

# Planning Committee

Town Hall, Colchester  
29 April 2010 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 St Runwald Street. There is an induction loop in all the meeting rooms. If you need help with reading or understanding this document please take it to Angel Court Council offices, High Street, Colchester or telephone (01206) 282222 or textphone 18001 followed by the full number that you wish to call and we will try to provide a reading service, translation or other formats you may need.

## Facilities

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

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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  
29 April 2010 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 - 27**

To confirm as a correct record the minutes of the meetings held on 1 April 2010 and 15 April 2010.

## **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. 091357 Avon Way House, Avon Way, Colchester, CO4 3TZ **28 - 42**  
(St Andrew's)

New student accommodation in 2 blocks A and B forming a total of 38 new student bedrooms in 9 cluster flats. Each bedroom is en-suite and shares kitchen and lounge facilities with other bedrooms within a cluster flat.

2. 091662 University of Essex, Wivenhoe Park, Colchester, CO4 3SQ **43 - 53**  
(Wivenhoe Cross)

Reserved Matters application for mixed use development to provide for an extension to Research Park (B1), Residential Development (C3), Student Residences (C2), Hotel and Public House/Restaurant (C1/A4), Leisure Development (D2), and Retail Development (A1/A2/A3) together with associated infrastructure works and car parks including new roundabout access and associated highway works upon the A133 and Elmstead Road.

3. 091663 University of Essex, Wivenhoe Park, Colchester, CO4 3SQ **54 - 58**  
(Wivenhoe Cross)

Reserved Matters application for layout of main estate roads and structural landscaping.

4. 091664 University of Essex, Wivenhoe Park, Colchester, CO4 3SQ **59 - 63**  
(Wivenhoe Cross)

Reserved Matters application for extension to Research Park buildings, roads and landscaping works for Use Classes A2 and B1.

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|-----|--|------------------|
| 5.  | 072523 The Old Oyster Sheds, Coast Road, West Mersea, CO5 8PA<br>(West Mersea)   | <b>64 - 74</b>   |
|     | Renewal of existing approval C/COL/01/0526. Take down the existing building, refurbish and renovate timber frame walls and roof, re-erect walls and extend shed for use as a private oyster tasting and luncheon/dining suite.                             |                  |
| 6.  | 072522 The Old Oyster Sheds, Coast Road, West Mersea, CO5 8PA<br>(West Mersea)   |                  |
|     | Renewal of existing approval C/COL/01/0526 (Conservation Area Consent). Take down the existing building, refurbish and renovate timber frame walls and roof, re-erect walls and extend shed for use as a private oyster tasting and luncheon/dining suite. |                  |
| 7.  | 071786 The Old Oyster Sheds, Coast Road, West Mersea, CO5 8PA<br>(West Mersea)   | <b>75 - 84</b>   |
|     | Change of use of previously approved private dining/corporate venue to restaurant A3 Class Use, together with additional car parking.  |                  |
| 8.  | 081778 Essex County Hospital, Lexden Road, Colchester, CO3 3NB<br>(Christ Church)  | <b>85 - 91</b>   |
|     | Install new gates at both entrances on to Gray Road and at southernmost entrance on to Hospital Road. Westernmost new gates onto Gray Road to be set amongst 15.5 metres of metal railings.  |                  |
| 9.  | 081938 3 Priory Street, Colchester, CO1 2PY<br>(Castle)  | <b>92 - 101</b>  |
|     | Continued use of building and rear amenity area for worship.   |                  |
| 10. | 100244 18 Victory Road, West Mersea, CO5 8LX<br>(West Mersea)  | <b>102 - 105</b> |
|     | Variation of Condition 04 attached to planning permission 090123 - obscure windows.  |                  |
| 11. | 100358 Henrys Villas, 4 Nayland Road, Colchester, CO4 5EG<br>(Mile End)  | <b>106 - 111</b> |
|     | Variation of Condition 15 of planning approval F/COL/06/1038 to  |                  |

allow for the provision of a new bedroom to Plot 3.

## **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).

## **9. Amendment Sheet**

The Amendment Sheet, containing any late responses to consultations, amended recommendations and additional conditions and informatives, can be accessed on the day of the meeting from 4.30pm by going to the homepage of the Council's website and following the pathway:-

[www.colchester.gov.uk](http://www.colchester.gov.uk) > Planning and Building > Planning Committee > Planning Committee Latest News.



**PLANNING COMMITTEE  
1 APRIL 2010**

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

*Substitute Member :-* Councillor Laura Sykes  
for Councillor Theresa Higgins\*

*Also in Attendance :-* Councillor Nick Cope  
Councillor Martin Hunt  
Councillor Sue Lissimore  
Councillor Mike Hardy  
Councillor Henry Spyvee

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

Councillors Ellis and Lewis, having declared personal and prejudicial interests in one of the following applications, were not present for the determination of applications at minute nos. 209 and 211 which were all determined under the en bloc arrangements.

## **206. Minutes**

The minutes of the meeting held on 18 March 2010 were confirmed as a correct record.

**Councillor Stephen Ford (in respect of having argued at a public meeting in favour of the access) declared a personal interest in the following item which is also a prejudicial interest pursuant to the provisions of Meetings General Procedure Rule 7(10) and he left the meeting during consideration and determination of the application.**

**Councillor Martin Hunt (in respect of his long standing campaign against the extension of Norman Way and the loss of open space that would result from such an extension.) declared a personal interest in the following item which is also a prejudicial interest pursuant to the provisions of Meetings General Procedure Rule 7(10)**

**Councillor Nick Cope (in respect of his long standing campaign against the extension of Norman Way and the loss of open space that would result from such an extension. ) declared a personal interest in the following item which is also a prejudicial interest pursuant to the provisions of Meetings General Procedure Rule 7(10) Councillor Cope made representations on the application in accordance with Paragraph 12(2) of the Code of Conduct for Members and then left the meeting during consideration and determination of the application.**

**207. 100172 Norman Way and grassed area to east of Reynolds Avenue and Landseer Road, Colchester**

The Committee considered an application to replace an extant planning permission F/COL/04/2217 which expires on 30 June 2010 and to extend the time limit for implementation of that consent for the creation of a new six metre wide access road leading directly off Norman Way across open space which is bounded to the west by dwellings off Reynolds Avenue and Landseer Road and to the east by allotment land. The purpose of the road is to provide access into Philip Morant School for staff and visitors' cars, and delivery and emergency vehicles. It is not intended to be used for the dropping off and collection of pupils nor for cyclists accessing the school.

Within the school site it is proposed to create additional car parking space and a bus turning facility. Gates would be provided for safety and security purposes and it was intended that the road would be closed outside the hours of use of the school premises. The existing school access off Rembrandt Way would be restricted to pedestrian and emergency vehicle use only. The Committee had before it a report in which all information was set out, see also Amendment Sheet.

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

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

Richard Pettit, Chairman of the Painters Corner Residents Association, addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in opposition to the application on the grounds that it cut through the whole length of the public open space known as the Green; it was a visual intrusion and obstruction to residents living alongside the Green; it would create a safety hazard to pupils of three schools who use the footway/cycleway alongside the proposed access road; and the proposal was contrary to the Local Development Framework and to planning policies. The proposed access road was granted permission on appeal and renewed

five years ago, and he requested that the Committee agree not to renew it this time.

Paula Whitney addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in opposition to the application. She was concerned at the loss of open space and the damage to the green link corridor. She believed there was a need to save cycle routes with more children walking and cycling. This route would dissect a public footpath and destroy a traffic free route to three secondary schools, which was contrary to the safe routes to school policy. The underlying reason for the proposal was an enlarged school which was another unsustainable reason against the proposal. She mentioned a number of relevant local development policies relating to open space being important, protected and enhanced which should rule out the route.

Timothy Oxtan addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in opposition to the application. He believed the number of objections to the proposal had not been counted correctly. The field has been used for public recreation as far back as the 1920's. Now was not the time to compromise the safety of children using the site for a footpath and cycling which Philip Morant School makes efforts to encourage. These applications are the result of schemes to close two schools in Colchester and he urged the Committee to reject the application.

Mr Barrow addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in opposition to the application. He objected on the grounds that public money was going to Essex County Council and being used to fund a private road at public expense. He was concerned about who would get the money if the school became private. He lived in Norman Way and had observed the traffic congestion. There were no shelters to protect children on foot against the weather. He questioned the proposal to close the existing entrance because it would leave one exit for all 2,550 children to use in an emergency. There was also the risk of a dual carriageway if both applications were approved. He supported the previous speakers.

Councillor Cope addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in opposition to the application. The planning inspector had referred to the road as having a minimal impact on the open space, but local people did not agree. He quoted extracts from paragraph 10.12.13 which he considered important for the Committee to take into account because the Council's policies were overturned or undermined by the Planning Inspectorate. It was important that Council policies were watertight as evidenced in this case; particular cases are not the same as general policies.

Neil Jones, Governor at Philip Morant School, addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in support of the application. He regarded Philip Morant School as an excellent school which delivered results and was oversubscribed. This application was for a renewal of an existing approval and the alternative route was a response to working with residents to determine a better route. Essex County Council supported the school in assembling land and the borough council had held a stakeholder meeting. Calls for improvement have been made many times and he referred to the Planning Inspector identifying the issues. An improved access is an increasing and pressing issue and arguments in favour of the application were compounded by the growth in school numbers. The school wishes to be a good neighbour and had reassured the council that if built the road would be private and its use restricted to school hours. It was not intended for dropping children off which the school will be trying to manage. The school has a travel plan and caters for 250 cyclists; this capacity will be increased to 600+ pupils. Two hundred people service the school and provide support which leads to many movements. The school is committed to (a) giving back or releasing land equivalent to that required for the road; and (b) releasing more land than is used by the road. He reminded the meeting that the release of playing field land has to be approved by the Secretary of State. The Governors want to do the best for the community and are doing everything they can to mitigate the impact of the road.

Councillor Lissimore attended and, with the consent of the Chairman, addressed the Committee. She asked the Committee to add some additional conditions in the event that the scheme was implemented. Specifically, she requested that any traffic calming measures were as quiet as possible and cycle friendly. She wanted Condition 13 to be held to most strongly. Condition 14 required the gates to the access road to be closed at evenings, weekends and holidays, but she did not want coaches returning from school trips out of permitted hours to stop in Norman Way for parents to collect pupils. She preferred that this condition be modified to permit coaches to gain access to the school site where pupils could embark and disembark. She requested a condition to prevent excavation materials and vehicles from being stored in Norman Way because there were elderly residents nearby and their lives would be affected. She sought reassurance that the building regulations would ensure the safety of pupils on the site during construction, and lastly she requested that the playing field be given in trust to the Playing Field Association.

It was explained that the appeal decision gave clear guidance on the line that the Committee should be taking in respect to visual intrusion, loss of play space and loss of green link. The overall effect on the open space was

relatively small. These applications do not necessarily deliver compensatory open space, but there is a firm intention in the future for land to be brought forward for public open space and for wildlife habitats and corridors. In respect of the comment about the proposed road discouraging cycling, the school actively encourage green transport modes as evidenced by increasing numbers of children using cycles. In respect of the numbers of objection letters, the reports for each application mentions 31 and 22, totalling 53. It was outside the scope of planning matters to comment on funding. It was confirmed that the original access would be maintained for pedestrians and therefore available in the event of an emergency. It was highly unlikely that both schemes would be implemented. The extra conditions mentioned in relation to traffic calming and use of the road by school and sixth form trips did not present any problem. However, late night use by coaches would potentially create a noise and disturbance problem to residents. The requirement not to store building materials off site was a standard condition.

Members of the Committee made a number of comments. There is two way foot/cycle traffic along the permissive path; many parents drop children off either end of Norman Way and they use the permissive path to get to the school at the other end. There was disappointment at the travel plan on this application. Guidance was sought on any mechanism which might be available to guarantee the release of the Irvine Road playing field to the Playing Field Association rather than to accept that there is an intention.

Some members found it unsatisfactory that both applications could be approved and in that event a condition was requested to prevent 100172 being implemented if 100223 had already been implemented.

Whilst some of the Committee expressed some empathy with what the public speakers had said, there was every chance that if the Committee refused this application the Inspector would allow it on appeal. An Appeal Inspector has made a decision that this road should be allowed and another Inspector has said he will agree the open space; the Committee is not in a position to refuse the application for the road. The Committee agreed to include a number of the conditions requested by speakers.

The Committee were reminded that they must determine each application on its own merits. It was confirmed that the link between the two ends of Norman Way was a permissive path not a definitive route and whilst representations have been made to make this route available in perpetuity that is beyond the scope of this application. However, it was suggested that an informative could be added that the Committee would like to see the permissive path remain as a permanent route between the two ends of Norman Way. Equally it was not possible to secure the guarantee of the release of playing field land but the Committee have heard the Statement of

Intent and another informative could be added stating that the Committee hold this Intent as a very important feature they would like delivered.

*RESOLVED* (UNANIMOUSLY) that the application be approved with conditions and informatives as set out in the report, together with additional conditions as set out below:-

- no building materials, etc., permitted in the highway during the construction period,
- gates to be provided with a mechanism that shall be agreed to restrict access to permitted users, i.e. staff vehicles, emergency vehicles, delivery vehicles and public transport vehicles;

and the following conditions to be amended:-

- Condition 11 to be reworded to include the need to submit details of noise suppressing traffic calming measures,
- Condition 14 to be reworded to permit out of hours entry onto the school site for coach parties involved in school visits from Philip Morant School only, any other schools are excluded;

and the following informatives to be added:-

- a recognition of the Statement of Intent from the Governors expressing a commitment to finding alternative land to replace that which is being lost,
- the school's attention being drawn to the Committee's desire to see the current permissive footpath link from Lexden Road to the southern end of Norman Way retained on its current alignment.

**Councillor Sue Lissimore (in respect of being an allotment holder and a member of the Allotment Association) declared a personal interest in the following item pursuant to the provisions of Meetings General Procedure Rule 7(3)**

**Councillor Martin Hunt (in respect of his membership of the Irvine Road Residents' Association) declared a personal interest in the following item pursuant to the provisions of Meetings General Procedure Rule 7(3)**

**Councillor Stephen Ford (in respect of having argued at a public meeting in favour of the access) declared a personal interest in the following item which is also a prejudicial interest pursuant to the provisions of Meetings General Procedure Rule 7(10) and he left the meeting during consideration and determination of the application.**

**208. 100223 Grassed area of land north of Norman Way and east of Reynolds Avenue and Landseer Road, Colchester**

The Committee considered an application for an access road to Philip Morant School, which is an alternative proposal to that considered under the previous item. It proposes a new access road to the east of the former line and utilises land currently a vacant part of allotment gardens and largely clear of the allocated open space/green link area. This alternative route is designed to intrude less into the public open space, to utilise land that is not currently accessible to the general public and can in part be screened by the existing hedgerow when viewed from the houses to the west. The road is to provide access into Philip Morant School for staff and visitors' cars, delivery and emergency vehicles. It is not intended to be used for the dropping off and collection of pupils nor for cyclists to access the school. Within the school site it is proposed to create additional car parking space and a bus turning facility. Gates will be provided for safety and security purposes and it is intended that the road will be closed outside the hours of use of the school premises. The existing school access off Rembrandt Way would be restricted to pedestrian and emergency vehicle use only. The Committee had before it a report in which all information was set out, see also Amendment Sheet.

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

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

David Kennedy, Chairman of the Irvine Road Residents Association, addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in opposition to the application on the grounds that this new proposal was worse than the original proposal because it divides the public open space known as the Green and Irvine Road playing field, thus residents will be cut off from the field. Currently the route of the road is registered as allotment land which is in short supply. The application conflicts with national and local planning policies in respect of open space. PPG 17 states that planning permission should only be given if the public open space is surplus, which is not the case here. Nine hundred signatures have been collected in protest against this scheme. Residents use the land on a daily basis as allotment or open space so it is not surplus and it is not possible to compensate for damage and its destruction. For the last ten years the school has functioned effectively using the current access. Safe routes to school should be encouraged, but there seems an

unwillingness to give the initiative time to develop. The school operates a green travel plan but this road is required to improve staff access which appears to contradict the school's intention and will do nothing to discourage staff from driving to work. This route is used by many local children who can walk and cycle safely. He requested the Committee to preserve the area and reject the application.

Paula Whitney addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in opposition to the application. This route includes former allotment land which is now a nature reserve. Former allotment land does not belong to the council for use as roads. Braintree have a policy not to use allotment land for other purposes. Loss of extra space is adding to other losses. This application comes ten years after the Inspector's decision and if approved Colchester Borough Council will not have credibility as a clean and green council.

Timothy Oxtan addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in opposition to the application. He made reference to the numbers of objections to the application which, in his view, did not tally with the number quoted in the report. Having just approved the first application he asked the Committee not to approve this second application which occupies more land and has a greater impact, especially on the Irvine Road playing field and the permanent removal of allotment land. There is no need for another road. The School Governor mentioned the need for teachers to be able to park on site at the school, whereas most people cannot park at their place of work; he suggested that teachers park on the road. From the 1970's to the present, children and grandchildren have enjoyed play times on Irvine Road playing field which is safe from vehicles. If this road goes ahead they will be less safe. The School Governor mentioned offers of alternative land to compensate for the loss of part of Irvine Road playing field, but they have been unsatisfactory, small strips of land, useless for games and he asked the Committee to reject this application.

Neil Jones, Governor at Philip Morant School, addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in support of the application. The School shared the Council's aim to work for improved footpaths and cycle ways in the area. He reiterated that the school wanted to see the release of land to support the community and to see the matter resolved. Planning officers have pointed out that for many reasons this is the school's preferred route. Having listened to comments of residents he also considers this to be the best solution.

Richard Pettit, Chairman of the Painters Corner Residents Association, addressed the Committee pursuant to the provisions of Planning Committee



Procedure Rule 8 in support of the application. The Residents Association were very concerned about the loss of open space and wish to protect the existing open space known as the Green. This route has a less adverse effect on the public open space than the original route and leaves the Green as open space and a safe route to school. It is safer than the original route because it separates vehicles from pedestrians and cyclists. Access is intended for cars and delivery vehicles to relieve the streets of some of that traffic. The sinuous alignment has a traffic calming effect. He did not support cyclists using the path alongside the electricity sub station because of congestion and the potential for damage to adjacent properties and he suggested that this was changed. The Residents Association have pointed out inconsistencies between plan drawings and he wanted a condition that these inconsistencies are resolved to the satisfaction of local planning authority. Application 100172 has been approved and he considered it essential to approve this one because there will be a choice of route. There have been negotiations between the council, the school and residents which provided pointers to negotiate a particular route to benefit as many people as possible.

Councillor Hunt attended and, with the consent of the Chairman, addressed the Committee. He asserted that neither of these roads is needed as the case for them has not been proved. The Inspector was convinced of the overriding and necessary need for the road 10 years ago so it could not have been that overriding and necessary otherwise it would have been built by now. Nothing to the north of this road is on this application. Local residents are concerned about the future of the permissive path which goes to the other end of Norman Way. As a result of consultations, Essex County Council, Philip Morant School and local residents have produced this alternative route which has greater support than the original route. This route is private open space and if there is no public access in the future it may be decided to return the land back to allotments. He was still against both roads and would prefer both refused, but if this is rejected all the residents on both sides could end up with a route across the Green. He asked that the crossing point on the Irvine Road cycle route be a proper pedestrian crossing to protect cyclists.

Councillor Lissimore attended and, with the consent of the Chairman, addressed the Committee. She asked for additional/amended conditions as with the previous application. There are over five hundred people on the waiting list for allotments and this site would provide thirty plots. She wanted a condition for landscaping so the land to the east could be used as allotments. She asked that the existing hedging along the chain link fence to the west be protected and improved to provide a screen for nearby housing. She also wanted a quiet form of traffic calming; no link to Philip Morant playing field; coaches on school trips to use the school grounds to collect

and drop off; no materials stored on Norman Way; changes to the entrance alongside the electricity sub-station because residents have had problems with pupils gathering on the footpath; the permissive path to be protected in perpetuity for future generations and no change in the route of the path.

It was explained that this is a relatively narrow corridor between the Green and allotment land and takes up a corner of the land to the north but the corner is more than compensated for by the opening up of the allotment land. The Council is looking at providing the equivalent allotment land elsewhere, but there was no obvious reason why the land should not be retained as allotments. This scheme will result in meaningful blocks of open space. The travel plan actively discourages teachers from arriving by car to reduce demand within the site, but on street parking is a potential traffic hazard.

Members of the Committee recognised that if these two applications were approved it would provide options. The Statement of Intent regarding a land exchange as described by Mr Neil Jones in his representations on application 100172 was supported. Members requested a condition to secure regular monitoring of the entrance to the electricity sub-station 10-15 minutes before and after school and at lunchtimes. Clarification was sought regarding the turning point for coaches. Some members were not comfortable with either application, and did not understand why school staff were being allowed to use the road and why Rembrandt Way needed to be closed to school traffic, whereas if both entrances were available it would relieve pressure on both. Some members preferred this route over the original route because it protected the Green and provided a better cycleway due to the separation of users. If this application was approved it could provide an opportunity to consult with residents on whether they would prefer allotments or open space.

It was explained that the issue of land ownership must be divorced from this application. It was recognised that Irvine Road Residents Association were strongly opposed to this application and that the Painters Corner Residents Association considered this application better than the previous one. The land use issue is not a matter this Committee needs to take into account but there would be no harm in referring to a Statement of Intent in an informative. It was suggested that the additional conditions placed on the previous permission should be repeated on this permission together with an additional informative on monitoring the electricity sub-station access.

**RESOLVED (UNANIMOUSLY)** that the application be approved with conditions and informatives as set out in the report, together with additional conditions as set out below:-

- no building materials, etc., permitted in the highway during the construction period,
- gates to be provided with a mechanism that shall be agreed to restrict access to permitted users, i.e. staff vehicles, emergency vehicles, delivery vehicles and public transport vehicles,
- in the event that application 100172 is implemented in whole or in part before the road hereby permitted is commenced, all works in connection with application 100172 shall be removed in their entirety and the land reinstated to the satisfaction of the Local Planning Authority prior to the road hereby approved being brought into beneficial use;

and the following conditions to be amended:-

- Condition 8 to be reworded to include (i) the need to submit details of noise suppressing traffic calming measures, and (ii) the need to submit constructional details of kerbs and any lighting such as may be proposed prior to commencement,
- Condition 11 to be reworded to permit out of hours entry onto the school site for coach parties involved in school visits from Philip Morant School only, any other schools are excluded;

and the following informatives to be added:-

- the Local Planning Authority looks to Philip Morant School to honour the undertaking provided with this application to create additional open space within the former allotment land,
- the school's attention being drawn to the Committee's desire to see the current permissive footpath link from Lexden Road to the southern end of Norman Way retained on its current alignment,
- Philip Morant School to monitor the use of the pedestrian gate by the electricity substation to ensure that its use does not give rise to congestion and nuisance to local residents.

**Councillor Andrew Ellis (in respect of having made representations in opposition to the application in his role as ward councillor at the meeting on 2 April 2009) declared a personal interest in the following item which is also a prejudicial interest pursuant to the provisions of Meetings General Procedure Rule 7(10) and he left the meeting during consideration and determination of the application.**

#### **209. 100178 Collins Green, School Road, Messing, CO5 9TH**

The Committee considered an application for material amendments to the

dwelling on Plot 5 of the site, which has approval for the erection of 7 dwellings (071734). The Committee had before it a report in which all information was set out, see also Amendment Sheet.

*RESOLVED* (UNANIMOUSLY) that –

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

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

## **210. 100293 5 Abberton Grange, Layer Road, Abberton, CO5 7NL**

The Committee considered a retrospective application for an extension of an external decked area to one of the ground floor units at Abberton Grange. Generally, units at Abberton Grange are equipped with a balcony or decked area, the first floor balconies being sited directly above the ground floor decked areas, and with the same dimensions. This retrospective application is to extend the area of decking at 5 Abberton Grange into the open communal area around the units, by a further two metres in depth and 6.2 metres in width. The Committee had before it a report in which all information was set out.

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

Ms Hunt addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in opposition to the application. She had moved into flat 23 in the apartment block having signed a lease stipulating that no major alterations would be allowed, and then found this extension in progress. Her enquiries revealed that it did not have planning permission. She made the following statement on behalf of other residents: residents have chosen this location mainly because of the peace and tranquillity which should be protected. This decking extension has altered the dynamic between apartments. Residents of many ground floor flats could extend their decking in a similar way as this into communal areas. None of the residents had been informed of the work. The value of her property been blighted and the value of flat 5 had been enhanced. All residents should be able to enjoy the facilities of their home as in the original plan without this invasion of

privacy.

Mr Bridges addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in support of the application. He apologised for the application being retrospective. At his request the management company had granted him permission to extend the decking as part of the contract when he purchased the property. He now believed that the management had been aware that planning permission was required before it was built but they had not informed him. He was not going to do anything different in that area from what he would have done without the extension. Everyone can still walk past the decking and can access their property from the main entrance.

Some members of the Committee could understand that the occupier in the ground floor flat would want the decking to prevent people sitting immediately outside his windows. Other members of the Committee were not clear about the nature of the impact on the flat above the decking but they believed that the issues raised by the objector were legal matters which were outside the scope of planning and should be taken up with the management company. If the extended decking area occupied part of a communal area the occupiers in the flat above could potentially use it.

