

Planning Committee

Town Hall, Colchester
3 February 2011 at 6.00pm

This committee deals with

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

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

Information for Members of the Public

Access to information and meetings

You have the right to attend all meetings of the Council, its Committees and Cabinet. You also have the right to see the agenda, which is usually published 5 working days before the meeting, and minutes once they are published. Dates of the meetings are available at www.colchester.gov.uk 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.

Access

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

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Material Planning Considerations

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

- planning policy such as adopted Local Development Framework documents, for example the Core Strategy, Development Plan Documents (DPDs) and the Site Allocations DPD, Government guidance, case law, previous decisions of the Council
- design, appearance and layout
- impact on visual or residential amenity including potential loss of daylight or sunlight or overshadowing, loss of privacy, noise disturbance, smell or nuisance
- impact on trees, listed buildings or a conservation area
- highway safety and traffic
- health and safety
- crime and fear of crime
- economic impact – job creation, employment market and prosperity

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

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

Human Rights Implications

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

Community Safety Implications

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

Equality and Diversity Implications

All applications are considered against a background of the Council's Equality Impact Assessment (EIA) Framework in order that we provide a flexible service that recognises people's diverse needs and provides for them in a reasonable and proportional way without discrimination in relation to gender disability, sexual orientation, religion or belief, age, race or ethnicity. The legal context for this framework is for the most part set out in the Race Relations (RRA) and Disability Discrimination (DDA) legislation.

COLCHESTER BOROUGH COUNCIL PLANNING COMMITTEE 3 February 2011 at 6:00pm

Members

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

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

Agenda - Part A

(open to the public including the media)

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

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

Pages

1. Welcome and Announcements

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

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

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

2. Have Your Say!

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

3. Substitutions

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

4. Urgent Items

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

5. Declarations of Interest

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

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

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

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

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

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

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

Councillors should consult paragraph 7 of the Meetings General

Procedure Rules for further guidance.

6. Minutes 1 - 20

To confirm as a correct record the minutes of the meetings held on 16 December 2010 and 20 January 2011.

7. Planning Applications

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

1. 101590 Quality Hotel, East Street, Colchester (Castle) 21 - 37

Erection of 23 town houses and garages (application for minor material amendments to the external appearance to plots 19 to 23, to vary condition 44 of planning reference F/COL/04/1273 to insert the amended drawing numbers).

2. 100805 Long Acre Bungalow, Colchester Road, Wakes Colne, CO6 2BY (Great Tey) 38 - 50

Demolition of existing dwelling and erection of new dwelling and additional crossover (revised plans received 19 November 2010).

3. 102221 12 Morley Road, Tiptree, CO5 0AA (Tiptree) 51 - 57

Demolition of existing dwelling and redevelopment of site to provide 1no. 3/4 bedroom 2 storey house with single storey rear projections.

4. 102462 11 Vine Parade, Wivenhoe, CO7 9HA (Wivenhoe Cross) 58 - 62

Installation of AC condenser to flat room to the rear of building.

5. 101361 St Helena Hospice, Barncroft Close, Colchester, CO4 9JU (Highwoods) 63 - 69

Proposed car park extension within the grassed area to the east of the site by the main entrance.

6. 101541 Lower Park, Colchester Road, Dedham, CO7 6HG 70 - 79

(Dedham and Langham)

Swimming pool, stables and replacement storage barn.

7. 101543 Lower Park, Colchester Road, Dedham, CO7 6HG (Dedham and Langham) **80 - 84**

Listed building application for swimming pool, stables and replacement storage barn.

8. 101476 Land at former Mill Hotel, East Street, Colchester (Castle) **85 - 93**

16no. hard landscaped parking spaces and associated soft landscaping.

9. 102326 Land adjacent to Tile House, Tile House Lane, Great Horkesley, CO6 4EP (Fordham and Stour) **94 - 106**

Proposed community centre (resubmission 100491).

8. Planning Application Determination Performance Monitoring and Appeals Analysis 107 - 115

See report by the Head of Environmental and Protective Services.

9. Enforcement Performance Monitoring 116 - 128

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
16 DECEMBER 2010**

Present :- Councillor Ray Gamble* (Chairman)
Councillor Helen Chuah* (Deputy Mayor)
Councillors Peter Chillingworth*, John Elliott*,
Andrew Ellis*, Stephen Ford, Theresa Higgins,
Jackie Maclean*, Jon Manning, Ann Quarrie* and
Laura Sykes*

Also in Attendance :- Councillor Nick Cope
Councillor Christopher Garnett
Councillor Colin Sykes
Councillor Tim Young

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

139. 102241 Ascott House, 83-85 London Road, Colchester, CO3 9AL

The Committee considered an application for the demolition of existing buildings and structures and the erection of thirty-five newly constructed residential dwellings comprising six three-bedroom houses, seven two-bedroom apartments, eight one-bedroom apartments and fourteen studio flats, together with a staff area and a community space as part of the supported housing scheme. 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 Huntley, Planning Officer, attended to assist the Committee in its deliberations.

Moira Griffiths, Regional Director for Family Mosaic in Essex, addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in support of the application. Family Mosaic is a Registered Social Landlord providing affordable accommodation, and they already manage a number of similar facilities in other parts of Essex. She was of the opinion that the current provision was very poor and this scheme would provide supported accommodation and care. She stated that there was evidence to demonstrate that people who live in such accommodation develop skills and strategies to enable them to achieve successful outcomes and move on. Family Mosaic had secured a significant grant for this scheme which included the purchase of a piece of land to the side of the Ascot House site.

Councillor T.Young attended and, with the consent of the Chairman, addressed the Committee. He stated that the Council had a legal duty to house people who were homeless so emergency accommodation has to be provided. He believed the scheme had great benefits and would be good for Colchester. The scheme had attracted £4.5million which would allow the site to be completely rebuilt. This was a

partnership between the Council and Family Mosaic who were specialists in accommodating vulnerable people. He agreed with the previous speaker that the current provision was not very good and although staff did a good job they were restricted by the limitations of the current building. They provide 24 hour staffing which reduces problems out of hours. There was general support for the scheme in the area and there had been liaison with several neighbours.

Members of the Committee were disappointed that the parking provision was below the Council's current standard but it was considered that this scheme was not directly comparable with a private scheme. The proposed scheme was considered to be a vast improvement on what currently existed on the site and a real benefit for Colchester, but would have an impact on residents nearby. Assurance was sought regarding landscaping and the possibility of erecting a fence to provide screening until the landscaping was sufficiently mature.

The planning officer explained that there had been an issue regarding notification of neighbours but it was confirmed that all neighbours with a boundary abutting the site had been notified. Initially neighbours had not been aware that the additional piece of land had an existing permission for five dwellings. In respect of the brickwork on the buildings, it was intended they should be patterned to break up the bulk of the buildings. In respect of landscaping, it was explained that the conifer hedges could be removed at any time. However there was a condition regarding landscaping and both the Council and Family Mosaic were keen to provide a full and proper landscaping scheme together with a wall to provide security. It was acknowledged that the removal of the trees within the site and the conifer hedges around the perimeter of the site would have an impact on neighbours.

RESOLVED (UNANIMOUSLY) that the application be approved with conditions and informatives as set out in the report, together with the following additional condition as set out on the supplementary Amendment Sheet:-

The windows marked OBS on the northern elevation of Block F and the southern elevation to Block D of the hereby approved scheme shall be glazed in obscure glass with an obscuration level equivalent to scale 4 or 5 of the Pilkington Texture Glass scale of obscuration and shall be retained as such at all times thereafter.

Reason: To protect the amenity of adjoining residents from a loss of privacy.

140. 101947 and 101951 Angel Court, 136-137 High Street, Colchester, CO1 1SP

The Committee considered planning application 101947 for a proposed development for a change of use from B1 Offices to a mixed use scheme comprising:- retail, restaurants and offices and residential. including the construction of new penthouse accommodation on the existing roof. The Committee also considered listed building application 101951 relating to the replacement of two windows facing onto the High Street with a doorway; a new internal staircase to 136 High Street; and the sealing up

of internal openings to various parts of the building. 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, in respect of planning application 101947 –

(a) Consideration of the application be deferred for completion of a Section 106 legal agreement to provide for the implementation of the illustrated public realm works prior to the first occupation of the development, other than by Colchester Borough Council who already occupy part of the building; and for a contribution towards community facilities of £4,439.

(b) Upon receipt of a satisfactory Section 106 legal agreement, 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.

RESOLVED (UNANIMOUSLY) that, in respect of listed building application 101951, the application be approved with conditions and informatives as set out in the report and on the Amendment Sheet.

141. 101983 Land to the rear of Brook Street, Colchester

The Committee considered an application relating to an extant planning permission to extend the time limit for the implementation of a residential development of 110 units with new access, parking and open space and provision of shoppers car park, to include the demolition of existing buildings. 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 Section 106 legal agreement to link this application to the existing Section 106 legal agreement.

(b) Upon receipt of a satisfactory Section 106 legal agreement, the Head of Environmental and Protective Services be authorised to grant consent with conditions and informatives as set out in the report, the effect of which would be to extend the permission from its current expiry date of 10 April 2011 to 10 April 2014.

Councillor Jackie Maclean (in respect of having a business relationship with the applicants, Knights Developments Limited) declared a personal interest in the following item pursuant to the provisions of Meetings General Procedure Rule 7(3)

142. 101524 and 101525 St Albrights, 1 London Road, Stanway, CO3 0NS

The Committee considered planning application 101524 and listed building application 101525 for partial demolition and conversion of a vacant B1 use office complex with additional new build to provide sixty-four C3 residential units in total. 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.

Mark Russell, Planning Officer, attended to assist the Committee in its deliberations. There would be fewer units than the previous scheme but there was also a shortfall of seven spaces for the standard parking provision required. There had been a privacy issue which had been resolved by replacing a clear glass window with obscure glazing. An additional condition was requested for the cycle store to prevent people from using it to climb into neighbouring gardens. The provision of affordable homes was also below the standard because the scheme had been evaluated through the 'open book' process.

Bob Wilson addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in support of the application. He read out a statement by the Agent, Mr Alistair Grills, who was unable to attend in person. Approval had been obtained for eighty-five dwellings in 2006 after which the market for flats stalled. A new design for the conversion of the listed building known as the Lexden and Winstree Workhouse had been developed which was an improvement on the previous proposal because it gave the listed building more space with the new buildings being subservient. New trees, park railings and landscaping were proposed and views would be improved. The proposal had gone through the 'open book' process to provide a fair level of planning gain, comprising seven affordable housing units, an historic interpretation board, upgraded bus shelters and a road crossing. The scheme had been amended to reduce overlooking, loss of privacy and loss of light to neighbours' gardens. He believed this would be a better scheme and would be a development of which Colchester could be proud.

