

Planning Committee

Town Hall, Colchester
16 April 2009 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.

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Material Planning Considerations

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

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

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

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

Human Rights Implications

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

Community Safety Implications

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

**COLCHESTER BOROUGH COUNCIL
PLANNING COMMITTEE
16 April 2009 at 6:00pm**

Members

Chairman : Councillor Gamble.
Deputy Chairman : Councillor Ford.
Councillors Chillingworth, Blandon, Chapman, Chuah, Cory, Elliott, Foster, Hall, Lewis and Offen.

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:-

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. An amendment sheet is circulated at the meeting and members of the public should ask a member of staff 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 to 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 - 6

To confirm as a correct record the minutes of the meeting held on 2 April 2009.

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. 090020 Ypres Road, Colchester** **7 - 21**
(Shrub End)

Erection of a residential care home comprising 60 bedrooms for residential care and 38 extra care sheltered apartments, a staff overnight facility and associated car parking.
- 2. 090234 57 North Station Road, Colchester** **22 - 27**
(Castle)

Change of use from Class A1 (retail) use to Class A3 (restaurants and cafe) use.
- 3. 090254 37 Welshwood Park Road, Colchester** **28 - 33**
(St John's)

Two storey rear extension to existing nursing and residential care home.
- 4. 090274 Playing Field, Robletts Way, Wormingford** **34 - 37**
(Fordham and Stour)

Provision of two portakabins for use as changing facilities at Wormingford Wanderers Football Club.
- 5. 081848 Halstead Road, Eight Ash Green** **38 - 46**
(West Bergholt and Eight Ash Green)

Reserved matters for Plots 13, 14 and 15.
- 6. 090021 48 St Christopher Road, Colchester** **47 - 52**
(St John's)

Siting of a single Tomra recycling unit with associated works.
- 7. 090022 19 Bromley Road, Colchester** **53 - 57**
(St Anne's)

Siting of a single Tomra recycling unit with associated works.
- 8. Enforcement Action // Land at 185 Shrub End Road, Colchester** **58 - 61**
(Prettygate)

See report by the Head of Environmental and Protective Services.

9. Enforcement Action // Roberts Farm, Mount Bures **62 - 64**
(Great Tey)

See report by the Head of Environmental and Protective Services.

10. Deed of Variation // Horkesley Green Development, Formerly **65 - 67**
Tile House Farm, Great Horkesley
(Fordham and Stour)

See report by the Head of Environmental and Protective Services.

11. 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
2 APRIL 2009

Present :- Councillor Ray Gamble* (Chairman)
Councillors Mary Blandon*, Nigel Chapman*,
Peter Chillingworth*, Helen Chuah*, Mark Cory,
John Elliott*, Wyn Foster*, Chris Hall*, Sonia Lewis* and
Nigel Offen*

238. Minutes

The minutes of the meeting held on 19 March 2009 were confirmed as a correct record.

239. 090152 24 Elmstead Road, Wivenhoe, CO7 9HX

The Committee considered an application for the demolition of two one and a half storey cottages and their replacement with the erection of a four bedroom dwelling. The Committee had before it a report in which all information was set out, see also Amendment Sheet.

Andrew Tyrrell, Planning Officer, attended to assist the Committee in its deliberations.

A member of the Committee expressed concerns regarding road safety at this location which was on a blind bend with very poor sight lines. The Highways Authority had considered taking a 2 metre strip of land to enable a more satisfactory access. A condition was requested to secure an improvement.

In their submission the Highways Authority had stated that the proposed access was not in accordance with their usual standards, but recognised that it was an improvement on the previous two substandard accesses. It was explained that the Highways Authority have the power to make adjustments to the road layout themselves. However there is a landscaping condition included in the recommendation and it would be possible to require that a 2 metre wide grassed verge be created as part of the landscaping scheme.

RESOLVED (UNANIMOUSLY) that the application be approved with conditions and informatives as set out in the report, subject to the landscaping scheme being amended to secure a 2 metre grass verge, see also Amendment Sheet.

240. 081452 Tower View, Pennsylvania Lane, Tiptree, CO5 0TU

The Committee considered an application for the erection of a five bedroom detached dwelling set over three floors, the ground floor being set partially below ground level and including a double garage accessed by a ramp. The Committee had before it a report in which all information was set out.

RESOLVED (UNANIMOUSLY) that –

(a) Consideration of the application be deferred for completion of a Unilateral Undertaking to provide for a contribution towards Open Space, Sport and Recreational Facilities in accordance with the Council's Supplementary Planning Document.

(b) Upon receipt of a satisfactory Unilateral Undertaking, the Head of Environmental and Protective Services be authorised to grant consent with conditions and informatives as set out in the report.

241. 081481 East Mersea Hall, Church Lane, East Mersea, Colchester, CO5 8TJ

The Committee considered an application for the change of use of a drawing room at the rear of the listed building from residential to mixed residential/wedding ceremonies, the erection of a marquee on a temporary basis between 15 April and 15 October, a change of use of part of an adjacent agricultural field for a grassed vehicle parking area in connection with weddings/functions at the Hall and at other times for church services and the annual East Mersea Village Fete, together with the provision of a footbridge over a moat for direct access from new parking field to the grounds of East Mersea Hall. 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, see also Amendment Sheet.

242. 090090 4 Nayland Road, Colchester, CO4 5EG

The Committee considered an application for two dormer windows in the loft space to provide two additional habitable rooms in the roof of the dwelling on plot 1 of an existing residential development under construction. The Committee had before it a report in which all information was set out. An additional condition was proposed to secure obscure glazed windows above ground level in the north facing elevation.

Andrew Tyrrell, Planning Officer, attended to assist the Committee in its deliberations.

Jean Dickinson, Myland Parish Councillor, addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in opposition to the application. Condition 14 of the original approval stated that roof lights could not be inserted. The two additional rooms to be created in the roof space by the insertion of dormer windows into the roof will increase the number of people living in the property. The Parish Council are concerned that this will create a precedent for extensions into roof spaces in the parish.

It was explained that applications for loft conversions for plots 4 and 5 had been refused because of the potential impact on neighbouring properties. There are no

overlooking issues from plot 1 so in this case the proposal was considered acceptable. Approval of this application would not set a precedent.

RESOLVED (MAJORITY voted FOR) that the application be approved with conditions and informatives as set out in the report together with an additional condition:-

The windows to be provided above ground floor level in the north facing elevations shall be glazed in obscure glass with an obscuration level equivalent to scale 4 or 5 of the Pilkington Texture Glass scale of obscuration and shall be retained as such at all times thereafter in order to safeguard the privacy of adjoining occupiers.

243. 090164 400 The Crescent, Colchester, CO4 9YQ

The Committee considered an application for a variation of condition 02 of planning permission COL/98/0335 to provide for an extension of an existing car park from 50 to 130 spaces. 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.

244. 090205 New Farm Road, Stanway, Colchester, CO3 0PG

The Committee considered an application for the erection of a 22.5 metre telecommunications monopole with three antenna and relocated floodlighting positioned at 17.5 metres on the same pole. 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.

245. 090211 Collins Green, School Road, Messing, Colchester, CO5 9TH

The Committee considered a retrospective application for minor elevational changes to new dwellings on plots 1 and 2. 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.

Sue Jackson, Principal Planning Officer, attended to assist the Committee in its deliberations. The reason for refusal was amended as follows:-

Plots 1 and 2 as constructed represent significant changes from the approved plan

including the insertion of additional brickwork, different levels and architectural details. The resultant building has an aesthetically unpleasant appearance that will detract from the appearance and character of the development as approved under the permission 071734, and detracts from their setting within the established village street scene. In this respect the development is contrary to the Adopted Review Colchester Borough Local Plan – March 2004 Policy UEA11 and to the advice contained within Planning Policy Statement 1 (PPS1).

David Hooker addressed the Committee on behalf of a number of objectors and the parish council pursuant to the provisions of Planning Committee Procedure Rule 8 in opposition to the application. By applying for this retrospective permission the developer is already in breach of the permission for this site. The grounds for refusing consent relate to the increased height of the properties and the subsequent changes to the elevations. These have changed what should have been cottage style semi-detached houses to what are almost three storey town houses. Rather than being at a lower level as mentioned by the planning officer, plots 1 and 2 are too high and the ground floor slab is too high. His group feel very strongly that this application should be refused and that the Council vigorously pursue a remedial course of action.

Councillor Ellis attended and, with the consent of the Chairman, addressed the Committee. What was granted permission and what has been constructed are two different things and the village has suffered as a result. The brick does not bear any resemblance to any brick in Messing. The developer has used this brick and removed all other details. The drawings showed feature brickwork, quoins and flat top arch details over the windows all of which have been omitted and instead plain brick has been used giving a bland appearance. The developer states this was done to comply with Building Regulations. This caused him to add multiple brick courses but at no time did he seek a planning officer's opinion. Any resemblance to a village cottage has been removed. The increased height has a significant and negative impact on this development both from within the village and from long views from the countryside. The development now presents as visually jarring within the street scene. The development as it currently exists would not have been given consent. It is being suggested that this flagrant breach can be hidden behind garages. As such it now fails PPS1 UEA11 and also Policy H7. In this case a development which might otherwise appear bland can be lifted by detailing and this has been omitted.

Councillor Bentley attended and, with the consent of the Chairman, addressed the Committee. Ward councillors had been asked to represent the strength of feeling from the village as this is a matter which concerns people in the beautiful village of Messing. Messing has had new development built there and there was an understanding of the need for more housing in rural areas, but the concern was about style and design and being out of character. This is a missed opportunity to have something not dissimilar to Messing Green which appears rural with family homes whereas this is an eyesore. Messing has won Best Kept Small Village and it needs good quality design which fits in and should be protected from poor designs like this. He asked that this application be turned down and an explanation provided on the timetable and the action to be taken.

It was explained that the brick used had been approved. Ibstock Leicester Red has

been used on a number of developments in the borough and it weathers very attractively. In this particular instance however, when combined with the elevated nature, it makes the house look obvious in the street scene; there are rendered units elsewhere. The absence of the quoin detail shown on approved drawings was accepted. However, when the materials were approved that feature was not a requirement, and this matter will be taken up elsewhere. In respect of the report on enforcement, a detailed report will be submitted to the Committee setting out all the changes and including all four plots, together with what options there were including any demolition required or introduction of architectural features closer to the approved drawings.

Members of the Committee were in general in agreement with the proposed action on the grounds of principle. If there was disagreement with an approval the developer should come back with a further application. The current appearance of the buildings was ugly; the proportions have been changed making them offensive to the eye.

RESOLVED (UNANIMOUSLY) that the application be refused for the reason set out in the report.

246. 090235 Great Oaks, Horkesley Road, Boxted, Colchester, CO4 5HS

The Committee considered an application for a variation to Condition 02 of application F/COL/99/1486 to allow the occupant to work in agriculture, horticulture or forestry outside of the site. 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.

247. 090293 Little Acorns, Abbots Lane, Eight Ash Green, CO6 3QL

The Committee considered a partly retrospective application for a variation of Condition 10 of planning permission O/COL/06/0917 to enable the removal of three dead trees, the removal of a stem to one of the trees and works comprising crown lift, coppicing or removal of dead wood to the other four trees. There are also proposals for replacement tree planting and improvement to the hedgerow. 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.

248. 090070 Highwoods Square, Colchester, CO4 9ED

The Committee considered an application for a proposed 10.6 metre high wind turbine and associated works within the main car park of the Tesco store for a period

of 15 years. 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 together with an additional condition as follows:-

The wind turbine hereby approved shall be located in the position shown on the amended drawing number 5656-2326 PL(90)001B, received 6th March 2009.

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

249. 090084 Goojerat Road Link, Colchester Garrison, Colchester

The Committee considered an application for the creation of a new east-west road link between Butt Road and Circular Road West, broadly along the existing alignment of Goojerat Road, including access to Areas K1, K2, L and N, in accordance with the overall development Masterplan and Master Layout Plan. The Committee had before it a report in which all information was set out.

John Davies, Principal Planning Officer, attended to assist the Committee in its deliberations. The new road would be curved to allow for the various constraints on the army land and to provide a roundabout to link in with Butt Road. There would be a shared footway and cycleway and a loss of trees but they will be replaced to the satisfaction of the Tree Officer.

Robert Taylor, Taylor Wimpey Project Manager for the Garrison Development, addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in support of the application. This is a strategic route within the Garrison Masterplan and has to be provided. There is a need to move the alignment to comply with highway criteria and for access onto the roundabout and from the military compound which has to be included in the design. He considered the proposed road to be well landscaped and a good design.

Councillor Harris attended and, with the consent of the Chairman, addressed the Committee. He considered that more residents should have been consulted on the proposal. He wanted the new cycleway to continue on to the new roundabout and to link in with existing cycleways rather than doing them piecemeal.

Members of the Committee agreed with the views expressed by Councillor Harris. The provision of the road is a requirement but there is also a need to prevent parking in dangerous places along its length, and this should be considered at the outset.

It was explained that the footpath/cycleway would be 3 metres wide and link into Abbeyfield. It is linked in with other cycleways as much as possible. The Committee's views would be conveyed to the case officer for further consideration.

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



Application No: 090020

Location: Garrison Area P1, Ypres Road, Colchester

Scale (approx): 1:1250

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Committee Report

Agenda item

7

To the meeting of **Planning Committee**
on: **16 April 2009**
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: John More

EXPIRY DATE: 23/04/2009

MAJOR

Site: Ypres Road, Colchester

Application No: 090020

Date Received: 22nd January 2009

Agent: Klh Architects

Applicant: Taylor Wimpey

Development: Erection of a residential care home comprising 60 bedrooms for residential care and 38 extra care sheltered apartments a staff overnight facility and associated car parking.

Ward: Shrub End

Summary of Recommendation: Conditional Approval subject to signing of Section 106 Agreement

1.0 Planning Report Introduction

1.1 The site forms part of the original outline planning permission for the Garrison Urban Village with the associated S.299A agreement. The reason for this Full application and not a reserved matters submission is that a C2 – 'residential institution' use proposed as opposed to the C3 – 'residential use' consented. The Terence O'Rourke Master Layout Plan approved in discharge of Condition 1 of the outline planning permission indicated a minimum of 30 dwellings from 2 - 4 storeys be provided on this site.

- 1.2 It is recommended that members visit the site to appreciate the context, in particular, the location of nearby dwellings and the changes in levels across the site.

2.0 Site Description

- 2.1 The site was previously MOD with two separate buildings, a 50 space car park and a sizeable lawn to the eastern side. The site has now been cleared and all buildings demolished.
- 2.2 The site is accessed from Ypres Road which forms the northern site boundary. The site is bounded to the east by Berechurch Road which is set at a lower ground level. The site boundary to Berechurch Road is defined by white painted metal railings on top of a brickwork plinth. This is characteristic of the Garrison and Abbey Field enclosures although is not of historic importance. To the eastern side of Berechurch Road are residential properties.
- 2.3 To the west of the site there is a footpath/cycle link which is currently also used by private cars for convenient parking to dwellings which front onto this link. Vehicular access and parking for these dwellings is to the rear from Abbey Field View and Dapifer Close.
- 2.4 To the south, the site is bounded by Poperinghe Road and an area of approximately 1 hectare which has been designated as a Conservation and Wildlife Area in the Terence O'Rourke Master Layout Plan.
- 2.5 The site is adjacent to Area P2 which contains the existing MOD Medical Reception Building which is of relatively recent construction and the Old Garrison gymnasium and swimming pool. The Medical Reception Building and gymnasium are to be transferred to the Council and are to be used for community and health uses. The swimming pool is to be and replaced with a new play area. A planning application for this is expected shortly.
- 2.6 There are a small number of existing trees remaining on the site and a Tree Survey, Arboricultural Implications Assessment and Method Statement was submitted with the application and has been reviewed by the Council's Arboricultural Planning Officer.

