiration.

4. 112155 21 Parkfield Street, Rowhedge, CO5 7EL  
(East Donyland)

**49 - 53**

Removal of existing single storey rear extension and replace with single storey rear flat roof extension.

## **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 5 JANUARY 2012**

*Present :-* Councillor Ray Gamble (Chairman)  
Councillors Christopher Arnold, Peter Chillingworth,  
John Elliott, Stephen Ford, Peter Higgins,  
Theresa Higgins, Sonia Lewis, Jon Manning,  
Philip Oxford and Laura Sykes

*Substitute Member :-* Councillor Ann Quarrie for Councillor Jackie Maclean

*Also in Attendance :-* Councillor Nick Barlow  
Councillor Julie Young

(No site visits were undertaken for this meeting.)

### **102. Minutes**

The minutes of the meetings held on 1 December 2011 and 15 December 2011 were confirmed as a correct record.

### **103. 111927 Land to west of Boundary Road, University of Essex, Wivenhoe Park, Colchester, CO4 3SQ**

The Committee considered an application for student flats comprising of 420 en-suite student bedrooms in three separate blocks between four and seven storeys in height, and 228 student bedrooms in two blocks of four storey terraced town houses. A two story 'Pavilion' building containing a small retail unit, laundrette and student common room, and an ancillary amenity space with cycle and refuse storage facilities, electricity sub-station and means of pedestrian, vehicular and servicing access. The Committee had before it a report in which all information was set out, see also Amendment Sheet.

This application had been withdrawn from the agenda immediately prior to the commencement of the meeting on 15 December 2011. The Committee had made a site visit at that time in order to assess the impact of the proposal upon the locality and the suitability of the proposal for the site.

Bradly Heffer, Principal Planning Officer, and Vincent Pearce, Planning Service Manager, attended to assist the Committee in its deliberations.

Andrew Nightingale addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in support of the application. Currently the University could accommodate 9,050 students at the University of Essex on the campus, representing 40% of all students, and this proposal would increase this percentage to 49.3%. The proposal was consistent with the Masterplan. There had been a Travel Plan in place for sometime at the University and there were other measures in place to deter students from parking on campus. The University believed that their current

policies and plans would reduce the demand for parking. The suggestion that students park on the public highway could be overcome by the introduction of residents parking schemes.

Councillor J. Young attended and, with the consent of the Chairman, addressed the Committee. She had called in the application because she was concerned about the conflict with residents caused by students parking their cars in roads in the locality. She referred to other student accommodation nearby which operated with little or no parking facilities and she had heard Mr Nightingale refer to the high cost levied on students who parked on campus. She was aware of students parking their cars during the week in surrounding roads and it appeared that they were moved at the weekend when parking on campus was free. Requests for parking restrictions in Mascot Square had been made for the last three years and residents parking schemes, took even longer. This proposal containing 420 flats was contrary to the council's policies for the provision of parking spaces. Whatever the university states, students wanted to take their car with them.

Members of the Committee were also concerned about students parking in surrounding roads. They also mentioned the possibility of selling off the accommodation or renting units to people other than students or to students from other institutions. There appeared to be a failure to provide accommodation for disabled students and disabled visitor parking in this area. At the start of the term there was an issue with parking on pavements in nearby student accommodation. It was suggested that the University be requested to discuss the parking situation with local and adjacent ward councillors.

Other concerns were the provision of lighting and regular area security patrols prior to occupation. In particular the light switch for the cycle store appeared to be located within the store. If it was turned off from inside it would plunge the outside into darkness creating a potentially dangerous situation. There was some disappointment that such a large development was being carried out in small blocks. There was a request that the University give serious consideration to improving pedestrian access to both sides of the bridge over the railway and make it easier to move and walk about.

Planning officers explained that this accommodation was being provided for a particular tenure group and there was a condition that the accommodation could only be lived in by students or by people visiting the university; a planning application would be required for a change of use to residential use C2/C3. Secure cycle parking was provided which met the Essex County Council requirement and was an incentive against using a car. In terms of accommodation for disabled students, it was a matter for the University to determine how they allocated such accommodation as part of their strategy. All units would comply with the Disability Discrimination Act and whether students could live in them would be dependant on their level of disability. It was likely that the University would provide disabled accommodation in more convenient areas, not on the outskirts.

in respect of parking issues, whilst residents parking schemes was not a planning process, it would be possible to ask for a working party to be set up involving borough

council planning and parking colleagues, Essex County Council highways officers and the University to explore the lengthy lead in time, a car club or other ways of managing the car parking problem. There was a suggestion that the University may be able to provide the funding for a residents parking scheme. Students were permitted to bring their cars onto the campus in order to transfer their belongings to their accommodation. It was believed that car parking may be available for those attending a summer school or an event. There looked to be a possibility of providing a disabled space alongside a group of four parking spaces, or alternatively one of the spaces on this site appeared to indicate that it could be set out to disabled space standard.

In respect of lighting and security issues, on-site security was already provided. The courtyard area, outside areas and the open space on this site will be lit and the road infrastructure was already in place with lighting. It would be possible to require the switch to operate the light for the cycle store to be provided somewhere other than inside the store. In general lighting was expected to be in place prior to occupation but a condition to that effect could be added.

In respect of the bridge over the railway line, when it was designed there were some strong restrictions from Railtrack about the amount of exposure they would allow. This matter would require further investigation.

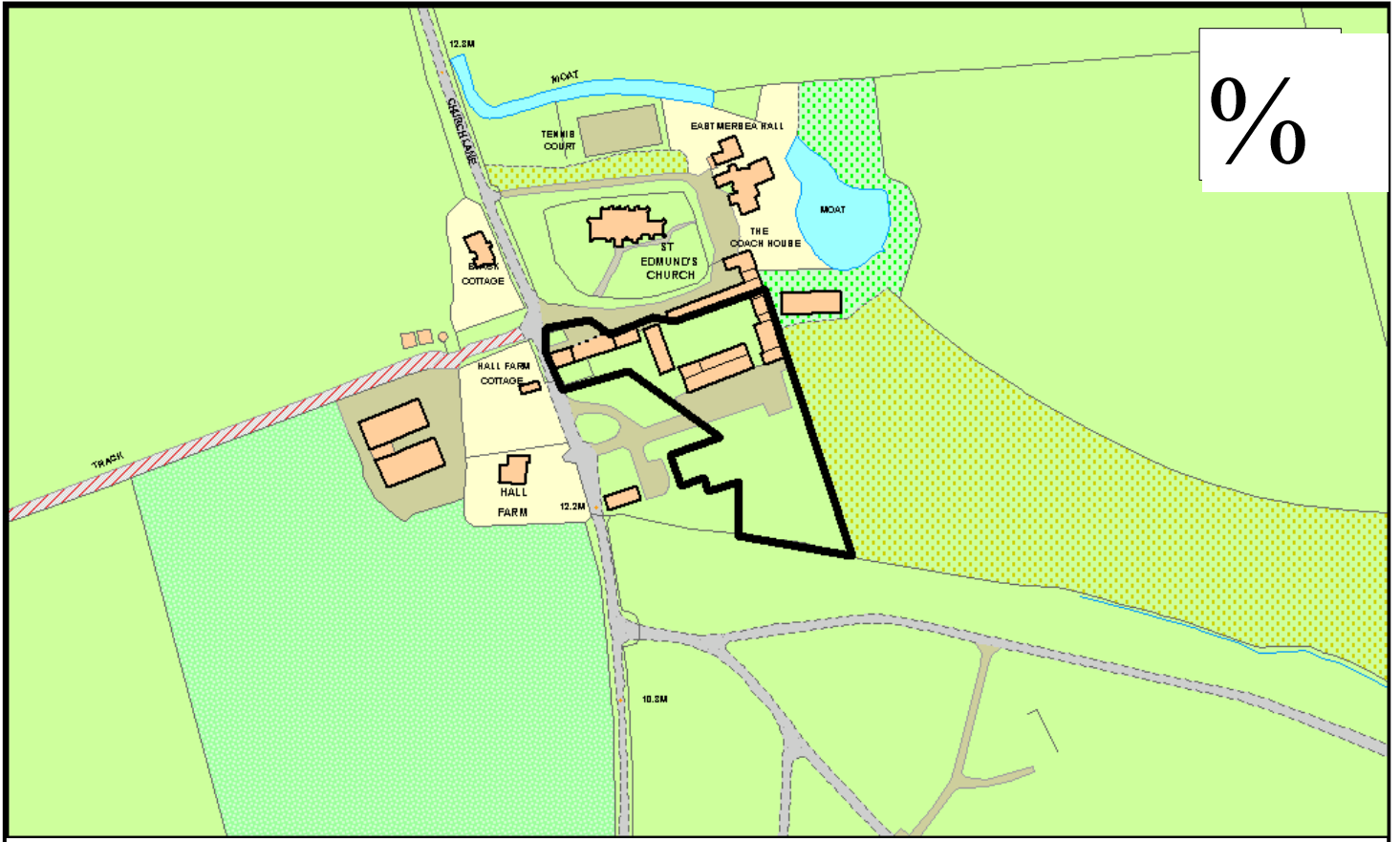
*RESOLVED* (UNANIMOUSLY) that the application be approved subject to conditions and informatives as set out in the report and on the Amendment Sheet together with additional conditions to require lighting for the development to be provided prior to the occupation of the development, lighting for the cycle parking to be controlled remotely and not within the structures themselves and additional disabled visitor parking spaces to be provided adjacent to the four spaces currently shown for facilities management use. The Committee requested that a working group should be convened by the Planning Services Manager comprising the ward members for Wivenhoe Cross and St. Andrew's together with representatives from the University of Essex, the borough council planning service and ECC highways to explore a number of issues in connection with parking problems on adjacent residential areas.

**104. 111941 Co-operative Building Works Depot, 102 Magdalen Street, Colchester, CO1 2LA**

The Committee considered an application for the temporary change of use to the site, previously in use by the East of England Co-op, to a car wash facility on every day of the week. The Committee had before it a report in which all information was set out.

Simon Osborn, Planning Officer, and Vincent Pearce, Planning Service Manager, attended to assist the Committee in its deliberations. It was explained that a further condition could be imposed to address neighbours' concerns about disturbance by noise particularly at the weekend. The condition would require a notice to be displayed requesting that customers switch off their engines when not required and reduce the volume of their audio equipment on arrival at the site.

*RESOLVED* (UNANIMOUSLY) that the application be approved subject to conditions and informatives as set out in the report together with a further condition to require a sign asking drivers to switch off engines and car stereos.