Members of the Committee had concerns regarding parking of construction traffic and requested a condition requiring on site parking. The only footway in New Farm Road was on one side of the road alongside the development site which was used by school children. There was also an elderly persons complex nearby. There was a request for contact details of the site management to be displayed on hoarding so that local residents could report any incidents. Members were also concerned that the colour of the mortar used on the new dwellings should match the colour of the lime mortar used on the listed buildings and this requirement should be in perpetuity. Members considered this to be an improved scheme with more houses than flats and the site would be more open and would not affect existing residents' amenity.

The planning officer explained that it would be impossible to prevent people from parking on the highway but it was hoped that developers would be good neighbours and not park on the highway. It would be possible to agree a methodology for larger vehicles to adhere to a route to the site via London Road only. Additional conditions requiring a board displaying contact details could be added as could one requiring

specific materials to be required in perpetuity.

RESOLVED (UNANIMOUSLY) that in respect of application 101524 –

(a) Consideration of the application be deferred for completion of a Section 106 legal agreement to provide for:

- the Listed Buildings to be secured and made wind and weather-tight prior to the commencement of any development;
- seven units of affordable housing, comprising four one-bedroom flats and three three-bedroom houses, to be provided in the first tranche of development;
- the conversion of the retained buildings to be completed prior to development of a set number of new build units, the precise number to be agreed.

(b) Upon receipt of a satisfactory Section 106 legal agreement, 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 together with the following additional conditions:-

- for heavy vehicle routing;
- design of cycle store;
- mortar colour on new build to match as closely as possible the lime mortar used on listed buildings;
- materials conditions to be required, including colour scheme for every new build, to be maintained in perpetuity;
- site hoardings to display company contact details prominently for the public wishing to report incidents or problems relating to the development;

and additional informatives to request that a routing scheme be provided for larger construction vehicles and for all construction vehicles be parked within the site.

RESOLVED (UNANIMOUSLY) that in respect of application 101525, the application be approved with conditions and informatives as set out in the report and on the Amendment Sheet; officer to ensure that materials conditions to be required in perpetuity.

Councillor Helen Chuah (in respect of being employed on an ad hoc basis by the NHS Trust) declared a personal interest in the following item pursuant to the provisions of Meetings General Procedure Rule 7(3)

143. 101527 Former Severalls Hospital Site, Boxted Road, Colchester, CO4 5HG

The Committee considered the erection of a Child and Adolescent Mental Health Unit, including twenty-five bedrooms in two wards, entrance/reception/administration building, an education building and a section 136 suite, all with associated parking, drainage and landscaping. The Committee had before it a report in which all

information was set out.

RESOLVED (UNANIMOUSLY) that –

- (a) Consideration of the application be deferred for completion of a Unilateral Undertaking to provide for the safeguarding of land adjacent to Boxted Road for future highway improvements/footway improvements and its availability at nil cost to the highway authority or those carrying out such works where approved.
- (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 indicated in the report to include:-
- Standard time for implementation;
 - Restriction on the use to that proposed for a child and adolescent mental health service unit;
 - tree protection;
 - boundary treatment;
 - provision and retention of adequate vehicle parking;
 - provision and retention of additional secure cycle parking.

144. 102202 172 London Road, Marks Tey, CO6 1EJ

The Committee considered an application for the erection of a four-bedroom dwelling. The application is a resubmission of 100285. The Committee had before it a report in which all information was set out, see also Amendment Sheet.

RESOLVED (UNANIMOUSLY) that –

- (a) Consideration of the application be deferred for completion of a Unilateral Undertaking to provide for a contribution towards Open Space, Sport and Recreational Facilities in accordance with the Council's Supplementary Planning Document.
- (b) Upon receipt of a satisfactory Unilateral Undertaking, the Head of Environmental and Protective Services be authorised to grant consent with conditions and informatives as set out in the report and on the Amendment Sheet.

145. 102205 172 London Road, Marks Tey, CO6 1EJ

The Committee considered a listed building application for the removal of a rear boundary wall and the removal/reconstruction of the front boundary wall. The application is a resubmission of 100286. 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 receipt of amended drawings to mitigate the concerns of the Design and Heritage Officer.
- (b) Upon receipt of satisfactory amended drawings, 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.

146. 102315 Land adjacent to 3 Highfield Drive, Colchester, CO3 3QA

The Committee considered an outline application for a detached three bedroom house and replacement garages. The application was a resubmission of 101564. The Committee had before it a report in which all information was set out, see also Amendment Sheet.

Vincent Pearce, Planning Service Manager, and Mark Russell, Planning Officer, attended to assist the Committee in its deliberations. He referred to landscaping as the only matter remaining to be addressed by the reserved matters application. The Highway Authority did not require the visibility splays to be improved. The applicant asserts that two of the three reasons for refusal had been addressed. The new house had been realigned so it was not set back so far from the adjacent dwellings and the effect on the amenity of No. 3 Highfield Drive had been reduced; two parking spaces were provided, one 7 metres and one 6 metres in length. It was assumed that the land for car parking spaces did exist and that it was within the control of the applicant. The amenity of other houses was not considered to be sufficient reason for refusal. The only matter outstanding was the broad principle of the dwelling itself.

Louise Smith addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in opposition to the application. She hoped that the application would be refused on the basis of the loss of the open area and the harm caused to the street and the area by the proposal. She was concerned that the dwelling may cause an obstruction to the view of cars and pedestrians, that the hardstanding would extend into the lane and that the proposal would cause congestion and contractors vehicles would constitute a traffic hazard. If approved she asked that conditions be imposed to prevent any further extension of the house and the garage, and to require the applicant to restore the road surface.

Marguerite Livingstone addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in support of the application. The application had been amended to take account of members' concerns. The property had been sited further away from No. 3 and further forward. The garages also been altered to comply with current standards and she believed the proposal met all planning policy requirements. She was aware that densities in the town centre could be higher than elsewhere. The rear garden of the property was 120 square metres. She believed there were no planning reasons to refuse this application.

Planning officers explained that permitted development rights were applicable. Any damage caused to a property was a private matter between parties. The garden size

was sufficient and in accordance with the policy but the Committee needed to have regard to the surrounding area as well. The Backland and Infill Supplementary Planning Document made clear reference to corner spaces. The reasons given for refusal of the earlier application remained applicable to this application.

Although the applicant believed that some objections had been overcome, members of the Committee remained concerned about the fundamental objection regarding the appearance of cramping and the harm caused to the open and airy feel of the lane. It was considered that the proposal did not make a positive contribution to the area but would, on the contrary, have a negative impact on the area and was contrary to the Backland and Infill SPD. Furthermore, the location did not come within the town centre but was a suburban area where a higher density was inappropriate.

RESOLVED (UNANIMOUSLY) that the application be refused on the grounds that the additional prominent dwelling would harm the current open airiness which characterises that part of the street, and it was contrary to the Backland and Infill SPD.

Councillor Helen Chuah (in respect of her acquaintance with the applicant) declared a personal interest in the following item pursuant to the provisions of Meetings General Procedure Rule 7(3)

147. 102169 Land adjacent to Alefounders Barn, Wick Road, Langham, CO4 5PG

The Committee considered a reserved matters application following outline approval on application 080543, for the erection of a four bedroom house. The Committee had before it a report in which all information was set out.

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

Councillor Andrew Ellis and Councillor Jackie Maclean (in respect of having been a former dental patient of the objector, Mrs Laxton) declared a personal interest in the following item pursuant to the provisions of Meetings General Procedure Rule 7 (3)

148. 102214 31 Creffield Road, Colchester, CO3 3HY

The Committee considered an application for the demolition of an existing garage and conservatory and the erection of a new conservatory and attached garage. 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.

Bradly Heffer, Principal Planning Officer, attended to assist the Committee in its deliberations. Officers believed that this proposal was far more in keeping with the area, with elevational details and treatment of the building more appropriate to the setting. In overall terms the impact was not so excessive to warrant a refusal of the scheme. The Arboricultural Officer recommended conditions relating to tree protection.

Lesley Laxton addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in opposition to the application. Her property was to the rear of the proposed development and she was concerned about the height of the extension and the consequent loss of daylight and sunlight to her property and to overlooking all of which were covered by policies. She did not want to lose light from the east from her dining room which would significantly affect the enjoyment of her property. She had no objection to a single storey building. She regretted that no site visit had been made to her property.

Mrs Heathbrook addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in support of the application. They had fully consulted with planning officers and neighbours, and in line with comments made by the Committee, they had simplified the design of the proposal which was now based on traditional lines and materials. There was one remaining objection from the neighbour, who was the previous occupier of the proposal site, concerning impact on light from the east. However, the neighbour's own garage was directly to the east of her house and the roofline was 1.4 metres higher than the proposed building. The proposal contained no windows overlooking the neighbour's property.

Councillor Cope attended and, with the consent of the Chairman, addressed the Committee. He had been approached by the objector because of her concerns regarding loss of light. She believed that the Supplementary Planning Document, Extending your house and Policy DP1 specified that proposals should not overshadow neighbours or have a negative effect. He had believed that the Committee had made a site visit to assist in resolving the conflict. He would defer to the collective opinion of the Committee on the officers report and policy.

Members of the Committee recalled the previous proposal, which was refused on the grounds of design of the building and the proposed materials which were totally out of character with the conservation area. The applicant had not gone to appeal but instead had taken on board the Committee's preference for a design and materials in the local vernacular that would sit comfortably in the area. Members were of the opinion that the applicants had done exactly what they were asked to do and considered it unreasonable to refuse this application. The height was much reduced and it was not considered that the bulk would be detrimental to the neighbour. A condition to protect trees was requested.

It was explained that whilst the neighbour would see the change from their window, light would be gained from the east. The proposal was not considered to be so detrimental that it could be refused. Trees along the boundary with Joyce Brookes

House had been pollarded recently allowing more light to the objector's house. In terms of overlooking it was not considered that there had been any change and Condition 3 would provide protection in this respect to the neighbour.

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

149. 102225 New Bungalow, Maypole Road, Tiptree, CO5 0EP

The Committee considered an application for the removal of Condition 06 of permission 85/0670/a in order to enable a garage to be converted to a granny annexe. The Committee had before it a report in which all information was set out, see also Amendment Sheet.