It was explained that the area where the deck has been extended into did form part of the communal area but the decking was for the sole use of the ground floor flat. It was also explained that it would be inappropriate to seek to assist the occupier of the first floor flat in pursuing any legal matters by adding an informative to indicate that the extension of the decking appeared to have been done in contradiction to the terms of a lease signed by the other resident in the complex.

*RESOLVED* (MAJORITY voted FOR) the application be approved without conditions.

**Councillor Andrew Ellis (in respect of his acquaintance with the applicant's husband) declared a personal interest in the following item pursuant to the provisions of Meetings General Procedure Rule 7(3)**

**Councillor Sonia Lewis (in respect of being closely acquainted with the family residing at Seven Arches Farm, Chitts Hill) declared a personal interest in the following item which is also a prejudicial interest pursuant to the provisions of Meetings General Procedure Rule 7(10) and she left the meeting during consideration and determination of the application.**

**211. 100294 Seven Arches Farm, 72 Chitts Hill, Colchester, CO3 9SX**

The Committee considered an application for the erection of a replacement barn for agricultural use, which is sited with other buildings within the farm complex and with a back drop of the railway line embankment. 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.

**212. 100299 King George Pavilion, Clairmont Road, Colchester, CO3 9BE**

The Committee considered an application for the conversion of a redundant function room area in the pavilion to provide spaces for an early years/Surestart facility, and to construct a single storey extension to provide a dedicated entrance. The existing garage would be upgraded to create additional space for a drop in area, family room/training room and a consultation area with associated toilets and office. A new pedestrian footpath will be installed to the side of the existing private drive to enable access to the facility on foot. The existing courtyard area would be landscaped with planting and a buggy shelter. The centre would use existing parking available nearby. The Committee had before it a report in which all information was set out, see also Amendment Sheet.

Sue Jackson, Principal Planning Officer, attended to assist the Committee in its deliberations. It was explained that the application included internal alterations and two disabled parking spaces.

Councillor Hardy attended and, with the consent of the Chairman, addressed the Committee. He explained that Lexden ward was not as affluent as it might appear and was a mid ranking ward on a par with Mile End ward. It provided a very wide range of houses but lacked many facilities such as an NHS dentist and doctor surgeries with only a few shops at the western edge of the ward. He welcomed the children's discovery centre and this is a good way of bringing a dilapidated building back into use. The pavilion was due to be moth balled but the project had come about through Essex County Council recognising the potential for the site and the needs of the area. It is more like the sports and recreation centre on Boadicea Way provided for Prettygate and Stanway. He referred to Condition 2 regarding the use of the building which seemed to him to be too prescriptive that its sole use should be the children's centre. Various people have suggested other uses but the condition precludes any other uses and he asked the Committee to remove the condition or relax it to enable the potential of the building to the

community to be realised.

Members of the Committee were aware that the main room has been used for a community use and the hope is that it would continue to include community use in Condition 2. They did not want the use restricted because of the potential benefit to the community. Members' also referred to Condition 3, which did not make sense as written. Members were directed to paragraph 9.2 where the change of use was described as a sports pavilion within Class D2 to a mixed use sports pavilion D2 and community facility falling within Class D1, and it was suggested that Condition 2 be removed and Condition 3 be amended to read "The use hereby permitted shall only be operated between the hours of 8am to 10pm Mondays to Saturdays and 10am to 4pm on Sundays. It shall not operate on Bank and Public Holidays."

*RESOLVED* (UNANIMOUSLY) that the application be approved with conditions and informatives as set out in the report, subject to Condition 2 being removed and Condition 3 being amended as set out above.

**Councillor Ray Gamble (in respect of being acquainted with the public speaker, Mr Curry) declared a personal interest in the following item pursuant to the provisions of Meetings General Procedure Rule 7(3)**

**Councillor Mary Blandon (in respect of being acquainted with two families in the vicinity of the application site) declared a personal interest in the following item pursuant to the provisions of Meetings General Procedure Rule 7(3)**

### **213. 090880 St John's Walk, Colchester**

The Committee considered an application for the erection of red brick wall and automated decorative steel double gates across the entrance of the rear access road to St. John's Shopping Centre where it meets Abbeygate Street. The service road is used for the shopping centre as well as for rear parking for the residents of Abbeygate Street. A stretch of 2.2 metre high red brick wall topped with railings would be built either side of the access gate, three metres in length to the right and one metre in length to the left of the gates. The gates would be set back five metres from the edge of the carriageway at the request of the Highway Authority. The application is a resubmission of 090649. The Committee had before it a report in which all information was set out, see also Amendment Sheet.

The Committee made a site visit in order to assess the impact of the

proposal upon the locality and the suitability of the proposal for the site.

Sue Jackson, Principal Planning Officer, attended to assist the Committee in its deliberations. She explained that land ownership including private property rights, boundary or access disputes and restrictive covenants are not material planning considerations. Crime and vandalism is not a material planning consideration but crime and fear of crime is. She also mentioned a number of planning policy documents which had been referred to by objectors, and whilst some were not relevant to this application, those that were had been taken into account. She stated that this was an application for gates and the issue is whether the gates are acceptable in terms of appearance and design in a conservation area; easement is not a material planning consideration but is for residents to pursue elsewhere.

Mr Curry addressed the Committee on behalf of the Abbeygate Street Residents Association pursuant to the provisions of Planning Committee Procedure Rule 8 in opposition to the application on the grounds that the loss of residents car parking was a breach of planning policy because it materially and negatively impacted on residential amenity; the application would cause substantial harm without mitigation; and the reasons supporting the application are of insufficient weight to outweigh these objections. He asserted that there were no safety issues caused by the parking and there had never been any safety incidents. He believed the planning officer had designed the gates and was thus biased. He had not considered the street scene in the context of the listed buildings and had disqualified himself. The report was legally flawed and their planning policy objections are appropriate, well founded and of material weight. The application should be refused.

Councillor Spyvee, Mayor of Colchester, attended and, with the consent of the Chairman, addressed the Committee. He related the history of the site which had culminated in this application. He was surprised that officers were recommending approval of the gates across this access, the only use for which is as a fire escape and 24/7 access to electricity supply. He speculated that if the gates were built residents on the west side would turn their front gardens into car parks. Those on the east side would have nowhere to park so would probably leave and the houses would become flats and the street would be ruined. It is not just the loss of parking but the loss of such a street in the town centre. He urged the Committee to turn the application down.

Members of the Committee were displeased at the officer being impuned; planning officers are available to give guidance to applicants and the Committee did not believe that the officer had personally designed the gates. There was a suggestion that the application be deferred to see if the gates could be relocated further back to permit residents to continue to park



whilst achieving the security required by the applicants. Members were aware that an easement was nothing to do with the Committee and if the residents had a legal entitlement to park this application would never be implemented.

In response to a query about the materials it was explained that the gates were metal painted black and located 4.8 metres from the back edge of the highway. The application site shown in the agenda papers was an indication only and not accurate. It was also explained that if the gates were set further back the proposal might be more acceptable to some residents but not to others, and if the residents have an easement it would be irrelevant where the gates are sited.

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

#### **214. Enforcement Action // 1A North Station Road, Colchester, CO1 1RE**

The Head of Environmental and Protective Services submitted a report on the proposed service of an untidy site notice under Section 215 of the Town and Country Planning Act 1990. In its current condition the building was regarded as adversely affecting the amenity of the area. It is on one of the main routes into the town centre and can be seen by a large number of people including visitors to Colchester. The matters requiring attention were the removal of graffiti and the remains of fly posting from the site and the replacement of the fascia board. The Committee had before it a report in which all information was set out.

David Whybrow, Principal Planning Officer, attended to assist the Committee in its deliberations. He explained that work on the building had been commenced and it was suggested that the notice be served only if the works had not been completed within 28 days.

*RESOLVED* (UNANIMOUSLY) that –

(i) The owner of the building be given 28 days from the date of this meeting in which to complete the works requiring the tidying of the building by the removal from the site of graffiti and the remains of the fly posting and the replacement of the fascia board.

(ii) If the works above are not completed within 28 days from the date of this meeting, an untidy site notice be served under Section 215 of the Town and Country Planning Act 1990 with a compliance period of two months.

**PLANNING COMMITTEE**  
**15 APRIL 2010**

*Present :-* Councillor Ray Gamble (Chairman)  
Councillor Sonia Lewis (Deputy Mayor)  
Councillors Mary Blandon, Helen Chuah,  
Mark Cory, John Elliott, Andrew Ellis,  
Stephen Ford, Jon Manning and Ann Quarrie

*Substitute Members :-* Councillor Barrie Cook  
for Councillor Theresa Higgins  
Councillor Beverly Davies  
for Councillor Jackie Maclean

*Also in Attendance :-* Councillor Jackie Maclean

(No formal site visits were undertaken for this meeting.)

**215. 091651 Moler Works (Buildings 5 and 5A), Colne View, Colchester, CO2 8GQ**

The Committee considered a full application for the erection of a mixed residential and commercial development on land at the former Moler Brickworks at the Hythe known as building 5 and 5A. Building 5 is a new four storey building containing twenty-eight one bedroom units and thirty two bedroom units. Building 5A is a proposal for a detached single storey building identified for A3 use, restaurant and cafe. The Committee had before it a report in which all information was set out.

Bradly Heffer, Principal Planning Officer, attended to assist the Committee in its deliberations. He explained that there was an extant permission for Building 5 for 48 units. This proposal was for 58 units and 50 car parking spaces. He mentioned the recently adopted new parking standards with a requirement for more spaces and the Core Strategy which permits a reduction in the standard in urban and accessible locations.

Mr Connor addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in opposition to the application. He had bought a flat in 2006 when only half of the development was complete. Since then the Colne View development has been completed using lower standards. In the centre of the development there was originally permission for four town houses and they have been changed to one bedroom flats, thus compounding the problems. He considered the parking situation to be ridiculous. Cars are double parked and parked on pavements outside the front of flats so that people cannot open their front doors where there are

parked cars. He had seen children running around parked cars and one child ended up in the path of a car. The situation causes a massive problem for residents and emergency services. Refuse vehicles do not enter the road because the vehicles cannot get down the road and no cleaning has been done since September with the resultant rubbish and mess.

Mr Biggs addressed the Committee on behalf of Barratts pursuant to the provisions of Planning Committee Procedure Rule 8 in support of the application which was submitted on the basis of concerns raised by the Appeal Inspector, namely the design of the plinth and how it related to the walkway. They had taken on board the comments raised and had been in discussion with officers. The plinth had been designed to include a number of staircases which integrates it more into the walkway making it more inviting and more acceptable. On the basis of the Inspector's concerns it should be grounds for approving the scheme. The council did not previously raise objections to the level of parking and neither did the Inspector raise it as an issue. The parking provision is the same as that incorporated in the scheme the subject of the appeal. He noted that a reduced level of parking is permitted in a location such as this. They are aware of the problems regarding rubbish and to date all complaints have been addressed or dealt with by the management company or by Barratts and they will seek to resolve the situation. They have worked with officers to play a role in regenerating this area.

Members of the Committee were aware of the issues raised by Mr Connor, and the parking issues were of particular concern. Some members were of the opinion that the parking was inadequate from the beginning and if this application was approved the situation for residents would worsen. Members noted that the application was received on 2 February 2010 and that the new parking standards were adopted by the Council in September 2009. A reduction in parking provision was permitted in certain circumstances but the provision in this application falls too far below the new standards, which had been devised specifically to address the problems described by Mr Connor. The new standards also included a move away from the 'domino' parking such as that provided in this proposal, to one which included smaller parking bays and soft landscaping. A refusal on the basis of the poor parking provision could be defended on the basis of the reality of the situation in the area. There was a view that this area should be a jewel in Colchester's crown but the current situation was very disappointing. Members were concerned about people's lives, their wellbeing and quality of life.

It was explained that the current application was submitted to the Council after the formal adoption of the new parking standards. Under the new standards it was estimated the submitted scheme would require 103 spaces,

considerably higher than the 50 spaces provided in this proposal. Under the current scheme, all the car parking for residential use would be provided in a basement area and it would not be possible to provide the additional spaces required under the new standards. It was also explained that when the last application on this site was refused by the Council the reasons for refusal did not include a reason relating to a lack of parking.

Members further questioned the affordable housing provision and it was explained that the current standard is 35% if units are to be provided on site as part of an approved development. Previous approvals on this site had secured a financial contribution to affordable housing provision in lieu of actual units within the building. The agreed contribution under the previously-submitted scheme was based on the increase in units and the Council's Development Team agreed the same approach under this current application.

*RESOLVED* (UNANIMOUSLY) that the application be refused on the grounds that the application fails to meet the current parking standards adopted in September 2009.

#### **216. 100302 1-4 Kingsland Beach, West Mersea**

The Committee considered an application for a proposed redevelopment of 1-3 Kingsland Beach, comprising a one bedroom apartment and four two bedroom apartments together with a new first floor extension to 4 Kingsland Beach, West Mersea. This application is a resubmission of 090534. The Committee had before it a report in which all information was set out, see also Amendment Sheet.

*RESOLVED* (UNANIMOUSLY) that –

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

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

#### **217. 091092 The Rectory, Church Lane, Marks Tey, CO6 1LW**

The Committee considered an application for the construction of a four bedroom house with a single garage and landscaping within the grounds of the existing rectory. The Committee had before it a report in which all information was set out, see also Amendment Sheet.

*RESOLVED* (UNANIMOUSLY) that –

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

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

**218. 100317 Plot 54 Wellhouse Green, East Road, West Mersea**

The Committee considered an application to amend the position of a garage at the rear of plot 54. 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.

**219. 100336 North Farm Barn, East Road, East Mersea, CO5 8UN**

The Committee considered an application for the installation of a wind turbine on a 15metre mast and two sets of photovoltaic panels, one located on an outbuilding roof and one at ground level. The Committee had before it a report in which all information was set out, see also Amendment Sheet.

Bradly Heffer, Principal Planning Officer, attended to assist the Committee in its deliberations.

Mr Payne addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in support of the application. He did not have an issue with the condition relating to noise levels, but was aware of another application in another local authority area two or three years ago with exactly the same noise level criteria on the approval.

It was explained that the condition requested by Environmental Control

appeared to permit higher noise levels between the hours of 2300 hours and 0700 hours than between the hours of 0700 hours and 2300 hours. It was proposed that the application be deferred for clarification of these matters and the Head of Environmental and Protective Services be authorised to approve the application with any conditions and informatives she considers appropriate.

*RESOLVED* (UNANIMOUSLY) that –

(a) Consideration of the application be deferred for clarification of the wording of the condition in respect to maximum noise levels permitted as required by the Environmental Control Team and as set out on the Amendment Sheet.

(b) Upon receipt of confirmation of the correct wording, the Head of Environmental and Protective Services be authorised to approve the application with any conditions and informatives considered appropriate.

**Councillor Stephen Ford (in respect of his close acquaintance with Mr Holley with whom he had discussed the application) declared a personal interest in the following item which is also a prejudicial interest pursuant to the provisions of Meetings General Procedure Rule 7(10) and he left the meeting during consideration and determination of the application.**

**220. 100352 7 Francis Way, Colchester, CO4 3DZ**

The Committee considered a retrospective application for the premises to be used for childminding. The Committee had before it a report in which all information was set out, see also Amendment Sheet.

Alistair Day, Principal Planning Officer, attended to assist the Committee in its deliberations. He explained that the property had been used as a childminders since 2004. One of the objections was to outside play causing noise nuisance, and although Ofsted require that children experience outside enjoyment every day it need not necessarily mean in a garden but could be outside visits. A further condition is suggested on the Amendment Sheet limiting play in the garden to two hours per day. Complaints had been received about a noisy boiler on the premises but Transco had established that the boiler is working satisfactorily.

Mr Holley addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in opposition to the application. He occupied the 'mother-in-law' flat above the application site. Had this use of the

adjacent property appeared on land searches he would not have purchased the flat. The noise and disturbance was having a detrimental effect on his health and his work which was physically demanding. He was entitled to the right to enjoyment of his property. His lounge was above the property and consequently he was subjected to a lot of noise from below. He had to close his windows to block out the noise. They were close to a T-junction and he suggested the business should move to a more suitable location. The hours of the childminding activity are from 7am to 6pm which was too long; 8.45am to 5.30pm being more suitable.

Mrs Lawrence addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in support of the application. She was aware that noise was an issue and had taken steps to overcome complaints. She had erected a fence to act as a barrier to noise from the garden and had addressed issues of noise from car engines and doors, loud voices and cars being reversed onto neighbours' drives by having discussions with parents to resolve the complaints. She has also asked her neighbours to let her know if any of these problems recur. She described her business activities and accreditation as set out in paragraph 4.2 of the report and she worked hard to make the children feel welcome and they take part in local activities and use facilities in the community. She had enquired in 2004 whether she needed planning permission and was told she did not, but had since discovered that planning permission was required depending on the numbers of children.

Members of the Committee had not received any complaints from neighbours about the activity at the premises and Mrs Lawrence appeared to have been a responsible person. The facility is needed in the area and it was noted that outside play was not always undertaken in the garden.

It was explained that there were no specific conditions regarding hours of operation in the recommendation, but it would be prudent to add such a condition for the avoidance of doubt.

*RESOLVED* (UNANIMOUSLY) that the application be approved with conditions and informatives as set out in the report and on the Amendment Sheet, together with an additional condition specifying the permitted hours of operation which shall be 7.30am to 6pm Monday to Friday only.

## **221. 091360 Bridgeside, Turkey Cock Lane, Stanway**

The Committee considered an application to allow the permanent use of the gypsy caravan site comprising two mobile homes and four touring caravans. The application also seeks to remove the personal nature of the permission

to allow the site to be occupied by any gypsies and travellers as defined in paragraph 15 of Circular 01/2006. The Committee had before it a report in which all information was set out, see also Amendment Sheet.

Alistair Day, Principal Planning Officer, attended to assist the Committee in its deliberations. To put the application in context, he referred to the planning history, the national planning context and to the response to the consultation by the Planning Policy Team in respect of the number of pitches the borough needs to provide and the number currently available. This site was identified as being suitable for three pitches.

Mrs Edwards, Stanway Parish Council, addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in opposition to the application. She was of the view that if this application were to be approved and the temporary site became permanent and not personal to the families who are currently occupying the site, it could become a very different situation and caused some concern, given that the site is not geographically constrained. There was also a concern that the site is included in the Site Allocations document, currently the subject of an Inquiry. If the personal condition is removed, it will create a new permanent traveller site without the large wider consultation that the residents would expect.

Mrs Baalham addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in support of the application. There was an established need to provide thirty pitches comprising a mixture of private and local authority sites. In the current economic climate private sites should be welcomed by the council as central government is partially funding the cost. The families of Messrs. Brown and Lee have lived on the site for five years and are exemplary neighbours, living peacefully with no fuss. People who did oppose the site now realised what good neighbours they are but unfortunately many complainants have not responded to invitations to meet the families and get to know them.

Councillor Maclean attended and, with the consent of the Chairman, addressed the Committee. She considered the proposal to be misleading because it not only sought to make the temporary permission permanent but also sought to remove the personal element allowing any traveller to occupy the site. The existing permission was for six caravans and not as stated. Many local people had come to accept the families but there is a real concern that the site may be occupied by any gypsy family. The site is in a rural area with an access off a narrow lane and close to a conservation area; there was no developed land to the west and south and the site was not naturally contained. Residents are concerned that there would be considerable scope to expand in the future. Clarification was required on whether the site would be used for residential or business purposes. This



Council is required to identify thirty pitches by next year; twelve have been allocated on a formal site and there are eight others on historic sites which is ten pitches short of the target. This application appears to be an underhand way of getting an established gypsy site in Stanway. Only a few people are aware of this proposal and she asked whether the proposed removal of the personal condition could be postponed to gain the views of residents but to continue to allow the families a permanent permission. Incidental to this application is the issue of small dogs on this site getting out onto the footpath alongside and the concern was that the fencing is insufficient to contain them within the site.

Members of the Committee had some concerns. The Government Circular on Travellers and Gypsies had undermined the earlier decision and there was a concern that whilst some sections of the community found it difficult to develop in rural areas other groups are permitted to do so. The Committee is being asked to give this site approval for an official gypsy site but it is included in the Local Development Framework (LDF) Site Allocations document currently undergoing examination. In view of the fact that the application has not received a wide consultation and that it is being considered within the context of the Site Allocations document it was considered that this Committee should not pre-empt what the Planning Inspector may decide. The view was that this decision should await the views of the Inspector on the examination of the Site Allocations document and a further temporary permission personal to the current applicants was suggested for the interim period.

The Committee recognised that initially there were those who were against the development but those same people now supported this site continuing with these families because they had been good neighbours. The concern was that if given permanent permission the present occupants may sell the site and the new occupants may not be such good neighbours and the site may become something very different. There was also a cautionary view that if the application was subject to wider consultation there may be a danger that residents in the area would not want a permanent gypsy site and these families may have to depart which would be beyond natural justice. The issue of small dogs wandering onto the adjacent footpath and road and were of concern and it may be that the fence needs to be made dog proof to safeguard against potential accidents.

The planning officer explained that the Committee must be mindful of the planning context including the national plan and the emerging policies. The Committee were advised that subsequent to the Circular being issued, there were no grounds for refusing the application for this site for its current use. Policy SAH2 identifies that thirty pitches are required throughout the borough. In respect of people being unaware of the potential for this site

being a permanent gypsy site, the Site Allocation document has been published and sent to both parish councils and to anyone who was on the LDF database and had expressed interest in the various documents. However, it was appreciated that the Site Allocations document was an emerging policy and to grant permanent permission may be pre-empting the Inspector's finding but it would be legitimate to grant a further period of temporary permission and if the Inspector does find the site suitable the applicants could submit another application. It would be difficult to sustain a refusal of a personal permanent permission on an Appeal given that the planning policy team have identified the site as suitable and it should not make any difference who occupies the site.

In respect to other comments made regarding expansion of the site, proximity of a conservation area, possible business use and small dogs causing nuisance, it was explained that land to the west of this site is in a flood zone but in any case any further expansion would need to be subject to a separate planning application. Whilst the site itself is not in a Countryside Conservation Area there is a conservation area to the north of the site. If residents were concerned about a possible business use they could write to the enforcement team and it would be investigated. It could be unreasonable to impose a condition requiring fences to be dog proof as part of this application if it was not part of the original permission.

*RESOLVED* (UNANIMOUSLY) that the application be approved with conditions and informatives as set out in the report, subject to the permission being for a temporary period of two years from the date of this meeting and that the permission be personal to the applicant families. The officer to check whether the public footpath adjacent to the site is fenced along its entire length and if not a condition to be added to secure the completion of the fence around the site.

## **222. 091539 Land rear of 185 Shrub End Road, Colchester, CO3 4RG**

This application was withdrawn from consideration at this meeting by the Head of Environmental and Protective Services for clarification of the extent of use being requested.

