

Planning Committee

Town Hall, Colchester
4 March 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 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

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.

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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
4 March 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 - 7

To confirm as a correct record the minutes of the meeting held on 18 February 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. 100091 Cavalry Road/Stable Road, Colchester (Christ Church) 8 - 13

Conversion of existing canteen building into residential (5no. 2 bedroom units). Resubmissions of F/COL/06/1281 and LB/COL/06/0556.

2. 100093 Cavalry Road/Stable Road, Colchester (Christ Church) 14 - 18

Conversion of existing adult school building into residential (2no. 2 bedroom units). Resubmission permissions F/COL/06/1282 and LB/COL/06/0557.

3. 100044 Blomfields, Long Road East, Dedham, CO7 6BS (Dedham and Langham) 19 - 23

Variation of condition 02 of planning permission COL/95/0462 to allow swimming pool to be hired out to the general public.

4. 100047 Seasons, Monks Lane, Dedham, CO7 6DZ (Dedham and Langham) 24 - 33

First floor extension (resubmission of 082034).

5. 100068 2 Arden Close, Colchester, CO4 0JP (St John's) 34 - 37

Proposed first floor side extension.

6. 100073 East Hall Farm, Church Lane, East Mersea (Pyefleet) 38 - 44

Change of use of building B from storage of plant and materials to vehicle maintenance workshop for Rampling Plant Hire Ltd.
Erection of 3m. noise attenuation fence (retrospective)

(resubmission of application 090827).

8. Variation of Legal Agreement // 60-72 Newbridge Road, Tiptree 45 - 47

See report by the Head of Environmental and Protective Services.

9. Enforcement Report // 14 Magdalen Street, Colchester 48 - 50

See report by the Head of Environmental and Protective Services.

10. Exclusion of the Public

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

**PLANNING COMMITTEE
18 FEBRUARY 2010**

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

Substitute Member :- Councillor Mike Hardy for Councillor Andrew Ellis

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

182. Minutes

The minutes of the meeting held on 4 February 2010 were confirmed as a correct record subject to the following amendments to minute no. 174:-

(a) the addition of the following declaration:-

Councillor Lewis (in respect of a close family relative living in Prettygate Road being present at the meeting) declared a personal interest in the following item pursuant to the provisions of Meetings General Procedure Rule 7(3).

(b) the following amendments to the fourth paragraph:-

the following two sentences be inserted after the first sentence:-

“He believed that the report contained errors and omissions of fact. There had been 114 objections submitted not ‘in excess of 90’, and 716 signatures on the petition, not 176 as stated.”

and the third sentence be amended to read:-

“He clarified that there would be a loss of privacy to both his dining room and breakfast room both of which have north facing windows which are main windows not secondary windows.”

183. 091379 Church Lane/Warren Lane, Stanway

The Committee considered an application for an extension of time for the construction of part of the western relief road between Warren Lane and the northern boundary of the site, application F/COL/94/0890 refers. The

Committee had before it a report in which all information was set out.

RESOLVED (UNANIMOUSLY) that –

(a) Consideration of the application be deferred for completion of a Deed of Amendment to ensure that all existing Agreements are read as though references to the relief road permission, express or implied, are applicable to this new planning permission.

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

184. 091260 Edward Marke Drive, Langenhoe, CO5 7LP

The Committee considered an application for a proposed residential development of two detached dwellings. The application is a resubmission of 090268. The application has been advertised in the local press because it is a departure from the Local Plan; the consultation period expires on 12 March 2010. 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 to permit the additional consultation period to expire and for the 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) Subject to no objections being received within the additional consultation period which raise new material considerations, and 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.

185. 091580 Collins Green, School Road, Messing, CO5 9TH

The Committee considered an application for the retention of new dwellings recently erected on plots one and two of the site with proposed material and component amendments. Contrary to approved plans, the dwellings were built as two and a half storey with a fourth bedroom within the roof void which resulted in the eaves being 900mm too high. A subsequent application

to retain the height had been refused and enforcement action was authorised to reduce the height and restore decorative details. More recently the ownership of the site has changed and the opportunity has been taken to make various amendments to the elevations and changes to the external materials. These changes, as illustrated on drawing no. 09.087/164, affect the whole scheme. 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.

Mr Ted Gittins addressed the Committee on behalf of the new owners pursuant to the provisions of Planning Committee Procedure Rule 8 in support of the application. The new owners had liaised with the parish council and community for possible solutions to rectify the transgression of the previous owner. A door to door survey in Messing had been undertaken by the parish council to gauge the preference for the lowering of the roofline or the retention of plots one and two with enhancements. 71% were in favour of retaining the plots with enhancements. It was considered preferable that improvements be made to the overall quality of the whole scheme to create a prestigious development in keeping with the neighbouring development at Maltings Green. In any proposed enforcement action, material harm would have to be proved rather than simply being a deviation of the approved scheme.

Some members of the Committee were very uncomfortable with the recommended approval bearing in mind the Committee's former resolve to take enforcement action to ensure the roof was lowered in accordance with the approved plans. It was considered that the principle of approval was wrong and that the enforcement notice should be served and the roofline lowered. Others took the view that whilst they were not in favour of the increased height being retained, it would be unreasonable to be punitive with new owners who have taken over the project. The majority of the committee were supportive of the efforts made by the new owners to improve the overall scheme to the satisfaction of the majority of the local community and that the parish council now supported the revised scheme.

The planning officer explained that it was normal practice to run a refusal with an enforcement procedure. As the ownership had changed the enforcement notice had not proceeded. In addition the new owners were proposing a significant number of changes to the elevational treatment of all the buildings which represented a vast improvement of the entire scheme. The proposed changes included the colour of the render, the use of better quality bricks and changes to the design detail of doors and windows. Officers were now comfortable with the improved overall quality of the

scheme.

RESOLVED (MAJORITY voted FOR) 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.

186. 091595 5 Broomhills Road, West Mersea, CO5 8AP

The Committee considered an application for the erection of a two bedroom bungalow and a detached garage within the rear garden property. 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.

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.

187. 100006 13 Coast Road, West Mersea, CO5 8LH

The Committee considered an application for modifications to an existing property including new fenestration, the removal of an existing roof and the erection of a second floor and a pool enclosure. 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.

Andrew Tyrrell, Development Manager, attended to assist the Committee in its deliberations.

Trevor James addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in opposition to the application. His four main concerns were that the development was overbearing and there were issues relating to privacy, the height and the design of the proposal. His garden is below the level of the swimming pool and because of this the new enclosure will look massive and will be overbearing. The new kitchen will overlook his terrace and his hot tub which will be in full view; he noted that the planning officer had reserved the right to decide whether or not a screen would be necessary. The addition of a top floor will increase the height of the property. The proposed design of the extension is an intrusion into current properties and against current planning policy. Flat roofs are against the character of Mersea and could set a precedent.

Mary Wayland addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in support of the application. The renovation of this house would enable her and her partner to move back to West Mersea where they had a business. Their architect specialises in coastal homes and they have worked closely with him and the planning office to develop the current proposal. They had offered to incorporate any comments made by both neighbours in the plans. The neighbours at no.15 were delighted with the plans but no response had been received from no.11. They have drive and ambition to create a home and asked for the committee's support.

The Development Manager explained that he had spent an hour with Mr James at his property during which time the issue of overbearing had been discussed in detail. He explained that normally protection is given to an area no more than three metres from the rear wall of the house which, in this case, is the terraced area. Beyond that there is a significant drop in ground levels and gardens are not protected. The swimming pool roof level is below ground level of the dwellings. Although the roof would be seen from above, the view is not protected by planning policies; therefore this was not a reason for refusal. In terms of the kitchen window, he referred to the amendment sheet which suggests a condition be added to ensure that it is obscure glazed. He had also asked for the flank windows to be changed to obscure glazing already and this was shown on the amended plans, and to be conditioned. Although the report had referred to a breakfast room as the dining room due to the tables and chairs within it, the actual dining room window was further from the proposed development and there remained no

issues in respect of the 45 degree line rule which does not intersect the new flat roof when taken from either the breakfast room or the dining room. In terms of design and style, this scheme was the subject of extensive discussions from a very early stage and the government guidance is that planning authorities should not impose their own taste on applicants or stifle ingenuity; this proposal is considered to add to the variety of properties. It was also noted that the reference to the flats to the east being flat roofed was incorrect as they have a pitched roof, although this was not a significant factor. In response to the Committee's queries he explained that the parking provision met the new parking standards.

Members of the Committee thanked both residents for allowing them to do the site visits; they were able to appreciate the area and considered that the contemporary style development would be wonderful for the site and the streetscape would be much improved. The diversity of buildings in the area was in keeping with eclectic street scene. The committee had specifically looked at sight lines. The property at no. 11 is almost at a 45 degree angle to the new building, consequently the 45 degree line does not strike the new development. The Committee were mindful that the proposal was within planning guidelines and everything that can be done has been done. The Committee were concerned that the objector remained unhappy with the development, but he was referred to the amendment sheet which addressed some of the issues. The Chairman thanked both the respective householders at nos. 11 and 13 for allowing the Planning Committee to do a site visit in such an unusual and lovely area.

RESOLVED that the application be approved with conditions and informatives as set out in the report and on the amendment sheet.

188. 100026 145 Shrub End Road, Colchester, CO3 4RE

The Committee considered an application for a proposed single and two storey rear extension to provide four new bedrooms, a net increase of two bedrooms together with support facilities. The application is a resubmission of 090693. The Committee had before it a report in which all information was set out.

RESOLVED (UNANIMOUSLY) that, subject to satisfactory comments being received from the Arboricultural Officer, the application be approved with conditions and informatives as set out in the report.

Councillor Jackie Maclean (in respect of having an acquaintance with the

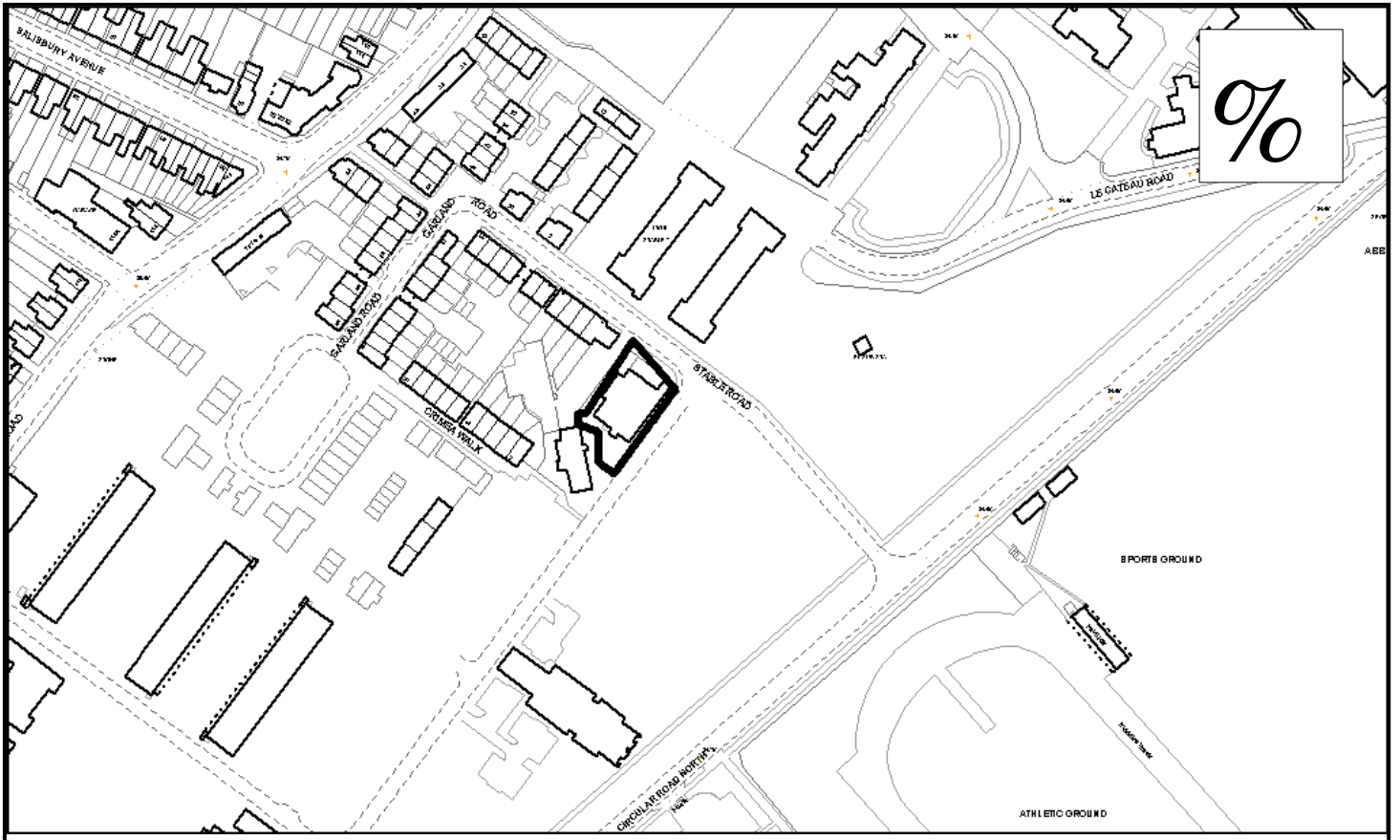
applicant) declared a personal interest in the following item pursuant to the provisions of Meetings General Procedure Rule 7(3)

189. 091297 342 London Road, Stanway, CO3 8LT

The Committee considered an application for a change of use of a building under construction from a proposed indoor adventure play area to a retail unit for the sale of outdoor sports and activity equipment and clothing. 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 Deed of Variation to the original legal agreement to allow the retail of items from within the building outlined red on the submitted site plan, as set out in the report.
- (b) Upon receipt of a satisfactory Deed of Variation, the Head of Environmental and Protective Services be authorised to grant consent with conditions and informatives as set out in the report.