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

150. 102230 11 Spring Road, Tiptree, CO5 0BD

The Committee considered an application to vary Condition 19 of permission 090897 which requires that all existing trees are to be retained. The Committee had before it a report in which all information was set out.

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

151. 102314 Gransden, Church Road, Copford, CO6 1DE

The Committee considered an application for the construction of a garden room on the rear of the property. The Committee had before it a report in which all information was set out.

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

152. 100704 Bluebells, Drakes Corner, Great Wigborough, CO5 7SA

The Committee considered a retrospective application for a stable block/hay store. The Committee had before it a report in which all information was set out.

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

153. 101018 Rose and Crown, Crown Street, Dedham, CO7 6AS

The Committee considered an application for the demolition of a public house and one residential unit and the erection of three dwellings. The Committee had before it a report in which all information was set out.

Nick McKeever, Planning Officer, attended to assist the Committee in its deliberations.

Nigel Emeny addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in opposition to the application. His property was adjacent to the proposal and he had lived there since 1923. The boundary was closer to his property than shown and the illustration does not show the depth because it is on the slope. The sewer serves seven back houses and he wanted a retaining wall. He questioned the proposal for three detached houses because all the houses on the other side of the road were semi-detached. He would prefer to see affordable houses or smaller houses for local elderly people who were living in three bedroom houses because there were none smaller.

Councillor Garnett attended and, with the consent of the Chairman, addressed the Committee. This was an outline application and the first concern was the slope level between the existing and the new properties because the sewer could slip into the road. Also the urban design of the detailed application did not suit the village. In regard to slab levels, he was concerned about the height of any fencing between No. 3 and 1 Crownfields. The slope would mean that a six foot high fence would be too high from the neighbour's side because they were looking up the slope. He asked that the height of the fence be lowered because of the effect on visibility at the access points for cars onto the main road. He also referred to the need for smaller homes to enable elderly inhabitants to down size. This point was supported by the Village Plan.

Members of the Committee raised similar issues regarding the sewer and retaining wall, the Village Design Statement, semi-detached and smaller house types, affordable housing in villages, the first two dwellings to be set back.

In respect of the difference in levels the planning officer explained that it would be in the interest of the developer to put in a retaining wall and it was suggested that this be achieved by condition. In terms of the slope levels and fencing, it was considered that further consideration should be given to an additional condition. In respect of the public sewer, this was a matter for building regulations. In regard to affordable housing and other types of housing, reference was made to paragraph 13.3 of the report and the adopted Village Design Statement which was supportive of affordable housing and smaller homes. Affordable housing was fully supported in terms of planning policies on three or more dwellings and the applicants had agreed to make provision through a legal agreement. However, there was no such requirement for smaller accommodation and it would be difficult to support a refusal on those grounds because the spatial policy team had not made reference to smaller housing types. In terms of house types, adjacent properties to the south and north are semi-detached

but further down Crown Street there are almshouses and thatched properties. It was considered that three detached properties would sit reasonably comfortably in that location and that No. 1 could be set further back.

RESOLVED (UNANIMOUSLY) that –

(a) Consideration of the application be deferred for completion of a Unilateral Undertaking to provide for a contribution towards one three-bedroom affordable housing unit and 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 including Condition 11 to include reference to provision of a retaining wall, and additional conditions regarding details of slab levels to be submitted and agreed and to exclude the indicative drawings.

154. 101161 Unit 14 Lodge Lane, Langham, CO4 5NE

The Committee considered an application for an extension and alterations to an existing commercial building. The Committee had before it a report in which all information was set out.

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

155. 101546 37 Mile End Road, Colchester, CO4 5BU

The Committee considered an application to use the shop for A2 Use (Estate Agent) in addition to the A1 Use (Retail). The Committee had before it a report in which all information was set out.

Nick McKeever, Planning Officer, attended to assist the Committee in its deliberations.

Mr Bajaj addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in support of the application. The application was withdrawn from the Committee meeting on 7 October without any reason being given. He had visited the planning office with his architect to present the amended drawing requested but they were not permitted to submit the drawing, he subsequently submitted an appeal. He made it clear to planning officers that the appeal would be withdrawn if the current application was withdrawn. He had the details on approval 071946 and two letters in October and November. Two further applications show the drawing and parking area; there is no question of extra parking.

Members of the Committee sought further explanation on the sequence of events in

respect of this particular application. It had been established that there were multiple uses including unauthorised accommodation units, but there were insufficient diagrams available for members to make a determination, however the Committee needed to make a decision to provide an indication to the appeal inspector. On the basis that there was insufficient information to make a determination on the parking requirement for all the various uses, the Committee considered they had no alternative but to refuse the application.

The planning officer confirmed that the planning office did not have full details of all uses taking place on the site. Only when the information requested has been provided can a determination be made on what parking facilities would be required for the site. There was a need to ensure that the site could accommodate parking to a proper standard for all the uses together with a turning area of sufficient dimensions. It was also confirmed that the Inspector would make a determination on the appeal and the outcome would give reasons. It was also confirmed that the applicant would have the right to submit a further application free of charge.

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

156. 101777 54 Wimpole Road, Colchester, CO1 2DL

The Committee considered an application for a single storey extension to the rear to include a waiting area, a surgery, disabled wc and disabled access via a ramp to the side gate. The Committee had before it a report in which all information was set out, see also Amendment Sheet.

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

157. 101991 85 Church Road, Tiptree, CO5 0HB

The Committee considered an application for a single storey front extension and the demolition of an existing canopy. The Committee had before it a report in which all information was set out, see also Amendment Sheet.

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

158. 102055 Land surrounding 15 Queen Street, Colchester, CO1 2PH

The Committee considered an application for development which includes hard landscape works to the existing garden to 15 Queen Street and adjacent access routes from Queen Street to the public space associated with the new First Site building. The boundary walls to the garden of 15 Queen Street will be removed and

the space will become part of the wider public realm with close relation to facilities located within 15 Queen Street. Hard landscape surfaces include stone paving, mosaic floor tiles and high quality concrete seating walls. The Committee had before it a report in which all information was set out, see also Amendment Sheet.

RESOLVED (UNANIMOUSLY) that the application be submitted to the Secretary of State for confirmation that the application would not be called in. Upon receipt of such confirmation from the Secretary of State, the application be approved with conditions and informatives as set out in the report and on the Amendment Sheet.

Councillor Peter Chillingworth and Councillor Jackie Maclean (in respect of having an acquaintance with the applicant's family) declared a personal interest in the following item pursuant to the provisions of Meetings General Procedure Rule 7(3)

159. 102064 Fairfields Farm, Fordham Road, Wormingford, CO6 3AQ

The Committee considered an application for a new cold store for potato storage to run in conjunction with existing buildings on the farm. The Committee had before it a report in which all information was set out, see also Amendment Sheet.

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

**PLANNING COMMITTEE
20 JANUARY 2011**

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

Also in Attendance :- Councillor Sue Lissimore

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

168. Minutes

The minutes of the meeting held on 16 December 2010 will be re submitted to the next meeting. The minutes of the meeting held on 6 January 2011 were confirmed as a correct record.

169. 102278 83 New Farm Road, Stanway, CO3 0PG

The Committee considered an application for an addition to an existing elderly persons home and a change of use from a private household residence to a care home use, Class C2. The application is a resubmission of application 100665. The Committee had before it a report in which all information was set out.

RESOLVED (UNANIMOUSLY) that –

- (a) Consideration of the application be deferred for completion of a Unilateral Undertaking to provide for a contribution towards Open Space, Sport and Recreational Facilities in accordance with the Council's Supplementary Planning Document.
- (b) Upon receipt of a satisfactory Unilateral Undertaking, the Head of Environmental and Protective Services be authorised to grant consent with conditions and informatives as set out in the report.

170. 102310 Land to the rear of 5 Broomhills Road, West Mersea

The Committee considered an application for a one and a half storey detached dwelling and a detached double garage. This application was a revision to the approved scheme under 091595. The Committee had before it a report in which all information was set out.

RESOLVED (UNANIMOUSLY) that –

1

(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.

171. 102508 34 James Carter Road, Colchester, CO3 9XN

The Committee considered an application for a two storey front extension with a front porch and two side windows. The application was a resubmission of 101545. The Committee had before it a report in which all information was set out.

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

David Whybrow, Principal Planning Officer, attended to assist the Committee in its deliberations. He explained that a computer modelling tool had been used to track the path of the sun in March/September, December and June to illustrate the shadowing effect, both before and after the proposed extension had been added. The results were set out in the report.

John Scarff addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in opposition to the application. His objection was that the proposed extension would overshadow his property to the extent that he considered it would have a devastating impact on the enjoyment of his conservatory. He was also concerned about his privacy being invaded by the addition of a window in the side elevation of the proposed extension which would overlook his study, and that the fence between his property and the application site which would provide some screening may not be maintained which would result in a further invasion of his privacy.

Councillor Lissimore attended and, with the consent of the Chairman, addressed the Committee. She agreed that this was not a straight forward application. The Committee must decide whether it caused overshadowing or had an overbearing effect, and was fully compliant with the Council's policy on design. She believed that light to the conservatory would be blocked throughout the year and to the garden until the sun was high enough in the sky to clear the roof. It appeared that the report had dismissed the objections because the extension affected a conservatory built as permitted development. An earlier application which had been refused on the grounds of it being contrary to DC1 and UEA13, was identical to the current application with the exception that this application specified reclaimed instead of new roof tiles. She requested an explanation why this application was not also recommended for refusal on the same grounds.

It was explained that the one of the reasons for refusing the earlier application was related to the lack of articulation between the existing building and the new extension. In hindsight it was now considered unreasonable to refuse on those grounds alone. It was also explained that the flank wall of a conservatory could not be regarded as the main window of a habitable room and it was difficult to deal with the loss of light in those terms.

Some members of the Committee considered that the extension should have proper articulation, and although another neighbouring property had a similar front extension which was not articulated, they considered the design of this proposal to be of insufficient quality. It was recognised that light was an issue but they considered it to be slightly less of a problem than the 'blocky' design of the proposal.

Other members of the Committee took an opposite view. They recognised that this was an exceptional case because the application dwelling was set back from the objector's dwelling, whereas the application site was almost identical with two neighbouring houses to the other side. They noted that they all had fairly bland 'block' fronts before any extension and that one of the two dwellings had a front extension not dissimilar to this proposal. From the street scene, there was nothing to distinguish an extended house from a house without an extension. In respect of the light issue, the evidence illustrated that the reduction in light available to the neighbour's property would be minimal. The overlooking into the study could be overcome by ensuring that the fence remained at a sufficient height to provide privacy. It was recognised that an approval may give an impression of inconsistency, but if this application was refused it was considered that an appeal would be upheld, bearing in mind the evidence on the light issue and the neighbouring front extension.

