

# Planning Committee

Town Hall, Colchester  
1 October 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.

## Information for Members of the Public

### Access to information and meetings

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

### Have Your Say!

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

### Private Sessions

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

### Mobile phones, pagers, cameras, audio recorders

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

### Access

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

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Toilets are located on the second floor of the Town Hall, access via the lift. A vending machine selling hot and cold drinks is located on the ground floor.

### Evacuation Procedures

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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 1 October 2009 at 6:00pm

## **Members**

Chairman : Councillor Ray Gamble.  
Deputy Chairman : Councillor Stephen Ford.  
Councillors Mary Blandon, Helen Chuah, Mark Cory,  
John Elliott, Andrew Ellis, Theresa Higgins, Sonia Lewis,  
Jackie Maclean, Jon Manning and Ann Quarrie.

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

## **Agenda - Part A**

(open to the public including the media)

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

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

## **Pages**

### **1. Welcome and Announcements**

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

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

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

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

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

## **3. Substitutions**

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

## **4. Urgent Items**

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

## **5. Declarations of Interest**

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

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

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

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

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

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

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

Councillors should consult paragraph 7 of the Meetings General

Procedure Rules for further guidance.

## **6. Minutes**

**1 - 14**

To confirm as a correct record the minutes of the meeting held on 17 September 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. 091010 Sheepen Road Retail Park, Sheepen Road, Colchester (Castle) **15 - 21**

Erection of new A1/A3 (shops/restaurants and cafes) unit of 208 sq.m. (gross external), car parking alterations and associated works.
2. 091060 23 Gladwin Road, Colchester (Shrub End) **22 - 25**

Single storey rear extension for use as family room.
3. 091094 Caxton Close, Tiptree (Tiptree) **26 - 34**

Erection of community hall.
4. 090471 Gwynlian, Kelvedon Road, Tiptree (Tiptree) **35 - 51**

Change of use of land from agriculture to private gypsy caravan site including hardstandings for four caravans, the erection of a communal dayroom/utility building and the formation of a new access. Resubmission of 082030.
5. 090916 45 Cambridge Road, Colchester (Christ Church) **52 - 56**

Proposed single storey rear extension and loft conversion with new dormer windows.
6. 090939 10 Drury Road, Colchester (Shrub End) **57 - 60**

Demolition of existing rear extension and proposed single storey rear extension.

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

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





**PLANNING COMMITTEE  
17 SEPTEMBER 2009**

*Present :-* Councillor Stephen Ford\* (Chairman)  
Councillor Sonia Lewis\* (Deputy Mayor)  
Councillors Mary Blandon\*, Helen Chuah\*,  
Mark Cory, John Elliott\*, Theresa Higgins\*,  
Jackie Maclean\*, Jon Manning\* and Ann Quarrie\*

*Substitute Members :-* Councillor Peter Chillingworth  
for Councillor Andrew Ellis\*  
Councillor Laura Sykes  
for Councillor Ray Gamble\*

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

**96. Minutes**

The minutes of the meeting held on 3 September 2009 were confirmed as a correct record, subject to minute no. 83 being amended by the addition of the words below being inserted in the seventh paragraph after the words "There were concerns that there should be disabled parking spaces for all those using the building":-

"and that access arrangements under DDA legislation to the court house and courts, for example induction loops, should be installed as part of the construction of the building rather than being added at a later date".

**Councillor Jackie Maclean (in respect of her acquaintance with the Chairman of Chappel Parish Council) declared a personal interest in the following item pursuant to the provisions of Meetings General Procedure Rule 7(3)**

**Councillor Peter Chillingworth (in respect of his home being in Vernons Road some half a mile distant from the site) declared a personal interest in the following item pursuant to the provisions of Meetings General Procedure Rule 7(3)**

**97. 090891 Orchard Place, Vernons Road, Chappel**

The Committee considered an application for the retention of an existing unauthorised use of land for the permanent stationing of twelve caravans on six pitches for occupation by gypsy families, and including the erection of small toilet/utility sheds and the laying of hardcore/chipping/tarmac surfaces.

The application is a resubmission of 090559. The Committee had before it a report in which all information was set out.

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

Mark Russell, Planning Officer, attended to assist the Committee in its deliberations. The site was in a Countryside Conservation Area but following a review the land now had no status. The site is visible from a public footpath and the entrance is set back 6 metres from the carriageway in Vernons Road. There are concerns that there may not be enough space to put in landscaping and there was no provision for a children's play area.

Sue Chamley, Chairman of Chappel Parish Council, addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in opposition to the application. Legal advisors have not confirmed the validity of the application, the identity of the owners, or that the correct fee has been paid. The design of the site is not definite, has been changed and is ambiguous. There are inaccuracies and contradictions including details of ownership, the size of the site, and size and construction of the proposed utility buildings. These are all essential assessment criteria. She referred to the Government policy which set out criteria for a good site, none of which were met by this site. A good site should be on brown field land; inside a settlement envelope; provide main services such as electricity, water and sewage. Good sites should have good transport links whereas this site has a very poor bus service and is close to a blind bend on a single track country lane subject to no speed limits. There should be access to education: but there is no footpath, no street lights, no nursery facilities and no secondary education. There is no dentist, hospital, supermarket or well designed play area for children. The catholic church is 6 or 7 miles away. There is no evidence to suggest the applicant or agent has investigated any alternative sites. This site fails to meet any, let alone all, of the criteria required by Government policy. The reported crime rate has increased. It is believed that the applicants are not homeless but have moved to this site on a voluntary basis and have no association with the area. The parish council endorse the recommendation on the basis that the proposal is contrary to highway safety. They accept that there are limited sites within the borough but that does not mean that this site should be accepted.

Matt Thorne, resident adjacent to the site, addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in opposition to the application. He operates a Caravan Club site on his farm and the applicants are now their immediate neighbours. This application is unauthorised development, which has devastated his family life, health and business. He has been unable to sleep because of excessive noise levels

until the early hours of the morning. The planning officer's report refuses to accept that this development has had any impact on his business, but his guests have not enjoyed their holiday time in this situation. Indeed he has lost the vast majority of his business as a direct result of this development. Until this year he offered tranquility and beautiful views, both have gone along with his guests. His guests are disappointed with the site and the Caravan Club have expressed concerns about the impact of this development on their members. He asked the Committee not to allow the situation to continue; whether there are one or twelve caravans is irrelevant; the development must not be allowed and the site must be returned to its natural state.

Dave Cookson, agent to the applicants, addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in support of the application. The policy issues are fully covered in the report. He stated the guidance which requires councils to increase the number of pitches in the borough. The current Regional Spatial Strategy requirement is for a minimum of 30 pitches by 2011 to be provided, not just allocated. The comments from all consultees, apart from Highway Authority, are either favourable or not substantive. The Highway Authority does not explain why the vision splay is dangerous. They have not fully assessed the likely traffic impact. No assessment of traffic flows has been made, but there is very little traffic on this road, which gives access to only a few properties. Referring to policy H5, it was likely that many future sites will be located in the countryside not in villages, and it was unlikely that any site would be acceptable within a village envelope. Caravans are not heavy vehicles and would have no impact on the highway surface, neither do they require the same manoeuvring space as large vehicles. Towing vehicles will be medium size vans. Caravans will move only three or four times a year. Arguably the adjacent caravan site has a worse access on to the highway. Many residents walk along the road, and residents of this site can do likewise. He understood from Building Control that if the utility buildings are less than 30 square metres and are constructed of non-flammable material building regulations will not be required. There is no reason to suppose that children will be at risk, the site is fenced and parents will ensure their safety. Septic tanks are the responsibility of the Environment Agency. Mentioned has been made that potential problems may be caused by animals, but no mention has been made that animals will be kept on site, again therefore, it has been assumed it will be an issue. There are inaccuracies in the report; the gates were erected 5 years ago by a previous owner and are clearly visible on photographs, so this is not material to this application. The gates are set back 10.4 metres, not as stated in the report, and all but the longest vehicles can pull off from the road. The access is 3 metres wide and can accommodate 2 vehicles passing. He emphasised that:-

- the minimum number of pitches must be provided, not just allocated, and can include private as well as public sites, this looks unlikely;
- there is a marked lack of action on delivery of sites. Travellers prefer rural or semi-rural sites but this should not be an automatic reason to refuse;
- the LDF system is too slow to deliver sites.

The appeal Inspector is more likely to err in favour of sites where there is a lack of provision by councils. Sites are not required to be hidden from view.

The case officer explained that confirmation of the validity of the application and the fee is on the amendment sheet. There was some difficulty in getting a land registration survey and it was deemed sensible at that stage to invalidate the application. However, the correct fee for change of use has now been received. A preference for a brown field site within a village envelope is correct except for travellers' sites, for which it is accepted that they can be outside of settlement limits. The comment regarding access to educational facilities is noted, but in any case it would be true of any hamlet or scattered settlement and that is not sufficient reason for a refusal. There was no suggestion that children should play on the footpath, the point being made is that this is the only piece of land not privately owned. Apologies were given to Mr Thorne in respect of his comments about noise and the failure to recognise within the report that it had affected his business. It was acknowledged that building regulations alone are not sufficient reason for a refusal, but the mechanics of how a site is going to work is. A 30 metres square outbuilding would have to be fire resistant, i.e. not timber. Forty people in a small area will be more dominant than if there were fewer people. It was confirmed that there would be no overlooking or overshadowing. In respect of comments regarding animals, there have been sightings of travellers' horses grazing on land not belonging to them. Apologies were given in regard to inaccuracies concerning the gates.

Members of the Committee commented that the report was comprehensive and well balanced. The concerns of residents are listed in the report and many issues raised are not planning matters and cannot be taken into account. There was support for the general policy to provide gypsies/travellers with appropriate sites for those who want a permanent base and to educate their children, but also have a nomadic life. However, sites for settlement should be proper sites. A number of problems have occurred. There has been an occurrence where dogs nearly caused an accident when riders passed; rubbish has been thrown over the fence and spread around roads; loud music has been played, which has been turned down upon request, but with 40 people on the site there may be problems; stones have been thrown at the caravans on Mr Thorne's site. These are all very concerning to residents. Efforts have been made to find sites for

affordable housing within the village envelope but on each occasion sites have been turned down on highways grounds. This site is not on the edge of the village envelope, but there are similar highway concerns and residents feel that this application should be dealt with in the same way as it would be for housing. The road can be busy and contrary to the suggestion it does not lead from nowhere to nowhere; it is used by walkers, horse traffic and vehicles. The objection on highway grounds was supported. The proposal is over-development of the site because it does not comply with requirements applied to an authorised site. Forty people who chose to live a nomadic life are being imposed on the community. The parish council have listed the problems that the proposal will create. There is a possible third reason for refusal; the impact on the amenity of local residents. The effect on Mr Thorne's business, noise, rubbish, etc. has also been affecting people's amenity in the wider community. It was acknowledged that there is a shortage of sites in the borough. The site at Severalls has formal planning consent but is not yet developed. It is believed that Essex County Council are about to go out to tender and when completed it will provide 12 pitches in north Colchester; in due course this will be a suitable alternative site for travellers. There was support for the council's policy to find appropriate and suitable sites for gypsy and traveller communities. This site however cannot be sustained; the report explains that sites should be sustainable with access to suitable accommodation, health and welfare provision. This site does not provide proper space, adequate sanitation, adequate recreation space, and there are unresolved highway issues. There is no proper provision for travellers in the borough and sites like this are coming to the Committee. This site is retrospective and difficult to support because the work has already been carried out. The proposal is over-development and if it were for any other kind of housing it would not be allowed. There is no mutual respect where applications like this are retrospective. Well-maintained sites are very nice places to live but this site is unsuitable.

It was confirmed that noise is included in the reason for refusal and it is correct that there is other legislation such as environmental health to control noise, however, it is included here because so many people are living in such a small space and the noise is greater than would normally be expected. The rubbish being dumped may have been put there by anyone, however in planning terms a condition could be added requiring waste storage facilities which are adequate for the purpose to be provided. The effect on a business is difficult to use as a reason for refusal where the noise is disturbing a neighbour's guests. The planning system is not available to protect the neighbour's business. In terms of material planning considerations the relevant impact on a business is the issue of loss or creation of jobs. Planning legislation is not able to protect a business from an alternative use.

*RESOLVED* (UNANIMOUSLY) that the application be refused on the grounds that the site is too small to accommodate the proposal in a satisfactory manner, and would dominate its surroundings. In addition the site does not have sufficient visibility splays to achieve highway safety.

**98. 090725 Land to the east of Port Lane, Colchester**

The Committee considered an application for the erection of 224 dwellings and had before it a report in which all information was set out.

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

Bradly Heffer, Principal Planning Officer, attended to assist the Committee in its deliberations. The main access to the site would be from Port Lane. The development would comprise character areas within the site and whilst there would be some three and four storey units, the majority of the properties would be two stories to reflect the general character in the area. There would be no visual distinction between the affordable housing and market housing. The development follows the Essex Design Guide in terms of materials and form, and garden sizes reflect the close proximity to open space. The land slopes gently down from west to east and there will be some material required to replace any removed as a result of the decontamination process. Unlike the earlier application in which it was proposed that St Leonards Street be a cul de sac, it is now proposed that St Leonards Street remain unchanged but with new residential properties along the southern side. It is considered that this scheme has addressed the points raised when the previous application was presented in terms of size, density, affordable housing and private amenity areas. The response to the surrounding character of the area is constrained by the presence of the factory but the conditions as suggested can adequately mitigate its impact on the residential development.

Frances Sparrow addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in opposition to the application. She resided in St Leonards Street on the sharp corner with St Leonards Terrace. Her remaining concern was the narrow corner which causes problems with heavy vehicles, delivery lorries, etc. She acknowledged that the access had changed but she remained concerned that residents of St Leonards Terrace have their own off street parking but she does not. She wanted some means of dealing with the problems of the corner.

It was explained that there is on street parking at this location but that there would be no worsening of the situation as a result of the new development

because those properties have their own parking spaces. There could be emergency vehicles entering the new development at that point but the main entrance into the development would be from Port Lane. The Highway Authority are content with this arrangement.

