

Planning Committee

Town Hall, Colchester
13 September 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 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

Private Sessions

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

Mobile phones, pagers, cameras, audio recorders

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

Access

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

Facilities

Toilets with lift access, if required, are located on each floor of the Town Hall. A vending machine selling hot and cold drinks is located on the ground floor.

Evacuation Procedures

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

Colchester Borough Council, Angel Court, High Street, Colchester
telephone (01206) 282222 or textphone 18001 followed by the full number you wish
to call

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

www.colchester.gov.uk

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 13 September 2012 at 6:00pm

Members

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

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

Agenda - Part A

(open to the public including the media)

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

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

Pages

1. Welcome and Announcements

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

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

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

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

2. Have Your Say!

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

3. Substitutions

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

4. Urgent Items

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

5. Declarations of Interest

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

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

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

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

6. Minutes

1 - 2

To confirm as a correct record the minutes of the meeting held on 30 August 2012.

7. Planning Applications

There are no reports on planning applications for determination at this meeting.

8. Jarmin Road, Colchester // Application No. 112183 – Erection of 57 residential units consisting of 45 no. houses and 12 no. flats and the construction of a 55 no. space Public Car Park at Jarmin Road, Colchester

3 - 38

See report by the Head of Environmental and Protective Services.

9. Exclusion of the Public

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

PLANNING COMMITTEE

30 AUGUST 2012

Present :- Councillor Theresa Higgins* (Chairman)
Councillors Nick Barlow*, Nigel Chapman*,
Peter Chillingworth*, John Elliott*, Stephen Ford,
Sonia Lewis, Cyril Liddy, Jackie Maclean, Nigel Offen*,
Philip Oxford and Laura Sykes*

Substitute Members :- Councillor Barrie Cook for Councillor Helen Chuah*
Councillor Peter Higgins for Councillor Jon Manning

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

40. Minutes

The minutes of the meeting held on 16 August 2012 were confirmed as a correct record.

41. 121125 20 Davey Close, Colchester, CO1 2XL

The Committee considered an application for a change of use of a unit from B1 Light Industrial, to a mixed use of A1 Retail, and D2 Leisure uses. The proposal included the insertion of a mezzanine floor and an additional entrance door in the front elevation. The Committee had before it a report in which all information was set out.

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

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

Members of the Committee were concerned about the possibility that the rear door could be used by people wishing to smoke outside, and that it may be left open allowing noise to permeate into the adjacent rear gardens. In order to preserve neighbours' amenity it was suggested that a condition be added to ensure the door could be used only in an emergency, details to be agreed with the local planning authority. It was further suggested that smoking should occur only on the forecourt of the unit and not at the rear of the unit.

RESOLVED (UNANIMOUSLY) that the application be approved with conditions and informatives as set out in the report together with additional conditions to ensure the rear door is only used in emergencies and to be secured with a "glass bolt" or other suitable mechanism to be agreed with local planning authority and to be installed prior to use commencing and retained etc., and for smoking to take place only on front forecourt.

42. 121195 21 Gladwin Road, Colchester, CO2 7HW

Councillor L.Sykes (in respect of the applicant's agent being her neighbour) declared a non-pecuniary interest in this item pursuant to the provisions of Meetings General Procedure Rule 7(5).

The Committee considered an application for a single storey rear extension and a side extension. The Committee had before it a report in which all information was set out.

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

Planning Committee

Item
8

13 September 2012

Report of	Head of Environmental & Protective Services	Author	Andrew Tyrrell
Title	Planning Application 112183 for the “Erection of 57 Residential Units, consisting of 45 no houses and 12 no flats and the construction of a 55no space Public Car Park” at Jarmin Road		
Wards affected	Castle		

This report sets out proposed changes to the development at Jarmin Road that was previously approved by the Planning Committee on 29 March 2012, but that is yet to be formally issued due to delays in the signing of the legal agreement and subsequent negotiations.

1. Decision Required

1.1 Members are asked to agree that the proposed changes to application 112183 set out below be included as amendments to the drawings, s106 legal agreement and development approved in the formal decision notice when it is issued. The changes include;

- The addition of one affordable unit.
- The transfer of a small area of land to Colchester Borough Council to maintain as public open space (as opposed to it previously being given over to private front gardens).
- Physical changes to distinguish the new public area from the remaining private front gardens, which consists of a knee rail along the realigned property boundaries.

1.2 It should be noted that the resolution to approve the application can not be revisited. Therefore, no previous issues should be re-opened unless relevant to the decision to accept the minor changes proposed herein.

2. Reasons for Decisions

2.1 Members are being asked to agree this decision before the decision is formally issued to ensure that they are satisfied with the amended scheme, and as the physical changes are minor changes that do not require re-consultation. To agree the changes afterwards would require a new application to be made for a Non-Material Amendment, and a new Legal Agreement to secure the extra affordable housing unit.

3. Report on the Proposed Changes

- 3.1 At present, the site is a former Borough Council depot which had an access on to each of the three adjoining streets. The original buildings have now been demolished and the site is therefore relatively clear. There is currently a public pay and display car park that occupies the southern edge of the site. There are rows of established trees that edge the site to both Catchpool Road and Jarmin Road frontages, behind which a secure fence has remained for some time.
- 3.2 A previous planning application received in 2007, reference 070937 remains “live”. This was brought to the Planning Committee and it a resolution to grant permission has been given pending the completion of a 106 agreement. This agreement was never signed and over the intervening years the market circumstances have changed. Therefore, this scheme, now outdated, will not be brought forward and the application is likely to be withdrawn upon the issuing of a superseding application that is the subject of this report.
- 3.3 The current application, subject to consideration on 29 March 2012 and for a minor re-consideration again tonight, is Planning Application 112183 for the “Erection of 57 Residential Units, consisting of 45 houses and 12 flats and the construction of a 55 space Public Car Park”. Since the Committee voted to approve this application, there have been “non-physical” and “physical changes” proposed to the scheme.
- 3.4 In terms of the non-physical changes, these relate to the content of the legal agreement securing planning obligations. The committee previously agreed that the package of 106 contributions provided a limited amount of money. This had been independently assessed by an expert in Viability at the Council’s request. The conclusion was that this was a true account of how much the scheme could contribute. This sum was divided between affordable housing and a contribution to the Olympic Legacy project in Castle Park. It has subsequently emerged that the sum allocated to affordable housing will be sufficient to provide an additional rented home. This unit will form the fifth unit in the central terrace at the North of the site facing Jarmin Road. The Committee are therefore asked to confirm that they would like the extra affordable housing unit to be added within the s106 legal agreement.
- 3.5 In terms of the physical changes, these relate to the “greensward” or verge along Catchpool Road. The layout of the western edge of the site, has been modified to protect the character of the verge by bringing the sections nearest the carriageway into public ownership as opposed to them being within private front gardens. This has involved the removal of the pavement to retain the full depth of the verge. The access to each of the six private drives will now carry through the verge which will be owned and maintained by Colchester Borough Council. At the termination of the public space a knee rail will define the private front gardens and parking/driveway that is associated and maintained by each individual dwelling. This needs to be conditioned as below:
- “Prior to the first occupation of each of the 6 dwellings accessed off Catchpool Road, details of a knee rail fence to be erected at their boundaries to Catchpool Road shall be submitted to and approved, in writing, by the Local Planning Authority. The development shall thereafter be carried out fully in accordance with the agreed details unless otherwise subsequently agreed, in writing, by the Local Planning Authority.*
- Reason: For the avoidance of doubt, and to ensure that the boundary between public and private space is marked out in an appropriate manner to the character of the area.*

- 3.6 Each of the driveways, on both the public and private areas will be subject to additional conditions to control the re-grading and construction of the driveways for the protection of the visual amenity of the grass area and the protection of the root systems of the existing trees which have now been given a Tree Protection Order. The wording of the condition would be:

“Prior to the commencement of each of the 6 driveways and vehicular accesses off Catchpool Road, a detailed scheme for their construction, including detailed arboricultural impact assessments, scale cross sections of the necessary groundwork, surface treatments and an implementation timetable shall be submitted to and approved, in writing, by the Local Planning Authority. The development shall thereafter be carried out fully in accordance with the agreed details unless otherwise subsequently agreed, in writing, by the Local Planning Authority.