In response to these opposing views, the planning officers noted that there had been a change in approach with regard to articulation. The original concern regarding lack of articulation ran counter to design requirements which ask for subservient extensions. Articulation is usually required for extensions which are to the side or the rear, but would be inappropriate for extensions to the front. Furthermore, if the extension were articulated it might look skimpy. When investigated it became apparent that there was a similar front extension to a property nearby, and it was considered that an extension without articulation would cause little detriment to the street scene. In respect of the fence, it would be possible to impose a condition to retain the fence at 1.8m to ensure study window was protected. The view from the new window into the study was very oblique. It was also important to recognise that those living in both of these properties have equal rights to a family life. The modelling had established that significant overshadowing had not been proved.

RESOLVED (MAJORITY voted FOR) that the application be approved with conditions and informatives as set out in the report together with an additional condition requiring retention of screen fencing alongside the neighbour's conservatory.

172. 091057 Car park opposite 108 Coast Road, West Mersea, CO5 8NA

This item was withdrawn from the agenda by the Head of Environmental and Protective Services. The application to be reported back to Committee with site area for parking clarified and conditions.

Councillor Peter Chillingworth (in respect of being a member of the Campaign for the Protection of Rural Essex, an organisation which had submitted a comment on the application) declared a personal interest in the following item pursuant to the provisions of Meetings General Procedure Rule 7(3)

173. 101128 Mill Race, New Road, Aldham, CO6 3QT

The Committee considered an application for a Certificate of Lawful Use for an existing use of importing, storage, devanning, distribution and manufacture of various products and commodities. The Committee had before it a report in which all information was set out.

David Whybrow, Principal Planning Officer, attended to assist the Committee in its deliberations. He explained that there was insufficient evidence of the scope or length of time that the manufacturing use had occurred and the recommendation had been revised so that consideration of the application would be deferred for investigation into this matter and the Head of Environmental and Protective Services was authorised to issue a Certificate of Lawful Use, either as applied for or with the manufacturing use deleted, as appropriate.

Members of the Committee questioned whether the HGV Operator Licence was restricted so that all distribution had to be undertaken by C & S Mathews; and whether the manufacturing was related to the garden centre and the Certificate of Lawful Use could be narrowed down to that use; and whether there were restrictions on the times of entry and exit.

The officers explained that they were not aware that the C & S Mathews HGV Operators Licence was transferable in respect of hours but if it was there would be no reason why it should not be reflected in the Certificate of Lawful Use. All the activities on this site were separate from the garden centre and as long as the activities were properly defined it would not matter who was carrying out the activity.

RESOLVED (UNANIMOUSLY) that –

(a) Consideration of the application be deferred for further investigation into the manufacturing activity at the site, including its scope and period of operation, and also further clarification of the extent of distribution activities to reflect any limitations imposed by the HGV Operators Licence.

(b) Upon receipt of satisfactory evidence supporting the manufacturing use, and following consultation with the ward councillor, the Head of Environmental and Protective Services be authorised to issue a Certificate of Lawful Use as applied for

with the scale and scope of distribution activity being maintained at the current level together with the note as set out in the report.

(c) In the event of the evidence supporting the manufacturing use being inadequate, and following consultation with the ward councillor, the Head of Environmental and Protective Services be authorised to issue a Certificate of Lawful Use as applied for but with manufacturing use being excluded from the Description of the Proposal and the note as set out in the report. The scale and scope of distribution activity to be maintained at the current level.

174. 102234 Tiptree Basket Works and Sawmill, Grange Road, Tiptree, CO5 0QQ

The Committee considered an application for a continuation of the proposed extension of site, new building and changes to operation of the Waste Transfer Station without compliance with Condition 2, development particulars, attached to planning permission ESS/51/02/COL. The effect of the application is to allow changes to the approved building roofline and design. The Committee, acting as a consultee, was requested to submit any comments on the application to Essex County Council. The Committee had before it a report in which all information was set out.

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

A member of the Committee explained that there had been a misunderstanding by Tiptree Parish Council. They had believed the application was for the use of the site, rather than for changes to the approved design of a new building on the site.

The planning officer explained that the confusion was understandable as there were two separate proposals. This proposal was for minor changes to an approved building, whereas the other one, which the Committee was not being asked to comment on, sought to introduce another use on the site. The planning officers would write to Essex County Council to clarify the objection from Tiptree Parish Council.

RESOLVED (UNANIMOUSLY) that the Head of Environmental Planning, Essex County Council, be advised that Colchester Borough Council had no observations to make in respect of this application.

Councillor Andrew Ellis (in respect of having employed the services of the planning agent, Mr.E.Gittins, in the past) declared a personal interest in the following item pursuant to the provisions of Meetings General Procedure Rule 7(3)

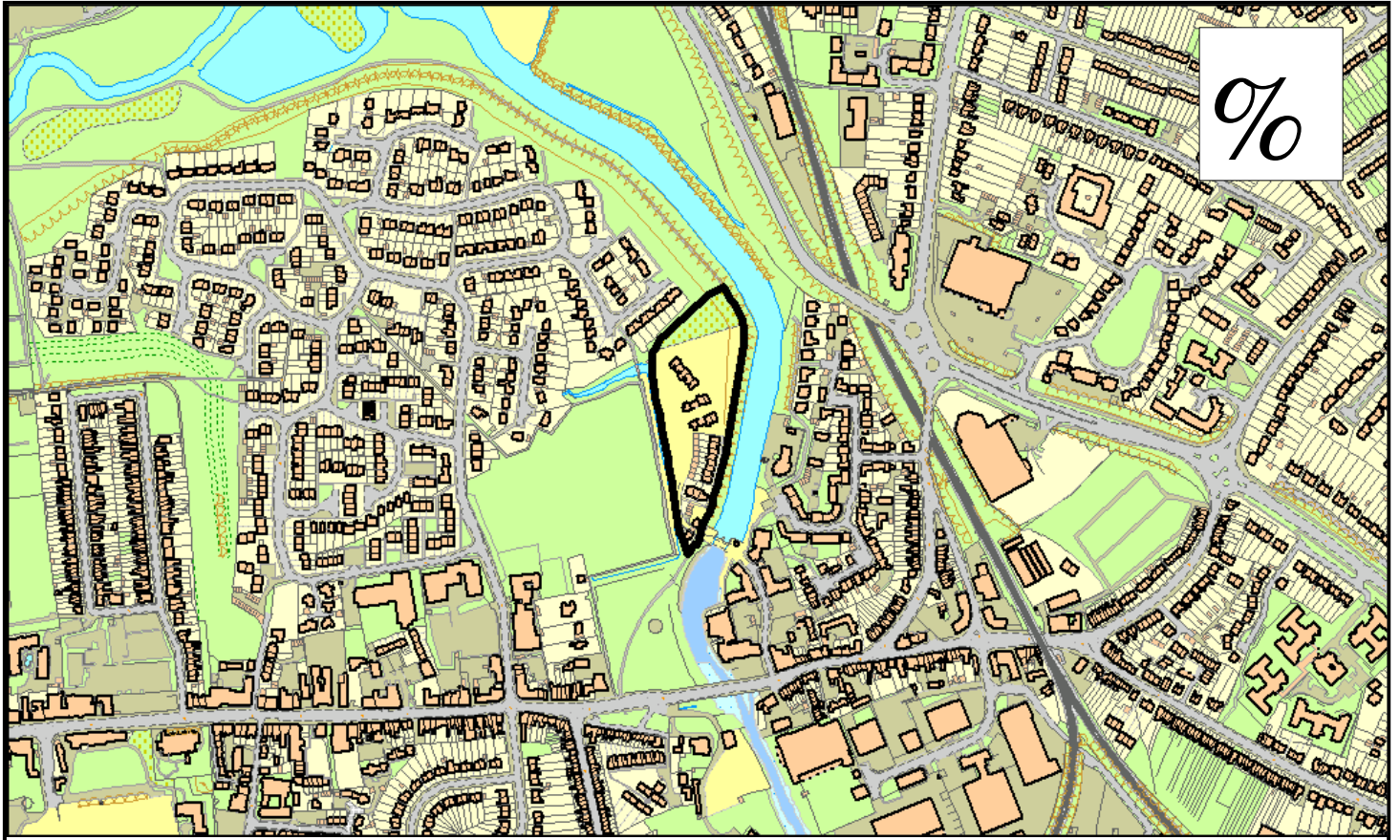
175. 102304 Sparrow Cottage, Vine Road, Tiptree, CO5 0LT

The Chairman has agreed pursuant to the provisions of Section 100B(4)(b) of the Local Government Act 1972 to consider the following item at the meeting as a matter of urgency because of the excessive time taken to process the application.

The Committee considered an outline application for the erection of three detached dwellings and alterations to the access. The Committee had before it a report in which all information was set out.

RESOLVED (UNANIMOUSLY) that –

- (a) Consideration of the application be deferred for completion of a Unilateral Undertaking to provide for a contribution towards Open Space, Sport and Recreational Facilities in accordance with the Council's Supplementary Planning Document.
- (b) Upon receipt of a satisfactory Unilateral Undertaking, the Head of Environmental and Protective Services be authorised to grant consent with conditions and informatives as set out in the report.



Application No: 101590

Location: Land to the Rear of Quality Hotel, East Street, Colchester

Scale (approx): 1:1250

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Committee Report

Agenda item

7

To the meeting of **Planning Committee**
on: **3 February 2011**
Report of: **Head of Environmental and Protective Services**
Title: **Planning Applications**

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

7.1 Case Officer: Mr John More

MAJOR

Site: Land to the rear of Quality Hotel, East Street, Colchester

Application No: 101590

Date Received: 29 July 2010

Agent: KLH Architects

Applicant: Harding Homes

Development: Erection of 23 town houses and garages (application for minor material amendments to the external appearance to plots 19 to 23, to vary condition 44 of planning reference F/COL/04/1273 to insert the amended drawing numbers).

Ward: Castle

Summary of Recommendation: Conditional Approval subject to legal agreement

1.0 Planning Report Introduction

1.1 This application is referred to the Planning Committee because it requires a minor variation to the original S106 agreement for the site to link the current application to the S106 agreement.

2.0 Synopsis

2.1 The application is for minor changes to the external appearance of an approved building on the site (a minor material amendment). The changes proposed are considered acceptable. No objections have been received. The application has come

to committee as it requires a simple deed of variation to link this application to the original S106. It therefore falls outside the scheme of delegation.

