

# Planning Committee

Town Hall, Colchester  
17 March 2011 at 6.00pm

## **This committee deals with**

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

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

# Information for Members of the Public

## Access to information and meetings

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

## Have Your Say!

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## Private Sessions

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

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## **Material Planning Considerations**

The following are 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 in relation to gender disability, sexual orientation, religion or belief, age, race or ethnicity. The legal context for this framework is for the most part set out in the Race Relations (RRA) and Disability Discrimination (DDA) legislation.

**COLCHESTER BOROUGH COUNCIL  
PLANNING COMMITTEE  
17 March 2011 at 6:00pm**

**Members**

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

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

**Agenda - Part A**

(open to the public including the media)

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

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

**Pages**

**1. Welcome and Announcements**

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

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

- action in the event of an emergency;
- mobile phones switched off or to silent;
- location of toilets;
- introduction of members of the meeting.

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

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

## **3. Substitutions**

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

## **4. Urgent Items**

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

## **5. Declarations of Interest**

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

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

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

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

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

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

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

Councillors should consult paragraph 7 of the Meetings General

Procedure Rules for further guidance.

## **6. Minutes**

**1 - 8**

To confirm as a correct record the minutes of the meeting held on 17 February 2011.

## **7. Planning Applications**

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

1. 102229 Dedham Vale Business Centre, Manningtree Road,  
Dedham  
(Dedham and Langham)

**9 - 24**

Erection of 268m<sup>2</sup> B1 business floor space comprising four single storey business starter units, associated parking and boundary planting.

2. 110198 Corner of Parsons Heath and Welshwood Park Road,  
Colchester  
(St John's)

**25 - 30**

Application to determine whether prior approval is required for the installation of a new street works pole of 12.5m (to top) with 3no. antenna located within GRP shroud at top of the pole along with one ground level streetworks cabinet measuring 1.89m x 0.79m x 1.65m in the location indicated on plan nos 100, 200, 300.

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

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

**PLANNING COMMITTEE  
17 FEBRUARY 2011**

*Present :-* Councillor Theresa Higgins\* (Chairman)  
Councillors Peter Chillingworth\*, Helen Chuah,  
John Elliott\*, Stephen Ford, Jackie Maclean\*,  
Jon Manning, Philip Oxford\*, Ann Quarrie\* and  
Laura Sykes\*

*Substitute Members :-* Councillor Wyn Foster for Councillor Andrew Ellis\*  
Councillor Nigel Offen for Councillor Ray Gamble

*Also in Attendance :-* Councillor Christopher Garnett  
Councillor Dave Harris  
Councillor Colin Mudie  
Councillor Tim Young

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

**187. 102121 Land between 16 and 23 Darwin Close, Colchester, CO2 8US**

The Committee considered an application for the erection of two two-bedroom dwellings. 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.

David Whybrow, Principal Planning Officer, attended to assist the Committee in its deliberations.

Steve Heywood, Regional Director for Icen Homes and speaking on behalf of Colne Housing Society, addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in support of the application. He stated that the scheme would regenerate a redundant garage site by providing two affordable homes and also benefit the community by removing an area of anti-social behaviour. He referred to the five oak trees on the MOD land along the eastern boundary, three of which were diseased and the other two would have an unacceptable overbearing impact on the development. Crowning and pruning had been considered but reluctantly it had been concluded that all five trees should be removed. Agreement with the MOD to undertake this work had been reached and he hoped the provision of the two homes would outweigh the loss of the trees.

Councillor Mudie attended and, with the consent of the Chairman, addressed the Committee. He was not opposed to the development of the area as such and had no objections to the removal of the three diseased trees but was opposed to the removal of the two healthy trees. In his opinion one of the remaining two trees was such a fine ancient specimen that he considered it should remain, and he believed that the removal of the other four trees would permit sufficient light to enable the development

to proceed. He was also concerned that there would be a loss of habitat along with the loss of the trees. He made reference to the Birch Glen estate having no amenities such as shops, buses, a pub nor a community centre save for the wooded backdrop of the MOD land and a piece of hard standing recreational land on a common. He asked that the application be refused because information provided was misleading and denied the public the right to protect the trees with Tree Preservation Orders (TPO).

Councillor Harris attended and, with the consent of the Chairman, addressed the Committee. He presented a petition with eleven signatures of residents who were either in favour of the proposal or didn't mind it. The garages had been demolished following local pressure arising from the anti-social behaviour experienced on the site. Anti-social behaviour was now directed at the trees which were subject to graffiti, and persistent littering in the area. The residents wanted something done. This scheme provided disabled friendly affordable housing which took people off the waiting lists and fulfilled the diversity policy and the planning policies. He considered it very unfortunate that a good oak tree would be lost and he had offered to help provide a replacement tree on army land. He considered the estate to be a wonderful place to live but this area needed to be fenced which would be achieved if the two houses were built. He hoped the Committee would enable this application to go forward.

Councillor T.Young, Portfolio Holder for Housing and Community Safety, attended and, with the consent of the Chairman, addressed the Committee on behalf of the Cabinet. This proposal meets the strategic objective of homes for all and has the support of all eight Cabinet members including Councillor Barton, Portfolio Holder for Planning and Sustainability and Essex County Councillor for the Berechurch area. He stated that this site had been a magnet for anti-social behaviour which would cease if these two homes were built. He reminded the Committee that affordable housing was desperately needed in Colchester. This site was the first of a number of similar sites owned by the council which he hoped would be similarly developed. The residents supported the scheme. He recognised that there were planning reasons not to grant permission but the inclusion of a Grampian condition and support of the MOD would enable the Committee to consider granting approval. If the application was refused valuable funding would be lost. He asked the Committee what was more important, an oak tree or two affordable homes.

The planning officer explained that normally a tree would only be given a TPO if there was a threat to the tree. Although the trees would be felled, the timber would remain on the site for the benefit of insects which would be a benefit to nature conservation. There was also an undertaking that replacement trees would be provided off site and the wooded backdrop would ensure that visual amenity was maintained. It was also explained that the houses would be suitable for people who were disabled through the provision of wider doorways.

Members of the Committee confirmed that they had undertaken a very useful site visit and they had noted the untidy nature of the site. Although no-one liked to see trees removed, the view was that these trees had little value and were covered in ivy. It was considered that relatively little harm would be done if they were removed and replaced elsewhere. With regard to affordable housing, it was recognised that there had been



a slow down in the provision of affordable homes in the town and the Committee were keen not to lose any opportunity to increase provision. It was also considered that these houses were well designed, would alleviate the anti-social behaviour and enhance the area. One member recalled a similar situation in Braiswick where trees had to be removed following which the area suffered from heave and two houses had to be pulled down and rebuilt. She wished that in this case there was some other way of achieving the homes without removing the trees.

*RESOLVED* (MAJORITY voted FOR) that –

(a) The application be approved, subject to a Grampian condition to prevent the commencement of the development until and unless the five existing trees on the common boundary have been removed, together with any conditions and informatives considered appropriate including conditions to remove permitted development rights and the implementation of fencing as shown prior to occupation and thereafter retained, and informatives requesting replacement trees to be provided off site on MOD land and the retention of the felled timber on the adjoining site as a wildlife resource.