Members of the Committee recognised that this application had addressed all the concerns raised on the earlier application; this proposal is a complete turnaround in as much as a poor proposal was rejected and something much better is now proposed. There are only twenty-five flats within the proposal and family homes are now included. It was suggested that the Committee ask for yellow lines to protect the corner that the public speaker mentioned.

It was explained that it would be possible to add an Informative that the Highway Authority be requested to consider the use of yellow lines to protect the corner of St Leonards Street.

*RESOLVED* (UNANIMOUSLY) that –

(a) Consideration of the application be deferred for completion of a Section 106 Agreement to secure contributions as follows:- £92,000 towards education; £400,000 towards Open Space, Sport and Recreational Facilities; £30,000 towards community facilities; £378,000 towards business and enterprise; and £190,000 towards improvements to the highway network in the vicinity of the proposal site as considered necessary and/or appropriate by the Highway Authority; together with the incorporation of additional elements:- provision of 25% affordable housing units in accordance with the location, mix and tenure shown in the submitted application; the provision of a Transport and Marketing Scheme which shall include, amongst other features, free season tickets and timetable information as well as publicity, e.g. by poster and leaflet.

(b) Upon receipt of a satisfactory Section 106 Agreement, the Head of Environmental and Protective Services be authorised to grant consent with conditions and informatives as set out in the report.

(c) The case officer to contact Essex County Council Highway Authority to request an investigation into whether yellow lines can be provided where Standard Road meets St Leonards Road.

## **99. 090909 East View, Straight Road, Boxted**

The Committee considered an application for a change of use from a doctor's surgery to a domestic dwelling, together with alterations to the roof

to form three bedrooms. 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.

#### **100. 090984 13a Nayland Road, Colchester**

The Committee considered an application for a new disabled dental clinic. The application is a resubmission of 090550. The Committee had before it a report in which all information was set out, see also Amendment Sheet.

John More, Principal Planning Officer, attended to assist the Committee in its deliberations. The proposed building is sited at the rear of the existing building. There is a current permission for two offices. The original permission for a dental practice was conditioned to limit the number of treatment rooms to one and there is an ongoing investigation on the number of rooms being used following objections to this application. Currently the parking arrangements are not controlled and in respect of the new application, parking is the contentious issue.

Anthony Welham addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in opposition to the application on the grounds of over development of the site and insufficient off-street parking to support the use leading to an increase in on-street parking. There are three treatment/consulting rooms, which results in a high number of vehicles parking at the rear where the permission is for only four vehicles. He wanted the planning permission to be enforced by reducing the number of employees to three from the number that are currently working in the practice. He believed there were two consulting rooms with a third currently being set up, leading to the increase in the number of cars. The four spaces at the front of the building are not connected to the practice. He was of the opinion that at least four spaces are required for each consulting room.

Sam Matthews addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in support of the application. A previous owner had planning permission to build five offices on the site. They needed to comply with the Disability Discrimination Act and were obliged to make their services available to all. Their facilities on first floor were not suitable and there was a need to improve access. They are able to carry out most treatments in their clients' homes, but for extractions and fillings all clients had to attend at the clinic. However, getting them up to the first floor is proving difficult. The new surgery on the ground floor is



therefore important but its construction would not attract new patients. The objections on the grounds of car parking are noted and in the new arrangements parking spaces would be marked out. They are on a good route for public transport and they employ local staff who could walk. There are also plans for a car sharing scheme.

Members of the Committee accepted that there was a problem where the access to no. 15 Nayland Road was being obstructed and that it was intended to mark out the parking spaces but it was difficult to prevent parking in front of the garage. It was recognised that the facility was needed and the existing permission would result in more demand for parking spaces. It was noted that no objections had been received from the Highway Authority regarding on street parking.

It was explained that there would be twelve parking spaces and two disabled spaces marked out. It would be possible to require hatching in front of the garages to ensure that clients do not obstruct the access. The disabled parking spaces would be to the current adopted parking standards, but they would not necessarily be sufficient for two large ambulance vehicles.

*RESOLVED* (UNANIMOUSLY) that the application be approved with conditions and informatives as set out in the report, see also Amendment Sheet, together with an additional condition requiring the area to the front of the garage of no.15 Nayland Road to be marked out with hatching to prevent blocking the access to the garage and a notice to be displayed within the waiting room to ask patients to park considerately and not to obstruct the hatched area.

#### **101. 091002 Abbots Wick Farm, Abbots Wick Lane, Great Wigborough**

The Committee considered an application for a change of use and the minor alteration of a barn to form a granny annexe and ancillary leisure space. The Committee had before it a report in which all information was set out.

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

John More, Principal Planning Officer, attended to assist the Committee in its deliberations. He explained that the applicant was willing to enter into a legal agreement to tie the barn to the dwelling house and thus prevent it being sold off separately. It was also noted that the Highways Authority had recommended refusal on highway grounds and that they had successfully defended appeals in respect of this site on those grounds.

Ted Gittins addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in support of the application. The applicant had tried to find a use for the barn to limit traffic generation. The barn is not within the curtilage of the main building so it cannot be listed. There was a similar barn alongside which was lost in the 1987 storm. The aim of the application was to find a low key use associated directly and tied legally to the farmhouse to provide accommodation for a carer for the applicant's elderly mother. The house and barn would be tied so they cannot be used separately. In respect of the highway objection, he commented that the traffic generation from this use is minimal.

Councillor Ellis attended and, with the consent of the Chairman, addressed the Committee. The parish council supported the application and would like to see the barn put to a beneficial use rather than it be allowed to fall into disrepair. The site had a long history but he did not believe this applicant had submitted any of the previous applications. He has agreed to sign a legal agreement to tie the barn into the main house so it cannot be sold separately. The parish council keeps a record of any reported accidents and to date there have been none in this location, even though the Highway Authority consider this to be an inadequate junction. The only extra vehicle being used is that belonging to the carer; the elderly person does not have a vehicle, although this situation could change. There are two large farms using this lane and he considered that one extra vehicle was a price worth paying to retain the landscape. He believed that this proposal will not cause unacceptable harm and hoped the Committee would agree with local people and grant the application.

Members of the Committee considered that the Highway Authority must have a strong case. This application is different from previous applications, which had been refused because most of them had the potential for increasing traffic. The barn itself, although not listed is interesting and in excellent condition, and there is a risk it will be lost. If there is an acceptable reuse it should be looked at carefully. The sight line to the south of the junction is very good, but in the other direction it is below the standard that the Highway Authority would normally require. In any case there was nothing to prevent an increase in traffic occurring from the main house. It was suggested that the applicant could make a small contribution towards improving the junction or any other purpose the Highway Authority might nominate.

It was explained that if members were to indicate they wanted to grant permission it would be appropriate to consult the Highway Authority to seek any conditions which may be required.

*RESOLVED* (UNANIMOUSLY) that –

(a) Consideration of the application be deferred for completion of a satisfactory Legal Agreement to tie the use and occupation of the building as ancillary to the main house in perpetuity.

(b) Upon receipt of a satisfactory Legal Agreement, the Head of Environmental and Protective Services be authorised to grant consent with any conditions and informatives considered appropriate, including materials, timber windows.

## **102. 090588 17 East Mersea Road, West Mersea**

The Committee considered an application for a change of use of an existing swimming pool for non-domestic purposes. The Committee had before it a report in which all information was set out.

John More, Principal Planning Officer, attended to assist the Committee in its deliberations. The Highway Authority had asked that the access be narrowed to improve road safety in this situation. It was 45 metres to the nearest residential property. Environmental Control had received no complaints during the seven years of operation of the swimming pool.

Moira Davidson addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in opposition to the application. On the website there were over 60 comments in favour of the development. She considered it unfair to impose that level of use in a residential area. The swimming pool is nearer to her house than to Mr Banks' and both she and her neighbours had tolerated the situation for some time. She would like stringent conditions and a time of opening as currently there did not appear to be any time when the pool was not being used, except for the middle of the night. She was able to hear children screaming from inside her house and there was no means of drainage.

David Banks addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in support of the application. He accepted all the conditions discussed including the access with the Highway Authority and would be able to comply with their conditions. It is a local asset and a benefit to the community and letters of support had been received. The only alternative open to their customers would be to go to Colchester or not be able to learn to swim. It is possible to ensure the neighbours are not upset by the proposal. Before they bought the house the site was used for demolition and reconstruction. He was willing to comply with noise reduction conditions and the Highway Authority conditions were a very valuable asset. The town council supported the application and he hoped the problems raised by the neighbours could be resolved.

Members of the Committee appreciated the shortage of swimming pool spaces in the south of the borough, but had concerns about the length of time the pool is open for use by groups, particularly the use on Sundays, and also any pollution caused by chemicals used in the pool.

It was explained that the Condition 2 setting out hours of use could be amended to prohibit opening on Sundays other than for the owners of the dwelling. Condition 3 specifies that when groups are using the pool the doors and windows are to remain closed. The proposed informative regarding a noise reducing measure on the boardwalk could be added to the conditions which would enable the enforcement team to take action if there were any complaints relating to noise. The application is for a change of use and conditions regarding drainage are inappropriate as the building and pool are permitted developments.

*RESOLVED* (MAJORITY voted FOR) that the application be approved with conditions and informatives as set out in the report, subject to condition 2 being amended to preclude business use on Sundays, no more than 10 school children to be permitted in any one session, and the proposed informative to be reworded as a condition.

**Councillor Peter Chillingworth (in respect of his acquaintance with Richard Tattersall, the Council's independent consultant) declared a personal interest in the following item pursuant to the provisions of Meetings General Procedure Rule 7(3)**

**103. 090755 Woodhouse Lane, Coach Road, Great Horkesley**

The Committee considered an application for a proposed livestock building plus a change of use of land for the temporary stationing of a mobile home. The Committee had before it a report in which all information was set out.

John More, Principal Planning Officer, attended to assist the Committee in its deliberations. Consultants have confirmed that the barn would be suitable for keeping livestock. The proposal has passed the tests for functional and financial need. Objections received were on the grounds of noise and pollution.

Michael Foley addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in opposition to the application. He was a joint owner of the adjacent property, which was a business centre comprising a consultant engineering business. They work in a studios

atmosphere and environment. This application caused him concerns, specifically those relating to the impact of noise on his business, his employees and visitors; and that odours and waste may affect their environment. He was also representing Dr Marfleet, the occupier of a house also adjacent to the site. Dr Marfleet was concerned about the run off of effluent from the site and that any issues of waste disposal which may affect his property should be properly addressed. According to the officer's report before the Committee, the report on environmental issues appears to have been simply 'noted'.

Tim Knighton addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in support of the application. He has farmed all his adult life as have two generations of his family before him. He is based in Great Horkeley where he farms 700 acres of arable land, which he manages single-handed. However, he has experience of keeping cattle having managed a dairy herd on a nearby farm prior to 2002. The herd was sold because it was uneconomic but he now wanted to return to beef production and to enjoy the benefits of a mixed farm, particularly now as there was a high demand for quality beef and prices were buoyant. He was of the opinion that cattle kept on straw in a properly designed farm building produced virtually no odours or noise. They would be away from any other properties. A beef unit would justify the employment of an additional worker and he asked the Committee for their support.

Members of the Committee commented that agriculture in the countryside sometimes produces side effects such as smells and noise which people living there accept it if they are near a farm. The point regarding pollution should be properly addressed and it was hoped that a requirement to provide information on the storage of manure, straw bedding and any effluent control would be required. The functional need for a cattle building and the business plan has been accepted by the Council's own consultant; the Council is not just relying on the applicant's consultant.

It was explained that Condition 7 requires details of foul and surface water drainage to be submitted but an additional condition could be included for details of a septic tank for the mobile home to be submitted. An Informative is included indicating that the Environment Agency require details of a scheme for pollution provision, effluent storage and disposal, but this could be reworded as a condition. Condition 2, which permits a temporary mobile home for 3 years, could be reworded so that it cannot be occupied until the commencement of the livestock business.

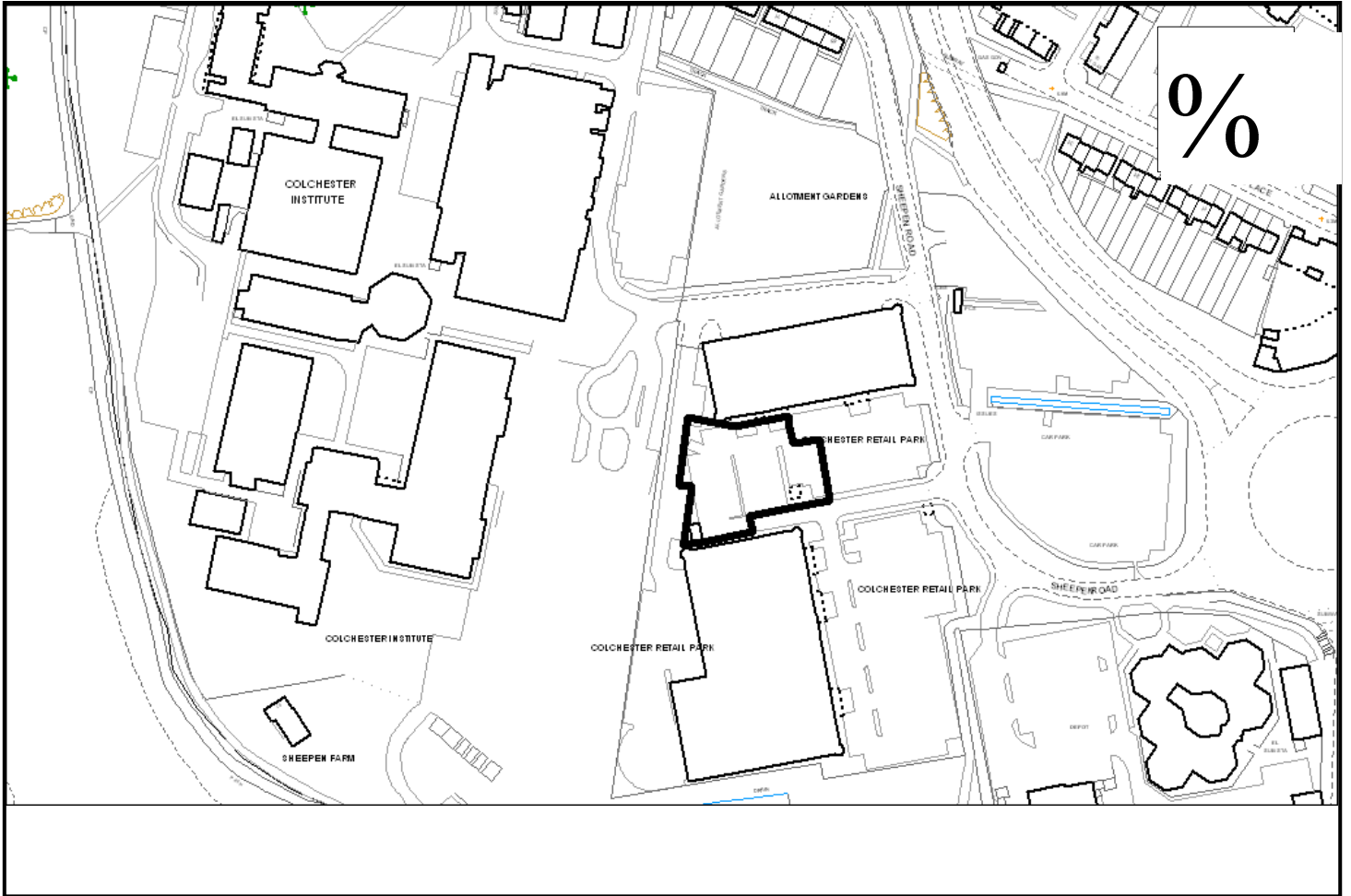
*RESOLVED* (UNANIMOUSLY) that the application be approved with conditions and informatives as set out in the report, and including the following amended and additional conditions:

- Condition 2 to be reworded to ensure the removal of the caravan after 3 years and the site returned to its former condition. The mobile home is not to be occupied for residential purposes until the cattle shed is functioning for the purpose permitted;
- an additional condition to require details of a septic tank or private treatment plant to be submitted and agreed; and
- an additional condition to require details of pollution prevention measures, including details of manure storage and disposal, to be submitted and approved.