Reason: These driveways require a level point of access from the carriageway edge, as well as being situated within or close to root protection areas where it may be necessary to undertake further exploratory works, hand dig, or even have no-dig construction methods in order to avoid harm to protected trees”.

- 3.7 As a result, condition 2 will need to be amended to recognise the later site layout plan drawing number. The suggested wording of this condition would now read:

“The development hereby permitted shall be carried out in accordance with the details shown on the submitted Drawing Issue Register as submitted on 15 March 2012, with the exception of the site layout plan which was amended by drawings numbers 10/21/09 dated 13 August 2012 and 10/21/01 revision K dated 8 August 2012, unless otherwise subsequently agreed, in writing, by the Local Planning Authority.”

4. Alternative Options

- 4.1 The opposing alternative option is to decline the proposed changes and insist that the application stays exactly as per the time that the original vote was taken on 29 March 2012.
- 4.2 Another alternative option would be to defer the item for a full re-consultation with those who commented previously. However, as the changes are minor, with little physical change to the scheme, and have no greater impact on any neighbouring property, this is not considered to be necessary. Had the changes with regard to the “Greensward” been made post-decision this would have been a Non-Material Amendment which required no re-consultation.

5. Financial implications

- 5.1 There are no significant financial implications resulting from the proposed changes. The Council already maintains this land and shall continue to do so if it remains in public ownership.

6. Equality, Diversity and Human Rights Implications

- 6.1 There are no significant equality, diversity or human rights implications.

7. Publicity Considerations

- 7.1 There has not been a re-consultation exercise. The changes to the proposed scheme are considered to be Non-Material Amendments that have no greater impact on neighbouring residents. The terms of the legal agreement also do not have a significant impact upon neighbouring properties. However, those who commented on the application originally and who previously received notification of the planning committee consideration have been notified that the item is subject to some minor changes and invited to attend the committee to utilise the “Have your Say” option. Should any material planning considerations be raised prior to the meeting these shall be reported.

8. Consultation

- 8.1 With regard to negotiating the “greensward”, consultation took place with the Councils Parks and Recreation Team, who have agreed that they will continue to maintain this area as public open space if it is given over to public ownership when the development occurs.
- 8.2 The changes also affected the highway footpath that was previously shown along this “greensward” area, which required consultation with Essex County Council Highways Authority. They have confirmed no objection provided that there is an adoptable crossing point, which consists of a dropped kerb and change in surface materials to distinguish this. They have also highlighted that the driveway accesses need a level threshold junction with the carriageway in an bound surface treatment. This may require some gentle re-grading of the land, so a further condition is proposed to agree the finer details of each driveway as construction progresses.
- 8.3 Finally, with regard to the number of affordable housing units secured, negotiations have also resulted in 1 additional unit being secured by the Planning Service. Housing Services have confirmed that they are more than satisfied with this due to the increasing shortfall that the Borough faces and the provision of affordable housing being a corporate priority.
- 8.4 The requirements for public consultation have already been referred to above.

9. Risk Consideration

- 9.1 There is a low risk that not everybody will be satisfied with the changes and would wish to have had a chance to comment upon them. However, the Council will have followed adequate procedural arrangements as outlined above, therefore there is little risk of challenge being successful.

10. Strategic Plan References

- 10.1 The Planning Service contributes to all of the Council’s key objectives. The provision of affordable housing is a priority.

11. Community Safety Implications

- 11.1 The proposed changes do not significantly affect community safety.

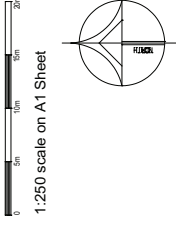
12. Background Papers

- 12.1 Regard should be given to the Agenda Item and subsequent Minutes of the Committee Meeting held on 29 March 2012. Other background papers, including the Council's Development Plan policies, are set out in the original Committee Report included in that Agenda.

13. Appendices

- 13.1 Appendix A shows the previously approved plan.
- 13.2 Appendix B shows the proposed plans.
- 13.3 Appendix C – Original Committee Report and subsequent Minutes from Committee meeting held on 29 March 2012

PROJECT: JARMIN ROAD, COLCHESTER		ARCHITECTS	
TITLE: SITE LAYOUT		DATE: 09.08.11	
NO: 2540	DATE: 09.08.11	REV: C	DATE: 25.07.11
DRAWN: 10/21/01		CHECKED: 03.01.12 TD	
THE OLD BAKERY, THE STREET, PURLEIGH, CHICHESTER, SUSSEX, PO19 1JG. THE OLD BAKERY, THE STREET, PURLEIGH, CHICHESTER, SUSSEX, PO19 1JG.			
A. Major Revision & Redraw		09.08.11	
B. Roads & Parking Amended		25.07.11	
C. Final		03.01.12 TD	
Notes: 1-3 layout revised. 4-6 layout revised. Public cycle route to be installed. Public refuse bins to be installed. Public refuse bins to be installed. Public refuse bins to be installed. Public refuse bins to be installed. Public refuse bins to be installed.			



ALLOTMENT GARDENS



ARCADY ARCHITECTS

PROJECT: JARMIN ROAD, COLCHESTER
 TITLE: SITE LAYOUT

DATE:	10/21/01	REVISION:	K
DATE:	09/08/11	REVISION:	
DATE:	25/07/11	REVISION:	
DATE:	03/01/12	REVISION:	

CLIENT: The Old Bakery, The Street, Purleigh, Chelmsford, Essex, CM3 6QL.
 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000.

1:250 scale on A1 Sheet



- REVISIONS:**
- A. Major Revision & Redraw 09/08/11
 - B. Roads & Parking Amended 25/07/11
 - C. Plots 1-3 layout revised. Public parking layout amended. Plot 49 omitted. Driveways to Plot 49 omitted. Footpath & verge identified.
 - D. Plots 1-3 site position revised. Extra trees added to new roads.
 - E. Turning head to Sportsway shown with 1M overhang 30/01/12
 - F. Plot 22-26 block plan revised. 16/03/12 TD
 - G. Public parking layout amended 19/04/12 TD
 - H. Plot 49 omitted. Driveways to Plot 49 omitted. Footpath & verge identified. 11/06/12 TD
 - J. Footpath to Catchpool Rd. moved east behind grass verge. 02/08/12
 - K. Footpath to Catchpool Rd. omitted with fence rail to highway boundary added. 13/08/12

ALLOTMENT GARDENS

PUBLIC PARKING
43 SPACES

JARMIN ROAD

CATCHPOOL ROAD

SPORTSWAY

CRICKET GROUND

ARCADY ARCHITECTS

PROJECT: JARMIN ROAD, COLCHESTER

TITLE: AREA TO BE CONVEYED TO COLCHESTER B.C.