(b) In the event that the Grampian condition cannot be delivered or satisfied, the Head of Environmental and Protective Services be authorised to refuse the application on the grounds of the oppressive impact of the adjacent trees on the outlook from the garden and the natural daylight in rooms within the houses.

**188. 102360 Waldegraves Farm Holiday Park, Waldegraves Lane, West Mersea, CO5 8SE**

The Committee considered an application for an extension of the Wheatsheaf Social Centre to provide additional accommodation, a food holding room and a changing room and toilets, including the demolition of a conservatory. The application is a resubmission of 101202. 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.

**Councillor Peter Chillingworth (in respect of being acquainted with the applicant) declared a personal interest in the following item pursuant to the provisions of Meetings General Procedure Rule 7(3)**

**189. 091057 Car Park opposite The Coast Inn, 108 Coast Road, West Mersea, CO5 8NA**

The Committee considered an application for the retention of posts and shuttering to enclose a car parking area. The Committee had before it a report in which all

information was set out, see also Amendment Sheet.

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

#### **190. 101520 36 Barrack Street, Colchester, CO1 2LT**

The Committee considered an application for a change of use from A1 shop to A5 takeaway food and a new extension at first floor level over an existing rear extension to provide new staircase to the existing first floor flat. The application is a resubmission of application 100934. The application had been deferred at the meeting on 18 November 2010 for a site visit and for clarification of matters set out in the report. 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.

David Whybrow, Principal Planning Officer, attended to assist the Committee in its deliberations. He explained that the application did not comply with the parking standards; six spaces would be required for this use, two for each takeaway and two for the flat. The provision of cycle parking spaces exceeded the standard. The takeaway outlets would be operated on a predominance of deliveries rather than a counter service, but there would be some customers presenting at the shop. The officer view was that, based on the test of reasonableness, a recommendation of refusal would not be justified.

Doug Flack addressed the Committee on behalf of New Town residents pursuant to the provisions of Planning Committee Procedure Rule 8 in opposition to the application. Residents' main concerns were in respect of traffic congestion, parking, noise, pollution and litter, especially in evening hours. He was surprised that the Highway Authority had raised no objections to the proposal and he referred to the frequent failure of the traffic lights at the nearby junction and the narrowness of the street. He referred to other existing takeaway outlets and shops which were sources of congestion and litter. He was concerned that there were only three off-street parking spaces for eight full time staff and three part time staff in the two establishments. He also referred to the nearby new development in Port Lane and the new magistrates' court and this proposal would further increase the problems for residents. This proposal would also affect existing businesses at a time when trade had slowed down and he did not believe there was a need for two outlets in one building.

Members of the Committee were aware of the traffic congestion in Barrack Street which must cause problems for the residents. They did not object to the low level of parking because of the emphasis on a delivery service and the proximity to the small off-street shoppers' car park in the Wilson Marriage centre. They considered that the proposal would greatly improve the street scene and also the appearance of the rear

of the building both of which were currently in a poor state. The proposal would provide jobs. There were concerns regarding the increasing proportion of A5 uses in Barrack Street but this proposal would not take it above the 50% threshold. Environmental Services would be able to deal with any problems from smells. Most of the Committee's earlier concerns had been addressed and the Highway Authority had not provided a reason to reject the application so there did not appear to be any planning grounds for a refusal.

It was explained that the former use had generated some traffic activity particularly during the daytime whereas the proposed use would be predominantly an evening operation with an emphasis on a delivery service so the congestion may improve. There were local problems in filling the retail premises and in such circumstances other uses would be considered in a mixed use area where they were complementary to the main use. An informative could be added to lay down a marker regarding the proportion of uses in the street.

*RESOLVED* (MAJORITY voted FOR) that the application be approved with conditions and informatives as set out in the report and on the Amendment Sheet, and including a note about the A5 uses within the retail frontage.

**Councillor Jackie Maclean (in respect of her professional acquaintance with the applicant company, Powerplus Engineering) declared a personal interest in the following item pursuant to the provisions of Meetings General Procedure Rule 7(3)**

**191. 101901 Powerplus Engineering Limited, School Farm Buildings, School Road, Langham, CO4 5PA**

The Committee considered an application for the provision of thirteen staff car parking spaces including two disabled spaces and associated hedgerow. The Committee had before it a report in which all information was set out, see also Amendment Sheet.

David Whybrow, Principal Planning Officer, attended to assist the Committee in its deliberations. He referred to an earlier application which had been refused and the subsequent appeal which had been dismissed. Expansion of the site had been put forward for inclusion in the Site Allocation Development Plan Document but had not been accepted. There was a shortage of parking spaces which had created friction with other occupants and cars exiting dangerously into School Road causing conflict. He referred to policy DP9 which did not necessarily rule out expansion of business sites if they were small scale and did not have negative impacts. The Spatial Policy Team recommend refusal because there was enough in DP9 to suggest it did not comply with the policy.

Councillor Tony Ellis, Chairman of Langham Parish Council Planning Committee, addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in opposition to the application. He referred to their written

submission to the Committee and confirmed that they fully supported the comments made by the Council's Spatial Policy Team. The site had been reviewed by an Inspector as part of an appeal process for a retrospective application which had been dismissed, and then again for inclusion in the Site Allocations document which had not been accepted. In their submission document the parish council had given six reasons for refusal. He was concerned that in this new application the size of the fence had not been reduced, the application did not address previous objections, and it did not seek to improve the parking problems in School Road. He stated that expansion of car parking facilities was in conflict with sustainability objectives to reduce car travel in the borough and this incursion into the countryside was not the answer.

Ted Gittins addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in support of the application. He referred to the application having been submitted five months ago yet there were five pages of last minute comments from a statutory consultee. He had not had the opportunity to consider these representations nor could he respond at this meeting. He considered it wrong to draw comparisons between two previous decisions relating to an appeal and to the LDF examination, which itself related to the whole of the site. He stated that this modest proposal would avoid overspill parking into neighbouring businesses and off site parking by securing a limited increase in parking provision on site. The proposal would not affect residential amenity and would provide environmental improvements for the countryside. He believed the committee had a responsibility to allow this important group of employers to operate reasonably and provide a safe environment for their employees.

Councillor Garnett attended and, with the consent of the Chairman, addressed the Committee. He informed the committee that this company had moved because it outgrew its first premises in Boxted and that it has subsequently grown further and appeared to be doing well in difficult times. However he considered the application to be an extension into the countryside which was contrary to the Site Allocations document. He believed that public footpaths were being moved at will and he did not believe youngsters should be subjected to crossing a factory floor. He stated that footpaths were used a great deal by school children on their way to the community shop. He did not refute the effort that the company had put into the site and the kind of work they were doing, but he believed the application should be refused and stood a good chance of any appeal being denied.

The planning officer explained that previously the footpath had been diverted around the perimeter but in this proposal it would follow a line straight through the parking area. The extension in this proposal was one third of the original area.

Members of the Committee had differing views. Some members were surprised that the Spatial Policy Team had not been consulted at an earlier stage and were disappointed about the late information. They believed that this application was being recommended for approval on the grounds of putting aside a policy in favour of the benefits. However, there was a view that policy DP9 Employment Uses in the Countryside, was a pertinent policy and rural industrial sites were not friendly to the countryside, which was the reason for the very strict policies in place to control them

which should not be put aside. Members were pleased to hear of this successful engineering business in Colchester and wanted to see companies grow and did not want to see the loss of jobs, but if the business continued to grow there could be another application for a further incursion into the countryside. It was apparent that this business was short of space and its management should take a view on whether the current premises were suitable for the future and if not look for a bigger site. There was some concern about the conflict of a public footpath cutting across a car park, and that situation would be even more dangerous if the footpath was rarely used because drivers would not be used to seeing walkers. There was a preference for it to go around the outside of the car parking area. Some members believed the application should be refused in accordance with the policy whilst others wanted it deferred for a site visit and for negotiation on the concerns expressed.