**Councillor Sonia Lewis (in respect of her former acquaintance at school with the agent, Mr Gordon Parker) declared a personal interest in the following item pursuant to the provisions of Meetings General Procedure Rule 7(3)**

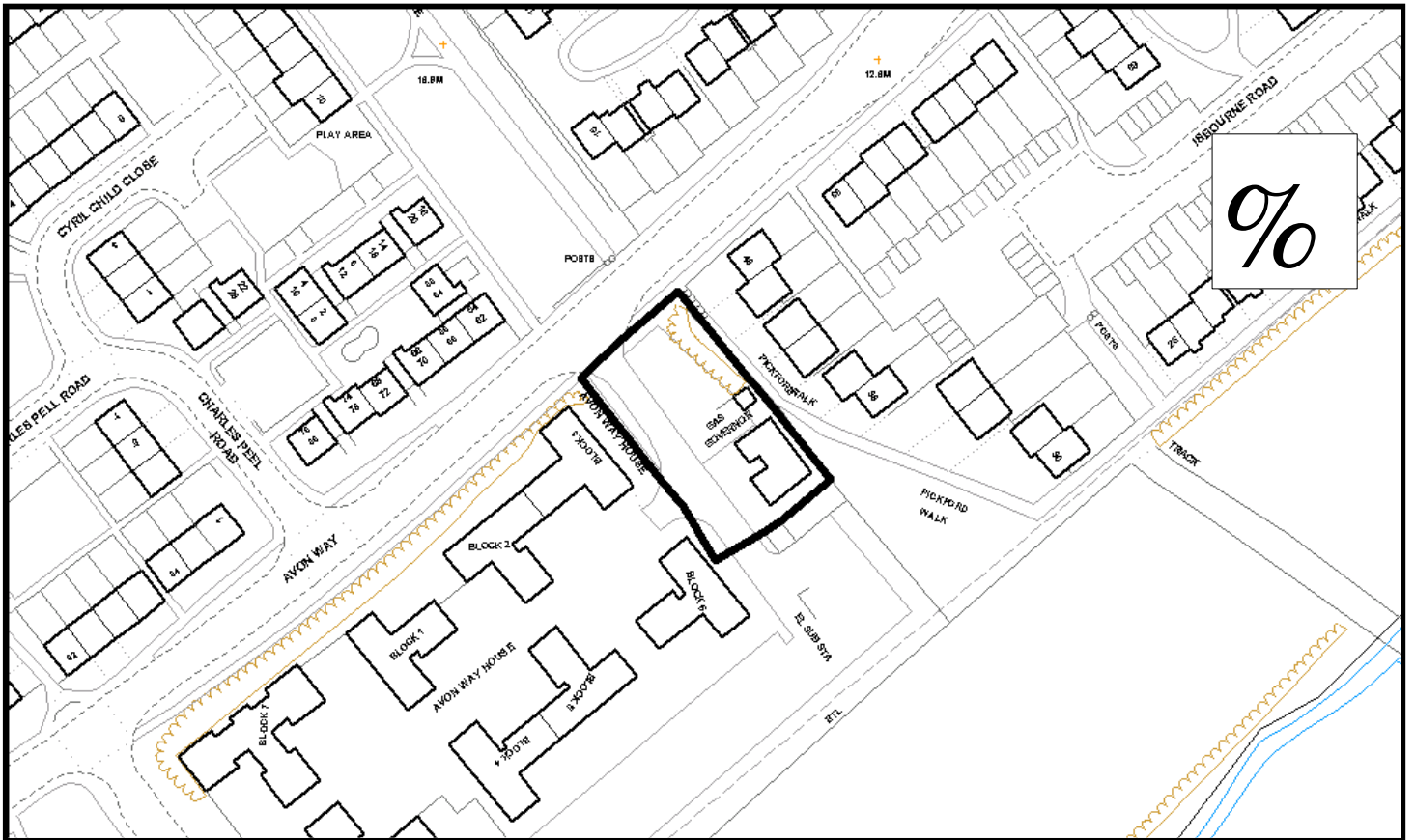
**Councillor Ray Gamble (in respect of his acquaintance with the agent, Mr**

**Gordon Parker) declared a personal interest in the following item pursuant to the provisions of Meetings General Procedure Rule 7(3)**

**223. 100161 Unit 3 St Ives Farm, St Ives Road, Peldon, CO5 7QD**

The Committee considered an application for the removal of condition 2 of planning permission 072151 which restricts the use to the overhaul and repair, sale and maintenance of contractors plant, sale of associated spare parts and associated offices. The application seeks to remove Condition 2 as far as it relates only to one of the approved new buildings within the site. The Committee had before it a report in which all information was set out, see also Amendment Sheet.

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



**Application No:** 091357

**Location:** Avon Way House, Avon Way, Colchester, CO4 3TZ

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

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# Committee Report

Agenda item **7**

To the meeting of **Planning Committee**  
on: **29 April 2010**  
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: **Bradly Heffer**

**MAJOR**

**Site:** Avon Way House, Avon Way, Colchester, CO4 3TZ

**Application No:** 091357

**Date Received:** 29 October 2009

**Agent:** Mr Mike Brearley

**Applicant:** Mr Owain Thomas

**Development:** New student accommodation in 2 blocks A and B forming a total of 38 new student bedrooms in 9 cluster flats. Each bedroom is en-suite and shares kitchen and lounge facilities with other bedrooms within a cluster flat.

**Ward:** St Andrews

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

### 1.0 Site Description

1.1 Members will recall that this site has been the subject of a previous application to erect student accommodation.

- 1.2 This current proposals seeks permission for the erection of a further two blocks of accommodation, identified as A and B on the submitted plans. The submitted scheme identifies an area of land (approximately 1315 square metres in size) located to the north-east of the existing buildings on the site. It is bounded to the north-west by Avon Way and to the north-east by Pickford Walk, which is fronted by a series of established semi-detached properties facing towards the application site. Immediately to the south east of the site is a hardened area currently utilised for vehicular parking. Under the previously-considered scheme this part of the existing site would be occupied by a new accommodation building. To the south west of the site are existing blocks of accommodation that comprise the existing Avon Way House site.
- 1.3 The submitted plans show the provision of two blocks that are of three storey height where they face on to the Avon Way House site and two storey height where they face the dwellings in Pickford Walk. The buildings would be constructed using a combination of red brick, cladding and render walls, single ply membrane roofs and aluminium polyester powder coated windows. In terms of accommodation proposed, Block A would provide 2 x 4 bed flats and 1 x 2 bed flat. Block B would provide 1 x 6 bed flats, 3 x 5 bed flats, 1 x 4 bed flat and 1 x 3 bed flat.
- 1.4 As stated previously this site has been the subject of an application to provide residential accommodation for students (ref: 090498). The currently-proposed blocks did form part of the original submission but were withdrawn from the application that was finally presented for determination to Committee.
- 1.5 As part of the current submission a Design and Access Statement has been included in support of the scheme. This may be viewed in full on the Council's website.

## **2.0 Land Use Allocation**

- 2.1 Residential

## **3.0 Relevant Planning History**

- 3.1 090498 - 81 new student bedrooms in 20 flats. Each room has its own ensuite and each flat has a shared kitchen/dining room. The new development is split into 4 separate blocks C, D, E and F. This application was approved, subject to the completion of a Section 106 Agreement. Members should note that at the time this report was produced the Agreement had not been completed. The permission is therefore not issued by the Council.

## **4.0 Principal Policies**

- 4.1 Adopted Review Colchester Borough Local Plan  
DC1 - General Development Control Criteria  
UEA11 - Design  
UEA13 - Development including extensions adjoining existing or proposed residential property.

- 4.2 Local Development Framework Core Strategy (December 2008).  
H2 - Housing Density  
UR2 - Built design and character  
PR1 - Open Space  
TA2 - Walking and Cycling  
TA5 - Parking

## 5.0 Consultations

5.1 The Highway Authority has no objection to the proposal, subject to the imposition of conditions that would relate to a scheme to encourage bus travel, details of bicycle/motorcycle parking and provision of footpath works.

5.2 The Council's Spatial Policy Team comments as follows:-

"This application appears to relate to amendments to accommodate the redesign of Blocks A and B, which were withdrawn prior to the determination of application 090498 for 4 other blocks, and which was delegated for approval subject to the completion of a Section 106 Agreement. The revisions raise no substantive new issues of a policy nature. If planning permission is granted for this development, it is recommended that occupancy is tied to student accommodation.

Consideration should be given towards a planning contribution in line with adopted SPD."

5.3 The Council's Landscape Planning Officer would require the imposition of conditions on the grant of any planning permission.

5.4 The Environment Agency requires the imposition of a condition to secure a scheme for the implementation of water, energy and resource efficiency measures.

## 6.0 Representations

6.1 As a result of neighbour notification, 7 letters of objection have been received. The comments may be summarised as follows:-

1. The proposal will give rise to further parking in the surrounding roads and associated traffic problems as there will be inadequate facilities provided on site. It would not be possible to stop occupiers bringing cars to Colchester, even if parking on site were to be controlled.
2. The provision of the development would be overpowering and create a loss of privacy and light for occupiers of dwellings in Pickford Walk. Furthermore, this development, in combination with the previous submission, will create unacceptable noise nuisance. The difference in land levels between the application site and Pickford Walk should be properly appreciated.

6.2 One letter has been received that identifies the need for secure cycle parking and provision of cycle routes, were permission to be granted.

6.3 Letters of objection have been received from the MP for Colchester, Mr Russell, and also Ward Councillors for St Andrews. These representations are produced as appendices to this report. Responses to these representations made on behalf of the developers are also included as appendices.

## 7.0 Report

7.1 In considering this current application, it is necessary to briefly summarise the planning situation in relation to this site. The blocks identified as A and B were originally part of the development proposed under the first application submission, (Ref: 090498). However, this aspect of the development was withdrawn from the application finally approved by Members. This followed initial consideration of the proposal in its entirety by Committee (i.e. for Blocks A to F) when the application was deferred in order that the following issue, inter alia, could be reconsidered:

"The proximity of Blocks A and B with properties in Pickford Walk, including siting, reduction in heights, lowering of slab levels, infilling between existing blocks and proposed blocks along the south east boundary to remove the need for new blocks adjacent to Pickford Walk."

7.2 Clearly therefore Members were concerned about the potential impact of the proposed accommodation blocks A and B on the amenity of the occupiers of houses in Pickford Walk. On this basis the developer withdrew Blocks A and B from the proposals in order that further consideration could be given to Members' concerns.

7.3 This current submission is the developer's response to Members' concerns. To this end, the key changes with regard to impact on Pickford Walk dwellings are summarised below - this information is taken from the developers' addendum to the Design and Access Statement, submitted as part of this current planning application:-

*"The two blocks have been redesigned to take into account the comments made at planning stage. The amendments made are as follows:-*

### Site Layout

*The road design has been realigned to create more space between Blocks A and B and the neighbouring houses on Pickford Walk.*

### Block A

- *The building has been rotated to follow the new road alignment. This has significantly improved the distance between this block and properties No. 48, 46 and 44 as can be seen on the proposed site plan drawing no 01 and the site sections drawing no 08.*
- *Furthermore, it is proposed to hand the entrance to that shown on the previously submitted scheme. This enables the entrance to the Block to be a significantly lower level to that shown on the previous scheme.*

### Block B

- *The building has been rotated to follow the new road alignment. This has improved the distance between this block and properties nos 38, 40 and 42.*
- *The block and been redesigned as split level taking advantage of the natural sloping topography. This significantly helps in reducing the overall mass of the block and break down the monolithic appearance.*



### Materials and Massing

*The materials are in keeping with those shown on the previous application with brick and render at ground and first floor and cladding at second floor. The roof finish will be a single ply membrane with standing seams. The massing of the blocks follows the principles set out in the previous application."*

- 7.4 Members will note the changes are illustrated on the currently submitted plans. The key elements are the realignment of the internal road (to enable relocation of the blocks, further away from the nearest properties in Pickford Walk) and revisions to the building design to reflect the topography of the site. As a planning judgement it is considered that the position of the proposed accommodation blocks in relation to the dwellings in Pickford Walk would not be of such detrimental impact to support a refusal of the proposal on this basis. The plans illustrate that there would, at the closest point, be a distance of 15 metres between properties (existing and proposed) which exceeds distances found elsewhere in new residential areas, build under Essex Design Guide Standards. The Guide identifies a 10 metre spacing in order to afford proper penetration of daylight etc. This scheme comfortably exceeds this level at its nearest point. The fact that the proposed blocks are designed in order to drop to a two-storey height where they face Pickford Walk would further mitigate their overall impact on these properties.
- 7.5 A second significant issue is that of parking provision on the site. This current scheme would result in the loss of a further 7 spaces, therefore reducing the overall number to 30 spaces (including 4 disabled spaces).
- 7.6 Members will also be aware that the Council has recently adopted new minimum parking standards. However, this application was submitted prior to the formal adoption. Notwithstanding this situation, the applicable standard requires that 1 space should be provided per full time equivalent staff plus 1 space per 5 students.
- 7.7 The total number of bedrooms that would be created by the previous scheme (090498) and this current proposal would total 102. Therefore the development in its entirety would generate a need for 21 spaces (i.e. 102 divided by 5) as a rounded up figure. 30 spaces in total are offered as part of the overall development proposals for the Avon Way site. Additionally, it is noted that the particular tenancy agreement that the developer has with occupiers '...actively discourages...' students from bringing their own cars. Furthermore, the provision of bus tickets and cycle/footpath links would help to encourage other modes of transport to access the Essex University campus. Notwithstanding the above, it is fully appreciated that the issue of problems created by on-street parking in the vicinity of the application site have given rise to strong objections being made by respondents and Ward Councillors.
- 7.8 In summary, the revised scheme that is put forward for consideration by Members is considered to be a reasonable attempt to address Members' previous concerns about the potential impact of the development on the amenity of neighbouring dwellings in Pickford Walk. Additionally, it is considered that the provision of parking facilities in this case is reasonable given the occupancy restriction that would be applicable and also that other modes of transport are encouraged i.e. cycle/pedestrian links and a period of free bus travel (recommended condition no. 18).

## 8.0 Background Papers

8.1 ARC; Core Strategy; HA; PP; TL; NR; NLR; Ward Councillors, MP; 090498

### Recommendation

- (A) That the application is deferred in order that a Section 106 Agreement may be secured, which includes the following elements:-
- The pedestrian/cycle links from the site to the cycle and footpath network at the south of the site.
- (B) Upon satisfactory completion of the agreement as described above, the Head of Environmental and Protective Services be authorised to issue a planning permission for the submitted development, subject to the following conditions:-

### Conditions

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

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

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

2 - B6.6 Site Characterisation

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

- (i) a survey of the extent, scale and nature of contamination, including contamination by soil gas and asbestos;
- (ii) an assessment of the potential risks to:
  - human health,
  - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
  - adjoining land,
  - groundwaters and surface waters,
  - ecological systems,
  - archaeological sites and ancient monuments;
- (iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and the Essex Contaminated Land Consortium's 'Land Affected by Contamination: Technical Guidance for Applicants and Developers'.

Reason: To ensure that risks from soil contamination to the future occupants of the development and neighbouring occupiers are minimised, together with those to controlled waters and ecological systems and to ensure that site workers are not exposed to the unacceptable risks from contamination during construction, in accordance with Policy P1 of the adopted Local Plan March 2004.

### 3 - B6.8 Submission of Remediation Scheme

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

Reason: To ensure that risks from soil contamination to the future occupants of the development and neighbouring occupiers are minimised, together with those to controlled waters and ecological systems and to ensure that site workers are not exposed to the unacceptable risks from contamination during construction, in accordance with Policy P1 of the adopted Local Plan March 2004.

### 4 - B6.9 Implementation of Approved Remediation Scheme

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

Reason: To ensure that risks from soil contamination to the future occupants of the development and neighbouring occupiers are minimised, together with those to controlled waters and ecological systems and to ensure that site workers are not exposed to the unacceptable risks from contamination during construction, in accordance with Policy P1 of the adopted Local Plan March 2004.

#### 5 - B6.10 Reporting of Unexpected Contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition 2, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 3, which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition 4.

Reason: To ensure that risks from soil contamination to the future occupants of the development and neighbouring occupiers are minimised, together with those to controlled waters and ecological systems and to ensure that site workers are not exposed to the unacceptable risks from contamination during construction, in accordance with Policy P1 of the adopted Local Plan March 2004.

#### 6 - B6.13 Validation Certificate

Prior to occupation of any property hereby permitted and the provision of any services the use hereby permitted commencing, the developer shall submit to the Local Planning Authority a signed certificate to confirm that the remediation works have been completed in accordance with the documents and plans detailed in Condition 5 above.

Reason: To ensure that risks from soil contamination to the future occupants of the development and neighbouring occupiers are minimised, together with those to controlled waters and ecological systems and to ensure that site workers are not exposed to the unacceptable risks from contamination during construction, in accordance with Policy P1 of the adopted Local Plan March 2004.

#### 7 -B7.3 Programme to be Agreed

No demolition whatsoever shall take place until such time as a programme has been submitted to, and agreed in writing by the Local Planning Authority stipulating the extent and timing of such operations.

Reason: In order to safeguard amenity in this location.

#### 8 - B7.4 Fencing Around Site

Neither demolition nor any other site works shall commence until the frontage of the site has been enclosed by a continuous solid fence in accordance with details to be agreed in writing by the Local Planning Authority. Such fencing shall remain in place until clearance/building works have been completed.

Reason: To protect the amenities of the locality.

#### 9 - B9.1 Refuse Bins

Prior to the development hereby approved being brought into use, refuse storage facilities shall be provided in a visually satisfactory manner and in accordance with a scheme which shall have previously been submitted to and approved in writing by the Local Planning Authority. Such facilities shall thereafter be retained to serve the development.

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

### 10 - B9.2 Recycling Facilities

Prior to the development hereby approved being brought into use, facilities for the collection of recyclable materials shall be provided on the site and thereafter retained in accordance with a scheme submitted to and agreed by the Local Planning Authority.

Reason: To ensure that adequate facilities are provided for the collection of recyclable materials.

### 11 - C3.1 Materials (general)

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 a satisfactory appearance in the interests of visual amenity.

### 12 - C3.21 Hard Surfacing

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: In the interests of visual amenity and to provide a satisfactory form of development.

### 13 - 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.

#### 14 - 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.

#### 15 - 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.

#### 16 - 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/commencement of the use hereby approved] and shall be retained thereafter.

Reason: In the interests of visual amenity and to provide a satisfactory form of development.

#### 17 - Non-Standard Condition

The occupation of the buildings hereby approved shall be limited solely to persons attending the University of Essex as students.

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

#### 18 - Non-Standard Condition

The Developer shall be responsible for the provision and implementation of a Transport Information and Marketing Scheme for sustainable transport, approved by the Local Planning Authority, to include vouchers for 12 months free bus travel within the inner zone for each eligible member of every new bedroom, valid for exchange during the first 6 months following occupation of the individual dwellings. Details of the uptake of the vouchers shall be provided to the Essex County Council's Travel Plan Team on a 6 monthly basis.

Reason: In the interests of promoting sustainable development and transport in accordance with Policy No. 4 in Appendix G to the Local Transport Plan 2006/20112 as refreshed by Cabinet Member decision dated 19 October 2007.

#### 19 - 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 with EPOA Vehicle parking Standards and Policy No. 4 in Appendix G to the Local Transport Plan 2006/20112 as refreshed by Cabinet Member decision dated 19 October 2007.

#### 20 - Non-Standard Condition

Prior to commencement of development details of the provision of two suitable cycleway/footway links to the existing network south of the site shall be approved in writing with the Local Planning Authority and prior to occupation of the development these links shall be provided within the site and shall be maintained free from obstruction at all times for that purpose.

Reason: To promote the use of sustainable means of transport with EPOA Vehicle parking Standards and Policy No. 4 in Appendix G to the Local Transport Plan 2006/20112 as refreshed by Cabinet Member decision dated 19 October 2007.

#### 21 - Non-Standard Condition

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

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

### **Informatives**

It should be borne in mind that, unless otherwise stated, the base for Conditions 18-20 is Policy 1.1 in Appendix G to the Local Transport Plan, 2006/2011 as refreshed by Cabinet Members decision dated 19 October 2007.

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.

## Avon way house

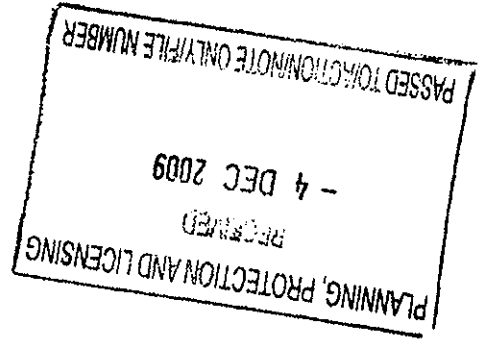
The ward councillors would like to express their objections to these revised plans. Councillors will remember the discussions regarding the original plans and the concern raised around the height of the buildings and the imposing impact that these two blocks will have, especially on the residents of Pickford walk. We would argue that the revised plans still present huge structures which will be over bearing on residents and will deny neighbouring properties daylight and the quiet enjoyment of their home. We would argue that the plans represent over development of the site and as such will exacerbate noise nuisance already suffered by neighbours of this student accommodation. We reject the concept expressed in the original report that this level of density is acceptable for students and firmly believe that students should be treated equally and not subject to cramped living conditions. The issue of student parking is a long standing problem and the proposal to cut parking provision on this site by 50% is seriously flawed and residents will have to live with the full effects of this in years to come. Avon way has recently been assessed by Highway officers and confirmed to meet the criteria for traffic calming measures. More and more student cars are finding there way on to Avon way, creating problems with residents being able to cross safely at this site. You will note that the developers have failed to sink the land level to cut height as suggested and have failed to bring forward plans for infill development which might have been more acceptable. All they have done is to slightly re position the blocks to put them at an angle which provides a slightly bigger gap between the block and neighbours properties in Pickford walk. Our view is that this does not make the blocks any more acceptable than the original plans and we would ask you to reject this application.



091357



HOUSE OF COMMONS  
LONDON SW1A 0AA



Head of Planning  
Colchester Borough Council  
Town Hall - High Street  
Colchester CO1 1FR

M.V.M

2nd December 2009

Dear Head of Planning,

**Application for student accommodation - Avon Way House**

I wrote a letter of objection to the previous Application at the above site. I wish that my objections in that earlier letter be further considered in respect of the current Application.

The developers, quite wisely, withdraw Blocks "A" and "B" when it dawned on them that the Planning Committee was likely to reject the entire Application. I consider their approach, with the new Application, to show that their behaviour on the previous occasion was somewhat devious - a deliberate attempt with a piece-meal approach to secure approval.

The objections to Blocks "A" and "B" remain the same. The height of the Blocks was not the only consideration last time; it was their location within the site - and that remains the same in terms of the serious impact they will have on the residential dwellings fronting Pickford Walk.

It should be fully understood that Pickford Walk was designed so that dwellings did not face other buildings. As the name suggests, the houses are served by a "walk" - not a road. Therefore their proximity to the site of Block "A" in particular spoils what the original design of Pickford Walk and Avon Way House intended.

I hope the Committee will reject the current Application. However, as a compromise, perhaps an alternative would be for Block "B" to be approved but for a height of 2-floors only, with the second floor preferably with a

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PLEASE REPLY TO: Magdalen Hall, Wimpole Road, Colchester CO1 2DE  
TELEPHONE: 01206 506600 - FAX: 01206 506610 - EMAIL: [brooksse@parliament.uk](mailto:brooksse@parliament.uk)

**DATA PROTECTION ACT**

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HOUSE OF COMMONS  
LONDON SW1A 0AA

mansard roof; that Block "A" be refused and the site planted with trees to improve the appearance of both Avon Way and the setting of Avon Way House.

Thank you.

Yours sincerely,

Bob Russell,  
MP for Colchester

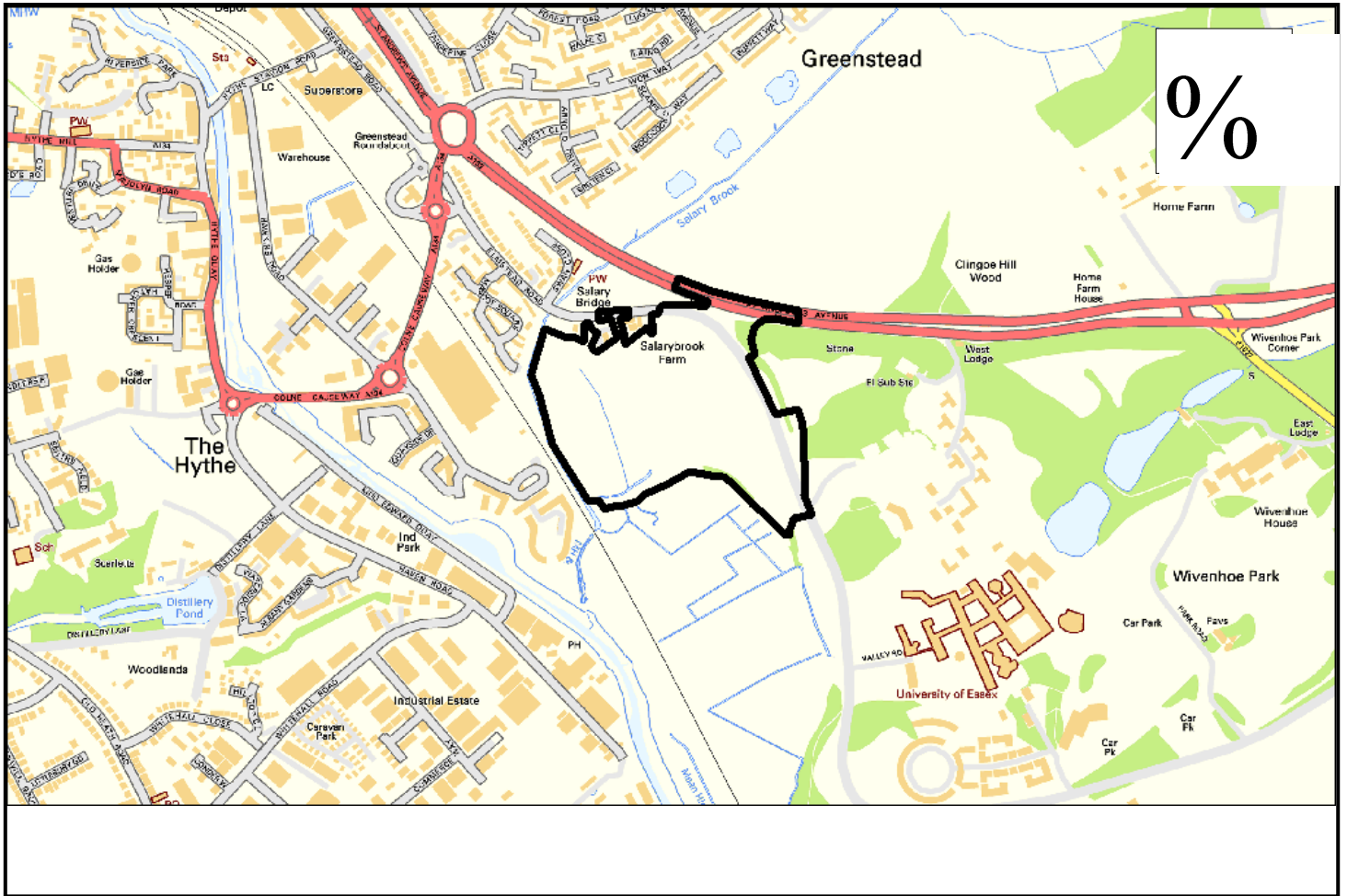
Copy: Local residents

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**Application No:** 091662

**Location:** Land to West of Boundary Road, University Of Essex, Wivenhoe Park, Colchester, CO4 3SQ

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

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**7.2 Case Officer: Bradly Heffer****MAJOR****Site:** University Of Essex, Wivenhoe Park, Colchester, CO4 3SQ**Application No:** 091662**Date Received:** 8 January 2010**Agent:** Jts Partnership**Applicant:** The Carisbrooke-Essex Partnership**Development:** Reserved Matters application for mixed use development to provide for an extension to Research Park (B1), Residential Development (C3), Student Residences (C2), Hotel and Public House/Restaurant (C1/A4), Leisure Development (D2), and Retail Development (A1/A2/A3) together**Ward:** Wivenhoe Cross**Summary of Recommendation:** Conditional Approval**1.0 Planning Report Introduction**

1.1 Members are advised that this report relates to three separate, but linked, reserved matters applications relating to land at Essex University, known as the Essex Knowledge Gateway. The other applications, also on this agenda, have references 091663 and 091664. On the submitted plans this particular application (091662) relates to the part of the site identified as 'A'. The applications are presented to Committee as objections have been received to the proposals, the details of which will be explained further in this report.