3.0 Description of Proposal

- 3.1 The application proposes the erection of a three storey building for use as an integrated Residential Care Home that provides both Residential Care and Extra Care Sheltered Apartments.
- 3.2 The proposed buildings comprise two three-story blocks linked by a single storey entrance foyer. The roof form of the three storey elements is made up of double pitched roofs to accommodate the internal layout comprising a central corridor with rooms to either side. Materials proposed are red brick and stone coloured render to the walls and natural slate to the roof. Windows are to be white painted timber and aluminium with reconstituted stone cills and lintels. 48 car parking spaces are proposed to the front of the building broken up by an avenue of trees.

3.3 The proposed building would be split into two parts internally:

1. Residential Care Home with 60 Bedrooms, all with En-suite bathrooms, together with all associated facilities including: staff accommodation, kitchens, varied sitting and communal spaces, consulting rooms, sluice rooms, hairdressing facility, washing and linen areas. It is proposed that this facility would provide a mixture of specialist residential care with nursing, including care for residents suffering with dementia.
2. Extra Care Sheltered Housing comprising serviced apartments to enable frail older people to maintain their independence in a supported environment. The proposed scheme is for 38 apartments (of which 17 are one bedroom and 21 are two bedrooms), directly connected to the Residential Care Home and benefiting from all the shared communal facilities.

3.4 The Design and Assess Statement sets out further information on the concept of extra care sheltered housing as follows.

*“In considering the proposed scheme it is important to understand the concept of Extra Care Sheltered housing, which is significantly different from traditional sheltered housing schemes with a resident or visiting warden or manager, both in the public and private sectors, with which the planning system is familiar. Traditional sheltered schemes are sometimes called ‘Warden-Assisted’ or ‘Category 2’. Extra Care Sheltered Housing is sometimes referred to as ‘**Very Sheltered**’ or ‘**Assisted Living**’.*

Whereas traditional sheltered housing caters for fit retired people who move to institutional care when they become frail, Extra Care Sheltered housing is specifically designed for frail elderly people who are having difficulty managing in their own homes and enables them to retain their independence while giving them peace of mind.

The proposed scheme is generally aimed at persons aged over 75, owner occupiers and suffering with long term limiting illness. The proportion of the population in this combined group has been growing and is forecast to continue to increase dramatically. The importance of housing for older people particularly those with a disability is highlighted in national social and planning policy. Greater choice of housing which underpins continuing independence is key to considering provision.

Such people, whose frailty is making their present housing no longer suitable, have little choice at present other than to consider going into residential care or a nursing home. In the vast majority of cases this is neither necessary nor desirable. Alternatively such people stay put and struggle with physical barriers, eg. stairs, thresholds and other factors inhibiting quality of life, eg. isolation, insecurity. They depend on family who may well live some way away, neighbours, Social Services, the Health Services and voluntary agencies for support and may have to fit in with when such support can be provided even if inconvenient. Extra Care Sheltered housing overcomes these problems and can help to restore quality of life and peace of mind, relieve worry throughout the family and can also help to significantly reduce pressure on hard-pressed public services and agencies.

For the vast majority of purchasers the concept offers a home for the rest of their lives. The rate of people moving to residential care or a nursing home from Extra Care Sheltered Living schemes is only about 3-5% and consists of those who develop the need for 24 hour nursing care or through dementia and are no longer capable of independent living. Comparatively, the rate for people moving from warden assisted sheltered accommodation is very significantly higher.

Enabling frail elderly people to retain their independence in Extra Care Sheltered housing is achieved in three main ways:

i. Design to Mobility Standards

Because it is known that mobility is the greatest single difficulty affecting elderly people, particular attention is paid to design, so that there is not a single step which has to be climbed throughout the whole development. Similarly corridors and doors are intentionally wide so that someone in a wheelchair can live comfortably in any of the private apartments and still have easy access to any part of the building. Room sizes and layouts in the apartments also allow for easy wheelchair manoeuvring and transfer. Our experience is that no more than 10-15% of the occupants need to use wheelchairs but it is impossible to forecast who they will be, so the whole building and every apartment is wheelchair friendly and this gives a great feeling of spaciousness.

ii. Staffing

Most traditional sheltered housing schemes have no more than one or two staff employed to act as 'good neighbours' but who cannot cope with ongoing frailty of occupants. By contrast, an Extra Care Sheltered housing scheme has a staff of several Housekeepers who provide a continuous 24 hour service when one of them is always present on the premises. The Housekeepers manage a team of Housekeeping Assistants providing domestic help and personal support to occupants. Each occupant pays for 2 ½ hours per week of an assistant's time but this can be increased with additional time paid at cost. No staff live on the premises, although there is an overnight facility provided. In addition to housekeeping assistance more specialist help can be provided by the Care Home Team.

iii. Comprehensive Communal Facilities

In addition to the communal lounge, which is more akin to a hotel lounge, there is also a dining room and bistro where meals are available and while this is a welcome facility for anyone, it has particular significance in avoiding the need for people who cannot easily shop and cook to be admitted into institutional care. There is a laundry which is invaluable in dealing with incontinence and a number of other communal facilities including guest suites and a meeting/hobbies room to help facilitate an extensive social programme.

For this purpose extra care sheltered apartments would be sold to residents on a leasehold basis, allowing occupants to have continued equity investment. Care provision is then purchased from the Care Home according to the occupants needs.

4.0 Land Use Allocation

- 4.1 Garrison Regeneration Area – Zone
Area P1 lies outside of the Abbey Field Conservation Area.

5.0 Relevant Planning History

- 5.1 O/COL/01/0009 – A new urban village comprising residential development (up to approx 2,600 dwellings) mixed uses including retail, leisure and employment, public open space, community facilities, landscaping, new highways, transport improvements and associated and ancillary development. - Approved June 2003

6.0 Principal Policies

- 6.1 Core Strategy:
SD1 – Sustainable Development Locations
SD2 – Delivering Facilities and Infrastructure
H1 – Housing Delivery
H2 – Housing Density
H3 – Housing Diversity
H4 – Affordable Housing
UR1 – Regeneration Areas
UR2 – Built Design and Character
PR1 – Open Space
TA2 – Walking and Cycling
TA5 – Parking
ER1 – Energy, Resources, Waste, Water and Recycling

- 6.2 Adopted Review Colchester Local Plan:
 - DC1 - General Development Control considerations
 - UEA1, 2 & 3 - Conservation Areas
 - UEA 5 – Listed Buildings
 - UEA 7 – Archaeology
 - G1 – Colchester Garrison
 - UEA 11 - Design
 - UEA12/13 - Design considerations
 - P1 – Pollution General
 - P2 – Light Pollution
 - CF3 – Access
 - T1 - Transport general
 - T2 – Provision for Cycling
 - UT5 – Satellite Dishes
 - H4 - Affordable Housing
 - H13 – Housing Density

7.0 Consultations

7.1 The Arboricultural Planning Officer comments

“Generally I’m happy with the tree survey and report – however I think that the Cherry trees at the north end of the site have been miscategorised. These trees have a few defects, most notably bacterial canker, which will reduce their useful life considerably. I suggest that we look at getting these removed by the developer as part of the construction process before this area becomes POS. Other than that we need the schedule of arboricultural monitoring inspections to be provided and what format they will be providing these reports to us in, so that the conditions can be discharged.” Suitable replacements for the Cherry trees would also need to be put forward.

7.2 **Landscape Officer** recommends that only A & B category trees be retained as part of any proposals, with C & R category trees removed in order to allow development of a robust landscape structure. The removal of these poorer quality trees would open up room for additional tree planting along the western boundary of the site; in addition tree planting should be proposed to existing gaps, particularly the major gap to the north-east corner of the site. Consideration should be given to, at detail stage, specifying these replacement trees as limes to complement the strong linear feature of trees to the eastern boundary of Area O.

7.3 It is recommended that Native tree planting be considered between the proposed footpath within the ‘meadow’ area of the western part of the green link and the lawn area of the eastern part of the link and the respective railings bounding Area P1. This should be sufficient to diffuse the dominance of the built form and railing.

- 7.4 Care needs to be taken when considering the treatment of the land re-modelling to the gate (fixed shut) to Berechurch Road to ensure a sunken litter trap is not inadvertently created. Dropping the north-south section of the proposed path and its surrounds to the existing road level and (if feasible) pulling the path junction immediately to the west of the gate further west would enable a more constant/shallower grade from the end of the access road down to the gate to be maintained. A detail of this area illustrated though plan and section drawings is recommended.
- 7.5 In conclusion, the above considerations need to be addressed before the proposed schemes suitability can be confirmed.
- 7.6 **Adults Health and Community Well-Being Senior Planning & Commissioning Officer at Essex County Council** comments that the strategic direction is to increase the provision of extra care housing in the County, but this needs to be designed to a high standard that will not result in either increased care needs or the need to move to registered care as the buildings do not support increased frailty. Detailed observations relating to the internal layout are summarised below.

- The way the entrances are configured do not appear to confer privacy on either the registered care or the extra care residents as although they appear to be separate there is a link between.
- Lack of individual wheelchair accessible bathrooms is an impediment to independent living.
- The provision of a secure outside space is also important to this type of development and I would suggest that this not necessarily be shared between the registered care and the extra care as we would anticipate that use of registered care for people with dementia will in fact increase.
- The site layout has indicative car parking – however given the intended age of the future residents there is no ‘ambulance’ access to the front entrance or covered area for people alighting from vehicles
- Is the lounge adjacent to the two entrance lobbies in effect a shared space allowing free access between both sides of the building

We would also confirm that the development of a range of housing options for older people within the County is supported strategically.

Officer comment: These comments were passed to the architects who have submitted amended layouts covering some of the points. The applicants have also confirmed that all rooms are wheelchair accessible.

7.7 **The Parks and Recreation Manager** states that the proposal recognises the importance of the green links and associated footpath links. An embankment is identified on Drg No 2206/02 on the south west corner of Block A and the fixed gates off Berechurch Road. It is anticipated that these verges adjoining the footpath will be maintained at public expense and gradients should not exceed 1:3 to enable the areas to be maintained to an acceptable standard with machinery consistent for maintaining the rest of the verges. Confirmation is required in the form of subsequent drawings on the full extent of land that will be transferred to CBC and the boundary demarcation. From Drg 1161/01 it is not possible to determine if there is any indication of ownership change on the eastern side of Block B. The merits of having an open landscape at the front of the property are recognised and therefore sunken kerb edgings may be a solution to determining the change of ownership.

7.8 Environmental Control is awaiting the outstanding remediation method statement for this site.

The Contaminated Land Officer states: "The Merebrook Science and Environment Ltd Geo-Environmental Assessment Report GEA-S3428-07-90, issue date July 2007, has previously been submitted to Environmental Control. As a result of the information supplied in this report, Environmental Control required that a Remediation Method Statement be submitted for approval. This information is still outstanding.

Consequently, should permission be granted for development, the Contaminated Land officer recommends inclusion of conditions which have been included in the conditions schedule at the end of the report.

7.9 **Street Care and Recycling Manager** does not see any apparent issues with this application.

7.10 **The Highway Authority** would not wish to raise an objection to the above application subject controlling conditions to secure amongst other things: safeguarding of any Public Right of Way affected by the proposal, upgrading of the Circular Road South puffin crossing to a toucan, visibility splays and turning radii and construction to base layer prior to commencement of residential development.

7.11 **Anglian Water** indicates there is sufficient water resource capacity to supply this development and that foul flows from the development can be accommodated within the foul sewage network system that at present has adequate capacity. They request informatives be included within any notice of decision relating assets they have close to or crossing the site.

8.0 Representations

8.1 3 letters of objection has been received, 2 from local residents and 1 from the Ward Councillor, the main points are summarised below.

- When I bought my house in 2006 I was assured by the developers that the green space opposite my house was to remain as such and it was inferred it would be part of a nature reserve.
- When my solicitor performed the searches they came back negative.

- The plans are misleading as they fail to show any houses in Ypres Road which are all directly affected by the development.
- Plan would restrict light to my house which is already restricted by trees the council undertook to cut down three years ago. If this goes ahead I will have no light to my downstairs windows.
- View from upstairs windows would be of a service yard which would be approximately 20m from house.
- The road in front of my house will be made into a footpath. There will be no access of any kind for delivery to my house or for emergency use, only limited access via the back.
- Urge the planning committee to review this plan and visit the site.
- The plans take no account of the houses at the top end of Ypres Road or the residents.
- Existing properties being overlooked in Berechurch Road.
- Whether the existing retaining wall and Berechurch Road is to be modified in years to come or as a result of this proposal.
- Whether deliveries by lorries for laundry, food etc. will be managed so there is no disturbance at antisocial times for nearby residents.
- Object to any more building works in the area especially opposite my house.
- Volume of traffic along Berechurch Road is horrendous, would this building mean extra traffic for Berechurch Road?
- Speeding is dangerous, no one upholds the law.
- We are too densely packed now, why not make the site into a park and play area?
- What would happen to the wooden gates and wall opposite my house (36 Berechurch Road) which are falling down?
- The cross section plans show that the residential home is taller than 42 Ypres Road. My home is not as tall as 42 Ypres Road, again I think this is misleading to the committee.

Officer comment: A number of the issues raised above are not material planning considerations. The agents have provided cross sections through the site showing the houses in Ypres Road and Berechurch Road. The issues of amenity, traffic and gates are considered in detail in the report below. This proposal does not involve alterations to the retaining wall to Berechurch Road other than any repairs required around the gates.

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

9.0 Report

Background

9.1 Abbey Field Urban Village was granted Outline Consent in June 2003. The site was incorporated into The Terence O'Rourke Master Layout Plan drawing no.1434.08/MLP and accompanying written Statement 2004 which indicates a minimum development of 30 dwellings from 2-4 storeys across this site. Within the master plan the site is specifically identified for higher density development with a suggestion of between 45 – 60 dwellings per hectare.

- 9.2 The developable site area of P1 is 0.65 hectares while the whole site parcel is 0.95 hectares. In addition to this the site includes land for the extension of the bridleway up to Ypres Road on the Western side of the site, upgrade of Ypres Road and land currently available for the creation of the 30m green link parallel to Berechurch Road to the East.

Use

- 9.3 The use of the site for a Care Home that provides both Residential Care and Extra Care Sheltered Apartments would not conflict with adopted or emerging policy and would cater for increasing demand for this type of accommodation. Essex County Council confirms that the development of a range of housing options for older people within the County is supported strategically.
- 9.4 In terms of the location, the proposed use would not conflict with neighbouring uses of land and is ideally located next to a site designated in the master plan as a 'Local Centre' in the community, with a Primary Health Care Centre/GP Surgery. There are good footpath links to both Abbey Field to the North and the nature reserve area immediately to the South.