SCALE: 1:500 | DATE: 13.08.12 | DRAWING NO: 102/1/09

REV. NO: 10/21/09

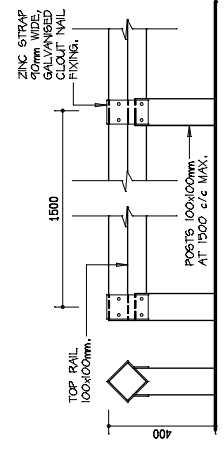
REVISION: The Old Bakery, The Street, Purleigh, Chelmsford, Essex, CM3 6GL. Tel: 01274 822266 Fax: 01274 828880

DATE: | DRAWN: |



KEY:

AREA TO BE CONVEYED TO COLCHESTER BOROUGH COUNCIL



SIDE FRONT

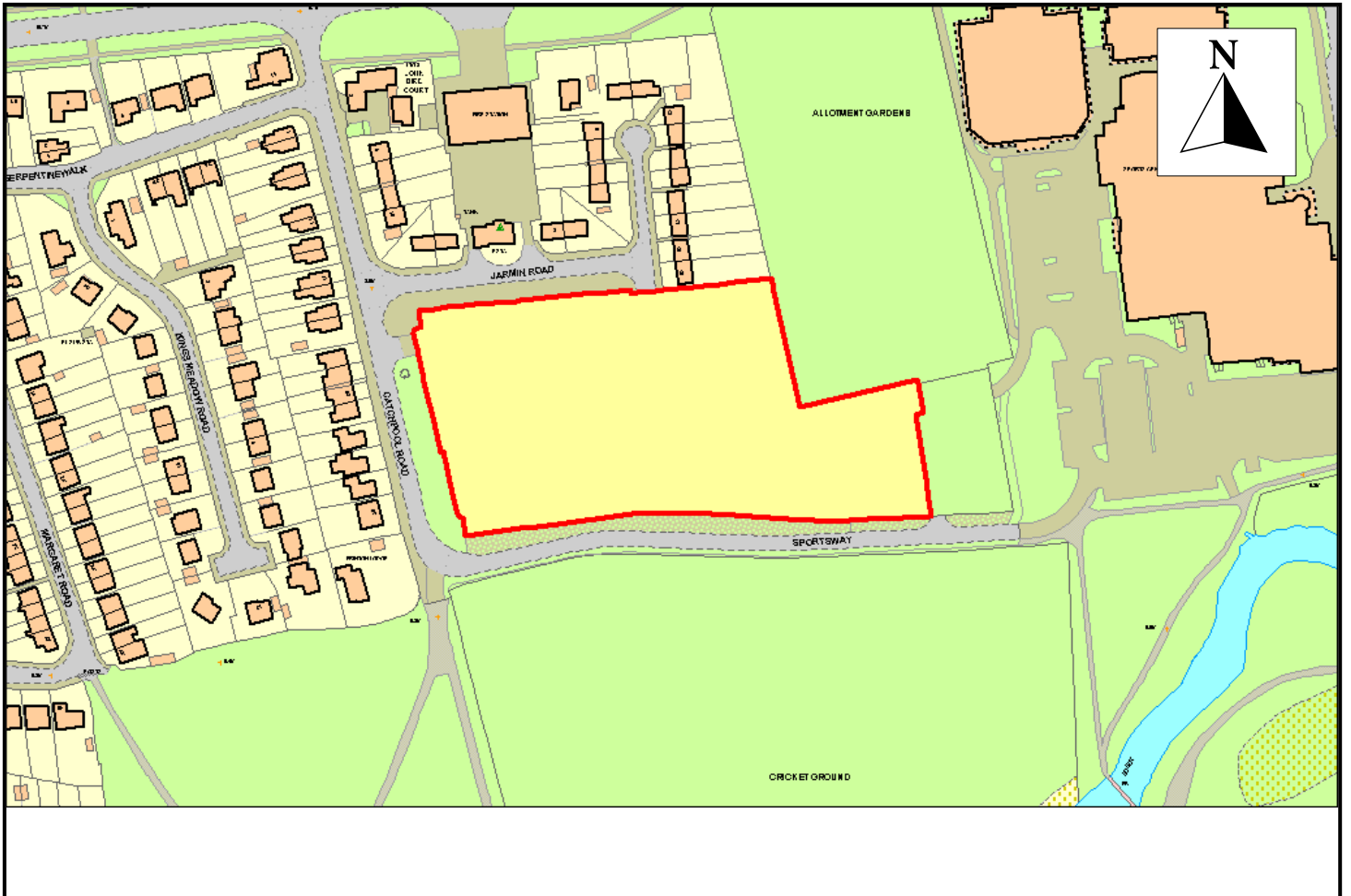
KNEE RAIL DETAILS 1:20

ALL TIMBER TO BE PRESERVATIVE TREATED.

0 5m 10m 15m 20m

1:500 scale on A3 Sheet





Application No: 112183

Location: Jarmin Road Industrial Units, Jarmin Road, Colchester, CO1 1XW

Scale (approx): 1:1250

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7.2 Case Officer: Mr Lee Smith-Evans**MAJOR**

Site: Jarmin Road Industrial Units, Jarmin Road, Colchester, CO1 1XW

Application No: 112183

Date Received: 17 November 2011

Agent: Mr Robert Pomery

Applicant: Knight Developments Limited

Development: Erection of 57 Residential Units, consisting of 45no houses and 12no flats and the construction of a 55no space Public Car Park

Ward: Castle

Summary of Recommendation: Conditional Approval subject to Section 106 Agreement

1.0 Introduction

1.1 This application is referred to the Planning Committee because it has been called in by Councillor Frame, and because it is a major development to which a number of objections have been received. The application is also referred because it requires a Section 106 Agreement.

1.2 The application has been called in By Ward Councillor Frame for the following reasons:

“I object to this application on the grounds that it is contrary to the Councils planning blueprint for this site. In particular the greensward and trees which were earmarked for retention have now been excluded. Further the building on the corner of Jarmin Road and Catchpool Road is completely out of character with the neighborhood.”

2.0 Synopsis

2.1 The report below will set out main issues of this application, with regard to its contextual design response, the section 106 contribution required by the Development team, the responses to the consultation exercise and the protection of the existing landscape features. Each issues is dealt with within the main body of the report for Councillors to consider upon their merits. To the end, the report concludes with an officer recommendation that the proposal be considered for approval.

3.0 Site Description and Context

- 3.1 The site is a former Borough Council depot which had an access on to each of the three adjoining streets. The original buildings have now been demolished and the site is therefore relatively clear. There is currently a public pay and display car park that occupies the southern edge of the site. There are rows of established trees that edge the site to both Catchpool Road and Jarmin Road frontages, behind which a secure fence has remained for some time.
- 3.2 The immediate area is of suburban character and is typically a mix of late Edwardian semi detached houses and terracing. At the southern end of Catchpool road are mid twentieth century, detached houses. A small estate of 1930/50s council built housing makes up the most of Jarmin Road with the inclusion of the back of the Fire Station. This period of house building has a strong and widely recognised character typical of many of the nations towns and cities and common throughout Colchester. The Jarmin Road estate has the most consistent character, being all built at the same time but the whole area has a relatively constant domestic scale.
- 3.3 The southern aspect of the site faces the Cricket Ground across Sportsway. To the east the site is adjacent to allotment gardens and the overspill car park for the Leisure World facilities. Therefore, it is within the transition from residential area to other uses.

4.0 Description of the Proposal

- 4.1 The proposal consists of 57 Residential Units and the construction of a 55 space Public Car Park. The residential unit break down consists of 45 houses and 12 flats. These are arranged in perimeter blocks, with the dwellings addressing the public realm with frontages and provide enclosed private gardens.
- 4.2 As part of the development, it is proposed that the Sportsway public car park is relocated into a parcel of land that will be accessed from Leisure World. This would require phasing controls to ensure that there was no temporary loss of public parking caused as a consequence of the development, but because this also involves a land transfer it is proposed to include this within the legal agreement rather than by condition.
- 4.3 The layout of housing retains the trees which line both Catchpool and Jarmin Roads. This will also require control.