#### **104. 090823 Unit 2, Tollgate East, Stanway**

The Committee considered an application for a change of use from class A1 Retail, to B1 Business, B2 General Industrial, and B8 Storage and Distribution, with ancillary retail under Colchester Borough Council Planning Policy EMP1. 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.



**Application No:** 091010

**Location:** Sheepen Road Retail Park, Sheepen Road, Colchester

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

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## Committee Report

Agenda item

**7**

To the meeting of **Planning Committee**  
on: **1 October 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 Davies

**MINOR**

**Site:** Sheepen Road Retail Park, Sheepen Road, Colchester  
**Application No:** 091010  
**Date Received:** 31 July 2009  
**Agent:** Mr Simon Neate  
**Applicant:** Standard Life Investments  
**Development:** Erection of new A1/A3 (shops/restaurants and cafes) unit of 208sq.m. (gross external), car parking alterations and associated works.  
**Ward:** Castle

**Summary of Recommendation:** Conditional Approval

### 1.0 Site Description

1.1 The application site comprises part of the Colchester Retail Park located between Sheepen Road and Colchester Institute. The park comprises two blocks of large format retail warehouse units with parking arranged in front of the units and a single access from Sheepen Road.



## **2.0 Proposal**

- 2.1 Proposal is for a stand-alone Class A1/A3 unit situated at the western end of the car park area backing onto the service road. It would be positioned in between Unit C (Brantano) and Unit B2 (Maplin).
- 2.2 The application is accompanied by a Planning Statement and DAS.
- 2.3 The Planning Statement main points are as follows:
- Planning permission 06/1720 for an extension to Unit C will not be implemented if this application is approved.
  - Proposed unit is ancillary to existing units and will not generate additional trips
  - No need to justify 'need' for development – no existing A3 provision in retail park, increase in floorspace offset against approved floorspace not to be implemented.
  - No requirement for sequential test because use is small in scale and no other centres would serve the restricted catchment of the retail park.
  - There is a reduction in loss of car parking spaces compared to extant approval- 19 spaces lost compared to 33 before.
  - Existing level of cycle parking to be maintained- 107 spaces in total. Provision of replacement shelter for one to be removed.
- 2.4 The proposal is for a unit of 208 sq m in gross area. The design of the building has been amended from that originally submitted.

## **3.0 Land Use Allocation**

- 3.1 Retail warehousing

## **4.0 Relevant Planning History**

- 4.1 O/COL/96/1681- Outline approval for 5574 sq.m of non food retail floorspace- granted on appeal 24.2.98. (NB- no restrictions imposed on range of goods that can be sold)
- 4.2 06/1720- Retail extension alongside Unit C to provide additional 920 sq.m of retail floorspace. Approved April 2007. Not implemented.

## **5.0 Principal Policies**

- 5.1 Adopted Review Colchester Borough Local Plan-March 2004  
DC1- Development Control considerations  
UEA11 -Design
- 5.2 Adopted Core Strategy:  
CE1 - Centres and Employment Classification and Hierarchy  
CE2 - Mixed Use Centres  
CE2A - Town Centre

## **6.0 Consultations**

- 6.1 Spatial Policy Team raise no objections having regard to the scale of the proposed development, its status as an alternative to an extant permission, its location within an existing retail park and the relative good accessibility of the site to the town centre.
- 6.2 Design and Heritage Unit- commented on the originally submitted design and considered that it lacked imagination and was too utilitarian in appearance. They suggested that the smaller scale of the building required more refined and considered detailing and a more exciting architectural response that serves to attract more customers.
- 6.3 Highways Authority- no objection.
- 6.4 Archaeological Officer requests condition seeking 'watching brief ' during construction works by a registered archaeological contractor.

## **7.0 Representations**

- 7.1 Colchester Cycling Campaign (CCC) urge refusal on grounds of increased traffic to the retail park likely to be to detriment of safety of pedestrians and cyclists. Request that if minded to approve permission there is provision by way of s.106 agreement contribution towards toucan crossing at north end of Balkerne Hill, improvements to cycle access across Westway between east and west Sheepen Road and formation of area wide transport plan.
- 7.2 Civic Society consider the original design needs to be more unified to the site and prefer the monopitch roof to be reversed and roof pitch steepened to at least 30 degrees. Any comments on revised design to be reported.
- 7.3 Objection from resident in Castle Road. Concerned at the possible impact of this development on traffic levels in Sheepen Road. Sheepen Road carries high volumes of pedestrian traffic, including considerable numbers of staff and students accessing Colchester Institute and St Helena School. Additionally, it is an important part of Colchester's cycling network. Wants to see a traffic plan which adequately addresses access to the development by means other than car. Suggest that a requirement of the development might be to support improvements to the inadequate cycle path from Balkerne Heights to Sheepen Road, which requires a better junction with Sheepen Road, and perhaps also to contribute towards improvements to the underpass between Sheepen Road and Sheepen Place, which could incorporate a good standard cycle route.

## **8.0 Report**

- 8.1 The main issues for consideration are the principle of development within the existing retail park, urban design, parking and servicing issues and landscaping.

### Principle of development

- 8.2 The submitted Planning Statement sets out the applicant's case in favour of the development citing the following points:
- No requirement to justify retail 'need' for development because there is no existing A3 provision in retail park and the increase in floorspace can be offset against approved floorspace which is not to be implemented.
  - No requirement for a sequential test under PPS6 because use is small in scale and no other centres would serve a restricted catchment of retail park.

These points are accepted by the Policy Team, who considers the proposal to be acceptable as a small scale increase in floorspace and in the context of the expressed non implementation of the extant permission. The proposal is therefore considered acceptable in principle.

### Urban Design

- 8.3 The proposed building is to be located at the western end of the site and will therefore not be prominent in views from Sheepen Road. However, it will provide a degree of built enclosure to the car park and will, in design terms, help to link the two main blocks together and provide a visual 'stop' to views through the gap.
- 8.4 The original design of the building was considered to be unsatisfactory and not of sufficient high quality. Following comments from the Design Officer, the applicants have submitted a revised design. This shows a flat roof with a curved overhang supported on columns with a curved frontage expressed in framed glazing and brick walling to the sides and rear. The Design Officer considers the revised design to be much improved and is now acceptable.

### Parking and Servicing Issues

- 8.5 With regard to traffic generation the main points to note are that this proposal is in substitution of an extant permission for a greater amount of A1 retail floorspace. In addition, the unit is unlikely to generate new trips as it will be ancillary to existing retail units and would rely on trade already generated by the retail park and other customers within walking distance including the Institute and nearby offices. It is therefore not considered that the proposal would significantly increase traffic levels above existing. On this basis it is not considered that the development should reasonably contribute to any highway or transportation improvements as suggested by CCC and the individual objector. No objections are raised to the proposals by the Highway Authority.
- 8.6 The proposals will have impacts on the existing parking arrangements. However, there will be a reduction in the loss of car parking spaces compared to that under the extant approval. Only 19 spaces would be lost compared to 33 spaces before.

## Landscaping

- 8.7 The proposal would result in the loss of some small trees planted when the estate was first developed. Whilst the loss of these trees is regrettable, in the context of the benefits of the appearance of the proposed building their loss can be justified. Nevertheless, officers will seek compensatory planting, where possible, on the retail park as part of a landscaping condition.

## Other matters

- 8.8 With regard to restaurant plant and refuse storage the submitted plans indicate that provision would be made for these elements to the rear of the store. A condition is proposed requiring details to be submitted in order to ensure that plant and refuse are satisfactorily enclosed.
- 8.9 In the light of the above considerations conditional approval is recommended.

## **9.0 Background Papers**

- 9.1 ARC; PP; DHU; HA; AT; CCC; Civic Society; 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 - Non-Standard Condition

The car parking layout as shown on drawing 8477 SK03 Rev A shall be fully implemented prior to the opening of the unit and used as a shop or restaurant/café and shall be retained as such thereafter.

Reason: In order to ensure that the development is carried out as approved.

#### 3 - Non-Standard Condition

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.

#### 4 - Non-Standard Condition

The applicants shall commission a professional archaeological contractor to observe the excavations and allow sufficient time for the recording of any features and finds of interest.

Reason: To ensure that any remains of archaeological importance are properly recorded.

#### 5 - Non-Standard Condition

Replacement cycle parking for that removed shall be provided prior to the commencement of use of the building hereby approved in accordance with details that shall have been submitted to and approved by the Local Planning Authority.

Reason: In order to ensure that satisfactory facilities for cyclists visiting the retail park are maintained.

#### 6 - A3.1 Premises Only to be Used for a Specific Use

The premises shall be used for Class A1 (retail) or Class A3 (restaurant and cafe) and for no other purpose.

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

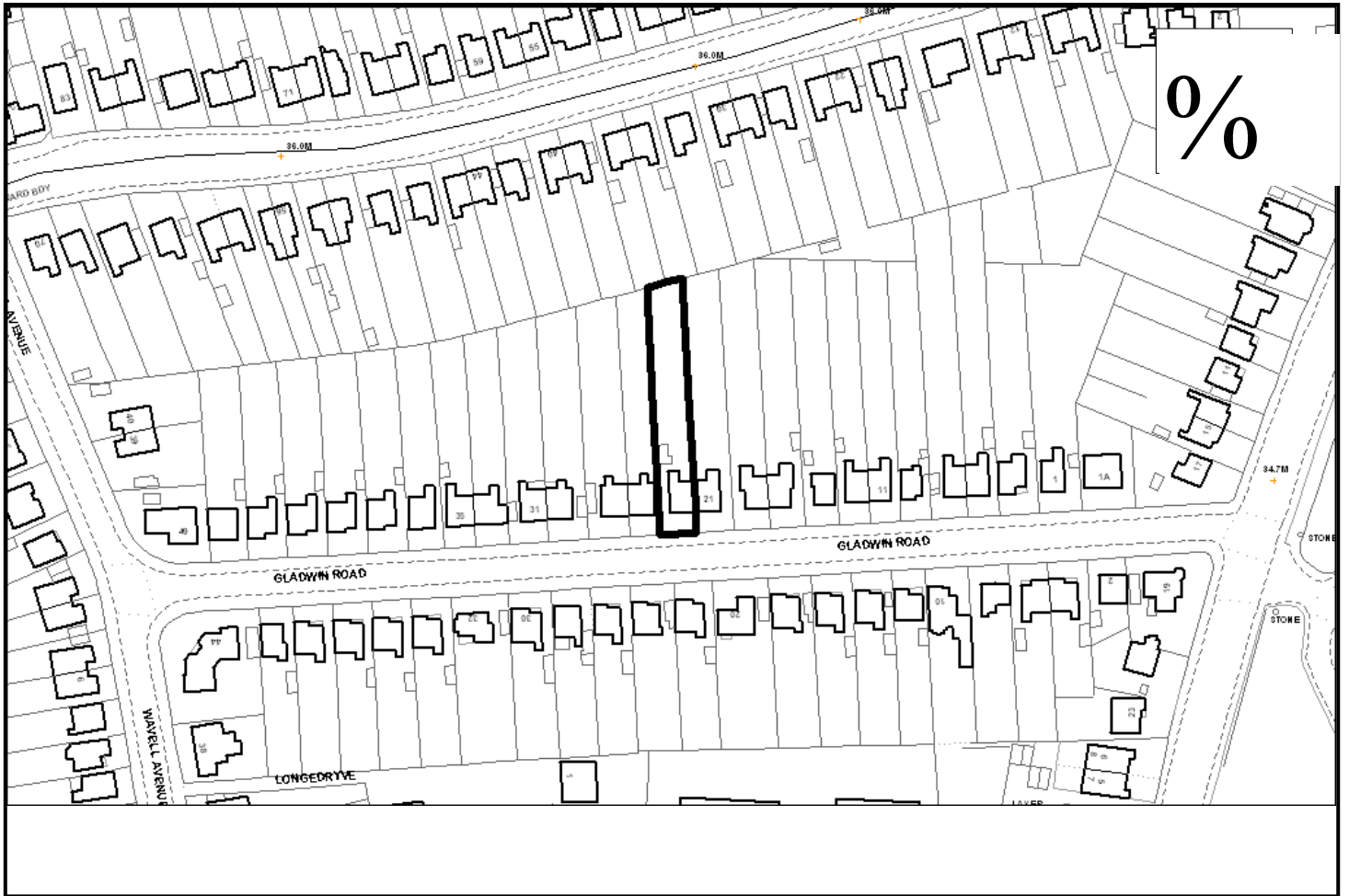
#### 7 -Non-Standard Condition

Details of the provision of refuse and recycling storage and any external plant associated with the approved use shall be submitted to and approved by the LPA before works commence on site. The development shall be carried out in accordance with the approved details.