**2.0 Site Description**

2.1 The site for this proposal is an extensive area of land that is located to the north west of the main Essex University campus. It is bounded to the north by Elmstead Road, (which becomes a private road serving the campus, known as Boundary Road) and the A.133 (Clingoe Hill). To the east of the site lies the University campus while to the west is residential development and the Colchester – Clacton railway line. Immediately to the south is undeveloped land. The site is characterised by its sloping topography with the land dropping from east to west by approximately 25 metres from the A.133 at the highest point to the north, to Salary Brook to the south at the lowest. The site has two distinct areas in its undeveloped form. North and east of Boundary Road the land is bordered by the A.133 and the developed University Campus. This area is heavily wooded on its outer edges with more open, almost parkland setting within its centre. South and west of Boundary Road the land is rough grassland with a hedge separating two fields. Salary Brook provides a visual stop to the area with the railway line located beyond.

2.2 The location itself is a pivotal position between the established University Campus east of the site and the Hythe Regeneration Area which incorporates the site, both being important elements for East Colchester which maintain a prominent regeneration role within Colchester, the Haven Gateway and the East of England Region.

### **3.0 Description of Proposal**

3.1 As advised in the introduction, this report relates to the submission of reserved matters proposals following the grant of outline planning permission for development on this site.

3.2 Under this 'suite' of current reserved matters applications permission is sought for the following elements:

1. Realignment within the site of Boundary Road.
2. Earthworks involving the raising of the floodplain within area A and the provision of compensatory works to increase flood storage capacity along the channel of Salary Brook.
3. Earthworks relating to the provision of foul and surface water drainage across the whole site.
4. The provision of structural landscaping (principally to involve boundary landscaping and planting along the main internal estate roads)
5. The provision of the main internal estate roads, cycleway and footpaths.
6. The provision of site services to each phase/plot boundary.

3.3 In effect the applications seek permission to implement the infrastructure works resulting from the outline planning permissions previously granted. These would follow on from the construction and completion of the new road junction on to the A.133 Clingoe Hill as previously approved under planning application 072997.

3.4 The applications are accompanied by a significant amount of supporting material that may be viewed on the Council's website. However, the following statement summarises the development that has been agreed in principle on this site via the approval of the outline planning applications:

3.5 'The Essex Knowledge Gateway development will eventually comprise some 200 residential units and 1300 student bed spaces, together with 15 150 sq m of commercial floor space (in the form of a business park, together with leisure retail and hotel uses) and is being undertaken in accordance with outline planning permissions O/COL/05/2046 (Area A), 071531 (Area B) and T/COL/05/1131 (Area C).'

### **4.0 Land Use Allocation**

4.1 Within the Adopted Review Colchester Borough Local Plan the site falls within an area allocated for University and other appropriate commercial purposes. Land immediately to the south is allocated as a Site of Importance for Nature Conservation (SINC).

## 5.0 Relevant Planning History

- 5.1 The site has a comprehensive history of previous planning applications. Application reference O/COL/88/1093 was submitted in 1988 for Outline permission for provision of a Science Park. This evolved into a Research Park with a submission in 1989 and the permission has been renewed at intervals from this time. The following comprises the list of outline planning permissions that have previously been granted:
- 5.2 O/COL/05/2046 - Outline application for mixed use development to provide for an Extension to Research Park (B1), Residential Development (C3), Student Residences (C2), Hotel and Public House/Restaurant (C1/A4), Leisure Development (D2), and Retail Development (A1/A2/A3) together with associated infrastructure works and car parks including new roundabout access and associated highway works upon the A133 and Elmstead Road.
- 5.3 T/COL/05/1131 - Application to renew planning permission COL/03/1219 – outline permission for extension to Research Park buildings, roads and landscaping works for Use Classes A2 and B1
- 5.4 071531 - Proposed renewal of outline planning permission O/COL/05/1134.
- 5.5 For Members' information application O/COL/05/1134 was described as follows:
- 'Application to renew Planning Application COL/92/0986 as amended by COL/96/0872, COL/98/0783 & COL/02/0687 - Outline application for provision of research buildings, roads and landscaping for Use Classes A2 and B1.'*
- 5.6 Members should also be aware that planning permission has previously been granted for the creation of a new vehicular access to the site, directly off Clingoe Hill. The planning application reference is 072997.

## 6.0 Principal Policies

- 6.1 Adopted Review Colchester Borough Local Plan Saved Policies-March 2004  
DC1- Development Control considerations  
CO3 - Countryside Conservation Area  
CO5 - Habitats  
CO6 - Protected Species  
UEA11 - Design  
CF1 - Infrastructure and Community Facilities Provision
- 6.2 Adopted LDF Core Strategy- December 2008  
SD1 - Sustainable Development Locations  
SD2 - Delivering Facilities and Infrastructure  
SD3 - Community Facilities  
CE1 - Centres and Employment Classification and Hierarchy  
CE2 - Mixed Use Centres  
CE3 - Employment Zones  
UR1 - Regeneration Areas  
UR2 - Built Design and Character  
PR1 - Open Space

PR2 - People-friendly Streets  
TA2 - Walking and Cycling  
TA3 - Public Transport  
TA4 - Roads and Traffic  
ENV1 - Environment  
ER1 - Energy, Resources, Waste, Water and Recycling

## **7.0 Consultations**

7.1 The Highway Authority, when originally consulted, confirmed that it had no objection to the proposal on the basis that the internal roads, footpaths and cycleways would not be offered for adoption. Minor alterations were also requested to the layout. These were subsequently secured and the Authority has confirmed its agreement to the amended plans.

7.2 The Planning Policy team states:

“This application seeks approval for reserved matters under outline consent 05/2046. Approval is sought for the main estate roads and landscaping. As the principle of the development has already been accepted through the outline consent Planning Policy has no comments to make on this application.”

7.3 The Archaeological Officer would require the imposition of a watching brief condition and a scheme for the protection of archaeological features on the periphery of the site.

7.4 Natural England has advised that it has no objection to the proposed development, provided that the mitigation identified in the reptile and badger survey is conditioned as part of any approval.

7.5 English Heritage advises that the application should be determined in accordance with national and local policy guidance and does not wish to offer any comments on this occasion.

7.6 The Environment Agency makes comments on the submitted scheme, relating to drainage, earthworks and potentially contaminated land. With regard to drainage it is identified that a scheme has been developed that demonstrates that surface water generated on site up to the 1 in 100 year storm, inclusive of climate change, can be stored within the storage pipelines and an attenuation pond – eventually to be discharged to Salary Brook. The Agency is also satisfied that sufficient detail has been provided to demonstrate that compensation will be provided on the site to account for the impact of the propose earth works on the flood plain. Lastly it is identified that if unexpected land contamination is found the Agency should be informed. It is noted that a land contamination study has already been undertaken. Advisory comments for the applicant are also included in the consultation response.

7.7 Network Rail has confirmed that it has no objection to the proposals.

7.8 The Ramblers Association comments as follows:

‘An earlier version of the plan gave hope for a semi-rural, brookside footway from the St. Andrews Avenue underpass to the railway bridge. All I can find on the plans is a longer, road side, joint cycleway. I find it disappointing, another opportunity missed.’

7.9 The full text of all consultations and representations are available to view on the Council's web-site.

## **8.0 Town Council's Views**

8.1 Wivenhoe Town Council has advised it has no observations.

## **9.0 Representations**

9.1 As a result of local notification five letters of objection have been received from local residents. The comments made are summarised (in no particular order) as follows:

- Disturbances are currently experienced with persons leaving the University site in the early hours of the morning. Extra funding for policing should be provided. The proposal will lead to increased traffic and associated speeding and congestion. Safe access to driveways will be impeded.
- Why is another restaurant and hotel needed when the Wivenhoe Park Hotel is a short distance away? Leisure facilities are available at the University.
- Further student accommodation is not necessary and the schools in the area are already full. Will there be safe areas for children to play in?
- The development will result in air pollution, noise disturbance and an over-concentration of students.

9.2 The following comments have been received from the owner of the property at No.57 Elmstead Road:

- The notification of properties under the original outline proposal was flawed as addresses adjacent to the site were not properly notified, and this has occurred with the current proposal.
- The submitted documents are based on old maps that have the wrong property numbers on them – dwellings in Elmstead Road having been renumbered by the Council.
- The plan shows an area of land within the red line site plan that is not owned by the University and this mistake should be rectified.
- The proposed cycle and footway should be located away from the boundary of the site with No.57 Elmstead Road to mitigate any nuisance, loss of amenity or privacy.
- The street lights should be designed to avoid any light pollution or nuisance and tree planting should be enhanced to improve screening of the development.
- Any excavated soils or materials etc. should not be stored to the rear of No.57 and no alteration should be made to land levels at this point. Additionally the ground levels on the strip of open land between the development area 'B' on the plans and the railway footbridge should be lowered and kept completely unobstructed to allow flood water to pass into the flood plain, in order to avoid drainage issues in the floodplain nearer to Elmstead Road.
- The new roadway nearest No.57 should be substantially fenced to prevent ready pedestrian access on to open land.
- Appropriate measures should be taken to control dust and hours of work in order to avoid nuisance.



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

## **10.0 Report**

- 10.1 The provision of the project known as the Essex Knowledge Gateway has been an established element in the overall regeneration aims for East Colchester, and this is reflected in the range of outline permissions already granted. Members are advised that a master plan has been developed and agreed for the overall site. A copy of this plan will form part of the Committee presentation.
- 10.2 Following on from the establishment of a master plan and, with it, an agreed form and mix of development these current applications seek to obtain permission for the provision of the internal estate roads, footways and cycleways and associated landscaping. The layout of the proposals follows that established at the outline stage. In seeking approval for these works it is intended that they commence and are completed, in order that the overall site is fully serviced, and may be marketed as such to potential developers and occupiers. The intention is that following on from this stage the submission of planning applications for the buildings themselves will follow.
- 10.3 Clearly, a key enabling factor in the development of the land is the provision of the new road junction serving the site from Clingoe Hill. As has been stated earlier, detailed planning permission has been granted for this particular element and initial preparation works have commenced on site. Should Members be willing to approve the current submitted schemes, the described works would link with the provision of the new junction.
- 10.4 The submitted overall scheme, which includes the areas covered by the individual applications, shows the provision of a new estate road leading off the new Clingoe Hill junction that would link in with the existing line of Boundary Road, extending towards a new roundabout feature. While the line of Boundary Road would continue past the roundabout, new internal estate roads would extend from the roundabout in an easterly and westerly direction. The western road would link up with a new junction on to Elmstead Road, between the Ambulance station and Salary Brook Farm buildings.
- 10.5 As well as the internal roads, the submitted scheme would include the provision of a footway and cycleway link from Elmstead Road, following the line of the roads and leading to the University campus to the east of the overall site. A similar provision would connect to the bridge crossing the railway line to the west of the site. Members should note that the submitted plans include information to show that the proposed roads can accommodate a bus route through the site. Both the extent of the footway/cycleway and the provision of a bus route through the site were conditional requirements attached to the outline planning permissions.

10.6 As well as the hard landscaping proposals, the submitted plans show the provision of associated soft landscaping that would be provided as part of the scheme. This would include trees being planted in avenue arrangements along the lines of the new roads, and areas of ornamental planting. The submission also incorporates an 8 metre wide tree belt to form a foraging and movement 'corridor' for bats and appropriate planting around the attenuation pond at the south-western corner of the site adjacent to Salary Brook. The implementation of a landscaping scheme at this stage is felt to be particularly appropriate, given that structural planting can help establish an overall visual cohesion to a large development scheme. Members should note that some tree removal is a consequence of the proposed works – particularly in relation to the construction of the Clingoe Hill junction. However, the range of trees to be removed is clearly shown on the submitted drawings and has been endorsed by the Council's tree officer.

10.7 The submitted scheme has given rise to a number of objections that have previously been summarised. The following points are made in response:

- While the behaviour of persons visiting the Campus is identified as a problem for local residents this, in itself, is outside the control of planning. The submitted applications are for the construction of estate roads and associated works leading to the future development of the Essex Knowledge Gateway site. The range of land uses to be accommodated on the site has been established through the outline planning application process and the agreement of a master plan. Additionally the issue of vehicular access to the site has been previously considered to be acceptable as long as mitigating factors such as the Clingoe Hill junction are provided.
- The issue of local notification and change of addresses locally is fully acknowledged. Any failure to notify at the outline stage is regretted but in regard to the current proposals local residents adjoining the application site have been sent notification letters. Additionally letters have been resent where neighbours have advised that the original letters were not received (despite the Council record showing these properties as being notified). This renotification has led to the delay in the applications being presented to Committee for determination.
- The issue of land ownership has been pursued with the University of Essex and a response has been received that indicates the University considers it owns the land included in the red line applications. The neighbouring resident has been advised as such.
- The submitted plans show the nearest cycleway and footway to No. 57 Elmstead Road as being some 45 metres to the east, on the other side of the Ambulance station. This is considered to be a reasonable distance and with the built form in between would ensure that the amenity of the occupiers of this property was not adversely impaired in your officer's opinion.
- Land levels and site drainage (as a result of earthworks etc) have been analysed by the Environment Agency and it confirms that the submitted scheme is acceptable.
- Concerns about the impact of the works on amenity are fully appreciated and the conditions proposed to be attached to the grant of planning permission would, it is felt, adequately control these issues.

## **11.0 Conclusions**

11.1 In summary it is considered that the proposals put forward for determination by Members represent an appropriate and reasonable response to the first stage of developing the Essex Knowledge Gateway site. The submitted proposals follow on from the parameters established through the outline planning permissions and would enable a serviced site to be marketed. A recommendation of approval is therefore proposed by your officer. Members should note that the outline planning applications from which these reserved matters applications follow were subject to a substantial number of conditions that have now been formally discharged. The list of conditions proposed below reflects this situation as there would be no need to impose identical conditions on the reserved matters approval if the outline condition has already been formally approved.

## **12.0 Background Papers**

12.1 ARC; Core Strategy; HA; PP; MR; NC; EH; NR; RA; PTC; NLR; Network Rail

### **Recommendation - Conditional Approval**

#### **Conditions**

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

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

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

2 – A2.1 Development to Accord With Approved Plans

The development hereby permitted shall be implemented in all respects strictly in accordance with the approved plans returned stamped approved with this decision.

Reason: In order to avoid doubt as to the scope of the permission hereby granted.

3 – Non-Standard Condition

An environmental management plan, including long term objectives, management responsibilities and maintenance schedules for all areas other than privately owned residential and commercial development, to include Salary Brook, the grazing marsh, installation of the balancing pond, provision of cattle fencing and wet marsh extension; shall be submitted to and approved by the Local Planning Authority prior to any occupation of the development (or 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 ecological environment.

#### 4 – Non-Standard Condition

All works approved within the agreed environmental management plan 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.

Reason: To ensure the implementation in accordance with the agreed scheme.

#### 5 – Non-Standard Condition

All retained 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 (retained) 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.

#### 6 – Non-Standard Condition

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.

#### 7 – Non-Standard Condition

Prior to being discharged into any watercourse, surface water sewer or soakaway, all surface water drainage shall be passed through an oil interceptor designed and constructed to have a capacity compatible with the site being drained. Roof water shall not pass through the interceptor.

Reason: In order to safeguard the amenities of the future occupiers and users of the development.

#### 8 – Non-Standard Condition

There shall be a suitable continuous route for buses and coaches through the proposal between the proposals westernmost boundary and the B1028 Colchester Road/Boundary Road junction. This route shall be a minimum of 6.9 metres wide along its entire length and maintained as a suitable route at all times, including keeping it clear of obstructions.

Reason: To enable the Local Planning Authority to secure acceptable access in the interests of highway safety and promotion of sustainable and public transport routes.

#### 9 – Non-Standard Condition

All proposed foot/cyclepaths within the proposal shall be a minimum of 3.5 metres wide.

Reason: To enable the Local Planning Authority to secure acceptable access and layout in the interests of highway safety.

#### 10 - Non-Standard Condition

A foot/cyclepath shall be retained between the existing University Quays rail bridge and Boundary Road with connections to the residential development, student residences and existing campus.

Reason: To enable the Local Planning Authority to secure acceptable access and layout in the interests of highway safety.

#### 11 - Non-Standard Condition

No development shall take place until a construction traffic management plan has been submitted and agreed in writing with the Local Planning Authority and Highway Authority. Said development shall take place in accordance with the agreed details.

Reason: To safeguard residential amenity and in the interests of highway safety.

#### 12 - Non-Standard Condition

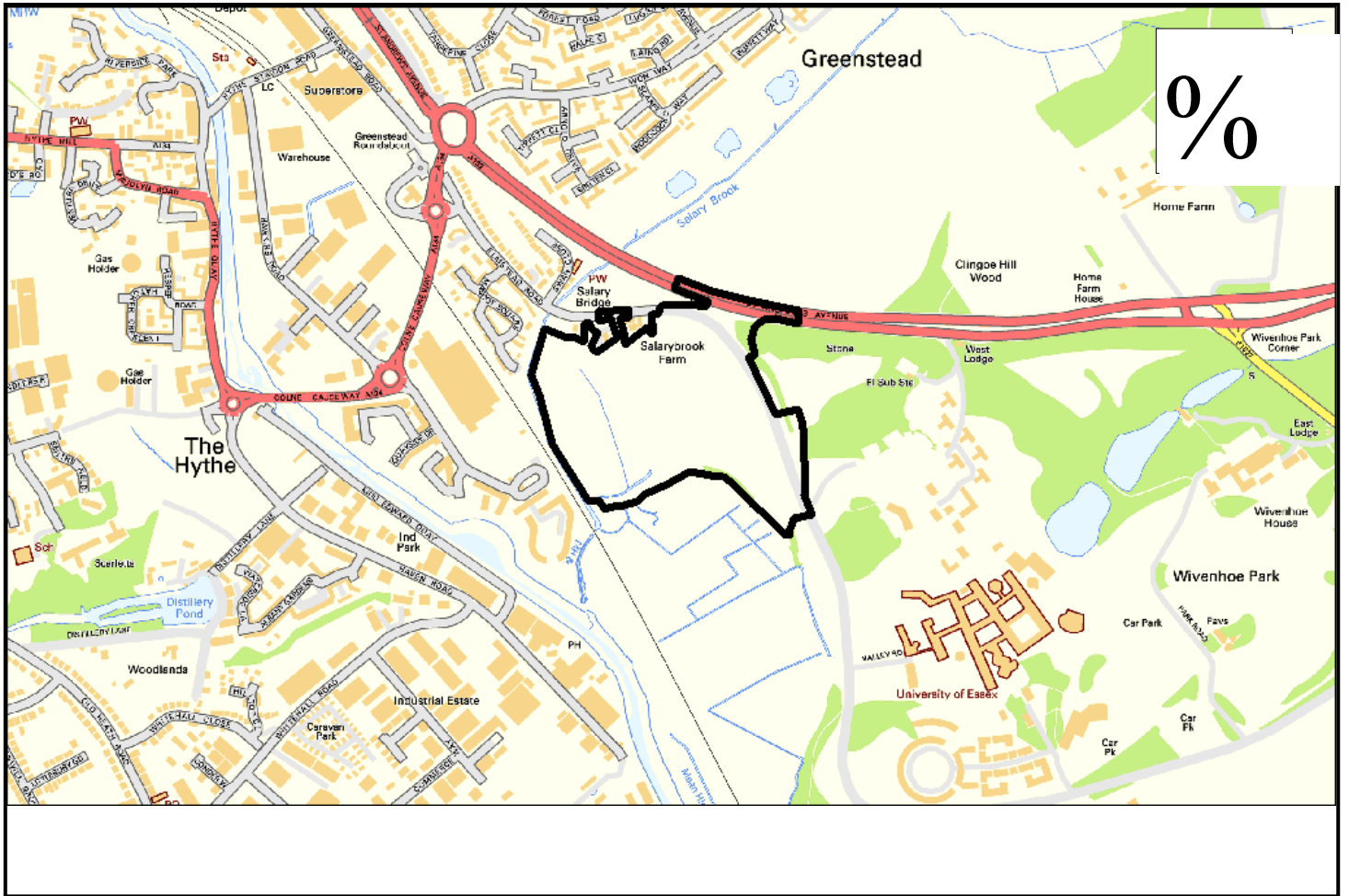
Prior to the commencement of the development hereby approved, details of all lighting columns and fixtures/fittings to serve the roads, pathways and cycleways shall be submitted to and approved in writing by the Local Planning Authority. The agreed details shall be carried out within an agreed timescale and to the satisfaction of the Local Planning Authority and retained as such thereafter.

Reason: In order to ensure a satisfactory form of development in the interests of visual amenity and to protect the amenity of local residential property from the impacts of light pollution.

### **Informatives**

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

All works affecting the highway to be carried out by prior arrangement with and to the requirements and satisfaction of the Highway Authority and application for the necessary works should be made by initially telephoning 01206 838600.



**Application No:** 091663

**Location:** Land East Of, Wivenhoe Park, Boundary Road, Colchester

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

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**7.3 Case Officer: Bradly Heffer**

**MAJOR**

**Site:** Wivenhoe Park, Boundary Road, Colchester

**Application No:** 091663

**Date Received:** 8 January 2010

**Agent:** Jts Partnership

**Applicant:** Essex University

**Development:** Reserved Matters application for layout of main estate roads and structural landscaping.

**Ward:** Wivenhoe Cross

**Summary of Recommendation:** Conditional Approval

**1.0 Planning Report Introduction**

1.1 Members are advised that this report relates to three separate, but linked, reserved matters applications relating to land at Essex University, known as the Essex Knowledge Gateway. The other applications, also on this agenda, have references 091662 and 091664. On the submitted plans this particular application (091663) relates to the part of the site identified as 'C'. The applications are presented to Committee as objections have been received. For an explanation of the proposals Members should refer to the report relating to application 091662 on the Committee agenda.

**Recommendation - Conditional Approval**

**Conditions**

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

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

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

2 - A2.1 Development to Accord With Approved Plans

The development hereby permitted shall be implemented in all respects strictly in accordance with the approved plans returned stamped approved with this decision.

Reason: In order to avoid doubt as to the scope of the permission hereby granted.

### 3 - Non-Standard Condition

An environmental management plan, including long term objectives, management responsibilities and maintenance schedules for all areas other than privately owned residential and commercial development, to include Salary Brook, the grazing marsh, installation of the balancing pond, provision of cattle fencing and wet marsh extension; shall be submitted to and approved by the Local Planning Authority prior to any occupation of the development (or 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 ecological environment.

### 4 - Non-Standard Condition

All works approved within the agreed environmental management plan 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.

Reason: To ensure the implementation in accordance with the agreed scheme.

### 5 - Non-Standard Condition

All retained 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 (retained) 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.

### 6 - Non-Standard Condition

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.



#### 7 - Non-Standard Condition

Prior to being discharged into any watercourse, surface water sewer or soakaway, all surface water drainage shall be passed through an oil interceptor designed and constructed to have a capacity compatible with the site being drained. Roof water shall not pass through the interceptor.

Reason: In order to safeguard the amenities of the future occupiers and users of the development.

#### 8 - Non-Standard Condition

There shall be a suitable continuous route for buses and coaches through the proposal between the proposals westernmost boundary and the B1028 Colchester Road/Boundary Road junction. This route shall be a minimum of 6.9 metres wide along its entire length and maintained as a suitable route at all times, including keeping it clear of obstructions.

Reason: To enable the Local Planning Authority to secure acceptable access in the interests of highway safety and promotion of sustainable and public transport routes.

#### 9 - Non-Standard Condition

All proposed foot/cyclepaths within the proposal shall be a minimum of 3.5 metres wide.

Reason: To enable the Local Planning Authority to secure acceptable access and layout in the interests of highway safety.