**Application No:** 110953  
**Location:** Church Lane, East Mersea, Colchester  
**Scale (approx):** 1:1250

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# Committee Report

Agenda item

**7**

To the meeting of **Planning Committee**  
on: **19 January 2012**  
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: Nick McKeever

**MAJOR**

**Site:** Church Lane, East Mersea, Colchester,

**Application No:** 110953

**Date Received:** 9 June 2011

**Agent:** Miss Aimee Cannon

**Applicant:** Mr Alan Castledine

**Development:** Application for the conversion of existing barns and stables to form 18 self catering holiday accommodation units and erection of 14 new holiday cottages

**Ward:** Pyefleet

**Summary of Recommendation:** Conditional Approval

## 1.0 Introduction

1.1 This application is referred to the Planning Committee because of an objection by East Mersea Parish Council and local residents. **Councillor Terry Sutton had initially advised that he would wish for this application to be referred to the Committee unless the application was to be refused, or the event that the concerns of the Parish Council and local residents were to be resolved in any meeting with the Applicant. This meeting was held prior to the referral of the application to the Committee Meeting. In response the Applicant submitted the Noise Report, which is referred to in the main body of the Committee Report. However, other issues remain unresolved and are also covered in this Report.**

1.2 **The application was originally submitted to the Planning Committee meeting on 17<sup>th</sup> November 2011 but was withdrawn from the agenda by the Head of Environmental and Protective Services in order to arrange a meeting with East Mersea Parish Council to discuss their concerns, and in particular issues relating to a planning obligation for the provision of cycle paths and improvements to the local infrastructure for the benefit of the community. This meeting was held on the 21<sup>st</sup> December 2011 and will be referred to in the main body of this report.**

## **2.0 Synopsis**

2.1 The application proposes the conversion of a group of former agricultural buildings and the erection of 14 new holiday cottages on land immediately to the north of the existing static caravans within this long established holiday park. The site forms an extension to the holiday park and is allocated as such in the adopted Local Development Framework Site Allocations DPD.

2.2 Given that the site is acceptable in terms of the adopted LDF, subject to various constraints which will be discussed within this report, and is acceptable in terms of the reuse of existing buildings, design and highway related matters, visual impact and impact upon the amenity of the area, it is recommended that permission should be granted subject to appropriate conditions.

## **3.0 Site Description and Context**

3.1 The site forms part of Coopers Beach Holiday Park, an extensive complex comprising 620 static holiday caravans, an entertainment complex and site reception/sales office and display of caravans for sale. The site lies approximately 4.6 km from West Mersea, via a narrow road coming off East Road, East Mersea.

3.2 The Holiday Park is located to the south of St Edmunds Church, a Grade 1 Listed Building. To the north of this Church is East Mersea Hall, a Grade 2 Listed building set within 36 acres of land. To the west and to the east are areas of agricultural land.

3.3 The site is an irregular shaped parcel of land located immediately north of the main holiday complex. This land can be broken down into two sections. The northern part consists of a group of single storey agricultural buildings. None of these buildings have any agricultural use. These buildings provide an enclosure along the northern boundary, with an inner courtyard, and the barn, which is used for storage/workshop.

3.4 The other area of land lies to the south of the aforementioned barn and is currently overgrown with a limited area of open storage.

3.5 The eastern boundary is enclosed by an area of woodland. The southern boundary is a raised bund with associated trees.

## **4.0 Description of the Proposal**

4.1 The application consists of two elements:-

- (1) The conversion of the existing group of former agricultural buildings to provide 18 self catering holiday accommodation units; and
- (2) The erection of a group of 14 new holiday cottages. These are in the form of two groups of terraced, one-and-a-half storey, two and three bedroom buildings, aligned north/south within the area of open land.

4.2 Between the proposed two separate groups of accommodation is to be a new car parking area with 32 spaces being provided.

4.3 The scheme also proposes the provision of secure cycle parking racks, together with an on-site cycle hire facility.

4.4 The application is supported by a Planning Statement, A Design and Access Statement, a Transport Assessment/Travel Plan Framework, a Heritage Statement, a Structural Survey of the existing buildings within the site and an Acoustics Report.

## **5.0 Land Use Allocation**

5.1 Bradwell Safeguarding Zone 3, Potential Contaminated land, SSSI Consultation Zone.

## **6.0 Relevant Planning History**

6.1 The use as a holiday site dates back to the late 1940's, with successive consents over the intervening years. More recent applications include:-

F/COL/05/0515 - Proposed rationalisation and retention of existing caravan sales area. Approve Conditional - 20/04/2005. This permission included the use of the southern part of the site as a caravan transit area

F/COL/04/1295 - Proposed extension of existing sales area together with formation of new caravan 'Transit' area with landscape planting. Refuse - 31/08/2004

F/COL/02/0290 - Additional sales office adjacent to existing plant room. Temporary Approval - 17/05/2002

F/COL/01/1417 - Proposed new cafe bar extension and demolition/relocation of existing - Approve Conditional - 02/11/2001



## 7.0 Principal Policies

- 7.1 The following national policies are relevant to this application:
- Planning Policy Statement 1: Delivering Sustainable Development
  - Planning Policy Statement 4: Planning for Sustainable Economic Growth
  - Planning Policy Statement 5: Planning for the Historic Environment
  - Planning Policy Statement 7: Sustainable Development in Rural Areas
  - Planning Policy Guidance 13: Transport
  - Planning Policy Guidance 17: Planning for Open Space, Sport and Recreation
  - Planning Policy Guidance 20: Coastal Planning
  - Planning Policy Statement 23: Planning and Pollution Control
  - Planning Policy Guidance 24: Planning and Noise
  - Planning Policy Statement 25: Development and Flood Risk
  - Planning Policy Statement 25 Supplement: Development and Coastal Change
- 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
  - UR2 - Built Design and Character
  - TA1 - Accessibility and Changing Travel Behaviour
  - TA2 - Walking and Cycling
  - TA3 - Public Transport
  - TA4 - Roads and Traffic
  - TA5 - Parking
  - ENV1 - Environment
  - ENV2 - Rural Communities
- 7.3 In addition, the following are relevant adopted Colchester Borough Development Policies (October 2010):
- DP1 Design and Amenity
  - DP5 Appropriate Employment Uses and Protection of Employment Land and Existing Businesses
  - DP8 Agricultural Development and Diversification
  - DP9 Employment Uses in the Countryside
  - DP10 Tourism, Leisure and Culture
  - DP12 Dwelling Standards
  - DP14 Historic Environment Assets
  - DP17 Accessibility and Access
  - DP18 Transport Infrastructure Proposals
  - DP19 Parking Standards
  - DP20 Flood Risk and Management of Surface Water Drainage
  - DP21 Nature Conservation and Protected Lanes
  - DP23 Coastal Areas
- 7.4 Regard should also be given to the following Supplementary Planning Guidance/Documents:
- Vehicle Parking Standards
  - Sustainable Construction Open Space, Sport and Recreation
  - The Essex Design Guide
  - External Materials in New Developments

## 8.0 Consultations

8.1 Environmental Control has raised two issues:

- (1) Contaminated land study; and
- (2) Site boundary noise i.e. the impact of the existing wedding venue at East Mersea Hall upon the new holiday accommodation and the implications of this upon this neighbouring enterprise.

With regard to (1) Contaminated land the following comment has been made:-

Phase 1 Desk Study Report. This is an acceptable report for Environmental Control purposes and has identified potential sources of contamination that may pose risks to human health for the proposed development. Ground investigation, including ground gas and ground water monitoring, and a Type 3 asbestos survey of existing buildings has therefore been recommended by the consultant. However, based on the information provided, it would appear that the site can be made suitable for the proposed use. Consequently, any consent should be subject to appropriate conditions.

With regard to (2) Site Boundary Noise, Environmental Control has considered a submitted Acoustics Report and considers this to be acceptable. No objections are raised by Environmental Control.

8.2 The Landscape Officer is satisfied with the landscape content of the proposal subject to appropriate conditions.

8.3 The comments of Spatial Policy are reproduced in full as follows:-

“This application seeks planning permission for the conversion of existing rural buildings to form 18 holiday units and the construction of 14 new buildings to be used as holiday accommodation. The proposal will form an extension to Coopers Beach Holiday Park in East Mersea.

The key policies of relevance to this application are ENV1 (Environment), of the Core Strategy; and DP1 (Design and Amenity) and DP10 (Tourism, Leisure and Culture) of the Development Policies DPD. The Site Allocations DPD is also relevant.

The Site Allocations DPD allocates an extension to Coopers Beach Holiday Park, which includes the area covered by this application. The principle of the proposed use therefore complies with Colchester Borough Council’s planning policies. The Site Allocations DPD recognises the valuable contribution of the supply of holiday accommodation and states that an extension to Coopers Beach Holiday Park is considered to accord with the Environment and Rural Communities policies within the Core Strategy and Developments Policies DP21 and DP23. The Site Allocations DPD lists considerations that need to be addressed as part of any application, these are:

- Delivery of or contribution towards highway and access improvements required as well as the public transport, cycling and walking.
- Allocation and any future re-development should not have a detrimental impact on St Edmunds Church adjacent to the site.
- A landscaping scheme designed to minimise the impact of the extended site on the surrounding landscape, particularly to the western boundary of the site shall be provided.

- No caravans shall be located in Flood Zone 3a.
- A code of conduct to be agreed between land owners, Natural England and Colchester Borough Council.
- Occupancy restrictions to be placed on the site to restrict occupancy during the sensitive winter months.

Planning Policy supports the conversion of the existing rural buildings; this accords with national and local planning policy relating to tourism use in the countryside (policy EC7 PPS4 and policies DP9 and DP10 of the Development Policies DPD in particular). However, there is concern about 2 the proposed new buildings. Whilst the majority of the caravans at Coopers Beach are stationary, caravans do not have a permanent impact on the landscape. There is also concern about the scale and height of the buildings proposed and affect this would have on the setting of St Edmunds Church and landscape character.

Policy ENV1 (Environment) of the Core Strategy states that the Council will conserve and enhance Colchester's natural and historic environment. Specific reference is made to Natura 2000 sites. The supporting text to policy DP10 states that extensions to existing holiday parks should include mitigation measures to manage environmental impacts on Natura 2000 sites.

The Colne Estuary Special Protection Area (SPA) and Essex Estuaries Special Area of Conservation (SAC) (Natura 2000 sites) lie directly to the south of Coopers Beach Holiday Park. An increase in visitors to Coopers Beach as a result of the proposed development has the potential to adversely affect the integrity of the SPA and SAC through increased levels of recreational disturbance. To ensure that no adverse effects will occur it was agreed with Natural England that any future planning application for the site would need to result in a code of conduct agreed between Natural England, Colchester Borough Council and the applicant. This code of conduct should cover the issues of educating guests about the sensitivity of the Colne Estuary and possible access information. It will also be essential, to ensure no adverse affects, that an occupancy restriction is put in place to ensure that the holiday units are not occupied during the winter months, which are the most sensitive times of year for key features of the Colne Estuary SPA.

The Site Allocations DPD requires the delivery of or contribution towards highway and access improvements required as well as the public transport, cycling and walking and policy DP10 also requires tourism proposals to promote accessibility. Due to the nature of the proposed use it is highly likely that the majority of visitors will arrive by car. However, to promote sustainable travel during visitors stays information should be provided on walking and cycling routes in the local area.

In conclusion, the land is allocated in the Site Allocations DPD for an extension to the Coopers Beach Holiday Park. However, there is concern over the proposed new buildings. This application should only be permitted:

- If it is considered that the proposed new buildings will not harm the landscape character and setting of the adjacent listed church (in accordance with policies DP1 and DP9).
- Contributions are secured towards highway/access improvements required as well as the public transport, cycling and walking as advised by the Highways Authority.
- A landscaping scheme designed to minimise the impact of the extended site on the surrounding landscape, particularly to the western boundary of the site is provided and agreed by the Council.
- A code of conduct is agreed between the applicants, Natural England and the Council (in accordance with policy ENV1).

- An occupancy restriction is imposed precluding the use of the units during winter months (in accordance with policy ENV1).”

8.4 The Environment Agency had advised that this is a low risk environment and have no comment to make.

8.5 The Campaign to Protect Rural Essex comments that:-

“CPREssex wishes to object to the above application. East Mersea is an attractive part of the Borough, remaining largely undeveloped. Your Council has long sought to prevent development that would harm the undeveloped coast and continues this policy approach in its core strategy.