Other members were of the view that the company would probably like to move, but obtaining the necessary finance to move was very difficult at the moment and they did not want to do anything to make life difficult for the company. They had no objection to the expansion of the car parking area subject to very stringent conditions, one of which should be the requirement for a 'green' surface where it has the appearance of grass and the use tied to the applicant company and not passed on if they moved. This type of surface was expensive to install but would have less impact than tarmac. There was also support for the metal fence to be removed and a hedge replanted which included trees to create a wildlife environment.

The planning officer explained that comments from the Spatial Policy Team had not been requested at the outset hence the late comments on the Amendment Sheet. It was unfortunate that their late submissions had not given the applicant or the agent any chance to respond. The proposal for a deferment would allow the agent to address the issues raised such as provision of a travel plan, the extent of additional car parking, the surface treatment, boundary treatment, clutter within the site and securing a safe footpath, together with the opportunity for a site visit.

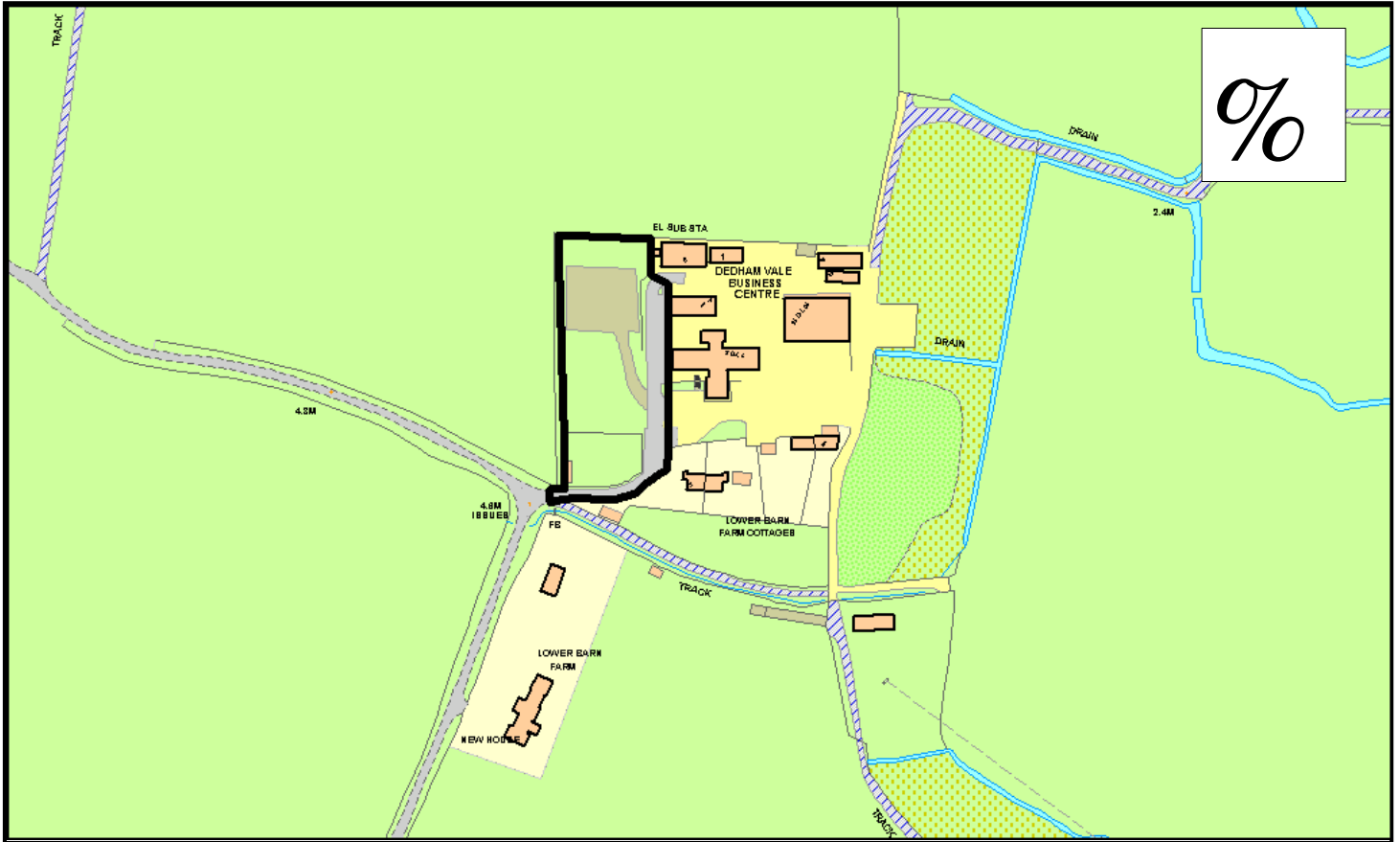
*RESOLVED* (MAJORITY voted FOR) that consideration of the application be deferred for a site visit and the following matters:- provision of a travel plan; 'green' surface treatment of the car park; measures to ensure the footpath is maintained clear of vehicular traffic; removal of metal fencing and provision of replacement hedge planting comprising indigenous species; clarification of areas of storage, clearance of any unauthorised items.

## **192. 102414 Land to rear of 143 High Road, Layer de la Haye**

The Committee considered an application for a variation of Condition 08 (trees) of planning approval 071986 to enable the removal of three trees on a site currently under construction for two dwellings. The Committee had before it a report in which all information was set out.

Alistair Day, Principal Planning Officer, attended to assist the Committee in its deliberations.

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



**Application No:** 102229

**Location:** Dedham Vale Business Centre, Manningtree Road, Dedham, Colchester, CO7

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

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# Committee Report

Agenda item

**7**

To the meeting of **Planning Committee**  
on: **17 March 2011**  
Report of: **Head of Environmental and Protective Services**  
Title: **Planning Applications**

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

## 7.1 Case Officer: Sue Jackson

**MINOR**

**Site:** Dedham Vale Business Centre, Manningtree Road, Dedham

**Application No:** 102229

**Date Received:** 29 October 2010

**Agent:** Mr Sam Metson

**Applicant:** MH Commercial

**Development:** Erection of 268m<sup>2</sup> B1 business floor space comprising four single storey business starter units, associated parking and boundary planting.

**Ward:** Dedham & Langham

**Summary of Recommendation:** Conditional Approval

### 1.0 Introduction

1.1 This application is referred to the Planning Committee because objections have been received and the application was received before the new scheme of delegation came into effect.

### 2.0 Synopsis

2.1 The application involves the erection of additional business floorspace at the Dedham Vale Business Centre. Objections have been received which will be detailed in the report. The recommendation is that planning permission be granted.