Reason: In order to ensure that such provision is satisfactorily provided in the interests of the visual amenity of the area.

#### **Informatives**

You are advised that any signage on the building shown on the submitted plans is not hereby approved and is subject to separate approval under the Advertisement Regulations.



**Application No:** 091060

**Location:** 23 Gladwin Road, Colchester, CO2 7HW

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

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**7.2 Case Officer: Dale Keeble EXPIRY DATE: 05/10/2009**

**OTHER**

**Site:** 23 Gladwin Road, Colchester, CO2 7HW

**Application No:** 091060

**Date Received:** 10 August 2009

**Agent:** Mr K J O'Dell

**Applicant:** Mrs Chris Johnston

**Development:** Single storey rear extension for use as family room.

**Ward:** Shrub End

**Summary of Recommendation:** Conditional Approval

## **1.0 Planning Report Introduction**

1.1 This application seeks approval for a single storey lean-to extension to the rear of this semi-detached dwellinghouse. The application is presented to Committee purely because the direct neighbour works for Colchester Borough Council.

## **2.0 Site Description**

2.1 Permission is sought for a single storey extension to the rear elevation of 23 Gladwin Road, Colchester. The extension will provide an enlarged breakfast/family room and would be constructed in matching materials to those of the host building - i.e. red brick and artificial slates. External dimensions are 3.8m x 3.45m.

## **3.0 Proposed Development**

3.1 Single storey rear extension

## **4.0 Land Use Allocation**

4.1 Residential

## **5.0 Relevant Planning History**

5.1 F/COL/04/1468 - Single storey rear extension - Approved 21 September 2004

88/1373 - Rebuild kitchen with bedroom extension over - Approved 16 September 1988.

## **6.0 Principal Policies**

6.1 The following Local Plan policies are relevant:

DC1 - Development Control considerations

UEA11 - Design

UEA13 - Development, including extensions, adjoining existing or proposed residential property.

6.2 In addition the following Core Strategy policy applies:-

UR2 - Built Design and Character

## **7.0 Consultations**

7.1 All relevant neighbours have been consulted on the application.

## **8.0 Representations**

8.1 One letter received from the immediate neighbour at 21 Gladwin Road who is a Colchester Borough Council employee. The neighbour has no objections to the extension now that amended plans have been received showing the side elevation of the proposed extension being used as a party wall under the Party Wall Act 1996.

## **9.0 Report**

9.1 This application relates to a similar application to that approved in 2004, for a single storey rear extension. When originally submitted the extension was to be built up to the adjoining neighbour's boundary line and project 3.8 metres rearwards, however, the neighbour suggested moving the extension to form a party wall under the Party Wall Act 1996. This was agreed by the applicant/agent and amended plans have been submitted showing this now to be the case.

9.2 The views of the neighbour are acknowledged. The proposal complies with relevant residential design and amenity policies, is not considered to be unreasonable and therefore approval is recommended.

## **10.0 Background Papers**

10.1 ARC; 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.

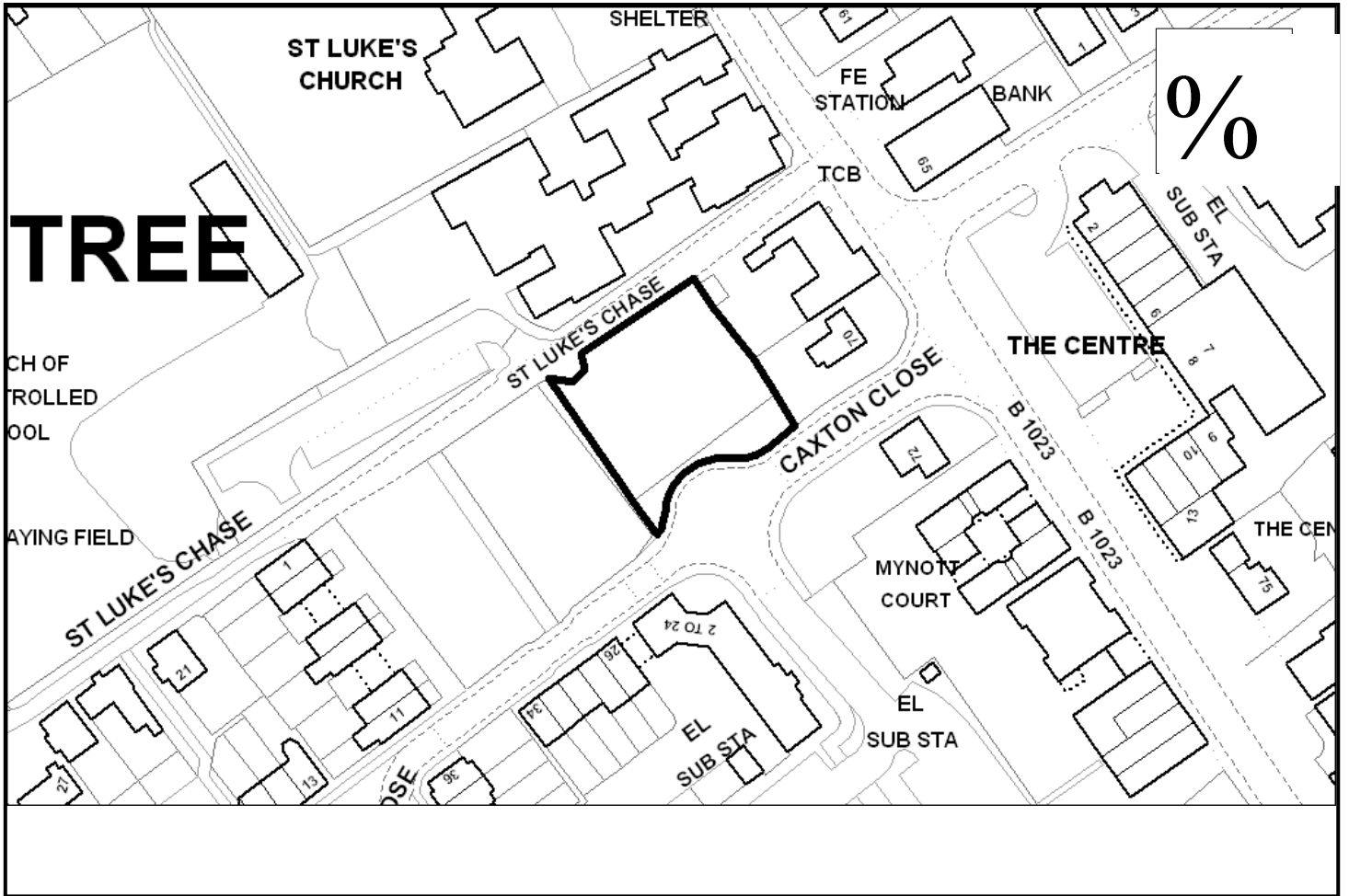
Reason: In order to comply with Section 91 (1) and (2) of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004



## 2 - Non-Standard Condition

The external materials and finishes to be used shall be as stated on the application form and as indicated on the approved plans and schedule returned herewith, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the development has a satisfactory appearance in the interests of visual amenity.



**Application No:** 091094

**Location:** Land Between St Lukes Chase &, Caxton Close, Tiptree, Colchester

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

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**7.3 Case Officer: Nick McKeever**

**EXPIRY DATE: 13/10/2009**

**OTHER**

**Site:** Caxton Close, Tiptree, Colchester

**Application No:** 091094

**Date Received:** 18 August 2009

**Agent:** The Owen Partnership

**Applicant:** Tiptree Parish Council

**Development:** Erection of community hall.

**Ward:** Tiptree

**Summary of Recommendation:** Conditional Approval

## **1.0 Site Description**

- 1.1 This site forms part of the former Tiptree Book Services site, which has been redeveloped for a Tesco Store and for residential use. There remains one parcel of land within this redeveloped area, which is the site of this application. To the north of the site is St. Luke's Chase, with St. Luke's School immediately adjacent and St. Luke's Church just beyond the school. To the south and to the east are commercial properties within the Tiptree Rural District centre. Immediately to the west is a play area, with new residential development beyond.
- 1.2 Access to the site is via Caxton Close, off Church Road.
- 1.3 The site (0.11 hectares) benefits from previous planning permissions for a Community Centre, details of which are given below. The current submission is based upon the fact that the actual site is approximately 2 – 3 metres smaller in length.
- 1.4 The building is single storey incorporating a hipped roof with gabled elements. The external materials consist of a buff facing brick with red contrasting brick features and red concrete interlocking tiles.
- 1.5 The accommodation includes a central, main hall, a smaller hall and office/store/infant's toilet within a side wing, together with a meeting room/toilets/office/kitchen & store in a wing on the opposite side of the building.
- 1.6 Two disabled parking bays together with a vehicular turning area and bicycle racks are provided on the Caxton Road frontage. To the rear is a secure play area.
- 1.7 Full details of the application are set out within the supporting Design & Access Statement, which can be viewed in full on the Council website.

## **2.0 Land Use Allocation**

- 2.1 Residential  
Tiptree Central Enhancement Area  
Rural District Centre  
Potential Contaminated Land

## **3.0 Relevant Planning History**

- 3.1 The site lies within the former TBS site, now redeveloped for residential and for a Tesco foodstore with associated parking.
- 3.2 F/COL/02/1009 – New community centre and social centre. Approved 1 August 2003
- 3.3 F/COL/06/0078 – New community centre, disabled parking facilities and landscaping. Approved 25 May 2006

## **4.0 Principal Policies**

- 4.1 Adopted Review Borough Local Plan  
Development Control Considerations - DC1  
Design - UEA11& UEA13  
Tiptree Central Enhancement Area - TIP1  
Tiptree Book Services Site – TIP2

## **5.0 Consultations**

- 5.1 Environmental Control comments that the site lies within 250m of a former (or suspected) land fill site. A condition requiring the incorporation of landfill gas measures should be applied to any permission. In addition the standard informative relating to Demolition & Construction is required.
- 5.2 The Highway Authority comments as follows:-

“The Highway Authority does not wish to object in principle to the proposed development, however, it does raise concerns regarding the lack of pedestrian access to the proposed development, the geometry and suitability of the vehicular access and the proposed parking and turning facilities for service and delivery vehicles within the site curtilage.

The Applicant should be invited to provide such additional information as listed below:

- a revised plan showing pedestrian access to the site;
- a swept path analysis plan confirming that the access arrangements are suitable for a Band 3 vehicle to enter and leave the highway in a forward gear;
- a swept path analysis plan showing a workable size 3 parking and turning facility within the site curtilage.

## **6.0 Parish Council's Views**

- 6.1 Not applicable

## **7.0 Representations**

7.1 Two letters have been received raising the following issues:-

- Existing problems with vandalism in the area. This will be another target.
- Lack of on-site parking will exacerbate existing problems.
- An alternative site outside of the residential area was turned down.
- Lack of need and the waste of financial resources in the current adverse economic climate.

7.2 These letters can be viewed in full on the Council website.

## **8.0 Report**

8.1 The principle of the erection of a community centre upon this site has already been established through the two planning permissions in 2003 and 2006. There has been no significant change in site related circumstances since the 2006 permission that would have a material impact upon the consideration of this current application.

8.2 The design of the proposed building is very similar to that previously approved. The only significant difference is that the overall length of the new building is slightly smaller than this previous building. This reflects the fact that the site has been found to be correspondingly smaller than previously approved.

8.3 With regard to the parking, the overall layout and provision of only disabled spaces, together with bicycle parking facilities, remains very similar to the scheme approved in 2006. The current parking standards remain unchanged.

## **9.0 Conclusion**

9.1 Whilst the overall length of the site is between 2 –3 metres shorter than previously approved, and this is reflected in the length of the proposed building, the design of the building and the overall layout of the site, remain very similar to the scheme approved in 2006. There has been no material change in site specific circumstances that would justify the withholding of permission for this revised scheme.

## **10.0 Background Papers**

10.1 ARC; HA; HH; 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 - Non-Standard Condition

The permission hereby granted relates to the amended plans hereby returned stamped approved.

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

## 3 - Non-Standard Condition

Before the development hereby permitted commences, the external materials and finishes to be used, shall be agreed in writing by the Local Planning Authority. The development shall be implemented in accordance with agreed details.

Reason: To ensure that the proposed development is visually satisfactory and enhances the appearance of the locality.

## 4 - Non-Standard Condition

A competent person shall ensure that the rating level of noise emitted from the site shall not exceed 5dBA above the background of the building hereby approved coming into beneficial use. The assessment shall be made in accordance with the current version of British Standard 4142. The noise levels shall be determined at all boundaries near to noise-sensitive premises. Confirmation of the findings of the assessment shall be provided in writing to the Local Planning Authority before the building hereby approved comes into beneficial use. Conditions 05 & 06 shall comply with this standard.

Reason: In order to ensure a satisfactory form of development and in order to protect the residential amenity of local residents.

## 5 - Non-Standard Condition

The use hereby approved shall not commence until the building has been constructed to provide sound insulation against internally generated noise in accordance with a scheme devised by a competent person and approved in writing by the Local Planning Authority. This shall comply with the initial noise condition.

Reason: In order to ensure a satisfactory form of development and in order to protect the residential amenity of local residents.

## 6 - Non-Standard Condition

Any plant, equipment or machinery on the premises shall be constructed, installed and maintained so as to comply with the initial noise condition. The noise generated by such equipment shall not have any noise frequency component that exceeds more than 5dB above the background frequency levels as measured at all boundaries near to noise sensitive premises.

Reason: In order to ensure a satisfactory form of development and in order to protect the residential amenity of local residents.