The existing caravan sites along the coast represent an unfortunate, but long established, intrusion into a tranquil rural scene. However, in our view it is important to prevent further expansion and intensification of these uses if East Mersea’s rural character is to be maintained.

We consider the present proposal represents an undesirable intensification of the existing use and, along with the resultant traffic that it will generate, will harm the tranquillity of the area. We also consider that the proposal will detract from the setting of the listed Parish Church. In considering the visual impact of the proposal, we feel it is important to consider the view from the water as it is this aspect which helps to define the island’s character. We feel it is likely to be visible from the water as a foreground to the listed church.

The applicant claims that the proposal complies with national and local planning policy. We would dispute this. Both national and local policy seek to safeguard the countryside and undeveloped coast from inappropriate development, which this clearly is. We would ask your Council to refuse the application and conserve East Mersea’s tranquil rural character”.

**8.6 The Highway Authority has commented that, whilst they would welcome appropriately worded conditions whereby the proposed cycling facilities and public transport information can be secured, no objections are raised to this proposal.**

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 Town Council Response**

9.1 The Parish Council has objected for the following reasons:-

1. Substantially different to current Holiday Park which is made up of static (temporary) caravans on the site, these units would be a permanent addition to the village.
2. Scale of the project is too large for East Mersea Village Increase village size by approx 30%. There are only approx 100 dwellings in East Mersea.
3. Increase in traffic movements will be detrimental to an already busy narrow lane, village and residents within Church Lane and surrounding area. PC feels that Church Lane is already at capacity.
4. There are no cycle paths in East Mersea. The application mentions cycle paths and cycle lanes. The only legal place to cycle is on the public road which has a speed limit of 40mph.

5. Only bus service to East Mersea is a school service that operates once in the morning and once in the afternoon at term times only and to a school in Lexden Road, Colchester. There are not any buses at weekends or during the Easter or Summer holidays.
6. Previous applications - Coopers Beach have a poor track record with previous applications. The Reception building still does not have planning permission. Application for 30 tonnes inert waste has been withdrawn pending further investigations.
7. Time factor. This application has not given any time for village to consider impacts. There has not been any consultation with immediate neighbours, people in the village or the Parish Council.
8. The Parish would like the developer to consider withdrawing application pending consultation, and the consideration of a travel plan with suggested usage routes for cycles and improvements to the infrastructure, especially Church Lane.

Where permission is granted, the Parish Council would like to impose the following conditions;

1. That the barns are converted before commencement of building of new units.
2. That these units are to be let on the same opening times as the Holiday Park
3. That a section 106 be added for provision of cycle paths and improvements to the local infrastructure, including Church Lane.

## **10.0 Representations**

10.1 Six objections have been received from, or on behalf of, local residents. The objections are summarised as follows:-

1. Most planning applications from business interests in East Mersea are given the go ahead. Planning applications for or from "Joe Public" are turned down. Is there a message here?
2. All business ventures, especially caravan parks, generate extra traffic, car parking, pollution and litter (in one form or another) and the people who have to put up with the inconvenience are the inhabitants of East Mersea, who also end up picking up the rubbish that the customers of the caravan parks leave behind.
3. Some form of 106 Agreement should somehow be imposed on the applicant to the benefit of the inhabitants of East Mersea to ensure an appropriate contribution to local infrastructure development prior to the commencement of the development. For far too long the attributes of East Mersea have been exploited for commercial reasons by caravan and camping sites without any contribution to the infrastructure development that in this case should include footpaths on the one side of East Road and in Church Lane. The increased summer traffic, both vehicle and pedestrian using East Road particularly in the vicinity of the junction of East Road and Church Road and from that area to the Country Park in Cudmore Grove and to the Dog and Pheasant PH is of very significant proportions. Motorists, cyclists and pedestrians are at risk because of the lack of a pavement and cycle track. This is a fundamental requirement for any future further commercial development.

4. The planning application will no doubt bring many more traffic movements, even though they are saying they will be providing bicycles to each chalet. Traffic is already heavy and fast. People not used to cycling would be a danger on the road to other road users as well as themselves. Which Council picks up the cost and damages from accidents? And who pays the costs, we do. Cycle paths are needed. The sea wall does not allow cycling under the bylaws. Footpaths can be upgraded and can provide a safe environment for cyclists and walkers all around Mersea Island. This would also benefit the inhabitants of East Mersea.
5. Park Resorts are planning to convert the old farm yard opposite the church into holiday homes. This will be in the centre of the village and increase the number of houses in the village by about a third.
6. The existing caravan site is supposed to be closed in the winter there are in fact many people living there throughout the year. It would not be unrealistic to imagine that if the holiday home lets were not taken up Park Resorts might seek to extend the use for the new houses to year round use. The council has been adamant that nothing should be built in East Mersea outside the village envelope. It would be a great pity to see this sort of development succeed when other good schemes fail.

## 11.0 Parking Provision

- 11.1 The application shows the provision of 32 parking spaces; 28 of these are within an area of land between the converted outbuildings and the Holiday Cottage Village, the remainder are shown as being adjacent to the area occupied by the sales caravans. The main parking area has been divided up by the use of planted spacers between the groups of 3 and 4 bays.
- 11.2 The current adopted standards for Caravan Parks (Suis Generis Uses) requires 1 space per pitch plus 1 space per Full-Time staff equivalent. On this basis the provision of the 18 units of holiday accommodation would require 32 spaces. The alternative standard for self-catering accommodation that could also apply is Class C1(Hotels), which requires 1 space per bedroom. In this particular case the provision of 1 space per unit of self-catering accommodation is considered to be acceptable on the basis that each unit of accommodation is likely to be occupied by one family bringing no more than one car.
- 11.3 Cycle parking for the Suis Generis use is 1 space per 5 pitches. In the case of a C1 (Hotels) use the requirement is 1 space per 5 staff plus 1 space per 10 bedrooms. The scheme proposes that each unit of accommodation will be provided with secure cycle parking for at least 4 cycles. In addition cycle hire facilities are proposed **within the site**, with an initial provision of between 10 – 20 cycles. It is also proposed to provide a cycle repair and maintenance **facility off the site** as part of the submitted Travel Plan Framework. On this basis the scheme is considered to be acceptable.

## 12.0 Open Space Provisions

- 12.1 Not applicable

## 13.0 Report

### Policy

- 13.1 This site is part of the Site Allocations DPD, but this allocation lists a number of considerations that need to be addressed. The main issues are: Delivery of or contribution towards highway & access improvements as well as public transport, cycling & walking; a Code of Conduct to be agreed between land owners, natural England & CBC; Occupancy restrictions; Landscaping scheme to minimise impact; No detrimental impact upon St Edmunds Church.
- 13.2 The reuse of the existing buildings is also supported policy terms, and this is point that Spatial Policy has acknowledged in their consultation response.
- 13.3 Whilst the application can be supported in terms of its contribution to the rural economy/tourism within Mersea, and within the Borough in general, this has to be balanced against other material considerations. These considerations are set out in the following part of this report.

### Highway Matters

- 13.4 The application is supported by a Transport Assessment (Transportation Statement & Travel Plan Framework). **This report draws the conclusion** that the level of traffic generation will be negligible given that the site is within walking distance of West Mersea and the main tourist attractions. **Whilst it must be clarified that this is only the view of the consulting company acting on behalf of the Applicant, the proposed development needs to be considered in the context of the scale of the existing accommodation currently provided within the Holiday Park. There are approximately 620 static caravans within the complex. The proposal is to provide an additional 32 units, albeit in the form of the converted buildings within the site and the provision of new buildings. The development will add to the existing vehicular activity within the area, however the development is not in its self of a scale that would justify withholding permission, particularly where the Highway Authority does not raise any objection.**
- 13.5 The Travel Plan seeks to encourage staff & visitors to use cars more efficiently and to encourage alternative travel modes (walking, cycling & public transport).
- 13.6 **The context of public transport the comments made by East Mersea Parish Council in respect of current bus services to Mersea Island are acknowledged. The existing bus services operate throughout the week, and on Saturdays, together with a limited service on Sundays and some bank holidays. These services are to West Mersea, with the 67A operating on an hourly basis Mondays to Fridays. There is one service that goes from East Mersea to Lexden, and this is one trip in the morning and one trip in the afternoon during the period of the school terms only.**

- 13.7 Whilst the concerns of the Parish Council and local residents relating to the impact of the vehicular activity generated by the development and from the existing holiday park are acknowledged and appreciated, it is noted that the Highway Authority does not have any objections to the development and that no requirement for a planning obligation has been put forward. The Highway Authority is satisfied with the proposals set out in the Travel Plan and considers that the package put forward by the Applicant should be secured by way of conditions.
- 13.8 During the meeting with East Mersea Parish Council on the 21<sup>st</sup> December it was recommended that the issue of the lack of any cycle paths within East Mersea and the desire of the local residents for the provision of these cycle paths, would best be addressed as part of the emerging draft cycle strategy. This was on the basis that the scale of the development is such that it does not justify any financial contribution towards the improvement of the existing infrastructure. The issue of Planning Obligations is considered in more detail in paragraphs 13.14 to 13.21 of this report.**

#### Design and impact upon the Historic Environment.

- 13.9 The Design & Heritage Unit has no objection to the layout and design of the proposed development on the basis that it has addressed issues raised during the previous PE application.
- 13.10 The Landscape Officer is satisfied with the impact, subject to conditions.
- 13.11 In terms of the impact upon the historic assets, the Listed Church and the listed East Mersea Hall are separated from the new buildings by the existing former agricultural buildings, which are to be converted, as well as by the new parking area between the existing and the proposed buildings. The conversions in themselves will not adversely impact upon these listed building or their wider settings.
- 13.12 In this context it is noted that there are existing trees along the southern boundary of the Church, along the eastern and southern boundaries of the site which provide satisfactory screening. In addition the new buildings are one-and-a half storey, with accommodation provided within the roof void. The design of the new buildings is also deemed to be acceptable for their setting.

#### Coastal Protection Belt.

- 13.13 The site lies within this area of protected landscape. However the development is located within the area of the existing Holiday Park and does not encroach along the undeveloped section of the coast. The Landscape Officer is satisfied with the landscape impact.



## Planning Obligations

- 13.14 The application does not propose any Unilateral Undertaking but considers that occupancy restriction imposed upon the existing accommodation would be acceptable. The occupancy of the existing static caravans within the holiday park is not restricted by any Section 106 Agreement but is subject to a Caravan Site Licence dated 28 July 2006. This Licence, which regulates the use as a caravan site, would not apply to the new accommodation where this is not provided within static caravans. It is therefore considered appropriate for this condition to be imposed upon the new residential accommodation rather than by a planning obligation. Current central government advice remains that the use of conditions is preferable to the use of planning obligations.
- 13.15 The ODPM Circular 05/2005 “Planning Obligations”, which is still extant, is relevant to this application. Annex B of this Circular (Policy: The Broad Principles) sets out the five tests where a planning obligation can be sought. An obligation can only be sought if it meets all five criteria:-
- (i) Relevant to planning;
  - (ii) Necessary to make the proposed development acceptable in planning terms;
  - (iii) Directly related to the proposed development;
  - (iv) Fairly and reasonably related in scale and kind to the proposed development; and
  - (v) Reasonable in all other respects.
- 13.16 With regard to these criteria, the proposed development is considered to be acceptable in the context of planning policy, where the development is to take place upon that part of the site which has been allocated in the LDF Site Allocations document (October 2010) as an extension to the existing Coopers Beach Holiday Park.
- 13.17 Furthermore Essex County Council, in the capacity as the Highway Authority, has not raised any objections to the proposed development and has not requested any planning obligation to secure contributions towards the provision of alternative modes of transport. They require that the proposed cycle facilities and public transport information, which the Applicant had offered as part of their submission, should be secured by condition.
- 13.18 In this respect Circular 05/2005 advises that conditions should be used wherever possible rather than the use of planning obligations. Whilst residents may have concerns as to the potential use of the new buildings as separate dwellings, this application has to be considered upon its own particular merits as an extension to the established holiday park. The occupancy of these new units for holiday accommodation can reasonably and appropriately, be secured to reflect the Caravan Site Licence that currently restricts the static caravans within this holiday park. The occupancy of static caravans within the nearby Cosway Holiday Park is also subject to a planning condition that restricts occupancy to the period March to December.