#### 10 - Non-Standard Condition

A foot/cyclepath shall be retained between the existing University Quays rail bridge and Boundary Road with connections to the residential development, student residences and existing campus.

Reason: To enable the Local Planning Authority to secure acceptable access and layout in the interests of highway safety.

#### 11 - Non-Standard Condition

No development shall take place until a construction traffic management plan has been submitted and agreed in writing with the Local Planning Authority and Highway Authority. Said development shall take place in accordance with the agreed details.

Reason: To safeguard residential amenity and in the interests of highway safety.

#### 12 - Non-Standard Condition

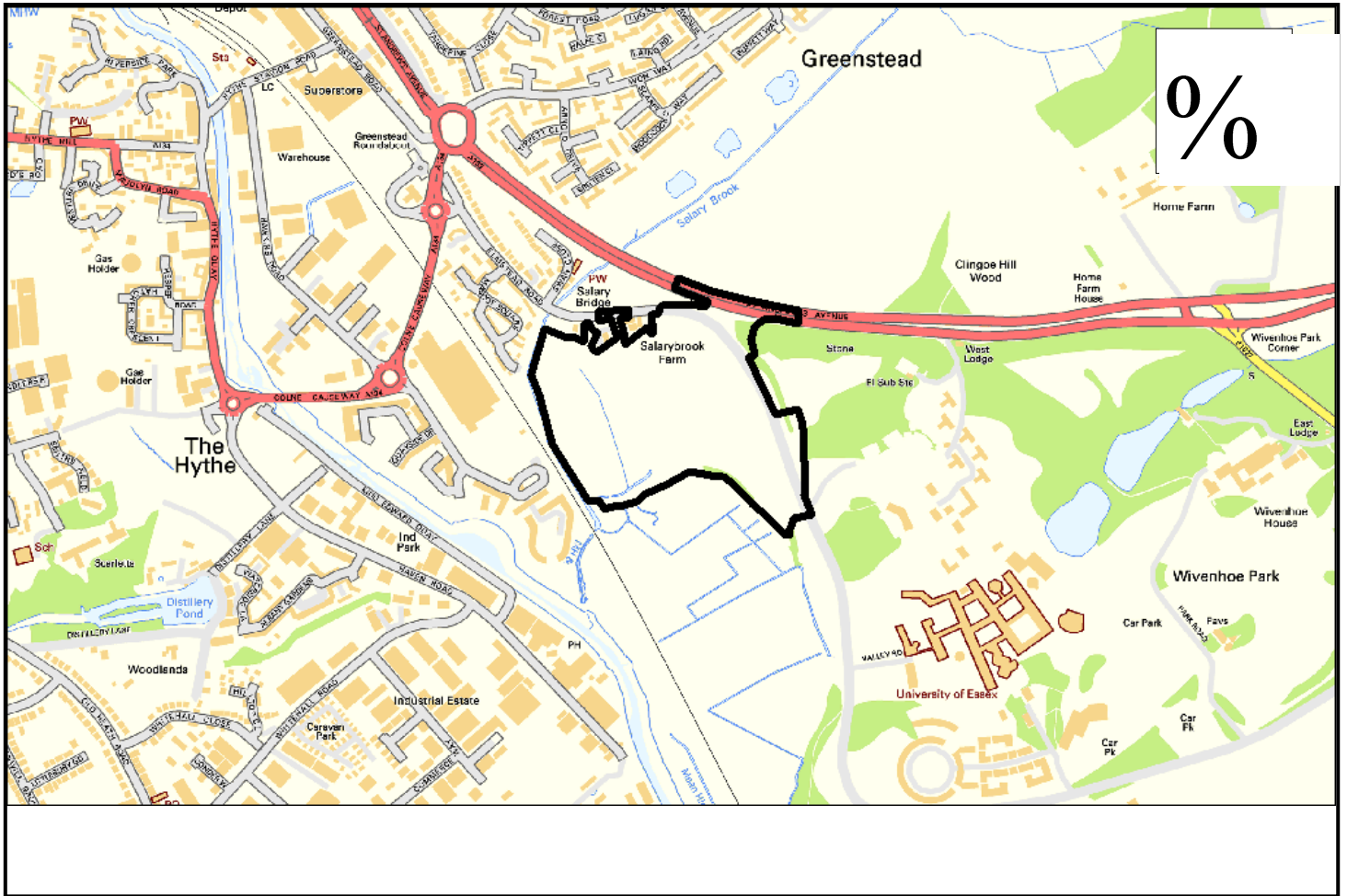
Prior to the commencement of the development hereby approved, details of all lighting columns and fixtures/fittings to serve the roads, pathways and cycleways shall be submitted to and approved in writing by the Local Planning Authority. The agreed details shall be carried out within an agreed timescale and to the satisfaction of the Local Planning Authority and retained as such thereafter.

Reason: In order to ensure a satisfactory form of development in the interests of visual amenity and to protect the amenity of local residential property from the impacts of light pollution.

**Informatives**

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

All works affecting the highway to be carried out by prior arrangement with and to the requirements and satisfaction of the Highway Authority and application for the necessary works should be made by initially telephoning 01206 838600.



**Application No:** 091664

**Location:** University Of Essex, Wivenhoe Park, Colchester, CO4 3SQ

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

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**7.4 Case Officer: Bradly Heffer**

**MAJOR**

**Site:** University Of Essex, Wivenhoe Park, Colchester, CO4 3SQ

**Application No:** 091664

**Date Received:** 8 January 2010

**Agent:** Jts Partnership

**Applicant:** University Of Essex

**Development:** Reserved Matters application for extension to Research Park buildings, roads and landscaping works for Use Classes A2 and B1.

**Ward:** Wivenhoe Cross

**Summary of Recommendation:** Conditional Approval

**1.0 Planning Report Introduction**

1.1 Members are advised that this report relates to three separate, but linked, reserved matters applications relating to land at Essex University, known as the Essex Knowledge Gateway. The other applications, also on this agenda, have references 091662 and 091663. On the submitted plans this particular application (091664) relates to the part of the site identified as 'B'. The applications are presented to Committee as objections have been received. For an explanation of the proposals Members should refer to the report relating to application 091662 on the Committee agenda.

**Recommendation - Conditional Approval**

**Conditions**

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

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

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

2 - A2.1 Development to Accord With Approved Plans

The development hereby permitted shall be implemented in all respects strictly in accordance with the approved plans returned stamped approved with this decision.

Reason: In order to avoid doubt as to the scope of the permission hereby granted.

### 3 - Non-Standard Condition

An environmental management plan, including long term objectives, management responsibilities and maintenance schedules for all areas other than privately owned residential and commercial development, to include Salary Brook, the grazing marsh, installation of the balancing pond, provision of cattle fencing and wet marsh extension; shall be submitted to and approved by the Local Planning Authority prior to any occupation of the development (or 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 ecological environment.

### 4 - Non-Standard Condition

All works approved within the agreed environmental management plan 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.

Reason: To ensure the implementation in accordance with the agreed scheme.

### 5 - Non-Standard Condition

All retained 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 (retained) 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.

### 6 - Non-Standard Condition

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.

#### 7 - Non-Standard Condition

Prior to being discharged into any watercourse, surface water sewer or soakaway, all surface water drainage shall be passed through an oil interceptor designed and constructed to have a capacity compatible with the site being drained. Roof water shall not pass through the interceptor.

Reason: In order to safeguard the amenities of the future occupiers and users of the development.

#### 8 - Non-Standard Condition

There shall be a suitable continuous route for buses and coaches through the proposal between the proposals westernmost boundary and the B1028 Colchester Road/Boundary Road junction. This route shall be a minimum of 6.9 metres wide along its entire length and maintained as a suitable route at all times, including keeping it clear of obstructions.

Reason: To enable the Local Planning Authority to secure acceptable access in the interests of highway safety and promotion of sustainable and public transport routes.

#### 9 - Non-Standard Condition

All proposed foot/cyclepaths within the proposal shall be a minimum of 3.5 metres wide.

Reason: To enable the Local Planning Authority to secure acceptable access and layout in the interests of highway safety.

#### 10 - Non-Standard Condition

A foot/cyclepath shall be retained between the existing University Quays rail bridge and Boundary Road with connections to the residential development, student residences and existing campus.

Reason: To enable the Local Planning Authority to secure acceptable access and layout in the interests of highway safety.

#### 11 - Non-Standard Condition

No development shall take place until a construction traffic management plan has been submitted and agreed in writing with the Local Planning Authority and Highway Authority. Said development shall take place in accordance with the agreed details.

Reason: To safeguard residential amenity and in the interests of highway safety.

#### 12 - Non-Standard Condition

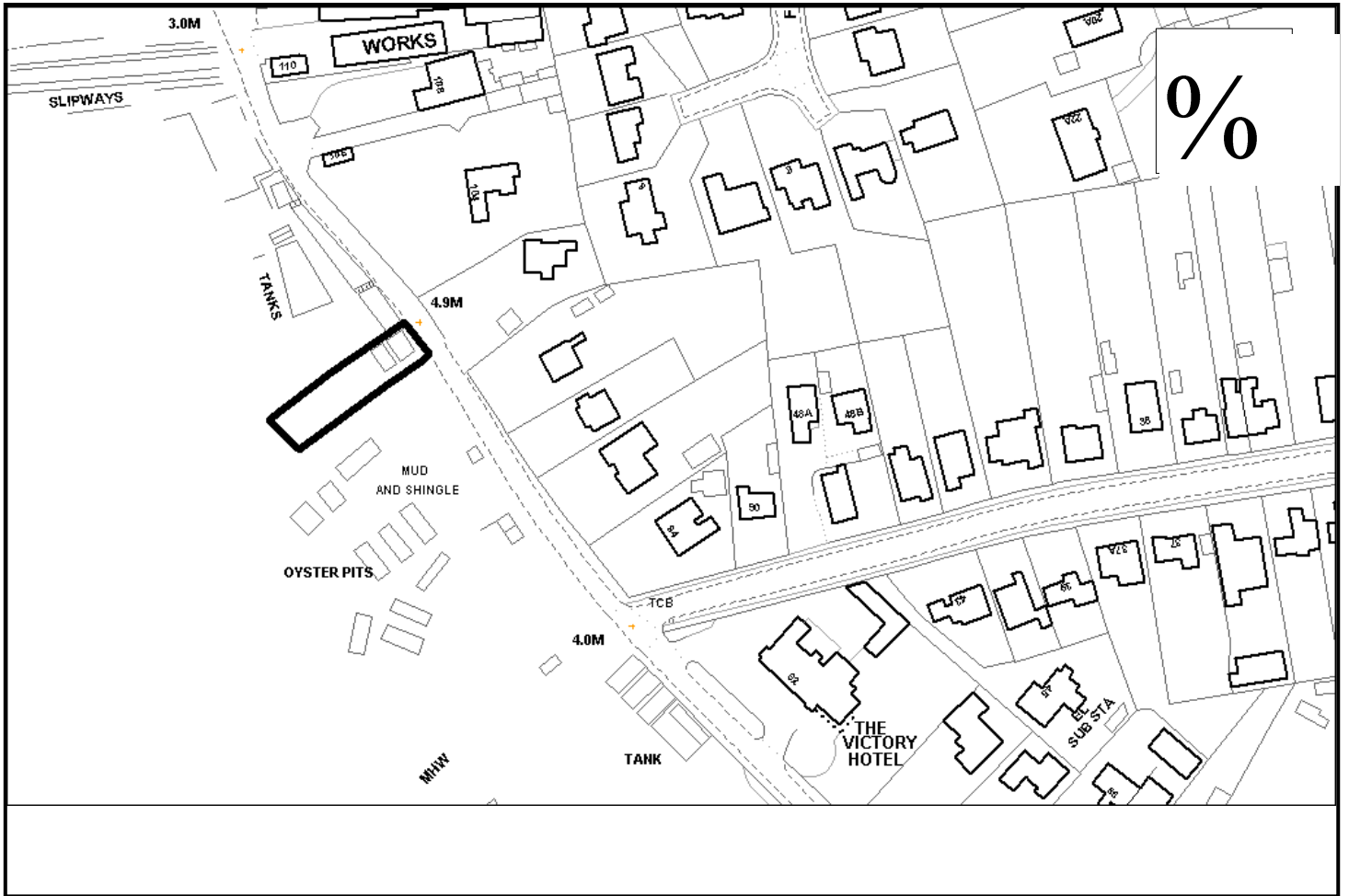
Prior to the commencement of the development hereby approved, details of all lighting columns and fixtures/fittings to serve the roads, pathways and cycleways shall be submitted to and approved in writing by the Local Planning Authority. The agreed details shall be carried out within an agreed timescale and to the satisfaction of the Local Planning Authority and retained as such thereafter.

Reason: In order to ensure a satisfactory form of development in the interests of visual amenity and to protect the amenity of local residential property from the impacts of light pollution.

**Informatives**

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

All works affecting the highway to be carried out by prior arrangement with and to the requirements and satisfaction of the Highway Authority and application for the necessary works should be made by initially telephoning 01206 838600.



**Application Nos:** 072523 & 072522

**Location:** The Old Oyster Sheds, Coast Road, West Mersea, Colchester, CO5 8PA

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

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**7.5 Case Officer: David Whybrow**

**OTHER**

**Site:** The Old Oyster Sheds, Coast Road, West Mersea, Colchester, CO5 8PA

**Application No:** 072523

**Date Received:** 5 October 2007

**Agent:** Mr Simon Plater

**Applicant:** Lay & Wheeler Group Limited

**Development:** Renewal of existing approval C/COL/01/0526. Take down the existing building, refurbish and renovate timber frame walls and roof, re-erect walls and extend shed for use as a private oyster tasting and luncheon/dining suite.

**Ward:** West Mersea

**Summary of Recommendation:** Conditional Approval

**7.6 Case Officer: David Whybrow**

**OTHER**

**Site:** The Old Oyster Sheds, Coast Road, West Mersea, Colchester, CO5 8PA

**Application No:** 072522

**Date Received:** 5 October 2007

**Agent:** Mr Simon Plater

**Applicant:** Lay & Wheeler Group Limited

**Development:** Renewal of existing approval C/COL/01/0526 Take down the existing building, refurbish and renovate timber frame walls and roof, re-erect walls and extend shed for use as a private oyster tasting and luncheon/dining suite.

**Ward:** West Mersea

**Summary of Recommendation:** Conservation Area Consent

## **1.0 Planning Report Introduction**

- 1.1 These applications for Planning Approval and Conservation Area Consent submitted in February 2007 propose the refurbishment/renovation and extension to existing sheds to use as a private oyster tasting and luncheon/dining suite. It seeks to renew earlier planning approval C/COL/01/0526 which was granted in October 2002 and expired in October 2007.
- 1.2 That application attracted a large number of representations, both for an against the proposal, and this application has similarly generated many letters.
- 1.3 The applications were accompanied by a Design and Access Statement and supporting statement which may be inspected on the Council's website. More recently, in February 2010, a flood risk assessment, sequential test and an economic assessment based on the requirements of PPS4 - Planning for Sustainable Economic Development - have also been submitted. They too may be viewed on the web-site.

## **2.0 Site Description**

- 2.1 The application relates to a building described as 'The Old Oyster Sheds' on the seaward side of Coast Road, West Mersea. It was built in the early 1900s and used by the oyster fishery until the 1960s. The current lawful use is as a beach hut.
- 2.2 The building was originally 2 separate structures, which are now linked. The building has a black plinth and white boarded elevations under a double pitched roof. The rear building has a plain tiled roof - the front roof is covered with diamond shaped tiles. The building has a small balcony on the seaward side. There is a small hardsurfaced area to the side of the building. The application site includes an area of foreshore at the rear of the building.
- 2.3 The sheds are of timber construction. Information submitted with the application demonstrates they are structurally substandard with foundations seriously affected by sea action and foreshore erosion.

## **3.0 Description of Proposal**

- 3.1 The supporting statement submitted with the application described the history of the applicant company, Lay and Wheeler, their intentions to provide a very specific, bespoke offer of corporate and private events based on ticket applications, the design details and policy considerations.
- 3.2 In respect of the proposed use it is indicated that the oyster room will be available for groups of 10-48 people although it is anticipated that demand will mainly be for parties of 20-30 people. It will be used on various days of the weeks, mainly during daylight hours. The busiest period for oysters are the winter months, especially October, November, February and March when the shellfish are at their best but local tourism is very quiet.

3.3 The average number of visitors per week is expected to be 100 over a number of sessions. Groups will be transported by coach or mini-bus and not travel by car. The intention is to provide a unique attraction where people can enjoy the very finest Mersea oysters and fish.

3.4 The main features of the refurbishment scheme are:-

- a) Retains timber floor, 2 side walls and front wall, all to be strengthened and renovated with steel columns used to straighten the floor.
- b) The existing dwarf wall forming foundations of the front section will be retained and refurbished.
- c) The existing roof will be retained and added to so as to comprise 2 elements - the main pitched roof and glazed lantern.
- d) The floor plan will be 1.2m longer, plus a veranda, giving a 27% increase in floor area but no increase in width.
- e) The new gable end wall and return walls will be predominantly glazed. Removable/sliding shutters will cover these glazed areas when the building is not in use.
- f) A tan coloured roof sheeting will be used and all weatherboarding will be in a cream colour wash.

#### **4.0 Land Use Allocation**

4.1 Conservation Area

4.2 Part of the site is within the Coastal Protection Belt and Site of Special Scientific Interest/Special Protection Area/Special Area of Conservation/Ramsar Site.

#### **5.0 Relevant Planning History**

5.1 COL/87/1303 - Restoration of derelict hardstanding – Retrospective application refused planning permission but enforcement action not pursued.

5.2 ENF/27/92 - In 1994 and Enforcement Appeal relating to the use of the building as a residential dwelling was dismissed.

5.3 CL/COL/95/0351 - A Certification of Lawful Development relating to the use of the premises for recreational and leisure purposes by the applicant and his immediate family was subsequently granted.

5.4 C/COL/01/0526 - Take down building, refurbish and renovate timber frame walls and roof, re-erect walls and extend shed for use as a private oyster tasting and luncheon/dining suite - Approved 10 October 2002.

## **6.0 Principal Policies**

- 6.1 Adopted Review Colchester Borough Local Plan
  - DC1 - Development Control considerations
  - CE2 - Risk of flooding
  - CE10 - West Mersea
  - CO3 - Countryside Conservation Areas
  - CO5 - Habitats
  - UEA1 - Character of Conservation Areas
  - UEA2 - Building within Conservation Areas
  - UEA3 - Demolitions within Conservation Areas
  - UEA12 - Design
  - P1 - Pollution
  - L18 - Tourist and visitor facilities
- 6.2 Adopted Core Strategy
  - UR2 - Built design and character
  - CE1 & 2 - Centres Classification of Hierarchy, Mixed Use and District Centres.

## **7.0 Consultations**

- 7.1 Environmental Control recommend conditions be attached to any consent granted covering restrictions of hours of use, delivery times, noise levels/sound insulation, controls over kitchen fumes and odours and construction works.
- 7.2 Natural England (English Nature) raise no objections but recommend conditions to be imposed on any planning permission.
- 7.3 The Highway Authority recommend approval with conditions relating to vehicle site splays, cycle parking and provision of new section of footway.
- 7.4 The Environment Agency did not raise objections in the previous case but identify the use as "less vulnerable" development within Flood Zone 3, a high risk zone, where, in accordance with PPS25 - Development and Flood Risk - a flood risk assessment (FRA) must be prepared. A FRA, including a sequential test assessment of potential alternative sites was produced in February 2010, eliciting confirmation that the Environment Agency would not object on flood risk grounds.
- 7.5 For Members' information the FRA concludes that the greatest impact on flooding at the site would be an interruption of business rather than a risk to people. It is acknowledged that the predicted flood depths would be unsafe for people to enter the building, however it is considered unlikely that people would remain in, or attempt to enter during flood events and the risk to people is accordingly low. The principles of water entry design are to be incorporated into the building to afford easy and speedy renovation after an event and mitigate any cost of such renovation. The applicants would subscribe to the Environment Agency's Flood Warning Scheme, an emergency flood/evacuation plan has been prepared and a Business Flood Plan has also been initiated.

## **8.0 Town Council's Views**

8.1 West Mersea Town Council recommend refusal for the following reasons:-

- “1. The use of the building as a luncheon/dining suite is likely to result in additional noise and cooking smells in this conservation area, and will seriously affect the amenity of residents in the area.
2. The number of times the proposed building will be used is unclear, and open to abuse by the owners.
3. The building is on a flood plain and we would request the Planning Authority confirm with the Environment Agency the data given in the application viz. the floor level of the Oyster Sheds being 4.53m above OS Newlyn.
4. Coast Road is a very narrow road at this point and already suffers from vehicles causing obstruction when parked legitimately in the area. The road is known and acknowledged to be unsuitable for coaches and long vehicles as evidenced by the signage on the approach to the Oyster Sheds.

Vehicles delivering to the premises will be unable to use the slipway to the side of the Oyster Sheds without causing considerable obstruction when manoeuvring to and from the premises, and this is likely to risk a collision with oncoming traffic given the nature of the road in that area. There is no other parking facility for deliveries close enough to the property.

The applicant has already stated the intention that clients will be walking to and from the Sheds, having been 'busses' to suitable parking places. It is inevitable that there will always be people not willing to use the buses particularly in bad weather, and are likely to use their cars, thus causing further parking difficulties. The people walking from the premises, having indulged in wine drinking will then be expected to walk to the vehicles provided. It is quite likely that one or more people will be the 'worst for wear' from the effects of this drinking, and will run the risk of being hit by traffic even though there is a short length of footpath near the premises.

It is our belief that no matter what conditions are put upon the applicants to ensure people are carried to and from the premises to alleviate these traffic problems, it will be impossible to 'police' and enforce these conditions and we strongly recommend this application is refused. “

## **9.0 Representations**

9.1 Letters of objection have been received from Coast Road Association, Mersea Island Society and 8 residents in the locality. Copies of all letters received may be viewed on the web-site but the following is a summary of the views expressed:-

1. The proposal is for a bigger, higher building, out of keeping with the character of the Conservation Area and not enhancing the Area of Special Character. Extra glazing will result in an "alien, plate glassed encroachment on the waterfront".
2. Will exacerbate existing traffic hazards and dangers to pedestrians where the road is narrow and lacks footpaths. The road is unsuitable for further traffic, including staff and delivery vehicles and applicants will not be able to prevent customers arriving by car.
3. Loss of residential amenity due to increased traffic activity, noise, smell, loss of view and possible light pollution.

4. Loss of part of boatyard for parking could be beginning of process leading to running down of Mersea as a boating centre.
5. Building has deteriorated to extent that this will no longer be a refurbishment, but a rebuilding project.
6. As well as Natural England and Environment Agency consent, other approvals may be necessary from Marine and Fisheries Agency for works on foreshore?

9.2 3 letters of support have been received, making the following observations:-

1. It is a shame to see sheds declining. This project will provide employment and revenue and give a much needed addition to the amenities on the Island.
2. Left unattended the building will continue to be a deteriorating eyesore. Any commercial use will give rise to the same sort of objections but this will increase the opportunities for local employment, supply of goods and services.
3. The continued enhancement and use of local infrastructure is critical to the wellbeing of the majority of Mersea residents and visitors to the Island.
4. One cannot have enough tasteful locations to visit and having the opportunity to combine this with keeping a part of history alive. It is obvious that this location attracts many more people to this place who want to enjoy the tranquil atmosphere of sea and boats and have the desire to sit and eat.

## **10.0 Report**

- 10.1 The previous application was considered in terms of its effect on residential amenity, local plan policy, impact on Conservation Area and Area of Special Character, highways implications, impact on SSSI and SINIC and Flooding.
- 10.2 As regards residential amenity it was noted that the area contains not only dwellings, but the Victory Public House, commercial boat yards, restaurant and Yacht Club. It was considered that the very specific dining use proposed, as opposed to a general A3 use, would not be likely to detract from residential amenity. Similar conclusions were drawn in respect of Local Plan policy insofar as the particular use, primarily serving sea food, would promote the oyster and fishing industries while maintaining the physical qualities of the Conservation Area and waterside area. It was considered that the proposed changes to the building "sit comfortably in the Conservation Area" as concluded by the then Conservation and Design Manager. Moreover Natural England raised no objections in respect of impact on SSSI or SINIC.
- 10.3 The Highway Authority confirmed that the proposals were consistent with policies promoting communal transport and green travel plans. The Environment Agency raised no objection subject to the floor level being set above a 1 in 200 year flood level.
- 10.4 In the light of the generally favourable responses by the professional consultees, it is considered that the renewal of this consent is justified so long as the use is tightly pro

scribed by conditions, as in the previous case.

## **11.0 Summary**

11.1 Although these applications have given rise to a number of letters of objection, the renewal of planning permission based on the specific dining experience proposed, reinforced by appropriate conditions, is not considered objectionable and has not attracted concern by the main statutory consultees.

## **12.0 Background Papers**

12.1 ARC; Core Strategy; HH; NE; HA; NR; PTC; NLR

### **Recommendation for 072523 - 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 premises shall be used for a private oyster/seafood luncheon and dining suite in accordance with the details in the supporting statement and for no other purposes.