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

- 3.1 The site is a rectangular area of land with approx dimensions of 45 metres width and 120 metres length next to the Dedham Vale Business Centre. The business centre is located on the Manningtree Road some half a mile from Dedham village. The existing centre and the proposed extension are both on land formerly comprising a farm yard.
- 3.2 The site is on a bend in the road and the new building will be visible from the road and a public footpath close to the rear boundary.
- 3.3 There are two residential properties close to the front boundary of the business site and another property close by.

### **4.0 Description of Proposal**

- 4.1 The application proposes the erection of a single building measuring approx 11m by 32 m with a useable floor area of 268 square metres to provide 4 additional business units for B1 use. The building would be sited to the west of the existing buildings. Access would be via the existing site entrance and the drive would be extended between the new and existing buildings to serve a car park to the rear providing 16 parking spaces.
- 4.2 The proposed materials comprise black weatherboarding with a brick plinth and a pantiled roof.
- 4.3 The application drawings indicate additional planting both within the site and along the north (rear) and side (west) boundaries.
- 4.4 Documents submitted with the application include a Transport Statement, Design and Access Statement, Flood Risk Assessment, and a Landscape Visual Impact Assessment (LVIA) and Landscape Proposals.

### **5.0 Land Use Allocation**

- 5.1 Area of Outstanding Natural Beauty  
Flood Zone 2 and 3

### **6.0 Relevant Planning History**

- 6.1 F/COL/06/0527 - Conversion of farm buildings to craft uses and B1 commercial uses. Approved. This application included the current application site where 4 barns were shown to be demolished and a sheep rearing shed was proposed. This application also included the demolition of other farm buildings.

## **7.0 Principal Policies**

- 7.1 The following national policies are relevant to this application:  
Planning Policy Statement 1: Delivering Sustainable Development  
Planning Policy Statement 4: Planning for Sustainable Economic Growth  
Planning Policy Statement 5: Planning for the Historic Environment  
Planning Policy Statement 7: Sustainable Development in Rural Areas  
Planning Policy Guidance 13: Transport  
Planning Policy 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:  
CE1 - Centres and Employment Classification and Hierarchy  
UR2 - Built Design and Character  
TA5 - Parking  
ENV1 - Environment
- 7.3 In addition, the following are relevant adopted Colchester Borough Development Policies (October 2010):  
DP1 Design and Amenity  
DP8 Agricultural Development and Diversification  
DP9 Employment Uses in the Countryside  
DP17 Accessibility and Access  
DP19 Parking Standards  
DP20 Flood Risk and Management of Surface Water Drainage  
DP22 Dedham Vale Area of Outstanding Natural Beauty
- 7.4 Regard should also be given to the following Supplementary Planning Guidance/Documents:  
Vehicle Parking Standards

## **8.0 Consultations**

- 8.1 Environmental Control has no objection subject to conditions
- 8.2 Economic Development Officer - This all seems well thought through there is demand (mainly very local) and the design is un-obtrusive. The addition of a further 12 employees is a welcome addition to local jobs delivered in a sustainable manner and will enhance further non-tourism led economic self-sufficiency.
- 8.3 The Landscape Officer has no objection subject to conditions
- 8.4 Environment Agency has no objections but has made comment and recommended conditions. One condition requires the minimum finished floor level to be 3.397 m AOD. This would affect the height of the building and its impact in the AONB. After further consultation the Agency has confirmed it would not object should the local planning authority decide not to impose this condition.  
*Officer comment: Members should note this condition has not been imposed.*

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 Parish Council have stated:-

“The Parish Council Planning Sub-Committee have considered this application and have a number of issues to raise.

The first issue is that the piece of land indicated as the site was not included in the original plan for this development coloured blue on the plans and must therefore still be agricultural land subject to a change of use.

Secondly we note from the plans that the flood retaining wall has been removed – therefore are you allowing these proposed units to flood at given times.

During the course of a site visit it was noted that a low proportion of the existing units are occupied and that significant amounts of unit have not been finished (or indeed started). This indicated to the Committee that the prospects to date are not healthy and consider any future expansion of this site unacceptable at this time.

Finally, whilst approaching the site along Manningtree Road it was noted that:-

- (a) The condition of the road has deteriorated considerably due to the increase of traffic along this country lane and the verges and embankments on either side have been considerably eroded by trafficking (do we want this in an AONB).
- (b) The screening of the site was paramount in insuring that the impact of these industrial buildings is minimized. This has not been achieved and we are of the opinion that this current proposal will only exacerbate the situation spoiling this part of the AONB.

We therefore recommend refusal until such times as a greater occupancy is guaranteed.”

## 10.0 Representations

### 10.1 One of objection and raising the following issues

“The application is for a new office on land which was, we understand, retained for agricultural use, specifically for accommodating a Lambing Shed. The farming operation currently being undertaken in the surrounding fields requires storage from time to time for both machinery and crops. A short time after the business park was given its original permission a concrete pad was constructed on an area of land beside Manningtree Road, deemed necessary by the farmer who had taken over the business but who no longer had access to the farmyard. The current application gives the Council an opportunity, by its refusal, to redress this situation. The site is in a very prominent position within the AONB and further development of a non-agricultural nature should be strongly resisted.

It should also be noted that the access roads in both directions are single carriageways and it is important that they should remain so in order to maintain the rural aspect of these lanes. Delivery vans and increasing traffic are already eroding the verges despite inexplicable assurances from the Highways Authority. Further development will only exacerbate the problem.

Occupation of the existing offices is by no means complete and it would appear that the new application is entirely speculative, hardly the right motive for any building within this very precious Vale, an area considered so important forty years ago that it was given the equivalent status of a National Park.”

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

10.2 The agent has submitted a detailed response to these comments which is available at Appendix 1.

10.3 In summary the response indicates:-

- When the original permission is taken into account which can still be implemented there is actually a reduction in floor area.
- The LVIA demonstrates the building will not have an adverse impact in the AONB.
- The application is not speculative and there is not a poor occupancy.

## **11.0 Parking Provision**

11.1 The parking standard states that a maximum of 1 space per 30 square metres is permitted for B1 office plus a minimum of 2 disabled bays. In addition a minimum of 1 cycle parking space per 100 square metres for staff plus 1 space per 200 square metres for visitors is required. The current proposal for 268 square metres of B1 office use would equate to a maximum of 9 parking spaces plus 2 disabled. A total of 12 spaces including 4 disabled bays are proposed.

11.2 The provision exceeds the maximum standard and the agent has provided the following information in this respect.

“The Vehicle Parking Standards state that ‘If it is proven by the developer that the provision of parking according to the standard is insufficient for the development destination then provision over the maximum should be considered by the LPA’ Although the number of car parking spaces proposed is in excess of the provision identified above it is considered appropriate, due to the rural location of the Dedham Vale Business Centre and the limited public transport opportunities. Indeed paragraph 53 of PPS13 further endorses this approach with specific reference to sites in rural areas.”

11.3 It should be noted that there is some potential for sustainable travel opportunities to and from the site by means of cycling/walking, such alternatives will be encouraged by provision of good quality cycle infrastructure on site. To this end secure, sheltered cycle parking for up to 5 cycles is provided in close proximity of the proposed building.

## **12.0 Open Space Provisions**

12.1 There is no open space provision required.

## **13.0 Report**

13.1 The main issue to be considered in the determination of this application is the impact on and the acceptability of the development in the AONB.