Context

- 9.5 To the west of the site there are two and a half and three story high residential properties, constructed from red and buff bricks with pitched tile covered roofs. These properties are separated from the proposed care home by a row of mature and semi-mature trees, a green link and footpath/bridleway. The front to front distance between these dwellings and the proposed building would be from 29m to 36m. To the east of the site fronting Berechurch Road there are a mix of dwelling sizes and styles including bungalows and two storey dwellings. These properties are set at a lower ground level and are separated from the proposed building by a 30m wide green link and Berechurch Road. The front to front distances between the buildings would range from 49m to 54m.
- 9.6 To the south, the proposed building would be separated from the rough ground, designated in the master plan as a Conservation and Wildlife Area, by a small area of landscaping and a 3m wide footpath/cycleway.
- 9.7 To the north is the former MOD Medical Reception Building which is a single storey building of relatively recent construction and of no particular architectural merit. It is currently still leased to the MOD by Taylor Wimpey, following the MOD's departure it will be used for community and health uses. At the nearest point building to building the separation distance would be 35m, with the landscaped car park and Ypres Road in between.

Design

- 9.8 The proposed building comprises two three-story blocks linked by a single storey entrance foyer. The roof form of the three storey elements is made up of double pitched roofs to accommodate the internal layout comprising a central corridor with rooms to either side. Within the courtyard area enclosed by the blocks are further single storey elements. Materials proposed are red brick and stone coloured render to the walls and natural slate to the roof. Windows are to be white painted timber and aluminium with reconstituted stone cills and lintels.
- 9.9 The height of the proposed building at three stories is within the height limits conceived in the approved master layout plan for the site, 2 – 4 stories. The building would be separated from surrounding development by landscaped green links and a landscaped car park area. It would be over 45m from the smaller scale dwellings in Berechurch Road, 35m from the Medical Centre and approximately 29m from new housing along Ypres Road, which itself is two and a half and three stories. The scale of the building in this context is considered acceptable.
- 9.10 The massing of the proposed three storey elements would be broken up by fenestration, projecting gables and single storey elements. The detailed design of the building combined with the materials proposed are considered to be acceptable in this context.

Sustainability

- 9.11 A sustainable design statement has been submitted following requests from your Officers. This indicates the sustainable design techniques incorporated into the design and is available to view on the Council's website. Measures include a layout to maximise natural light, underfloor heating (with investigation as to the suitability of ground source heat pumps for this purpose), solar thermal collectors, paving to use permeable surfaces and filter drains to store and distribute water evenly, rainwater harvesting for use in flushing toilets and flow restrictors to some appliances. Conditions should be used to ensure installation and use where appropriate.

Trees & Landscape

- 9.12 Following the comments of the Aboricultural Planning Officer, a revised tree survey was submitted which the APO is now satisfied with.
- 9.13 There are ongoing discussion with the Landscape Officer relating to the details of the scheme, in particular the green links, but broadly speaking the proposal is acceptable.
- 9.14 The gates and brick piers are to be retained to Berechurch Road but would not be functional. The ongoing discussions between the applicant and the Landscape Officer are regarding the land to the rear of the gate to avoid it becoming a litter trap.

Social function

- 9.15 This site is located adjacent to Area P2 which is designated in the master plan as a 'Local Centre' in the community, comprising the gym building retained for community and leisure use, the Medical Centre converted to public community health use and potential retail opportunity with residential above. There are good foot path links to both Abbey Field to the North and the open space/conservation area to the South.

Accessibility

- 9.16 The applicants have confirmed that all of the rooms in the proposal would be wheelchair accessible and that the front door would have a level threshold.

Amenity

- 9.17 As previously stated the separation distance between the proposed care home and the existing properties in Ypres Road and Berechurch Road are significant. It would be over 45m from the smaller scale dwellings in Berechurch Road and approximately 29m from new housing along Ypres Road. In terms of any loss of day light this would be negligible given the separation distances and would easily accord with the requirements of the Essex Design Guide.
- 9.18 In terms of overlooking, the separation distances between the proposed building and the residential properties in both Berechurch Road and Ypres Road are in accordance with the requirements of the Essex Design Guide. Further, both are also separated by green links containing landscaping and some mature trees.

Highways

- 9.19 Officers are concerned that the upgrading of the existing Puffin crossing to a Toucan crossing would result in the loss of one of the mature London Plane trees on Circular Road South. These mature trees make a significant contribution to the street scene and the Garrison Conservation Area and the loss would not be justified merely to upgrade an existing crossing. Following discussions with the HA, agreement was reached that the electronics of the crossing would be upgraded to a Toucan crossing without the corresponding widening of the surfaced area to protect the adjacent mature trees. This would be controlled by condition.
- 9.20 In terms of traffic generation it is not considered that the proposed care home would generate more traffic movements than the residential use of the site consented in the outline planning permission. Highways have not expressed any concern regarding traffic generation.

Other Matters

- 9.21 This application brings forward the plans approved at outline stage for the Footpath/bridleway link to Ypres Road. Over the last few years the residents at the top end of Ypres Road have benefitted from the development not being completed and have been able to park cars on the unfinished footway/bridleway. However, the approved access to the properties is from the rear leading to parking courts.

S106 Matters

- 9.22 The application will need to be subject to a deed of variation to the original S.299A agreement which accompanies the outline planning permission for the Garrison Urban Village. This is required to link any development provided with the requirements and the trigger points on the original S.299A agreement.
- 9.23 The original S.299A agreement dated 30 June 2003 was made between the Council, Essex County Council and The Secretary of State for Defence under S.299A of the Town and Country Planning Act 1990 (as amended). It relates to provision of Affordable Housing, Educational provision, Highway Works, community and health facilities, transport contribution schemes, recreational facilities, provision of open space and landscaping, provision of cycleway improvements, miscellaneous contributions and any other conditions specified therein.

10.0 Conclusion

- 10.1 In conclusion it is recommended that the application be approved.

11.0 Background Papers

- 11.1 ARC; TL; ECC Arboricultural Officer; Parks and Recreation Manager, HH; SS; HA; AW; NLR

Recommendation

That this planning application is deferred and the applicant advised that the Council is minded to grant a conditional approval provided:

- A mechanisms is put in place to ensure a deed of variation is signed to link this application to the original S.299A agreement

On the securing of the above agreement the Head of Environmental and Protective Services be authorised under delegated powers to grant planning permission subject to appropriately worded conditions to cover the following:

- Time limit
- Development to accord with approved plans
- Drawings showing architectural details
- External building and surface finishes and materials
- Details of rainwater goods
- Detailed design of boundary treatments

- Hours of work / delivery for construction
- Control of light pollution
- Contaminated land and remediation
- Good practice relating to construction work etc
- Drainage details
- Tree Protection
- Landscape, implementation and monitoring of works
- Refuse/recycling storage.
- Cycle storage facilities
- Street furniture
- Highway conditions
- Archaeology
- Sustainable construction
- Use of building for residential care home and extra care residential accommodation and for no other use without prior permission.

Informatives

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

Anglian Water has assets close to or crossing this site or there are assets subject to an adoption agreement. Therefore the site layout should take this into account and accommodate those assets within either prospectively adoptable highways or public open space. If this is not practicable then the applicant will need to ask for the assets to be diverted under Section 185 of the Water Industry Act 1991 or, in the case of apparatus under an adoption agreement, liaise with the owners of the apparatus. It should be noted that the diversion works should normally be completed before development can commence.



Application No: 090234

Location: Minuteman Press, 57 North Station Road, Colchester, CO1 1RQ

Scale (approx): 1:1250

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7.2 Case Officer: Andrew Huntley

EXPIRY DATE: 17/04/2009

OTHER

Site: 57 North Station Road, Colchester, CO1 1RQ

Application No: 090234

Date Received: 20th February 2009

Agent: Homa Design Limited

Applicant: Mr M Yamak

Development: Change of use from Class A1 (retail)use to Class A3 (restaurants and cafes) use

Ward: Castle

Summary of Recommendation: Refusal

1.0 Planning Report Introduction

1.1 This application has been called in by Councillor Nick Barlow on the basis that the proposal raises issues in terms of development and regeneration in the area, which need to be considered by the Committee.

2.0 Site Description

2.1 The site is located on the eastern side of North Station Road. The area is mixed use in nature with residential and commercial premises in the vicinity. The application property was previously a shop and has two storey elements and a courtyard to the rear.

3.0 Description of Proposal

3.1 Change of use from Class A1 (retail)use to Class A3 (restaurants and cafes) use

4.0 Land Use Allocation

4.1 Mixed use Area C
Flood Zone 2

5.0 Relevant Planning History

5.1 082100 – Change of use from A1 to A3 and A5 (Withdrawn)

6.0 Principal Policies

- 6.1 Adopted Review Borough Local Plan
DC1 - Development Control considerations
UEA13 – Development, including extensions, adjoining existing or proposed residential property
P1 – Pollution (General)
TCS7 – Mixed Use Areas C
Planning Policy Statement 1
Planning Policy Statement 6

7.0 Consultations

- 7.1 ECC Highways: No comments
7.2 Environmental Control: No objections

8.0 Representations

- 8.1 Two letters of objection have been received. The objections relate to noise, smell, need, litter and parking problems.

9.0 Report

Introduction

- 8.1 The main considerations within this application are:
- Policy implications
 - Impact on the character and amenity of the area
 - Other material considerations

Policy

- 8.2 The Core Strategy Policy CE2 promotes a mix of development types (which includes A3 and A5 uses) in accordance with Table CE1b and in appropriate locations in accordance with CE2a and Table CE1a. The application site is within easy walking distance of the town centre and the North Station urban gateway and would thus be considered as a town centre fringe location.
- 8.3 The application site is also within Mixed Use Area C in the Adopted Colchester Borough Local Plan 2004. The text to the Local Plan recognises that there are a range of uses appropriate to mixed use areas, but within certain of the Mixed Use Areas seeks to retain an appropriate level of retail frontage. No such protection to retail frontage is provided within Mixed Use Area C, however.
- 8.4 The supporting text to Local Plan Policy TCS7 states that North Station Road forms an important part of the commercial area of the central area and provide premises for local businesses. The policy is aimed at preserving a mix of uses including shops, offices, residential, light industrial and some leisure uses but protecting residential amenity where appropriate.

- 8.5 Policy TCS7 (which is a Saved Policy) gives guidance for development proposals within Mixed Use Area C. TCS7 does not specifically refer to café/takeaway uses, but nor does it preclude these uses from being granted permission. This is subject to the amenity of existing residential properties not being prejudiced and the development being compatible with the scale and character of the surrounding area. Policies DC1 and P1 are also applicable to this proposal.
- 8.6 The spirit of the above policies aims to retain a mix of appropriate uses within the defined area. In this instance this section of North Station Road is predominated by A3 and A5 uses to the exclusion of other compatible uses. The loss of the A1 retail element on the application site would result in 5 consecutive premises being A3/A5 uses. Immediately opposite the site there are four A3 and A5 premises. In fact North Station Road is dominated by A3 and A5 uses. While the policies may not state what percentage must be A1, it is clear that a mix of uses is required by the policies. The proposed change of use from A1 to A3 would further erode the mix that presently exists, which is already heavily dominated by A3 and A5 uses.
- 8.7 Therefore, the proposed change of use does not comply with the above mentioned policies or Planning Policy Statement 6.

Character & Amenity

- 8.8 Environmental Control have stated that a more detailed acoustic and odour control report is needed for this application because of the very close proximity to residential properties and that the application needs to show how noise, odour and fumes will be controlled. The application provides no details of the proposed extraction system except to state that it would comply with Environmental Controls consultation response dated 26th January 2009 and drawing number 165-01-04 shows an extraction duct. Overall it is considered that suitable conditions could be attached to a permission which could satisfactorily deal with noise, odour and fumes. Therefore, no objections are raised in terms of residential amenity.
- 8.9 The application is for a change of use and any material alterations to the front of the property would require planning permission in its own right. The extraction ducting is very industrial in its appearance and is considered to be of a poor design for this location and it would be visible from the properties along Albert Street. However, it is considered that a suitable condition could be attached to a consent requiring that the design and details of the extraction ducting be submitted to and agreed in writing to ensure that the extraction system was suitably designed.
- 8.10 Overall, it is considered that the proposed change of use would not adversely effect the character of the area or neighbouring amenity subject to suitable conditions.

Other Considerations

- 8.11 As with the withdrawn application 082100 for a change of use from A1 to A3 and A5, the Highway Authority does not wish to object to this application. Therefore, no objections are raised on highway grounds.

- 8.12 Two letters of objection have been received by nearby residents. The objections relate to noise, smells, litter, parking, need and opening hours. Most of these issues have already been considered earlier in the report. There is no evidence that this change of use to a restaurant would result in an increase in litter or vermin in the area and would not warrant the refusal of planning permission. In regard, to parking, the site is located in a sustainable location close to the town centre. Due to this sustainable location, lack of parking provision within the area would not warrant the refusal of planning permission. A refusal based on parking could be seen as unreasonable.
- 8.13 It is not the role of the local planning authority to assess need in relation to restaurant use. Therefore, no weight is attached to this objection. In regard to opening hours, the application states that the premises would be open from 11.00 a.m. till 00.00 am. Environmental control has raised no objections to the opening times and they do reflect other opening times within the immediate area. Therefore, it is considered that the proposed opening times are acceptable and would not warrant the refusal of planning permission.
- 8.14 Having considered all the matters raised in the objections, they do not warrant the refusal of planning permission in this instance.

9.0 Conclusion

- 9.1 The application proposal, if allowed would result in a clustering of food establishments along North Station Road, which would not preserve the mix of uses on one of the main routes leading into town and an important part of the commercial area.

10.0 Background Papers

- 10.1 ARC; HA; HH; NLR

Recommendation - Refusal

Conditions

1 - Non-Standard Refusal Reason

The Core Strategy Policy CE2 promotes a mix of development types (which includes A3 and A5 uses) in accordance with Table CE1b and in appropriate locations in accordance with CE2a and Table CE1a. The application site is within easy walking distance of the town centre and the North Station urban gateway and would thus be considered as a town centre fringe location. The application site is also within Mixed Use Area C in the Adopted Colchester Borough Local Plan 2004. The text to the Local Plan recognises that there are a range of uses appropriate to mixed use areas, but seeks to retain an appropriate level of retail frontage. No such protection to retail frontage is provided within Mixed Use Area C, however.

Policy TCS7 (which is a Saved Policy) gives guidance for development proposals within Mixed Use Area C. TCS7 does not specifically refer to café/takeaway uses, but nor does it preclude these uses from being granted permission. The supporting text to Local Plan Policy TCS7 states that North Station Road forms an important part of the commercial area of the central area and provide premises for local businesses. The policy is aimed at preserving a mix of uses including shops, offices, residential, light industrial and some leisure uses but protecting residential amenity where appropriate.

The spirit of the above policies aims to retain a mix of appropriate uses within the defined area. In this instance, this section of North Station Road is predominated by A3 and A5 uses to the exclusion of other uses. The loss of the A1 retail element on the application site would result in five consecutive premises being within A3/A5 uses. Immediately opposite the site there are four A3 and A5 premises. In fact, North Station Road is dominated by A3 and A5 uses with little A1 or A2 premises. While the policies may not state what percentage must be A1, it is clear that a mix of uses is required. The proposed change of use from A1 to A3 would further erode the mix that presently exists, which is already heavily dominated by A3 and A5 uses.