## 7 -Non-Standard Condition

No development shall take place until a scheme for the control of light pollution has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be devised by a competent person and fully comply with the Code of Practice for the Reduction of Light Pollution issued by the Institution of Lighting Engineers, the DETR document "Lighting in the Countryside: Towards Good Practice" and all current official guidance. Such light pollution control measures as shall have been approved shall be installed prior to the building hereby permitted/use hereby permitted) (coming into beneficial use/commencing) and thereafter be retained and maintained to the agreed specification and working order.

Reason: In order to ensure a satisfactory form of development and in order to protect the residential amenity of local residents.

## 8 - 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.

## 9 - 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.

## 10 - C11.11 Landscape Design Proposals

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

Existing and proposed finished contours and levels.

Means of enclosure.

Car parking layout.

Other vehicle and pedestrian access and circulation areas.

Hard surfacing materials.

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

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

Retained historic landscape features and proposals for restoration.

Soft landscape details shall include:

Planting plans.

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

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

Planting area protection or decompaction proposals.

Implementation timetables.

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

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

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

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

#### 12 - C11.17 Landscape Management Plan

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

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

#### 13 - Non-Standard Condition

Prior to the commencement of the development hereby permitted details of all materials to be used for hard surfaced areas within the site including roads/driveways/car parking areas/courtyards/etc shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the agreed details.

Reason: To ensure that the proposed development is visually attractive and enhances the appearance of the locality.

#### 14 - C12.2 Details of Walls or Fences

Prior to the commencement of the development details of screen walls/fences/railings /means of enclosure etc shall be submitted to and approved in writing by the Local Planning Authority. The details shall include the position/height/design and materials to be used. The fences/walls shall be provided as approved prior to the occupation of any building and shall be retained thereafter.

Reason: To ensure a satisfactory form of development and in the interests of visual amenity.



#### 15 - Non-Standard Condition

Prior to the commencement of the development large scale drawings showing all architectural details of the building at a scale between 1:20 and 1:1 shall be submitted to and approved in writing by the Local Planning Authority. The building shall be built in accordance with the approved details.

Reason: In order to ensure that the building has a satisfactory appearance in the interests of visual amenity.

#### 16 - Non-Standard Condition

No deliveries shall be made to the site outside the hours of 9.00 a.m. and 4.00 p.m. Monday to Saturday nor at any time on Sundays, Bank and Public Holidays.

Reason: To safeguard the amenity of nearby residential properties.

#### 17 - Non-Standard Condition

The premises shall not be used outside the hours of 08.30 and 23.00 hours Sunday to Thursday and 08.30 hours to 23.30 hours on Fridays and Saturdays unless otherwise agreed in writing with the Local Planning Authority.

Reason: To safeguard the amenity of nearby residential properties.

#### 18 - Non-Standard Condition

No amplified music shall be played or public address system used on the premises outside the times that have previously been 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.

#### 19 - Non-Standard Condition

Any lighting of the development shall be located, designed and directed or screened so that it does not cause avoidable intrusion to adjacent residential properties. "Avoidable intrusion" means contrary to the Code of Practice for the Reduction of Light Pollution issued by the Institute of Lighting Engineers.

Reason: To reduce the undesirable effects of light pollution on the amenity of neighbouring residential properties.

#### 20 - Non-Standard Condition

The refuse storage facilities indicated on the approved plans returned herewith, shall be provided and made available to serve the proposed development/use hereby approved before the development/use is occupied or becomes operational. Such facilities shall thereafter be retained to the satisfaction of the Local Planning Authority.

Reason: To ensure that adequate facilities are provided for refuse storage and collection.

#### 21 - Non-Standard Condition

The building/s or land subject to this permission shall not be brought into use for the purposes hereby approved until satisfactory arrangements for the provision of bicycle parking have been agreed in writing and implemented to the satisfaction of the Local Planning Authority.

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

#### 22 - Non-Standard Condition

The vehicular parking spaces shown on the approved plans shall be provided before the building is occupied and retained thereafter for use by disabled persons' vehicles only.

Reason: To ensure that convenient parking is made available for disabled persons.

#### 23 – Non Standard Condition

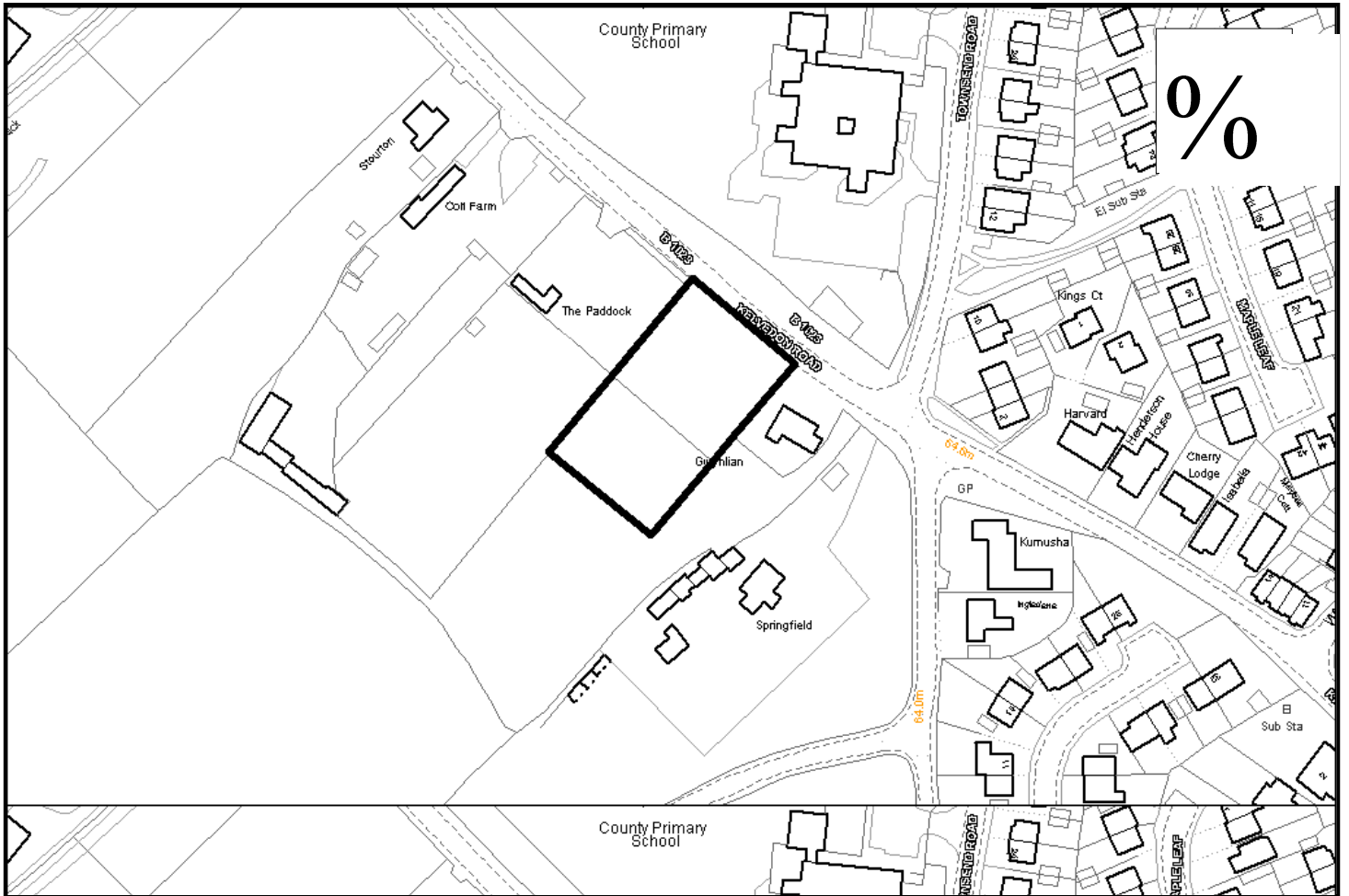
The development shall incorporate gas control measures in accordance with Approved Document C of the Building Regulations and current official guidance on appropriate construction methods into the new building.

Reason: The site lies within 250m of a former (or suspected) landfill site and Environmental Control wish to ensure that development only proceeds if it is safe to do so. This condition should not be read as indicating that there is any known danger from land fill gas in this locality.

#### **Informatives**

The developer is referred to the attached advisory note for the avoidance of pollution during the demolition and construction phases. Should the applicant require any further guidance they should contact Environmental Control prior to the commencement of the development.

In relation to Condition 04 a competent person is defined as someone who holds a recognised qualification in acoustics and/or can demonstrate relevant experience.



**Application No:** 090471

**Location:** Land adj to, Gwynlian, Kelvedon Road, Tiptree, Colchester

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

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**7.4 Case Officer: Nick McKeever**

**OTHER**

**Site:** Gwynlian, Kelvedon Road, Tiptree, Colchester

**Application No:** 090471

**Date Received:** 6 April 2009

**Applicant:** Mr S Taylor

**Development:** Change of use of land from agriculture to private gypsy caravan site including hardstandings for four caravans, the erection of a communal dayroom/utility building and the formation of a new access. Resubmission of 082030.

**Ward:** Tiptree

**Summary of Recommendation:** Conditional Approval

**1.0 Planning Report Introduction**

**1.1 Members will recall that this application was deferred at the Planning Committee Meeting of 9<sup>th</sup> July 2009 in order for the site boundary to be clarified. This issue has now been addressed. However, the previous report has been re-drafted to incorporate comments from Planning Policy relating to the Local Development Framework and changes to the access detail.**

**2.0 Site Description**

2.1 This 0.22ha parcel of land forms part of a field on the southern side of the Kelvedon Road, Tiptree. Immediately to the south-east is a detached bungalow known as Gwynlian; to the north-east is an existing Private Gypsy Caravan Site owned by Mr Nelson Taylor, the Applicant's uncle. Beyond this is another established Gypsy Site (Colt Farm), owned by another uncle, Mr James Taylor.

2.2 There is an area of open farmland further to the south. To the north on the opposite side of the Kelvedon Road is Baynards Primary School and an established residential area.

2.3 The site is enclosed on two sides by close boarded fences, together with a post and rail fence along the rear boundary, and has an otherwise open frontage onto the Kelvedon Road. The surface of the site has mainly been covered with crushed hardcore and an additional vehicular access was formed in the north-western corner of the site. Currently stationed on the south-western boundary of the site is a single mobile home.

2.4 The application seeks permission for the use of the site as a Private Gypsy Caravan Site and the provision of hardstandings for two mobile homes and two touring caravans with associated parking. Also included is the erection of a communal dayroom/utility building.

- 2.5 The mobile homes are to provide permanent accommodation for the Applicant's two sons, Mr Don Taylor and Mr Steven Taylor, and their respective families.
- 2.6 The application also proposes the closure of the two existing vehicular access points onto Kelvedon Road and their replacement by a new single access in a central position on the site frontage.
- 2.7 Included with the application is a Design & Access Statement incorporating a Supporting Case. This document provides details of the personal background of the Applicant and his family and of their gypsy status. This document can be viewed in full on the Council website.

### **3.0 Land Use Allocation**

- 3.1 Employment Zone

### **4.0 Relevant Planning History**

- 4.1 The current application is a resubmission of 082030, which was withdrawn on 30th January 2009.
- 4.2 F/COL/07/0113 – Retention of existing utility building/dayroom, hardstanding and access and change of use of land to a private gypsy caravan site. Approved. This application relates to the parcel of land immediately adjacent and in the ownership of the Applicant's relative.

### **5.0 Principal Policies**

- 5.1 Adopted Review Borough Local Plan  
Development Control Considerations - DC1  
Employment Zones - EMP1  
Core Strategy Policy Gypsies, Travellers and Travelling Showpeople – H5  
Circular 1/06

### **6.0 Consultations**

- 6.1 Essex & Suffolk Water comment that they cannot accept any buildings or structures within 3 metres either side of their main, which is protected by an easement. There should be no trees, hedges, shrubs or non-boundary fences erected within three metres on either side of the outside edge of the water main, nor should the level of the surface of the land be altered.
- 6.2 The Highway Authority have no objection subject to conditions being imposed.

6.3 The Landscape Officer comments as follows:-

“It should be noted, as pertinent to this application, that although no longer evident on site a protected hedgerow was removed to the front of the site in 2004 against which the then owners of the land were successfully prosecuted by the Council, under the ‘Hedgerows Regulations 1997’, for the unauthorised removal of the hedge. The owners (including the current applicant) were also served with a ‘Hedgerow Replacement Order’ in 2005 (copy of applicants Order attached below) requiring the applicant under the Regulations to replant the hedge to the site frontage in its original position (as shown on the attached plan which accompanied the Order), which has to date not been implemented despite annual reminders. Legally therefore there is a pre-existing requirement for the applicant to plant a replacement hedge to the front of the site with single gateway rather than splayed access which assumedly would have implications in highways safety terms. I would therefore recommend that the application needs to take account of the fact that (although not currently planted out) there legally is a protected hedge to the site frontage (set back 1m or so from the kerb line) with only a single field gateway access”.

6.4 The Landscape Officer advises against the application/site layout as currently proposed.

6.5 **Planning Policy has submitted the following response:-**

**“Planning Policy recommend approval.**

**The East of England Plan has been subject to a single issue review into Gypsy and Traveller Accommodation in the East of England. The final policies were published by the Secretary of State on the 20 July 2009. The revised version of Policy H3 requires Colchester to have a total of 30 gypsy and traveller pitches by 2011. Beyond 2011 the policy requires an annual 3% compound increase in pitch provision.**

**The total number of authorised or lawful existing pitches in Colchester Borough is currently in the region of 8 pitches. As stated by Core Strategy Policy H5 additional provision is expected from the site with planning permission at Severalls Lane (up to 12 pitches) but this development is yet to be commenced. Even if pitches are provided at Severalls Lane, additional provision is still required to meet the 2011 target, and further increases will be required to meet the requirement for 3% compound increase (ie. 40.32 pitches in 2021).**

**The supporting information states that the four caravans proposed on the application site (two mobile homes and two touring caravans) would meet the needs of two families. It is therefore anticipated that the application site would contribute two pitches towards the additional pitch provision required in the Borough by the revised version of East of England plan policy H3.**

**In seeking suitable locations for Gypsy and Traveller accommodation Core Strategy Policy H5 (adopted December 2008) sets out that the Council will seek to locate sites within reasonable proximity to existing settlements, and with access to shops, schools and other community facilities. The site is located on the edge of the built up area of Tiptree in close proximity to the shops and services provided by the rural district centre. The application site is situated directly opposite Baynard's County Primary School. Policy H5 also requires sites to provide adequate space for vehicles and appropriate highway access. The highway authority's concerns appear to have been overcome subject to conditions and the application site appears to be**

of sufficient size to allow for the parking of vehicles for the two families. The application therefore complies with the requirements of Core Strategy Policy H5. Guidance on pitch sizes and facilities is provided by the Communities and Local Government Good Practice Guide on *'Designing Gypsy and Traveller Sites'* (May 2008). The application site appears to be of sufficient size to incorporate the facilities listed in this guidance and includes space for static caravans, touring caravans and a dayroom communal building.