## Impact on the Surrounding Area and AONB

13.2 LDF Policy DP22 (Dedham Vale Area of Outstanding Natural Beauty) states:-,

‘Development will only be supported in or near to the Dedham Vale AONB that:

- (i) makes a positive contribution to the special landscape character and qualities of the AONB;
- (ii) does not adversely affect the character, quality views and distinctiveness of the AONB or threaten public enjoyment of these areas, including by increased vehicle movement; and
- (iii) supports the wider environmental, social and economic objectives as set out in the Dedham Vale AONB and Stour Valley Management Plan’.

13.3 The objectives of the Dedham Vale AONB and Stour Valley Management Plan are that decisions should demonstrate:-

1. Consideration of the landscape cultural associations, tranquillity and biodiversity.
2. To conserve and enhance the area.
3. Protect habitats and species.
4. Retain its assemblage of landscape features that contribute to character of the area.
5. Development to be of an appropriate scale and take into account landscape qualities.
6. Minimise the use of road transport.
7. Promote sustainable development.

13.4 Development Policy DP9: Employment Uses in the Countryside states:-

“Employment development proposals within the countryside, outside of designated local employment zones, must contribute to the local rural economy and help sustain rural communities. The proposed use should be of a small scale that does not harm the rural character of the area either by the nature and level of activity (including the amount of additional traffic generation on rural roads) or, any other detrimental effects such as noise and pollution”.

“(D) New rural employment buildings:

Proposals will only be supported in exceptional cases where there are no appropriate existing buildings and the need has been adequately demonstrated”.

13.5 The proposal involves an extension to an existing business centre which sits well within the landscape although the boundaries, in particular the side boundary, would benefit from additional landscaping. Although the proposal involves new building it can be seen as a logical completion of this business park. At the time of the 2006 application this land contained farm buildings and the permission included a replacement agricultural building. Had the 2006 application included this site as part of the business park it is likely no objection would have been raised.

13.6 Members will note the application has the support of the Council’s Economic Development Officer who recognises there is a local need for the business floor space.

- 13.7 Whilst the site is outside the village centre and will largely depend on motor vehicles the applicant recognises the issue of sustainable transport and provision is made for cyclists.
- 13.8 There is no land designated for employment uses within that part of the AONB within Colchester Borough. There is a recognised local need for employment and the extension of the established site to meet this need is considered acceptable.
- 13.9 The application includes a Landscape and Visual Impact Assessment which at the request of the Landscape Officer has been amended to analyse the site's key overall and visual characteristics, historical and ecological features, landscape strategy objectives and the landscape planning and management guidelines as detailed in the Colchester Borough Landscape Character Assessment. The Zone of Visual Influence and viewpoints have also been revised and assesses and mitigates any light pollution.
- 13.10 The Landscape Officer is satisfied with the amended details and no objection is raised subject to conditions.
- 13.11 It is considered the proposal meets the objectives of the Dedham Vale AONB and Stour Valley Management Plan and Development Plan policy.

#### Design, Layout, Scale, Height and Massing

- 13.12 The buildings will integrate well in the landscape and the application provides the opportunity for new tree and hedge planting which will not only screen these buildings but also the existing ones. The building proposed is of a similar scale and height to those existing and will be seen as part of this group. The only concern is that pantiles are proposed as the roof material. The existing buildings have slate roofs which blend well into the landscape whereas pantiles would be more conspicuous. A condition is therefore recommended requiring the roof material to be submitted and agreed.

### **14.0 Conclusion**

- 14.1 There is a need for employment uses in the area and it is considered the proposal represents an acceptable extension to the existing site without conflicting with the objectives of the Dedham Vale AONB and Stour Valley Management Plan or development plan policy.

### **15.0 Background Papers**

- 15.1 PPS; Core Strategy; DBDP; SPG; HH; EDO; TL; NR; PTC: NLR

### **16.0 Recommendation - Conditional Approval**

#### **Conditions**

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

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

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

## 2 - A2.1 Development to Accord With Approved Plans

The development hereby permitted shall be implemented in all respects strictly in accordance with the approved drawing nos. 1512:02A, 1512:01C, DFCL 109.01 Rev A.

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

## 3 - 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.

## 4 - 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.

#### 5 - 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.

#### 6 - Non-Standard Condition

The units hereby permitted shall be used for Class B1 (Business) purposes only as defined in the Use Classes (Amendment) Order 2005.

Reason: To avoid doubt as to the scope of the consent hereby granted.

#### 7 -Non-Standard Condition

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

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

#### 8 - Non-Standard Condition

The use hereby approved shall not commence until the building has been constructed/modified to provide sound insulation against internally generated noise in accordance with a scheme devised by a competent person and approved in writing by the Local Planning Authority. This shall comply with the initial noise condition. The noise generated by such equipment shall not have any one 1/3 octave band which exceeds the two adjacent bands by more than 5dB as measured at all boundaries near to noise sensitive premises.

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

#### 9 - Non-Standard Condition

No external lighting shall be installed without the prior submission of details to and approval by the Local Planning Authority. All approved 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 E2 (rural, small village or dark urban areas). This shall include sky glow, light trespass into windows of any property, source intensity and building luminance.

Reason: To reduce the undesirable effects of light pollution on the amenity of the area.



#### 10 - Non-Standard Condition

The recommendations and mitigation included in the Landscape and Visual Impact Assessment shall be implemented in full in accordance with a timetable submitted to and approved in writing by the Local Planning Authority prior to the commencement of any development.

Reason: To protect the character and appearance of the Area of Outstanding Natural Beauty.

#### 11 - C3.2 Materials as Stated in Application

The external materials and finishes, with the exception of the roof material which is not approved, shall be as stated on the application form and as indicated on the approved plans and schedule returned herewith, unless otherwise agreed in writing by the Local Planning Authority.

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

#### 12 - C3.6 Samples of Roof Materials to be Agreed

The roof of the proposed building shall be clad in material to match the existing buildings, samples of which shall be submitted to and approved in writing by the Local Planning Authority before the development commences. The development shall be implemented in accordance with agreed details.

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

#### 13 - B8.1 Drainage Scheme Prior to Commencement of Work

Prior to the commencement of any work on site, a scheme of surface water drainage incorporating sustainable drainage techniques shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be carried out prior to the occupation of the building/s hereby permitted.

Reason: To ensure satisfactory arrangements are made for the disposal of surface water drainage.

#### 14 – Non Standard Condition

Prior to the commencement of development, details of a safe exit route, not adversely affecting the flood regime, to an appropriate safe haven, shall be submitted to and agreed, in writing, with the Local Planning Authority.

Reason: To provide safe access/egress during flood events and reduce reliance on emergency services.

#### 15 – Non Standard Condition

Prior to the commencement of development, a scheme for the provision and implementation of flood proofing measures shall be submitted to and agreed in writing with the Local Planning Authority. The scheme shall be completed before the development is first occupied and constructed in accordance with the approved plans and in line with the publication 'Improving the flood performance of new buildings: flood resilience construction' CLG (2007).

Reason: To minimise the damage to the development in the event of flooding and enable a faster recovery once floodwaters have subsided.

#### 16 – Non Standard Condition

Prior to the commencement of development, a scheme for the provision and implementation of foul water drainage shall be submitted and agreed, in writing, with the Local Planning Authority. The scheme shall be constructed and completed before any discharge is generated.