Therefore, the proposed change of use does not comply with the above mentioned policies or Planning Policy Statement 6.



Application No: 090254

Location: Welshwood Manor, 37 Welshwood Park Road, Colchester, CO4 3HZ

Scale (approx): 1:1250

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7.3 Case Officer: Sue Fenghour

EXPIRY DATE: 23/04/2009

OTHER

Site: 37 Welshwood Park Road, Colchester, CO4 3HZ

Application No: 090254

Date Received: 26th February 2009

Agent: P A Scott Associates

Applicant: Welshwood Manor

Development: Two storey rear extension to existing nursing & residential care home.

Ward: St Johns

Summary of Recommendation: Conditional Approval

1.0 Site Description

- 1.1 The application site comprises a care home and associated grounds within the residential area of Welshwood Park. The premises are sited toward the end of Welshwood Park Road, between Nos. 35 and 39, within an arcadian setting. The property backs onto farmland.
- 1.2 The application proposes a 2 storey rear extension to allow for an internal rearrangement to improve facilities in line with Government legislation. Some room sizes are to be increased and additional bathrooms and an improved sluice room provided. There would be no increase in the number of occupants from the current maximum capacity of 34 residents.

2.0 Land Use Allocation

- 2.1 The site lies within a residential area noted in the Local Plan as being an Area of Special Character. A TPO covers many of the trees within the area.

3.0 Relevant Planning History

- 3.1 COL/86/1489 - Change of use to private residential retirement home - Approved 24 November 1986
- 3.2 COL/87/1530 - 2 storey rear extension to provide 8 additional single bedrooms - Refused 2 November 1987
- 3.3 COL/88/0690 - Single storey rear addition to provide 4 additional single bedrooms - Approved 30 August 1989
- 3.4 COL/94/0201 - Front extension to accommodate laundry and entrance lobby - Approved 2 June 1994

- 3.5 COL/99/0013 - Rear conservatory - Approved 16 February 1999
- 3.6 COL/00/0183 - First floor extension to form new single bedroom - Approved 23 March 2000
- 3.7 COL/00/0943 - First floor extension to form new single bedroom - Approved 22 September 2000
- 3.8 COL/01/1748 - First floor bathroom - Approved 25 January 2002
- 3.9 COL/03/0872 - Ground floor extension to provide two bedrooms and internal alterations - Refused 11 July 2003
- 3.10 COL/03/1590 - 2 bed first floor extensions - Approved 29 October 2003.
- 3.11 COL/05/1187 - Renewal and variation of COL/00/0943 - Approved 26 August 2005
- 3.12 COL/06/1150 - Replacement of window in flank wall in existing first floor lounge - Approved 4 September 2006
- 3.13 COL/07/0285 - Vary Condition 2 of COL/06/1150 to provide clear in lieu of obscure glazing - Approved 17 April 2007

4.0 Principal Policies

- 4.1 Adopted Review Borough Local Plan
 - DC1 - Development Control considerations
 - C03 - Landscape Features
 - UEA12 to 14 - Residential design
 - UEA22 - Areas of Special Character
 - H2 - Meeting Different Needs

5.0 Consultations

- 5.1 None

6.0 Representations

- 6.1 Letters have been received from the Welshwood Park Residents Association and 6 further neighbours. The issues raised are summarised as follows:-
 1. The property has been subject to many applications and has now outgrown the site. The home is well-run but is too big.
 2. Will increase the amount of traffic along Welshwood Park Road, result in further problems of visitors and suppliers vehicles blocking the shared drive and put pressure on already inadequate parking facilities.
 3. Loss of privacy from overlooking and loss of light.
 4. Loss of peace from increase in traffic, cries from residents, noisy TVs and staff smoking outside.
 5. Detrimental impact on trees.
 6. Front gardens not well-maintained and shared access needs repair.

6.2 An e mail from the agents has been submitted confirming that the 2 immediate neighbours to either side of the Home have visited the site, raised no concerns and were reassured that there would be no increase in capacity.

7.0 Report

7.1 The application site lies within an Area of Special Character. Policy UEA22 requires that all those spaces around the buildings, trees, open spaces and other aspects of the environment that make up the special character of the area shall be protected. In the instance of Welshwood Park much of the character results from the mature trees that give an arcadian quality to the area. The proposed extension is well away from existing trees on the site and it will not therefore have any substantially detrimental effect on local landscape amenity.

7.2 The application proposes a rear extension completely surrounded by existing development and set within a recessed courtyard. It will not be visible from a public place and will not result in a loss of privacy or light to neighbours.

7.3 The additional accommodation to be provided involves upgrading bedrooms and washing facilities to meet new Government standards. There will be no increase in capacity. It should not therefore lead to a significant increase in activity at the Home and vehicular activity to and from the Home other than that associated with the construction of the extension.

7.4 It is, furthermore, understood from the Manager that problems associated with staff smoking outside have now been resolved.

7.5 Whilst the Home has undoubtedly grown over the years, the current proposal is considered to be relatively small-scale and to represent reasonable improvements to existing facilities. On that basis planning permission is recommended.

8.0 Background Papers

8.1 ARC; CAA; NLR

Recommendation - Conditional Approval

Conditions

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

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

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

2 - C3.5 Materials to Match Existing

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

Reason: To ensure that the development [harmonises with/does not detract from] the appearance of the existing building and the character of the area.

3 – Non-Standard Condition

The number of bed spaces for residents at the Care Home shall not exceed 34.

Reason: The application has been submitted and considered on the basis of the existing number of residents not being increased beyond existing numbers. If numbers were to be increased the Local Planning Authority would wish to give further consideration to the impact of the proposal upon the wider residential area.

4 - C10.15 Tree & Natural Feature Protection: Protected

No work shall commence on site until all trees, shrubs and other natural features not scheduled for removal on the approved plans, 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.

5 - 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.

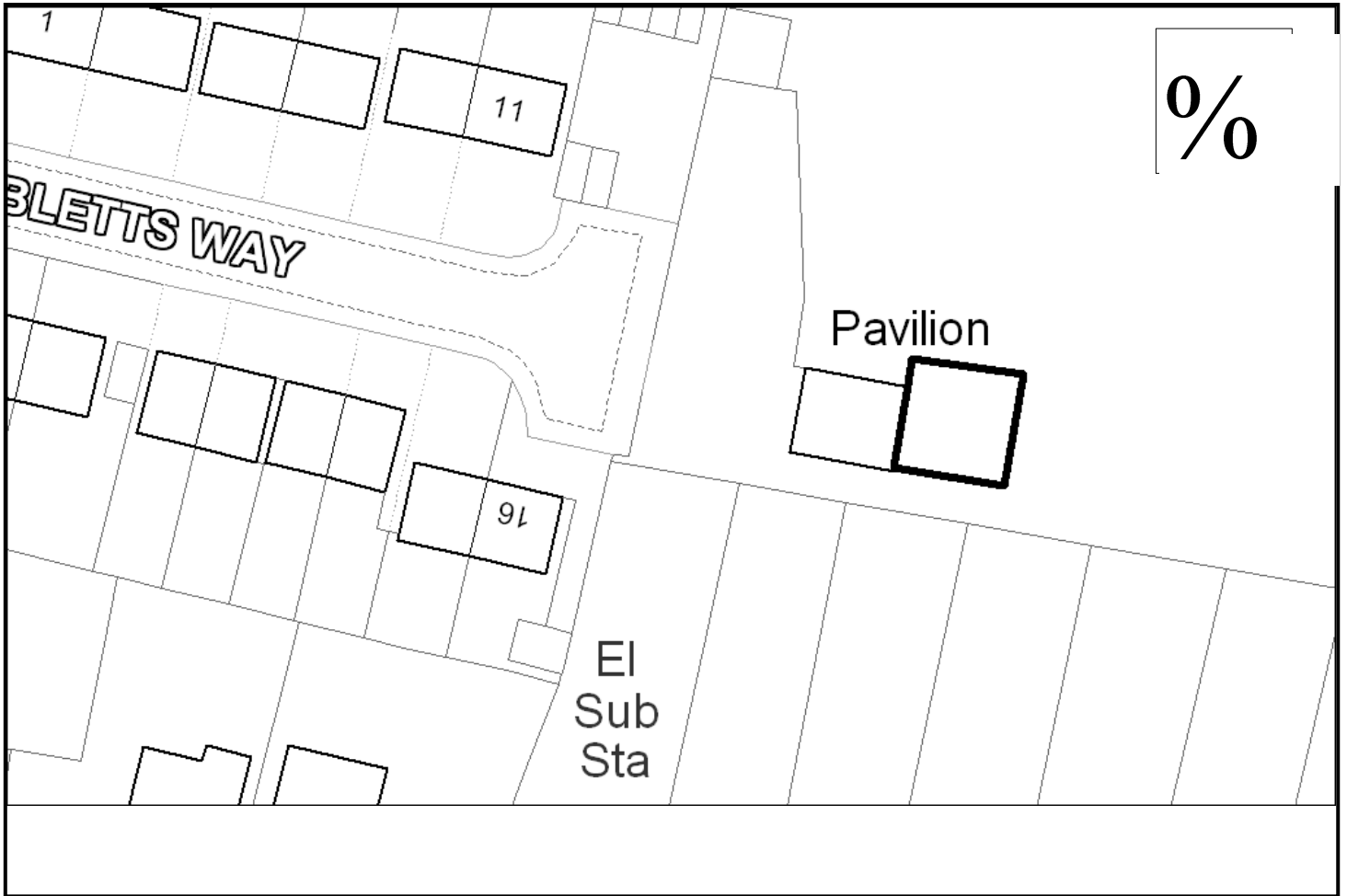
6 - C10.18 Tree and Hedgerow Protection: General

All existing trees and hedgerows shall be retained, unless shown to be removed on the approved drawing. All trees and hedgerows on and immediately adjoining the site shall be protected from damage as a result of works on site, to the satisfaction of the Local Planning Authority in accordance with its guidance notes and the relevant British Standard. All existing trees shall be monitored and recorded for at least five years following contractual practical completion of the approved development. In the event that any trees and/or hedgerows (or their replacements) die, are removed, destroyed, fail to thrive or are otherwise defective during such a period, they shall be replaced during the first planting season thereafter to specifications agreed in writing with the Local Planning Authority. Any tree works agreed to shall be carried out in accordance with BS 3998.

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

Informatives

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



Application No: 090274

Location: Sports Pavillion, Playing Field, Robletts Way, Wormingford, Colchester, CO6 3AF

Scale (approx): 1:1250

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7.4 Case Officer: Mark Russell

EXPIRY DATE: 27/04/2009

OTHER

Site: Playing Field, Robletts Way, Wormingford, Colchester, CO6 3AF

Application No: 090274

Date Received: 2nd March 2009

Agent: Hurley Porte And Duell

Applicant: Mr R Batten

Development: Provision of two portakabins for use as changing facilities at Wormingford Wanderers Football Club

Ward: Fordham & Stour

Summary of Recommendation: Conditional Approval

1.0 Site Description

1.1 The site is near to an existing pavilion, adjacent to gardens and on the edge of the Playing field at Wormingford. This is accessed via the residential cul-de-sac Robletts Way.

2.0 Description of Proposal

2.1 The proposal is to install two render-finish, black felt-roofed portakabins, to be used as changing facilities for footballers. These would be 5 metres x 2.7 metres (x 2.7 metres high) and 10.4 metres x 2.7 metres (x 2.7 metres high). The intention is to place them 2 metres from the pavilion, and 2 metres apart. These would be on the "blind side" of the pavilion, as seen from Robletts Way, and would be only partially visible from it. The portakabins would be on concrete piers to enable them to be linked to the pavilion's drainage system. These portakabins are required to allow the Saturday team to progress from the Colchester and East Essex League to the Essex and Suffolk Border League. Footballers also use the field and facilities on Sundays, and for mid-week training.

3.0 Land Use Allocation

3.1 Playing field

4.0 Relevant Planning History

4.1 F/COL/01/0353 - Erection of protective fence, part western boundary. Approved 10th May 2001

5.0 Principal Policies

- 5.1 Adopted Review Colchester Local Plan
DC1- Development Control considerations

6.0 Consultations

- 6.1 None

7.0 Parish Council's Views

- 7.1 No comments have been received from Wormingford Parish Council.

8.0 Representations

- 8.1 Four letters of objection were received from residents of 3, 5, 9 and 12 Robletts Way, along the following lines: Players and spectators driving at speed and parking inconsiderately; the portakabins being ugly and a danger that they would become permanent, music being played too loudly and bad language; Not all of Robletts Way was consulted.
- 8.2 The resident at 12 Robletts Way also complained that she had been notified late and that the application was “being pushed through very quietly” she added that the applicant “left it to the last minute so not many complaints would be heard” also stating “it’s disgusting that our feelings have not been taken into consideration.”

9.0 Report

- 9.1 Clearly there is an existing issue with use of the playing field by footballers as far as residents of Robletts Way are concerned. The questions to ask are: 1) Would the portakabins make this any worse? 2) Would they be visually unacceptable?
- 9.2 On the first point, it is difficult to see how any more traffic will be generated. The Saturday team wishes to progress to the Essex and Suffolk Border League which is one step up the football non-league pyramid, but which does not command any payment on entry and does not differ from current use.
- 9.3 On the second point, the portakabins are utilitarian in appearance. These are painted of a render finish, however, and can therefore be painted to a more suitable colour.
- 9.4 The positioning of the portakabins is logical, being on the same line as the pavilion and on the blind side of the pavilion to Robletts Way. Where it falls down, slightly, is that the units would stand proud of the front line of the existing pavilion. The pavilion is about 7.7 metres in depth, and the proposed units would come to a line 2.7 metres proud of this line. The arrangement is slightly odd, especially with the smaller unit being pulled away from the fence.
- 9.5 The alternative would be to arrange the new units on their long axes, along the fence which borders the rear gardens to the properties on Main Road (Chilton Cottages). This border is well-screened by mature trees, and the applicant has been asked to consider this possibility.

9.6 The comments from 12 Robletts Way are very hard to understand and do not bear up to scrutiny. All of Robletts Way was consulted, and all parties given at least 21 days to comment. Nothing has been “pushed through quietly” and all feelings have, of course, been taken into consideration.

10.0 Conclusion

10.1 Whilst a permanent building would be more satisfactory, if the portakabins can be coloured to a suitable shade of green, and re-arranged in a more acceptable fashion, then temporary permission is held to be acceptable,

11.0 Background Papers

11.1 ARC; NRL

Recommendation - Conditional Approval

Conditions

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

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

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

2 – Non-Standard Condition

Prior to the commencement of development, the applicant shall provide details of colours of the portakabins hereby approved. These details shall be agreed in writing by Colchester Borough Council, and shall be implemented and maintained as such at all times.

Reason: In the interests of visual amenity.