- 13.19 There is no requirement in the Council's adopted Supplementary Planning Documents (SPD) for other contributions (e.g. open space or community facilities) for this particular type of development. **In terms of the adopted SPD on Community Facilities, this defines a 'community facility as a building or space where community led activities for community benefit are the primary use. This definition does not encompass the provision of facilities such as the cycle paths as requested by East Mersea Parish Council and local residents. The adopted SPD on Open Space, Sport and Recreational Facilities is to cover all aspects of open space requirements arising from residential development, including recreation, sport and play. However this SPD does not refer to the provision of holiday accommodation.**
- 13.20 The application has also been referred to the Council's Development Team, who considered the proposal and did not request the Applicant to provide any planning obligation.
- 13.21 Overall the development is considered to be acceptable as submitted and as such there is no requirement for the Applicant to provide a planning obligation.

#### Adverse Impact upon Existing Wedding Venue at East Mersea Hall

- 13.22 Following concerns raised by the owner of East Mersea Hall, the Applicant was required to carry out a noise impact assessment. This was duly submitted and considered by Environmental Control, who subsequently considered that this report and its conclusions were acceptable. Full details of this document can be viewed on the Council website.

#### Other Issues

- 13.23 The issue of the impact upon the privacy of East Mersea Hall through overlooking has been addressed by the removal of the windows referred to in the submitted objection.
- 13.24 The objections refer to a nearby pond. This pond lies within the grounds of East Mersea Hall and is located a satisfactory distance from the new residential units. The other works to the conversion of the existing buildings is not likely to have an adverse impact upon this pond.

### **14.0 Conclusion**

- 14.1 The site has been allocated in the LDF for an extension to the existing holiday park. In this respect the development is deemed to be acceptable in principle and in accordance with policy.
- 14.2 The Highway Authority are satisfied that the scale of the development will not adversely impact upon matters of highway safety and raise no objection subject to conditions securing the proposed cycling facilities and the public transport information packs as set out in the submitted Travel Plan.
- 14.3 The development is considered to be acceptable in terms of the design and layout and in terms of the landscape impact.

- 14.4 The development is also considered to be acceptable in terms of any contaminated land issues and in terms of the noise impact upon the nearby East Mersea Hall.
- 14.5 The existing static caravans within the holiday park are subject to a Licence that restricts the period of occupancy. Under these circumstances it is considered appropriate, and necessary, to impose a condition upon the new holiday accommodation restricting the period that the accommodation can be occupied rather than by way of a planning obligation.
- 14.6 A condition will also be required to secure the provision of an agreed Code of Conduct so as to accord with the requirements of the LDF site.

## **15.0 Background Papers**

- 15.1 PPS; Core Strategy; CBDP; SPG; HH; PP; TL; NR; CPREssex; PTC: NLR

## **16.0 Recommendation – Conditional Approval**

### **Conditions**

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

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

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

#### 2 – Non-Standard Condition

The development shall be carried out in accordance with the approved drawings numbers 3147-205, 210 Rev B, 216 Rev B, 217 **RevC**, 225 Rev A and 226 Rev A, unless otherwise agreed in writing by the Local Planning Authority.

Reason: For the avoidance of doubt and in the interests of proper planning.

#### 3 - C3.3 Samples to be Submitted

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

Reason: To ensure the use of appropriate materials and finishes within this site which lies within the open countryside and in close proximity to Listed Buildings.

#### 4 - C11.11 Landscape Design Proposals

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

Existing and proposed finished contours and levels.

Means of enclosure.

Car parking layout.

Other vehicle and pedestrian access and circulation areas.

Hard surfacing materials.

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

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

Retained historic landscape features and proposals for restoration.

Soft landscape details shall include:

Planting plans.

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

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

Planting area protection or decompaction proposals.

Implementation timetables.

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

#### 5 - C11.12 Landscape Works Implementation

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

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

#### 6 - C11.13 Advance / Screen Planting

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

Reason: To ensure an appropriate standard of visual amenity in the local

#### 7 -Non-Standard Condition

No development shall commence on the site until such time as details of a Code of Conduct have been submitted in writing to the Local Planning Authority and agreed in writing following consultation with Natural England and the local landowners. The Code of Conduct shall include provision for the education of guests about the sensitivity of the Colne Estuary and possible access information. The development shall then be carried out in accordance with the agreed scheme and this scheme remain in operation thereafter.

Reason: The adopted Local Development Framework Site Allocations requires that a code of conduct should be agreed by the landowner, Colchester Borough Council and Natural England as a prerequisite for any extension of the existing holiday park as part of the Site Allocations Development Policies Document. This is in the interests of the amenity of this area of land within the Coastal Protection belt.

## 8 - Non-Standard Condition

Development on land affected by contamination: Unless otherwise agreed by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until conditions [9 to 13 as listed below), have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until condition 12 has been complied with in relation to that contamination.

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

## 9 – Non Standard Condition

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

- (i) a survey of the extent, scale and nature of contamination, including contamination by soil gas and asbestos;
- (ii) an assessment of the potential risks to: • human health, • property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes, • adjoining land, • groundwaters and surface waters, • ecological systems, • archeological sites and ancient monuments;
- (iii) an appraisal of remedial options, and proposal of the preferred option(s). This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and the Essex Contaminated Land Consortium's 'Land Affected by Contamination: Technical Guidance for Applicants and Developers

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

## 10 - Non-Standard Condition

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

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

## 11 - Non-Standard Condition

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

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

## 12 - Non-Standard Condition

**Reporting of Unexpected Contamination** In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition 9 "Site Characterisation", and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 10 "Submission of Remediation Scheme", which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition 11 "Implementation of Approved Remediation Scheme".

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

### 13 - Non-Standard Condition

Prior to occupation of any property hereby permitted and the provision of any services the use hereby permitted commencing, the developer shall submit to the Local Planning Authority a signed certificate to confirm that the remediation works have been completed in accordance with the documents and plans detailed in Condition 10 "Submission of Remediation Scheme" above.

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

### 14 – Non Standard Condition

The new accommodation hereby permitted shall only be used to provide holiday accommodation as an extension to the existing Coopers Beach Holiday Park and shall not be occupied other than as follows:-

- (i) Between 1 March to 31 October; and then
- (ii) At weekends from 1 November to 14 January in the subsequent year (weekends being defined as mid-day Friday to mid-day Monday) both dates inclusive together with
- (iii) A period of 14 consecutive days from 23 December to 5 January, both dates inclusive.

Reason: The site is within an area where it is the policy of the Local Planning Authority to prevent permanent residential use. Planning permission is given in this instance for holiday use only as an extension to the existing Holiday Park.

### 15 – Non Standard Condition

**The car parking facilities shown on the approved drawings shall be provided prior to the use of the new accommodation hereby approved, and thereafter maintained as such to serve the development.**

**Reason: In order to provide adequate parking facilities to serve the development in the interest of highway safety and the amenity of the area in general.**

### 16 – Non Standard Condition

**Cycle parking facilities, together with cycle hire facilities, shall be provided in accordance with the submitted Travel Plan Framework, or as may be agreed by the Local Planning Authority in conjunction with Essex County Council as the Highway Authority in the form of any amendments to the Travel Plan, and maintained thereafter to serve the development.**

**Reason: In order to provide adequate cycle facilities and to encourage the use of alternative modes of travel.**

### 17 – Non Standard Condition

**Information relating to public transport facilities shall be made available to all occupiers of the new accommodation, and within the Holiday Park in general, in accordance with details to be submitted to and agreed by the Local Planning Authority in consultation with Essex County Council as the Highway Authority. This detail can be included within any amendments to the Travel Plan.**

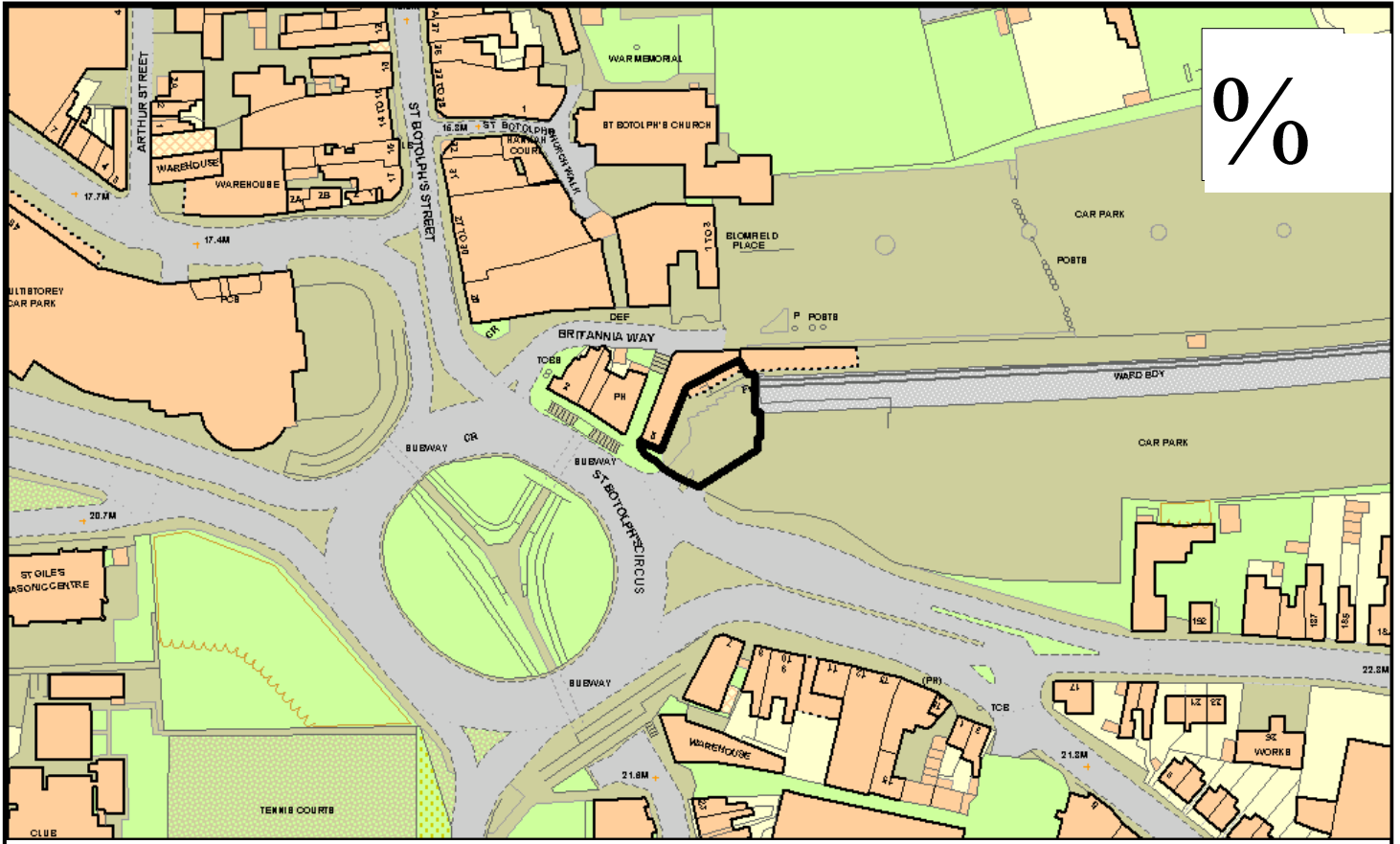
**Reason: In order to encourage the use of public transport facilities.**