Application No: 100091

Location: Building Lec 8, Cavalry Road/Stable Road, Colchester, CO2 7GF

Scale (approx): 1:1250

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Committee Report

Agenda item **7**

To the meeting of **Planning Committee**
on: **4 March 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: Alistair Day

EXPIRY DATE: 18/03/2010

MINOR

Site: Cavalry Road/Stable Road, Colchester, CO2 7GF

Application No: 100091

Date Received: 21 January 2010

Agent: Mr Mark Perkins

Applicant: Lexden Restoration and Development

Development: Conversion of existing canteen building into residential (5no 2 bedroom units). Resubmissions of F/COL/06/1281 and LB/COL/06/0556.

Ward: Christ Church

Summary of Recommendation: Conditional Approval subject to submission of UU (prior to 17 March 2010) linking application to the original 299a Garrison agreement

1.0 Planning Report Introduction

1.1 This application has been submitted for consideration by the Planning Committee because a new legal agreement is required to link this development to the requirements of the outline planning permission for the Garrison Urban Village Development and associated legal agreement.

2.0 Site Description

- 2.1 The application site is located to the north west of Abbey Field and forms part of the former Royal Artillery (Le Cateau) Barracks site.
- 2.2 To the south west of the Canteen Building (LEC08) is the Adult School (LEC 09), a single storey building that is aligned with the boundary wall that separated the Royal Artillery Barracks from the Cavalry Barracks. To the north east of the Canteen Building are the two remaining stables blocks (LEC 06 & LEC 07) and the Officer's Quarters. The land to the north and west of the retained garrison buildings is currently being redeveloped for housing. To the south of the retained military buildings the former garrison paddocks and apartment blocks of a contemporary design are in the process of being erected on this land
- 2.3 The Canteen Building (along with the Adult School, the two stable blocks, Quarters and Riding School) are listed grade II for their special architectural and historic interest and are located within the Garrison Conservation Area. Part of the remains of the recently discovered Roman Circus are located at the northern end of the paddocks and are afforded scheduled ancient monument protection.

3.0 Description of the Proposal

- 3.1 This application is for the alteration and conversion of the Canteen Building to create five residential units with associated parking and private amenity space. This application is for a new planning permission to replace existing extant permissions in order to extend the time limit for implementation.

4.0 Land Use Allocation

- 4.1 Garrison Regeneration Area – Zone C (Le Cateau and Cavalry Barracks): Predominantly Residential

5.0 Relevant Planning History

- 5.1 071072 – Erection 112 houses – Approved subject to conditions
- 5.2 RM/COL/06/1947 – Erection of 102 dwellings – Approved subject to conditions
- 5.3 F/COL/06/1282 - Building LEC 09: Conversion of existing Adult School into 2, 2 bedroom units. – Approved subject to conditions
- 5.4 LB/COL/06/0557 – Building LEC 09: Conversion of existing Adult School into 2, 2 bedroom units. – Approved subject to conditions
- 5.5 F/COL/06/1281 Building LEC 08: Conversion of existing Canteen Building into 5, 2 bedroom units. – Approved subject to conditions
- 5.6 LB/COL/06/0556 – Building LEC 08: Conversion of existing Canteen Building into 5, 2 bedroom units. – Approved subject to conditions

- 5.7 CA/COL/06/0559 – Demolition of workshop / store (LEC 10) – Approved subject to conditions
- 5.8 O/COL/01/0009 – A new urban village comprising residential development (up to approx 2,600 dwellings) mixed uses including retail, leisure and employment , public open space, community facilities, landscaping, new highways, transport improvements and associated and ancillary development. - Approved June 2003

6.0 Principal Policies

- 6.1 LDF Core Strategy Policies
 - SD1 – Sustainable Development Locations
 - H1 – Housing delivery
 - H2 – Housing density
 - H3 – Housing Diversity
 - UR1 – Regeneration Areas
 - UR2 - Built Design and Character
 - PR2 – People-friendly Streets
 - TA1 – Accessibility and Changing Travel Behaviour
 - TA2 – Walking and Cycling
 - TA5 - Parking
 - ENV1 – Environment
 - ER1 – Energy, Resources, waste, water, Recycling
- 6.2 Adopted Review Borough Local Plan (2004) Saved Policies
 - DC1 - General Development Control considerations
 - UEA1, 2 & 3 - Conservation Areas
 - UEA 5 – Listed Buildings
 - UEA 7 – Archaeology
 - G1 – Colchester Garrison
 - UEA 11 - Design
 - UEA12/13 - Design considerations

7.0 Consultations

- 7.1 The Highway Authority have raised no objection to this application subject to the development not being occupied until the parking spaces indicated on the submitted plans being constructed.
- 7.2 Environmental Control has no objection to this application.

8.0 Representations

- 8.1 None received

9.0 Report

- 9.1 The Canteen building is a two storey red brick building with similar detailing to the other retained Artillery Barracks buildings. Noteworthy features of the exterior include the central lantern that originally lit a central staircase and decorative chimneys with yellow brick cornice bands. The interior of the building is disappointing compared to the exterior due to alterations to the ground floor plan and the poor condition of the internal finishes.
- 9.2 Planning permission has previously been granted for the alteration and conversion of the Canteen Building into five residential units (ref: F/COL/06/1281) and this application seeks to renew this permission.
- 9.3 The proposed conversion works to this building involve the replacement of the flat floor porch on the south west elevation with a more sympathetic porch and the remodelling of the courtyard to the north east elevation. External alterations have otherwise been kept to a minimum with historic features retained and repaired. Internally, it is proposed to remodel the existing hall by removing the later stairs and reinstate a new staircase under the central lantern. Two of the new residential units are provided with private courtyard garden area.
- 9.4 The new residential units are provided with allocated parking within a shared parking court that was constructed as a part of the housing that has been built by Lexden Restoration immediately adjacent to LEC 08 and LEC 09. The proposed parking provision does not comply with the new parking standards due to the constraints of the site and, in particular, due to the form of new surrounding development. In this instance, given the context of the site and the fact that it is located in a sustainable location, it is considered appropriate not to rigidly apply the new parking standards to this development proposal.
- 9.5 In granting outline planning approval for the Garrison Urban Village development it was always intended that those garrison building that were considered to be of architectural or historic interest would be retained and converted as a part of this development. It is not, however, possible to deal with proposals for the alteration and conversion of the retained garrison building under either an outline or reserved matters planning application; it is for this reason that applications for full planning permission have been submitted for the conversion of LEC 08. The Council's solicitor has, however, advised that all planning applications for the conversion of the retained garrison buildings are subject to a legal agreement linking them to the requirement of the outline planning permission for the Garrison Urban Village development and associated legal agreement.

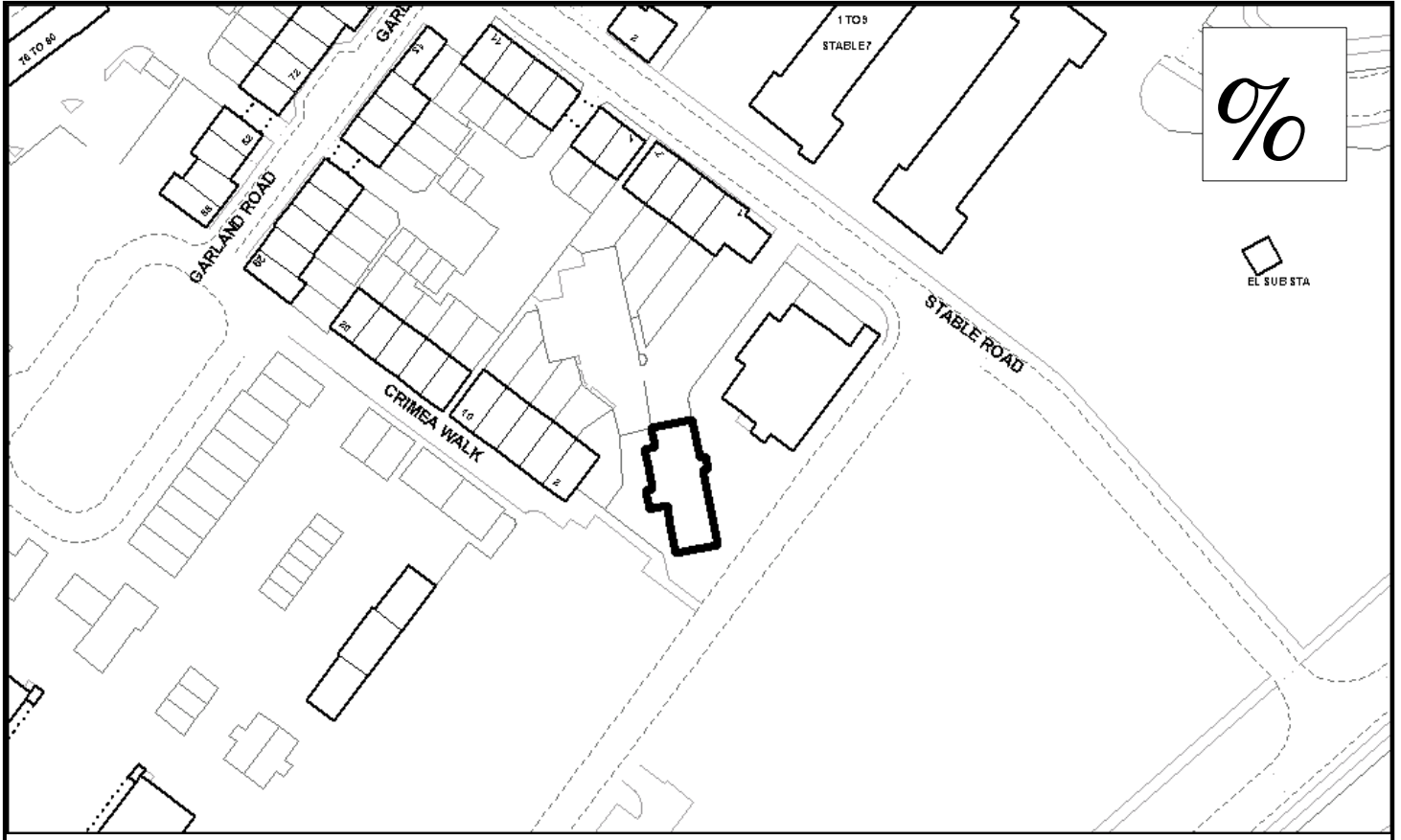
10.0 Background Papers

- 10.1 ARC; Core Strategy; HA; HH

Recommendation

That subject to the submission of a signed unilateral agreement (prior to 17 March 2010) linking these applications to the original 299a Garrison agreement that the Head of Environmental and Protective Services be authorised under delegated powers to grant planning permission subject to appropriately worded conditions to cover the following:

- Development to accord with approved plans
- Recording of the buildings
- Access and highway design
- Submission of large scale drawings
- Drawings showing architectural details
- Windows to be in painted timber
- External building and surface finishes and materials
- Details of rainwater goods
- Detailed design of boundary treatments
- Contaminated land and remediation
- Good practice relating to construction work etc
- Drainage details
- Landscape, implementation and monitoring of works
- Refuse storage.
- Cycle storage facilities



Application No: 100093

Location: Building Lec 9, Cavalry Road/Stable Road, Colchester, CO2 7GF

Scale (approx): 1:1250

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7.2 Case Officer: Alistair Day

EXPIRY DATE: 18/03/2010

MINOR

Site: Cavalry Road/Stable Road, Colchester, CO2 7GF

Application No: 100093

Date Received: 21 January 2010

Agent: Mr Mark Perkins

Applicant: Lexden Restoration And Development

Development: Conversion of existing adult school building into residential (2no. 2 bedroom units). Resubmission permissions F/COL/06/1282 and LB/COL/06/0557.