3 – Non-Standard Condition

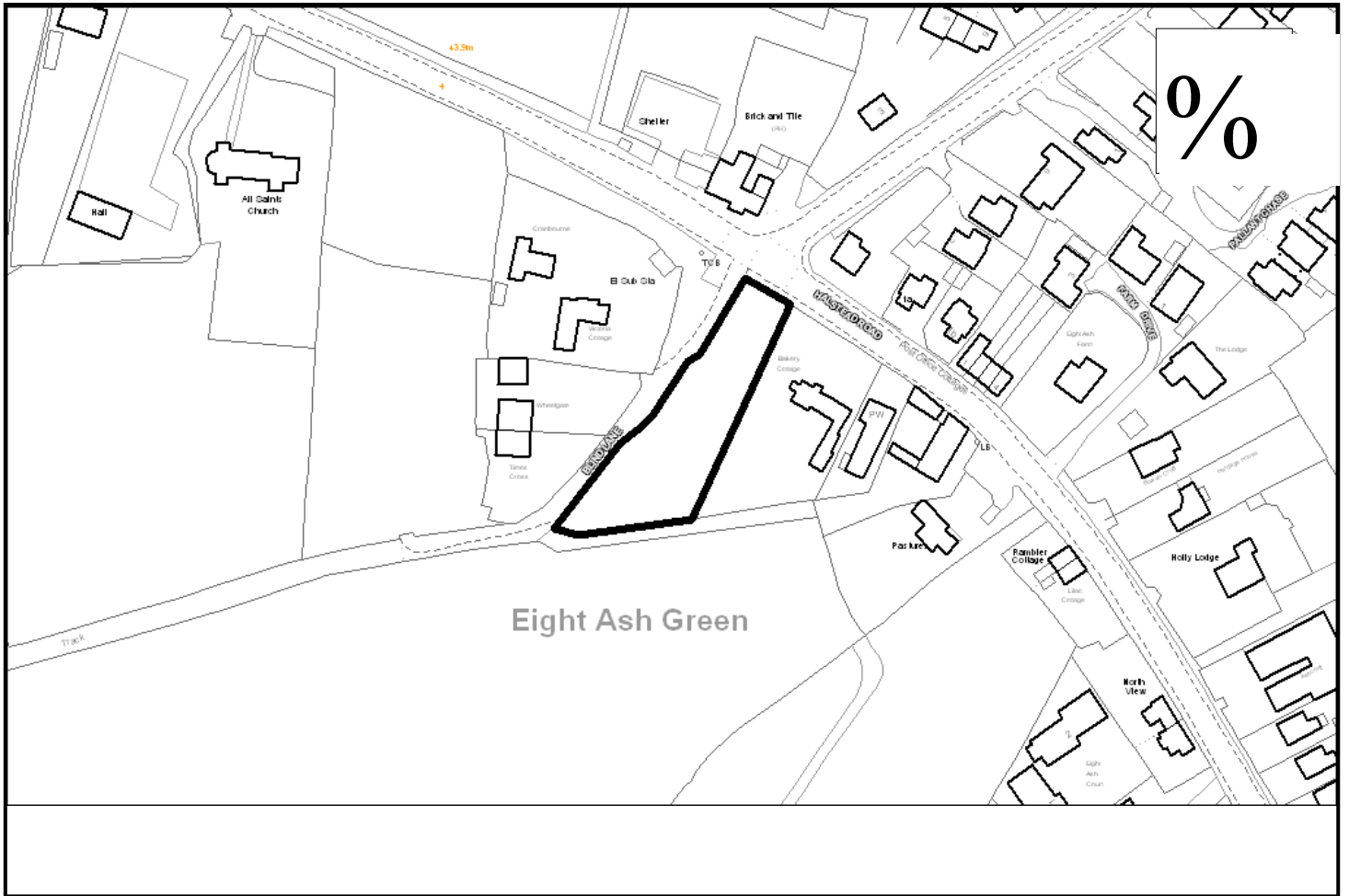
The permission hereby granted is temporary only, and shall cease at the close of the season 2011/2012.

Reason: In the interests of visual amenity as Colchester Borough Council would wish to see a more permanent resolution to Wormingford FC's requirements.

4 – Non Standard Condition

Notwithstanding the details of the drawings hereby approved, the applicant shall, prior to the commencement of development, submit drawings showing the units to be arranged on their long axes along the fence bordering Chilton Cottages. This shall be agreed in writing by the Local Planning Authority as such at all times.

Reason: In the interests of visual amenity.



Application No: 081848

Location: Land Adjacent All Saints Church, Halstead Road, Eight Ash Green, Colchester

Scale (approx): 1:1250

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7.5 Case Officer: Mark Russell

EXPIRY DATE: 24/12/2008

OTHER

Site: Halstead Road, Eight Ash Green, Colchester

Application No: 081848

Date Received: 28th October 2008

Agent: Anthony G James

Applicant: N P Powell Developments Limited

Development: Reserved matters for plots 13 14 & 15

Ward: W. Bergholt & Eight Ash Green

Summary of Recommendation: Conditional Approval

1.0 Planning Report Introduction

1.1 This item was withdrawn from the Committee of 18th December 2008 for clarification of landscaping matters and was subsequently removed to establish clarification over issues of ownership and Highway requirements.

1.2 Your Officers have sought a Legal opinion over the long-running issue of access rights. And the Legal Department has responded as follows:

“My concern in this matter is that Blind Lane is actually a public right of way owned and maintained by the Highway Authority and on that basis, I do not see how we can include it in the Reserved Matters application as I believe that this would give the impression that the piece of land is owned by the Applicants and can be included in the Application. What would be prudent is to outline only the part of the Development which falls within the Owners' title and show Blind Lane coloured green on the plan, indicating clearly that this area of the Site is owned by the Highways Authority and is for access purposes only. I see from the letter from Jefferies that they appear to be alluding to the fact that their Clients have acquired this strip of land by way of prescriptions. My view is that whilst they may have established rights of access, this doesn't give them rights of ownership.

The other important issue here is that if Blind Lane is included now, any subsequent sale would also include Blind Lane in the title. The bottom line is that we cannot convey public land.”

1.3 In a meeting between your Officer, the Essex County Council Highway Authority and the applicants on 26th March, matters surrounding Highway requirements were also concluded. These involved the securing of vision splays onto Halstead Road and are covered by conditions at the foot of this report.

2.0 Site Description

- 2.1 The site is on the edge of, but entirely within, Eight Ash Green Village Envelope and consists of the former garden of a now demolished bungalow. This fronts on to Halstead Road which is the main road through Eight Ash Green to the north, and the site's long axis to the west borders "Blind Lane" which is an unmade track with a long history of vehicular use. Across this are three existing dwellings, to the east is the bungalow Bakery Cottage, and to the south is a track which forms the boundary of the Village Envelope and serves Bakery Cottage, across this track is agricultural land.

3.0 Description of Proposal

- 3.1 The proposal is for the reserved matters of Outline permission O/COL/02/0306 for plots 13 14 & 15 of a development which also incorporates twelve further units in land to the west (which was dealt with by a separate Reserved Matters application RM/COL/06/2099). This application is for three two-storey, four bedroom dwellings with garaging. It is proposed that the buildings form a frontage to Blind Lane.
- 3.2 The dwellings are individually designed as follows: Plot 13 is an offset "T" plan with front and side gables, windows are accommodated low in the roof. The materials are red brick and vertical tile hanging to the walls, with plain tiles to the roof. A detached double garage is proposed in red brick and slate; Plot 14 is a traditional "T" plan with the smaller of the cross wings having a mansarded section to the right hand side as seen from the front, again, most windows are accommodated low in the roof. The principal wing is also mansarded. Materials are render to the walls with red brick to the plinth and chimney and plain tiles to the roof. This has a cart lodge with parking for two vehicles and has a red brick plinth with cream weatherboarding and slate roof; Plot 15 is an "L" plan with two ranges of roof and a side-facing gable. It is sloped at first floor level and, once again, most windows are accommodated low in the roof. Materials are identical to those of plot 14. This also has a cart lodge with parking for two vehicles, and materials for this are as per the cart lodge at plot 14.

4.0 Land Use Allocation

- 4.1 Residential in a Village Envelope

5.0 Relevant Planning History

- 5.1 96/1049 - Outline application for erection of 15 no. 2, 3 and 4 bedroom Dwellings. Approved 18th December 1998;
- 5.2 O/COL/02/0306 - Outline application for erection of 15 no. dwellings with access road (renewal of COL/96/1049). Approved 31st October 2006;
- 5.3 RM/COL/06/2099 - Reserved matters for 12 dwellings relating to outline permission O/COL/02/0306 for 15 dwellings with access road. Approved 22nd February 2007.

6.0 Principal Policies

- 6.1 Adopted Review Colchester Local Plan:
DC1- Development Control considerations;
UEA11 - Design;
UEA12 - Infilling and Backland Development;
UEA13 - Development, including Extensions, Adjoining Existing or Proposed;
P1 – Pollution;

7.0 Consultations

- 7.1 The Highway Authority did not ultimately object to the Outline application, and has requested pedestrian and vehicular vision splays to the usual standards as far as can be accommodated within the site. These conditions are contained at the foot of this report.

- 7.2 Environmental Control did not object, but requested a standard demolition and construction advisory note. Our Contaminated Land Officer responded as follows:

“There was a potential for contamination to be present at this site and Contaminated Land conditions were applied to the earlier application for the whole site (F/COL/02/0306).

Sufficient site investigation has now been undertaken for these three plots under this permission.

However, there remains the potential for unexpected contamination from an anthrax-infected carcass that was buried in the vicinity, but its exact location unknown.

Consequently, should permission be granted for this application, the Contaminated Land Officer recommends inclusion of the following condition.”

(This condition is included at the foot of this report).

- 7.3 The Arboricultural Officer has studied the arboricultural study submitted by the applicant and is in agreement with its conclusions.

8.0 Parish Council's Views

- 8.1 Eight Ash Green Parish Council responded as follows on 24th November 2008:

“At the Eight Ash Green Parish Council meeting held on Wednesday 12th November 2008 it was resolved to object very strongly to this application.

Blind Lane is an unmade-up bridle lane with hedges and trees alongside and overlooking it. The proposal shows large two story houses with a building line within inches of the lane. This is unacceptable and is totally prejudicial to the rural character of the area.

As they will dominate the street scene and restrict the amount of parking available to the proposed properties.

The lane is very narrow and currently provides access to various properties that have acquired a presumed right of way. This will be lost to those residents as it is inevitable that overflow cars from the new development will be left outside their properties. Such parking will not only make access to existing properties difficult if not impossible, it will also prevent legitimate use of the right of way by pedestrians and other authorised users.

This site originally held one small bungalow. To attempt to put three large four bed roomed houses on it is gross over development. Additionally the original proposal as approved for the combined sites of this and the adjacent larger development was for mixed housing including social housing. This has clearly not been undertaken in the re-arranged dual application technique.

As Blind Lane is a public right of way there are permissive rights of access to the existing properties but the new development has never had access rights. We had previously received assurances from the planning department that access between the new road on the adjacent site and Blind Lane would be blocked and we request clarification that this is still the case as the plans submitted to us for comment were unclear of this.

In the previous application we objected strongly to vehicles having access onto Blind Lane and we noted that permission may be granted for pedestrian access.

This is why Colchester Borough Council revised the positioning of the garages for plots 10 and 11. The Highways Department objected to these properties accessing the new road for safety reasons. This was overcome by the dual application strategy but we believe that even on its own, this application represents a clear road hazard as traffic seeks to leave Blind Lane onto the main A1124 Colchester to Halstead road.

Finally, as the original bungalow on this site did not have an access on to Blind Lane, we believe that such an access bearing in mind the current status of lane would be illegal.”

9.0 Representations

9.1 Two letters of objection were received from neighbouring dwellings.

9.2 The occupiers of Wheelgates, Blind Lane, pointed out that they had not been correctly notified (the name of a previous site-user was on the Council’s database, this has now been corrected and the occupiers of Wheelgates have now been consulted). Concerns here related to possible conditions of danger on Blind Lane, insufficient parking, overdevelopment, loss of hedging, proximity of dwellings to the lane, and the overpowering nature of Plot 14.

9.3 The occupiers of Times Cross, Blind Lane, objected stating that Blind Lane was not a public right of way and raised concerns over extra traffic using it.

10.0 Report

10.1 Members are reminded that this is a Reserved Matters application, and the principle of three dwellings on this site has already been granted permission. The points for discussion in this Reserved Matters application are access, siting and design.

10.2 The issue of access on to Blind Lane does need some explanation. The history of this lane is long and complicated, as is the question of its status. Ultimately the Inspector has concluded (in 2005) that it is not a highway available for public vehicular use, this being the case it is not possible from a legal stand point to bring about its stopping up. Therefore, whilst use of the lane is discouraged due to visibility issues, it is impossible to insist upon this. Colchester Borough Council is aware that there may still be a dispute as to whether the occupiers of the new dwellings have a legal right to vehicular access over Blind Lane, but this legal issue should not prevent the determination of a planning application.

10.3 Regarding the siting, the shape of the land does partially dictate this. The decision to “front” the highway (Halstead Road as well as Blind Lane itself) comes about from issues of amenity of existing residents as well as good design and townscape. Our Urban Designer has explained this as follows:

“As there are no over looking issues for this site there is an opportunity to create more spatially efficient development on two storeys. Bungalows are neither traditional nor appropriate in a rural context. The architectural expression available in a bungalow is limited and often makes a poor contribution to townscape or streetscape. Given that the outline permission had established the principle of development on this site it was within the reserved matters that the best contribution to townscape was sought.”

10.4 In terms of design, which has been described at length at paragraph 2., pre-application discussions between Colchester Borough Council and the applicant have produced the scheme before Members today. It introduces a variety of styles as explained by our Urban Designer: “The three dwellings were initially designed a single form repeated. This would typify ‘executive’ style developments. The approach agreed with development control was to create three individual homes that make a positive contribution to the village and reflect the better elements of its character and traditional more rural forms. This dictated a more organic and individual styling of each unit.”

10.5 Regarding the remaining objections, responses are below:

- *Insufficient parking*: The parking is above standard at 2 per dwelling;
- *Overdevelopment*: The amount of dwellings has already been agreed at outline, and the density, with three dwellings at 1597m², equates to fewer than 20 dwellings per hectare;
- *Loss of hedging*: It had initially been hoped that the section facing Halstead Road, and the initial return length of approximately 4 to 5 metres, could be preserved. The Halstead Road element will, however, require removal, as will part or all of the return stretch, to comply with Highway standards. A condition can be imposed for replanting a suitable hedge along the entire frontage, and which can extend as far as a point near to the first vehicular access on Blind Lane;
- *Plot 14 is overpowering*: Whilst this, and the other two dwellings have a presence, they are not considered to be overpowering or overbearing, and certainly do not seem to overbear on neighbouring properties;
- *Overflow parking will make access to existing properties difficult, and prevent legitimate use of the right of way by pedestrians and other authorised users*: This can not be ruled out, but blocking the lane would be an offence. Parking provision is above current standards, and more space exists for lengthways parking in front of the cart-lodges for visitors. In addition, two spaces exist at the entrance to Blind Lane for occasional parking. In total it is held that there is a wide offering of parking places, which should alleviate concerns over Blind Lane being blocked.
- *The original proposal as approved for the combined sites of this and the adjacent larger development was for mixed housing including social housing*. The total number of dwellings on both sites (fifteen) falls below the threshold for affordable housing.
- *The new development has never had access rights*. This legal matter is outside of Planning.

- *We had previously received assurances from the planning department that access between the new road on the adjacent site and Blind Lane would be blocked.*
To do this would be to formalise an intensification of use of the sub-standard Blind Lane access onto Halstead Road. By keeping the track between the proposed dwellings and the new road open, occupiers of the new dwellings would be able to use the safer junction, which serves the main site.
- *This application represents a clear road hazard as traffic seeks to leave Blind Lane onto the main A1124 Colchester to Halstead Road.* The principle of three dwellings on this site has been allowed at Outline, and Blind Lane cannot be blocked for legal reasons. The Highway Authority has detailed its requirements for safe access onto this road, and these are covered by condition.