**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 01206 838600.





**Application No:** 111981

**Location:** Colchester Town Station, St. Botolphs Circus, Colchester, CO2 7EF

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

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## MINOR

7.2 Case Officer: Mr John More

ADDITIONAL REPORT WRITTEN BY VINCENT PEARCE

**Site:** Colchester Town Station, St. Botolphs Circus, Colchester, CO2 7EF

**Application No:** 111981

**Date Received:** 31 October 2011

**Agent:** Mr Andrew Yelland

**Applicant:** Mr Neil Hopkins

**Development:** Development of town station approach area, including removal of parking area, to form new pedestrian space. Works include new paving, lighting and bespoke artwork for seating, guarding/gates and feature rails (inset within the paving).

**Ward:** New Town

**Summary of Recommendation:** Conditional Approval

### 1.0 Introduction

1.1 This application is referred to the Planning Committee because Colchester Borough Council's Strategic Policy and Regeneration Team is the applicant.

1.2 The report below was presented to the Planning Committee on 15 December 2011 where members **RESOLVED (UNANIMOUSLY)** that the application be deferred for investigations into:-

- the possibility of providing cycle racks on site,
- the provision of a taxi drop off point nearby or for signage to a nearby drop off point, and,
- further consideration of the seating.

1.3 This report is now re-presented having had regard to the above matters.

### Additional Report

#### Seating:

1.4 The granite seating previously shown has been deleted from the proposal following Members' strong comments about their inappropriate form and appearance.

- 1.5 What is now proposed is the location of two groups of 4 individually linked seats arranged to embrace the concentric ring pattern of the Square's flooring close to the station building adjacent to the decorative metal rail feature that will be set into the flooring. National Express who own the land also have their own specification for seating on their property and the Planning Service is currently negotiating the final appearance/type with them as they will need to approve the detail in their capacity as land owner. Understandably National Express is anxious to ensure that any seating provided is of a type that offers resistance to abuse (eg: being used to sleep on or being used as a skate board facility) whilst delivering functionality as a comfortable place to sit temporarily.

#### **The Crankshaft:**

- 1.6 At the meeting of 15 December 2011 it was suggested that the Paxman's 'Crankshaft' feature located at the entrance to Britannia St Car Park be moved to sit in the Town Station Square. Currently the feature is barely noticeable tucked as it is behind a car park totem sign and within a shrubbery. The 'Crankshaft' has a strong heritage connection (as well as being a piece of art) with the area in that it stands sentinel over the former Paxman's engine works that once stood on the site.
- 1.7 The feature is actually owned by the Engineers' Society and they have been approached informally about the possibility of moving the 'Crankshaft' to a publicly prominent place within the new Town Station Square. Their reaction has been positive but the Regeneration Team currently await the formal response of the Society.
- 1.8 The amended drawing prepared after the Committee meeting of 15 December 2011 shows the 'Crankshaft' as sitting between the two rows of seating described in 1.4 above where it will be readily visible and attract interest and curiosity. The existing description plate on the plinth of the feature explains its local historic significance.

#### **Cycle Parking:**

- 1.9 Members concern around the lack of availability of cycle parking facilities in the Town Station Square is appreciated and further consideration has been given by officers to this matter. National Expresses policy on the provision of cycle parking at sites such as this is that facilities are provided on the platform for commuters. This means that the facilities are only used by rail customers and not by other commuting cyclists who are visiting/working nearby in the Town Centre.
- 1.10 Two concerns were expressed by Members on 15 December 2011. The first was that additional rail customer cycle parking was needed and the second was that customers queuing for a rail ticket (non track-side) would have no where to rest their bike whilst doing so.

- 1.11 The Regeneration Team reports that they have been engaged in ongoing discussions with National Express on the question of additional rail customer cycle parking and they understand that Abelio who will take the franchise from National Express on 6 February 2012 already have plans to improve and increase platform cycle parking facilities.
- 1.12 As for providing racks for customers buying tickets National Express this is considered unreasonable and is not supported by the landowner. That said people with bicycles wishing to buy tickets could leave them on their bike stand for the minutes it takes to buy a ticket or rest it against the new railing.
- 1.13 Fortunately the Council's Transportation Policy Team believes it has access to funding to provide new cycle racks just beside the station in Britannia Street. This land is the scruffy piece that provides a home for the 'Crankshaft' beside what was once the former Colchester Borough Transport office. This solution has the benefit of improving cycle parking and tidying up an additional area of public realm close to the station and sits well within the Council's Public Realm Strategy.

#### Taxi / 'Drop-Off' facilities

- 1.14 Essex County Council (Highways) has been approached with a view to gaining their support for the provision of 'drop-off' facilities in the adjacent public highway either in front of the adjacent station or further eastwards into Magdalen Street. They have categorically ruled out such possibilities on the basis that the former will reduce capacity around the St Botolph's roundabout and will pose a highway safety hazard and the latter because such movements will conflict with bus usage or nearby bus stop lay-bys.
- 1.15 The Highway Authority has indicated that it will give consideration to the provision of 'drop-off' facilities for the Town Station as part of its future St Botolph's roundabout re-modelling works. A final solution has yet to be agreed and so this possibility must be considered a longer-term prospect.
- 1.16 The Town Station Square has been designed to be pedestrian friendly and vehicles will no longer be given general access because as a new public space its function will change.
- 1.17 The Regeneration Team is now to provide 'drop-off' space within the Britannia Street Car Park close to the existing passage between the Judge and Jury Pub and the rear of the Station. This will provide a safer alternative until such time as highway alignment is adjusted at some future date.
- 1.18 With the 'drop-off' facility to the rear Members suggestion that appropriate signage directing vehicles to nearby 'drop-off' facilities be displayed becomes essential.

### **Public Realm considerations:**

- 1.19** The Town Station Square project is a major component of the Council's strategy to raise the quality and increase the number of public spaces across the town. The funding for the works has been drawn from various S106 Agreements and effectively requires the co-operation of the two land owners - Her Majesty's Court Service (HMCS) and National Express.
- 1.20** Construction of the new Magistrates' Court building adjacent to Colchester Town Station is well advanced and it is hoped to have the entire Town Station Square laid in time for the formal opening of the Court in Spring of this year. Clearly from a practical point of view it would be sensible to have the floor of the Square laid prior to the Court coming into active use as such works could be disruptive to court proceedings (eg the noise associated with breaking up the existing surface). Members are in any event already satisfied with the creative design and high quality of the floorscape as a component of the overall design and it this which comprises the main component.
- 1.21** The Town Station Square has been designed to provide visitors to the Town arriving by train a highly attractive first impression. The wider Public Realm Strategy sets a course for enhancing where appropriate and reinforcing the physical quality of the urban environment. This quest is not purely driven by aesthetic motivations. High quality public realm, including public spaces can stimulate social interaction, can improve public safety and reduce crime as well as enhancing the reputation of the town and its attractiveness to visitors.

### **Design Philosophy**

- 1.22** The new Town Station Square has been carefully designed to sensitively visually unify the contrasting polite Victorian station buildings with the striking contemporary new court building in a new and pleasing urban composition that also delivers a new pedestrian friendly environment.
- 1.23** The floor of the Square has been designed and laid to a pattern of narrow bands of concentric rings that radiate from the court entrance drawing the eye towards the entrance to the new public building. The shape, pattern, texture and colour of the pavements used have been selected so that the Square resembles the distinctive appearance of the Colchester Oyster. (a highly evocative motif for the town).
- 1.24** The quality of the space is enhanced by the introduction of bespoke railings designed to reflect elements that represent the history of the area and the inclusion of symbolic rails that extend in an arc across the Square and visually tie the platform to the street.

### **Conclusion:**

- 1.25** Members concerns have now largely been or are in the process of being addressed and the remaining issues can now be dealt with by appropriate conditions. An amended recommendation is included at the end of this report.

## **Previous Report considered 15 December 2011**

### **2.0 Synopsis**

- 2.1 The report describes the site and the details of the proposed development. The application is for public realm improvements to the town station forecourt including the provision of public art. The report details the representations received in respect of the proposed development. These include concerns expressed by the local access group and the Urban Designer and the response to these concerns. The report concludes that the proposals would result in a vast improvement to the character and appearance of the site along with the setting of the adjacent listed building and the conservation area. The proposals would enhance accessibility and would further the Council's regeneration objectives in the St Botolph's area of the town centre. Approval is therefore recommended subject to controlling conditions.

### **3.0 Site Description and Context**

- 3.1 The site comprises the forecourt area to the front of Colchester Town Railway Station accessed from St Botolph's Roundabout. The area is currently all hard landscaped and contains pedestrian access to the Railway Station in front of the station house, 6 car parking spaces, with chains and drop bollards to prevent public use, and the remains of the access road which formerly served the St Botolph's Car Park (soon to be the new Magistrates Court).
- 3.2 The railway station is an attractive red brick building which is included on the list of buildings designated as being of special architectural and historic interest at grade II.

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

- 4.1 The proposal is to provide a single open plan, public space, providing level access to the town station and the new Magistrates Courthouse. The proposal is essentially a hard landscaping scheme between the edge of the new Magistrates Court forecourt and Colchester Town Railway Station, which would be repaved in Eco Granite paving (from Hanson's) laid in a radial pattern as shown on the submitted drawing. This proposal will continue the pattern generated for the Magistrates Courthouse forecourt. The existing vehicle bell mouth junction to the site which formerly served the St Botolphs Car Park would be removed along with the private parking to the front of the station house, turning the space into a more pedestrian friendly space. The scheme also includes elements of function public art in the form of two granite benches and decorative safety barrier. In addition to this it is proposed to inset metal rails flush within the paving with images etched along the top of these rails, similar to the images used in the proposed safety barrier, along with a new lighting scheme.

### **5.0 Land Use Allocation**

- 5.1 The site is within a Regeneration Area within the St Botolph's Quarter of Colchester and is just outside the Colchester Town Centre Conservation Area.

## **6.0 Relevant Planning History**

6.1 There is no planning history for the site that is particularly relevant to this application, however it is worth noting the planning permission for the new Magistrates Court building that is in the process of being completed (090752). The S106 agreement attached to this permission contained contributions towards the new public square, public realm improvements, public art and CCTV.