The site is located outside of any areas identified as either Countryside Conservation Areas by Local Plan Policy C03 or areas of landscape importance by the Landscape Character Assessment.”

## 6.0 Parish Council's Views

6.1 Tiptree Parish Council would like to see the application reduced to 3 pitches only with reduced parking and the site used for residential use only.

## 7.0 Representations

7.1 8 letters of objection have been received. The objections are summarised as follows:

- Land is not allocated for residential use
- Traffic issues – site is close to a busy crossroads and opposite a primary school.
- Essex County Council are obliged to provide a number of sites for gypsies but Colchester in general and Tiptree in particular are seen as a “soft touch”. There are already 3 sites in Kelvedon Road alone.
- The site has been subject of enforcement notices which have been ignored.
- Noise, pollution & health issues associated with the gypsy way of life
- Encroach on neighbouring properties
- Lack of consultations
- Precedent for similar sites in Tiptree
- Adverse impact upon property values [not a planning issue]

## 8.0 Report

**The main body of the Previous Committee remains relatively unchanged. However the paragraph 8.10 has been amended to reflect changes to the proposed access onto the Kelvedon Road.**

8.1 The proposed site lies on the fringe, but outside of, the predominantly residential area as defined in the Tiptree Inset to the Adopted Colchester Borough Local Plan Proposals Map. It is, however, designated as a new Employment Zone, and subject to the relevant Local Plan policies EMP1 and TIP3. This particular issue is referred to in the body of this report.

8.2 The applicant is a member of the Taylor family, who are of gypsy status, details of which have been provided in the Supporting Statement, and long standing residents within the Tiptree area. The mobile homes are to provide accommodation for the sons, and their families, of Mr S Taylor, who currently lives in Tiptree. The accommodation is, therefore, accommodation for members of the existing gypsy family.

- 8.3 In this context it may be useful to briefly explain the history of the sites currently occupied by members of the Taylor family.
- 8.4 The site immediately to the north-west is owned by Mr Nelson Taylor. Planning permission has been granted under reference F/COL/07/0113 for the retention of an existing utility building, hardstanding and access and the change of use of land to a private gypsy caravan site. This consent is personal to Mr N Taylor and his immediate relatives. It grants permission for up to 4 mobile homes/touring caravans. The utility room/dayroom is not to be used for separate residential occupation.
- 8.5 The other site at Colt Farm contains a number of mobile homes and other buildings. This is occupied by the brother of Mr N Taylor and his family. The buildings on this site are Lawful in planning terms.
- 8.6 The report submitted to the Planning Committee in respect of the application F/COL/07/0113 for the use of the adjacent site as a Private Gypsy Caravan Site covers the same issues that apply to this current application. The main body of this previous report is reproduced as follows:-

“Previous application COL/04/2333 was refused for 3 reasons – inappropriate use of employment land, lack of demonstrated need for gypsy accommodation in locality and adverse effect on local landscape. An appeal was subsequently lodged and public inquiry arranged only to be adjourned in order that the Council could provide more evidence in relation to demand and provision of gypsy/traveller sites and the demand for employment land.

At this point it is worth reminding the Committee of the previous report, set out in full in Appendix 1 and specifically its conclusions in relation to the criteria for proposed gypsy site location under Policy H6. Those conclusions still apply, i.e.

1. The site is not located in protected or specially designated countryside.
2. It would not be unduly prominent in open countryside.
3. It would allow good access to retail and community facilities, particularly schools.
4. It would have little direct impact on residential amenity.
5. Conditions could be imposed on any consent granted in order to achieve a suitable level of screening.
6. The applicant’s family are all bona-fide gypsies.

The previous report had regard to Circular 1/94 which has now been superseded in 1/06. Its main intentions are, inter alia, to:

1. Increase significantly the number of gypsy and traveller sites in appropriate locations in order to address underprovision over the next 3-5 years.
2. To underline the importance of assessing needs at regional and sub-regional levels for Local Authorities to develop strategies to ensure needs are dealt with fairly and effectively.
3. To identify and make provision for the resultant land and accommodation requirements.
4. To promote more private gypsy and traveller site provision in appropriate locations through the planning system.



In the present case the applicants have now produced additional evidence (which first became available at the Public Inquiry) in respect of their longstanding connections to the Tiptree area and their need to locate here for reasons of providing healthcare support to parents and education for their children. There is a general acceptance at County and Borough level that there is an unmet need for gypsy/traveller sites and even if a site is provided at Severalls Lane, this is not going to provide suitable space for the applicants because of the above circumstances, their Tiptree connections, and not within the time-scale required.

Members should note that the site has been significantly reduced in size by comparison with the earlier proposal and is tailored to the amount of accommodation required.

With regard to the employment issue, the land here has not been set aside for a particular identified need but for future growth. Since it was allocated the land does not appear to have attracted any interest amongst developers. In any event, the application site occupies only a very small proportion of the overall employment zone.

Having regard to these matters the advice of the barrister acting for the Council is that the application is in line with Policy H6 and Circular 1/06 guidelines and the applicants have adequately demonstrated a need for a site in the locality. She considered that the third reason for refusal (landscape impact) could be dealt with by conditions.

It is accepted that a recommendation of approval will be unpopular with local people but it is felt this is a proper reaction to a lack of official gypsy site provision in the locality and to a demonstrable lack of current demand for employment land locally. It is noted that work is ongoing in respect of both gypsy sites and demand and supply for employment land, in association with the LDF. Members may therefore consider a temporary approval is justified here pending progress on, and greater certainty on, these items”.

8.7 In terms of current planning policy the main change has been the adoption of the Local Development Framework Core Strategy. The relevant policy contained in this document is H5 – Gypsies, Travellers, and Travelling Showpeople:-

*“The Council will identify sites to meet the established needs of gypsies, travellers and travelling showpeople in the Borough. A suitable site for gypsies and travellers is being provided in Severalls Lane, Colchester; and additional sites will be identified (in the Site Allocations DPD) as required to meet future need. Although no need for sites for travelling showpeople has been identified, the matter will be kept under review.*

*The Council will seek to locate sites within reasonable proximity to existing settlements, and with access to shops, schools and other community facilities. Sites should also provide adequate space for vehicles and appropriate highway access. Any identified need for ‘transit’ (temporary) sites for gypsies and travellers will be met in appropriate locations related to the current working patterns of the travelling community”.*

- 8.8 In the context of this policy this site lies on the fringe of the built up area of Tiptree and is relatively convenient to the facilities and services provided therein. There is a primary school virtually opposite the site. The site is located on a main bus route into Tiptree and in overall terms can be considered to be a sustainable site.
- 8.9 At the present time relatives of the applicant live on the two approved/Lawful sites immediately adjacent to the site. These existing gypsy sites appear to be well laid out and maintained, such that they do not have an adverse impact upon the visual amenity of the area in general. The proposed site would appear as a continuation of this existing caravan site.
- 8.10 **It can be seen from policy H5 that there is a requirement for adequate on-site parking and appropriate access arrangements. The previous application 082030 was withdrawn following a recommendation for refusal by the Highway Authority. This current application was submitted following discussions with the Highway Authority to secure the removal of the two existing access points onto the Kelvedon Road and the provision of one access located more centrally within the site. The stated requirements of the Highway Authority for the provision of a 10.5 metre radius kerbed bellmouth connection with the carriage way of Kelvedon Road is considered to be excessive and unreasonable in relation to the approved gypsy site immediately adjacent to the application site. The access arrangements for this adjoining site were approved by the Council. The access arrangements shown on the amended drawing now before Members is very similar to this approved development. Apart from the bellmouth junction, the geometry of the access is the same as that previously shown to Members.**
- 8.11 **The overall depth of the plot has been reduced so that the new rear boundary is in line with that of the adjacent gypsy site. In order to accommodate the two permanent caravan pitches, the two touring caravan pitches, the dayroom/cycle store and to respect the presence of the 3 metre easement required by Essex & Suffolk Water, the layout of the site has been changed. The revised Drawing No.112-08 shows the two permanent pitches and the vehicular turning/parking spaces being located at the rear of the site. The dayroom is re-positioned towards the front (Northern corner), whilst the two touring pitches are located adjacent to the opposite (North-West corner) of the site frontage. This alternative layout and reduction in the depth of the plot is considered to be acceptable.**
- 8.12 Prior to the unauthorised use and development of this and the adjoining site, an established, ancient hedgerow ran along the entire length of the site. This protected hedgerow was removed. Since its removal a replacement hedge has been planted along the frontage of the two existing and lawful sites. This hedge is now well established and appears to be maintained at the required height so as not to interfere with required sight splays onto the Kelvedon Road. The Applicant has recently planted a hedge along the length of his site so that it appears as a continuation of the existing replanted hedge. Further planting is to be carried out to thicken this recently planted section. The Landscape Officer's comments were made prior to the hedge having been replanted.

- 8.13 The comments submitted by Essex & Suffolk Water relating to the presence of their water main is acknowledged. The submitted site layout plan indicates the approximate location of this main. As far as can be determined the recently formed access appears to lie just outside of the 3 metre easement.
- 8.14 Comments made in respect of the consultation process are acknowledged. The required consultation procedures have been carried out, including the advertisement in the local press and the posting of a site notice.
- 8.15 Members will appreciate that the impact upon property values is not a material planning consideration.
- 8.16 It is considered that the proposed use would appear to comply with the aims of governmental advice and the Core Strategy policies to help gypsy and travellers to provide for themselves and to allow them to secure the kind of sites they need.

## **9.0 Background Papers**

- 9.1 ARC; HA; PTC; NLR; Essex & Suffolk Water

### **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 2 mobile homes, 2 touring caravans and the dayroom/cycle store, together with the parking areas and the new centrally located vehicular access off the Kelvedon Road, shall be laid out and constructed, and thereafter maintained, solely in accordance with the amended drawing No. 112-08, dated August 2009, received 24 August 2009.

Reason: For the avoidance of doubt as to the scope of this permission and to ensure a satisfactory development.

- 3 - Non-Standard Condition

Prior to the proposed access being brought into use, vehicular visibility splays truncated at the site boundary's of 90m (northwest) by 4.5m by 90m (southeast) as measured along, from and along the nearside edge of the carriageway, shall be provided on both sides of the centre line of the access and shall be maintained in perpetuity free from obstruction exceeding a height of 600mm.

Reason: To ensure adequate intervisibility between drivers of vehicles using the proposed access and those in the adjoining highway, in the interests of highway safety.

#### 4 - Non-Standard Condition

No unbound materials shall be used in the surface treatment of the proposed vehicular access within 10m of the highway boundary.

Reason: To ensure that loose materials are not brought out onto the highway, in the interests of highway safety.

#### 5 -Non-Standard Condition

The development shall not be occupied until such time as the parking area, indicated on the approved plans, including any spaces for the mobility impaired has been hard surfaced, sealed and marked out in parking bays. The car parking area shall be retained in this form at all times and shall not be used for any purpose other than the parking of vehicles related to the use of the development.

Reason: To ensure that on street parking of vehicles in the adjoining streets does not occur, in the interests of highway safety.

#### 6 - Non-Standard Condition

Prior to commencement of the proposed development, details of the provision for parking of powered two wheelers and bicycles, of a design which shall be approved in writing with the Local Planning Authority, shall be provided within the site and shall be maintained free from obstruction at all times for that sole purpose.

Reason: To promote the use of sustainable means of transport in accordance with EPOA Vehicle Parking Standards and Policy 4 in Appendix G to the Local Transport Plan 2006/2011 as refreshed by Cabinet Member decision dated the 19 October 2007.

#### 7 – Non Standard Condition

A replacement hedgerow shall be planted along the site frontage in a position to form a continuation of the existing hedgerow along the frontages of the two adjoining plots to the north-west of the site, in accordance with details to be agreed in writing prior to the occupation of the site. The hedge shall be maintained for at least five years from the date of planting. In the event that the plants die, are removed, destroyed, or in the opinion of the local planning authority fail to thrive or are otherwise defective during such a period, they shall be replaced during the first planting season thereafter to specifications agreed in writing with the local planning authority.

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

#### 8 - Non Standard Condition

There shall be no more than 2 mobile homes and two touring caravans stationed at the site at any time and they shall be occupied only by Mr S Taylor and his immediate relatives. When their occupation of the site ceases, all mobile homes, structures, materials and equipment brought onto the land in connection with the use shall be removed from the site within 1 month of that date.

Reason: For the avoidance of doubt as to the scope of the permission and in order to safeguard the visual amenity of the locality.

#### 9 – Non Standard Condition

The utility building/dayroom shall be used only for washing, cooking and toilet facilities and for the storage of bicycles and to serve as a dayroom. At no time shall the building be used for separate and residential occupation.

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

#### 10– Non Standard Condition

No commercial activities shall take place on the land, including the storage of materials, and no vehicle over 3.5 tonnes shall be stationed, parked or stored on the site.

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

#### 11 – Non Standard Condition

Prior to the occupation of the site details of the proposed surface water and foul drainage shall be submitted to and agreed in writing by the Local Planning Authority. The approved scheme shall be carried out prior to the occupation of the site.

Reason: The application as submitted does not provide satisfactory details of the proposed means of drainage of the site.

### **Informatives**

This condition requires a Legal Agreement between the Applicant and the Highway Authority using the powers in Section 278 of the Highways Act 1980.

All works affecting the highway shall be carried out by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority and application for the necessary works should be made initially by phone on 01206 838696 or by email on [www.highways.eastarea@essex.gov.uk](mailto:www.highways.eastarea@essex.gov.uk).