3.0 Site Description and Context

- 3.1 The site is part of a development of 23 town houses and garages by Harding Homes for which planning permission was granted in May 2006. The development is partially completed and partially occupied.
- 3.2 The building the subject of this application is also partially completed.
- 3.3 Access to the site is off East Street through the Mill site over the River Colne via an existing river bridge. A distinctive 3-storey building provides an attractive gateway feature at the site entrance.
- 3.4 The overall site has an area of 1.69 hectares. The development involves approximately 35% (0.6 hectares) of the site - the remainder is to be transferred to the Council as public open space. The open space includes a cycleway/footpath fronting the River Colne. The site contains a number of trees, including species of willow, hawthorn and sycamore, protected by a Tree Preservation Order.
- 3.5 The site has a frontage to the river, other boundaries abut a school playing field and the rear gardens to houses in Wells Road. A definitive public footpath is just outside the site connecting Wells Road to the Chase.
- 3.6 The town houses are contained in a mix of 2 and 3 storey buildings linked by walls and garages. The buildings are arranged in a gentle curve facing the river.
- 3.7 A single access road serves the development following the line of the buildings.

4.0 Description of the Proposal

- 4.1 The application is for minor changes to the external appearance of the approved building on plots 19 to 23 (a minor material amendment). The changes are as follows:
 - Addition of sun rooms to the rear elevations of plots 20, 21 and 22.
 - Omission of full 'stand on' balconies and replace with 'Juliet' balcony balustrade.
 - Front / South West elevation: central 4 light window in lieu of 2 window arrangement.
 - Side / South East and side / North West elevation: Addition of dormer window.
 - Addition of roof cupola to emphasise verticality.
 - Omission of oversail to main gable.
- 4.2 The conditions on the original planning permission would remain the same with a couple of exceptions. The time limit condition would be amended to coincide with the timings of the original time limit condition. Condition 44 which lists the approved drawing numbers would be amended to insert the revised drawing numbers. Other conditions which have been discharged would be amended to reflect the approved details.

5.0 Land Use Allocation

5.1 The land is currently designated in the Development Plan as predominantly residential surrounded by public open space.

6.0 Relevant Planning History

6.1 F/COL/04/1273 - Erection of 23 town houses and garages. Planning permission granted in May 2006.

6.2 O/COL/02/0423 - Revised application for 24 residential units including garages, open space, riverside path/cycleway with access through existing car park from East Street. Planning permission granted June 2003. (This application although outline included detailed layout and elevation drawings which form part of the planning approval.)

7.0 Principal Policies

7.1 The following national policies are relevant to this application:
Planning Policy Statement 1: Delivering Sustainable Development
Planning Policy Statement 3: Housing
Planning Policy Statement 25: Development and Flood Risk

7.2 In addition to the above national policies, the following policies from the adopted Colchester Borough Core Strategy (December 2008) are relevant:
UR2 - Built Design and Character

7.3 In addition, the following are relevant adopted Colchester Borough Development Policies (October 2010):
DP1 Design and Amenity
DP16 Private Amenity Space and Open Space Provision for New Residential Development
DP20 Flood Risk and Management of Surface Water Drainage

7.4 Regard should also be given to the following Supplementary Planning Guidance/Documents:
The Essex Design Guide

8.0 Consultations

8.1 No responses have been received.

9.0 Representations

9.1 No responses have been received.

10.0 Parking Provision

10.1 No changes are proposed to the parking provision.

11.0 Open Space Provisions

11.1 No changes are proposed to the open space provision.

12.0 Report

12.1 The main issues in this case are as follows:

- Design and Layout
- Amenity
- Other Matters

Design and Layout

12.2 With the exception of the sun spaces to plots 20, 21 and 22 the layout would remain as previously approved. The addition of the sun spaces to these plots is considered acceptable in terms of design and layout.

12.3 The addition of the roof cupola would improve the appearance of the building adding visual interest to the rather bland ridge line.

12.4 On the rear / South West elevation, the insertion of a central 4 light window in lieu of the previously approved 2 window arrangement is considered acceptable.

12.5 The addition of one dormer window on each end elevation (South East and North West) is considered acceptable in design terms.

12.6 The omission of the oversail to main gable roofs and the omission of the full 'stand on' balconies to the front elevation and their replacement with 'Juliet' balcony balustrade are considered acceptable.

Amenity

12.7 In terms of amenity, the changes proposed would not negatively impact on neighbouring residents with the exception of the insertion of the dormer window in each end elevation. This could lead to overlooking to the south east. To overcome this it is recommended that a condition be inserted to any permission granted requiring the windows to be fitted with obscured glazing and fixed shut, unless the means of restricted opening is previously agreed in writing by the local authority. This would overcome any overlooking concerns.

S106 matters

12.8 The application requires a simple deed of variation to the original legal agreement for the site to link this planning application to the original S106 agreement and its covenants.

13.0 Conclusion

13.1 In summary, the changes to the design and appearance of the building are considered acceptable on their own merits and would not result in undue harm to amenity.

14.0 Background Papers

14.1 PPS; Core Strategy; DPD; SPG

Recommendation

APPROVE subject to the prior completion of a legal agreement under Section 106 of the Town and Country Planning Act 1990. The Head of Environmental and Protective Services to be authorised to complete the agreement to provide the following:

- Deed of variation to the original legal agreement for the site to link this planning application to the original S106 agreement and its covenants.

On completion of the legal agreement, the Head of Environmental and Protective Services be authorised to grant planning permission subject to the following conditions:

Conditions

The condition on the original planning permission would remain the same with a couple of exceptions. The time limit condition would be amended to coincide with the timings of the original time limit condition. Condition 44 which lists the approved drawing numbers would be amended to insert the revised drawing numbers. A new condition 45 would be inserted as set out below. Other conditions which have been discharged would be amended to reflect the approved details.

45. Before the first occupation of the building/extension hereby permitted the windows in the side/southeast and side/northwest elevations shall be fitted with obscured glazing and fixed shut. The windows shall be permanently retained in that condition thereafter unless otherwise agreed in writing by the local planning authority. Reason: To protect the privacy and amenity of residents of the neighbouring properties.

Amended conditions will be provided in full on the amendment sheet. The original decision notice is attached as Appendix 1.

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 should 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.



Notice of Planning Decision

TOWN AND COUNTRY PLANNING ACT 1990
 TOWN AND COUNTRY PLANNING (GENERAL DEVELOPMENT PROCEDURE) ORDER 1995

In pursuance of the powers exercised by it as District Planning Authority this Council, having considered your application to carry out the development detailed below in accordance with the plan(s) accompanying the said application, DOES HEREBY GIVE NOTICE of its decision to GRANT PERMISSION for the said development subject to additional condition(s) set out below.

APPLICATION NO: F/COL/04/1273

APPLICATION DATE: 2 July 2004

PROPOSAL: Erection of 23 town houses and garages

LOCATION: Land To The Rear Of, Quality Hotel, East Street, Colchester

APPLICANT: Harding Homes (East Anglia) Ltd, Diamond Place, 11 Maldon Road, Colchester, Essex

1. The development hereby permitted shall be begun before the expiration of five 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.
2. Prior to the commencement of any development cross sections of the site and adjoining land, including details of existing ground and buildings levels around the buildings hereby approved and any changes in levels proposed together with the proposed floor levels within the buildings shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with those approved cross sections and specified levels.
 Reason: To enable the Local Planning Authority to exercise proper and considered control over the development as whole and to protect the amenity of occupiers of adjacent properties.
3. No cut and fill shall take place until the cross-sections required by Condition 2 have been submitted to and agreed in writing by the Local Planning Authority.
 Reason: To enable the Local Planning Authority to exercise proper and considered control over the development as whole and to protect the amenity of occupiers of adjacent properties.
4. No development, including removal of any trees, shall take place until details of

IMPORTANT – ATTENTION IS DRAWN TO THE NOTES ATTACHED

earthworks have been submitted to and approved in writing by the Local Planning Authority. These details shall include the proposed grading and mounding of land areas including levels and contours to be formed, showing the relationship of proposed mounding to existing vegetation and surrounding landform. Development shall be carried out in accordance with approved details.

Reason: To ensure proper consideration and approval of any effects of change in topography on landscape features.

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

Reason: To ensure an appropriate choice of surfacing materials that will enhance the character and appearance of the development and in the interests of visual amenity.

6. The windows used in the development shall be exactly as detailed on the approved drawing unless otherwise agreed in writing by the Local Planning Authority.

Reason: For the avoidance of doubt as to the scope of this permission and to ensure that the windows have an appearance appropriate to the architecture of the buildings.

7. All windows shall be constructed in timber and painted white thereafter being retained as such.

Reason: To ensure that the windows have an appearance appropriate to the architecture of the buildings.

8. All external boarding shall be feather edged weather boarding, painted in accordance with a colour scheme that shall have previously been submitted to and approved in writing by the local planning authority.

Reason: To ensure an appropriate appearance in keeping with the architecture and design of the buildings and in the interests of the visual amenity of the area.

9. Prior to the commencement of the development, full details of all new brickwork, including the bond, mortar mix and joint profile shall be submitted to and agreed in writing by the Local Planning Authority. The development shall be constructed in accordance with the agreed details.

Reason: To ensure that the brickwork details are appropriate to the style and character of the development and in the interests of visual amenity.

10. Additional drawings that show details of the proposed new windows, doors, doorcases, eaves, verges, cills, arches, roof features, dormers, balconies, balustrading, string courses, finials, plinths pilasters and other architectural features shall be submitted to and approved in writing by the local planning authority prior to commencement of any works. The development shall be carried out in accordance with the approved details.

Reason: The drawings submitted are of too small a scale for proper consideration to be given to these visually important elements of the design and to ensure that the development has a satisfactory appearance.

11. Full details of the junction between the access road serving the development and the riverside path (including appropriate traffic calming measures to give priority to cyclists and pedestrians) shall be submitted to and approved in writing

by the local planning authority prior to the commencement of development. Such scheme shall be carried out before occupation of any of the proposed dwellings.

Reason: In the interests of highway safety and to minimise conflict between motor vehicles cyclists and pedestrians.

12. The buildings shall not be occupied until the means of vehicular access has been constructed in accordance with the plans hereby approved.

Reason: To ensure the safety of pedestrians and vehicles

13. All existing trees, shrubs and other natural features not scheduled on the approved plans for removal shall be safeguarded during the course of all works on site (see BS 5837 and guidance notes). No work shall commence on site until all such trees, shrubs and natural features are protected in an area behind a fenced line to a standard to be agreed by the Local Planning Authority (see BS 1722 : part 4 and guidance notes). All agreed protective fencing shall be maintained during the course of works on site. No access, works or placement of materials or soil shall take place within the protected area(s) without prior written consent from the Local Planning Authority.