5.0 Land Use Allocation

- 5.1 The site is allocated in the LDF proposals maps 2010 for predominantly residential use.

6.0 Relevant Planning History

- 6.1 070937 – Residential development comprising 87 private units and 29 affordable. Withdrawn

6.2 072877 Resubmission of 070937. A resolution to grant permission has been given pending the completion of a 106 agreement. However, this application is likely to be withdrawn in the event that this application is approved.

7.0 Principal Policies

7.1 It is expected that by the time of the Committee Meeting the National Planning Policy Framework shall have been published. However, at the time of writing the following national policies are relevant to this application:

Planning Policy Statement 1: Delivering Sustainable Development

Planning Policy Statement 3: Housing

Planning Policy Statement 10: Planning for Sustainable Waste Management

Planning Policy Statement 22: Renewable Energy

Planning Policy Statement 25: Development and Flood Risk

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

H2 - Housing Density

H3 - Housing Diversity

H4 - Affordable Housing

UR2 - Built Design and Character

PR2 - People-friendly Streets

TA2 - Walking and Cycling

TA3 - Public Transport

TA4 - Roads and Traffic

TA5 - Parking

ER1 - Energy, Resources, Waste, Water and Recycling

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

DP1 Design and Amenity

DP2 Health Assessments

DP3 Planning Obligations and the Community Infrastructure Levy

DP4 Community Facilities

DP12 Dwelling Standards

DP16 Private Amenity Space and Open Space Provision for New Residential Development

DP17 Accessibility and Access

DP19 Parking Standards

DP20 Flood Risk and Management of Surface Water Drainage

DP25 Renewable Energy

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

Community Facilities

Vehicle Parking Standards

Sustainable Construction Open Space, Sport and Recreation

The Essex Design Guide

External Materials in New Developments

Affordable Housing

8.0 Consultations

8.1 The Highway Authority has no objection to the scheme subject to the provision of conditions which have been included in this report. The conditions relate to adequate sight splays on private drives, adequate clearance from parking bays, stopping up Sportsway to vehicular traffic and providing a size 3 turning head in Sportsway. The highway authority also seeks two speed tables in Jarmin Road and Residential Travel Packs for all future residents. Two other conditions require the provision of wheel cleaning facilities for construction traffic and the constraints imposed on the placement of new trees in the highway.

8.2 The Environment Agency are satisfied with the proposals with regard to flood risk subject to the conditions attached to this report that relate to the construction of ground floor slabs at the appropriate height above datum

The Environment Agency are satisfied with the proposals to remediate contamination of the site and the protection of controlled waters subject to the conditions attached to this report. These conditions require an appropriate methodology for assessment of contamination and its remediation, that longer term monitoring requirements are properly identified and carried out.

The Environment Agency have also placed a condition for provision and implementation of water, energy and resource efficiency during construction and occupation of the site

8.3 The Arboricultural Officer has no objection provided that their requested conditions are attached to the permission, the conditions require the protection of trees from the construction process through adherence to recommended procedures and no dig construction of driveways over root structures of existing trees

8.4 The Landscape Officer is satisfied with the proposals subject to the conditions included within this report and recommendation.

8.5 The Contamination Land Officer is satisfied with the proposals for remediation subject to the conditions attached to this report.

8.6 Street Services have requested that the roads are constructed to an appropriate standard for a 26 tonne waste collection vehicle. That bin stores for flats are equipped with the correct size of bins for different types of waste. That a recycling litter bin is supplied by the developer and placed in the public realm adjacent to the new public car park and existing cycle way and that this bin is maintained by the developer for 5 years. That the developer provides Recycling boxes, bags and sacks for each household. They have also requested that parking restrictions are in place across the site to prevent cars obstructing waste collection and that visitor spaces are required to further the clear ways required for waste collection.

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 The site is not located within a Parish.

10.0 Representations

10.1 Ward Councillor William Frame raised the objection previously stated above, within Paragraph 1.2 of this report.

10.2 14 other objections have been received, the main issues raised can be summarised as below:

1. Plot 1 obscures views of the 'greensward' from the northern end of Catchpool Road;
2. The implications of new housing are detrimental to the existing parking situation for current residents;
3. The impact of a new residential estate is detrimental to the cycle route along Sportsway;
4. There are concerns regarding the protection of the new development from flooding;
5. There is a perceived need for new junction arrangements on Cowdray Avenue, Kings Meadow, Serpentine Road and Mason Road;
6. It is suggested that there is a loss of amenity to immediate neighbours;
7. There is a perceived need for a 20 mph control for Catchpool Road and Jarmin Road and raised tables at all junctions;
8. Improvements are sought to the boundary of the Cricket Ground;
9. There is potential of bright reflections on windows affecting cricket games,
10. There is concern over any loss of trees; and
11. It is suggested that there is a lack of public cycle parking.

The full text of each response to the neighbour consultation process can be seen on the Council' website.

11.0 Parking Provision

11.1 The application provides a minimum of two spaces for each unit to comply with the adopted vehicle parking standards. Visitor parking is less than standard. This is discussed in the report at paragraph 14.16.

12.0 Open Space Provisions

12.1 No public open space is provided on site because the site affords immediate access to Kings Meadow and Castle Park. This is compliant with reduced on site provision requirements within the central urban area and located so close to the existing large-scale provisions nearby in accordance with Development Policy 16 .

13.0 Air Quality

13.1 A Scoping Opinion was sought from the Council as to whether an Air Quality Report was required. The site and proposed development is not thought to have an impact on the Town Centre Air Quality Management Area meaning that a full report has not been required.

14.0 Report

Design and Layout

- 14.1 The proposed development creates a layout of articulated terraced houses, linked with garages and private drives between the main dwellings. The arrangement is of traditional perimeter blocks with enclosed rear gardens and small public front gardens. The principle character of the adjoining streets is reflected and maintained by the retention of the deep verges and established trees which echoes the depth of front gardens in Catchpool and Jarmin Road.
- 14.2 The layout has been the subject of two amendments which are both in response to objections from local residents and concern the placement of plot 1. In the first submission plot number 1 obscured the view from the northern end of Catchpool Road to the verge and trees on the western boundary of the site. The amended layout now shows that a clear line of sight has been established to the verge and the trees. There is no public open space provided within the site because of the proximity of King's Meadow and Castle Park. In accordance with the policy a commuted sum has been provided as part of the Section 106 package.
- 14.3 The architectural theme or character is a mix of contemporary fenestration patterns with an articulated mix of materials on principle elevations. This decorative approach sits under conventional roof structures which are varied across the development as plain roofs, hipped roofs and gables facing the street. Although of individual design the approach is not dissimilar to the detached houses in lower Catchpool Road.
- 14.4 The layout provides for the physical requirements suggested in the Street Services consultation paper. Related to this issue, the issues regarding financial commitments for street service collections are discussed under the Section 106 section of this report below.

Scale, Height and Massing

- 14.5 The majority of the units provided are two storey family houses. The terraces are well articulated which breaks down the massing so that the appearance is not overbearing against the existing other sides of Catchpool and Jarmin Road there are two blocks of flats on the site, providing 6 apartments in each block. Amendments have been received to articulate the roofs of these units which has sufficiently broken down the visual mass. Members should recall the previous application which contained a much higher amount of three and three and a half storey development.