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

#### 17 – Non Standard Condition

Prior to being discharged to any soakaway/ditch/surface water sewer, all surface water drainage from impermeable vehicle parking areas shall be passed through a petrol/oil interceptor designed and constructed to the satisfaction of 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 pollution control.

#### 18 - D2.5 Non Residential Development

The car parking spaces indicated on the plans hereby approved shall be constructed prior to the occupation of the building hereby approved and thereafter shall be retained and used only for car parking in relation to the permitted uses of the building.

Reason: To ensure that vehicles visiting the site can park off the highway.

#### 19 – D4.5 Bicycle Parking (as approved plan)

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

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

#### 20 – A7.9 (A7.9 Rem of Perm Dev Rights Rel Extends/Alt Ind Premises)

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 as amended by the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 (or any Order revoking and re-enacting that Order with or without modification), no extensions or alterations shall be carried out (other than those expressly authorised by this or any other express permission) on any part of the site, whether externally or internally, without the prior written permission of the Local Planning Authority.

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

#### 21 – Non Standard Condition

No retail or wholesale sales shall take place from the premises.

Reason: To safeguard the amenities of nearby residential properties.

#### 22 – A4.12 (No Open Storage)

There shall be no outdoor storage of any materials, goods, equipment, plant, machinery or vehicles of any description on any specified part of the site without the prior written consent of the Local Planning Authority.

Reason: In the interests of visual amenity.

#### 23 – Non Standard Condition

Unless otherwise agreed in writing by the Local Planning Authority, no work shall be carried out at the site outside the hours of 7.00 a.m. to 7.00 p.m. Monday to Friday and 7.00 a.m. to 1.00 p.m. Saturdays and no works shall be carried out at any time on Sundays, Bank or Public Holidays.

Reason: To safeguard the amenities of nearby residential properties and the character of this rural locality.

### **Informatives**

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

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

(3) A competent person is defined as someone who holds a recognised qualification in acoustics.

(4) Erection of flow control structures or any culverting of a watercourse requires the prior written approval of the Environment Agency under s.23 of the Land Drainage Act 1991 or s.109 of the Water Resources Act 1991. The Environment Agency resists culverting on nature conservation and other grounds and consent for such works will not normally be granted except for access crossings.

Your ref: F/COL/10/2229  
Our ref: S975300015  
dd: 01245 505071  
df: 01245 251214  
e: sam.metson@bidwells.co.uk  
Date: 17<sup>th</sup> January 2011

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Dear Sue

### **Planning Application F/COL/10/2229: Dedham Vale Business Centre**

I am writing on behalf of my client, MH Commercial, who is the applicant in respect of the above planning application, in relation to the consultation responses received by the Borough Council. We appreciate the opportunity to comment on the responses received and would be grateful if our comments could be reported to the Borough Council's Planning Committee.

#### ***Support for the Planning Application***

My client is delighted that the Council's Economic Development Officer, Jim Leask, is supporting the scheme. We are pleased that Mr Leask's consultation response of 19<sup>th</sup> November highlighted its benefits in respect of:

- Satisfying a very local demand for business starter units;
- Making a welcome contribution to local employment prospects with the potential addition of 12 jobs;
- The positive impacts on enhancing further non-tourism led local economic self-sufficiency;
- The sustainability of the proposal; and
- Its unobtrusive design.

Given the rarity of employment led developments in the Dedham Vale, particularly schemes that will help new small enterprises to establish themselves in difficult economic conditions, we trust that Mr Leask's comments will be given full weight in the determination of the planning application.

We are also pleased to learn that that the vast majority of responses to the application have been supportive, with no objections received from any of the site's neighbours or from the Highway Authority, Environment Agency, Environmental Health Department or Dedham Vale and Stour Valley Project.

#### ***Concerns raised by Dedham Parish Council and the Dedham Vale Society***

We note with concern the comments raised by Dedham Parish Council and the Dedham Vale Society. Both parties have objected to the proposal, citing reasons which include the impacts of further non-agricultural development on the AONB, lack of screening, poor occupancy of the existing buildings, the loss of 'agricultural land', lack of a flood retaining wall and the impact on the condition of local roads.

We would contend that the concerns of the Parish Council and Dedham Vale Society appear in many respects to be based on a misunderstanding of the background to the planning application and what is actually being proposed. We would like to be able to clarify matters to ensure that unfounded concerns do not unduly affect the Council's consideration of the application. MH Commercial would like to make clear that it is not seeking to increase the amount of development on the site over and above that already permitted. The applicant has

EG Property Adviser of the Year 2009 - Eastern Region.

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invested a great deal of time and effort to ensure that the proposal will benefit the local area and will be acceptable in planning terms.

**1) Background to the Application**

Both parties appear to have misunderstood that the application actually proposes a reduction in the amount of development that could be accommodated on the site. As explained in the Planning, Design and Access Statement (PDAS), the new building would replace two others approved under the original planning permission for the redevelopment of the Business Centre (F/COL/06/0527). It seeks to re-provide business space approved under that permission but lost when the building permitted for conversion collapsed before works could commence. A new building is proposed on the site of the lambing shed approved under that permission. If developed, the lambing shed would have more floor space than the proposed building. It could be constructed at any time, but it is no longer required.

Taking into account the collapsed building and the replacement of the lambing shed, the current application will result in 333m<sup>2</sup> less floorspace on the site than was permitted by the Council when originally granting consent for the Business Centre.

Concern has been raised that the development of the Business Centre has led to the construction of concrete pads in a local field, and further loss of 'agricultural land' should not be permitted. The Council accepted that the use of the former dairy farm was redundant at the time of the original planning application. The lambing shed is no longer required and the unused land within the existing confines of the Business Centre provides a suitable location for the new building. The owner of the nearby field has confirmed that the concrete pads are unrelated to the change of use of the site because they have been built in a specific location to enable unloading of potatoes and grain.

**2) Impact on the AONB**

We can understand that there will always be concern about the impact of new development on the AONB, but contend that this scheme will in fact enable the Council to secure further enhancements to the natural beauty the area.

Considerable enhancements have been made to the appearance of the site since it was used as a dairy farm, when the poor condition of the site and the industrial scale of some of the buildings that have now been removed meant it was incongruous in its context. The improvements made by MH Commercial are clearly evident from the attached aerial photographs, showing the site before it was redeveloped and nearing completion as the Business Centre. Notwithstanding this, the Landscape and Visual Impact Assessment (LVIA) supporting the application has identified that the existing buildings are still visible from a number of public viewpoints due to intermittent boundary planting. To address this issue, the applicant is proposing further landscape screening enhancements along the western and northern boundaries. The LVIA is accompanied by an outline planting strategy which sets out the scope of the intended works, and it is anticipated that a detailed planting and management plan can be secured and agreed by condition, offering certainty over implementation.

**3) Occupancy Rate and Demand for Facilities**

It is incorrect to suggest that there is a poor occupation rate at the Business Centre, and subsequently that provision of further business space is unjustified. All of the completed buildings at the Business Centre are either sold or occupied. One building (Unit 9 shown on the approved layout at Appendix One to the Planning Statement) is still under construction but due to be completed in the Spring. MH Commercial is currently seeking to agree terms with a potential occupier. Demand for the proposed starter units has been identified by Colchester Borough Council and their provision is in no way speculative.