Ward: Christ Church

Summary of Recommendation: Conditional Approval subject to submission of UU (prior to 17 March 2010) linking application to the original 299a garrison agreement

1.0 Planning Report Introduction

1.1 This application has been submitted for consideration by the Planning Committee because a new legal agreement is required to link this development proposal to the requirements of the outline planning permission for the Garrison Urban Village Development and associated legal agreement.

2.0 Site Description

2.1 The application site is located to the north west of Abbey Field and forms part of the former Royal Artillery (Le Cateau) Barracks site.

2.2 The Adult School (LEC 09) marks the boundary between Le Cateau and Cavalry Barracks and is aligned with the boundary wall that separated the two barracks. To the north east of the Adult School is the Canteen Building (LEC 08), the two remaining stables blocks (LEC 06 & LEC 07) and the Officer's Quarters. The Cavalry Riding School is located to the south west of the Adult School. The land to the north and west of the retained garrison buildings is currently being redeveloped for housing. To the south of the historic military buildings are the former garrison paddocks and apartment blocks of a contemporary design are in the process of being erected on this land.

2.3 The Adult School (along with the Canteen Building, the two stable blocks, Officer's Quarters and Riding School) are listed grade II for their special architectural and historic interest and are located within the Garrison Conservation Area. Part of the remains of the recently discovered Roman Circus is located at the northern end of the paddocks, which is now a scheduled ancient monument.

3.0 Description of the Proposal

- 3.1 This application is for the alteration and conversion of the former Adult School into two residential units with associated parking and private amenity space. This application is for a new planning permission to replace the existing extant permission in order to extend the time limit for implementation.

4.0 Land Use Allocation

- 4.1 Garrison Regeneration Area – Zone C (Le Cateau and Cavalry Barracks):
Predominantly residential

5.0 Relevant Planning History

- 5.1 071072 – Erection 112 houses – Approved subject to conditions
- 5.2 RM/COL/06/1947 – Erection of 102 dwellings – Approved subject to conditions
- 5.3 F/COL/06/1282 - Building LEC 09: Conversion of existing Adult School into 2, 2 bedroom units. – Approved subject to conditions
- 5.4 LB/COL/06/0557 – Building LEC 09: Conversion of existing Adult School into 2, 2 bedroom units. – Approved subject to conditions
- 5.5 F/COL/06/1281 Building LEC 08: Conversion of existing Canteen Building into 5, 2 bedroom units. – Approved subject to conditions
- 5.6 LB/COL/06/0556 – Building LEC 08: Conversion of existing Canteen Building into 5, 2 bedroom units. – Approved subject to conditions
- 5.7 CA/COL/06/0559 – Demolition of workshop / store (LEC 10) – Approved subject to conditions
- 5.8 O/COL/01/0009 – A new urban village comprising residential development (up to approx 2,600 dwellings) mixed uses including retail, leisure and employment , public open space, community facilities, landscaping, new highways, transport improvements and associated and ancillary development. - Approved June 2003

6.0 Principal Policies

- 6.1 LDF Core Strategy Policies
SD1 – Sustainable Development Locations
H1 – Housing delivery
H2 – Housing density
H3 – Housing Diversity
UR1 – Regeneration Areas
UR2 Built Design and Character
PR2 – People-friendly Streets
TA1 – Accessibility and Changing Travel Behaviour
TA2 – Walking and Cycling

TA5 - Parking
ENV1 – Environment
ER1 – Energy, Resources, waste, water, Recycling

- 6.2 Adopted Review Borough Local Plan (2004) Saved Policies
 - DC1 - General Development Control considerations
 - UEA1, 2 & 3 - Conservation Areas
 - UEA 5 – Listed Buildings
 - UEA 7 – Archaeology
 - G1 – Colchester Garrison
 - UEA 11 - Design
 - UEA12/13 - Design considerations

7.0 Consultations

- 7.1 The Highway Authority have raised no objection to this application.
- 7.2 Environmental Control has no objection to this application.

8.0 Representations

- 8.1 None received

9.0 Report

- 9.1 The Adult School is a single storey red brick building with a slate roof. The building has distinct architectural detailing which includes yellow brick oculi windows, band courses, eaves cornice, stone window heads and stone copings on gable ends. On the rear (west) elevation there is a series of modern additions, which are not considered to contribute to the special interest of this building. With the exception of the modern additions to the rear, the building appears to remain substantially unaltered.
- 9.2 Planning permission has previously been granted for the conversion of the Adult School into two residential units (ref: F/COL/06/1282 and this application seeks to renew this permission.
- 9.3 The proposed conversion works involve minimal alterations to the exterior of this building with new internal partitions arranged around existing openings. Existing historic features such as sash windows are to be retained and repaired. It is also proposed to replace the modern lean-to additions to the rear of the building with two hipped roofs extensions that are designed to be subservient to the historic building.
- 9.4 The two units are provided with allocated parking spaces within the previously approved shared parking courts. The constraints of the site are such that it is not possible for the development to comply with the new parking standards. In this instance, given the planning history of this site, the form of the surrounding development and the fact that it is located in sustainable location, it is considered appropriate not to rigidly apply the new parking standards to this development proposal.

- 9.5 Both of the proposed units are provided with private garden area and are in easy access to areas of high quality public open space.
- 9.6 In granting outline planning permission for the Garrison Urban Village development it was always intended that those garrison buildings that were considered to be of architectural or historic interest would be retained and converted as a part of this development. It is not however, possible to deal with proposals for the alteration and conversion of the retained garrison building under either an outline or reserved matters planning application; it is for this reason that applications for full planning permission have been submitted for the conversion of LEC 08 and LEC 09 (and other retained buildings). The Council's solicitor has, however, advised that all planning applications for the conversion of the retained garrison buildings are subject to a legal agreement linking them to the requirement of the outline planning permission for the Garrison Urban Village development and associated legal agreement.

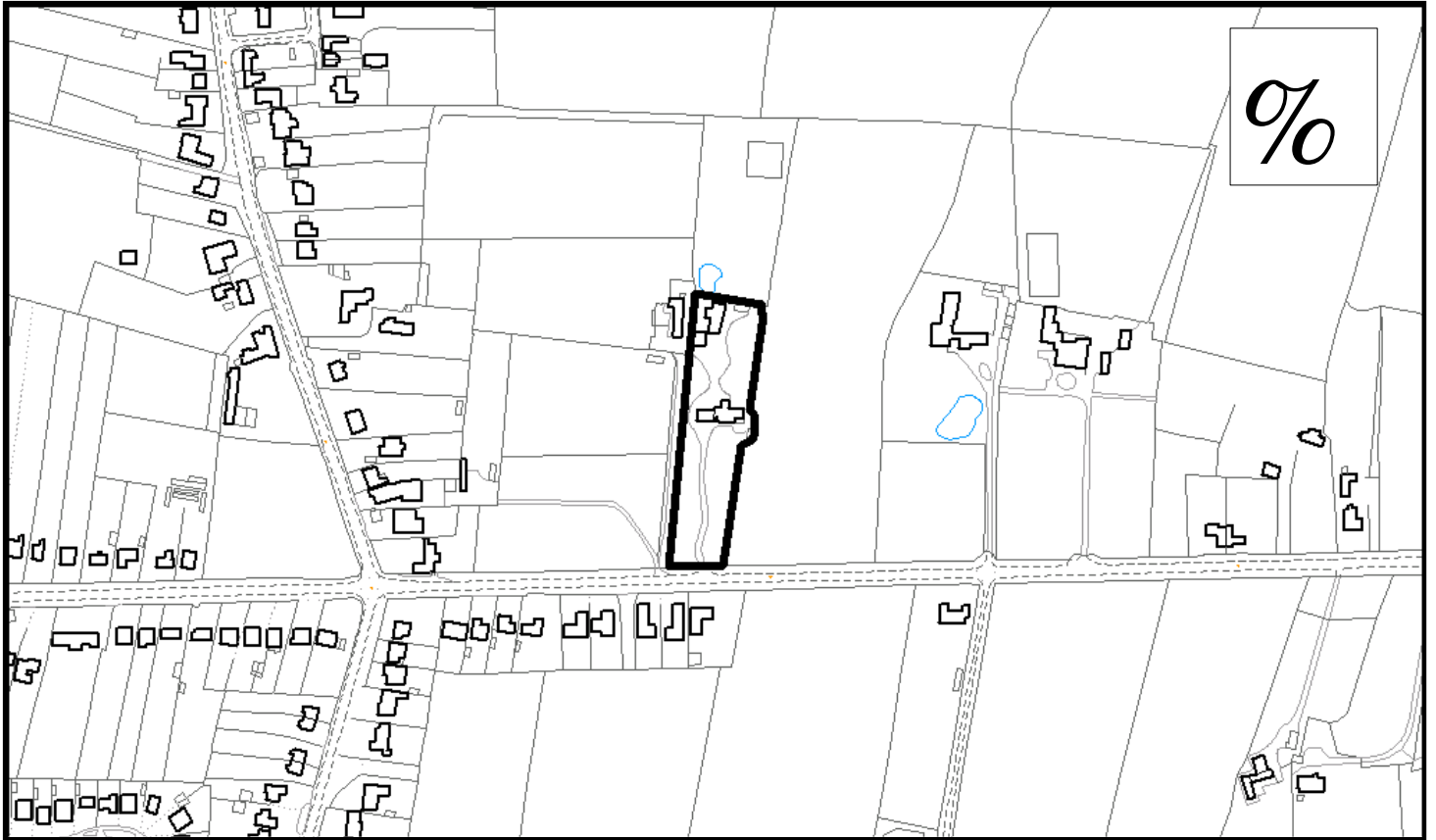
10.0 Background Papers

10.1 ARC; Core Strategy; HA; HH

Recommendation

That subject to the submission of a signed unilateral agreement (prior to 17 March 2010) linking this application to the original 299a garrison agreement that the Head of Environmental and Protective Services be authorised under delegated powers to grant planning permission subject to appropriately worded conditions to cover the following:

- Development to accord with approved plans
- Recording of the buildings
- Access and highway design
- Submission of large scale drawings
- Drawings showing architectural details
- Windows to be in painted timber
- External building and surface finishes and materials
- Details of rainwater goods
- Detailed design of boundary treatments
- Contaminated land and remediation
- Good practice relating to construction work etc
- Drainage details
- Landscape, implementation and monitoring of works
- Refuse storage.
- Cycle storage facilities



Application No: 100044

Location: Blomfields, Long Road East, Dedham, Colchester, CO7 6BS

Scale (approx): 1:1250

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7.3 Case Officer: Simon Osborn

EXPIRY DATE: 09/03/2010

Site: Blomfields, Long Road East, Dedham, Colchester, CO7 6BS

Application No: 100044

Date Received: 12 January 2010

Agent: Mr R Young

Applicant: Mr R Watts

Development: Variation of condition 02 of planning permission Col/95/0462-To allow swimming pool to be hired out to the general public.

Ward: Dedham & Langham

Summary of Recommendation: Conditional Approval

1.0 Site Description

1.1 The application site comprises a large residential property in substantial grounds, just outside the village settlement limits of Dedham Heath and within the southern edge of the Dedham Vale AONB. There are a number of substantial outbuildings to the rear of the main house and within the curtilage of the dwelling. These include a pool house for swimming.