Impact on the Surrounding Area

- 14.6 The layout and arrangement makes a positive contribution to the location. Replacing the vacant and overgrown site with a development of sympathetic scale and considered character. The replacement car park will no longer be accessed from Catchpool Road which should be seen as a further positive contribution. Destination parking from cars using Catchpool Road only for the public car park will cease which should establish a stronger and more consistent residential environment. This will enhance the typical pre and post-war character of the existing residential streets.

- 14.7 The proposed scheme presents predominantly two storey development to Sportsway. It is not anticipated that two storey buildings will adversely affect the cricket ground with regard to reflections of sunlight and this would not be a reason to refuse planning permission that could withstand challenge at appeal. The previous scheme (which should be withdrawn after any approval given herein) has a resolution to grant permission and was also such a cause of concern because of the four storey development proposed in the same location could create reflections which extended into the pitch.

Impacts on Neighbouring Properties

- 14.8 There are generally no adverse affects on the neighbouring properties. The most affected neighbour is No. 19 Jarmin Road. Whilst a three storey block is proposed adjacent to this property there is sufficient respect towards overlooking and overshadowing. Number 19 retains privacy in the important "sitting out area" of their garden space adjacent to the rear of the house. Sunlight to the garden is affected in the late afternoon, but this is not considered to be unacceptably harmful when considered against our adopted standards for assessing impact on light.

Existing trees

- 14.9 The existing trees on the Jarmin Road and Catchpool Road boundaries have been retained which preserves the character of these streets. The verges in which the trees have grown will become open front gardens and will be protected from personalisation and enclosures with a planning condition. This will secure the open character in perpetuity. The private drives that cross the verges are not considered to adversely affect the character of the area or the roots of the trees. These drives have been designed with a 'no dig' design that the arboriculture officer has approved.
- 14.10 There may appear to be a contradiction between the Landscape and Arboriculture consultations regarding the retained trees on Jarmin and Catchpool Roads. The contradiction relates to the distance of proposed dwellings to existing trees. The Landscape officer has identified that generically there is a set distance to allow for the full growth of the crown of these tree species. However, the Arboricultural Planning Officer has assessed the trees and stated that they are already as mature as they will become and therefore will not develop larger crowns as would usually be expected. This later assessment overrides the need for an increase in the setback of houses and explains this disparity between the comments.

Amenity Provisions

- 14.11 Generally the garden sizes meet the standards of Development Policy DP16. Some slightly smaller gardens have been considered acceptable where amendments to the layout have responded to neighbours concerns over views of the trees and verges. On any larger site such as this it is often accepted that a small minority of gardens may be balanced against other consideration in order to provide a more generally acceptable layout provided that these instances are rare and a very small minority with good justification.

- 14.12 The flats have been provided with an area of communal open space per flat. The size of this is not compliant with policy. The flats do have access to Castle Park and this is considered acceptable mitigation in this central location for the smaller amount of communal amenity space.

Provision of The Replacement Public Car Park

- 14.13 The developer has agreed to provide a functional and fully equipped extension to the Leisure World car park as mitigation for the loss of the Sportsway public car park. To avoid displacement and loss of public car parking by phasing, a control mechanism needs to be incorporated into the legal agreement to ensure that the public always maintains the existing provision of spaces and the new spaces are consequently available prior to any loss of the existing spaces.

Highway Issues

- 14.14 Essex County Council Highway Authority has no objection to the scheme subject to the conditions attached to this report. The Highway Authority has recognised that there will be a need to control parking on the new streets of this application and amend the current Traffic Regulation Orders that exist for the immediate area. They further acknowledge that the developer cannot be obligated to fund these improvements.
- 14.15 The relocation of Sportsway car park requires the developer to seek the removal of Highway rights over the part of the site on which the public car park is currently sited. Whilst this process is external to the planning process the developer has commenced the removal with Essex County Highways. The removal of highway rights will be dependant on the grant of planning permission.
- 14.16 Car parking is provided to the current standard across the whole site. In the dwellings that front Catchpool Road a garage and two spaces for each dwelling has been provided. Elsewhere the parking has been provided on plot, on street and in three small parking courts, one for each block of apartments and for the first five houses in Jarmin Road. Visitor Parking has been provided in 8 designated spaces, this is below standard for visitor parking but as this is a central site with good public parking provision being provided adjacent to the development it is considered that this is not a significant issue.

Contaminated Land

- 14.17 The former use of this site has contaminated the land but both the Environment Agency and the Council's Contaminated Land Officer have agreed that the proposals for remediation are acceptable. The conditions on development proposed by both parties are considered to adequately secure protection for the proposed use of the site and Controlled Waters as defined by the Environment Agency. The recommended conditions have been included in the recommendation below.

Health impact

- 14.18 The development proposal has been assessed for the need for a Health Impact Assessment as required by Development Policy DP2. The impacts of the proposed development are not considered negative and a full Health Impact Assessment is not required.

Air Quality Management Area

- 14.19 The proposed development is not within the Air Quality Management Area, a screening opinion was given to the developer regarding the impacts of the scheme which has determined that the impacts are not detrimental to the air quality management area.

Flood Zone

- 14.20 The majority of the site falls within Flood Zone 1, sections of the southern portion of the site fall within Flood Zone 2 at risk from the extreme 1 in 1000 year flood event and technically classifying the site as being in Flood Zone 2. The limit of the Zone 3 flood plain, with a risk of flooding in a 1 in 100 year event, lies just outside the southern boundary of the site in Sportsway. The Environment Agency has raised no objection to the proposed scheme but has asked that planning conditions are attached to any grant of planning permission the council may wish to grant. These conditions have been included in the report.

Section 106 Planning Obligations

- 14.21 The viability of the scheme has been tested via a “3 Dragons”, financial viability report submitted by the developer and subsequently tested by an independent third party. The appraisal was discussed by the Council’s development team resulting in agreement with the viability appraisal and a subsequent redistribution of the available s106 contribution to provide four affordable units on the site with the remaining part of the contribution paid to Parks and Recreation for the provision of new public facilities within Castle Park.
- 14.22 The affordable units are provided within the new frontages on Jarmin Road on Plots 22, 23, 24 and 225.
- 14.23 The comments from Street Services concerning the provision and maintenance of bins are noted, however, national policy limits the extent to which planning obligations can add to a developer’s financial obligations. The Council is in the process of developing a Street Services SPD which will seek to guide policy in this area, but it is not yet adopted. The Council can accordingly make recommendations to developers on ensuring adequate refuse facilities as an integral part of high-quality design, but additional Section 106 requirements for this would be difficult to justify. It should be noted that the Councils Development Team has accepted that a limited 106 contribution is a viable offer and that this offer has been prioritised for affordable housing.

Changes from previous resolution to grant permission.

- 14.24 In comparison to the last scheme submitted by the developer this proposal is for a much reduced density, the previous scheme having 116 units. The new proposal has less than half the number of units previously proposed. The layout is substantially different from the previous scheme in order to accommodate the new parking standards. The new standards have created more parking spaces per dwelling and now favour the provision of on plot and on street parking, whereas the previous standards allowed for large rear parking courts with no requirements for visitor parking spaces.
- 14.25 The increase in parking standards has not resulted in an increase in the number of spaces compared to the previous scheme. The provision of on plot parking to the Catchpool Road frontage has resulted in 6 private drives across the verge/greensward where the previous application had a single access to the rear parking court. The provision of the new scheme equates to one more vehicle space served from Catchpool Road than the previous scheme but it should be noted that the on plot provision is more likely to be used than the previous rear parking courts. This was established by the research conducted for adopted parking standards of 2009 which demonstrated that rear parking courts are the least used type of parking, resulting in car owners finding less legitimate places to park their vehicles.
- 14.26 Some objectors have commented that the additional driveways on Catchpool Road are detrimental to the aesthetic attraction of the greensward but it should be considered whether the provision of driveways is detrimental to the overall character when it is how the rest of the existing street is provided with parking. The views along Catchpool Road will still capture the essence of the open grass and tree lined character. Conditions attached to this report will secure the open character in perpetuity against enclosure and the Arboriculture Officer has recommended conditions to protect the trees which are also attached to this report.