11.0 Conclusion

- 11.1 In conclusion, the principle of this development has already been given planning permission, the scheme is considered to be acceptable in scale and design, and does not unacceptably affect the amenity of any nearby residents or other users.
- 11.2 Whilst it is possible that the issue of a right of access on to Blind Lane may be open to a legal challenge by a third party, your Officers have taken all reasonable measures to establish that the site-owner's claim to such a right is a valid one, and it is felt that this matter has been reasonably resolved as far as the Planning process can.
- 11.3 Whilst the objections are noted, and whilst it is acknowledged that this site is important to the residents of Eight Ash Green, the application is held to be acceptable in this location, and is recommended for approval.

Recommendation - Conditional Approval

Conditions

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

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

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

2 - C3.3 Samples to be Submitted

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

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

3 - Non-Standard Condition

Prior to the commencement of development, an external colour scheme shall be agreed, in writing, by the Local Planning Authority. The development shall be completed in accordance with the agreed scheme as such and shall remain so at all times.

Reason: To ensure that the development preserves and enhances the character and or appearance/visual amenity of the Area.

4 -Non-Standard Condition

No new windows shall be inserted at any time above ground floor level in any wall or roof-slope unless agreed in writing by the Local Planning Authority.

Reason: In the interests of visual amenity and privacy of surrounding properties.

5 - C 10.5 Tree & Natural Feature Protection: Protected

No work shall commence on site until all trees, shrubs and other natural features not scheduled for removal on the approved plans, 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.

6 - C 10.16 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.

7 - C 10.18 Tree and Hedgerow Protection: General

All existing trees and hedgerows shall be retained, unless shown to be removed on the approved drawing. All trees and hedgerows on and immediately adjoining the site shall be protected from damage as a result of works on site, to the satisfaction of the Local Planning Authority in accordance with its guidance notes and the relevant British Standard. All existing trees shall be monitored and recorded for at least five years following contractual practical completion of the approved development. In the event that any trees and/or hedgerows (or their replacements) die, are removed, destroyed, fail to thrive or are otherwise defective during such a period, they shall be replaced during the first planting season thereafter to specifications agreed in writing with the Local Planning Authority. Any tree works agreed to shall be carried out in accordance with BS 3998.

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

8 - C3.20 Surfacing Materials to be Agreed

Prior to commencement of the development hereby approved full details of the surfacing materials to be used for all private, non-adoptable access ways, footpaths, courtyards, parking areas and forecourts shall be submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out in accordance with the agreed details.

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

9 – Non Standard Condition

The development hereby approved shall accord with amended drawings 154/10 Revision M and 154/17 Revision B, dated March 2009, and received 31st March 2009; in addition to drawings 154/36 revision B, 154/37 revision B, 154/35 revision A, 154/33 revision B, 154/32 revision B, 154/34 revision A, all dated September 2008 and received 27th October 2008.

Reason: For avoidance of doubt as to the scope of this permission, and in the interests of Highway safety and for avoidance of doubt over ownership issues.

10 – Non-standard Condition

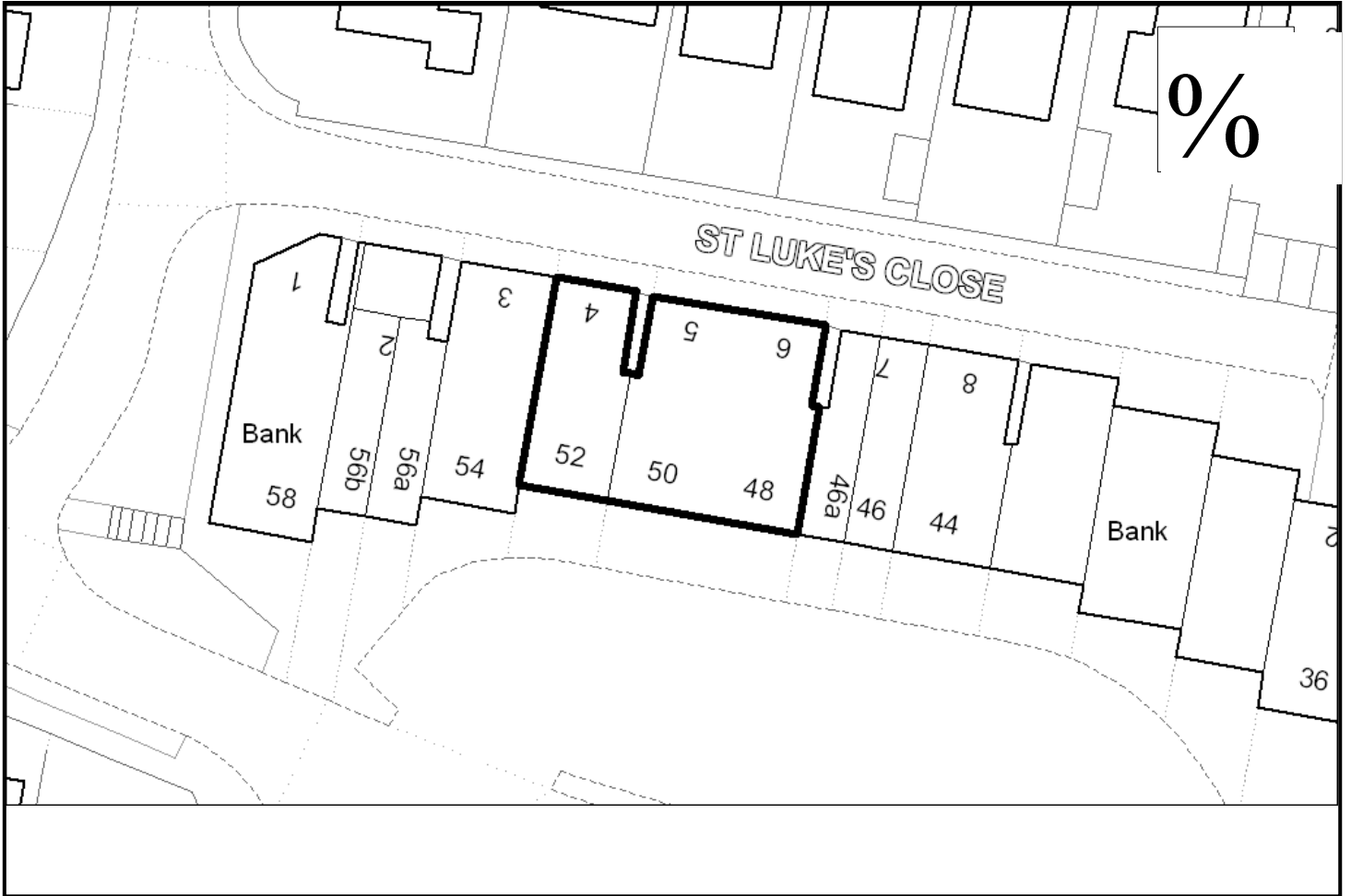
Prior to the commencement of development the applicant shall submit details of hedge planting along the frontage to Halstead Road to such a point close to the first driveway on Blind Lane which does not obstruct required vision splays. These details shall be agreed in writing and shall be implemented as such during the first planting season following substantial completion of the development hereby approved, and shall be maintained at all times in accordance with the above condition 04.

Reason: In the interests of visual amenity.

Informatives

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

2. All conditions relating to outline permission O/COL/02/0306 must be complied with.



Application No: 090021

Location: Tesco Express, 48 St. Christopher Road, Colchester, CO4 0NB

Scale (approx): 1:1250

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7.6 Case Officer: Andrew Tyrrell

OTHER

Site: 48 St. Christopher Road, Colchester, CO4 0NB

Application No: 090021

Date Received: 8th January 2009

Agent: Mr Graham Ling Wills Gee Limited

Applicant: Tesco Stores Limited

Development: Siting of a single Tomra recycling unit and associated works

Ward: St Johns

Summary of Recommendation: Conditional Approval

1.0 Planning Report Introduction

1.1 This application is returned to the committee after being deferred on the 19th of February 2009 for a demonstration of the recycling unit, which took place at the Westside Centre, Stanway, on the 2nd April 2009.

1.2 One objection has also been received from Colchester Civic Society.

2.0 Site Description

2.1 The site is a Tesco Express store in the shopping parade on St. Christopher's Road. This parade has a cluster of shops, including a newsagents, florists and bank. Above the shops are residential units, with rear access off St Luke's Close.

2.2 Parking is located at the front of the site, off the main road. There are bottle banks and recycling facilities in the car park area.

3.0 Description of Development

3.1 The proposal is for a recycling unit that crushes cans and plastic bottles at a 10:1 ratio of compaction. The recycling unit would be located adjacent the Tesco frontage, and the dimensions are 116 x 68 x 150cm (width x depth x height). The footway is approximately 5m wide at points in front of Tesco and the adjacent newsagents is staggered forward of the Tesco frontage, with the pavement tapering round to accommodate this.

4.0 Land Use Allocation

4.1 Local Shopping Centre

5.0 Relevant Planning History

- 5.1 There is no particularly relevant history to this proposal, although 2 other applications have been made simultaneously by Tesco for these units. Each case should be determined on its own merits, and one of these applications has already been refused on the basis that it was within the town centre conservation area, where it would not fit in with its historic surroundings. The other application (at the Bromley Road Tesco store) is also to be considered by the planning committee as part of this committee meeting agenda.

6.0 Principal Policies

- 6.1 Adopted Review Borough Local Plan
DC1 - Development Control Considerations
UEA11 – Design
P1 – Pollution (General)
- 6.2 Adopted Core Strategy
ER1 – Energy, Resources, Waste, Water and Recycling

7.0 Consultations

- 7.1 ECC Highways – No objection
- 7.2 Environmental Control – Any approval should limit operating hours to 7am to 10pm daily.
- 7.3 Street Services – Support the proposal in principle as it may increase the recycling habits of Tesco customers. However, the Council only benefits if we receive the recycling tonnage figures from Tesco regularly. Therefore, they are keen to explore a condition to ensure this is secured.
- 7.4 Colchester Civic Society – In favour of recycling but there are some disadvantages to these units. Servicing and emptying require front access, thereby blocking the pavement once the unit is opened. Removal of sacks will presumably require lorry parking in an area where parking is already a problem. It is not clear if the unit will take up public highway space. Applicant should be persuaded to withdraw and discuss with local residents.

8.0 Representations

- 8.1 None received

9.0 Report

- 9.1 The main issues are the design and visual appearance, highway movement, and noise pollution.

Design and Visual Appearance

- 9.2 The design of the unit is essentially a box with an opening in the middle, similar is basic design to a post box but on a larger scale. The appearance is reasonably contemporary to match the technology. The units would be green as is expected as a common cliché for most recycling paraphernalia. A silver-gray model was originally intended but these have been unsuccessful in terms of standing out for visual attention and have now been abandoned by the manufacturer. There is also an optional add-on horizontal feature that can be included at the top of the machine (usually with advertisement of its recycling function), however this feature is considered to be unnecessary given the writing on the machine itself. Therefore, it is suggested that this feature be restricted by condition.
- 9.3 In this instance, the backdrop for the unit would be the Tesco window frontage, which at this site is covered with an internal window advert stating that the opening hours are from 6am to 11pm. Consequently, the shop frontage from top to bottom is bright red and blue, with white writing. Therefore, given the backdrop, it would be hard to argue that a green machine would be harmful to the area as it is already a colourful and visually stimulating area. It is also noted that the shops predominantly have typical plastic fascia adverts and this shopping parade has a characteristic of bright plastic materials.

Highway Movements

- 9.4 The unit is of limited width, taking up less than 68cm of the adequate pavement width. Essex County Council Highways Authority has been consulted upon the application and have confirmed that they have no objection to a machine of this size being placed on the pavement in this location. Therefore, the Colchester Civic Society concerns about obstructions to the pedestrian footpath appear to be unfounded as there is adequate room for all users to pass any recycling unit. Given this, a refusal on the grounds that the unit would obstruct the pedestrian footpath is unlikely to withstand an appeal.

Noise Pollution

- 9.5 The recycling unit is located beneath residential units. However, it operates at less than 70 dBA. An additional acoustic survey provided on 2 April 2009 has confirmed that this noise level is usually below the background noise levels at this site due to the vehicular movements. Therefore Environmental Control has recommended that it would be acceptable with operating hours limited to 7am – 10pm daily. A condition is recommended to this effect. This will also limited noise from any vehicles associated with people using the unit, however it is anticipated that most users will be passers by and not people making purpose-made journeys to recycle in this unit. It is noted that there are bottle banks in the car park area, and the noise generated by these could be just as much of a disturbance.

Other Matters

- 9.6 Street Services have asked for a condition to secure recycling tonnage figures. However, this would not pass the six tests for planning conditions, being unnecessary to make the proposal acceptable in planning terms. Therefore, the condition should not be included on any approval.
- 9.7 The Civic Society are concerned that servicing and emptying require front access, thereby blocking the pavement once the unit is opened. Whilst this could occur, it is unlikely to be for significant amounts of time and would not justify a refusal in the officer's opinion. Waste removal would be by personnel working in the store itself with waste taken to the back with other Tesco packaging. Therefore, it is insignificant over and above the existing Tesco waste storage.
- 9.8 Lorry parking will not be required and the unit is unlikely to significantly increase the vehicular movement related to Tesco's overall operation. The Highway Authority also has controls outside of planning should a public highway be obstructed.

10.0 Conclusion

- 10.1 Subject to appropriate conditions the application appears to be acceptable on its merits. The design of the unit is standard but will not have any material harm on the streetscene or public domain. The pavement will still be useable for people of all abilities. Furthermore, the noise can be limited to sociable hours.

11.0 Background Papers

- 11.1 ARC; HA; HH; Street Services; Colchester Civic Society

Recommendation - Conditional Approval

Conditions

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

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

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

- 2 - Non-Standard Condition

The "Tomra Recycling Unit" hereby approved shall not operate other than between 7am and 10pm in any one day, unless otherwise subsequently agreed, in writing, by the Local Planning Authority.

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

3 - Non-Standard Condition

The “Tomra Recycling Unit” hereby approved shall be no more than 1.5metres in height, unless otherwise subsequently agreed, in writing, by the Local Planning Authority.

Reason: To clarify the scope of this permission, as the horizontal “add-on” feature that is shown in some of the submitted drawings appears to serve no functional purpose and is considered to be unnecessary to the recycling operation of the unit, to ensure that the visual impact of the unit is minimised.

4 - Non-Standard Condition

The opening through which recyclable materials are placed into the unit shall be closed and made inaccessible from 10pm on any one day and 7am on the following day unless otherwise agreed, in writing, by the Local Planning Authority.

Reason: To ensure that the machine is safe and secure outside of its operating hours and does not offer opportunities or incentive to crime, anti-social behaviour or other public nuisance.