2.0 Description of Proposal

2.1 The application seeks to remove condition no. 2 from an approval granted 1st June 1995 reference COL/95/0462, which stated: "The use of the swimming pool shall be restricted to a use incidental to the enjoyment of the dwelling only and shall not at any time be used for the general public".

2.2 The Design and Access Statement (DAS) states, "It is proposed that the pool will be hired out to parties of up to 5 people for exclusive use for periods ranging from 1 to 4 hours for swimming lessons, for those wishing to swim in private with friends and for those with disabilities. The pool is currently under used and the opportunity to hire the pool for private use will provide a valuable service to the local community and surrounding villages".

3.0 Land Use Allocation

3.1 Area of Outstanding Natural Beauty Conservation Area

4.0 Relevant Planning History

4.1 COL/95/0462 – proposed swimming pool - Permitted

5.0 Principal Policies

5.1 Local Development Framework

Core Strategy:

SD3 - Community Facilities

TA1 - Accessibility and Changing Travel Behaviour

ENV1 - Environment

ENV2 - Rural Communities

5.2 Adopted Review Colchester Local Plan 2004 saved policies:

DC1- Development Control considerations

UEA13 - Development, including Extensions, Adjoining Existing or Proposed Residential Property

CO2 - Dedham Vale AONB

6.0 Consultations

6.1 The Highway Authority comments as follows:-

"The Highway Authority would not wish to raise an objection to the above application subject to the following conditions:-

No occupation shall take place until such time as the following have been completed:

1. Prior to occupation of the development the vehicular turning and parking facilities, as shown on the submitted drawing, shall be constructed, surfaced and maintained free from obstruction within the site at all times for that sole purpose.

Reason: To ensure that vehicles can enter and leave the highway in a forward gear in the interest of highway safety to ensure accordance with Policy 1.1 of the Highways and Transportation Development Control policies.

2. No unbound material shall be used in the surface treatment of the vehicular access within 6 metres of the highway boundary.

Reason: To avoid displacement of loose material onto the highway in the interests of highway safety to ensure accordance with Policy 1.1 of the Highways and Transportation Development Control policies.

Note: The above is required to ensure the proposal complies with the County Council's Highways and Transportation Development Control Policies, as originally contained in Appendix G of the Local Transport Plan 2006/2011 and refreshed by Cabinet Member Decision dated 19 October 2007.

Note: All highway related details to be agreed with the Highway Authority."

6.2 Environmental Control stated no comments.

7.0 Parish Council's Views

7.1 To be reported if received

8.0 Representations

8.1 One representation received objecting on the grounds of poor and possibly dangerous access.

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

9.0 Report

9.1 The adopted policies would generally encourage the provision of new "community facilities" within locations which are easily accessible by public transport, walking and cycling. Policy CO2 in the Local Plan also seeks to protect the special character of the AONB. In accordance with these policies, it is unlikely that the Council would support a proposal for a new building for general community use within a location such as this.

9.2 However, in this instance the proposal relates to a building that is already there. The DAS indicates that the removal of the relevant planning condition would allow small parties of up to 5 people to use this facility from surrounding villages. The proposal as such is of a small-scale nature. There are no neighbours within the immediate vicinity of the pool, which is toward the rear of the site. It would lead to a minor increase in traffic to the premises. However, the Highway Authority has not raised an objection to the proposal and it is considered that the impact upon the character of the area would not be significant.

9.3 The application is recommended for approval, subject to conditions relating to hours of use, maximum number of persons using the facility at any one time, and the conditions recommended by the Highway Authority.

10.0 Background Papers

10.1 ARC; HA; HH; NLR

Recommendation - Conditional Approval

Conditions

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

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

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

2 - Non-Standard Condition

Prior to the first use of the swimming pool by the general public, the vehicular turning and parking facilities as shown on the submitted drawing shall be constructed, surfaced and maintained free from obstruction within the site, at all times for that sole purpose.

Reason: In the interest of highway safety.

3 - Non-Standard Condition

No unbound material shall be used in the surface treatment of the vehicular access within 6 metres of the highway boundary.

Reason: In the interest of highway safety.

4 - Non-Standard Condition

The swimming pool shall not be open to the general public outside of the times 0900 hours to 2100 hours Mondays to Saturdays, and 1000 hours to 1600 hours Sundays, nor at any time on Christmas Day and Boxing Day.

Reason: In the interest of local amenity.

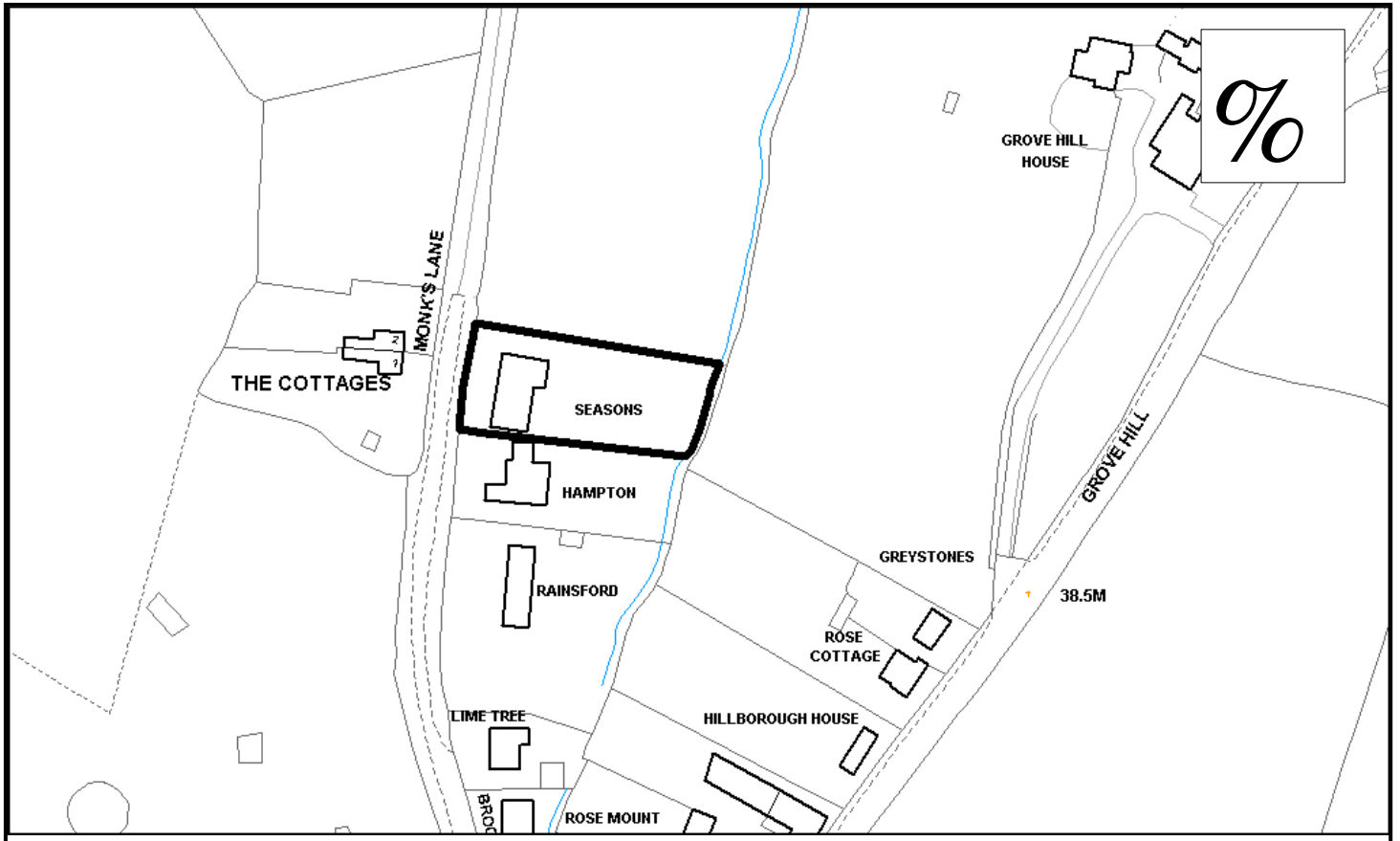
5 - Non-Standard Condition

The swimming pool shall not be used by more than 5 members of the general public at any one time.

Reason: In the interest of local amenity.

Informatives

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: 100047

Location: Seasons, Monks Lane, Dedham, Colchester, CO7 6DZ

Scale (approx): 1:1250

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7.4 Case Officer: Nick McKeever

EXPIRY DATE: 10/03/2010

OTHER

Site: Seasons, Monks Lane, Dedham, Colchester, CO7 6DZ

Application No: 100047

Date Received: 13 January 2010

Agent: Mr Andy Cameron

Applicant: Mr C Knowles

Development: First floor extension (resubmission of application 082034)

Ward: Dedham & Langham

Summary of Recommendation: Conditional Approval

1.0 Planning Report Introduction

1.1 The application has been "called-in" by Councillor Garnett for the following reasons:-

Although officers have offered advice I wonder if the following have been clearly addressed by the Applicant:

- The need for a new vehicular access from Grove Hill.
- Protection for mature trees that may be felled to accommodate the new access.
- The impact the development will have on public open spaces and on the AONB.
- The neighbour's loss of privacy from the new balcony.
- A failure to notify nearby residents.

2.0 Site Description

2.1 The site is currently occupied by a large, 'L-shaped', detached bungalow set within a plot of approximately 0.15ha. It located at the end of Monks Lane, Dedham.

2.2 To the south is an adjoining bungalow, 'Hampton', whilst to the north is open countryside. To the west of the site are a pair of detached, two storey cottages. The development to the south of 'Hampton' is of mixed character in terms of the types of dwellings and their designs.

2.3 The proposal involves the construction of a first floor extension to the majority of the existing building but also to raise the existing roof in order to improve the usable internal space and to provide a first floor bedroom and study. The proposal incorporates a recessed, first floor balcony at the rear in order to take advantage of the views across the Dedham Vale. The proposed building is to have a 'T-shape', with the main two storey element located on the north side of the building. Two dormers are to be provided with a north facing outlook.

- 2.4 The external materials are to be painted softwood weatherboarding, concrete plain tiles and UPVC windows and doors.
- 2.5 The proposal will provide an additional 84 sq.m of habitable accommodation and 16 sq. m balcony area.

3.0 Land Use Allocation

- 3.1 Village Envelope
Dedham Vale AONB

4.0 Relevant Planning History

- 4.1 082034 – First floor extension. Withdrawn 15 January 2009
- 4.2 99/0735 – Conservatory. Approved 15 July 1999
- 4.3 91/1176 – Rear extension. Approved 24 October 1991

5.0 Principal Policies

- 5.1 DC1 - Development Control considerations
UEA11 - Design
UEA13 - Development, including extensions, adjoining existing or proposed residential property
- 5.2 Core Strategy
UR2 - Built design and character

6.0 Consultations

- 6.1 None

7.0 Parish Council's Views

- 7.1 Dedham Parish Council comment as follows:-

"I am surprised firstly, that further expansion of this property is being considered by the Colchester Planning Department as a precedent has already been set in 2000. Application Number F/COL/00/0266 'Hamptons' (next door) was refused which this applicant opposed.

Secondly, that such a 'Senior Planner' Vincent Pearce has been involved in the design aspects of the proposal when the precedence already exists.

I regard this proposal as near to a 'New Build' as one can get without raising the property, and we both know the policies regarding new build in the AONB.

The Design and Access Statement is wrong on many counts, containing many errors, along with the fact that the plans submitted are not a true representation of the site conditions (omitting the gradient, the Lane's position and heights relative to adjacent properties etc). The Members of the Sub Committee are not enamoured by the emotional blackmail aspects of the Design and Access Statement as they cannot be considered in the planning decision processes, particularly as they are contrary to logic.

I would also request that should the application be recommended for approval and because of the fact that Monks Lane is a narrow lane (like Coopers Lane in the AONB) similar conditions to those imposed on application 982090 (conditions 4 to 15) are applied, in particular the off road parking aspect.

I have reviewed the Adopted Policies and consider that the above application fails to comply with elements of policies CO2, CO3, UEA1, UEA2, UEA12, UEA13, H7 and H8. Therefore we are correct in requesting that our Ward Member calls this application in, with the proviso that if the Planning Officer is minded to also refuse the application then the 'calling in' will be withdrawn."