## **7.0 Principal Policies**

7.1 The following national policies are relevant to this application:  
Planning Policy Statement 1: Delivering Sustainable Development  
Planning Policy Statement 5: Planning for the Historic Environment

7.2 In addition to the above national policies, the following policies from the adopted Colchester Borough Core Strategy (December 2008) are relevant:  
CE2a - Town Centre  
UR1 - Regeneration Areas  
UR2 - Built Design and Character  
PR2 - People-friendly Streets  
TA1 - Accessibility and Changing Travel Behaviour  
TA2 - Walking and Cycling  
TA3 - Public Transport

7.3 In addition, the following are relevant adopted Colchester Borough Development Policies (October 2010):  
DP1 Design and Amenity  
DP14 Historic Environment Assets  
DP17 Accessibility and Access  
DP19 Parking Standards

7.4 Regard should also be given to the following Supplementary Planning Guidance/Documents:  
Vehicle Parking Standards

7.5 The St Botolph's Quarter Master Plan and the St Botolph's Car Park Development Brief are also relevant.

## **8.0 Consultations**

8.1 Urban Design

The Council's Urban Designer has made comments regarding the finer detailing of elements of the scheme. Concern is expressed that the public art element has been watered down with interactive lighting on the seating and decorative etched glass on the rails omitted from the latest art content. The proposed etched glass on the guard rail should be retained as it provides a changing motion effect when one walks past, while the laser cut steel does not have the same effect. All metal finishes should be matched and in a dark grey colour, to provide a consistent palette of colours for all street furniture on the square and to ensure a visual contrast to comply with the needs of the partially sighted. A RAL7016 anthracite grey is the specified finish for the light

columns and that should be matched closely. Further details are required of the etching images on the curved metal rail, as part of the urban artwork, to ensure there is art content and not merely a metal rail. It is not clear which luminaries are to be used – given the context of the modest scale listed town station building and the small scale of the square, a slender light would be required, to complement this environment. The suggested Camaro light is utilitarian and more suited to roads and paths and will not be acceptable on the square. The Manhattan option has a slim design, provides sufficient luminance and will be suitable. The replacement luminaries from DW Windsor ‘Manhattan’ should be mounted on 4m columns, to compliment the domestic scale of the station building and to be in proportion to the relatively small square. A slim 4m tapered column is the preferred option. A sample of the granite to be used for the benches should be provided. A dark charcoal grey is the recommended colour, to provide visual contrast with the paving and comply with the needs of the partially sighted, and to coordinate with the street furniture.

## 8.2 Environmental Control

Environmental Control recommends standard conditions covering light pollution and unexpected contamination, and informatives covering the control of pollution during construction and demolition works and unexpected contamination.

## 8.3 Highway Authority comment:

*“The Highway Authority would not wish to raise an objection to the above application subject to the following requirements:*

*1. Prior to commencement of the development the detail of any works which will abut existing or proposed highway shall be agreed with the Highway Authority.*

*Reason: To protect highway efficiency of movement and safety in accordance with policy DM1 of the Highway Authority’s Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.*

*2. Lighting column reference LC3 shall be located to ensure it is clear of the emergency/service access off St. Botolph’s Roundabout.*

*Reason: To protect highway efficiency of movement and safety in accordance with policy DM1 of the Highway Authority’s Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.*

*3. No part, including the lantern, of any lighting column shall overhang existing or proposed highway.*

*Reason: To protect highway efficiency of movement and safety in accordance with policy DM1 of the Highway Authority’s Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.*

*4. Prior to commencement of the development details of a wheel cleaning facility within the site and adjacent to the egress onto the highway shall be submitted to and approved in writing by the Local Planning Authority. The wheel cleaning facility shall be provided prior to commencement of the development and maintained during the period of construction.*

*Reason: To protect highway efficiency of movement and safety in accordance with policy DM1 of the Highway Authority’s Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.*

*Notes:*

*• The above is required to ensure the proposal complies with the Highway Authority’s Development Management Policies, adopted as County Council Supplementary Guidance in February 2011.*



- *In making this recommendation the Highway Authority has assumed the proposal site would not be laid out and constructed to adoptable standards and that the applicant does not intend to offer it to the Highway Authority for adoption.*
- *The above requirements should be imposed by way of negative planning conditions or planning obligation agreements as appropriate.*
- *Prior to any works taking place in the highway the developer should enter into an agreement with the Highway Authority under the Highways Act 1980 to regulate the construction of the highway works.*
- *All highway related details should be agreed with the Highway Authority.”*

#### 8.4 English Heritage

English Heritage does not wish to offer any comments on this occasion. They recommend the application should be determined in accordance with national and local policy guidance, and on the basis of our own specialist conservation advice.

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

### 9.0 Representations

#### 9.1 Cllr T Higgins stated:-

*“The local access group should be consulted on the proposal. Much is made about having level access which is good for wheelchair users but how suitable is the design for people with poor vision.”*

*Officer comment: The local access group was consulted and their comments are set out below.*

#### 9.2 Fair Access 2 Colchester (FA2C) express concern that from a vision impaired point of view there is no visual or tactile marking to indicate that there is an access road to and from the station. They believe this will also service the new Magistrates Court and are concerned that traffic could be quite heavy here. Other concerns are the proximity of local disabled parking for the station and the design of the seating which appears to be made of granite and with very low backs which would be cold and offer no back support for the elderly or those suffering from chronic pain. There is also concern that the colour of the seating may not be enough contrast for those who are sight impaired and therefore be considered as obstacles.

*Officer comment: As part of the new Magistrates Court development, a new level footpath is to be created across the site frontage where the existing bell mouth junction is situated. While the bell mouth junction and all roadways are to be removed from the site, limited vehicular access will still be necessary to the station, for essential maintenance & emergency service vehicles. This is to be achieved with a short section of splayed kerb, indicating where maintenance & emergency vehicles should gain access into the square by bumping up the kerb. The intention is that pedestrians have priority across the space.*

### 10.0 Parking Provision

#### 10.1 See report section below.

## 11.0 Open Space Provisions

11.1 N/A

## 12.0 Report

### Policy

- 12.1 Core Strategy Policy CE2a indicates the Council will seek to deliver more attractive public spaces and streetscapes in the town centre. Policy UR1 sets out the council's regeneration and renaissance aims, listing five main areas, including St Botolph's, to focus improvements enhancing public realm and improve accessibility. Policy UR2 requires high quality and inclusive design which enhance built character and public realm to make better places for residents and visitors. Policy PR2 indicates that the town centre and urban gateways will be priority areas for streetscape improvements and traffic management to support the development of a prestigious regional centre. Policy TA3 states that Gateways to Colchester will be enhanced to provide attractive entry points, a sense of place and excellent onward connections. The Urban Gateways at Colchester including Colchester Town Railway station at St Botolph's will be improved to facilitate regeneration in the surrounding areas.
- 12.2 Development Policy DP1 requires all development to be designed to a high standard and avoid unacceptable impacts on amenity. Development proposals must demonstrate that they respect and enhance the character of the site, its context and surroundings and wherever possible remove existing unsightly features as part of the overall development proposal. Further, they must provide a design and layout that takes into account the potential users of the site, including giving priority to pedestrian, cycling and public transport access, and the provision of satisfactory access provision for disabled people and those with restricted mobility. Policy DP14 indicates that development affecting the historic environment should seek to preserve or enhance the heritage asset and any features of specific historic, archaeological, architectural or artistic interest. Policy DP17 states all developments should seek to enhance accessibility for sustainable modes of transport, by giving priority to pedestrian, cycling and public transport access to ensure they are safe, convenient and attractive, and linked to existing networks.
- 12.3 The Council's Masterplan Planning Guidance relating to St Botolph's Quarter states that the regeneration of St Botolph's Quarter is one of the four major regeneration projects planned as a key objective of the Council's Strategic Plan and 'Colchester 2020, the Community Strategy'. It describes how a new focus for the town is to be formed by the railway station in the form of a the new Magistrates Court and Station Square "The square integrates the improved Town Station with the new Magistrates Court building and provides a starting point for the 'Heritage Route' leading towards the new Cultural Quarter." (paragraph 4.4)

## Design and layout

- 12.4 The proposal is essentially a hard landscaping scheme between the edge of the new Magistrates Court forecourt and Colchester Town Railway Station buildings. The area would be paved in Eco Granite paving laid in a radial pattern as shown on the submitted drawing creating a level access across the site. This proposal would continue the paving pattern generated for the Magistrates Courthouse forecourt which follows the concept design developed by the Council. Importantly, the existing vehicle bell mouth junction to the site which formerly served the St Botolphs Car Park and cut the pedestrian route along Magdalen Street would be removed, along with the private car parking to the front of the station house with its drop bollards and chains. The scheme includes elements of functional public art in the form of two granite benches and decorative safety barrier. In addition to this it is proposed to inset metal rails flush within the paving with images etched along the top of these rails, similar to the images used in the proposed safety barrier, along with a new lighting scheme.
- 12.5 The replacement lighting has been developed to achieve rail industry standards for the station type. The requirements are to achieve an average of 20 lux throughout with a minimum of 8 lux. To achieve this standard, 4 light columns are proposed. These are to be from DW Windsor, type Manhattan, height 5 metres. The Urban Designer's comments regarding the column height are noted, and if possible 4m columns should be used, however, the scheme must achieve the rail industry standard or the installation cannot go ahead. As overall the proposed lighting is an improvement on the existing; it is considered this is a matter which can be dealt with by condition. The other issues raised, such as further details of the etching images on the curved metal rail and the finish colours of the street furniture can also be controlled by condition. The removal of the interactive lighting on the seating and decorative etched glass on the safety barriers is a result of the landowner's requirements for durability and, in part, the cost of these elements. Overall the improvements proposed are considered to outweigh the loss of these elements and without the landowners consent the scheme would not go ahead.
- 12.6 The concerns expressed by FA2C regarding the design are acknowledged. The applicants have stated in response that there is one designated obstruction free route leading to the station ticket office and the gates providing access to the platforms. This route is bounded by the station building on one side providing a physical sign post, and functional art in the form of granite benches on the other. Regarding the granite seating, this is functional art intended as 'touch down points'. For those who may find this form of seating unsuitable the existing seating within the station facility will remain. Regarding the colour of the granite benches and the contrast with the surroundings it is intended that the granite would be a dark grey and the paving proposed is a light grey. The applicant states that the design follows recommendations for colour contrast and clear lightness differences, a dark colour being contrasted on a light background. To quantify this in some way the contrast ratio is approximately 8:1.
- 12.7 Overall the design and layout of the space is considered to be a major improvement on the current situation removing existing unsightly features and obstacles and creating an attractive and welcoming arrival point in the town centre. It would improve the pedestrian experience giving priority to pedestrians and create level access to the town centre railway station. As such the proposal is considered to accord with adopted policies set out above.

### Setting of Heritage Assets

- 12.8 The proposal has a direct impact on the settings of two designated heritage assets, the Colchester Town Centre Conservation Area and the grade II listed Station House at Colchester Town station.
- 12.9 The area around the railway station was described in both the 2003 and the 2007 Conservation Area appraisals as having a detrimental impact on the adjacent Conservation Area. The car park was described in the 2007 Conservation Area Appraisal as “a large bleak areas of tarmac, which would benefit from development or landscaping”. The setting of the Station House is currently poor and heavily worn. Outside the front door of the house is a group of parking bays and patched tarmac in the former entrance to the station car park.
- 12.10 It is considered the proposal would have a positive impact on the character and the appearance of the Conservation Area and would vastly improve the setting for the listed building, removing the visual clutter from around it and allow for it to be better appreciated. As such the proposals accord with the policies set out above.