**4) Impact on Local Roads**

There is no evidence to support claims that the use of the Business Centre has led to deterioration in the condition of local roads. The applicant would suggest that any change is more likely to be associated with poor weather or the increasing amount of traffic using Manningtree Road as a 'rat run' to access Manningtree Station. In any case, the Transport Statement submitted with the application demonstrates that the new building will not have a material impact on the amount of traffic using the local roads and the Highway Authority has raised no objections.

**5) Flood Retaining Wall**

The applicant would like to make clear that flood retaining walls have not been proposed following the advice of the Environment Agency that they are not required.

In conclusion, we would contend that the applicant has taken all reasonable considerations into account and that the scheme will have real benefits for the Dedham Vale in terms of employment opportunities, economic self sufficiency and the appearance of the AONB. It is hoped that the information contained in this letter will go some way to clarifying matters and alleviating concerns that have arisen in some quarters.

***Other Matters***

We note the comments made by the Environment Agency (EA) in respect of the finished floor level (FFL) of the proposed units. The EA previously suggested that the FFL should be raised by 300mm unless material planning considerations suggest that this is not practical or desirable. Given the location of the site within the AONB, my client considers that the height of the building should be limited where possible but would be happy to raise the FFL if the Council considers it necessary.

The EA is recommending a condition requiring the applicant to agree a flood evacuation route with the Council. A route is proposed in Appendix Two of the Planning Statement submitted with the application so we do not consider it necessary to submit further information unless the Council is disagrees with the route proposed.

A number of other conditions have been recommended by the EA and the Council's Environmental Health department in respect of flood proofing measures, details of foul and surface water drainage, noise insulation and noise monitoring. I can confirm that my client is happy to comply with the conditions proposed.

I hope this information is helpful in clarifying the applicant's position in respect of the comments that have been made and I trust that it will be taken into account in preparing for determination of the application.

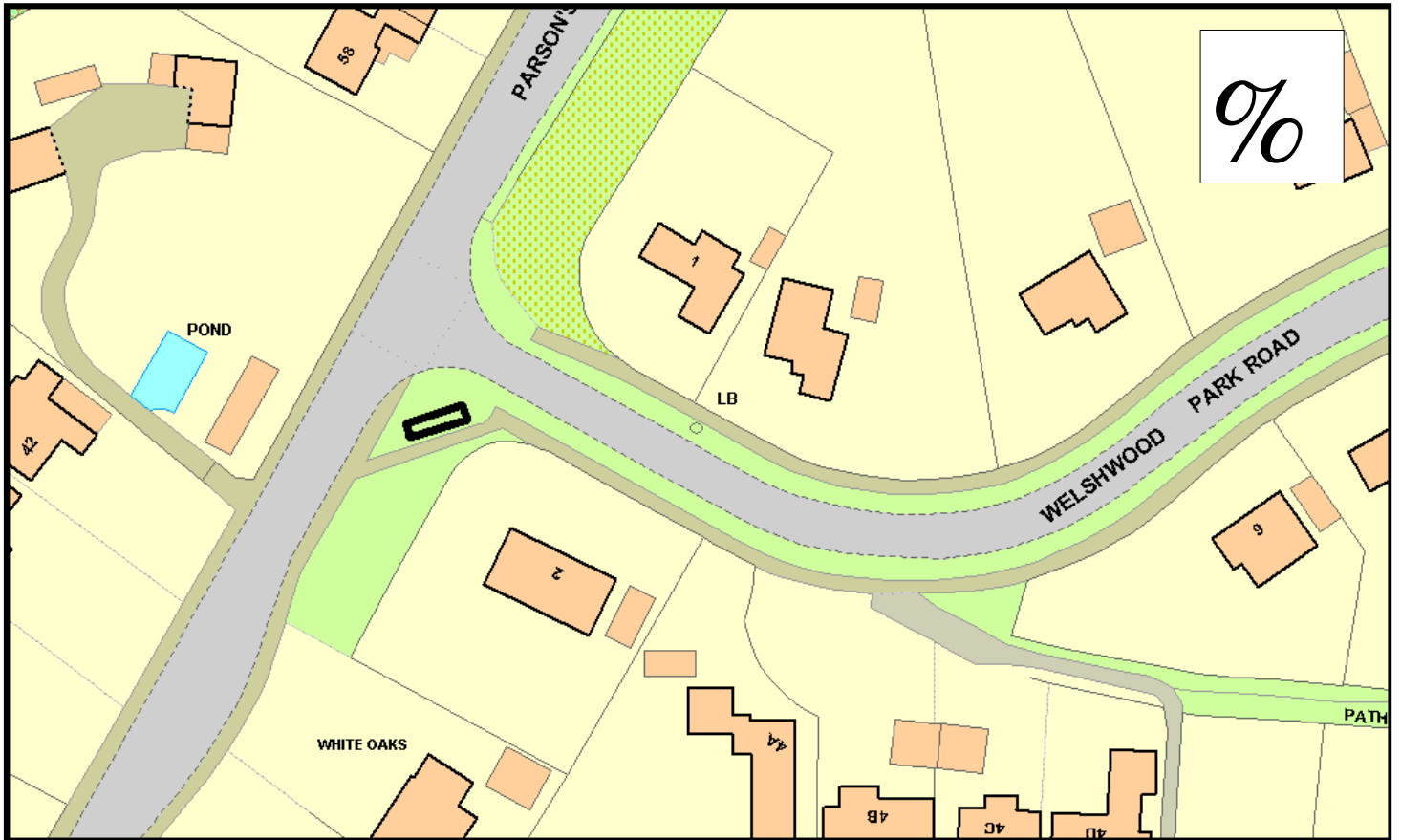
If you require any further clarification please do not hesitate to contact me.

Yours sincerely,



**Sam Metson**  
Principal Planner

Copy: Michael Pendlebury, MH Commercial



**Application No:** 110198

**Location:** Corner of Parsons Heath & Welshwood Park, Colchester

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

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**7.2 Case Officer: Simon Osborn**

**Due Date: 17/03/2011**

**OTHER**

**Site:** Parsons Heath & Welshwood Park, Colchester

**Application No:** 110198

**Date Received:** 3 February 2011

**Agent:** Galloways Estates Ltd Chartered Surveyors

**Applicant:** VodafoneLtd & Telefonica O2 (UK) Ltd

**Development:** Application to determine whether prior approval is required for the installation of a new street works pole of 12.5m (to top) with 3no. antenna located within GRP shroud at top of the pole along with one ground level streetworks cabinet measuring 1.89m x 0.79m x 1.65m in the location indicated on plan nos 100, 200, 300.

**Ward:** St Johns

**Summary of Recommendation:** Refusal

## **1.0 Introduction**

1.1 This application is referred to the Planning Committee because material objections have been received to the proposal from residents (as well as a holding objection from the Council's Arboricultural Officer in the lack of an Arboricultural Impact Assessment). It is recommended that the application is refused on the basis of inadequate information in relation to the impact on nearby trees. However, the view of the Committee is sought as to the principle of accepting a mast and cabinet in this location in view of the material objections raised by local residents.

## **2.0 Synopsis**

2.1 The proposed telecommunications mast and equipment cabinet require the approval of the Council with regard to siting and appearance. The proposed site is close to mature trees, which form part of a Tree Preservation Order and the Council require further information in the form of an arboricultural impact assessment to consider whether the proposal can be accommodated without undue detriment to the health of the trees. It is proposed to refuse the application on these grounds only. However, the application is brought to Committee as material objections have been received regarding the principle of siting in this location.