8.0 Representations

8.1 The Dedham Vale Society comments as follows:-

"The site falls within the Dedham Vale AONB and therefore, as with any other development within the nationally designated area, should be subject to special scrutiny. Particular attention is drawn to Colchester Borough Council's Core Strategy Policy ENV1.

We wish to object to this development as we consider that it would have an adverse effect on the Dedham Vale AONB and go against ENV1 of Colchester Borough Council's Core Strategy adopted December 2008. The development would raise the height of the building leading to an adverse visual impact on the AONB.

It should be noted that the Design and Access Statement submitted as part of the application notes the significant of the AONB is to 'preserve the existing and enhance any proposed development'. It should be noted that the primary purpose of AONBs, confirmed in the Countryside and Rights of Way Act 2000, that the primary purpose of AONBs is to conserve and enhance the natural beauty of the landscape."

8.2 The occupiers of 'Rainsford', Monks Lane, Dedham have submitted a lengthy letter of objection. This letter is reproduced as Appendix 1.

8.3 The occupiers of 'Hampton' state that the Applicants raised objection to their proposals for extensions and the reasons given would apply equally to their current proposal:-

- (1) Addition of first floor is inappropriate
- (2) Adverse impact upon the AONB
- (3) Will do little to improve the aesthetics of the building
- (4) Loss of daylight & privacy
- (5) Detrimental to quality of life and the area in general
- (6) Extension should be single storey

8.4 They also raise concerns as to the potential impact upon the foundations of their property and problems caused by the additional traffic (builder's vans or lorries).

8.5 The occupiers of Greystones are concerned that the Applicant is intending to gain access via a recently purchased parcel of agricultural land in Grove Hill. This could result in the loss of some existing trees. In summary their objections are that the development will result in a loss of privacy by overlooking from the new balcony and windows, it is not justified, it is not in keeping with the surrounding area and will dominate and adversely affect the AONB. Residents in Grove Hill were not notified.

9.0 Report

- 9.1 This application has been submitted in order to address your Officers concerns with the scale, form and detailed design of an extension to this existing bungalow. A copy of the previously submitted drawing will be displayed at the Committee Meeting on the basis that it provides a useful comparison between what was initially an unacceptable proposal and the subsequent improvements that have been incorporated within this amended scheme.
- 9.2 The site is located within the designated village envelope for Dedham and on this basis an extension to the dwelling is acceptable in principle. In this context the development has to be considered entirely on its own particular merits whilst having due regard to the relevant saved Local Plan policy UEA11 (Design) and UEA13 (impact upon existing residential properties).
- 9.3 In terms of the scale, form and design the location of the site within a sensitive and protected landscape has been a primary consideration. It is on this basis that a more traditional design solution has been put forward where the two storey element is restricted to take the form of a gabled wing. This part of the building is to be clad in timber weatherboarding. The remainder of the building is set at the level of the existing building.
- 9.4 In terms of the visual impact it is acknowledged that the existing bungalow is set at a lower ground level than the Lane and the pair of detached cottages opposite the site. The visual impact is, therefore, mitigated to an extent by this difference in ground level.
- 9.5 Notwithstanding this consideration due account has to be taken of the fact that the existing development along Monks Lane is an eclectic mix of two storey and single storey dwellings exhibiting a wide variety of designs and materials. There is no cohesive pattern to this development. Notwithstanding the fact that the adjoining dwelling, 'Hampton' is also a bungalow an argument that the proposed two storey element is out of keeping can not be sustained. On this basis it is difficult to uphold a refusal of permission on the grounds that the development is so out of keeping that it would be prejudicial to the amenity of this area which forms part of the Dedham Vale AONB.
- 9.6 With regard to the impact upon the amenity of other nearby dwellings, the proposal is acceptable in terms of the relevant saved Local Plan policy UEA13. In terms of any overbearing impact upon 'Hampton' the height of the altered building immediately adjacent to its neighbour remains as existing. The two storey element is located to the north and thus the furthest part of the building away from 'Hampton'. With regard to any loss of privacy to this adjoining dwelling, the plans do not include any windows within the flank walls or within the roof plane that overlook it. The recessed balcony within the east facing roof plane does not overlook this property.
- 9.7 Whilst the concerns raised by the occupiers of Greystones, Grove Hill, regarding the impact upon their property are acknowledged, it is noted that this dwelling is located a considerable distance away from the extended dwelling. This distance far exceeds the 25 metre minimum 'back-to-back' distance required by the Council's adopted guidance to ensure that privacy is safeguarded.

9.8 In terms of neighbour consultations, the Council's adopted procedure in terms of this type of 'Householder' application is to notify only those dwellings which immediately adjoin the site.

9.9 The application as submitted states that no new means of access or the alteration of any existing access is proposed. The fact that the Applicant may have purchased other land in the vicinity, or what the Applicant's future intentions regarding this land may be, is not a material consideration in terms of the determination of this current proposal. Members will appreciate that the application has to be considered on the basis of what is being applied for and thus should be determined entirely upon its own particular merits.

10.0 Background Papers

10.1 ARC; PTC; NLR

Recommendation - Conditional Approval

Conditions

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

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

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

2 - C3.3 Samples to be Submitted

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

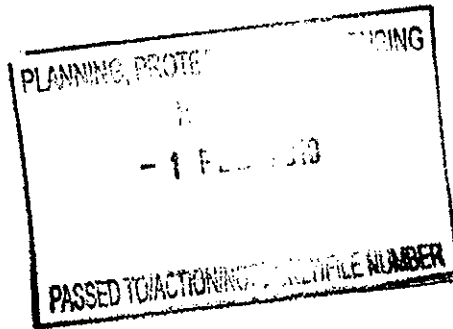
Reason: To ensure that the development has a satisfactory appearance in the interests of visual amenity and helps to reinforce local character and identity.

APPENDIX 1

Rainsford
Monks Lane
Dedham
Essex
CO7 6DZ

30th January, 2010

Simon Osborn
Planning Officer
Environmental and Protective Services
Colchester Borough Council
PO Box 889,
Town Hall,
Colchester
CO1 1FL



M.V.M

Dear Sirs,

Application Number: 10047 (Seasons, Monks Lane, Dedham, Essex CO7 6DZ)

My wife and I wish to present our objections and concerns regarding the above proposed development. We should point out at the outset that there are a number of factual inaccuracies in the Application:

From Mr Knowles' Statement forming part of the Application:

- a) 'The bungalow is at the end of Monks Lane where the made up road changes to a track and there is no through traffic.'

Although there is very little vehicular traffic, it is a popular walk for both individuals and groups. Additionally, the track is used by horse-riders.

- b) 'the eaves of the current bungalow are level with the lane and is not fully visible by any property to the north or east side.'

In fact, the eaves are substantially above the level of the lane. (See also d) below.)

- c) '[Seasons] is visible from the bungalow immediately to the south but not from the neighbouring house.'

This is true in relation to visibility from *within* our house. However, Seasons is *clearly* visible from those parts of our garden that we most frequently use.

- d) With regard to proposed development:

'The roof section along the North elevation (field side) is raised by 1500 mm and will not be visible from the lane.'

The current bungalow can certainly be seen from Monks Lane, and from its associated footpaths, as well as from Coles Oak Lane, half a mile to the North of the property. The **Householder Application for Planning Permission** form, Section 10, itself confirms that the site 'can be seen from a public road, public footpath, bridleway or other public land'. The proposed extension would, therefore, result in a substantial increase in visibility.

From the **Design and Access Statement** forming part of the Application:

e) 'Involvement has been local with regard to near neighbours being consulted ...'

My wife and I provided comments on the 2008 Application. However, apart from this indirect involvement, we had not been consulted in relation to the *current* Application prior to its submission. Furthermore, we are concerned that responses to the Application have not been sought by Colchester Borough Council from occupants of properties along Grove Hill. Seasons is, indeed, visible from some of these properties as the intervening brook effectively forms a small valley across which properties face.

We also note the discrepancy between the **Existing and Proposed Block Plans**.

With specific regard to our objections, our prime concern is the impact upon the countryside amenity offered by Monks Lane and its associated footpaths. Monks Lane, a very old byway with historic as well as natural interest, runs from Lamb Corner down and across Black Brook. It joins Coles Oak Lane to the North. For most of its length it is a byway running through open countryside, which forms part of the Dedham Vale Area of Outstanding Natural Beauty. Its amenity value is referenced in the **Dedham Village Design Statement of 2007**:

'[The Lane is] an area of outstanding peace, natural charm and beauty.' (p. 40)

As a 'green lane' it is part of

'... a major and treasured characteristic of the Parish' (p.39).

The **Village Design Statement** has been adopted by Colchester Borough Council.

The small valley through which Monks Lane and Black Brook run is just over half a mile from North to South. Within the valley can be found a variety of wildlife, including stag beetles, woodpeckers, and the occasional muntjak deer, white egret and kingfisher. Regrettably, to the North of the valley, there is an interrupted rim of housing. There has been some development of various kinds along this boundary presumably to gain views across the valley. The effect is to foreshorten the views looking North. Looking South from this rim (ie from Coles Oak Lane) the housing is more dispersed. However, Seasons can be clearly seen from here and from the footpath which runs along Black Brook valley floor. Indeed, as Seasons is sited on the Southern rim near one of the tributary brooks feeding Black Brook, the folds of land actually draw the eye to the property.

Our key objections, within this context, are as follows:

- f) As indicated above, Seasons is already visible from over half a mile away. The proposal is for a North facing elevation which is substantially larger than at present as well as being constructed with painted softwood weatherboarding (see Section 11 of the **Householder Application for Planning Permission** form). We consider that the proposed development will exacerbate the general intrusion on this AONB landscape, both from Coles Oak Lane and the Black Brook footpath. Views will be foreshortened and degraded.
- g) The current structure can clearly be seen along the footpath that leads South onto the metalled part of Monks Lane. Similarly, going North from Lamb Corner, the views of the open countryside begin to reveal themselves when reaching our own property. Both ways, the proposed development would provide a very abrupt transition point, which we feel is incompatible with the notion of open countryside. The current bungalow is a far more acceptable point of transition.
- h) The proposal is architecturally out of sympathy with the nature of the landscape and the amenity value it provides. In particular, the additional height and the proposed balcony overlooking the valley would be imposing. There would be a consequential impact upon the relative peace, beauty and seclusion of the footpaths along Monks Lane and Black Brook.
- i) We note, too, that it is intended that the proposed development should give the current structure more of a '*cottage feel*' (**Mr Knowles' Statement**). We cannot reconcile this intention with the proposed design – most notably the two balconies and flat roof.

Although our main concern is for the welfare of this component of the Dedham Vale AONB, we also have concerns regarding the following:

- j) Along Monks Lane, the properties are built on land which slopes. The proposed development lies on higher ground than much of our garden. It has been designed with the intention of being a more imposing structure (see **Appraising the context in the Design and Access Statement**). We can certainly see Seasons now from our garden (see c) above), and consider that this addition to the skyline could be somewhat overbearing. It will also block some of the limited view we have of the valley formed by Black Brook.
- k) Although there are reassurances from the plans that the proposed balcony to the rear of the property will be recessed, we are not at all convinced that this will prevent views over neighbouring property, including our own. Indeed, as a balcony, part of its function is to provide views over the surrounding area, as is noted in the **Design and Access Statement**. Moreover, we are concerned that this feature also provides more opportunity for noise to be intrusive.

The current reasons for development of Seasons are given, in **Mr Knowles' Statement**, as the '*intention to prepare the house to aid mobility and provide on suite facilities and*

‘dressing rooms.’

This is because, we understand from Mr Knowles’ Statement, Mrs Knowles has acute arthritis. We genuinely sympathise - both myself and my wife suffer from acute arthritis, as our medical records will amply show. However, we cannot relate this *contingent* planning with the need for an additional level to the building and quite intrusive balconies.

The Design and Access Statement gives the following purpose of the work:

‘The proposed work is to construct a first floor extension to the majority of the building but also to raise the existing main roof to improve both the visual appearance of the property but also to improve the usable space internally and to give a reasonably generous first floor bedroom and study with spectacular views across the Dedham vale AONB.’

Later, in the same document, it is stated that:

‘The introduction of the two balconies, both enclosed and open, gives an opportunity for views and contemplation, which together with a glazed guard rail and first floor conservatory gives glorious views across the area.’