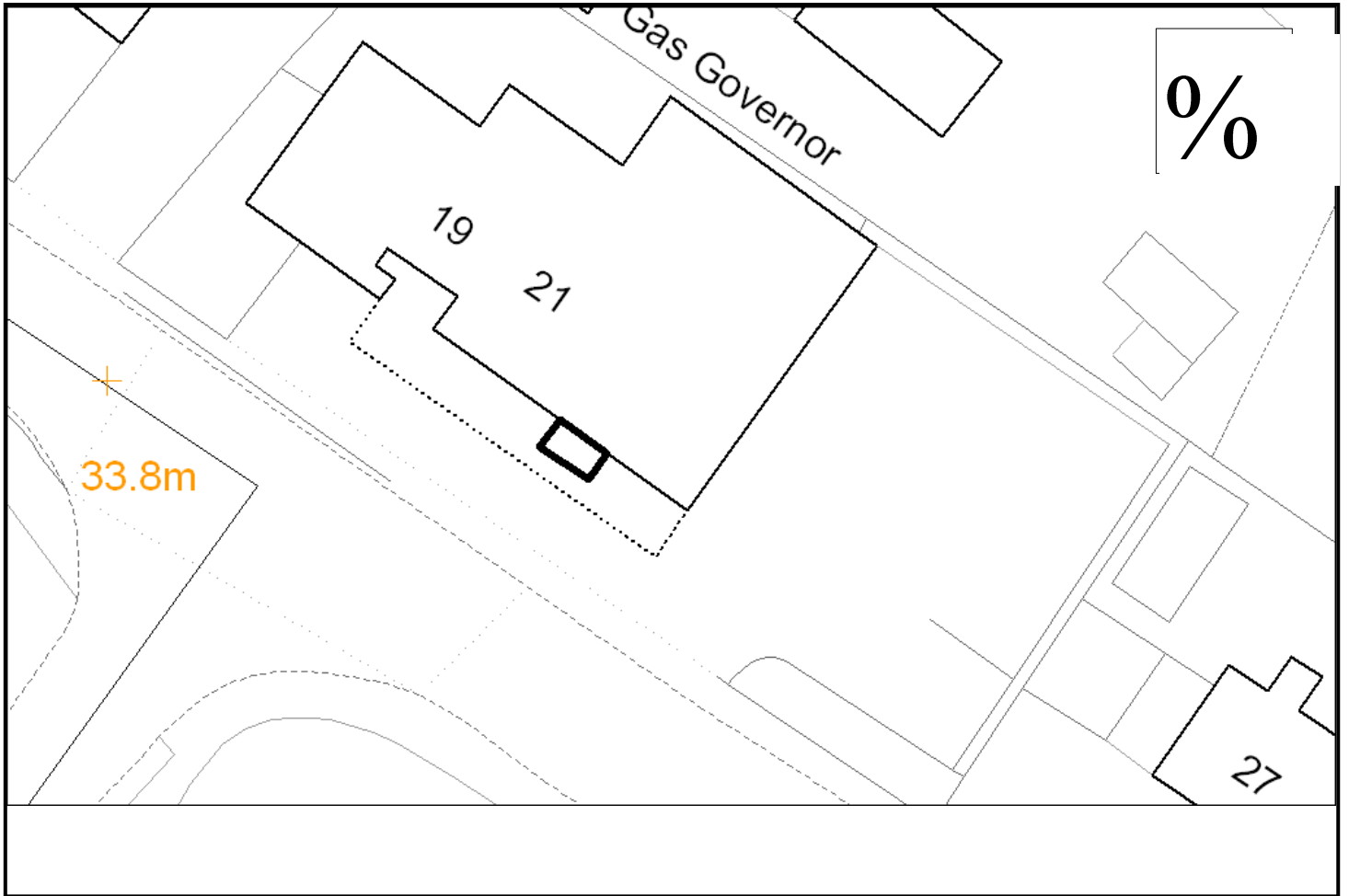
5 - Non-Standard Condition

The “Tomra Recycling Unit” hereby permitted shall be removed within 28 days after it is no longer operated for recycling purposes for a continuous period of 56 days or more.

Reason: To ensure that the unit is removed once its use ceases, so that the street environment does not become cluttered by redundant apparatus.

Informatives

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



Application No: 090022

Location: Tesco Express, 19 Bromley Road, Colchester, CO4 3JF

Scale (approx): 1:1250

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7.7 Case Officer: Nick McKeever

OTHER

Site: 19 Bromley Road, Colchester, CO4 3JF

Application No: 090022

Date Received: 8th January 2009

Agent: Mr Graham Ling

Applicant: Mr H Clifford

Development: Siting of a single tomra recycling unit with associated works

Ward: St Annes

1.0 Site Description

- 1.1 This shop is located on the Bromley Road, Colchester opposite the junction with Hawthorn Avenue. To the south is the Hazelmere County Junior and Infant School; immediately to the north are sports grounds with associated Club, pavilion and tennis courts. Immediately to the south east is the car park & service area that serve the existing commercial units. The site lies within a predominantly residential area.
- 1.2 The Tesco Express is a single storey building, which fronts onto the Bromley Road. It is set back approximately 7 metres from the back edge of the carriageway, with a hard paved forecourt area in between.
- 1.3 The application seeks planning permission for the installation of an automated recycling machine on this forecourt area, immediately in front of the Tesco Express front window. The dimensions are given as being 116,0cms in width, 67,4 cms in depth and 150,0 cms in height. It is fixed to the ground by eight bolts located inside the unit. The unit compacts or flakes recyclable materials, metal cans and plastic bottles which it sorts by means of recognition software and can hold up to six times the volume of normal uncompacted waste materials.
- 1.4 It is linked via broadband to a central depot and notifies this depot when maintenance or servicing is required. The unit can operate 24 hours or during store opening hours
- 1.5 Full details and specifications are included within the application and can be viewed on the Council website.

2.0 Land Use Allocation

- 2.1 Residential

3.0 Relevant Planning History

- 3.1 The site is a long established small group of commercial units.

4.0 Principal Policies

- 4.1 Adopted Borough Local Plan
Development Control Considerations - DC1
Design - UEA11& UEA13
Pollution (General) - P1

5.0 Consultations

- 5.1 The Highway Authority does not wish to object to the proposals.
- 5.2 Environmental Control has no comments.
- 5.3 Colchester Civic Society, whilst in favour of re-cycling, objects to this and the units to be located at the two other Tesco sites within the Borough for the following reasons:-

“Servicing and emptying appear to require front access, thereby blocking the pavement once the unit is opened. Removal of full sacks will presumably require lorry parking in an area where parking is already a problem.

It is not clear from the application if the unit would take up public highway space, which would be a further objection.

Can the applicant please be persuaded to withdraw the application and discuss them with residents before resubmission”.

6.0 Representations

- 6.1 None

7.0 Report

- 7.1 This is one of three applications on three separate sites within the Borough. One of these has already been refused because it was in the historic conservation area of the town centre. Application 090021, Tesco Express, 48 St. Christopher Road, Colchester was submitted to the Planning Committee on 19th February 2009 and was deferred (also returning for consideration in this committee meeting agenda).
- 7.2 Unlike the aforementioned site at 48 St. Christopher Road, 19 Bromley Road does not have any residential units above the premises neither are there any dwellings immediately adjacent. Under these circumstances potential noise pollution is not considered to be an issue hence Environmental Control has not submitted any objections.
- 7.3 The proposed unit will sit well back within the forecourt area and will be read against the backdrop of the building. Under these circumstances the unit will not be an unduly prominent or discordant feature within the street scene.
- 7.4 As the unit is to be located close to the building, there will remain a relatively generous area between the Bromley Road and the unit so that pedestrian movement will not be restricted by the unit itself or the servicing/maintenance of the unit.

8.0 Background Papers

8.1 ARC; HA; HH; CC

Recommendation - Conditional Approval

Conditions

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

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

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

2 – Non-Standard Condition

The “Tomra Recycling Unit” hereby approved shall not operate other than between 7am and 10pm in any one day, unless otherwise subsequently agreed, in writing, by the Local Planning Authority.

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

3 – Non-Standard Condition

The “Tomra Recycling Unit” hereby approved shall be no more than 1.5metres in height, unless otherwise subsequently agreed, in writing, by the Local Planning Authority.

Reason: To clarify the scope of this permission, as the horizontal “add-on” feature that is shown in some of the submitted drawings appears to serve no functional purpose and is considered to be unnecessary to the recycling operation of the unit, to ensure that the visual impact of the unit is minimised.

4 – Non-Standard Condition

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Reason: To ensure that the machine is safe and secure outside of its operating hours and does not offer opportunities or incentive to crime, anti-social behaviour or other public nuisance.

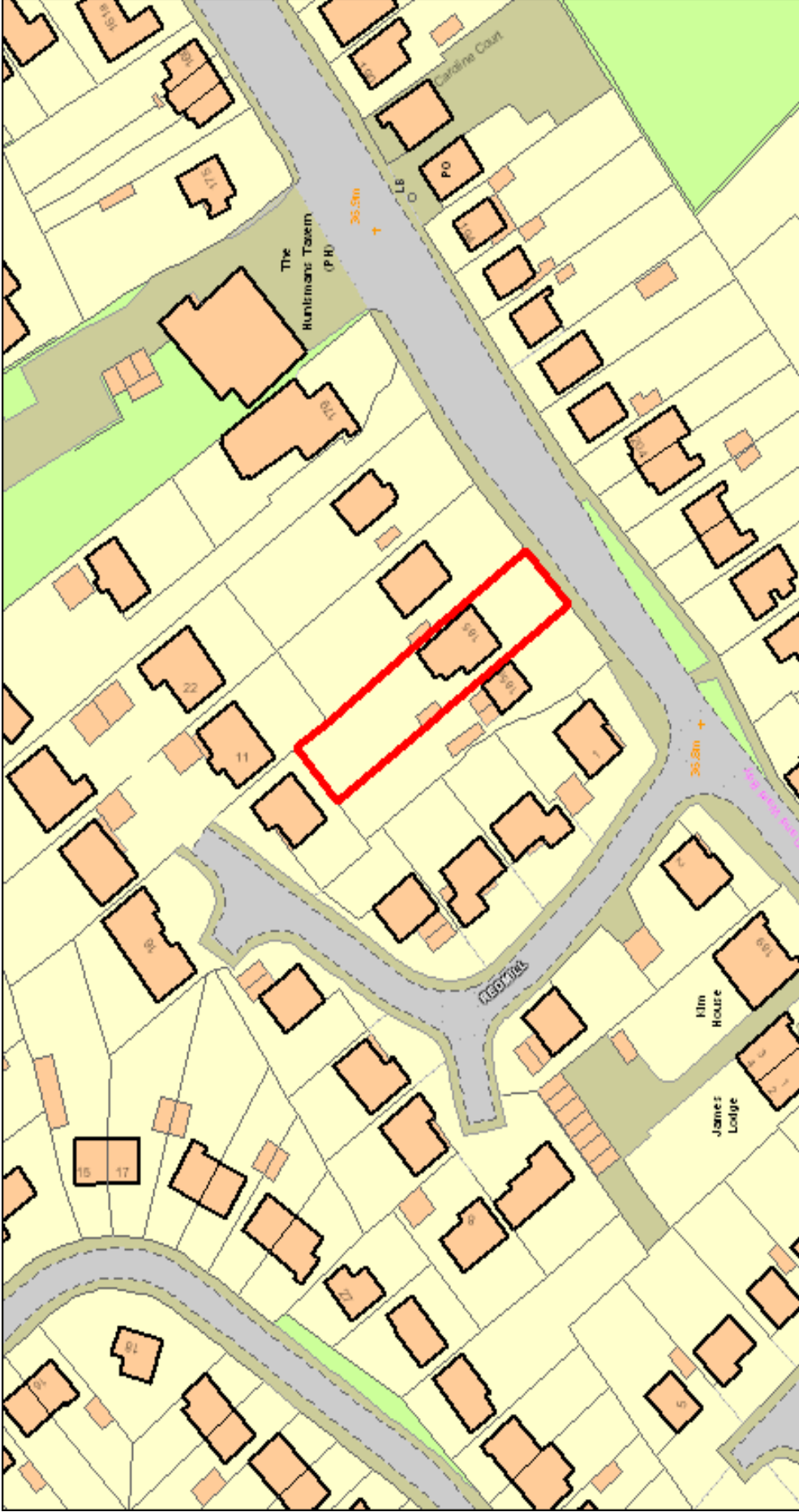
5 – Non-Standard Condition

The “Tomra Recycling Unit” hereby permitted shall be removed within 28 days after it is no longer operated for recycling purposes for a continuous period of 56 days or more.

Reason: To ensure that the unit is removed once its use ceases, so that the street environment does not become cluttered by such redundant apparatus.

Informatives

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



Site Location Plan

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Complaint Reference: 183909

Site Location Address: 185 Shrub End Road, Colchester, CO3 4RG

Date Produced: 6 April 2009

(MAP NOT TO SCALE)

16 April 2009

Report of	Head of Environmental & Protective Services	Author	Cheryl Headford ☎ 01206 282422
Title	Land at 185 Shrub End Road, Colchester		
Wards affected	Prettygate		

This report concerns the unauthorised building of a log cabin in the rear garden of a residential property for use as a training room for Springlands Nursery situated next door

1. Decision(s) Required

- 1.1 Members are requested to consider the information contained in this report and to authorise an Enforcement Notice requiring the removal of the log cabin.

2. Reasons for Decision(s)

- 2.1 The log cabin is situated at the bottom of the rear garden to 185 Shrub End Road, however, it was constructed for use as a training room for the property next door (No 185a) which forms part of Springlands Nursery. Both properties are in the same ownership. A fence was constructed fencing off the area where the cabin is located, reducing the rear garden of 185, and an access to the log cabin was made through the rear garden of 185a.
- 2.2 The log cabin is situated 3.6m from the boundary fence with 9 Redmill. As can be seen from the photographs provided, it is in close proximity to the dwelling as there is no garden area at 9 Redmill adjacent to this boundary.

3. Alternative Options

- 3.1 Members could resolve to take no action. After a period of four years the log cabin would become lawful and immune to enforcement action. The cabin was erected approximately a year ago.

4. Supporting Information

- 4.1 In 2000 planning consent was given for the change of use to provide a children's nursery (C/COL/00/1304) for 185a Shrub End Road.
- 4.2 In August 2007 an application was submitted for the change of use of residential premises, next door at 185 Shrub End Road, as a training room for Springlands Nursery (reference 072169). It was stated on the application form that no extension to the building would be necessary. This permission is due to expire on 22 October 2009.

- 4.3 Some time around April 2008 construction of a log cabin commenced in the rear garden of 185 Shrub End Road. The unauthorised building was reported to us on 29 May 2008 and by the time a site visit took place, in June, it was being used as a training room.
- 4.4 From our visit it was established that a tenant was living in 185. A fence had been constructed across the rear garden to provide a separate garden area from the cabin area. Access to the log cabin provided was then provided from 185a, effectively incorporating it into the curtilage of 185a Shrub End Road.
- 4.5 At the end of the site meeting the owner was advised that planning consent would be required if they wished to retain the log cabin for use as a training room and that it may not be considered favourably in its current position, due to the close proximity to a neighbouring property.
- 4.6 In July 2008 the owner had a meeting with a Planning Officer. The Officer responded in writing stating that due to the close proximity of the cabin to the adjacent dwelling at 9 Redmill it should be relocated away from the boundary in order that the amenity of the occupiers of the dwelling were not adversely affected, whilst allowing the occupiers of 185 to retain a sufficient private rear garden area.
- 4.7 On 4 August a letter was sent to the owner requesting they make an application, within 28 days, if they wished to retain the use of the building, again suggesting they should consider moving the cabin to a slightly different position within the garden area of 185.
- 4.8 The application was finally submitted in December 2008 to retain the cabin in its original position.
- 4.9 On 26 January 2009 a letter was received from Springlands Nursery advising that they had taken professional advise and were withdrawing their application and would be resubmitting shortly. The Planning Officer emailed acknowledgement of their letter advising that if an application was not forthcoming within 4 weeks that the Council would consider instituting enforcement proceedings. They responded to the email stating they would be in contact shortly.
- 4.10 At the time of writing this report no further contact has been made by the owner of the nursery.
- 4.11 It should be noted that one photograph showing the position of the log cabin was not taken by Officers, but was supplied to support an objection to the planning application 081821. It was shown on the Council's website and is therefore in the public domain.