## **3.0 Site Description and Context**

3.1 The application site concerns highway verge land close to the junction of Welshwood Park Road with Parsons Heath. The area is predominantly residential in character and the adjacent Welshwood Park estate is characterised by a well treed setting, the trees being covered by a group Tree Preservation Order.



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

- 4.1 The application relates to a 12.5m high telecommunications mast, and an associated equipment cabinet (which is 1.89m x 0.79m x 1.65m in size). The mast seeks to imitate a telegraph pole in appearance.
- 4.2 The works described are permitted development and therefore do not require planning permission. The only issues the Council can consider are siting and design.

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

- 5.1 Predominantly Residential  
TPO 17a/97

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

- 6.1 None

#### **7.0 Principal Policies**

- 7.1 The following national policies are relevant to this application:  
Planning Policy Guidance 8: Telecommunications
- 7.2 In addition to the above national policies, the following policies from the adopted Colchester Borough Core Strategy (December 2008) are relevant:  
UR2 - Built Design and Character
- 7.3 In addition, the following are relevant adopted Colchester Borough Development Policies (October 2010):  
DP1 Design and Amenity

#### **8.0 Consultations**

- 8.1 Environmental Control – no comments
- 8.2 Arboricultural Officer – the installation of the proposed structure may impact on the surrounding trees. In order to assess the impact on these trees an arboricultural implication assessment is required. Recommend refusal as currently proposed subject to additional information.

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

## **9.0 Representations**

9.1 Twenty objections were received to the proposal. These raised the following issues:

- Mast and cabinet will be obtrusive and detrimental to the pleasant character of the area.
- Mast and cabinet detrimental to Area of Special Character.
- Health considerations and public concern should be taken into account.
- Will impeded visibility at the junction.
- Should be moved to fields on the other side of the railway bridge, or at least further away from the road.
- Potential impact on TV and satellite aerials.

## **10.0 Parking Provision**

10.1 Not applicable

## **11.0 Open Space Provisions**

11.1 Not applicable

## **12.0 Report**

12.1 PPG8 seeks to facilitate the growth of new and existing telecommunications systems whilst keeping the environmental impact to a minimum. The PPG encourages sharing of masts where practicable. The operator has identified a need to improve their 3G coverage within the Welshwood Park and the north-eastern part of the Parsons Heath area. The area of poor 3G coverage centres to the north of Parsons Heath near to the railway line. The residential nature of the area and narrow pavements has meant that there are few options available. The preferred location (the application site) has relatively wide highway verges and was chosen because the site is “screened by trees and out of direct views from the majority of nearby residential dwellings”.

12.2 A number of alternative options were explored before this application was submitted, including several sites close to the junction of Parsons Heath with the Harwich Road (which were not suitable either because they were too close to the existing O2 rooftop radio base station, or because the site provider was unwilling to agree to a base station) and sites beyond the settlement boundary to the north of the railway line (which were discounted as they would provide little additional 3G coverage in the residential area where it is most needed).

12.3 Telecommunication masts under 15m in height do not require planning permission as this is deemed to be granted by the Government. Local Planning Authorities have more limited powers to influence the location of these masts on the grounds of siting and appearance only. PPG8 advises that Local Planning Authorities should not consider health implications if a Declaration of Conformity with the ICNIRP requirements is submitted with the application. Such a certificate was submitted with the application.

- 12.4 The proposed mast and equipment cabin is sited on the corner of Welshwood Park Road where it meets Parsons Heath (road). This section of the Parsons Heath road is characterised by wide grass highway verges. The proposed mast will be set 5.5m back from the edge of the carriageway and the equipment cabin would be 7m away, the latter being close to the footpath which links the two roads. The proposed mast would be sited just beyond the crown spread of a 13m high tree and the equipment cabinet below the crown spread. The proposed mast will be sited 5m away from a 4.5m high solar panel speed sign. On the other side of the Parsons Heath Road is a lamp column approximately 8m high. Other street furniture elsewhere on the Parsons Heath road is lower, typically 5.5m high.
- 12.5 The proposed mast will be sited 8m from the nearest residential boundary with 2 Welshwood Park Road and approx 16m from the nearest front corner of that house. The occupier of this property would have an obscure view of the mast from their house and likewise a number of other properties would have obscure views too. Nonetheless the proposed mast does not directly face any existing residential property. There is also a line of mature trees along the back edge of the highway verge of the Parsons Heath road. These will not screen the proposal from 2 Welshwood Park Road, but would help to soften the impact in visual terms.
- 12.6 Reference has been made by some objectors to the area being part of an Area of Special Character. However, while the area was so designated under the old Local Plan, this designation has not been carried forward in the new Local Development Framework. The relevant policies in the LDF include Policy UR2 in the Core Strategy, which promotes high quality design in all developments. Policy DP1 in the Development Policies requires that all development respects and enhances the character of the site, its context and surroundings. The proposed mast and cabinet will be clearly visible from a public perspective, with views from the Parsons Heath road in particular. The proposed mast is clearly taller than other highway structures and, whilst it will have a mock-effect telegraph pole appearance, it will be taller and chunkier than real telegraph poles and cannot wholly blend in with the surroundings. This part of Colchester certainly has a very pleasant appearance. Nonetheless views of the proposed mast and cabinet will be softened by the trees along the edge of the Welshwood Park estate.
- 12.7 The Council's Arboricultural Officer has stated that the installation of the proposed structures may impact on the surrounding trees. These trees are covered by a Tree Preservation Order. In order to assess the impact on these trees an arboricultural implication assessment is required. In view of the limited time available for Council's to consider prior approval notifications, there is insufficient time for this to be prepared and then fully assessed by the relevant Officer before the due decision date. It is recommended therefore that the application is refused on the basis that inadequate information has been submitted with the application for the Council to be certain that the proposed mast and cabinet will not have an unacceptable impact upon the nearby trees (which form part of the justification for allowing the proposal in this location). This will allow the applicant to prepare and submit the appropriate assessment in a second application.

12.8 However, the Council also has to decide whether the proposal is acceptable in principle in this location. It is the Officer view that on balance the proposal is acceptable in principle in this location (subject of course to there being no detrimental impact on the nearby trees). The Committee are therefore asked to consider this, before a decision is taken on the application.

### **13.0 Conclusion**

13.1 The proposed mast and cabinet are recommended for refusal on the basis that insufficient information (in the form of an Arboricultural Impact Assessment) has been submitted with the application to satisfy the Council that the proposed mast and equipment cabinet will not have a detrimental impact on the nearby trees. It is the Officer view that subject to this being received as part of a revised application that the proposal would be acceptable in principle.

### **14.0 Background Papers**

14.1 PPG; Core Strategy; CBDP; HH; AO; NLR

### **15.0 Recommendation - Refusal**

In the absence of an Arboricultural Implication Assessment prepared by an appropriately qualified arboricultural consultant, the Local Planning Authority is not satisfied that the proposed telecommunications mast and equipment cabinet can be provided without undue harm on the surrounding trees, which help to mitigate the impact of the proposal on the surrounding area. As such the proposal is contrary to Policy DP1 in the LDF Development Policies, adopted in October 2010



## **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.