(We assume, here, that ‘first floor conservatory’ actually means ‘ground floor conservatory’.) It is clear that the views across the AONB are an important feature of this work. However, we have serious concerns that the provision of views looking out from Seasons is at a cost – namely an unwelcome intrusion on the landscape for countless walkers and horse-riders, now and in the future. In turning down the Application for development of Hampton (which is sited next to Seasons) in 2000, the Borough Council noted that:

‘The site lies in the Dedham Vale Area of Outstanding Natural Beauty and Stour Valley Countryside Conservation Area. The Area of Outstanding Natural Beauty is protected from any development harmful to its appearance or historic value and the Countryside Conservation Area is given special protection from any development likely to be prejudicial to its scenic, ecological or historic resources.’ (Notice of Planning Decision)

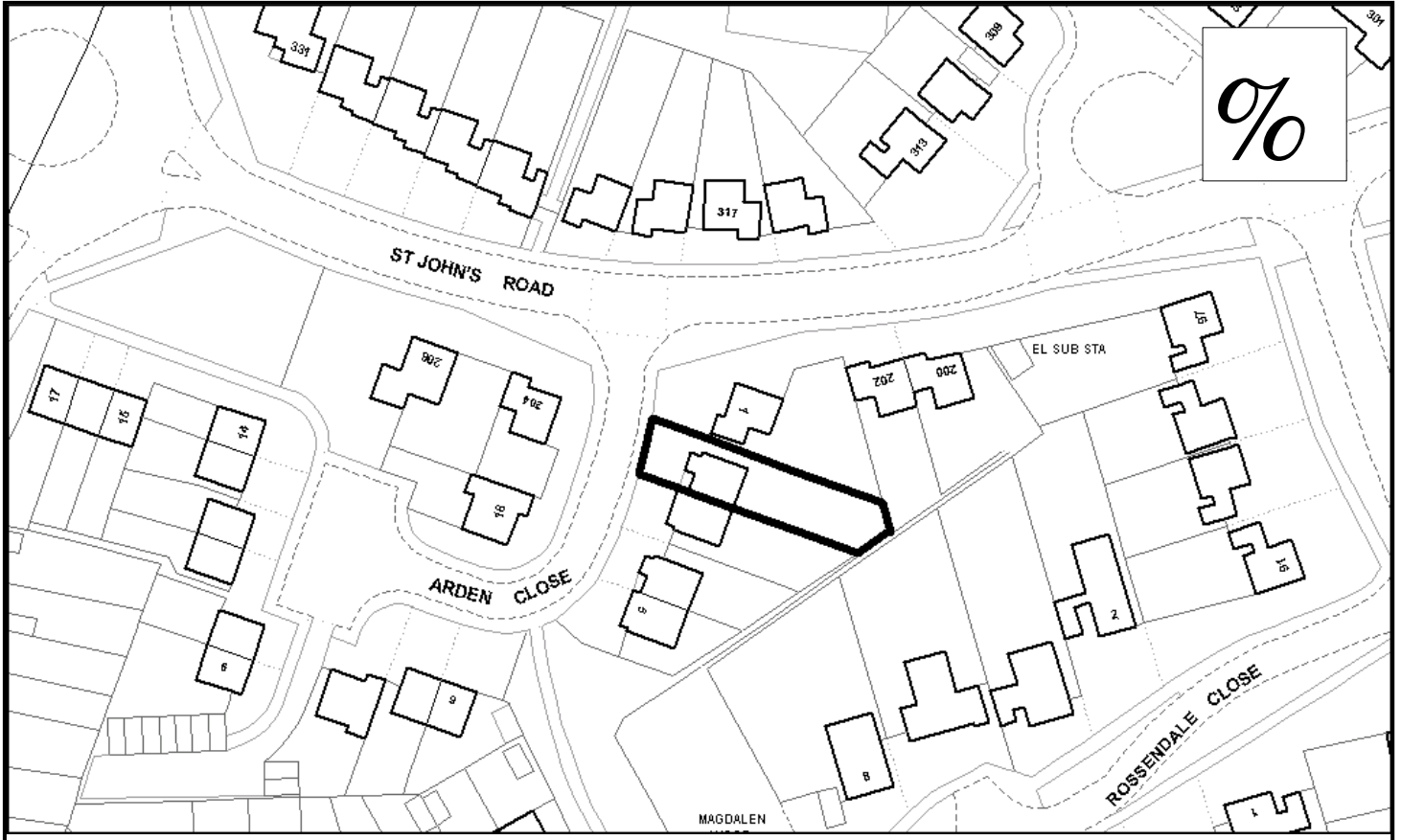
We hope these principles feature robustly in the Council’s deliberations on this current Application to develop Seasons.

My wife and I have been extremely, and genuinely, reluctant to put forward our objections and concerns. We will, of course, accept with good grace the Council’s decision on the matter. However, we feel we would be complicit in further incremental deterioration of the landscape if we made no comment, raised no objection. We live in a beautiful part of the country, and that brings its own responsibilities.

Yours sincerely,


Donald Taylor


Elizabeth Taylor



Application No: 100068

Location: 2 Arden Close, Colchester, CO4 0JP

Scale (approx): 1:1250

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7.5 Case Officer: Simon Osborn

EXPIRY DATE: 16/03/2010

Site: 2 Arden Close, Colchester, CO4 0JP

Application No: 100068

Date Received: 19 January 2010

Agent: Mjc Associates

Applicant: Mr & Mrs S Dove

Development: Proposed first floor side extension.

Ward: St Johns

Summary of Application: Conditional Approval

1.0 Planning Report Introduction

1.1 The application is brought to Committee as the applicant is a Council employee.

2.0 Site Description

2.1 The application site is a 2-storey semi-detached house with an attached garage and rear additions, within the St Johns Ward of Colchester.

3.0 Description of Proposal

3.1 The application is for a first floor extension over the existing garage. The proposed extension will be built up to the boundary with the neighbour at 1 Arden Close. The front of the proposed extension is articulated behind the front wall of the main house and incorporates a half-dormer in order that the eaves of the extension appear subservient to the eaves of the main house.

4.0 Land Use Allocation

4.1 Residential

5.0 Relevant Planning History

5.1 None

6.0 Principal Policies

6.1 Local Development Framework
Core Strategy:
UR2 - Built Design and Character

6.2 Adopted Review Colchester Local Plan 2004 saved policies:
DC1- Development Control considerations
UEA13 - Development, including Extensions, Adjoining Existing or Proposed Residential Property

7.0 Consultations and Representations

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

8.0 Report

8.1 The principal consideration for this proposal are firstly, the impact of the first floor extension upon the amenity of neighbouring properties and secondly, the impact of the proposal upon the character and appearance of the street.

8.2 The nearest neighbour is at 1 Arden Close. This is a detached house, with a single storey garage to the side. This is set 1 metre from the boundary with the application site. This property is set approx 0.7 metres above the level of the application site. There is a window in the first floor side facing elevation of this property, but otherwise there do not appear to be any windows to habitable rooms facing the proposed extension. It is considered that the proposal will not have a significant impact upon the amenity of 1 Arden Close.

8.3 The second consideration is the impact of the proposal upon the character and appearance of the street. The Council's adopted guidance, Extending Your House, advises that, 'areas of detached and semi-detached housing are generally characterised by the gaps between units. Where side extensions are proposed in such cases, it is important to retain a visual gap, particularly at first floor level. In areas of detached and semi-detached housing, a minimum separation of one metre from the boundary at first floor level is often considered appropriate'.

8.4 The proposal conflicts with this guidance because the proposed first floor extension is up to the boundary.

8.5 Arden Close comprises a mix of 18 detached and semi-detached properties. Half of the semi-detached properties do not have sufficient space at the side to provide an extension. The others have a garage width, where in fairness the Council would normally seek to resist a two-storey side extension as it could lead to a terracing effect between two pairs of semi-detached houses.

8.6 In contrast, the proposed extension on the application site is adjacent to a property with a garage at the side and a 1 metre gap between this and the boundary. Given this and the difference in levels between the two properties, a terracing impact is considered less likely. It will result in a slightly awkward relationship between the two properties at roof level. However, on balance it is considered that the impact upon the character of the street will not be significant and should not lead to an adverse precedent being set within the vicinity of the site.

8.7 The application is recommended for approval.

9.0 Background Papers

9.1 ARC

Recommendation - Conditional Approval

Conditions

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

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

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

2 - C3.5 Materials to Match Existing

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

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

3 – Non-Standard Condition

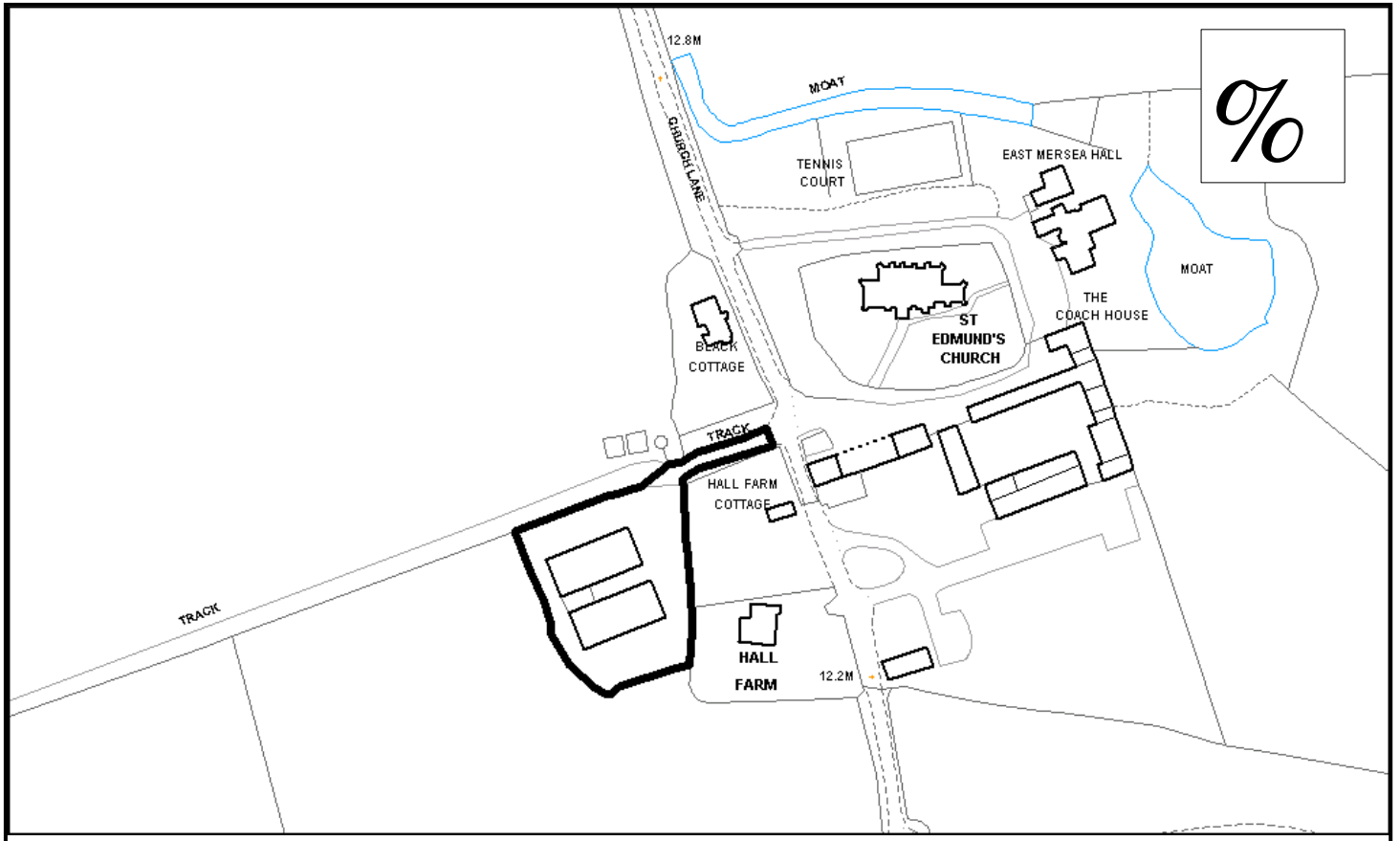
Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order with or without modification), no windows shall be constructed in the north (side) facing wall of the proposed extension hereby approved.