Reason: To safeguard existing trees, shrubs and other natural features within the site in the interest of amenity.

14. No burning or storage of materials shall take place where damage could be caused to any tree, shrub or other natural feature to be retained on the site or on adjoining land (see guidance notes).

Reason: To protect the health of trees, shrubs and other natural features to be retained in the interest of amenity.

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

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

16. Before any works commence on site, details of the design of the foundations and the layout, with positions, dimensions and levels of service trenches, ditches, drains and other excavations on site, insofar as they may affect trees and hedgerows on and adjoining the site, shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the protection of trees and hedgerows to be retained.

17. All aquatic features and associated vegetation on site shall be retained unless otherwise approved in writing by the Local Planning Authority, and appropriately protected from physical disturbance or pollution prior to commencement and during works on site.

Reason: To safeguard the continuity of amenity and nature conservation value afforded by water and to avoid damage to nearby trees by changes to the water table.

18. No development shall take place until a method statement relating to the means of construction and implementation of the approved development has been submitted to and agreed in writing by the Local Planning Authority; such method statement shall include: a) Details of site compound location and material and top soil storage. b) Nature of and methodology for all necessary works within protected areas, including tools/plant to be used and protective measures taken (see BS 5837). c) Details of on-site supervision whilst construction work is taking place, together with method of communication with the Local Planning Authority.
- Reason: To ensure a structured approach to the protection of the site's landscape amenity value during development.
19. No works or development shall take place until full details of both hard and soft landscape proposals have been submitted to and approved in writing by the Local Planning Authority (see BS 1192: part 4). These details shall include, as appropriate: - Existing and proposed finished contours and levels - Means of enclosure - Car parking layout - Other vehicle and pedestrian access and circulation areas - Hard surfacing materials - Minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signage, lighting) - Proposed and existing functional services above and below ground (e.g. drainage, power, communication cables, pipelines, etc. indicating lines, manholes supports etc.) - Retained historic landscape features and proposals for restoration Soft landscaping details shall include: - Planting plans - Written specifications (including cultivation and other operations associated with plant and grass establishment) - Schedules of plants, noting species, plant size and proposed numbers/densities - Implementation timetables
- Reason: To safeguard the provision of amenity afforded by appropriate landscape design.
20. All approved hard and soft landscape works shall be carried out in accordance with the programme agreed with the Local Planning Authority and in accordance with the relevant recommendations of the appropriate British Standards. All trees and plants shall be monitored and recorded for at least five years following contractual practical completion of the approved development. In the event that trees and/or plants die, are removed, destroyed, or in the opinion of the Local Planning Authority fail to thrive or are otherwise defective during such a period, they shall be replaced during the first planting season thereafter to specifications agreed in writing with the Local Planning Authority.
- Reason: To ensure the provision and implementation of a reasonable standard of landscape in accordance with the approved design.
21. Prior to any occupation of the development, a schedule of landscape maintenance for a minimum period of five years shall be submitted to and approved by the Local Planning Authority and shall include details of the arrangements for its implementation.
- Reason: To ensure the safeguarding of amenity by the proper maintenance of existing and/or new landscape features.
22. 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 development within Classes A to E of Part 1 of Schedule 2 of the Order (ie any extension, outbuilding, garage or enclosure) shall take place without the prior written permission of the Local Planning Authority.

- Reason: To safeguard the visual amenity of the area, to protect the amenity of adjoining residents and to prevent the overdevelopment of the site by controlling future extensions, alterations and associated development.
23. The car parking spaces and garages hereby approved shall be [constructed strictly in accordance with the approved plans/hardened and surfaced] prior to occupation of the dwelling and thereafter shall be retained for parking vehicles ancillary to the development.
- Reason: To ensure that vehicles visiting the site can park off the highway.
24. No construction work relating to this permission shall be carried out on any Sunday or Public Holidays nor before 0730 hours or after 1800 hours on any weekday or before 0800 hours or after 1300 on Saturdays.
- Reason: In order to protect residential amenity.
25. Prior to the commencement of the use hereby permitted, a scheme of surface water and foul drainage shall be submitted to and approved in writing by the Local Planning Authority. Surface water and foul drainage facilities shall be provided in accordance with the approved scheme prior to the use hereby permitted becoming operational.
- Reason: To ensure satisfactory arrangements are made for the disposal of foul and surface water drainage.
26. No new window or other openings shall be inserted in any elevation or roof space of the proposed buildings without the prior approval in writing of the Local Planning Authority.
- Reason: In order to safeguard the privacy of adjoining occupiers.
27. Samples of all materials to be used in the external construction and finishes of all parts of the proposed development, shall be selected from the local range of traditional vernacular building and finishing materials and shall be submitted to and agreed in writing by the Local Planning Authority before the development commences.
- Reason: To ensure the use of an appropriate choice of materials having regard to the importance of this site adjacent to the river, abutting a Conservation Area and close to listed buildings and to ensure that the choice of materials will harmonise with the character and appearance of other traditional buildings in this area.
28. All boundary walls to be erected on this site shall be finished with a brick on edge coping and terminated at each end by either a pier or return. Where changes in the height of walls occur, the higher wall shall be raked smoothly downwards to the level of the lower wall.
- Reason: To ensure a satisfactory form of development and in the interests of visual amenity.
29. Faced common bricks shall not be used for 103mm thick boundary walls. The bricks to be used for such walls shall be of a type to be agreed in writing with this Council prior to the commencement of the development.
- Reason: These bricks have an unfinished return face that produces a very poor appearance and if used for this purpose would be detrimental to the visual amenity of the area.
30. Prior to the development hereby approved being brought into use, refuse storage facilities shall be provided in a visually satisfactory manner and in accordance with a scheme which shall have previously been submitted to and approved in writing by the Local Planning Authority. Such facilities shall thereafter be retained to serve the development.


- Reason: To ensure that adequate facilities are provided for refuse storage and collection.
31. Prior to the development hereby approved being brought into use, facilities for the collection of recyclable materials shall be provided on the site and thereafter retained in accordance with a scheme submitted to and agreed by the Local Planning Authority.
- Reason: To ensure that adequate facilities are provided for the collection of recyclable materials.
32. Prior to the commencement of any development, including removal of trees, an ecological survey shall be undertaken by an approved ecological consultant to ascertain the presence of any protected species on the site, in particular bats and stag beetles. The survey shall be accompanied by a mitigation strategy and timetable, if appropriate. The survey and strategy shall be approved in writing by the Local Planning Authority and the mitigation shall be carried out in accordance with the agreed timetable.
- Reason: To ensure that these species are adequately protected and to mitigate the impact of the proposed development.
33. Prior to any works commencing on site, a scheme of construction including details of working hours, deliveries to the site, access arrangements and provisions to be made for controlling noise, dust and other forms of disturbance shall be submitted to and agreed in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.
- Reason: To protect the amenity of the area and the occupants of nearby properties.
34. No access to the site shall be gained from Wells Road.
- Reason: For the avoidance of doubt as to the scope of this permission and to protect the amenity of local residents.
35. Should it be necessary to carry out any piling operations on the site these should be bored and not driven unless otherwise agreed in writing by the Local Planning Authority.
- Reason: To protect the amenity of nearby residents.
36. A scheme for access to the site by construction traffic shall be submitted to and agreed in writing by the Local Planning Authority prior to the commencement of the development. The agreed scheme shall thereafter be complied with.
- Reason: To protect the amenity of nearby residents.
37. Prior the development commencing, full details of the design of the garages shall be submitted to and agreed in writing by the Local Planning Authority. The garages shall be built in accordance with the approved details.
- Reason: Insufficient details have been submitted with this application and to ensure that the design of the garages is compatible with and enhances the appearance of the development in the interests of visual amenity.
38. The footpath/cycleway shall be kept open for public use during the construction of the development hereby permitted. Any closure of the path shall be agreed in writing with the Local Planning Authority prior to its closure.
- Reason: To ensure this important facility is available for use.
39. Finished floor levels in the development will be set at or above 3.5m AODN.
- Reason: To ensure an appropriate level of protection from the flood risk for the development and its occupants over the lifetime of the development.

40. All contractors vehicles shall be parked on site during construction works.
Reason: To protect the amenity/privacy of existing residents.
41. Prior to the commencement of development, details of a replacement gate/barrier to be erected north of the bridge, to prevent access by 4-wheeled vehicles or motor cycles, shall be submitted to the Local Planning Authority for approval. The approved details shall be erected in accordance with an agreed timetable.
Reason: To ensure satisfactory use of the footpath/cycleway.
42. The boundary treatment for plots 1 and 2 shall be implemented in full prior to the occupation of either dwelling in accordance with the details shown on drawing H192/01D REVISION D and in accordance with detailed plans, showing the design of the wall, the brick to be used in its construction and design and colour of the railings, to be submitted and agreed with the Local Planning Authority prior to the commencement of work on the site. These walls and railings shall be retained thereafter to the satisfaction of the Local Planning Authority.
Reason: To ensure a satisfactory form of development and to ensure the boundary treatment of these units is in keeping with the treatment of the adjacent open space.
43. The conservatories indicated on drawing no. H192/01D REVISION D are not approved.
Reason: To avoid doubt as the scope of the consent hereby granted.
44. The development hereby permitted shall be carried out in accordance with the following approved plans
drawing nos:H192/010,H192/02.H192/03,H192/04,H192/05,H192/06,H192/07, H192/08
Reason: For the avoidance of doubt and in the interests of proper planning.

Informatives A copy of advisory notes recommended by the Environment Agency, in their letter dated 27 September 2004, are attached.

Date: 12 May 2006

Signed:



Nicola George, **Head of Planning, Protection and Licensing**

In determining this application the Council has taken into account the following policies:

Adopted Review Colchester Borough Local Plan – March 2004

DC1 - Development Control considerations

UEA7 - Development affecting Scheduled Ancient Monuments

UEA11 - Design

UEA14 - Greenlinks

P1 - Pollution

P2 - Light pollution

P3 - Development in floodplains and washlands
CF1 - Infrastructure and community facilities provision
CF3 - Access for people with disabilities
L5 - Open space provision within new residential development
L9 - Extensions of Colne Riverside Walk
L15 - Footpaths, cycleways and bridleways
T1 - Pedestrian networks in new development
T2 - Cycle parking requirements
H4 - Affordable housing requirements
H13 - Housing density
H1 - Housing Allocations

Reasons for granting permission

A

The proposal accords with the relevant policies in the Statutory Development Plan (as set out above/below).