### Parking

- 12.11 There are currently 6 car parking spaces to the front of the station building for staff. These are to be removed as part of the proposals with parking for station staff being provided in Britannia Car Park to the rear of the site. At present there is no accessible parking provided at the Town Station. The nearest accessible parking is at Britannia Car Park behind the station and this parking will remain.
- 12.12 The relocation of the staff car parking from the front of the station building to Britannia Car Park is considered acceptable in view of the dramatic improvements to the appearance and functioning of the site along with the setting of the listed building and Conservation Area identified above.

### Vehicular access

- 12.13 As part of the new Magistrates Court development, a new level footpath is to be created across the site frontage where the existing bell mouth junction is situated. While the bell mouth junction and all roadways are to be removed from the site, limited vehicular access will still be necessary to the station, for essential maintenance & emergency service vehicles. This is to be achieved with a short section of splayed kerb, indicating where maintenance and emergency vehicles should gain access into the square.

## **13.0 Conclusion**

- 13.1 In summary, it is considered the proposals would result in a vast improvement to the character and appearance of the site along with the setting of the adjacent listed building and the Conservation Area. The proposal would enhance accessibility and would further the Council’s regeneration objectives in the St Botolph’s area of the town centre. Approval is therefore recommended subject to controlling conditions.

## **14.0 Background Papers**

14.1 PPS; Core Strategy; CBDP; SPG; DHU; HA; HH; EH; CBC; NLR

## **15.0 Amended Recommendation for 19 January 2012 meeting of the Planning Committee**

15.1 That subject to the Secretary of State not 'calling-in' the application upon prior referral by this Council then 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 - Non-Standard Condition

The development shall be implemented in all respects strictly in accordance with the submitted plans as hereby approved, unless otherwise subsequently agreed, in writing, by the Local Planning Authority. These plans include drawing numbers: 1, 2, 3, 4, 5, 6, 7, 8, 10, 11D, 12E, 14, 20D, 21A, 22A, E01B, E02, ST01C.

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

3 - Non-Standard Condition

The external materials and finishes to be used shall be as stated on the application form and as indicated on the approved plans, unless otherwise approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason: To ensure that the materials used on the development are of a satisfactory visual appearance that respects the adjacent listed building and ties in with the forecourt to the new Magistrates Court.

4 - Non-Standard Condition

Notwithstanding condition 3, above the RAL colour for all metal street furniture shall be submitted to and approved in writing by the local planning authority. The street furniture shall be finished in the approved RAL colour and thereafter retained as such, unless otherwise agreed in writing by the local planning authority.

Reason: To provide a consistent palette of colours for all street furniture on the square and to ensure a visual contrast to comply with the needs of the partially sighted.

#### 5 - Non-Standard Condition

Prior to commencement of development, details of the artwork to be etched on the curved metal rail as part of the urban artwork scheme shall be submitted to and approved in writing by the local planning authority.

Reason: To ensure artwork is appropriate to the location in the interests of visual amenity.

#### 6 - Non-Standard Condition

Notwithstanding condition 2 above, the lamp columns shall be a maximum of 4m in height.

Reason: To ensure the lamp columns are an appropriate height to compliment the domestic scale of the station building and to be in proportion to the relatively small square.

#### 7 -Non-Standard Condition

Any lighting of the development shall fully comply with the figures specified in the current 'Institution of Lighting Engineers Guidance Notes for the Reduction of Obtrusive Light' for zone E3. This shall include sky glow, light trespass into windows of any property, source intensity and building luminance. Upon completion of the development and prior to the use hereby permitted commencing a validation report undertaken by competent persons that demonstrates compliance with the above shall be submitted to the planning authority for approval. Having been approved any installation shall thereafter be retained and maintained to the standard agreed.

Reason: In order to safeguard amenity by controlling the undesirable, disruptive and disturbing effects of light pollution.

#### 8 - Non-Standard Condition

If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until condition 9 has been complied with in relation to that contamination.

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

#### 9 - Non-Standard Condition

In the event that contamination that was not previously identified is found at any time when carrying out the approved development, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of the Local Planning Authority and where remediation is necessary, a remediation scheme must be prepared, in accordance with the requirements of the Local Planning Authority, which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme, a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with the approved remediation scheme. This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and the Essex Contaminated Land Consortium's 'Land Affected by Contamination: Technical Guidance for Applicants and Developers'.

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

#### 10 - Non-Standard Condition

Prior to commencement of the development the detail of any works which will abut existing or proposed highway shall be agreed with the Highway Authority.

Reason: To protect highway efficiency of movement and safety.

#### 11 - Non-Standard Condition

Lighting column reference LC3 shall be located to ensure it is clear of the emergency/service access off St. Botolph's Roundabout.

Reason: To protect highway efficiency of movement and safety.

#### 12 - Non-Standard Condition

No part, including the lantern, of any lighting column shall overhang existing or proposed highway.

Reason: To protect highway efficiency of movement and safety.

#### 13 - Non-Standard Condition

Prior to commencement of the development details of a wheel cleaning facility within the site and adjacent to the egress onto the highway shall be submitted to and approved in writing by the Local Planning Authority. The wheel cleaning facility shall be provided prior to commencement of the development and maintained during the period of construction.

Reason: To prevent the deposit of material onto the highway to protect highway efficiency of movement and safety.

#### **14 - Non-Standard Condition**

**Signage of a specification and content to be further agreed with the local planning authority shall be displayed in locations to be agreed with the local planning authority advising the public of the location of nearby 'drop-off / pick-up' facilities prior to the opening of the Town Station Square. Such signage to remain in place thereafter.**

**Reason: To ensure drivers wishing to 'drop-off' or 'pick-up' rail passengers are advised of safe locations to do so that will not obstruct the free-flow of the adjacent public highway.**

#### **15 - Non-Standard Condition**

**Within 1 month of the completion of the Town Station Square works hereby approved the applicant will provide additional cycle parking facilities at a location within the immediate vicinity of the Town Station and at a scale that shall have been previously agreed in writing by the local planning authority. Such facilities shall thereafter be retained unless otherwise agreed in writing by the local planning authority.**

**Reason: To ensure that cycle parking facilities are provided close to this new public space for those wishing to visit the area by bicycle.**

#### **16 - Non-Standard Condition**

**Notwithstanding such detail as may have been submitted further details of the final choice of seating type to be installed within the Town Station Square shall be submitted to and approved by the local planning authority prior to the installation of such street furniture. Only furniture that has been so approved shall be installed.**

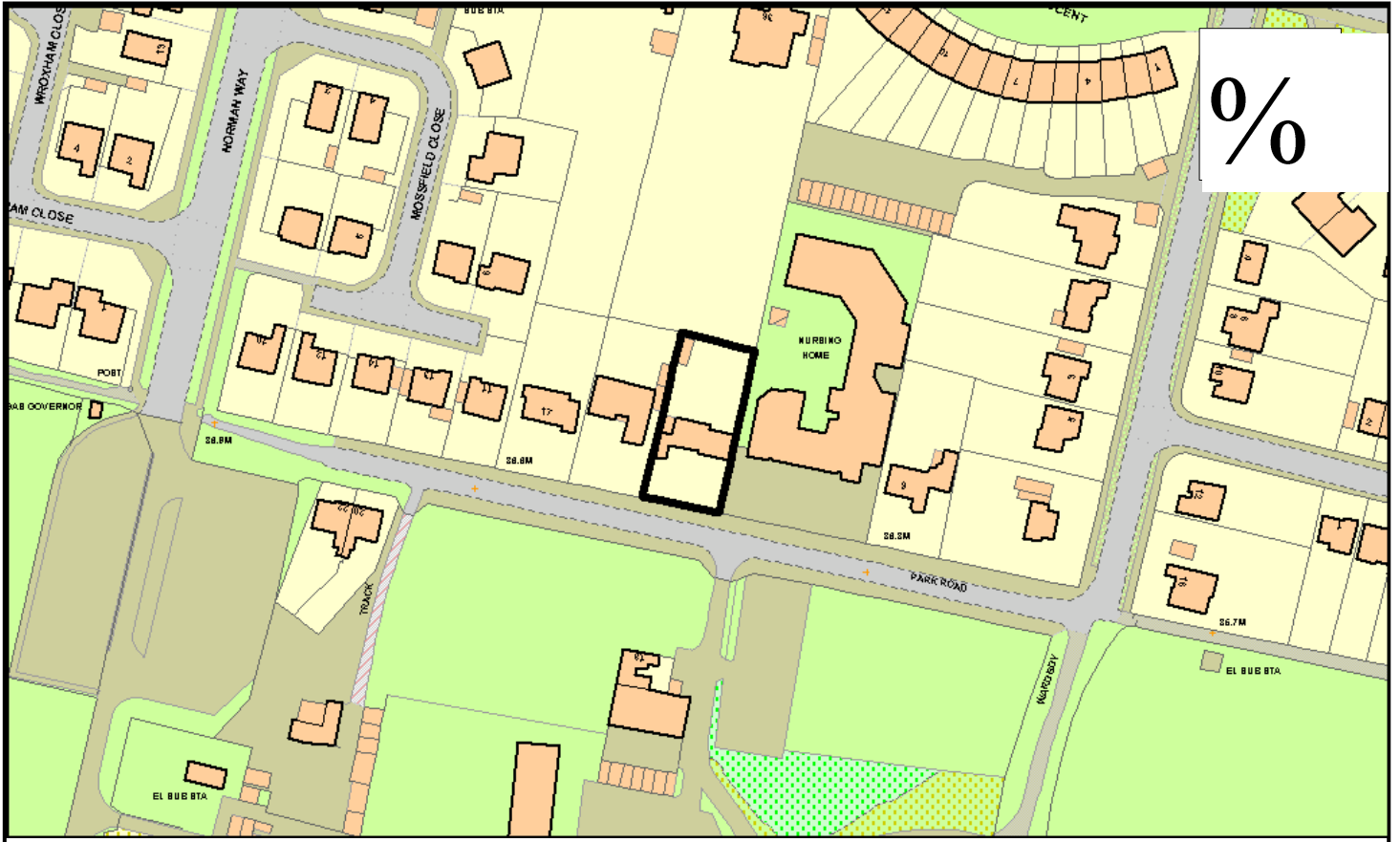
**Reason: In the interest of general amenity, visual amenity and in order to protect the character and setting of the adjacent listed station building.**

#### **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) Prior to any works taking place in the highway the developer should enter into an agreement with the Highway Authority under the Highways Act 1980 to regulate the construction of the highway works. All highway related details should be agreed with the Highway Authority.





**Application No:** 111725

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

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

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**7.3 Case Officer: Mark Russell**

**Due Date: 16/11/2011**

**OTHER**

**Site:** 13 Park Road, Colchester, Essex, Essex, CO3 3UL

**Application No:** 111725

**Date Received:** 21 September 2011

**Agent:** Homa Cherry

**Applicant:** Mr M Patel

**Development:** Proposed single storey extension providing additional bedroom and change of use from dwelling house (C3) to nursing home for people with physical or mental difficulties (C2). (Resubmission of application number 081154 after expiration).

**Ward:** Lexden

**Summary of Recommendation:** Conditional Approval

## **1.0 Introduction**

1.1 This application has been called in to the Planning Committee by Councillor Hardy for the following reason:

'This is a resubmission of 081154, permission for which expired on 8 August 2011, and in my view it should be treated as a fresh application. I have objections on the grounds of impact on residential amenity because of noise disturbance. There are multiple objections from residents.'