Reason: To protect the amenities and privacy of adjoining residents.

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: 100073

Location: Rampling Plant Hire Ltd, East Hall Farm, Church Lane, East Mersea, Colchester, CO5 8TJ

Scale (approx): 1:1250

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7.6 Case Officer: Sue Jackson

EXPIRY DATE: 16/03/2010

OTHER

Site: East Hall Farm, Church Lane, East Mersea, Colchester, CO5 8TJ

Application No: 100073

Date Received: 19 January 2010

Applicant: Rampling Plant Hire Ltd

Development: Change of use of building B from storage of plant and materials to vehicle maintenance workshop for Rampling Plant Hire Ltd. Erection of 3m noise attenuation fence (retrospective) (resubmission of application 090827)

Ward: Pyefleet

Summary of Recommendation: Refusal

1.0 Site Description

- 1.1 This retrospective application seeks to regularise a vehicle maintenance workshop use at Ramplings Plant Hire Storage Depot at Church Lane, East Mersea.
- 1.2 The site contains two former farm buildings and maintenance/repair work has been carried out in these buildings without planning permission. The proposal involves using a building described as 'Building B' which has been formed between the 2 farm buildings.
- 1.3 Ramplings Plant Hire site is at the end of Church Lane close to the entrance to a caravan site, near East Mersea Church, and located to the rear of a residential property. It is accessed off a track which is also a public footpath.
- 1.4 In addition to the buildings there is also an open yard which extends around 3 sides of the site. There is an earth bund with hedge planting on the south boundary.

2.0 Description of Proposal

- 2.1 An explanatory letter, Design and Access Statement and a Noise Impact Assessment have been submitted with the application. The full text is available on the Council's website, but the following is a summary of the main points:

1. Explanatory letter

For the avoidance of doubt the application relates solely to the matter of minor "in-house" repairs and maintenance of plant being undertaken in the building marked 'B' on the attached plan.

In order that the use of the site can continue without the need for off-site repairs my client is aware it is necessary to ensure the new use could occur without adversely affecting the amenity of local residents. His proposal is to utilise Building B as the only location for repair and maintenance as it is already substantially insulated from noise generation by existing buildings.

Rampling Plant Hire Ltd is an important local business, not only providing local rural employment but also a service which will reduce the need for contractors' plant to be transported by road onto the island. The use of Building 'B' for repairs would be important for the operational efficiency of the company as this would avoid the need to transport unserviceable plant to and from other locations for repair. Avoidance of these additional vehicle movement is a material planning consideration.

As a result of previous consultation my client has undertaken some important procedural changes to his yard operations - these include replacing the mechanical scraping of mud as a method of yard cleaning with the use of a mechanical sweeper.

2. Design and Access Statement

This document includes a number of photographs one of which shows the largest vehicle in the building.

3. Noise Impact Assessment

This document includes the following explanation of the use proposed:-

Building 'B' is currently being used as a paint shop, incorporating a lightweight roof construction block work walls, with sheet metal doors and forced ventilation on the west facade.

The change of use proposal for Building B seeks to gain permission for light maintenance works to be undertaken. Specific activities to be included in the development are understood to be as follows:

Activities with no specific noise element

- Change of oil and associated filters.
- Change of vehicle wing mirrors.
- Change of vehicle lights.
- Change of hydraulic pipes
- Replacing plastic pipe-location brackets.
- Cleaning of interior surfaces.
- Greasing of exposed machinery.

Activities with significant noise element:

- Grinding rivet heads from cutting arms
- Hammering teeth from cutting arms.
- Use of an impact gun for changing vehicle sprockets.
- Welding plate metal to damaged machinery chassis.

The development is proposed to be used as part of the existing site from 8.00 a.m. - 6.00 p.m.

At present Rampling Plant Hire Ltd operate a number of significant noise activities in their courtyard area, as necessary to serve the business work schedule during the operating hours of 8.00 a.m. to 6.00 p.m. The following tasks were noted to occur and are generally considered outside of the scope of this assessment:

Activities with significant noise elements:

- Vehicle movements to and from the site.
- Loading of machinery onto vehicles in the courtyard.
- Cleaning of dirty machinery in the courtyard using a pressure washer.
- Changing of machinery attachments in the courtyard.

The report concludes that no noise insulation work is required to Building 'B' but recommends the following conditions:-

1. Workshop activity restricted from 8.00 a.m. to 6.00 p.m.
2. Building 'B' should only be permitted for use with all workshop doors closed.
3. Machinery attachment changes should be carried out within Building 'B'.
4. A 3m acoustic barrier should be erected across the entire boundary with Hall Farm.

3.0 Land Use Allocation

- 3.1 Coastal Protection Belt
Rural Area

4.0 Relevant Planning History

- 4.1 98/0798 - Use of redundant farm building for storage of plant and materials in connection with ground work form - Temporary planning permission granted
- 4.2 T/COL/02/1898 - Continued use of redundant farm buildings for storage of plant and materials in connection with ground work firm – Permanent permission granted.
- 4.3 090827 - Change of use of Building 'B' from storage of plant and materials in connection with groundwork firm, erection of 3m noise attenuation fence (retrospective) - Withdrawn

5.0 Principal Policies

- 5.1 Adopted Review Colchester Borough Local Plan - March 2004
DC1 – Development Control considerations
P1 - Pollution

6.0 Consultations

6.1 Environmental Control recommend refusal and comment as follows:-

"Having studied the acoustic report we note that the rating level at the nearest sensitive boundary is +2, which is 3dB below +5, which is considered to be marginal when it comes to complaints. However, there is little margin for error if any of the parameters measured at the time of the survey change. For example, the lowest background noise level measured during the survey period was 40dB over a one hour period. It is quite possible that, being a rural location away from busy roads and other dominant noise sources, it will drop significantly below this at times, thus increasing the rating level to above +5.

It is also possible that the duration of equipment will exceed the times specified, again having the effect of increasing the rating level. The report only applies to what is described as "light-maintenance works". The plant intended to be repaired is heavy duty and the scope of the permission would allow an increase in intensity which could potentially mean that additional equipment would be used with a resulting increase in noise levels.

The BS4142 used in the report only takes into account noise measured over a specific time period. The use applied for will, by necessity, mean high peak noise levels from banging and other high impact activities and these are likely to be particularly noticeable.

We note that noise attenuation over distance and from the fabric of nearby buildings has been considered. We are also concerned about noise levels in gardens, where no such attenuation will apply at the boundaries closest to the application site.

We are already aware of noise complaints regarding activities at this site although the current permission is only for storage and therefore have grave concerns over the potential for detriment to the local amenity and nuisance should this permission be granted. The application will mean a change of use to Class B2 which is not compatible with the residential properties nearby."

6.2 At the time of drafting this report the Highway Authority's response had not been received, but it is noted they objected to the 2009 application.

7.0 Parish Council's Views

7.1 East Mersea Parish Council comment as follows:-

"The Parish Council would like to recommend a refusal to this retrospective planning application on the following grounds:-

There has been an intensification of activity on the site, the size and scale of the development is not consistent with the rural nature of the area.

The repair of vehicles in addition to storage will increase the volume of traffic further. There are highway issues associated with this narrow country lane, namely the weight of some of the vehicles is too great for the narrow lane. The Lane is already in a bad state of repair, and the increased flow to HGVs will erode the verges further.

There has already been an impact on the surroundings and neighbouring properties have been negatively affected by noise.

We have had complaints from residents of the parish about the traffic and noise generated from this business.

In the unlikely event that permission is granted the Parish Council requests that the planning permission be granted to Ramplings Plant Hire Ltd. This would ensure that in the event that Mr Rampling moves premises, or ceases to trade, planning permission would not remain at the site."

8.0 Representations

8.1 CPREssex Colchester Group comment as follows:-

"The Colchester group of CPREssex wishes to object to the above application. We have no objections to the existing storage use but consider the introduction of vehicle maintenance is unacceptable. We understand that the use has already commenced and the noise generated has given rise to complaints. Such noise nuisance is incompatible with the tranquillity of the countryside and coast, which your Council seeks to safeguard.

We question whether it is possible to mitigate the noise in a visually acceptable way.

We accept the use will create some employment locally but consider this is outweighed by the harm caused.

We trust your Council will take these views into account."

8.2 Mersea Island Society comment as follows:-

"On behalf of Mersea Island Society the application is similar to that which was made earlier and then withdrawn. It has been dressed up to look smarter and the Society's objections are unchanged. The Road is not suitable for the increased traffic of a commercial nature which will undoubtedly happen should the change be granted. The disturbance to nearby residents and the Church would not be acceptable."

8.3 Four letters have been received raising the following objections:-

1. The company ignored planning law by establishing a vehicle workshop.
2. The use has continued.
3. The state of the area around the site and the public footpath is poor, there are puddles and roadside verges have been gouged out.
4. The noise level during the time the workshop operated was wholly unacceptable. It is hard to believe that even with noise protection that any operation would be anything by a severe nuisance.
5. The site is next to East Mersea Church, this is an ancient Norman Church and part of our heritage.
6. Unauthorised tipping has taken place.
7. The site is not large enough for all the business activities. Diesel engineer vehicles are left running whilst they wait access to the yard.
8. The access gates are normally left open all day. An acoustic fence is going to be of little assistance in containing noise.
9. Objection to noise from the storage use has also been raised.

Officer Comment - Whilst the storage use due to its very nature involving vehicles and large plant loading and unloading may give rise to some noise the storage use is authorised.

9.0 Report

- 9.1 As set out in the planning history of the site, permission was granted in 1988 for redundant farm buildings to be used for storage of plant and materials in connection with a plant hire firm. At that time the applicant had been refused planning permission for this use in West Mersea and it was stated that the applicant "was looking for new premises and a temporary permission for 1 year was being applied for."
- 9.2 Planning permission was granted for 1 year (1 August 1999).
- 9.3 Although the use contained an application to renew the permission was not submitted in 1999 but in 2002. The 2002 application sought a permanent permission. Following consultation no objection was received from the Parish Council and no representations and a permanent permission was granted. Conditions on the planning permission prevent repair/maintenance work.
- 9.4 Following complaints from nearby residents in 2009 and a site visit, unauthorised equipment tools and repair work as confirmed to be carried out on the site. This resulted in the submission on the 2009 application (withdrawn) and the current application.
- 9.5 The summary of works in the Noise Impact Assessment quoted in the Description of Proposal provides useful details of the repair works carried out on site.
- 9.6 Members will note that Environmental Control has recommended refusal considering this use is unacceptable close to residential properties. The site has a boundary with Hall Farm and Blackbird Cottage is nearby.
- 9.7 At the time of drafting this report comments from the Highway Authority had not been received although it is noted they recommended refusal of the 2009 application.