14.0 Conclusion

- 14.1 The scheme has been designed to a high standard which, subject to the conditions attached to this report will make a positive contribution to the area, without unduly affecting the amenity of neighbours. The replacement public car park will reduce traffic in Catchpool Road whilst still providing revenue and public parking close to the facilities that the Sportsway car park facilitated. Whilst the proposed scheme offers a limited but accepted 106 contribution, the Council's officers and development team have rationalised the provision to favour affordable housing. On balance, when considering the material planning considerations against adopted policy, it is considered that the scheme does not raise any concerns that would warrant the refusal of planning permission.

15.0 Recommendation

- (1) APPROVE subject to the prior completion of a legal agreement under Section 106 of the Town and Country Planning Act 1990. The Head of Environmental and Protective Services to be authorised to complete the agreement to provide the following:
 - Four affordable houses provided as 3 x 3bedroom units and 1 x 4 bedroom unit
 - A fully functional, marked out and fully equipped public car park given over to the Council prior to occupation.
 - A contribution towards facilities within Castle Park.
- (2) On completion of the legal agreement, the Head of Environmental and Protective Services be authorised to grant planning permission subject to the following conditions:

Conditions

1 - Non-Standard Condition

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

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

2 - Non-Standard Condition

The development hereby permitted shall be carried out in accordance with the details shown on the submitted Drawing Issue Register as submitted on 15 March 2012 unless otherwise subsequently agreed, in writing, by the Local Planning Authority.

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

3 - Non-Standard Condition

Prior to the commencement of development, precise details of the manufacturer and types and colours of the external facing and roofing materials to be used in construction shall have been submitted to and approved, in writing, by the Local Planning Authority. Such materials as may be approved shall be those used in the development unless otherwise subsequently agreed, in writing, by the Local Planning Authority.

Reason: In order to ensure that suitable materials are used on the development as there are insufficient details within the submitted planning application.

4 - Non-Standard Condition

Notwithstanding the provisions of Class A of Part 2 Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 (or the equivalent provisions of any order revoking and re-enacting that Order), no fences, walls, gates or other means of enclosure, other than any shown on the approved drawings, shall be erected in advance of any wall of the dwelling to which it relates (including a side or rear wall) which faces a highway (including a footpath or bridleway) unless otherwise subsequently approved, in writing, by the Local Planning Authority.

Reason: In the interests of visual amenity with regard to the context of the surrounding area.

5 - Non-Standard Condition

The garages forming part of the development shall be retained for parking motor vehicles at all times and shall not be adapted to be used for any other purpose unless otherwise subsequently approved, in writing, by the Local Planning Authority.

Reason: To retain adequate on-site parking provision in the interest of highway safety.

6 - Non-Standard Condition

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or the equivalent provisions of any order revoking and re-enacting that Order), no windows, rooflights or other openings shall be installed above ground floor level within the North elevation and roof faces of plots 4, 19, 41 to 46, the south elevations and roof faces of plots 9, 14, 32, 37, 51 of the dwellings hereby permitted unless otherwise approved, in writing, by the Local Planning Authority.

Reason: To protect the privacy of adjacent dwellings.

7 - Non-Standard Condition

Prior to the commencement of development, a scheme for the phasing of construction work shall have been submitted to and approved, in writing, by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved phasing scheme

Reason: To limit the local impact of construction work in the interests of the amenities of the surrounding area.

8 - Non-Standard Condition

Prior to the commencement of development, including any works of demolition, a Construction Method Statement shall have been submitted to and approved, in writing, by the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period and shall provide details for:

- The parking of vehicles of site operatives and visitors;
- Hours of deliveries and hours of work;
- Loading and unloading of plant and materials;
- Storage of plant and materials used in constructing the development;
- The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- Wheel washing facilities;
- Minimisation of noise and vibration

- Measures to control the emission of dust and dirt during construction; and
- A scheme for recycling/disposing of waste resulting from demolition and construction works.

Reason: In order to ensure that the construction takes place in a suitable manner and to ensure that amenities of existing residents are protected as far as reasonable.

9 - 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.

10 - 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.

11 - C11.17 Landscape Management Plan

A landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, other than privately owned domestic gardens, shall be submitted to and approved by the Local Planning Authority prior to any occupation of the development (or any relevant phase of the development) for its permitted use.

Reason: To ensure that due regard is paid to the continuing enhancement and maintenance of amenity afforded by the landscape.

12 - Non-Standard Condition

Finished ground floor levels shall be set at a minimum level of 6.0 metres AODN, as discussed in section 4.1.4 of the FRA

Reason: To ensure that the buildings are built above the design flood level.

13 - Non-Standard Condition

Prior to the commencement of development, a scheme for the provision and implementation of surface water drainage shall be submitted and agreed, in writing, with the Local Planning Authority. The scheme shall be constructed and completed before occupancy of any part of the proposed development.

Reason: To ensure a satisfactory method of surface water drainage.

14 - Non-Standard Condition

Prior to the commencement of the development approved by this planning permission (or such other date or stage in the development as may be agreed in writing with the Local Planning Authority), the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the Local Planning Authority:

1. A preliminary risk assessment which has identified;
 - all previous uses;
 - potential contaminants associated with those uses;
 - a conceptual model of the site indicating sources, pathways and receptors; - potentially unacceptable risks arising from contamination at the site.
2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
3. The results of the site investigation and detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action. Any changes to these components require the express consent of the Local Planning Authority. The scheme shall be implemented as approved.

Reason: To ensure that the proposed development does not cause pollution of Controlled Waters and that development complies with approved details in the interests of protection of Controlled Waters.

15 - Non-Standard Condition

Prior to occupation of any part of the permitted development, a verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a 'long-term monitoring and maintenance plan') for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan, and for the reporting of this to the Local Planning Authority. The long-term monitoring and maintenance plan shall be implemented as approved.

Reason: To ensure that the proposed development does not cause pollution of Controlled Waters and that development complies with approved details in the interests of protection of Controlled Waters.

16 - Non-Standard Condition

Reports on monitoring, maintenance and any contingency action carried out in accordance with a long-term monitoring and maintenance plan shall be submitted to the Local Planning Authority as set out in that plan. On completion of the monitoring programme a final report demonstrating that all long-term site remediation criteria have been met and documenting the decision to cease monitoring shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the proposed development does not cause pollution of Controlled Waters and that development complies with approved details in the interests of protection of Controlled Waters.

17 - Non-Standard Condition

If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, a remediation strategy detailing how this unsuspected contamination shall be dealt with. The remediation strategy shall be implemented as approved

Reason: To ensure that the proposed development does not cause pollution of Controlled Waters and that development complies with approved details in the interests of protection of Controlled Waters.

18 - Non-Standard Condition

Prior to the commencement of development a scheme for the provision and implementation of water, energy and resource efficiency measures, during the construction and occupational phases of the development shall be submitted to and agreed, in writing, with the Local Planning Authority. The scheme shall include a clear timetable for the implementation of the measures in relation to the construction and occupancy of the development. The scheme shall be constructed and the measures provided and made available for use in accordance with such timetables as may be agreed.