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

3 - Non-Standard Condition

The development hereby permitted shall be implemented in all respects strictly in accordance with the revised drawing No. 2065/03 Revision Be dated March 2001 and received 20 December 2001.

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

4 - Non-Standard Condition

The consent hereby granted shall ensure for the benefit of The Lay and Wheeler Group only.

Reason: Permission has only been granted due to specific details of operation and management submitted by the applicants.

#### 5 - Non-Standard Condition

Prior to the commencement of any development a building/renovation programme shall be submitted to the Local Planning Authority for approval (in consultation with English Nature). The programme will need to demonstrate the measures that will be taken to avoid noise excessively above background levels which could disturb birds during sensitive nesting or over wintering periods. The development shall be carried out in accordance with the agreed programme.

Reason: To ensure that adequate measures are taken to protect the continuing well being of a Site of Special Scientific Interest/designated/Site of Nature Conservation interest/wildlife species/site of acknowledged wildlife/nature conservation importance.

#### 6 - Non-Standard Condition

Prior to the commencement of any development details of all the glazed areas shall be submitted to the Local Planning Authority for approval. The development shall be carried out in accordance with the approved details.

Reason: To ensure a satisfactory form of development in the Conservation Area.

#### 7 – Non Standard Condition

The area of the slipway identified on the application plans for demolition shall be demolished, all materials removed from the site and the foreshore reinstated prior to the premises being brought into use. These works shall be completed to the satisfaction of the Local Planning Authority (in consultation with English Nature).

Reason: To mitigate for the loss of foreshore resulting from the additional piles.

#### 8 - Non-Standard Condition

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

Reason: To ensure the character and appearance in the Conservation Area.

#### 9 - A4.12 No Open Storage

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

Reason: To ensure the character and appearance in the Conservation Area.

#### 10 - Non-Standard Condition

Prior to the commencement of any development detailed plans of the removable shutters, shall be submitted to the Local Planning Authority for approval. The shutters erected shall accord with the approved details in all respects. These shutters shall all be erected on the building at the end of each event and shall stay in place until the beginning of the next event. An event is defined as each occasion the premises are used.

Reason: To ensure the character and appearance of the Conservation Area is maintained.



#### 11 - Non-Standard Condition

The premises shall only be used for the purposes hereby permitted between the hours 10.00 - 17.00 Sunday, Tuesday and Wednesday with staff cleaning until 18.15 and Thursday, Friday and Saturday 10.00 - 22.30 hours with staff cleaning until 23.15.

Reason: To protect the amenities of adjoining residents.

#### 12 - Non-Standard Condition

No deliveries shall be made to and no goods despatched from the site outside the hours of 10.00 - 17.50 Tuesday to Saturday nor at any time on Sundays or Public Holidays.

Reason: To safeguard the amenities of nearby residential properties.

#### 13 - Non-Standard Condition

No amplified music shall be played on site.

Reason: To safeguard the amenities of nearby residential properties.

#### 14 - Non-Standard Condition

The use hereby permitted allows the griddling of fish only and no other primary cooking.

Reason: To safeguard the amenities of nearby residential properties.

#### 15 - B2.2 Food Premises

No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority (in consultation with the Head of Planning and Protection) full details of equipment to be installed for the extraction and control of fumes and odours together with a code of practice for the future operation of that equipment. The use hereby permitted shall not take place other than in accordance with these approved details.

Reason: To ensure that the permitted development does not prejudice/harm the local environment and/or the amenities of the area by reason of air pollution/odours/dust/smell.

#### 16 - Non-Standard Condition

No development shall take place until there has been submitted and approved by the Local Authority (in consultation with Environmental Control) a scheme in the form of a maintenance contract for maintaining the odour control system. All maintenance of the equipment shall be carried out in accordance with the agreed scheme.

Reason: To ensure that the permitted development does not prejudice/harm the local environment and/or the amenities of the area by reason of air pollution/odours/dust/smell.

#### 17 - B3.3 Light Pollution

No external lighting fixtures for any purpose shall be constructed or installed until details of all external lighting proposals have been submitted to and approved by the Local Planning Authority; and no lighting shall be constructed or installed other than in accordance with those approved details.

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

#### 18 - Non-Standard Condition

The floor level of the building shall be at or above 4.471 ordnance datum newlyn.

Reason: To ensure the building is not at risk of tidal inundation.

#### 19 - Non-Standard Condition Reason

Prior to the commencement of any development details of the improvements to the footpath outside the site frontage shall be submitted to the Local Planning Authority for approval. The works shall be completed in accordance with the approved details prior to the use hereby permitted commencing. This footpath shall be available for public use in perpetuity.

Reason: To ensure a satisfactory form of development and in the interests of highway safety.

#### 20 - Non-Standard Condition

The refurbishment/renovation of the building shall be carried out generally in accordance with the details contained in the supporting statement and the Engineer's Methodology Statement.

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

#### 21 - Non-Standard Condition

Prior to the development hereby approved being brought into use, refuse storage facilities shall be provided in a visually satisfactory manner and in accordance with a scheme which shall have previously been submitted to and approved in writing by the Local Planning Authority. Such facilities shall thereafter be retained to serve the development.

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

#### **Informatives**

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

#### **Recommendation for 072522 - Conservation Area Consent**

##### **Conditions**

##### 1 - A1.6 Full Perms (time limit for commencement of Development)

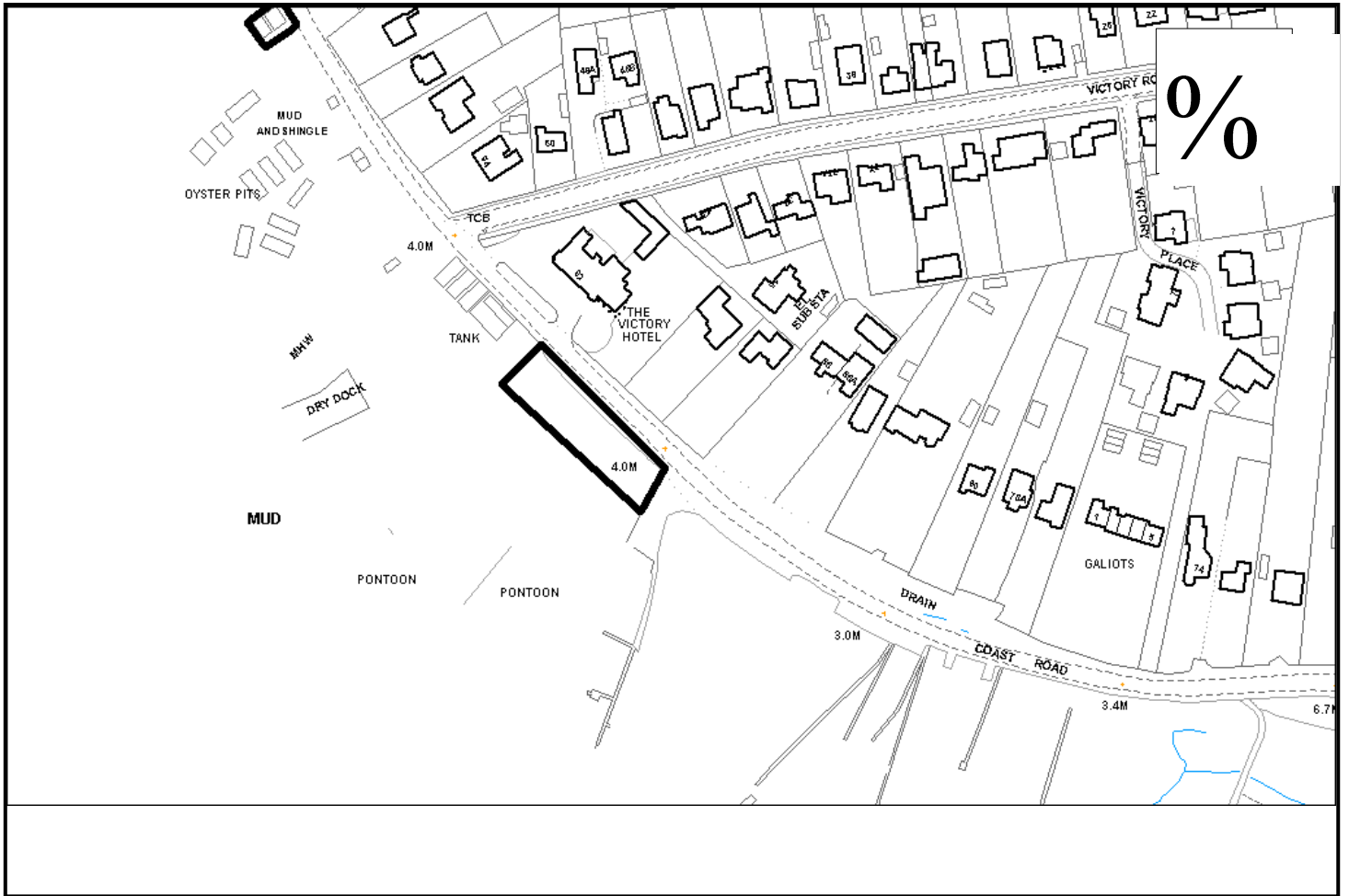
The works to which this consent relates shall be begun before the expiration of three years from the date of this consent.

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 demolition works hereby permitted shall only be carried out in conjunction with those works approved concurrently under Ref: 072523.

Reason: In order to safeguard the appearance of the locality and protect local amenity.



**Application No:** 071786

**Location:** The Old Oyster Sheds, Coast Road, West Mersea, Colchester, CO5 8PA

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

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## 7.7 Case Officer: David Whybrow

**OTHER**

**Site:** The Old Oyster Sheds, Coast Road, West Mersea, Colchester, CO5 8PA

**Application No:** 071786

**Date Received:** 27 June 2007

**Agent:** Mr Simon Plater

**Applicant:** Vinocity Limited

**Development:** Change of use of previously approved private dining/corporate venue to restaurant A3 Class Use, together with additional car parking

**Ward:** West Mersea

**Summary of Recommendation:** Conditional Approval subject to additional information from Environmental Policy team.

### 1.0 Planning Report Introduction

1.1 This application relates to the same Oyster Shed as the previous items and seeks approval for its use for open A3 (restaurant) use. It also includes an area of remote car parking which will be described more fully in the "Site Description" section below.

1.2 The application has again generated a substantial number of letters of representation.

### 2.0 Site Description

2.1 The application relates to a building described as 'The Old Oyster Sheds' on the seaward side of Coast Road, West Mersea. It was built in the early 1900s and used by the oyster fishery until the 1960s. The current lawful use is as a beach hut.

2.2 The building was originally 2 separate structures, which are now linked. The building has a black plinth and white boarded elevations under a double pitched roof. The rear building has a plain tiled roof - the front roof is covered with diamond shaped tiles. The building has a small balcony on the seaward side. There is a small hardsurfaced area to the side of the building. The application site includes an area of foreshore at the rear of the building.

2.3 The sheds are of timber construction. Information submitted with the application demonstrates they are structurally substandard with foundations seriously affected by sea action and foreshore erosion.

### **3.0 Description of Proposal**

3.1 The building subject of this application is as described in the previous item, but the proposal also includes an area of car parking (21 spaces) located some 140m away to the seaward side of Coast Road, south of the Victory Hotel. This land forms part of an existing boatyard with an established hedge providing screening from the road. Car parking for the restaurant off-season will be provided by unrestricted parking on Coast Road and during the restricted summer season, in the designated car park area.

3.2 In respect of the restaurant use, the following information has been provided:-

1. 3 full time and 2 part time staff will run the restaurant, the full time staff being permanently based at the site.
2. Business hours will be 11.00 a.m. - 11.00 p.m., 6 days each week, including Mondays.
3. Staff will arrive no later than 9.00 a.m. and leave no later than 11.30 p.m.
4. The maximum number of covers will be 48 at any one time.

### **4.0 Land Use Allocation**

4.1 Conservation Area

4.2 Part of the site is within the Coastal Protection Belt and Site of Special Scientific Interest/Special Protection Area/Special Area of Conservation/Ramsar Site.

### **5.0 Relevant Planning History**

5.1 COL/87/1303 - Restoration of derelict hardstanding – Retrospective application refused planning permission but enforcement action not pursued.

5.2 ENF/27/92 - In 1994 and Enforcement Appeal relating to the use of the building as a residential dwelling was dismissed.

5.3 CL/COL/95/0351 - A Certification of Lawful Development relating to the use of the premises for recreational and leisure purposes by the applicant and his immediate family was subsequently granted.

5.4 C/COL/01/0526 - Take down building, refurbish and renovate timber frame walls and roof, re-erect walls and extend shed for use as a private oyster tasting and luncheon/dining suite - Approved 10 October 2002.

### **6.0 Principal Policies**

6.1 Adopted Review Colchester Borough Local Plan  
DC1 - Development Control considerations  
CE2 - Risk of flooding  
CE10 - West Mersea  
CO3 - Countryside Conservation Areas  
CO5 - Habitats  
UEA1 - Character of Conservation Areas  
UEA2 - Building within Conservation Areas

UEA3 - Demolitions within Conservation Areas  
UEA12 - Design  
P1 - Pollution  
L18 - Tourist and visitor facilities

- 6.2 Adopted Core Strategy  
UR2 - Built design and character  
CE1 & 2 - Centres Classification of Hierarchy, Mixed Use and District Centres.

## 7.0 Consultations

- 7.1 Environmental Control recommend conditions be attached to any consent granted covering restrictions of hours of use, delivery times, noise levels/sound insulation, controls over kitchen fumes and odours and construction works.
- 7.2 Natural England (English Nature) raise no objections but recommend conditions to be imposed on any planning permission.
- 7.3 The Highway Authority recommend approval with conditions relating to vehicle site splays, cycle parking and provision of new section of footway.
- 7.4 The views of the former Conservation and Design Officer are set out in full below:-

"The application raises three distinct issues:-

1. The proposed new full A3 use.
2. The principles and detail involved in its refurbishment/retention.
3. The proposed new car parking.

On 1 above, the building is sited on the 'water' side of Coast Road. An important feature of the previous approval was the detailing of the building, in particular the shuttering arrangement, which in conjunction with the strictly limited hours of opening, was aimed at reducing its visual impact and retaining a low key presence. The increased opening hours of the new proposal will inevitably result in the building being illuminated more often and therefore becoming much more obtrusive.

On 2, the question of whether this is a conversion, or demolition and replacement is again marginal. Indeed the building seems to have had little or no maintenance since the time of the last application - which leads one to think that any retention and re-use justification for the proposal is less convincing.

On 3, private car parking on open sites is not a use which should be encouraged in the Conservation Area for reasons of visual amenity. In this case again it is proposed on the water side of Coast Road. The previous proposal was given on balance support as it proposed a strictly limited use with an identified 'waterside' connection (the proposed cuisine), in a pleasingly refurbished building. Whilst the design approach remains welcome, the factors identified in 1, 2 and 3 above suggest that the current proposal is too far at odds with the principles underpinning the adopted policy framework to justify support."

- 7.5 The Environment Agency did not raise objections in the previous case but identify the use as "less vulnerable" development within Flood Zone 3, a high risk zone, where, in accordance with PPS25 - Development and Flood Risk - a flood risk assessment (FRA) must be prepared. A FRA, including a sequential test assessment of potential alternative sites was produced in February 2010, eliciting confirmation that the Environment Agency would not object on flood risk grounds.

- 7.6 For Members' information the FRA concludes that the greatest impact on flooding at the site would be an interruption of business rather than a risk to people. It is acknowledged that the predicted flood depths would be unsafe for people to enter the building, however it is considered unlikely that people would remain in, or attempt to enter during flood events and the risk to people is accordingly low. The principles of water entry design are to be incorporated into the building to afford easy and speedy renovation after an event and mitigate any cost of such renovation. The applicants would subscribe to the Environment Agency's Flood Warning Scheme, an emergency flood/evacuation plan has been prepared and a Business Flood Plan has also been initiated.
- 7.7 The Environmental Policy team considered the proposals in relation to relevant policies relating to Conservation Areas, Centres Classification and hierarchy and particularly Policy CE10 in respect of West Mersea Waterside Area of Special Character. They identified positives from the scheme in terms of the attractive nature of the proposed buildings works, the employment benefits and provision of off-street parking facilities but on balance considered the adverse impacts on local traffic and residential amenity and lack of evidence about the need for the restaurant and recommended the application be refused on this basis.
- 7.8 More recently, additional information has been submitted by the agent, indicating:-
1. Approved scheme is not viable.
  2. The proposal is for a low-key restaurant with a maximum of 48 covers offered a leisurely "fine dining" experience with low turnover.
  3. Oyster Bar, Company Shed and other local cafes offer a different, faster dining experience with higher turnover and greater numbers of people, but operate similar evening opening times.
  4. There are no feasible alternative uses for the building and it will therefore continue to deteriorate if planning permission is not granted.
  5. 50% of menu will be locally sourced fish, seafood and vegetables.
  6. Negotiations with the Highway Authority have led to an agreement that:-
    - No parking space will be provided adjoining the shed. This area will be devoted to cycle parking.
    - Proposed car parking layout improved and appropriate sight splays provided at entrance.
    - An extended footway to be provided from outside the Shed to existing footpath south of Victory Road junction.
- 7.9 Further discussions between the Environmental Policy Team and the applicant/agent indicated that the matter may be reviewed in the light of further survey information relating to on-street parking in the waterfront area, staggered opening hours to reduce impact on residential amenity and a sequential test study to consider the suitability of alternative sites in accordance with PPS6 (now PPS4) advice in relating to protection of existing centres.

7.10 This information has now been submitted in the form of an economic assessment, which follows PPS4 advice and addresses the following key impact considerations:-

1. Carbon dioxide emissions and resilience to climate change.
2. Accessibility by a choice of means of transport and effect on local traffic/congestion levels.
3. High quality and inclusive design and opportunities for improving the quality of the area.
4. Impact on economic and physical regeneration in the area.
5. Impact on local employment.
6. Impact on existing, committed and planned public investment in a centre or catchment area of the proposal, including customer choice.

7.11 The report concludes that the scheme delivers the following benefits:-

- (i) It would facilitate the efficient use of a brownfield site in accordance with PPS1 and PPS4 Policy EC2.1d.
- (ii) It would enable the restoration and refurbishment of a prominent building within the area of special character which is worthy of preservation and which would enhance the appearance of the area in accordance with Local Plan Policy CE10 and Policy UEA2, PPS7, PPS4 Policy EC6.2c, Policy EC7/1b/c, Policy EC101.2c and Policy EC12.1a/d.
- (iii) It would enable the introduction of a use appropriate to the area of special character which enhance the vitality of the area in accordance with Local Plan Policy CE10 and PPS4 Policy 2.1i, Policy EC7.1e and Policy EC12.1a.
- (iv) It would prevent a period of uncertainty about the future of the Oyster Sheds with possible long term deterioration of the building fabric which would detract from the character of the area in accordance with Local Plan Policy UEA1 and Policy CE10.
- (v) It would provide a new facility for the benefit of tourists and local inhabitants, including fishermen and yachtsmen and increase choice in accordance with Local Plan Policy CE10 and Policy L9 and PPS4 Policy EC2.1b, Policy EC4.1c, Policy EC6.2e and Policy EC7.1a.
- (vi) It would provide small-scale local employment in accordance with Local Plan Policies EMP2 and EMP4 and PPS4 Policy EC10.3 and Policy EC17.2a.
- (vii) It would provide direct benefits to the local fishing industry and indirect benefits to local businesses in accordance with Local Plan Policy CE10 and PPS4 Policy EC10.d, Policy EC12.1a and Policy EC17.2a.
- (viii) It would be likely to attract new customers to the area which may also increase custom for other local restaurants in accordance with Local Plan Policy CE10 and PPS4 Policy EC10.d, Policy EC12.1a and Policy EC17.2a.



7.12 While the negative impacts relating to the development are limited to:-

- (i) The out-of-centre location which is less sustainable than a town centre location, being some distance removed from the town centre and not having the benefit of public transport facilities. However, out-of-centre locations are not precluded under PPS4 and the site is within walking distance of the town centre where public bus facilities are available; and
- (ii) a limited increase in vehicle movements and pedestrian movements on Coast Road although the level of increased car movements will be small and the potential increase in congestion which could occur at peak periods is mitigated by the proposed car parking arrangements.

7.13 In consequence of the above the report concludes that:-

"In general it is considered that there would be no appreciable impacts on the existing centres or on any existing Class A3 establishments and that the benefits of the proposals would far outweigh the limited negative impacts which would not in themselves justify refusal of planning permission. At Policy EC2 the Government urges Local Planning Authorities to:-

- (i) Support existing business sectors (which would include leisure and tourism.
- (ii) Make the most efficient and effective use of land.
- (iii) Prioritise previously developed land which is suitable for re-use and which reflects the requirements of businesses such as site size, site quality etc, and to
- (iv) Encourage new uses for vacant or derelict buildings, including historic buildings."

7.14 It is understood that the Environmental Policy team would support the proposals for a "fine dining" outlet specialising in a mainly seafood cuisine under these circumstances and written confirmation is anticipated before the Meeting.

## **8.0 Town Council's Views**

8.1 West Mersea Town Council recommend the application be refused, but offer the following comments by the Chairman:-

- “1. Not only is West Mersea Waterfront designated a commercial area but employment on the island is an important issue.
- 2. Whilst no doubt the original intention of the designation was principally for marine industries, there has in recent years been a growth in food and drink facilities along the front, although it could be said that they also have a sailing/holiday connotation.
- 3. Two of the current five public restaurants have no parking facilities, (albeit this one has two spaces) and it could therefore be argued that the precedent has been set. On the other hand we already have a serious parking problem in the summertime without adding to it.

4. The application states that 20 car parking spaces will be provided on the Victory Boar Park ("The Burma Road") and there is a contract between the Applicant and Mr Rob Moffat who leases the park for his company, Mersea Marine. The Town Clerk and I had a meeting with Mr Moffat in which he stated that if this project went ahead he would be prepared to apply for planning permission to use the Burma Road for a public car park from May to September or thereabouts. Whilst he would make a daily usage charge he could not afford to put in the infrastructure - barriers etc - without the input of the Applicant. The value of this facility should not be under-estimated.
5. Local residents state that the sheds have a historical significance and that as such should be preserved. The suggestion is as a Heritage Centre and this is undoubtedly a good idea, however there are major issues that would need to be overcome before such a project could succeed:-
  - (a) Ownership and grant aid.
  - (b) Manning during summer weekends. We already have the Mersea Museum and Packing Shed, both of which are Heritage Centres and both of which require voluntary manpower. The Chairman of the Museum, David Cooper, tells me that they could not possibly entertain the manning/supplying and running of them both.
  - (c) The Heritage Centre would need visitors so parking problems would still apply.
6. The sheds in question are seriously dilapidated and if nothing is done then they will fall down.

Mersea Waterfront and beaches are a playground for Colchester residents and visitors and need things to see and do. Just as importantly they need somewhere to park that does not create a misery for local residents. Currently parking facilities, particularly on the waterfront, are a disaster that planners need to address with some urgency."

## **9.0 Representations**

- 9.1 20 letters raising objection to the scheme have been received from The Coast Road Association, local residents and businesses. The contents of these letters may be viewed on the Council's website, and a summary of the issues they contain is provided below:-
  1. Additional parking will exacerbate existing congestion on Coast Road and cause danger to pedestrians. As summer restrictions only apply from 8.00 a.m. - 6.00 p.m. and car park is a distant from the restaurant it is unlikely to address problems after 6.00 p.m.
  2. This stretch of Coast Road is at its narrowest and most dangerous and lacks a footpath. Emergency vehicles could be obstructed in a road where many elderly people live and lifeboat men may also be affected.
  3. The new car park entrance would add to hazards and would not deter drivers from dropping off passengers direct to the restaurant.
  4. No more restaurants or cafes of any sort are required on Coast Road. Although the previous restricted approval provided safeguards for residential amenity, the open A3 use does not. Existing pubs and food outlets already generate noise, traffic and parking problems, especially at night.
  5. Will result in noise and disturbance from extra vehicular activity including service vehicles and staff activity beyond restaurant opening hours.

6. Nearby houses, including listed buildings, will suffer loss of privacy, noise and cooking odours and possible light pollution.
7. The wildlife, special character and tranquillity of this beautiful area will be eroded by further development.
8. These sheds should be used for something that would genuinely preserve and enhance the area's character as a Conservation Area and SSSI.
9. Existing sewers do not cope with present demands. It would be irresponsible to overload them further.
10. Vermin proof refuse storage is essential.
11. Disturbance during construction period could be prejudicial to any oyster storage unit, which, amongst other things, needs a supply of clean sea-water. Access to any premises could also be obstructed (West Mersea Oysters).

9.2 3 letters of support have been received, making the following observations:-

1. It is a shame to see sheds declining. This project will provide employment and revenue and give a much need addition to the amenities on the Island.
2. Left unattended the building will continue to be a deteriorating eyesore. Any commercial use will give rise to the same sort of objections but this will increase the opportunities for local employment, supply of goods and services.
3. The continued enhancement and use of local infrastructure is critical to the wellbeing of the majority of Mersea residents and visitors to the Island.
4. One cannot have enough tasteful locations to visit and having the opportunity to combine this with keeping a part of history alive. It is obvious that this location attracts many more people to this place who want to enjoy the tranquil atmosphere of sea and boats and have the desire to sit and eat.