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.

## **6.1 Case Officer: Mr D Whybrow**

**Site:** Plot 2, The Paddock, Kelvedon Road, Tiptree, Colchester, Essex

**Application No:** F/COL/07/0113

**Date Received:** 15th January 2007

**Agent:** Mr M Green - Green Planning Solutions

**Applicant:** Mr N Taylor

**Development:** Retention of an existing utility building/dayroom, hardstanding and access and the change of use of land to a private gypsy caravan site.

**Ward:** Tiptree

### **Planning Report Introduction**

**This application was previously considered by Members at their meeting on 15 March 2007. Members were minded to refuse the application but the matter was deferred so that consideration could be given to the reasons for refusal and the legal implications of those reasons in the event that the matter proceeds to appeal.**

**Legal advice has been taken in response to this resolution and Counsel will attend the meeting in order to advise Members.**

**For information, the previous report is set out below:-**

### **Site Description**

This is a part-retrospective application for retention of an existing utility building/dayroom, hardstanding and access and the change of use of land to a private gypsy caravan site at Plot 2, The Paddock, Kelvedon Road, Tiptree. The proposal is for 2 gypsy families to occupy the site, each having a mobile home and touring caravan and sharing the use of the dayroom/utility block. An existing close boarded fence encloses the site, a hedgerow has been planted along the site frontage and the site is surfaced in shingle.

The application is accompanied by a supporting statement, incorporating a design and access statement and witness statements by the applicants. These will be available for inspection in the Members' Room before the Meeting. The most salient points are:-

1. One family are already living at the site. They are the applicant's daughter, son-in-law and 2 grandchildren.
2. The 2nd site is for the applicant's son, daughter-in-law and their 4 children.
3. The utility building will provide washing, cooking, toilet and dayroom facilities.
4. To accommodate 2 families, 4 caravans are proposed, two of which can be mobile homes and 2 tourers.
5. All potential occupants have gypsy status; there is an unmet need nationally, regionally and locally for gypsy site provision. DCLG figures show 385 caravans on unauthorised sites in Essex out of a total of 841 caravans and there is currently no local authority owned site in Colchester Borough, with the Council acknowledging an unmet need since 2003.

6. Up to date advice in Circular 1/06 makes it clear that privately owned gypsy sites should be the norm with publicly owned sites for those unable to afford their own land.
7. The applicant has strong family connections with Tiptree and extended family groups are important to Romany Gypsies. The applicant's daughter provides regular assistance to her parents who live approximately 100m away, particularly her father who has health problems and attends hospital regularly. Her daughter attends Baynards School, her son was receiving private tuition locally having previously travelled with his father but now has a place at Baynards and the 3 school age children in the 2nd family (the applicant's son, daughter-in-law and children) all attend schools in Tiptree.
8. Family members have from time to time occupied Council housing in Tiptree but do not like that way of life.

### **Land Use Allocation**

Employment Zone

### **Relevant Planning History**

COL/00/0919 - Outline application for residential development and employment (B1) use - Refused July 2000

COL/04/2333 - Change of use from paddock to stationing of 2 mobile homes, hardstanding and utility room - Refused April 2005 (Appeal held in abeyance).

### **Principal Policies**

Essex and Southend on Sea Replacement Structure Plan

H2 - Housing Development

H3 - Location of new housing

H6 - Accommodation for gypsies

Adopted Review Colchester Borough Local Plan

DC1 - General Development Control considerations

H6 - Gypsy sites

EMP1 - Employment Zones

TIP3 - Employment provision - Tiptree

### **Human Rights Implications**

In the consideration of this developments impact on Human Rights particularly, but not exclusively, to:

Article 8 - The right to respect for private and family life,

Article 1 of The First Protocol (Protection of Property) - The right to peaceful enjoyment of possessions,

it is considered that:

The proposal would have an impact on an individual's human rights, but having considered the level of impact and in the general interest of the public and in accordance with planning law, the proposal is considered to be reasonable.

## Community Safety Implications

Help to reduce the fear of crime  
Help to reduce the occurrence of crime

Positive	Negative	Nil Effect
		3
		3

The development would be expected to achieve 'secured by design' in terms of its layout

Yes	No	Not Applicable
		3

## Consultations

ECC Highways Department recommend refusal for the following reasons:-

1. The proposal would lead to the introduction of a further unnecessary point of access onto the highway and would therefore be unnecessarily harmful to highway safety, by introducing further points of conflict (Local Plan Policy DC1, Essex Structure Plan Policy - T7 Road hierarchy and LPT2, Appendix G, applies).
2. Furthermore the proposal would create a further precedent for the creation of other points of access onto this frontage, to the further detriment of highway safety.

It is also noted that were amended plans to be submitted showing a single point of access for both the land edged red and blue, a footway across the whole site frontage edged blue and red and the access finished in a clean, stable, free draining material, then the Highway Authority would consider the application more favourably.

The Trees and Landscapes Officer has concerns over the impact of access and visibility splay requirements on the frontage hedge and has requested further details before a decision is taken.

Environmental Control have no comment.

**(Note: The agent has been advised of the Highway Authority and Tree and Landscape's comments and any response will be reported at the meeting).**

## Parish Council's Views

Tiptree Parish Council recommend refusal on the grounds that the application is contrary to policy in that the site is allocated for industrial use.

## Representations

23 letters of objection have been received, raising the following concerns:-

1. Our objections are the same as before; the scope of the development exceeds that of the earlier application and is at least part retrospective (a caravan and day room are already in situ) showing a lack of respect for planning laws.
2. The applicant's health needs could apply to many people in the village and do not justify an exception to planning policy here.
3. If approved, the proposal would encourage similar use on the larger site and a caravan site would be created.
4. Inappropriate use of an employment zone and loss of "green" area.
5. Detriment to highway safety due to sub-standard visibility.
6. The protected hedge along the site frontage has only partly been replanted following its destruction.



7. Greater use of the access by caravans etc would increase danger for pedestrians and increase hazards on a heavily trafficked, narrow road where the statutory speed limit is regularly exceeded and lorries have difficulty passing.
8. The unauthorised works - hardstanding and buildings - should be removed and land reinstated, cleared of all debris and hedgerow replanted.
9. The retention of the existing buildings and change of use to a private gypsy site is not at all in keeping with the setting of the land (letter written on behalf of joint owner of site, Mr Steve Taylor).
10. Planning law is biased towards the gypsy community and there is discrimination against non-gypsies.

## **Report**

Previous application COL/04/2333 was refused for 3 reasons – inappropriate use of employment land, lack of demonstrated need for gypsy accommodation in locality and adverse effect on local landscape. An appeal was subsequently lodged and public inquiry arranged only to be adjourned in order that the Council could provide more evidence in relation to demand and provision of gypsy/traveller sites and the demand for employment land.

At this point it is worth reminding the Committee of the previous report, set out in full in Appendix 1 and specifically its conclusions in relation to the criteria for proposed gypsy site location under Policy H6. Those conclusions still apply, i.e.

1. The site is not located in protected or specially designated countryside.
2. It would not be unduly prominent in open countryside.
3. It would allow good access to retail and community facilities, particularly schools.
4. It would have little direct impact on residential amenity.
5. Conditions could be imposed on any consent granted in order to achieve a suitable level of screening.
6. The applicant's family are all bona-fide gypsies.

The previous report had regard to Circular 1/94 which has now been superseded in 1/06. Its main intentions are, inter alia, to:

1. Increase significantly the number of gypsy and traveller sites in appropriate locations in order to address underprovision over the next 3-5 years.
2. To underline the importance of assessing needs at regional and sub-regional levels for Local Authorities to develop strategies to ensure needs are dealt with fairly and effectively.
3. To identify and make provision for the resultant land and accommodation requirements.
4. To promote more private gypsy and traveller site provision in appropriate locations through the planning system.

In the present case the applicants have now produced additional evidence (which first became available at the Public Inquiry) in respect of their longstanding connections to the Tiptree area and their need to locate here for reasons of providing healthcare support to parents and education for their children. There is a general acceptance at County and Borough level that there is an unmet need for gypsy/traveller sites and even if a site is provided at Severalls Lane, this is not going to provide suitable space for the applicants because of the above circumstances, their Tiptree connections, and not within the time-scale required.

Members should note that the site has been significantly reduced in size by comparison with the earlier proposal and is tailored to the amount of accommodation required.

With regard to the employment issue, the land here has not been set aside for a particular identified need but for future growth. Since it was allocated the land does not appear to have attracted any interest amongst developers. In any event, the application site occupies only a very small proportion of the overall employment zone.

Having regard to these matters the advice of the barrister acting for the Council is that the application is in line with Policy H6 and Circular 1/06 guidelines and the applicants have adequately demonstrated a need for a site in the locality. She considered that the third reason for refusal (landscape impact) could be dealt with by conditions.

It is accepted that a recommendation of approval will be unpopular with local people but it is felt this is a proper reaction to a lack of official gypsy site provision in the locality and to a demonstrable lack of current demand for employment land locally. It is noted that work is ongoing in respect of both gypsy sites and demand and supply for employment land, in association with the LDF. Members may therefore consider a temporary approval is justified here pending progress on, and greater certainty on, these items.

### **Background Papers**

ARC; COL/04/2333; HA; TL; NLR; PTC

### **Recommendation**

On the basis that a suitable response is made by the agent to the matters raised by the main consultees, it is recommended that planning permission be granted subject to the following conditions:-

### **Conditions**

#### **1 - Non Standard (Non Standard Condition )**

There shall be no more than 4 mobile houses/touring caravans stationed at the site at any time and they shall be occupied only by Mr N Taylor and his immediate relatives. When their occupation of the site ceases, all mobile homes, structures, materials and equipment brought onto the land in connection with the use shall be removed from the site within 1 month of that date.

Reason: For the avoidance of doubt as to the scope of the permission and in order to safeguard the visual amenity of the locality.

#### **2 - Non Standard (Non Standard Condition )**

The utility building/dayroom shall be used only for those purposes as described in the submitted application documents i.e for washing, cooking and toilet facilities and to serve as a day-room. At no time shall the building be used for separate residential occupation.

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

#### **3 - Non Standard (Non Standard Condition )**

Prior to the use of the site as a private gypsy caravan site for 2 families, full details of the means of access to the site, including its width and appropriate visibility splays consistent with "Places, Streets and Movement" shall be submitted to and agreed in writing by the Local Planning Authority. The details as agreed shall be implemented within a period of 1 month from the date of this planning approval and any sight splays shall be maintained free of obstruction at all times thereafter.

Reason: In the interests of visual amenity.

#### 4 - 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.

#### 5 - C11.14 (Tree / Shrub Planting )

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

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

#### 6 - Non Standard (Non Standard Condition )

No commercial activities shall take place on the land, including the storage of materials and no vehicle over 3.5 tonnes shall be stationed, parked or stored on the site.

Reason: For the avoidance of doubt as to the scope of this consent and in the interests of local amenity.

#### 7 - Non Standard (Non Standard Condition )

The use of the site as hereby approved shall be discontinued on or before 31 March 2010, or as described in Condition 1, whichever is the sooner.

Reason: The site lies outside any area intended for residential development and permission has only been granted in the light of the particular circumstances of the applicant at the present time. The Local Planning Authority therefore wish to review the matter in the light of circumstances applying at the end of the temporary period.



**Application No:** 090916

**Location:** 45 Cambridge Road, Colchester, CO3 3NR

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

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## 7.5 Case Officer: Andrew Huntley

## OTHER

**Site:** 45 Cambridge Road, Colchester, CO3 3NR

**Application No:** 090916

**Date Received:** 13 July 2009

**Agent:** Mark Perkins

**Applicant:** Mrs. K Abbott

**Development:** Proposed single storey rear extension and loft conversion with new dormer windows.

**Ward:** Christ Church

**Summary of Recommendation:** Conditional Approval

### 1.0 Site Description

1.1 The site is located at the southern end of Cambridge Road, near to its junction with Maldon Road. The area is residential in character with a mix of property types and styles. The application site is roughly L-shaped, with the rear garden stretching south westwards in excess of 50m from the rear of the original dwelling. The property is an attractively detailed period property sited hard on the sites southern boundary at its eastern end. The property has existing garaging and a rear conservatory extension. The Garden areas are mature with considerable soft landscaping.

### 2.0 Description of Proposal

2.1 Proposed single storey rear extension and loft conversion with new dormer windows.

### 3.0 Land Use Allocation

3.1 Residential

### 4.0 Relevant Planning History

4.1 20060 – Erection of garage. Approved 15 November 1968

4.2 79/0369 – Demolition of existing and erection of new kitchen extension. Approved 23 April 1979.

4.3 87/1966 – Erection of single storey conservatory. Approved 23 December 1987.

## **5.0 Principal Policies**

5.1 Adopted Review Borough Local Plan  
DC1 - Development Control considerations  
UEA11 - Design  
UEA13 - Development

5.2 Core Strategy  
SD1 – Sustainable Development Locations  
UR2 – Built Design and Character

5.3 East of England Plan  
ENV7 - Character

5.4 Planning Policy Statement 1  
Essex Design Guide

## **6.0 Consultations**

6.1 None

## **7.0 Representations**

7.1 Five representations have been received objecting to the proposal. The objections relate to the size and scale of the rear extension, demolition of the existing period wall along part of the south western boundary, loss of privacy, loss of open aspect, loss of light and the loss of the existing archway.

## **8.0 Report**

### Introduction

8.1 This application has come to the Planning Committee by the request of the Ward Member. Amended plans have been received showing the retention of the existing boundary wall along the south western boundary. The main considerations within this application are:

- Design and Character
- Residential Amenity
- Other Considerations

### Design and Character

8.2 The proposed rear extension forms an H-plan and would replace the existing conservatory. The rear extension, although large, is of an acceptable design with traditional detailing and is in accordance with existing design policy. It is considered that the rear extension is in keeping with the existing period dwelling.