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

19 - Non-Standard Condition

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

- (i) a survey of the extent, scale and nature of contamination, including contamination by soil gas and asbestos;
- (ii) an assessment of the potential risks to:
 - human health,
 - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
 - adjoining land,
 - groundwaters and surface waters,
 - ecological systems,
 - 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 in accordance with policy DP1 of the Development Policies adopted 2010.

20 - Non-Standard Condition

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

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy DP1 of the Development Policies adopted 2010.

21 - Non-Standard Condition

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

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy DP1 of the Development Policies adopted 2010.

22 - Non-Standard Condition

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition 19 'Site Characterisation', and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 20 '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 21 '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 in accordance with policy DP1 of the Development Policies adopted 2010.

23 - 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 20 'Submission of Remediation Scheme' above. This certificate is attached to the planning notification.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy DP1 of the Development Policies adopted 2010.

24 - Non-Standard Condition

A noise survey for proposed residential properties shall have been undertaken by a competent person and subsequently approved, in writing, by the Local Planning Authority. The survey shall meet the requirements of Planning Policy Guidance Note 24 (PPG24) and include periods for daytime 0700-2300 hours and night-time 2300-0700 hours and shall identify appropriate noise mitigation measures. In addition, all residential units shall be designed so as not to exceed the noise criteria based on figures by the World Health Authority Community Noise Guideline Values given below:

- Dwellings indoors in daytime: 35 dB LAeq,16 hours
- Outdoor living area in day time: 55 dB LAeq,16 hours
- Inside bedrooms at night-time: 30 dB LAeq,8 hours (45 dB LAmax)
- Outside bedrooms at night-time: 45 dB LAeq,8 hours (60 dB LAmax) Such detail as shall have been agreed in writing by the Local Planning Authority based on the submitted and approved survey and appropriate consequential noise mitigation measures shall be implemented prior to occupation of any building on the site and thereafter maintained.

Reason: To safeguard the amenity of residents.

25 - 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.

Reason: To ensure there is no undue light pollution.

26 - Non-Standard Condition

No demolition or construction work shall take outside of the following times;

- Weekdays: 8am till 6pm - Saturdays:
- 8am till 1pm - Sundays and Bank Holidays:
- No working Sundays or Bank Holidays

Reason: To ensure that the construction phase of the development hereby permitted is not detrimental to the amenity of the area and/or nearby residents by reason of undue noise at unreasonable hours.

27 - Non-Standard Condition

No construction deliveries to or from the site, worker vehicle movements, or construction work shall take outside of the following times;

- Weekdays: 7.30am till 7pm - Saturdays:
- 7.30am till 1pm - Sundays and Bank Holidays:
- No deliveries Sundays or Bank Holidays

Reason: To ensure that the construction phase of the development hereby permitted is not detrimental to the amenity of the area and/or nearby residents by reason of undue noise at unreasonable hours.

28 - Non-Standard Condition

Prior to the first occupation of development, a 1.8 metre high screen boundary treatment that shall have previously have been approved, in writing, by the Local Planning Authority, shall be erected along the bounday of plots 41 to 46 and including rear car park. The screen boundary treatment shall thereafter be retained as approved.

Reason: To protect the amenities and privacy of occupiers of the adjoining property.

29 - Non-Standard Condition

Prior to the first occupation of the development hereby permitted, details of the management company responsible for the maintenance of communal storage areas and for their maintenance of such areas, shall be submitted to, and agreed in writing by, the Local Planning Authority. Such detail as shall have been agreed shall thereafter continue unless otherwise subsequently agreed, in writing, by the Local Planning Authority.

Reason: The application contains insufficient information to ensure that the communal storage areas will be maintained to a satisfactory condition and there is a potential adverse impact on the quality of the surrounding environment.

30 - 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.

31 - 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.

32 - 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.

33 - Non-Standard Condition

The construction shall take place solely in accordance with the terms of the current Arboricultural reports provided, which form part of this permission, and no other works shall take place that would effect the trees unless otherwise agreed in writing by the Local Planning Authority

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

34 - Non-Standard Condition

No works or development shall take place until a scheme of supervision for the arboricultural protection measures has been approved in writing by the Local Planning Authority. This scheme will be appropriate to the scale and duration of the works and will include details of:

- a. Induction and personnel awareness of arboricultural matters
- b. Identification of individual responsibilities and key personnel
- c. Statement of delegated powers
- d. Timing and methods of site visiting and record keeping, including updates
- e. Procedures for dealing with variations and incidents.
- f. The scheme of supervision shall be carried out as agreed.
- g. The scheme of supervision will be administered by a qualified arboriculturist instructed by the applicant and approved by the Local Planning Authority.

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

35 - Non-Standard Condition

Prior to the commencement of development, evidence that the development is registered with an accreditation body under the Code for Sustainable Homes and a Design Stage or Interim Code Certificate demonstrating that the development will achieve Code Level 3 or higher for all dwellings shall have been submitted to and agreed, in writing, by the Local Planning Authority.

Reason: To ensure that the development is designed to be sustainable and will make efficient use of energy, water and materials.

36 - Non-Standard Condition

Prior to the first occupation of any dwelling hereby approved, a post-construction Final Code Certificate issued by an accreditation body confirming that dwelling has achieved a Code for Sustainable Homes rating of Code Level 3 or higher shall have been submitted to and agreed, in writing, by the Local Planning Authority.

Reason: To ensure that the completed development is sustainable and makes efficient use of energy, water and materials.

37 - Non-Standard Condition

The residential units shall not be occupied until their identified parking areas and associated turning areas as shown on the approved plans have been hard surfaced, sealed and marked out. The car parking area shall thereafter be retained for this purpose.

Reason: In the interest of highway safety and to secure a satisfactory form of development

38 - Non-Standard Condition

Prior to commencement of the development, the planning application drawings, in particular ARCADY drawing number 10/21/01 Rev C dated 3 January 2012, shall be amended and submitted to and approved in writing by the Local Planning Authority to show the following:

- A minimum 6 metres clear to ground behind or in front of all parking spaces
- A minimum 1 metre overhang around the type 3 turning head in Sportsway
- All visibility splays clear of trees

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.

39 - Non-Standard Condition

No occupation of the development shall take place until such time as the following have been provided:

- Sportsway stopped up to vehicular traffic
- In Sportsway, a size 3 turning head and foot/cyclepath between the turning head and the foot/cyclepath adjacent to the Leisure World/Ten Pin Bowling car park
- Two speed tables in Jarmin Road
- Residential Travel Information Packs to each of the proposed residential units

With the exception of the Residential Travel Information Packs, as shown in principle on planning application drawing number 10/21/01 Rev C dated 3 January 2012

Reason: To protect highway efficiency of movement and safety as well as to ensure the proposal site is accessible by public transport, cycle and foot in accordance with policy DM1 and DM9 of the Highway Authority's Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

40 - Non-Standard Condition

Prior to occupation of each residential unit, each vehicular access shall be provided on both sides with a 1.5 x 1.5 metre pedestrian visibility splay as measured from existing or proposed highway. There shall be no obstruction above a height of 600mm as measured from the finished surface of the access within the area of the visibility sight splays and shall be maintained thereafter.

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.

41 - Non-Standard Condition

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

42 - Non-Standard Condition

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

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.

43 - Non-Standard Condition

Any trees proposed within existing or proposed highway shall be sited clear of all underground services and laid out to compliment existing or proposed street lighting. All proposed trees shall be supported by a commuted sum to cover the cost of future maintenance (to 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.

44 - 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 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.