5. Proposals

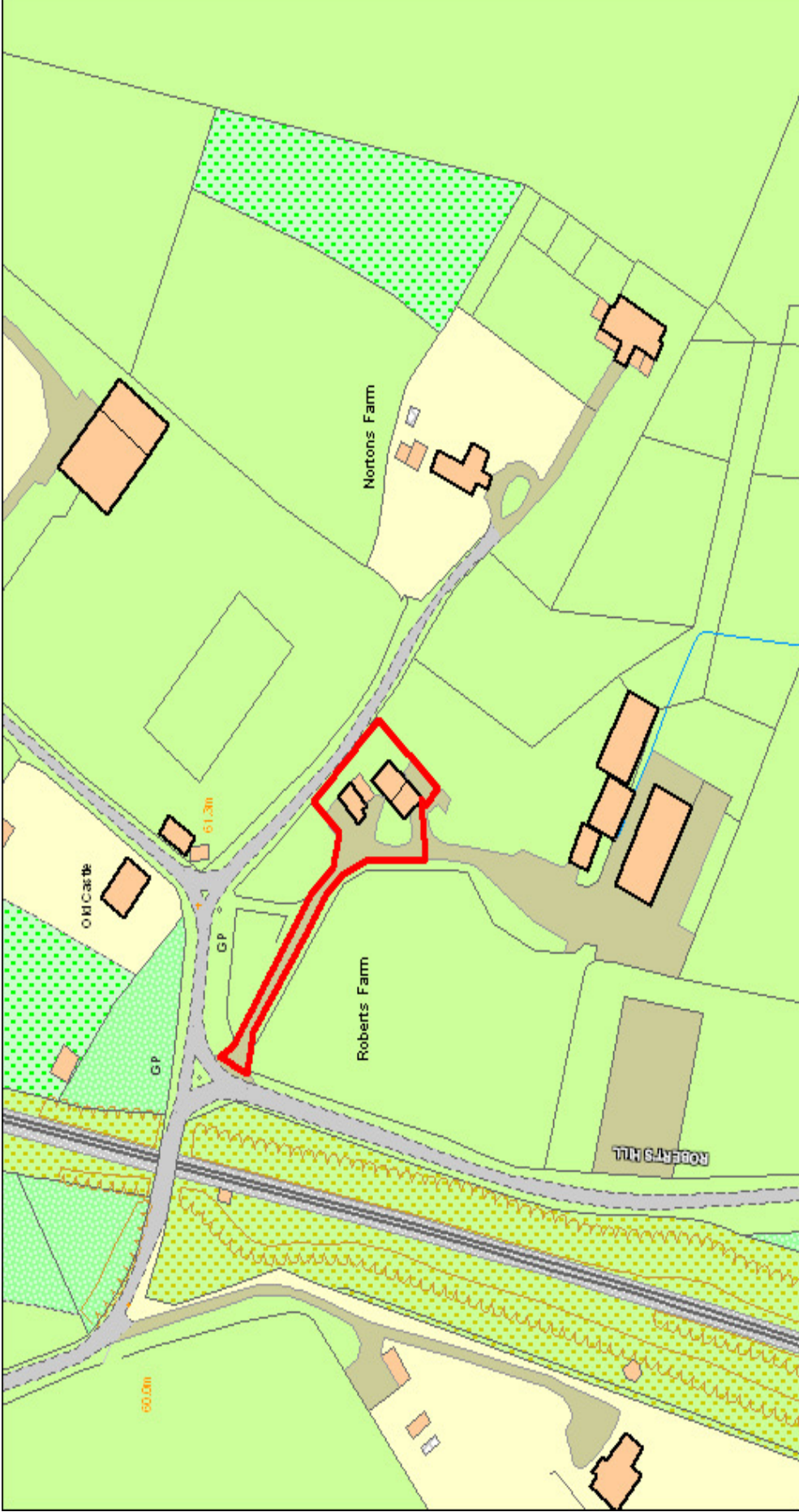
- 5.1 It is considered expedient to take enforcement action to require the removal of the log cabin. A compliance of 4 months is considered to be appropriate.

6. Standard References

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

Background Papers

DC1 and UEA 13 of the Adopted Review Colchester Borough Local Plan March 2004



Site Location Plan

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Complaint Reference: 178099
Site Location Address: Roberts Farm, Mount Bures, Bures, CO8 5AZ
Date Produced: 6 April 2009

(MAP NOT TO SCALE)

Planning Committee

Item
9

16 April 2009

Report of	Head of Environmental & Protective Services	Author	Cheryl Headford ☎ 01206 282422
Title	Land at Roberts Farm, Mount Bures, Bures		
Wards affected	Great Tey		

This report concerns the unauthorised installation of a swimming pool, Pump shed, summerhouse containing hot tub, globe lighting columns, and wooden decking including steps.

1. Decision(s) Required

1.1 Members are requested to consider the information contained in this report and to authorise an Enforcement Notice requiring:

- The removal of the swimming pool, pump shed, summerhouse containing hot tub, globe lighting columns and wooden decking including steps
- Replace removed earth to reinstate the natural slope of the ground

2. Reasons for Decision(s)

2.1 The development cumulatively amounts to an unacceptable amount of development which is visually detrimental to its countryside location. This unauthorised development, in conjunction with the existing (authorised) temporary dwelling, gives the impression of an extended residential curtilage.

3. Alternative Options

3.1 Members could resolve to take no action. After a period of four years, from the substantial completion of the buildings, the buildings would become lawful and enforcement action could not be taken to remove them.

4. Supporting Information

4.1 Roberts Farm is an equestrian/stud farm complex, situated off Fordham Road in open countryside. It consists of a range of equestrian buildings, an office and a temporary mobile home (given consent under reference 072160) to remain until 31 October 2009. It is around the mobile home that the unauthorised development has taken place.

4.2 On 8 May 2002 an outline application was received for the erection of a dwelling (O/COL/06/0740), this was given consent in July 2008, with permitted development rights taken away for A-E of part 1 of Schedule 2. The proposed dwelling will be situated approximately 90 metres away from the temporary mobile home and the unauthorised development.

- 4.3 The breach was first brought to the attention of the Enforcement Team in April 2008.
- 4.4 A visit to Roberts Farm revealed that a summerhouse and shed had been erected to the east of the mobile home. In front of the summerhouse earth had been moved to level the ground and provide a flat surface where an above ground swimming pool was positioned. Round the pool a fence was under construction with 5 globe lighting columns. Later wooden decking and steps were also erected.
- 4.5 During the meeting the owner informed me that her daughter had Downes Syndrome and she had installed the swimming pool to benefit her daughter's health. She claimed that as the development was adjacent to the temporary mobile home she did not need to make an application for planning consent. She was advised that there was no permitted development rights, so planning consent would be required.
- 4.6 I advised the owner that any application to retain the development may not be considered favourably however she stated that the pool was needed and therefore she would instruct an application to be submitted.
- 4.7 At the end of April a letter was sent to the owner requesting an application for retaining the works and for any additional works which she may be intending to undertake for the use of the swimming pool.
- 4.8 In June a follow up letter was sent as no application had been submitted.
- 4.9 In October 2008 an application was submitted for consideration (reference 081767), this was subsequently refused on 20 November 2008.
- 4.10 A further application was submitted on 12 February 2009 (reference 090179) which is due for determination on 9 April 2008. However there is no substantial difference in this application to that previously refused and so the Officer has also recommended this for refusal.
- 4.11 Although the applicant does have the right of appeal for 6 months following the issue of the Decision Notice, it was decided prudent to serve an immediate Enforcement Notice.

5. Proposals

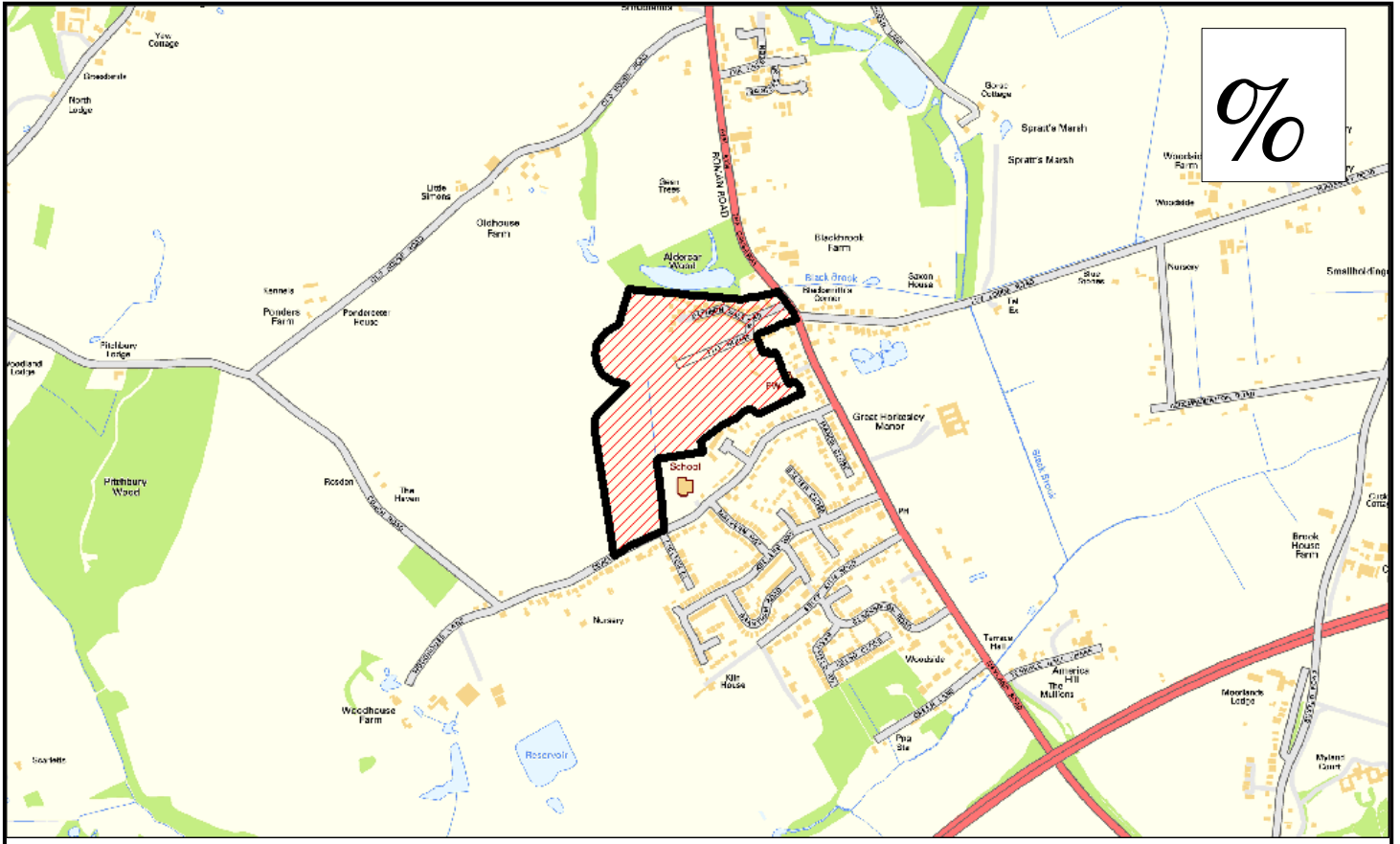
- 5.1 It is considered expedient, following refusal of 2 applications to take enforcement action to require the removal of the swimming pool, summerhouse, pool shed, decking and globe lighting columns. A period of compliance of three months is considered to be appropriate

6. Standard References

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

Background Papers

DCI - Adopted Review Colchester Borough Local Plan – March 2004
ENV1 & ENV2 - Colchester Borough Council's Core Strategy (2008)
ENV6 & ENV7 - East of England Plan 2008
PPS1, PPS3 & PPS7



Application No: F/COL/05/1807

Location: Land at Tile House Farm, Nayland Road, Great Horkesley, Colchester

Scale (approx): 1:1250

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Planning Committee

Item
10

16 April 2009

Report of	Head of Environmental and Protective Services	Author	John Davies ☎ 507838
Title	Horkesley Green Development, formerly Tile House Farm, Great Horkesley Colchester		
Wards affected	Great Horkesley		

This report concerns the provision of affordable housing within the above development and a proposal to change the status of 8 affordable flats from shared ownership to social rented accommodation to be let and managed by Colne Housing Society Limited.

1. Decision Required

- 1.1 To agree the variation and authorise an existing Agreement under S.106 to be appropriately varied by a Deed.

2. Reasons for Decision(s)

- 2.1 The Deed of Variation requires Committee approval as this type of amendment is not delegated to Officers to agree.

3. Alternative Options

- 3.1 If the amendment is not agreed the change in tenure may not be carried out and the implication is that the houses are likely to remain empty as it has not been possible to sell them to date.

4. Supporting Information

- 4.1 Full planning permission was approved for residential development on this site known then as Tile House Farm in 2006 under reference F/COL/05/1807. The site was originally to be developed by two developers- Mersea Homes and Ingleton Properties each covering the Northern and Southern housing areas respectively. However, after planning permission was granted Mersea Homes acquired the Southern site from Ingleton properties in order to develop it themselves. There was a legal agreement attached to the approval which regulated, among other matters, the provision of affordable housing and specified a tenure mix for rented and shared ownership units. This was as follows:

TYPE	RENTED		SHARED OWNERSHIP	
	Mersea	Ingleton	Mersea	Ingleton
2 bedroom house	2		4	
3 bedroom house	9	2		3
4 bedroom houses	5	12		
Total	16	14	4	3

4.2 A Deed of Variation dated December 2008 associated with approval of application 080005 increased the number of affordable housing units on the Southern Residential Site to twenty and the number of shared ownership units was increased to four.

5. Proposals

5.1 The proposal is to allow the RSL the ability to change of tenure of a total of 8 no. 2 and 3 bedroom houses from shared ownership to social rented. The units in question are as follows:

Former Ingleton Site- 4 x 3 bedroom houses- Plots 64, 67, 68 and 71

Mersea Homes Site- 4 x 2 bedroom houses- Plots 65, 66, 81 and 82

5.2 The RSL are seeking the flexibility to let these units as socially rented housing as an alternative to shared ownership. This is because of the current economic situation and difficulties in selling these units.

6.0 Consultation

6.1 The Great Horkeley Parish Council have been consulted and any comments will be reported at the meeting.

7. Standard References

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

Background Papers

Case file references- F/COL/05/1807 (Tile House Farm development)