- 8.3 The rear extension would not be visible from a public viewpoint and therefore, would not be harmful to the character and appearance of the area. Even if the rear extension were visible, its acceptable design and traditional detailing would not result in harm to the character and appearance of the area.
- 8.4 The application also proposes a loft conversion, which includes 2 dormer windows and 3 conservation style rooflights on the front (north eastern) elevation and 4 conservation style rooflights on the rear (south west) elevation.
- 8.5 The dormer windows proposed are small and would be seen as minor incidents within the roof slope, as the Essex Design Guide prescribes. The dormer windows are acceptable in design terms and are not out of keeping with the dwelling. It is considered that the rooflights are also acceptable providing they are of a conservation style. Such a requirement can be attached by a suitably worded condition.
- 8.6 Therefore, it is considered that the designs of the proposals are acceptable and would not harm the character of the area.

#### Residential Amenity

- 8.7 The rear extension would not have a detrimental impact on privacy, daylight or aspect due to its single storey height (4.5m) and distance from neighbouring dwellings (17m minimum). While the ground level is higher at this point than the properties along Athelstan Road, the single storey nature of the extension would not be visually overbearing or result in a loss of open aspect. The rooflights on the rear extension are at a high level and would therefore not impact on neighbouring privacy. As such, it is considered that the proposed rear extension is acceptable in terms of its impact on neighbouring residential amenity.
- 8.8 The proposed loft conversion would have some impact on the levels of privacy to neighbouring properties. The four rooflights to the rear elevation are shown as obscurely glazed and two of these serve a landing and the other two serve a bedroom. While this would result in some increase in overlooking to the properties to the rear, there are already two first floor windows on this elevation, which serve a landing. Overall, it is considered that these rooflights do not represent a harmful impact on the existing levels of privacy currently enjoyed. The two rooflights and two dormer windows to the front elevation serve two bedrooms and a bathroom. These overlook the application property's front garden and out onto Cambridge Road. These windows would not have a harmful impact on privacy due to their siting and distance to neighbouring properties.

#### Other Considerations

- 8.9 Five representations have been received. The objections relate to the size and scale of the rear extension, demolition of the existing period wall along part of the south western boundary, loss of privacy, loss of open aspect, loss of light and the loss of the existing archway.

8.10 The size and scale of the rear extension, loss of privacy, aspect and light have already been considered earlier in the report. In addition, as earlier mentioned, amended plans have been submitted showing that the boundary wall is to be retained. A condition could ensure that the wall would be retained but this is considered to be unnecessary and potentially unreasonable. While it is agreed that the wall is a positive feature, it could be taken down prior to the works being commenced and the wall does not have a greater public benefit that would justify a condition ensuring its retention as it is not publicly visible. The existing archway to the front of the dwelling can be removed without the need for planning permission. Therefore, the Council has no control over this issue.

8.11 Overall, the objections raised do not outweigh development plan policy and as such, do not warrant a refusal of planning permission.

## **9.0 Conclusion**

9.1 The proposed extension and loft conversion is acceptable in terms of its design and impact on local amenity.

## **10.0 Background Papers**

10.1 ARC; 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 - Non-Standard Condition

The external materials and finishes to be used shall be as stated on the application form and as indicated on the approved plans and schedule returned herewith, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the proposed development is visually satisfactory and enhances the appearance of the locality.

3 - Non-Standard Condition

The windows marked OBS on the roof slope of the south western elevation of the loft conversion hereby approved 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.

Reason: In the interests of residential amenity and to secure the privacy of adjoining occupiers.





**Application No:** 090939

**Location:** 10 Drury Road, Colchester, CO2 7UY

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

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**Case Officer:** Dale Keeble

**OTHER**

**Site:** 10 Drury Road, Colchester, CO2 7UY

**Application No:** 090939

**Date Received:** 20 July 2009

**Agent:** Mr M Casey

**Applicant:** Mr & Mrs S Plummer

**Development:** Demolition of existing rear extension and proposed single storey rear extension

**Ward:** Shrub End

**Summary of Recommendation:** Conditional Approval

## **1.0 Planning Report Introduction**

1.1 This application is placed before Committee because the applicant is an employee of Colchester Borough Council. The application is of a type that would ordinarily have been dealt with under delegated powers and has not attracted any adverse comment by neighbours.

## **2.0 Site Description**

2.1 The dwelling is semi-detached with brick and pebble-dashed walls and tiled roof. It has a good sized rear garden which contains a detached single garage adjacent to its north-west site boundary.

## **3.0 Description of Proposal**

3.1 Replacement of an existing lean-to extension to rear of dwelling and erection of a larger addition, 6m x 3.2m, extending across the full width of the rear of the dwelling and also in lean-to form. This will create an enlarged kitchen/breakfast room area and cloakroom. External finishes would be red-brick work and matching grey roof tiles.

## **4.0 Land Use Allocation**

4.1 Residential

## **5.0 Relevant Planning History**

5.1 None

## **6.0 Principal Policies**

6.1 Adopted Review Borough Local Plan  
DC1 - General DC considerations  
UEA12/13 - Residential design and character

6.2 Adopted Core Strategy  
UR2 - Built design and character

## **7.0 Consultations**

7.1 None

## **8.0 Representations**

8.1 None received

## **9.0 Report**

9.1 The proposed extension would replace a smaller rear addition and now extends across the entire rear of the house up to the boundary with 8 Drury Road. At this point the extension **MARGINALLY** exceeds the 3m degree of projection normally permissible under your policy guidelines, but the boundary treatment is well maintained with 1.8m fencing, outbuilding and overhanging trees and shrubs which mitigate any impact on the neighbours' outlook, light or amenity.

9.2 The external finishes, including window and door designs, will match and complement those of the host building.

## **10.0 Conclusion**

10.1 The scheme satisfies your adopted residential design and amenity policies (notwithstanding the 3.2m rearward projection adjacent to the site boundary) and is recommended for approval.

## **11.0 Background Papers**

11.1 ARC; Core Strategy

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

The external materials and finishes to be used shall be as stated on the application form and as indicated on the approved plans and schedule returned herewith, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the development has a satisfactory appearance in the interests of visual amenity and helps to reinforce local character and identity.

### **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 works. Should the applicant require any further guidance they should contact Environmental Control prior to the commencement of works.

The applicant is advised that no guttering or other features should over hang the boundary to No 8 Drury Road, unless the owners consent has been granted.

## INDEX TO PLANNING APPLICATIONS CODES

<b>A</b>	Advertisements	<b>K</b>	Certificate of Lawfulness
<b>AG</b>	Agricultural Determination	<b>LB</b>	Listed Building
<b>C</b>	Change of Use	<b>M</b>	County Matter
<b>CA</b>	Conservation Area	<b>O</b>	Outline
<b>CBC</b>	Colchester Borough Council	<b>PA</b>	Prior Approval
<b>CC</b>	Essex County Council	<b>RM</b>	Reserved Matters
<b>F</b>	Full	<b>S</b>	Electricity Consultation (Overhead Lines)
<b>G</b>	Government Dept. Consultation	<b>T</b>	Renewal of Temporary Permission
<b>J</b>	Alternative Development	<b>X</b>	Demolition in Conservation Area

## INDEX TO BACKGROUND DOCUMENTS/REPORTS CODES (UPDATED OCTOBER 2000)

**Note: Any Document or Consultee not included in these lists will be specified in full.**

<b>ARC</b>	Adopted Review Colchester Borough Local Plan March 2004
<b>BOT</b>	St Botolphs Development Brief
<b>CHD</b>	Colne Harbour Urban Design Framework SPG - Nov. 2000
<b>CPS</b>	Cycle Parking Standards
<b>ERP</b>	Essex and Southend on Sea Replacement County Structure
<b>GAP</b>	Gosbecks Archaeological Park Draft Management Plan
<b>HCP</b>	High Woods Country Park Management Plan
<b>MSP</b>	Essex County Council - Minerals Subject Plan
<b>VEM</b>	East Mersea Village Appraisal - 19 February 1996
<b>VFC</b>	Village Facilities Survey 1995
<b>VFD</b>	Fordham Village Appraisal - 31 August 1994
<b>VFG</b>	Fingringhoe Village Appraisal - 1 September 1993
<b>VGT</b>	Great Tey Village Appraisal - 19 July 1993
<b>VLG</b>	Langham Village Appraisal - 6 April 1994
<b>VPL</b>	Peldon Village Appraisal - 4 June 1994
<b>VRH</b>	Rowhedge Village Appraisal - 20 November 1995
<b>VWG</b>	West Bergholt Village Appraisal - 30 August 1995
<b>WMW</b>	West Mersea Waterside Study

## INTERNAL CONSULTEES

<b>BC</b>	Building Control Manager
<b>CD</b>	Conservation & Design Manager
<b>CF</b>	Financial Services
<b>CU</b>	Head of Street and Leisure Services
<b>DO</b>	Disability Access Officer
<b>HA</b>	Highway Authority (ECC)
<b>HD</b>	Housing Development Officer
<b>HH</b>	Environmental Protection (Env. Control)
<b>MR</b>	General Manager (Museum Archaeological)
<b>PP</b>	Head of Housing & Environmental Policy
<b>SE</b>	Head of Enterprise and Communities
<b>SL</b>	Legal Services
<b>TL</b>	Trees & Landscapes Officer - Planning Services

## REPRESENTATIONS ETC

<b>CAA</b>	Correspondence with applicant/agent
<b>CBC</b>	Colchester Borough Councillor(s)
<b>LAS</b>	Other Local Amenity Society(ies) (not listed elsewhere)
<b>NLR</b>	Neighbours or Local Resident(s)
<b>OTH</b>	Other correspondence
<b>PTC</b>	Parish & Town Council(s)

## EXTERNAL CONSULTEES (2 character codes)

<b>AB</b>	Soc Protection Ancient Buildings	<b>HG</b>	English Heritage - Historic Gardens
<b>AM</b>	Ancient Monuments Society	<b>HM</b>	English Heritage (Hist. Mon. Section)(England)
<b>AR</b>	Ardleigh Reservoir Committee	<b>HO</b>	The Home Office
<b>AT</b>	Colchester Archaeological Trust	<b>HS</b>	Health & Safety Executive
<b>AV</b>	Civil Aviation Authority	<b>IR</b>	Inland Revenue (Valuation)
<b>AW</b>	Anglian Water Services Limited	<b>LF</b>	Environment Agency (Waste Regs)
<b>BA</b>	Council for British Archaeology	<b>MD</b>	Defence Estates (East)
<b>BD</b>	Braintree District Council	<b>MH</b>	NEE Mental Health Services Trust
<b>BG</b>	Transco (B Gas)	<b>MN</b>	Maldon District Council
<b>BH</b>	Babergh District Council	<b>MS</b>	Marine Safety Agency
<b>BO</b>	Blackwater Oystermans' Association	<b>NC</b>	English Nature
<b>BT</b>	British Telecom	<b>NE</b>	North Essex Health Authority
<b>BW</b>	Essex Bridleways Association	<b>NF</b>	National Farmers Union
<b>CA</b>	Cmsn for Architecture & Built Environment	<b>NI</b>	HM Nuclear Installations Inspectorate
<b>CB</b>	Churches Conservation Trust	<b>NP</b>	New Possibilities Healthcare Trust
<b>CE</b>	County Education Department (ECC)	<b>NR</b>	Environment Agency
<b>CH</b>	Country Highways (Surveyor ECC)	<b>NT</b>	The National Trust
<b>CS</b>	Colchester Civic Society	<b>PD</b>	Ports Division (DETR)
<b>CY</b>	Colchester Cycling Campaign	<b>PT</b>	Petroleum Officer (ECC Trading Standards)
<b>DS</b>	Department of Social Security	<b>RA</b>	Ramblers Association
<b>DT</b>	Route Manager - Highways Agency	<b>RD</b>	The Rural Development Commission
<b>DV</b>	Dedham Vale Society	<b>RE</b>	Council Protection Rural Essex
<b>DW</b>	Dedham Vale & Stour Valley Project	<b>RF</b>	Royal Fine Art Commission
<b>EB</b>	Essex Badger Protection Group	<b>RP</b>	Rowhedge Protection Group
<b>EE</b>	Eastern Electricity – E-On	<b>RR</b>	Roman River Valley Society
<b>EH</b>	English Heritage	<b>RS</b>	RSPB
<b>EI</b>	HM Explosive Inspectorate	<b>RT</b>	Railtrack East Anglia
<b>EN</b>	Essex Wildlife Trust	<b>RY</b>	Royal Yachting Association
<b>EP</b>	Essex Police	<b>SB</b>	Save Britain's Heritage
<b>EQ</b>	Colchester Police	<b>SD</b>	MAFF Fisheries Office/Shellfish Division
<b>ER</b>	Essex Rivers Healthcare Trust	<b>SK</b>	Suffolk County Council
<b>ET</b>	Fair Trading (ECC Trading Standards)	<b>SR</b>	The Sports Council – Eastern Region
<b>EU</b>	University of Essex	<b>ST</b>	Colne Stour Countryside Association
<b>EV</b>	Environmental Health (ECC - Env. Services)	<b>TB</b>	Tollesbury Parish Council
<b>EW</b>	Essex & Suffolk Water Company	<b>TG</b>	Tendring District Council
<b>FA</b>	Essex Police - Fire Arms Officer	<b>TI</b>	Department of Trade and Industry
<b>FB</b>	Essex Fire & Rescue Service	<b>TK</b>	Tolleshunt Knights Parish Council
<b>FC</b>	Forestry Commission	<b>TW</b>	20 <sup>th</sup> Century Society
<b>FE</b>	Feering Parish Council	<b>VI</b>	Vehicle Inspectorate (GVTS)
<b>GA</b>	Colchester Garrison HQ	<b>VS</b>	Victorian Society
<b>GE</b>	Government Office for the East of England	<b>WS</b>	The Wivenhoe Society
<b>GU</b>	HM Coast Guard	<b>WT</b>	Wivenhoe Town Football Club
<b>HB</b>	House Builders Federation	<b>WA</b>	Wormingford Airfield (Gliding Club)
<b>HE</b>	British Horse Society	<b>WW</b>	Society Protection Ancient Buildings (Wind & Watermill Section)



## **Colchester Borough Council Environmental Control**

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

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

#### **Best Practice for Construction Sites**

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

#### **Noise Control**

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

## **Emission Control**

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

## **Best Practice for Demolition Sites**

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

### **Noise Control**

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

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

### **Emission Control**

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