10.0 Background Papers

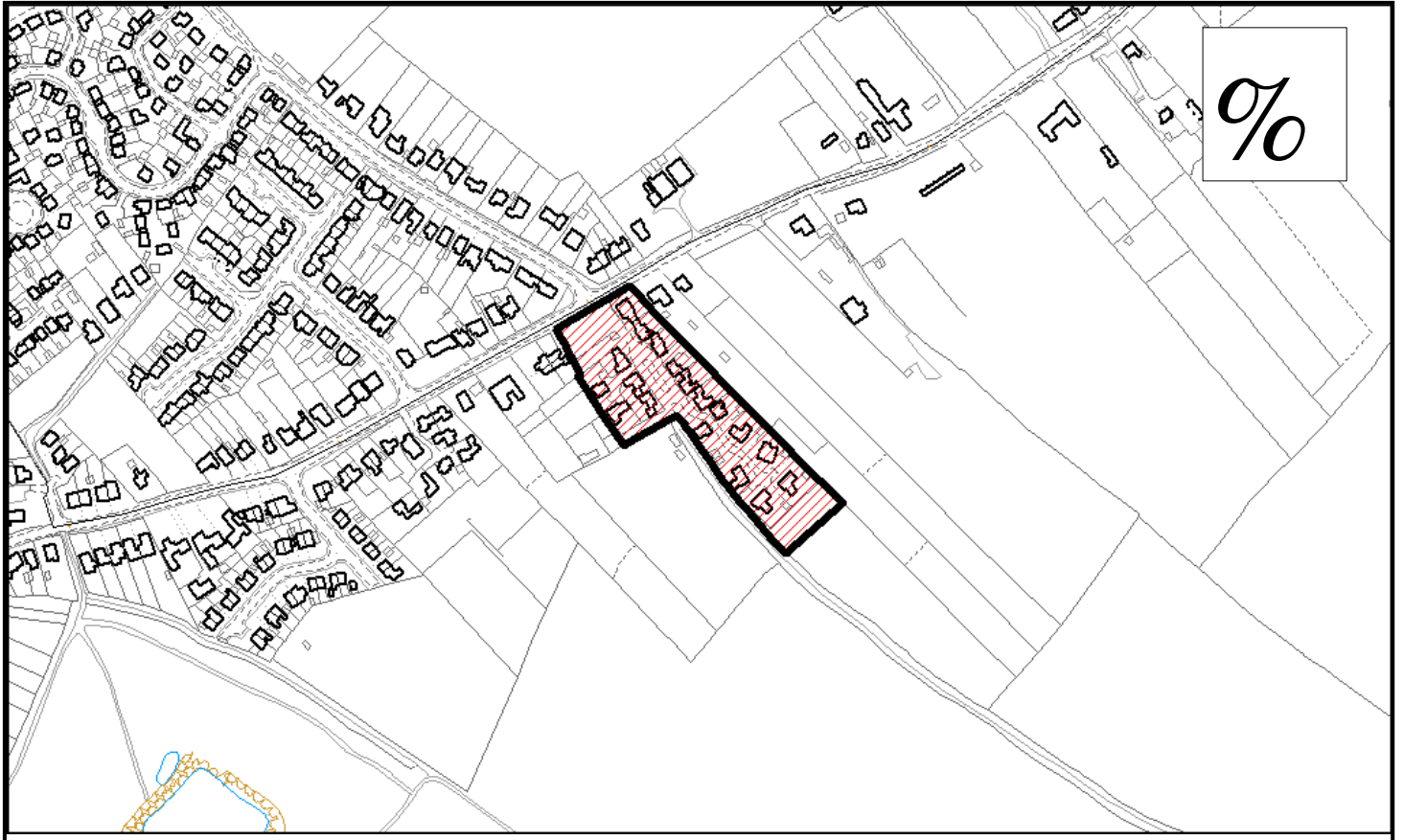
- 10.1 ARC; HA; HH; PT; CPREssex; Mersea Island Society, NLR

Recommendation - Refusal

Conditions

1 - Non-Standard Refusal Reason

The proposed change of use from a B8 storage use to a B2 industrial use on this site located close to residential properties is unacceptable as it would be detrimental to their amenity resulting in a noise nuisance. The proposal is therefore contrary to Policies P1 and DC1 in the Adopted Review Colchester Borough Local Plan - March 2004.



Application No: 041938

Location: 60-72 Newbridge Road, Tiptree, Colchester, CO5 0HZ

Scale (approx): 1:1250

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Planning Committee

Item
8

4 March 2010

Report of	Head of Environmental & Protective Services	Author	Nick McKeever ☎ 01206 282441
Title	Variation to legal agreement RM/COL/04/1885 – 60-72 Newbridge Road, Tiptree Reserved matters application approval for 24 dwellings inclusive of 6 dwellings as affordable homes		
Wards affected	Tiptree		

This report concerns planning application RM/COL/04/1885. Reserved matters approval for 24 dwellings – variation of legal agreement

1. Decision(s) Required

- 1.1 Members are asked to note and to endorse a proposed deed of variation to the original legal agreement relating to this approved development.

2. Reasons for Decision(s)

- 2.1 The proposed variation relates to the provision by the developer of 1.17ha of Public Open Space (POS) and an extension to an existing wildlife area. There is a POS Contribution from the developer for the maintenance of the POS but no contribution is required for the future maintenance of the extension to the wildlife area.
- 2.2 A previous variation to this Section 106 Agreement to allow the POS contribution to be used for the maintenance of both the public open space and the wildlife area extension was approved on 29th June 2006.
- 2.3 The principle reason for the variation was that it was intended that the POS and the wildlife area would be maintained by Tiptree Parish Council (as opposed to the wildlife area).
- 2.4 An agreement has now been reached between Colchester Borough Council and Tiptree Parish Council whereby the Parish council will take on the ownership and maintenance responsibility of the POS and wildlife area extension. It has however been identified that there is a requirement for a Deed of Variation to enable the land and associated funding to be transferred to Tiptree Parish Council. It is an understandable and reasonable requirement from Tiptree Parish Council that they should have the funding for this POS and wildlife area if they are to assume responsibility for it. There will be a requirement as part of the funding release for there to be assurance that the funding is to be used by the Parish Council in accordance with Section 106 conditions.

3. Alternative Options

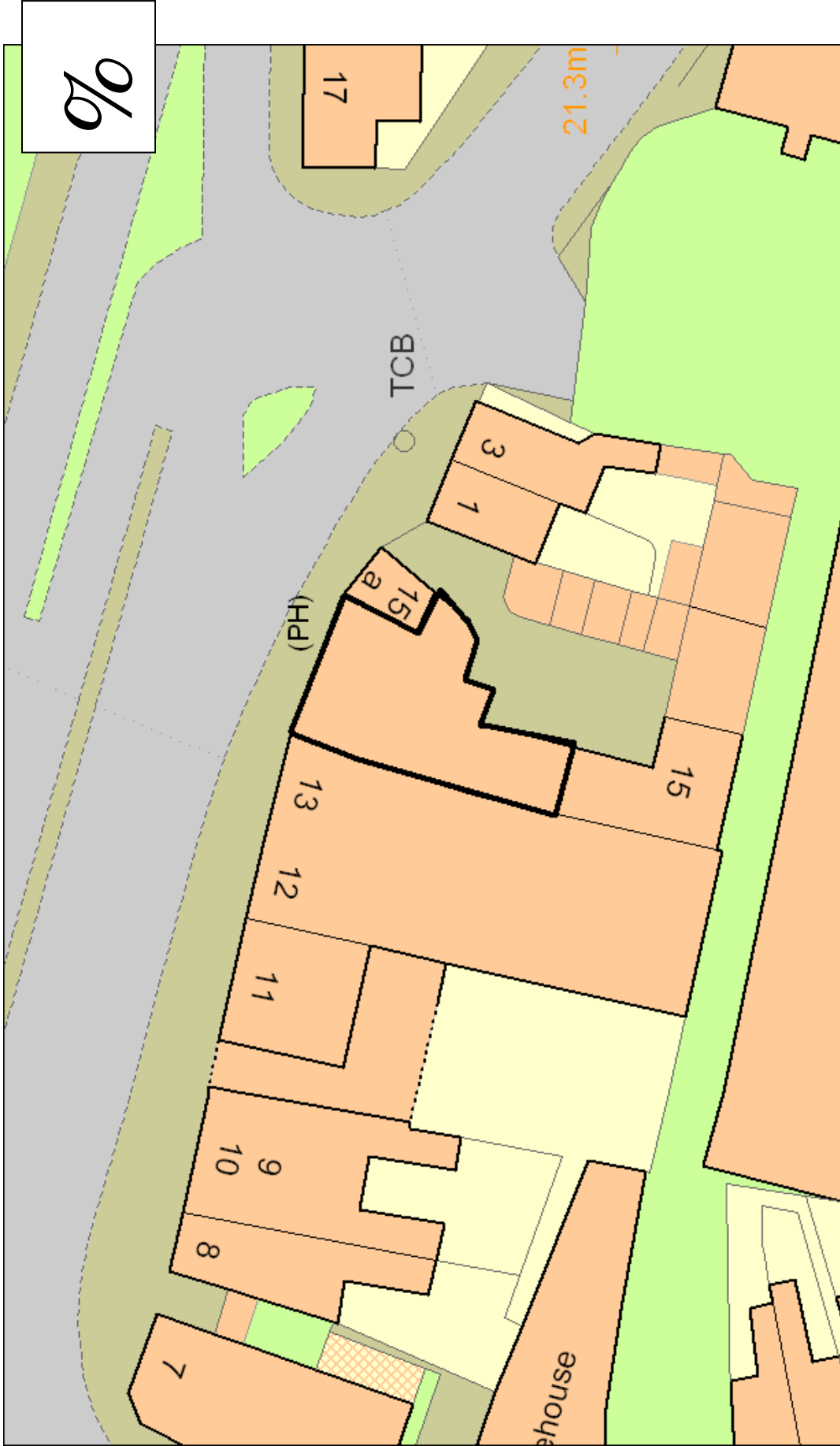
- 3.1 None

4. Supporting Information

- 4.1 The development of the site in accordance with the relevant planning permission F/COL/04/1885 is nearing completion with the construction of the six affordable dwellings located on the front of the site. This follows a long period of inactivity on the site. A copy of the approved site layout plan, which shows the POS and wildlife extension area, will be displayed at the Committee meeting.

5. Consultation

- 5.1 The request for the Deed of variation has been made by the Parks and Recreation Manager and follows on from extended discussions and correspondence with Tiptree Parish Council.



Site Location Plan

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Complaint Reference: 208384

Site Location Address: 14 Magdalen Street, Colchester, CO1 2JT

Date Produced: 24 February 2010

(MAP NOT TO SCALE)

Planning Committee

Item

9

4 March 2010

Report of	Head of Environmental & Protective Services	Author	Sarah Hayes ☎ 01206 282445
Title	14 Magdalen Street, Colchester		
Wards affected	New Town		

This report concerns a banner which has been attached to a Listed Building (LB)

1.0 Decision(s) Required

- 1.1 Members are requested to authorise the service of a LB Enforcement Notice requiring the removal of the banner. A period of 28 days is considered sufficient for compliance.

2.0 Reasons for Decision(s)

- 2.1 The banner adversely affects the special character of the building.

3.0 Alternative Options

- 3.1 To take no action - If no action is taken it appears likely that the banner will remain on the building, as the occupier who attached it is no longer trading and the owner has not removed it as requested. Although the banner will never become immune from enforcement action, it does affect the special character of the building and is not considered acceptable. Therefore, this option is considered to be inappropriate.
- 3.2 Prosecution – It is an offence to carry out works to a LB which require LB consent, without the necessary consent being obtained. In this case it is unlikely that the banner has caused any damage to the historic fabric of the building and prosecution would not necessarily result in the removal of the banner. In addition, the tenants who attached the banner are no longer trading, so any action will be taken against the owner of the building. Under the circumstances it would not be appropriate to pursue a prosecution.
- 3.3 Advertising Regulations Prosecution – it would also be possible to prosecute the owners as the banner is a breach of the advertising regulations. However, for the same reasons as at 3.2, this option is not considered reasonable.

4.0 Supporting Information

- 4.1 14 Magdalen Street is listed as Grade II and described as “C18, altered with a C19 Public House frontage. Brick, painted on the ground floor, rendered above, possible timber-framed. 2 storeys, 2 windows below, 3 above, all sashes. Doorway with plain pilasters. Tiled roof.”

- 4.2 A complaint was received that four banners had been attached to the building in June 2009. A restaurant was trading at the premises and the manager was requested to remove the banners. As no response was received and the banners remained, a representative of the property owner, who lives abroad, was contacted. It emerged that the property had recently been sold and soon after trading at the premises ceased and the building was vacated. The new owner was contacted in November 2009, which resulted in three of the banners being removed.
- 4.3 In two subsequent telephone conversations the owner stated that the remaining banner would be removed. A letter advising that enforcement action would be taken requiring the banner to be removed has not been complied with. The owner has given verbal assurance that the banner will be removed before the Committee date. He was informed that if this was done, members would be advised that no action needed to be taken.

5.0 Proposals

- 5.1 That a LB enforcement notice, requiring the removal of the banner is served. Although the banner is above head height, it is not particularly high and should be capable of being removed fairly easily, so 28 days is considered a sufficient timescale.

6.0 Equality and Diversity Implications

- 6.1 The Council's Equality and Diversity Impact Statement can be found on the Council's website. The pathway to the Statement on the website is: Council and Democracy > Policies, Strategies and Performance > Diversity and Equality > Equality Impact Assessments > Planning – Enforcement.

7.0 Standard References

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

INDEX TO PLANNING APPLICATIONS CODES

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

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

INTERNAL CONSULTEES

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

REPRESENTATIONS ETC

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

EXTERNAL CONSULTEES (2 character codes)

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