Having had regard to all material planning considerations the Council is of the opinion that the proposal will not cause any harm to interests of acknowledged importance.

If the applicant is aggrieved by the decision of the Local Planning Authority to refuse permission for the proposed development or to grant consent subject to conditions, then they may appeal. Appeals are made to the Secretary of State for the Department of Transport, Local Government and the Regions in accordance with section 78 of the Town and Planning Act 1990, or sections 20 and 21 of the Planning (Listed Buildings and Conservation Areas) Act 1990, as appropriate.

If the applicant wants to appeal, then they must do so within **THREE MONTHS** of the date of the decision notice for all Householder applications lodged after 6 April 2009, **SIX MONTHS** for all other applications except Advertisements which remain at eight weeks. The appeal must be submitted on a form which can be obtained from The Planning Inspectorate, Customer Support Unit, at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN, telephone 0117 372 6372.

The Secretary of State can allow a longer period for giving notice of an appeal, but he/she will not normally be prepared to use this power unless there are special circumstances that excuse the delay in giving notice of appeal.

The Secretary of State need not consider an appeal if it seems to him that the Local Planning Authority could not have granted planning permission for the proposed development, or could not have granted it without the conditions it imposed, having regard to the statutory requirements, to the provisions of the development order, and to any directions given under the order.

In practice, the Secretary of State does not refuse to consider appeals solely because the Local Planning Authority based its decision on a direction given by him.

Advertisements - Standard Conditions (which apply in addition to those that appear on the decision notice)

- 1) Any advertisements displayed, and any site used for the display of advertisements, shall be maintained in a clean and tidy condition to the reasonable satisfaction of the Local Planning Authority.
- 2) Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a safe condition.
- 3) Where an advertisement is required under regulations to be removed, the removal shall be carried out to the reasonable satisfaction of the Local Planning Authority.
- 4) No advertisement is to be displayed without the permission of the owner of the site, or any other person with an interest in the site entitled to grant permission.
- 5) No advertisement shall be sited or displayed so as to obscure, or hinder the ready interpretation of, any road traffic sign, railway signal or aid to navigation by water or air, or so as otherwise to render hazardous the use of any highway, railway, waterway or aerodrome, (civil or military).

Listed Building Consent

Attention is drawn to section 78 of the Planning (Listed Buildings and Conservation Areas) Act 1990. The effect of which is that demolition may not be undertaken, (despite the terms of the consent granted by or on behalf of the Planning Authority), until notice of the proposal has been given to English Heritage at PO Box 569, Swindon SN2 2YP, telephone 01793 414600. English Heritage must subsequently have either been given reasonable access to the building for at least one month following the grant of consent, or have stated that they have completed their record of the building or that they do not wish to record it, before demolition commences.

Building Regulations

This notice does not include any approval which may be necessary in accordance with Building Regulations. Advice on the need for Building Regulations approval can be obtained by calling our Building Control team on 01206 282436.

Access for the Disabled (Applying to specific types of development)

In respect of educational buildings, attention is drawn to the requirements of sections 7 and 8 of the Chronically Sick and Disabled Persons Act 1970*. These require that appropriate provision shall be made for access to the building for the disabled, and that signs shall be displayed outside the building indicating that provision is made, and within the building indicating the location of the provision, together with appropriate routes. Guidance is provided in Design Note 18 'Access for the Physically Disabled Education Buildings' published on behalf of the Secretary of State.

In respect of buildings for employment use or to which the public will be admitted, attention is drawn to the requirements of sections 4, 7 and 8a of the Chronically Sick and Disabled Persons Act 1970*. These require the buildings to be made accessible to disabled people wherever practicable. Guidance is provided in the British Standards Institution Code of Practice BS.5588 1987 'Access for the Disabled to Buildings'.

* Superseded by Chronically Sick and Disabled Persons (Amended) Act 1976; Disabled Persons Act 1981; Building (Disabled Persons) Regulations 1987 and relevant provisions within the Town and Country Planning Act 1990.

Rights of Way

The applicant is reminded that the grant of planning permission does not entitle them to obstruct a right of way. If it is necessary to stop up or divert a footpath or bridleway in order to enable the development to be carried out, they should, on the receipt of planning permission, apply without delay to the Local Planning Authority for an order under section 257 of the Town and Country Planning Act 1990. In the case of any other right of way, application should be made to the Secretary of State for an order under section 247 of the Act. In either case development shall not be started until a decision has been taken on the application.

Purchase Notice

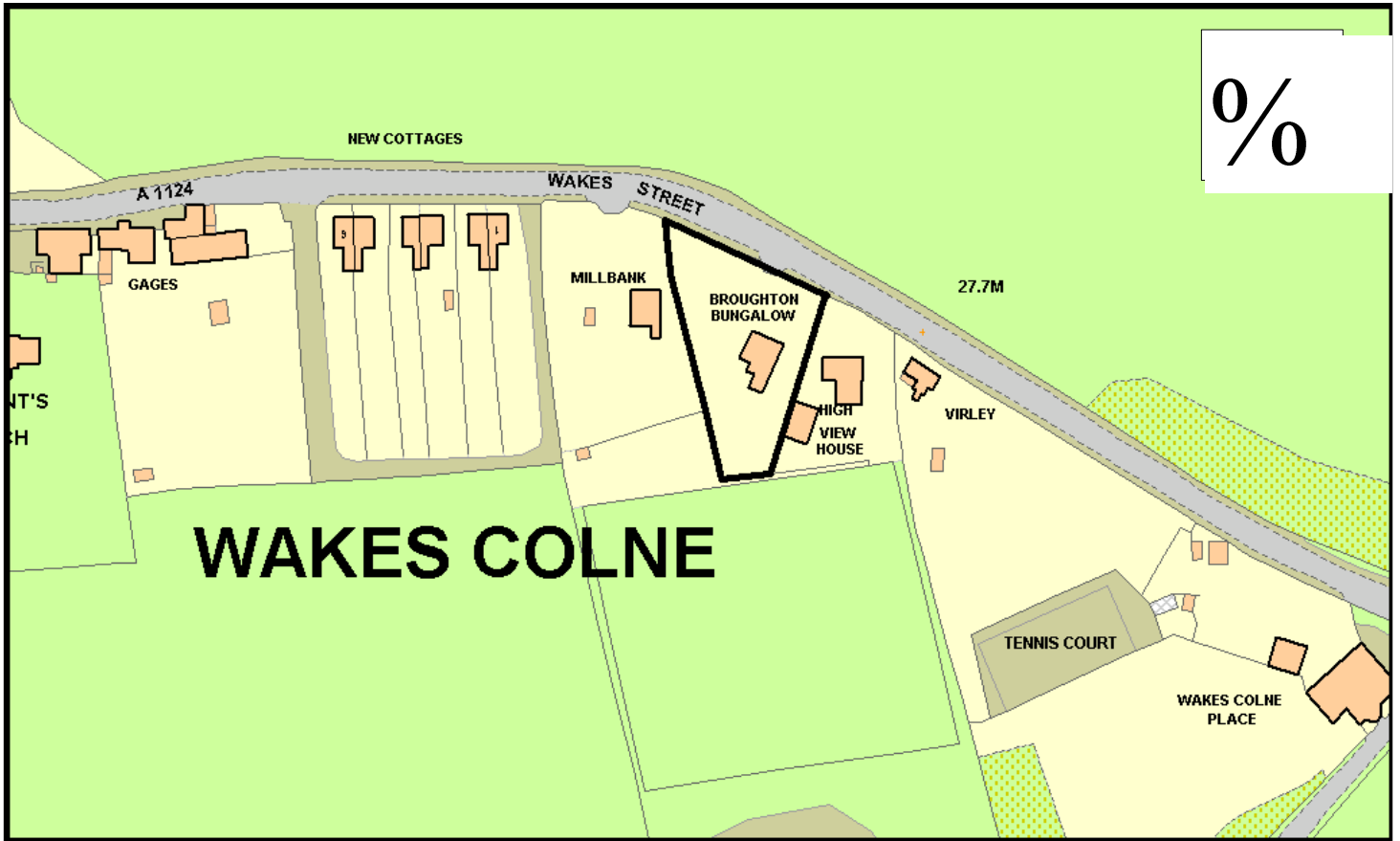
If either the Local Planning Authority or the Secretary of State refuses permission to develop land, or grants it subject to conditions, the owner may claim that they can neither put the land to a reasonable beneficial use in its existing state, nor can they render the land capable of a reasonably beneficial use by the carrying out of any development which has been, or would be, permitted.

In these circumstances, the owner may serve a purchase notice on the Council in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Planning Act 1990, or section 32 of the Planning (Listed Buildings and Conservation Areas) Act 1990, as appropriate.

You are advised to seek professional advice before embarking on the serving of a purchase notice.

Compensation

In certain circumstances compensation may be claimed from the Local Planning Authority if permission is refused, or granted subject to conditions, by the Secretary of State on appeal or on reference of the application to him.



Application No: 100805

Location: Long Acre Bungalow, Colchester Road, Wakes Colne, Colchester, CO6 2BY

Scale (approx): 1:1250

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7.2 Case Officer: Jane Seeley

MINOR

Site: Long Acre Bungalow, Colchester Road, Wakes Colne, Colchester, CO6 2BY

Application No: 100805

Date Received: 27 April 2010

Agent: Mr Andrew Davison

Applicant: Mr. Paul Dyer

Development: Demolition of existing dwelling and erection of new dwelling and additional crossover(revised plans received 19/11/10)

Ward: Great Tey

Summary of Recommendation: Approved Conditional

1.0 Planning Report Introduction

1.1 This application was original referred to planning committee on 17 June 2010. At that meeting Members deferred the application for further consideration regarding the provision of a garage and the repositioning/design of the house. Discussions have been on-going with the applicant's agent and a revised scheme, which includes a garage, has been submitted.

1.2 The following report is based on the original report for the previous committee meeting. It has been updated to take into account:

- The representations and consultation responses which were reported on the amendment sheet;
- Changes to the policy framework (shown in bold); and
- Discussion regarding the revised drawings submitted on 19.11.2010 (shown in bold).

2.0 Synopsis

2.1 This report gives consideration to the proposed replacement of a bungalow with a detached house and garage. The visual impact of the development and its impact on amenity are assessed in light of policy, representations and consultation responses. It is concluded that the proposal does accord with policy as the design and the impact on amenity is acceptable. The recommendation is that conditional planning permission is granted.