1.2 The application at hand is identical to that of 2008, which was approved at Committee, but which has now lapsed.

**1.3 This item was deferred from the Committee of 3<sup>rd</sup> November 2011 in order for an up-to-date tree survey to be submitted and considered. This has now been done and our Tree Officer has commented as follows:**

**'I am in agreement with the conclusions and recommendations made within the report.**

**The development will require the reduction of the Beech hedge adjacent. Whilst this work is permissible given the encroachment within the boundary (and would some work would be required regardless of the development) the applicant should be reminded that if the trees are killed as a result of these actions then the owner of these trees may seek recourse.'**

1.4 There are no remaining issues, and the remainder of this report reads as before.

## **2.0 Synopsis**

- 2.1 The following report describes the proposal for a change of use and the erection of an additional room to the front of 13 Park Road. Objections are then listed and considered and the conclusion now, as in 2008, is that the proposal is acceptable.

## **3.0 Site Description and Context**

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

## **4.0 Description of the Proposal**

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

## **5.0 Land Use Allocation**

- 5.1 Residential

## **6.0 Relevant Planning History**

- 6.1 The original bungalow and garage was permitted in 1962 (Ref 15314/3) and additions were approved in 1971 (Ref 15314/4) and 1996 (Ref 96/1112).
- 6.2 Application 080777 - for a single storey extension providing additional bedroom and change of use to nursing home for people with physical or mental difficulties, was withdrawn by the applicant in June 2008. This was to allow the preparation of an arboricultural assessment and to make alterations to the design/external appearance to the proposal.
- 6.3 Application 081154 - Proposed single storey extension providing additional bedroom and change of use from residential home to nursing home for people with physical or mental difficulties. Resubmission of 080777.

## **7.0 Principal Policies**

- 7.1 The following national policies are relevant to this application:  
Planning Policy Statement 1: Delivering Sustainable Development  
Planning Policy Statement 3: Housing  
Planning Policy Statement 12: Local Spatial Planning  
Planning Policy Statement 23: Planning and Pollution Control  
Planning Policy Guidance 24: Planning and Noise

- 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  
H3 - Housing Diversity  
UR2 - Built Design and Character  
TA5 - Parking
- 7.3 In addition, the following are relevant adopted Colchester Borough Development Policies (October 2010):  
DP1 Design and Amenity  
DP12 Dwelling Standards  
DP13 Dwelling Alterations, Extensions and Replacement Dwellings  
DP19 Parking Standards
- 7.4 Regard should also be given to the following Supplementary Planning Guidance/Documents:  
Community Facilities  
Vehicle Parking Standards  
Sustainable Construction  
Extending your House  
The Essex Design Guide  
External Materials in New Developments

## **8.0 Consultations**

- 8.1 The Highway Authority repeated its response from 081154, namely:

'The Highway Authority stated it does not wish to object to the proposal as submitted. A note was added that the public's right and ease of passage over Public Footpath No. 201 (Lexden) be maintained free and unobstructed at all times, and no construction plant, vehicles or materials to be left on the public right of way.'

- 8.2 Environmental Control did not object and asked for a standard demolition and construction advisory note to be added to any permission.
- 8.3 Your Arboricultural Officer has been consulted regarding the submitted tree report, and his conclusions will be reported on the amendment sheet. At the time of 081154 he was satisfied with the landscape/arboricultural aspect of the proposal, subject to appropriate conditions.

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

## 9.0 Representations

9.1 Three letters of objection have been received, these echo concerns raised in 2008 and raised the following issues:

- The Land Registry title indicates the dwelling shall not be used for any purpose other than as a private dwelling house.
- The sewage and drainage facilities are already overloaded.
- Cannot be certain that the works will not damage the lime tree at No. 15, which is a protected tree.
- Inadequate parking situation will be worsened.
- Screaming and shouting from patients is disturbing.
- Lack of clarity as to whether the scheme is for people with mental difficulties.
- Use not appropriate within a residential area.

## 10.0 Parking Provision

10.1 See Paragraph 12.5

## 11.0 Open Space Provisions

11.1 N/A

## 12.0 Report

### Design and Layout:

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

### Other issues:

12.2 The prime issue raised by this application is the principle of the change of use. It is understood that the existing premises has operated as a home for persons with physical and learning disabilities for six persons. Under planning law, it is generally recognised that up to six people may live together in a dwelling (including persons with physical and learning difficulties), but once this number is exceeded, planning permission is required for change of use. Thus the proposed addition to create a 7th bedroom requires change of use from Class C3 (dwellinghouse) to Class C2 (residential institution).

- 12.3 The objectors refer to a covenant on the land that the dwelling shall not be used for any purposes other than as a private dwelling house. Clearly, the proposal will change this. However, this is a private covenant, which was imposed between the vendors and the purchasers of the land back in 1892. It is not the role of the Local Planning Authority to administer compliance with private covenants.
- 12.4 Our Local Plan policies state that proposals for the provision of specialist residential accommodation for vulnerable groups in the community, including the mentally ill and disabled people, will be granted planning permission, provided that there is sufficient open amenity space within the curtilage of the unit; and, there is good access to a reasonable range of shops, services and job opportunities, or these are readily accessible by public transport. In this instance, there is a rear garden of approximately 300 square metres in size and the site is within easy walking distance of the Lexden Road bus corridor. It is also noted that the adjacent premises at 11, Park Road operates as a nursing home.
- 12.5 The Essex Planning Officers Association Vehicle Parking Standards recommends in the instance of Class C2 uses, provision of 1 space per resident staff and 1 space per 3 bed spaces. There are no resident staff and 7 bed spaces, which equates to a standard of 2.3 spaces (which is expressed as a maximum). There is sufficient space on the frontage to comply with this standard and the addition of one extra bedroom is unlikely to lead to a significant change to existing requirements.
- 12.6 Concern has also been expressed about sewage capacity. This is the responsibility of Anglian Water, but in any case, as with the parking situation referred to above, the addition of one extra bedroom is unlikely to lead to a significant change to existing requirements.

### **13.0 Conclusion**

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

### **14.0 Background Papers**

- 14.1 PPS; Core Strategy; CBDP; SPG; HA; HH; AO; NLR

## **15.0 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 - C10.15 Tree & Natural Feature Protection: Protected**

No work shall commence on site until all trees, shrubs and other natural features shown to be retained on the approved plans, (including those referred to in condition/s XXX) are safeguarded behind protective fencing to a standard to be agreed by the Local Planning Authority (see BS 5837). All agreed protective fencing shall be maintained during the course of all works on site. No access, works or placement of materials or soil shall take place within the protected area(s) without prior written consent from the Local Planning Authority.

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

#### **4 - C10.16 Tree & Natural Feature Protection: Entire Site**

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

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

#### **5 - C10.18 Tree and Hedgerow Protection: General**

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

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

## 6 – Non-Standard Condition

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

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

### **Informatives**

(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 01206 838600.

(3) The applicant is reminded that if trees are killed as a result of the required actions then the owner of these trees may seek recourse.





**Application No:** 112155

**Location:** 21 Parkfield Street, Rowhedge, Colchester CO5 7EL

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

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**7.4 Case Officer: Nick McKeever**

**HOUSEHOLDER**

**Site:** 21 Parkfield Street, Rowhedge, Colchester CO5 7EL

**Application No:** 112155

**Date Received:** 10 November 2011

**Agent:** Mr Steve Dobbs

**Applicant:** Mrs Tanya Garcia

**Development:** Removal of existing single storey rear extension and replace with single storey rear flat roof extension.

**Ward:** East Donyland

**Summary of Recommendation:** Conditional Approval

**1.0 Introduction**

1.1 This application is referred to the Planning Committee because the Applicant is related to a Council employee.

**2.0 Synopsis**

2.1 The proposed single storey extension is acceptable in terms of its design and the impact upon the character and setting of the conservation area and residential amenity. Permission is recommended on the basis of the amended plans.

**3.0 Site Description and Context**

3.1 The property is a two storey semi-detached dwelling typical of the early C20th properties in this street. To the rear is an existing two storey wing with a lean-to addition. Number 19 is a similar property but with a single storey flat roof extension to the rear. No.23 is a larger, detached two storey dwelling.

3.2 There are residential properties to the north (Paget Road).

3.3 The site lies within a conservation area.

**4.0 Description of the Proposal**

4.1 The application proposes the demolition of the existing single storey lean-to and the erection of a single storey extension to replace it. The extension is shown as being 5120mm in length and 3550mm in width and will provide an improved kitchen and bathroom. It is to be finished in matching brick and a tiled mono-pitch roof.

4.2 The extension is designed to accommodate a specifically designed disability access shower room.

## **5.0 Land Use Allocation**

- 5.1 Conservation Area/SSSI Consultation Zone – Mersea Island/Abberton Reservoir 2 Kilometre Consultation Zone.

## **6.0 Relevant Planning History**

- 6.1 None

## **7.0 Principal Policies**

- 7.1 The following national policies are relevant to this application:  
Planning Policy Statement 1: Delivering Sustainable Development  
Planning Policy Statement 5: Planning for the Historic Environment
- 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  
UR2 - Built Design and Character
- 7.3 In addition, the following are relevant adopted Colchester Borough Development Policies (October 2010):  
DP1 Design and Amenity  
DP12 Dwelling Standards  
DP13 Dwelling Alterations, Extensions and Replacement Dwellings  
DP14 Historic Environment Assets  
DP19 Parking Standards
- 7.4 Regard should also be given to the following Supplementary Planning Guidance/Documents:  
Backland and Infill  
Vehicle Parking Standards  
Extending your House  
The Essex Design Guide  
External Materials in New Developments

## **8.0 Consultations**

- 8.1 The DHU had advised that the flat roof is not a feature that will enhance the character of the Victorian semi, and could be an unsightly one with the felt finish. A mono pitch roof with a 22 degree pitch was recommended.

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 No response has been received.

## **10.0 Representations**

10.1 None received

## **11.0 Parking Provision**

11.1 This development does not require the provision of any additional parking. The property does not currently have any on site parking or any space in which to accommodate parking. In this respect the property is typical of many other properties of this period within this street.

## **12.0 Open Space Provisions**

12.1 N/A

## **13.0 Report**

13.1 The Applicant has amended the design to incorporate the monopitch recommended by the DHU. In this respect the development has achieved a satisfactory standard of design required for its setting.

13.2 The proposed development would not appear overbearing on the outlook of the immediate neighbours. The existing building already projects well beyond the rear elevation of number 23 Parkfield Street and the proposed scheme will only add approximately 1 metre to this projection.

13.3 Similarly there are no concerns regarding loss of light. The neighbour at 19 Parkfield Street has a flat roof rear extension with no windows within the flank wall, whilst 23 Parkfield is approximately 2 metres away.

## **14.0 Conclusion**

14.1 There are no objections to this amended scheme which is required in order to provide improved facilities in the form of a specifically designed disability access shower room and permission is recommended accordingly.

## **15.0 Background Papers**

15.1 PPS; Core Strategy; CBDP; SPG; DHU

## **16.0 Recommendation – Conditional Approval**

### **Conditions**

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

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

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

## 2 - Non-Standard Condition

The development shall be carried out in accordance with the approved amended drawings numbers GARCIA3 Sheet 3 and Sheet 4 of 4, Issue 2 dated 30 November 2011.

Reason: For the avoidance of doubt and in the interests of proper planning

### **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 01206 838600.



## **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.