Informatives

Highway Informative

- 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.
- Prior to commencement of the development the removal of highway rights over land along Sportsway is required.
- All residential developments in Essex which would result in the creation of a new street (more than five dwelling units communally served by a single all purpose access) will be subject to the Advance Payments Code, Highways Act 1980. The developer will be served with an appropriate notice within 6 weeks of building regulations approval being granted and prior to commencement of development must provide guaranteed deposits, which will ensure the new street is constructed in accordance with a specification sufficient to ensure future maintenance as highway by the Highway Authority.

- 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.
- The number of spaces and how these are laid out should be in accordance with the Parking Standards Design and Good Practice Supplementary Planning Document dated September 2009. This applies to all vehicular parking spaces including disabled as well as cycle and motorcycle parking.
- Any proposed traffic calming should be laid out and constructed having consulted the emergency services and bus operators.
- Prior to occupation, each residential unit shall be served by a system of operational street lighting between the unit and existing highway, which shall thereafter be maintained in good repair.
- Steps should be taken to ensure sufficient turning and off loading facilities for delivery vehicles, together with an adequate parking area for those employed in developing the site, are provided within the site.

Demolition/Construction Informative

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 Holidays.

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.
- 5) All necessary measures shall be taken to minimise dust, including damping down and the use of barriers.

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

- 1) 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.
- 2) 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

- 1) 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.

Landscape Informative

- 1) It should be noted that any technical interpretation of these detailed requirements by the applicant or their agent should be sought externally from/through the relevant professional.
- 2) In the interest of efficiency any clarification of technical requirement should initially be discussed between the relevant professionals (to whom copies of all relevant landscape consultations must be forwarded for reference), i.e. the Applicant's Landscape Consultant and the Council's Landscape Planning Officer.
- 3) Please refer to planning application number when responding to this consultation.

Environment Agency Informative

Where soakaways or other infiltration systems are proposed for the disposal of surface water, we would comment as follows:

Soakaways or other infiltration systems shall only be used in areas on site where they will not present a risk to groundwater, with the depth of soakaway kept to a minimum to ensure that the maximum possible depth of unsaturated material remains between the base of the soakaway and the top of the water table, ensuring that a direct discharge of surface water into groundwater is prevented. Soakaways shall not be constructed in land affected by leachable contamination, where they may promote the mobilisation of contaminants and give rise to contamination of groundwater.

Informative/Advice to Applicant

If any controlled waste is to be removed off site, then site operator must ensure a registered waste carrier is used to convey the waste material off site to a suitably authorised facility. The Duty of Care regulations for dealing with waste materials are applicable for any off-site movements of wastes. The developer as waste producer therefore has a duty of care to ensure all materials removed go to an appropriate licensed disposal site and all relevant documentation is completed and kept in line with regulations. If any waste is to be used on site, the applicant will be required to obtain the appropriate exemption or authorisation from us. We are unable to specify what exactly would be required if anything, due to the limited amount of information provided.

Informative on Works in the Highway

All works affecting the highway shall be carried out by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority and application for the necessary works should be made to the Essex County Council Highway Authority on 0845 603 7631.

Informative on Section 106 Agreements

This application is the subject of a Section 106 legal agreement and this decision should only be read in conjunction with this agreement.

PLEASE NOTE that a site notice was erected in a publicly visible location at the site. Colchester Borough Council would appreciate your co-operation in taking the site notice down and disposing of it.

**Extract from the minutes of the Planning Committee's
meeting held on 29 March 2012**

**130. 112183 Jarmin Road Industrial Units, Jarmin Road, Colchester,
CO1 1XW**

The Committee considered an application for the erection of fifty-seven residential units, consisting of forty-five houses and twelve flats, and the construction of a fifty-five space public car park. The Committee had before it a report in which all information was set out, see also Amendment Sheet. The Committee made a site visit in order to assess the impact of the proposal upon the locality and the suitability of the proposal for the site.

Lee Smith-Evans, Urban Designer, attended to assist the Committee in its deliberations.

Councillor Frame attended and, with the consent of the Chairman, addressed the Committee. He congratulated the developers in producing a better scheme than the previous one for 116 units. This scheme provided an improved design and layout, and affordable homes would be provided on site. He had two concerns, one being the retention of the greensward in Catchpole Road which was shown as broken up by a series of driveways, and the other being a blank imposing wall on a three storey block. He urged the committee to come to an agreement with the developer to retain the greensward as it was and he requested that the blank wall be broken up by the use of materials.

The planning officer stated that since the development brief for an earlier scheme had been agreed the council had adopted revised parking standards and the earlier development brief was not now in accordance with the revised standards. In terms of the solid blank wall, he considered it would be possible to negotiate with the developers to break up the appearance of the wall by using design elements elsewhere in the development.

Members of the Committee were of the opinion that this scheme was a vast improvement over the previous scheme, particularly the increase in parking provision, and the retention of the greensward strip and the trees along the Catchpole Road frontage.

The planning officer confirmed that garages would be constructed to the standard size, and the layout of the adjacent public car park was required to be agreed with this authority; therefore any provision for disabled parking could be included at that stage. In terms of visitor parking, it was noted that the provision was below the standard across the scheme, however, the site was considered to be a town centre site with a public car park adjacent. He confirmed that permitted development rights would be removed on the development and no hard landscaping would be permitted on the greensward areas in front of properties.

RESOLVED (UNANIMOUSLY) that –

(a) Consideration of the application be deferred for completion of a Section 106 legal agreement to provide for the following:-

- four affordable houses provided as three three-bedroom units and one four-bedroom unit;
- a fully functional, marked out and fully equipped public car park given over to the Council prior to occupation;
- a contribution towards facilities within Castle Park.

(b) Upon receipt of a satisfactory Section 106 legal agreement, the Head of Environmental and Protective Services be authorised to grant consent with conditions and informatives as set out in the report, on the Amendment Sheet and including detailing to be added on the blank wall, permitted development rights to be removed and provision for disabled parking bays to be made in the public car park area.



Colchester Borough Council Development Control

Advisory Note on Parking Standards

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

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

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

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

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



Colchester Borough Council Environmental Control

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

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

Best Practice for Construction Sites

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

Noise Control

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

Emission Control

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

Best Practice for Demolition Sites

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

Noise Control

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

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

Emission Control

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

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

Class A1. Shops

Use for all or any of the following purposes—

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

Class A2. Financial and professional services

Use for the provision of —

- (a) financial services, or
 - (b) professional services (other than health or medical services), or
 - (c) any other services (including use as a betting office)
- which it is appropriate to provide in a shopping area, where the services are provided principally to visiting members of the public.

Class A3. Restaurants and cafes

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

Class A4. Drinking establishments

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

Class A5. Hot food takeaways

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

Class B1. Business

Use for all or any of the following purposes—

- (a) as an office other than a use within class A2 (financial and professional services),
 - (b) for research and development of products or processes, or
 - (c) for any industrial process,
- being a use which can be carried out in any residential area without detriment to the amenity of that area by reason of noise, vibration, smell, fumes, smoke, soot, ash, dust or grit.

Class B2. General industrial

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

Class B8. Storage or distribution

Use for storage or as a distribution centre.

Class C1. Hotels

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

Class C2. Residential institutions

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

Use as a hospital or nursing home.

Use as a residential school, college or training centre.

Class C2A. Secure residential institutions

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

Class C3. Dwellinghouses

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

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

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

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

Class C4. Houses in multiple occupation

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

Class D1. Non-residential institutions

Any use not including a residential use —

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

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

(c) for the provision of education,

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

(e) as a museum,

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

(g) as a public hall or exhibition hall,

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

Class D2. Assembly and leisure

Use as —

(a) a cinema,

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

(d) a dance hall,

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

Sui Generis Uses

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

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

Interpretation of Class C3

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

Interpretation of Class C4

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