## **10.0 Report**

10.1 The applicant company, Lay and Wheeler, are a long standing and prominent Colchester company with an established national and international customer base. Their vision for the oyster sheds is for a distinctive sea-food based restaurant taking advantage of their location on the foreshore. It is indicated that the original proposal for a private oyster tasting and luncheon/dining suite would not be viable and while a fully open A3 use would not be acceptable here as described in the previous item, it is again considered that a carefully regulated, low-key and predominantly sea-food restaurant operated under a "personal" consent which responds to the distinctive dining experience intended by the applicant, as well as the unique character of this coastal location would be appropriate here. The refurbishment of the building is to be welcomed and will enhance the character and appearance of the foreshore area, while the offer of peak season, off-road parking facilities, closing times adjusted so as to avoid peak activity when other businesses are in operation and addressing safety issues through the creation of a new length of footway will also be an essential element of any consent granted.

## **11.0 Background Papers**

11.1 ARC; Core Strategy; HH; NE; HA; NR; PP; PTC; NLR

## 12.0 Recommendation

12.1 Provided that the Environmental Policy team confirm that the additional information submitted overcomes previous policy objections, it is recommended that permission be granted subject to conditions covering the following matters:-

- Standard Time Limit
- Demolition works
- Limitation to use/"personal" consent
- External materials and finishes
- No outdoor storage/refuse facilities
- Opening times/delivery times
- Odour/noise controls
- External lighting/light pollution
- Floor level/FRA requirements.
- Highway Authority requirements.

12.2 The comments of the Environmental Policy team will be reported via the Amendment Sheet. The exact condition wording will also be confirmed once their views have been received.



**Application No:** 081778

**Location:** Essex Rivers Healthcare N H S, Essex County Hospital, Lexden Road, Colchester, CO3 3NB

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

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**7.8 Case Officer: Mark Russell**

**OTHER**

**Site:** Essex County Hospital, Lexden Road, Colchester, CO3 3NB

**Application No:** 081778

**Date Received:** 7 May 2009

**Agent:** Mr S Barrett-Carillion

**Applicant:** Mr P Simkist

**Development:** Install new gates at both entrances on to Gray Road and at southernmost entrance on to Hospital Road. Western-most new gates onto Gray Road to be set amongst 15.5 metres of metal railings.

**Ward:** Christ Church

**Summary of Recommendation:** Conditional Approval

**1.0 Planning Report Introduction**

1.1 This Planning application is before Members as it is non-household, a number of objections have been received, and the Officer recommendation is for approval.

**2.0 Report Summary**

2.1 The following report outlines the proposal to erect gates on the rear boundary of Essex County Hospital. The report details initial concerns expressed by the Highway Authority, which have now been overcome. Representations, relating to visual amenity and parking, are then detailed and responses are given. Finally conditional approval is recommended.

**3.0 Site Description**

3.1 Whilst the address is given as Lexden Road, the site in question is the perimeter to Essex County Hospital which faces on to Hospital Road and Gray Road. This generally comprises a 1.8 metre high red brick wall with open access points. Part of the Gray Road aspect is filled out with existing hospital buildings up to four metres in height, and a short stretch of 2 metre high red brick wall which then descends to a dwarf wall of 300mm high in the vicinity of the pedestrian entrance to the hospital. An ornamental tree and a planted area are in the vicinity. Both the Hospital Road and Gray Road aspects face across from residential dwellinghouses.

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

4.1 The proposal is to place gates across the currently open vehicular access points – one on Gray Road, one on Hospital Road; and to place gates on the currently open pedestrian point on Gray Road – setting this amongst 15.5 metres of railings and brick piers. Gates are to be black powder coated metal, and to a design intended to enhance the Conservation Area and the setting of this Listed Building.

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

5.1 Hospital  
Listed Building in Colchester Conservation Area 1.

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

6.1 The Planning history of Essex County Hospital shows 24 separate applications reaching back to 1951. None of these are of immediate relevance to the current application.

#### **7.0 Principal Policies**

7.1 Adopted Review Colchester Local Plan:  
DC1- Development Control considerations;  
UEA1 – Conservation Areas;  
UEA11 – Residential Amenity

7.2 Core Strategy:  
UR2 – Built Design and Character

7.3 Background Document:  
Local Transport Plan 2006/2011, Appendix G

#### **8.0 Consultations**

8.1 Whilst not objecting, the Highway Authority (HA) had initially requested that any gates erected at the access should be inward opening and recessed to a minimum of 4.8 metres from the nearside edge of the carriageway of the road. However, following an on-site meeting between the HA, your Officer and the applicants, the HA has amended its requirements as follows:

*“Having regard to the fact that no vehicular access will be required at the time of opening of the gates, thereby meaning no vehicles will be left standing in the highway, and the fact that they will only be closed overnight, and will remain open throughout the day, the Highway Authority raises no objection to the proposal as submitted.”*

The HA further pointed out that the precise nature of the highway boundary would need to be agreed on site with the Highway Authority prior to works commencing.

8.2 The Design and Heritage Unit has looked at the proposal and has suggested some minor amendments to the design of the gates and to the proposed mortar mix.

## **9.0 Representations**

9.1 Two objections (numbers 4 and 10 Gray Road), plus a petition with nine names appended to the latter objection, have been received.

9.2 The objections covered the following points:

1. Visual amenity and character of the Conservation Area;
2. The submitted drawings are unclear;
3. Potential disturbance when gates are opened and shut;
4. The gates are not necessary;
5. Added pressure on already scarce parking;
6. Loss of value to surrounding properties.

## **10.0 Report**

10.1 The main issues in this application are considered to be as follows:

- Visual amenity
- Residential amenity
- Highway efficiency
- Parking

10.2 The agents Carillion, who deal with security matters at Essex County Council, have submitted this application due to perceived security issues and in the interests of protecting members of staff at Essex County Hospital, particularly at night-time. The proposal is, therefore, first and foremost driven by a desire to secure the site.

10.3 This, however, does not preclude the applicant from preserving or enhancing the Conservation Area in which the hospital is located. The initial drawings did not give any indication as to what the gates and fencing would look like. The applicant was then asked for these drawings and submitted a free-hand drawing which was still insufficiently clear, but which suggested a quite prosaic design.

10.4 After some negotiations, and advice from your Officers, an improved scheme has been submitted which seems to address visual amenity issues.

10.5 One of the objectors has cited the unattractive “prison style” gates which are currently in place elsewhere on Hospital Road, and fears that this may be replicated on the new gates. Elsewhere, however, more slender and elegant railings are in view. The applicants have been advised to base their design on these.

10.6 The gates on the smaller of the two vehicular entrances (“Area 1”), which faces on to Hospital Road, would be arched to a height which matches the surrounding walls. This has also been attempted on the entrance to “Area 2” (Gray Road), but due to the wider expanse this does not quite work visually, with too shallow a pitch. The applicant has, therefore, been advised to submit amended drawings showing the gates to extend straight across at the same height as the wall (a height of approximately 2.3 metres).



- 10.7 All railings are made from galvanised steel polyester and will be conditioned to be powder coated black. The applicant has been further advised that the palings should be tubular. The design of the paling tops will be covered by condition.
- 10.8 The space between the palings would be slightly less than that on the aforementioned slender, elegant railings. The space would be approximately 85mm as opposed to 100mm. The width of the palings is to match the above-mentioned existing ones.
- 10.9 The existing surrounding brickwork would be kept as it is, but with the concrete coping to the pier to the left of Area 2 being removed and replaced with brick on edge to mimic the prevailing pattern of development. The new piers on the Gray Road aspect surrounding the pedestrian entrance would be of a brick type, including brick on edge coping, also to match this. The mortar would be conditioned to be of a white cement type of 1:2:9, which is slightly different to what has been proposed.
- 10.10 Overall, the scheme is considered to be a visual enhancement.
- 10.11 The Highway Authority has not objected to the scheme, with the proviso that gates will be open during the main hours of use, and this can be covered by condition.
- 10.12 Regarding residential amenity, it is a fact that the two sets of vehicular gates would be opposite residential properties. The gates for Area 2, in particular, close to the houses of Gray Road (approximately 12 metres) including the house of the objector who has mentioned noise concerns. The objector has mentioned that there is already a problem of noise, including traffic, and this additional manoeuvre of closing/opening the gates once per day can be seen as an addition to an existing problem. The time of opening quoted by the applicants is 6am, with closing being at 8pm. Whilst this is not an ideal scenario for the nearby residents, this is not seen as sufficient reason to refuse the application in question.
- 10.13 In terms of parking, as can be seen from the photographs it is currently possible for one car, perhaps two, to park in an unauthorised position just inside the entrance to Area 2. This would be lost with the insertion of the gates, and therefore just two (unauthorised) spaces would be lost to the car park.

## **11.0 Conclusion**

- 11.1 The proposal is seen as an enhancement to the Conservation Area, and does not raise issues of residential amenity or highway safety which override the objectives of the proposal. Approval is, therefore, recommended.

## **12.0 Background Papers**

- 12.1 ARC; Core Strategy; HA; Design and Heritage Unit; NLR

## **Recommendation - Conditional Approval**

### **Conditions**

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

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

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

#### **2 – Non-Standard Condition**

The gates hereby approved shall be inward opening only.

Reason: To ensure that vehicles using the access may stand clear of the carriageway whilst they are being opened and closed, in the interests of highway safety.

#### **3 – Non-Standard Condition**

The gates hereby approved shall be coloured black, and shall remain so at all times.

Reason: In the interests of the visual amenity of this Conservation Area.

#### **4 – Non-Standard Condition**

Samples of the proposed brick 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: In the interests of the visual amenity of this Conservation Area.

#### **5 – Non-Standard Condition**

The mortar mix for the proposed walls and piers shall be 1:2:9.

Reason: In the interests of the visual amenity of this Conservation Area.

#### **6 – Non-Standard Condition**

The development hereby permitted shall comply with drawing 001A (excluding the illustration of Area 2) dated 8th April 2010, received 9th April 2010.

Reason: For the avoidance of doubt as to the scope of this permission as the previous drawings were not visually acceptable.

#### **7 –Non-Standard Condition**

The palings hereby approved shall be tubular.

Reason: In the interests of the visual amenity of this Conservation Area and for the avoidance of doubt as to the scope of this permission as the submitted drawings do not clearly illustrate the shape of the palings.

#### 8 – Non-Standard Condition

Prior to the commencement of development the applicant shall provide written confirmation of the proposed diameter of the proposed palings. This shall match the existing diameter of the slim palings on the Hospital Road aspect. These details shall be agreed in writing by the Local Planning Authority and shall be implemented as such.

Reason: For the avoidance of doubt as to the scope of this permission, and in the interests of the visual amenity of this Conservation Area.

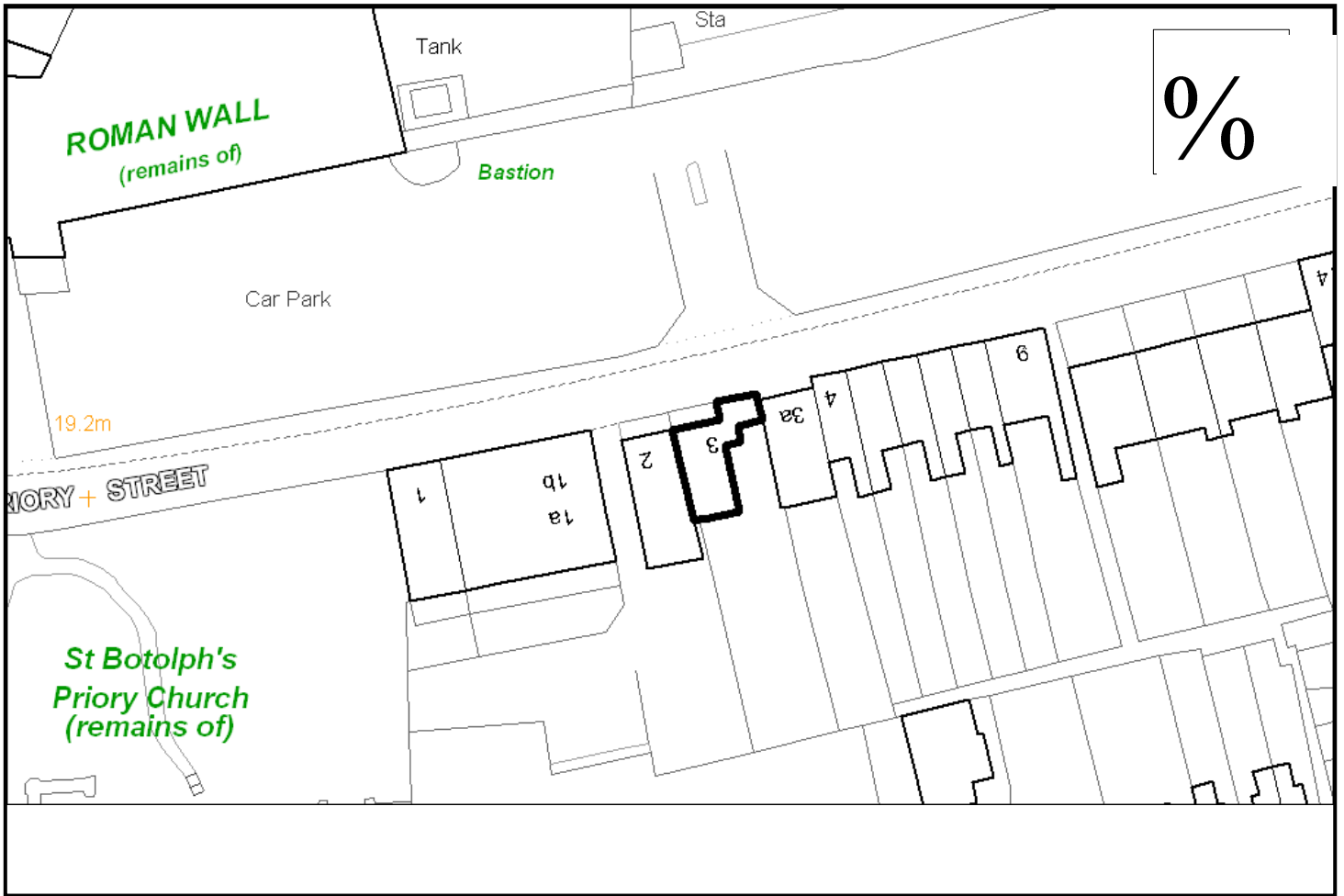
#### 9 – Non-Standard Condition

Prior to the commencement of development the applicant shall provide an amended drawing for Area 2, showing the proposed gates to extend across in a straight line at the same height as the surrounding walls (not piers). This shall be agreed in writing by the Local Planning Authority and shall be implemented as such and kept in place as such at all times thereafter.

Reason: In the interests of the visual amenity of this Conservation Area, as the arched gates in this wider entrance-way are not visually acceptable.

#### **Informatives**

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 838600 or by email on [www.highways.eastarea@essex.gov.uk](mailto:www.highways.eastarea@essex.gov.uk)



**Application No:** 081938

**Location:** 3 Priory Street, Colchester, CO1 2PY

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

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**7.9 Case Officer: Mark Russell****OTHER****Site:** 3 Priory Street, Colchester, CO1 2PY**Application No:** 081938**Date Received:** 24 November 2008**Agent:** Pps Ltd**Applicant:** Colchester Islamic Cultural Association**Development:** Continued use of building and rear amenity area for worship.**Ward:** Castle**Summary of Recommendation:** Conditional Approval**Introduction**

This Planning application is before Members as it is non-household, a number of objections have been received, and the Officer recommendation is for approval.

**1.0 Report Summary**

1.1 The following report summarises the previous times that the application has been to Committee and has been deferred. It outlines the extra information which Members have requested. Representations, relating to disturbance, lack of privacy, and parking amongst other matters are then listed and solutions are outlined. Conditional approval is then recommended.

**2.0 Previous deferrals**

2.1 This item has previously been deferred from Committee twice (February and April 2009).

2.2 This first deferral was for the following reasons:

**“Members were not satisfied with amount of details provided and concerned over issues of impact on neighbours and safety.**

**Officers to negotiate with applicants and neighbours and respond on following matters:-**

- 1. Consideration of public safety issues in respect of numbers of visitors to premises.**
- 2. Likelihood of future expansion of congregation.**
- 3. Ability to place restriction on numbers of visitors to premises.**
- 4. Review proposed boundary/planting treatment – high wall/fence on boundary with No. 4 not acceptable – need softer boundary and set back enclosure. Condition of wall on boundary needs attention.**

5. Display of coffins in open during funeral prayers should be restricted if possible.
6. Security issues to be addressed.

Officers to observe prayer meeting to gauge visitor numbers and extent of use of outdoor area for prayers.”

2.3 The agent responded to this briefly, as follows:

- 1 Fire brigade have inspected No 2 and fire and safety risk assessments will be carried out on No 3.
2. Likely expansion is considered to be 10 to 15% over next 10 years.
4. The mosque committee agree to the revised boundary arrangement.
5. Coffin can be covered if required but funerals are not an everyday event with 2 in the last 3 years.
6. Security assessment will be undertaken.

2.4 No response was given to point 3, but it does not appear that there is a way of limiting attendance, any more than there is in any place of worship. The answer to number 6 is not very thorough, but security issues (namely, unwelcome visitors using the entrance to gain access to the rear, and other gardens) do appear to have been overcome by the agreed boundary treatment between the site and numbers 3a and 4 Priory Street which is detailed in the conditions at the foot of this report.

2.5 Your Officer witnessed, unobserved from Priory Street, the passage of foot traffic to and from the Mosque on Friday 6<sup>th</sup> March 2009 and counted approximately 140 people arriving, predominantly in small numbers, largely on foot but some in cars (and using the Priory Street car park) between 11:45 and 13:30, with a further selection of about 50 people arriving shortly afterwards.

2.6 The outside activity, as witnessed from the Priory grounds was relatively quiet, with only small groups of people sitting out praying. Although the call of the Imam could be heard, it was scarcely audible above the noise of people, including drinkers, using the benches in the Priory grounds. Your Officer spoke to the residents of 34 St. Julian Grove, which is the house that is faced by the worshippers (it being in the direction of Mecca) and they have not experienced any disturbance or discomfort. Overall, the feeling was that the use will not lead to nuisance once the issue of boundary treatment to 4 Priory Street is resolved.

2.7 This information was reported back to Committee on 30<sup>th</sup> April, but was further deferred for the following reasons:

“Defer to seek submission of detailed drawings illustrating the proposed mitigating boundary and landscape treatment, ground levels and any hard and soft landscaping. To be referred back to the planning committee for decision.

Additional condition to be added to subsequent report requiring coffins to be covered during open air ceremonies.”

**2.8 Additional drawings have now been provided showing intended land levels and boundary treatment as well as a proposed pagoda for the screening of coffins. These drawings show a planting belt up to five metres wide, and a 1.8 metre high fence on the applicants' land with an effective height of 1.7 metres due to the hardstanding and the fall of the land.**

### **3.0 Site Description**

3.1 The site comprises the left-hand side property of a pair of semi-detached houses and a rear garden which has been laid to hardstanding. Most of the former garden to 3a has been laid to hardstanding and is also a part of this application. This is in Colchester Conservation Area 1, and next to the grounds of St. Botolph's Priory. The other side of the pair (No. 2) is currently already in authorised use as mosque.

### **3.0 Proposal**

3.1 The proposal is a retrospective one, to regularise the use of 3 Priory Street for worship, and also to use the rear gardens of 3 and 3a for this purpose.

3.2 The application also seeks to regularise the hardstanding, which requires planning permission in itself.

### **4.0 Land Use Allocation**

4.1 Residential in a Conservation Area.

### **5.0 Relevant Planning History**

5.1 For 3 Priory Street:  
080327 - Change of use from garden area to car parking area. Refused: 17th April 2008.

5.2 For 2 Priory Street:  
92/0352 - Change of use as a meeting place for Colchester Islamic Cultural Association. Approved 8th June 1992;

5.3 93/0343 - Single storey rear extension and porch. Approved 3rd June 1993;

5.4 93/1559 - Single storey rear extension and alterations. Approved 10th March 1994;

5.5 F/COL/01/1857 - Single storey rear extension to form enlarged prayer room. (Renewal of COL/93/1559). Refused 22nd February 2002;

5.6 F/COL/02/1281 - Extension to Prayer Room (re-submission Of COL/01/1857). Approved 6th September 2002.

## 6.0 Principal Policies

- 6.1 Adopted Review Colchester Local Plan (March 2004):  
DC1- Development Control considerations;  
UEA1 – Conservation Areas;  
UEA2 – Alterations affecting Conservation Areas;  
UEA5 – Listed Buildings (setting of);  
UEA7 – Setting of Ancient Monument;  
P1 – Pollution
- 6.2 Local Development Framework Core Strategy – December 2008:  
SD2 – Delivering Facilities and Infrastructure;

## 7.0 Consultations

- 7.1 The full text of all consultations and representations is available to view on the Council's website.
- 7.2 The Highway Authority did not object.
- 7.3 Environmental Control has requested that use of the rear area be restricted to silent Friday prayer, silent funeral prayers, and Eid prayers, also that a 1.8 metre high wall should be erected to the boundary with 4 Priory Street, and that the existing 1.8m fence between the site and 3a Priory Street should remain as such.  
*OFFICER'S NOTE: Whilst the congregation is, indeed silent, the Imam does call (and the congregation does not respond) thus there is not complete "silence", and although any sound is very limited, nearby residents have confirmed that activities are certainly audible.*

## 8.0 Representations

- 8.1 Three letters of objection were received from neighbouring dwelling 4 Priory Street and nearby 9 Priory Street, as well as a Solicitor's letter on behalf of 4 Priory Street. The points raised in these objections were as follows:
1. This is the only non-residential use in a long stretch of Priory Street;
  2. Increased footfall for this non-domestic use;
  3. Removal of walls between the properties would result in the loss of smaller dwellings;
  4. The facility could be located in an existing, disused, church building;
  5. Increase in parking, especially in light of the proposed future reduction of parking spaces on Priory Street itself;
  6. Encouraging off-street parking (against policy);
  7. The freeholders of 4 and 5 Priory Street had not been contacted regarding the application;
  8. The use does not improve the character of the area;
  9. The opening up of the rear has led to an increase in crime/the fear of crime;
  10. If the premises are becoming inadequate, then the organisation should look at moving to a different site;
  11. Potential noise due to the call to prayer (even without amplification);
  12. Funerals are not appropriate in this location, especially in view of windows of neighbouring residences;



13. Ground levels mean that privacy is further invaded;
14. Drainage may be insufficient;
15. Fear of day-long use of the rear garden by a possible future user.

8.2 Objector's wished to make it clear that their objections were not based on any opposition to the Colchester Islamic Cultural Association itself.

8.3 An additional letter was also received from 9 Priory Street complaining that the neighbour consultation deadline, and that on the public notice, differed. It claimed that this had led to confusion, and also stated that insufficient time had been allowed for comment, and that more neighbours should have been consulted.

*OFFICER'S COMMENTS: All immediate neighbours were notified, as was the case with the previous application. In all nineteen properties were consulted, and each one was given 21 days to respond.*

*Neighbours are notified immediately that an application is lodged. If the application also needs to be advertised with a site notice and in the local press, then this is done a very short time later. These advertisements are weekly, and thus there is often a slight discrepancy between the two deadlines for comment. Clearly the later date is the cut-off (although in practice Colchester Borough Council accepts even later comments).*

*Regarding the earlier point 7, that freeholders of 4 and 5 Priory Street were not notified, letters were sent to the "Owner/Occupier" of each of these properties on 12th December. Details of the freeholders' addresses, whilst these may be held for purposes of Council Tax, are not available for the purposes of neighbour notification due to Data Protection. Clearly both freeholders were aware of the application whether by being notified by their tenants, or by the public or press notice, given that representations have been made by them.*

8.4 A letter of support was also received from Bob Russell MP, although this predated the application by several months.

## **9.0 Report**

9.1 The main issues in this application are considered to be as follows:

- The principle of use;
- The effects on residential amenity, including privacy;
- The effects on visual amenity, including the setting of St. Botolph's Priory
- Potential parking problems.

9.2 Priory Street is a largely residential street, with some commercial properties at the St. Botolph's end, but also with several religious institutions – such as the Mosque, a Synagogue, the Catholic Church and the Spiritualist church. The principle of religious use in this location (at number 2) was also sanctioned in 1992, under planning application 92/0352.

- 9.3 The principle of use of the building at number 3 is also acceptable, and should comply with policy DC1 which seeks to protect residential amenity. Environmental Control has not requested that any sound insulation measures should be imposed.
- 9.4 There is no doubt that when the mosque is in use, and particularly before and after worship, there is briefly a large number of people outside the building, but in the context of a site so close to other town centre uses including the surface car park, this can be argued to not contrast too starkly with the prevailing pattern of activities.
- 9.5 It is the rear, outside, use which raises the most concerns. These concerns manifest themselves in terms of disturbance and loss of privacy to neighbouring properties, as well as visual blight due to the amount of unrelieved hardstanding which has been laid. This latter point is also of relevance when viewed from the grounds of the Grade I St. Botolph's Priory which is itself now in the process of being enhanced. Photographs in the Committee presentation indicate what the gardens used to look like prior to this planting.
- 9.6 The loss of privacy is particularly acute with regard to number 4 Priory Street. When your Officer visited that property and viewed matters from the kitchen, the feeling of loss of privacy to that dwelling was a very uncomfortable one which would require some degree of mitigation if the application were to be approved.
- 9.7 The hardstanding has also had the effect of raising the ground levels by about 100mm when compared with neighbouring gardens. Whilst the wall between 3a and 4 is not a very high one to begin with, this dates from a time when both properties were residential gardens, and well planted in the case of numbers 3 and 3a. For residents of number 4, and indeed any of the next few houses, to be confronted by a large number of people must be very unsettling, and this is obviously exacerbated when taking into account the ground levels.
- 9.8 The applicants have, therefore, been advised that, if permission is granted, this will be on the basis of the former garden to 3a (approximately five metres across) having its hardstanding removed and being extensively planted. The planting would be of the instant hedging kind (yew is a suitable option, being easy to manage). This would have the effect of screening the mosque garden from neighbouring properties. Steady growth would further enhance this function, in some way returning matters to how they were previous to the removal of trees from this area.
- 9.9 It is also proposed that this planting be extended along the boundary with the grounds of St. Botolph's Priory in the interests of visual amenity.
- 9.10 Further, a fence of some 2 metres in height (with a personal access gate for maintenance of the planting) would be required on the former boundary between 3 and 3a to protect the privacy of 3a, and in particular 4 whose kitchen window looks out on to area of hardstanding. This would be the same height as the existing fence between 3 and 3a (an effective height of 1.9 metres due to the lowered ground level once the hardstanding is removed) and would alleviate virtually all intrusion to gardens and lower floor windows.
- 9.11 The proposed level of outdoor use does require some further explanation. The applicant has advised that this breaks down into three elements: Friday prayer, funeral prayers, and Eid as follows:

- 9.12 Friday Prayer. This lasts from 12:30 to 13:30. Whilst the Imam does speak to the gathered worshippers, there is no call to prayer using amplification, and no verbal congregation response. There is no music or singing.
- 9.13 Funeral Prayers: A prayer service where only the Imam speaks, and lasting 30 minutes. There is no verbal congregation response. There is no music or singing. The coffin is placed outside during the prayers. The applicant advises that there have been three such services in the last three years.
- 9.14 Eid Prayers: These take place twice a year, (currently towards the end of the year) and have variable dates attached to them. Prayers last for 45 minutes.
- 9.15 It would appear, therefore, that the level of outdoor usage is not extensive, but without a doubt it is unnerving for neighbouring properties to have a large number of people in the rear, being addressed by an individual. Some separation and screening, as detailed above, is, therefore, a way of offsetting this.
- 9.16 The 2007 application was refused for the following reasons:
- “It is considered that the replacement of the private garden area with a slab of concrete for parking is harmful to the character and appearance of the Town Centre Conservation Area. Furthermore the proposal would result in loss of privacy and security to the rear garden areas of the neighbouring properties fronting Priory Street and a lack of private amenity space for No 3 Priory Street, harmful to the amenity of the residents. For the reasons above the proposal would be contrary to Local Plan policies DC1, UEA1 and UEA11 and fails to take the opportunities available for improving the character and quality of the area contrary to PPS1.  
The proposal would result in a large area for private car parking in this sustainable town centre location, promoting the use of the private car, contrary to the sustainable development objectives of PPS1.”
- 9.17 The first clause has been addressed by the above commentary, and can be resolved by conditions. The second point has been mostly resolved by the reinstatement of a wooden barrier between the former gardens of numbers 2 and 3, which has limited the parking area to the former garden of number 2, which is a much reduced area for parking. A condition is suggested which confirms this as a permanent fixture, thus preventing future access to the rear of number three by motor vehicles.
- 9.18 Regarding the remaining points in the “representations” sections of this report: 3) - removal of walls - does not require planning permission; 4) and 10) It is not for the Local Planning Authority to suggest better venues, but to judge the merits of each application; 8) With effective planting and boundary treatment, the character of the area should be properly re-instated; 14) – drainage - should be ameliorated by the proposed planting and different surface treatment; (15) – possible future users - is overcome by a personal condition.

## **10.0 Conclusions**

10.1 In conclusion, and whilst the objections are noted, the application is held to be acceptable in this location, and is recommended for approval, with conditions to ensure satisfactory planting and boundary treatments, to limit car parking, to lay new surface treatments, to have hours of use restrictions and to have a personal condition of use.

## **11.0 Background Papers**

11.1 ARC; LDFCS; HA; HH; NLR; TL

### **Recommendation - Conditional Approval**

#### **Conditions**

##### **1 – Non-Standard Condition**

Within 28 days of this permission, details of the means of enclosure between the outdoor prayer area and the proposed planting area 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, and should be of a minimum height of 2 metres above ground level. These details shall be agreed in writing by the Local Planning Authority and shall be implemented within 56 days of permission, and shall be retained thereafter.

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

##### **2 - Non-Standard Condition**

Within 28 days of this permission, 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 shall be to the boundaries of St. Botolph's Priory and number 4 Priory Street, and in the case of the latter shall be to a depth of approximately 5 metres to the boundary with 4 Priory Street (on the line of the former boundary of the gardens of 3 and 3a Priory Street) and shall be of the "instant hedge" variety to a minimum of 1.8 metres in height. This planting shall be carried out within 28 days of the scheme being agreed, or at any other time as agreed in writing with the Local Planning Authority, and maintained at all times thereafter. 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 within 28 days thereafter to specifications agreed in writing with the local Planning Authority.

Reason: In the interests of visual and residential amenity and to soften the appearance of the development as seen from St. Botolph's Priory.

##### **3 - Non-Standard Condition**

A permanent barrier shall remain in place between the former gardens of 2 and 3 Priory Street at all times, of such a height and design to prevent the passage of motor vehicles.

Reason: To avoid overuse of motor vehicles in this predominantly residential, town-centre location.

#### 4 - Non-Standard Condition

The premises shall not be used other than between the hours of 8.00am and 10.30pm.

Reason: To protect the amenity of the occupants of residential properties in this area.

#### 5 - Non-Standard Condition

No amplified music or sound shall be played, nor dancing take place on the premises, including the outside area.

Reason: To protect the amenity of the occupants of residential properties in this area.

#### 6 - Non-Standard Condition

The permission hereby granted shall be for the use of Colchester Islamic Cultural Association only.

Reason: Colchester Borough Council wishes to control the use of this building and curtilage against the use by future users which may not be acceptable.

#### 7 -Non-Standard Condition

Use of the external area to the rear of number 3 Priory Street shall be restricted to silent Friday prayer, silent funeral prayers and Eid prayers at the times and durations specified in the application only.

Reason: In the interests of residential amenity.

#### 8 - Non-Standard Condition

The existing 1.9 metre high fence along the rear boundary with number 3a shall be maintained as such at all times.

Reason: In the interests of residential amenity.

#### 9 - Non-Standard Condition

Prior to planting, the applicant shall remove all hardstanding on the planting belt to the boundary of 4 Priory Street, and to the boundary with St. Botolph's Priory.

Reason: To enable the planting scheme to thrive.

#### 10 – Non Standard Condition

The permission hereby approved shall comply with additional drawings "Proposed section through fence to garden area", undated, received 19<sup>th</sup> April 2010", "proposed layout 1:200" and "proposed pagoda to provide screening of coffin", received 18<sup>th</sup> January 2010.

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



**Application No:** 100244

**Location:** 18 Victory Road, West Mersea, Colchester, CO5 8LX

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

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**7.10 Case Officer: Nick McKeever****OTHER****Site:** 18 Victory Road, West Mersea, Colchester, CO5 8LX**Application No:** 100244**Date Received:** 23 February 2010**Applicant:** Mr & Mrs Clive Rolison**Development:** Variation of condition 04 attached to planning permission 090123-  
obscure windows.**Ward:** West Mersea**Summary of Recommendation:** Conditional Approval**1.0 Site Description**

- 1.1 18 Victory Road is a detached dwellinghouse located within an established residential area of West Mersea. The development within this particular road is of very mixed character in terms of the type of dwellings, their age and architectural detail.
- 1.2 No.16 Victoria Road is a detached bungalow set within a very generous sized plot, whilst No.20 Victoria Road is a detached two storey dwelling which has a flat roof garage on the side adjacent to No.18, with a single storey extension beyond extending past the rear elevation of No.18 Victory Road.
- 1.3 Planning permission was granted on 30th March 2009 (reference 090123) for the conversion of the existing one-and-a half storey dwelling at No. 18 Victory Road to a two-and-a-half storey dwellinghouse. As part of this proposal accommodation was to be provided within the roof void with two small obscure glazed windows provided within the gable end facing onto the flank wall of No.20 Victory Road. Condition 02 of this permission required that these two windows were to be obscure glazed in accordance with the detail shown on the submitted drawings, and thereafter retained as such. The reason for this was to safeguard the amenity of the adjoining dwelling.
- 1.4 The applicant has completed the conversion but replaced these two gable end windows with one casement window, both sides being openable and not obscure glazed. The applicant has now submitted this current application seeking the retention of this window.
- 1.5 Further details of the justification for this window have been submitted and can be viewed in full on the Council website. In summary the justification is that the roof was constructed at a pitch of 47 degrees and not the 50 degrees shown on the approved plans. There was, therefore, insufficient space for the two windows. In addition the larger window permitted egress as a fire escape.

## **2.0 Land Use Allocation**

2.1 Residential

## **3.0 Relevant Planning History**

3.1 090123 – Proposed conversion of one and a half storey property to two and a half storey, rebuild garage and alterations. Approved 30<sup>th</sup> March 2009.

## **4.0 Principal Policies**

4.1 Adopted Review Borough Local Plan  
Development Control Considerations - DC1  
Development adjacent to existing dwellings – UEA13

## **5.0 Consultations**

5.1 None

## **6.0 Town Council's Views**

6.1 West Mersea Town Council recommends refusal as it will compromise the privacy of the adjacent dwelling.

## **7.0 Representations**

7.1 The occupier of 20 Victoria Road has submitted a lengthy letter of objection, which can be viewed in full on the Council website. The main objection is that the windows were to be obscure glazed in accordance with the planning permission to safeguard the privacy of No 20 & No 16. The suggested option of the applicant to obscure glaze the bottom sections of the window is pointless if the window can be opened. This window overlooks the bathroom and small front upstairs bedroom windows within the flank wall of No.20 Victoria Road. There are also privacy and overlooking issues to the rear of No.20. Reference is made to a recent permission for renovations of another dwelling in Coast Road, where a very similar condition was imposed requiring obscure glazing to protect privacy.

7.2 The occupier of No. 16 Victory Road has no objection to this application but is concerned as to the lack of obscure glazing in one of three windows overlooking No. 16 Victory Road.

## **8.0 Report**

8.1 The site has been re-visited since this window has been installed. Having done so it is clear that even with the window being opened to its full extent there are no views of the private patio/garden area of No.20. This is due to the screening effect of the existing extensions.



- 8.2 Directly opposite this window there are two windows above ground level. The largest is stated by the occupier of No.20 as being a bathroom window, although it is not obscure glazed. The one nearest the front elevation is a single pane window, providing a secondary source of light to a front bedroom, the main window being the front dormer. Having regard to this fact the applicant has been advised that the left hand side casement (as viewed from inside the building) should be fixed shut. The right hand side casement should also have a restricted opening to no more than 45 degrees. This will restrict any overlooking into the opposite windows but will also allow a means of fire escape, given that this is to be a child's bedroom. Both windows are to be obscure glazed on the bottom half of the casement. The applicant has submitted a letter agreeing these changes.
- 8.3 The applicant is to be advised of the concerns of the occupier of No. 16 Victory Road and this will be the subject of further consideration and action as necessary.
- 8.4 The applicant's supporting statement makes reference to the roof pitch having been constructed at a pitch of 47 degrees and not 50 degrees as shown on the approved drawings. This reduction in height is not considered to have any significant impact upon the appearance of the finished building or the amenity of the adjoining dwellings. It is recommended that this be approved as an amendment to the approved development and that no further action be taken.
- 8.5 Permission is recommended on this basis.

## **9.0 Background Papers**

- 9.1 ARC; Core Strategy; PTC; NLR

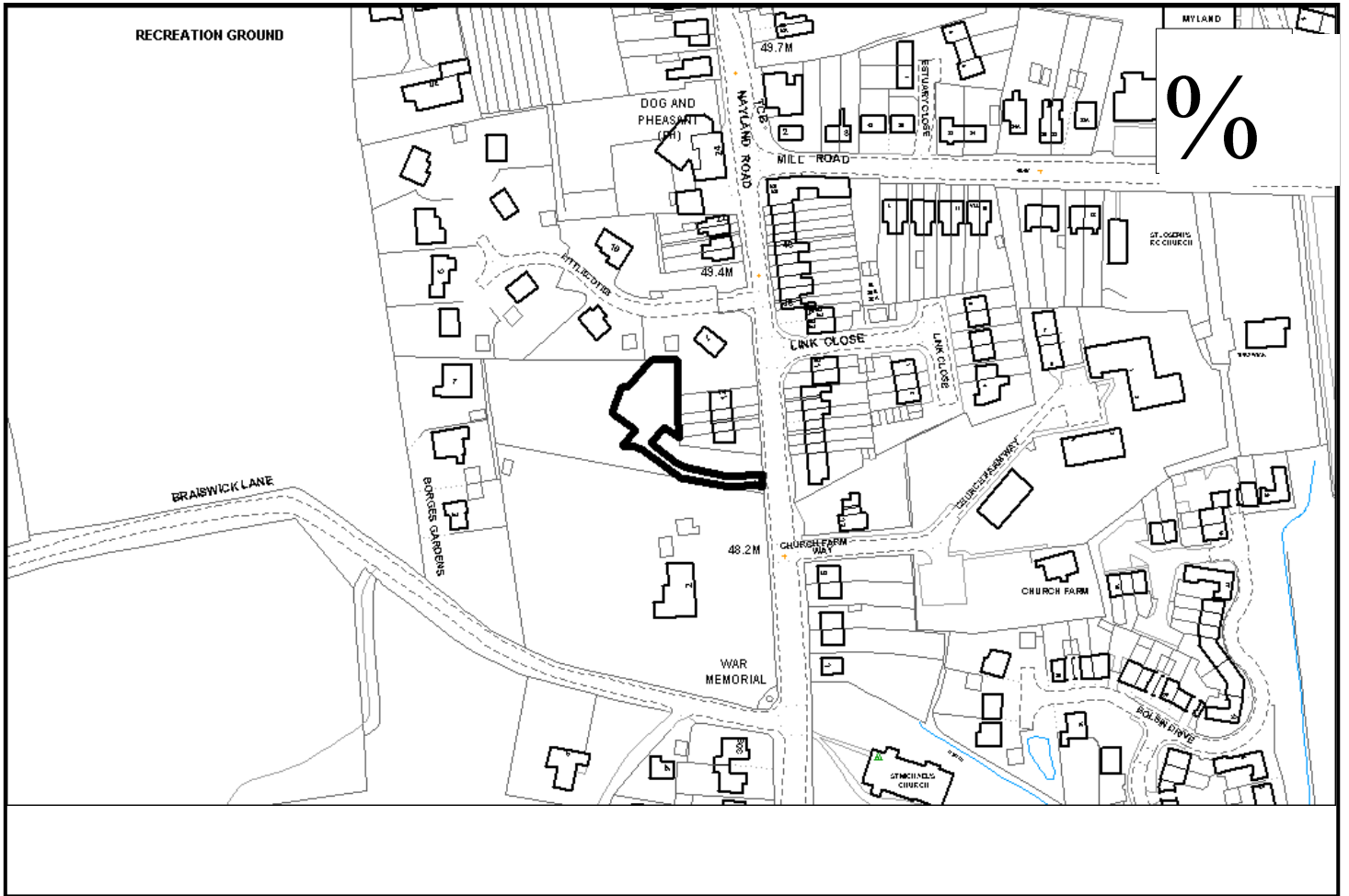
### **Recommendation - Conditional Approval**

#### **Conditions**

##### **1 – Non-Standard Condition**

Notwithstanding the detail shown on the approved plans the left hand casement (as viewed from within the room) shall be fixed shut and the opening of the right hand opening casement shall be restricted to no more than 45 degrees. The bottom sections of this window shall also be obscure glazed in accordance with a level of obscurity to be agreed in writing by the local planning authority. All these changes shall be implemented and completed within two months of the date of this permission and thereafter maintained as such in perpetuity.

Reason: For the avoidance of doubt as to the extent of this permission and to safeguard the amenity of the adjoining dwelling at No.20 Victoria Road.



**Application No:** 100358

**Location:** Henrys Villa, 4 Nayland Road, Colchester, CO4 5EG

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

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**7.11 Case Officer: John Davies****OTHER****Site:** Henrys Villa, 4 Nayland Road, Colchester, CO4 5EG**Application No:** 100358**Date Received:** 25 February 2010**Agent:** Mr Paul Newbould**Applicant:** Mr Toby Wheeler**Development:** Variation of Condition 15 of Planning approval F/COL/06/1038 to allow for the provision of a new bedroom to Plot 3.**Ward:** Mile End**Summary of Recommendation:** Conditional Approval**1.0 Planning Report Introduction**

1.1 This application is referred to the Planning Committee because objections have been raised to the proposals.

**2.0 Synopsis**

2.1 The main planning issues relating to this case are the impact of the conversion of the garage belonging to the house on Plot 3 within the development to provide additional bedroom accommodation and the implications for design, amenity and parking provision. It is considered that the implications in these respects are not so serious in relation to adopted policies and standards to warrant refusal of these retrospective works.

**3.0 Site Description**

3.1 The application site comprises land which was formerly the rear garden of 4 Nayland Road and which, following permission in 2006, is being developed for 5 houses and garages. The development is at an advanced stage with all the houses completed or nearly completed and some have been occupied.

**4.0 Description of the Proposal**

4.1 The application is to vary a condition imposed on permission F/COL/06/1038, for the erection of 5 houses and garages on the site. The condition in question requires the development to be carried out strictly in accordance with the revised drawings approved under the application. Officers considered that the conversion of the garage was a material change from the approved plans which required a fresh application.

- 4.2 The application specifically relates to Plot 3 within the scheme, which is a two storey, 4 bedroom house with an attached double garage. The conversion works have been carried out already and therefore this application is seeking to regularise the position retrospectively.
- 4.3 The works that have been carried out are the conversion of the garage to habitable accommodation associated with the main house namely the formation of an additional bedroom on the ground floor for a disabled member of the family and the retention of a bedroom on the first floor for a carer.
- 4.4 Externally the only change from the approved scheme is the addition of a ground floor window in place of the garage doors and alteration to the position of a window on the rear elevation.
- 4.5 On the frontage to the house the approved plans showed two car parking spaces in front of the garage. These are retained and would provide the only parking to the dwelling.

## **5.0 Land Use Allocation**

- 5.1 The land is currently designated in the Development Plan as residential.

## **6.0 Relevant Planning History**

- 6.1 F/COL/06/1038 – Erection of 5 houses and garages- Approved 19.12.2006

## **7.0 Principal Policies**

- 7.1 The following policies from the adopted Colchester Borough Review Local Plan (March 2004) are relevant to the consideration of this application:  
DC1- Development Control considerations  
UEA11 - Design  
UEA13 - Development, including Extensions, Adjoining Existing or Proposed Residential Property
- 7.2 In addition, the following policies from the adopted Colchester Borough Core Strategy (December 2008) are also relevant:  
UR2 - Built Design and Character  
TA5 - Parking  
ENV1 - Environment

## **8.0 Consultations**

- 8.1 None

## 9.0 Parish Council's Views

9.1 The Parish Council have stated that they object in the strongest terms for the following reasons:

1. The wording of the proposal is misleading. The application is in fact for the replacement of a double garage with a two storey, two bedroom extension.  
*Officer comment - the approved scheme was for a two storey side extension. The amendment only creates one additional bedroom on the ground floor. A bedroom was provided on the first floor in the approved scheme.*
2. This application proposes to convert a three bedroom house with parking for four cars to a five bedroom house with parking for two cars - this does not conform to current parking standards.  
*Officer comment - The issue of compliance with adopted standards is considered later in this report.*
3. This is a retrospective application - the two storey extension has almost been completed.
4. A site visit revealed that the development as a whole is in breach of conditions 4 and 9 of the Planning Decision Notice dated 19<sup>th</sup> December 2006. At least two houses are occupied yet the site access on to Nayland Road has not been improved to the required standard.  
*Officer comments: Any other alleged breaches of planning control would be dealt with separately and are not part of this application.*
5. We request that work on Plot 3 be halted and the site visited as soon as possible by a CBC enforcement officer for a full investigation and possible remedial action. Officer Comments- these matters have been investigated on site by the Enforcement Team, the outcome of which is this application.

## 10.0 Representations

10.1 3 responses have been received from residents living on Nayland Road as follows:

10.2 No.6 – raises the following points:

- View from kitchen window has been obliterated by pitched roof of garage.  
*Officer comment: this objection is believed to relate to the garage belonging to Plot 1 which is situated directly behind No.6. This building is in conformity with the approved scheme and not the subject of this application which relates to Plot 3.*
- There should be no further building work which reduces views of skyline from my property.  
*Officer comments: no further additions are proposed in this application.*
- Development has changed status of my property to no longer end of terrace.  
*Officer comment: This is not a Planning consideration.*
- No part of my property/garden is now not overlooked.  
*Officer comment - The works, the subject of this application, do not result in overlooking of the garden of this property from Plot 3.*

- Have suffered two years of total loss of amenity, dust and abuse from the builder.

10.3 No.8 – Plot 3 is already too close to No.8 and any more additions will take even further light from our gardens.

*Officer comments: no further additions are proposed in this application.*

10.4 No.12 - These works were carried out without first getting approval and result in further over-development of this plot. Window to rear of first floor is still clear glazed and should be obscured to prevent overlooking. This has not yet happened.

10.5 The full texts of the responses can be viewed on the Council's web site.

## **11.0 Report**

11.1 The main considerations in this application are the :

- impact of the alterations on the appearance of the dwelling
- impact of the alterations on the amenity of neighbours
- provision of an acceptable level of parking within the development.

### Appearance

11.2 The works which have been carried out and are the subject of this application have not increased either the built volume or area of the dwelling as originally approved. The alterations comprise a window on the ground floor frontage in place of the approved garage doors and single dormer window on the rear in place of two.

11.3 It is considered that the changes do not raise any issues in respect of design and are therefore satisfactory in this respect.

### Amenity

11.4 The proposed alterations do not have any material impact on the amenity of neighbours for the following reasons:

- No additional building work has taken place and therefore the overall size of the dwelling is in conformity with the original approval
- There are no windows in the flank elevation of the garage building which might directly overlook residents in Nayland Road
- On the rear elevation there is only one dormer window at first floor level which is to be obscure glazed and a condition can be imposed to require this take place and retained as such.

### Parking

11.5 The approved house had a total of 4 car parking spaces comprising a double garage and two spaces in front of the garage. The conversion of the garage has reduced this provision to only two spaces. The property has been re-designed internally to provide an additional bedroom in the main building and an additional bedroom in the garage so that it now has a total of 5 bedrooms.

11.6 The recently adopted ECC parking standards published in September 2009 set a minimum car parking provision of 2 parking spaces for dwellings with 2 or more bedrooms. Prior to this the adopted parking standards set only maximum standards. Consequently, the reduction in parking provision to two spaces resulting from the conversion of the garage is not contrary to current guidance.

11.7 Notwithstanding this it is the case that the property may generate now or in the future demand for parking exceeding two off-street spaces. The applicants have advised that there is space to park three cars on the frontage as the area has an overall width of just over 7 metres. This is marginally smaller than the minimum width standard for car parking spaces which is 7.5m (3 x 2.5m) , which means that the front area could accommodate at a squeeze parking for 3 cars if necessary.

## **12.0 Conclusion**

12.1 The main planning issues are the impact of the conversion of the garage to provide additional bedroom accommodation and this report has considered the implications for design, amenity and parking provision. It is considered that these implications are not so serious to warrant refusal of these retrospective works.

## **13.0 Background Papers**

13.1 ARC; Core Strategy; PTC; NLR

### **Recommendation - Conditional Approval**

#### **Conditions**

1 – Non-Standard Condition

Two parking spaces shall be retained on the front of the site for the parking of vehicles belonging to the occupiers of Plot 3.

Reason: In order to ensure that two parking spaces are provided and maintained within the plot in order to prevent parking either on the rest of the estate or the public highway which would be likely to lead to congestion and obstruction of the flow of traffic.

2 – Non-Standard Condition

Prior to the occupation of the dwelling on Plot 3 the first floor window in the rear elevation of the side extension shall be fitted with obscured glass with an obscuration level equivalent to scale 4 or 5 of the Pilkington Texture Glass scale of obscuration and it shall be retained as such at all times thereafter.

Reason: In order to safeguard the privacy of adjoining occupiers.

#### **Informatives**

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

## 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.