3.0 Site Description

- 3.1 Situated on the south side of Colchester Road and sloping up from the road the site currently supports a bungalow and a couple of wooden outbuildings. The site is on a hill side; consequently it is higher than the house to the east (Highview House) but lower than Millbank, the dwelling to the west. The site is wide at the front (approx 20m) but tapers back to a width of approx 13m's at the rear boundary. Side boundaries are fenced. There are 2 vehicle accesses; one to the east of the site, a shared access with Highview House, and, a second unauthorised access to the west of the site.
- 3.2 Within the Village Envelope development in the vicinity is mainly houses of differing eras. The adjacent houses date from 1990's (Highview House) and the interwar period (Millbank). Housing in the wider area is 19th century. The bungalow currently on the site is approx 1930s.

4.0 Description of the Proposal

- 4.1 It is proposed to demolish the current bungalow and erect a large 2 storey, 5 bedroomed house. This application follows on from a previous scheme for a replacement dwelling which was withdrawn; this was considered inappropriate due to its size and design.
- 4.2 As originally submitted the current application also included a large garage/outbuilding to the front of the proposed dwelling and the stopping up of the existing authorised access and the regularising of the existing unauthorised access point. Amended drawings were submitted which remove the garage, retain the existing authorised access. The ridge height of the dwelling was reduced.
- 4.3 The revised drawings submitted on 19 November 2010 have not amended the design or scale of the proposed house. Although officers have indicated to the applicant and his agent that it was considered that Member's were suggesting a redesign was desirable they have decided not to pursue that option. Instead the house has been moved to the northwest; this results in it sitting further forward and more centrally on the plot. A single garage has been provided to the west of the dwelling.

5.0 Land Use Allocation

- 5.1 Village Envelope

6.0 Relevant Planning History

- 6.1 091361 - Demolition of existing dwelling and erection of new dwelling, detached garage and additional crossover - Withdrawn

7.0 Principal Policies

- 7.1 The following national policies are relevant to this application
Planning Policy Statement 1: Delivering Sustainable Development
Planning Policy Statement 3: Housing
Planning Policy Statement 7: Sustainable Development in Rural Areas

7.2 In addition to the above national policies, the following policies from the adopted Colchester Borough Core Strategy (December 2008) are relevant:
UR2 - Built Design and Character
ENV1 - Environment
ENV2 - Rural Communities

7.3 **In addition, the following are relevant adopted Colchester Borough Development Policies (October 2010):**
DP1 Design and Amenity
DP12 Dwelling Standards
DP13 Dwelling Alterations, Extensions and Replacement Dwellings

8.0 Consultations

8.1 Environmental Control team recommends inclusion of standard informative regarding control of pollution during demolition/construction

8.2 ECC Highways:

Comments on revised drawings received 19.11.2010:
No objection subject to a number of conditions

8.3 Tree Officer: Advised verbally at time of original application that the trees are of no significance.

8.4 Heritage and Design:

Comments on the revision drawings received prior to 17 June 2010 committee meeting:

- Removal of garage has created a more appropriate relationship and sense of space between the development and the dwelling to the east.
- Reduction in roof height has resulted in the proposed dwelling have a more rural appearance which is more satisfactory in its context.
- Condition required that details of joinery and materials are approved by Local Planning Authority.

Comments on revised drawings received 19.11.2010:

- **Amended drawings show an improvement with regard to the arrangement in the street scene and relationship to neighbouring properties.**
- **Given that we had previously recommended approval for this scheme I am satisfied with the amendments and look upon the application favourably.**

In addition to the details reported below, the full text of all consultations responses are available to view on the Council's website.

9.0 Parish Council's Views

Original comments

- Unsuitable in respect of style, design and footprint to plot size ratios of adjacent and nearby properties. It would appear squeezed into a small area creating overdevelopment of the site.
- Out of character and over large for the street.
- A ridge line level of approx halfway between the adjacent properties ridge levels is inadequate.
- The close proximity of the proposed development has no regard for the neighbour properties and would block natural daylight and sunlight and encroach of their privacy.
- A substandard access has been created without planning permission and with insufficient visibility splays. This will exacerbate safety issues on a dangerous road

Comments on revised drawings received 19.11.2010

- **No further objections are to be made to this third planning application as it stands.**
- **The A4 sketch submitted with the third application was not a clear representation of the re-positioning of the dwelling, and it was considered to be inaccurate and misleading. However, members were satisfied that some of the earlier concerns had been addressed even though it was still considered an excessively large dwelling on a small plot.**

10.0 Representations

Original Comments

10.1 7 letter/emails have been received (3 from the occupiers of Highview House, 2 from the occupier of Millbank, 1 from a local resident and 1 from the local Borough Councillor) commenting on the originally submitted scheme:

10.2 Highview House:

- The dwelling is to far too high and too close to Highview; it is 2 metres higher than Highview House, this will have an adverse impact on the all day natural light and summer evening sunlight to the western flank and will be overbearing.
- The depth of the property is the principal reason why the huge mass of the property will bear so heavily on Highview; with the depth reduced the house could be positioned more centrally and the bulk redesigned to reduce its impact.
- Consider that the design restrictions applied at the time of the grant of planning permission for the dwelling k/a Highview House have not been applied to current proposal.
- The application blocks off Highview's legal rights to a manoeuvring area which is also required by condition of the original planning permission for the dwelling.
- No tree planting should be allowed near Highview's boundary for fear of undermining of the foundations.

10.3 Millbank

- The garage will remove significant light to the kitchen and utility room of Millbank.
- Due to its bulk, height and large roof will have a significant presence and be very overbearing on Millbank.
- It is shoehorned into the site, out of keeping with the rural nature of the locality and increases the urbanisation of rural area.
- Sets a precedent for small plots to be developed with large housing and does nothing for the affordable housing agenda.

10.4 Other comments:

- The design does not fit comfortably where it is, not blending in as part of the street scene and not in harmony with its immediate surroundings

10.5 Local member:

- The dwelling fits much better in the street scene than the previous scheme; the reduced foot print is welcome.
- It is still large and high compared to the property to the east (Highview House).
- Garage is very large and overbearing on the single storey extension of Millbank.
- Closing off of shared access causes problems and danger for the neighbour.

Comments on the revision drawings received prior to 17 June 2010 committee meeting:

10.6 2 additional emails from occupier of Highview House:

- Reiterates concerns expressed in previous correspondence relating to the adverse impact on Highview – i.e. loss of natural light and sunlight and over bearing impact.
- Revised scheme addresses the issue of the access and the tree adjacent to Highview House's garage - they only partly address the relationship of the proposed house and Highview.

10.7 1 joint letter from the occupiers of both adjacent properties commenting on the Committee Report (Officer comments are in italics):

- Description still refers to garage (this has now been amended accordingly).
- Millbank was built interwar not 1950's.
- Para 3.1 states that the original application was considered unacceptable, the design remains unchanged except for size and cosmetic appearance so now can it be considered appropriate?
- Residents and PC have responded by given dates so why are their comments not available in the Report.
(They were not available at the time of drafting of report; they have been included on this amendment sheet)
- Para 9.1 refers to a local resident – it is not noted that this resident is an architect.

- Para 10.1 states that the design and size of the dwelling has been amended, the lowering of the ridge line can not affect footprint
(The comment in this paragraph refers to changes in the dwelling since the previous application – the footprint, bulk and design of the current application is different from the previous submission)
- Para 10.3 indicates that the deletion of the garage removes concerns expressed by Millbank, this is not the case.
(The original letter from Millbank commented on the impact of the garage, it is these concerns that are referred to in the paragraph; it is not intended to suggest that that the occupiers other concerns have been removed)
- Contradiction in Para's 10.4 and 10.5 regarding impact on Highview House.
(Para 10.4 considers the development in relation to the criteria in SPD; para 10.5 goes on to consider the occupier's comments further particularly in relation to the patio area)
- Whilst acknowledging the development is significantly larger than the bungalow no comment is made that it will be overbearing which it must be given the size.
- Comments regarding the planting in the garden adjacent to Highview House's garage are dismissive.
- Condition regarding no extensions etc seems open to interpretation.
- Overdevelopment is subjective – this application in the writers and PC's view is overdevelopment.

Comments on revised drawings received 19.11.2010 have been received from the occupants of the adjacent houses:

10.8 Millbank

- Refers to previously detailed concerns regarding bulk, plot size and character.
- New plan fails to address the planning committee's concerns.
- The proposed single garage is likely to be a temporary affair which will be repositioned and enlarged at a later date.
- Redevelopment of this plot should be appropriate to the rural character of the area and the plot size.

10.9 Highview House

- Disappointed that the Planning Committee's recommendations have not been taken on board. The building remains of the same size and bulk. Repositioning 1.5m forward will allow more light into kitchen area and patio provided the shed which is to be displaced by the garage is not repositioned adjacent to the east boundary.
- Proposed garage is disproportionate to the size of the dwelling. Concerned that 'retained land' shown on the deeds and COL/95/0458 has been infringed.
- Dwelling is too large for the plot and impacts unreasonably on the amenity of Highview House.

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

11.0 Parking Provision

- 11.1 The proposed garage is not of sufficient size to be considered as a parking space; however there is adequate room on the driveway for parking in accordance with adopted standards.

12.0 Open Space Provisions

- 12.1 Not applicable. A replacement dwelling does not generate a requirement for contribution to open space and recreation.

13.0 Report

Design and Layout

Comments on original scheme

- 13.1 The size and design of the dwelling has been amended since the 2009 application in line with officer advice. The garage was considered over dominant and gave no visual space between Millbank and the proposed dwelling. Its removal from the scheme will allow the development to sit more satisfactorily in the street scene. The lowering of the ridge line creates a more traditional H shaped design.
- 13.2 Whilst the site is in a rural location it is within a Village Envelope where policy does not require that replacement dwellings are of a similar scale and bulk to the existing building. The development in the vicinity is historic, however the properties on either side of the site are 20th Century; it is considered that the impact of the proposed dwelling in the street scene will be satisfactory. An amended street scene drawing is anticipated before committee. The Urban Design response to the revised scheme is awaited; any additional comments/suggests will be actioned before committee and recorded on the amendment sheet.

Comments on revised drawings received 19.11.2010

- 13.3 **The repositioning of the dwelling has not significantly altered its impact within the street scene. To facilitate the siting of the proposed garage an outbuilding of a similar size and height, adjacent to the boundary with Millbank will be removed. At the time of the original submission a large garage was proposed to the front of the dwelling; this was deleted following officer concerns. The proposed garage due to its scale and position to the side of the house will not appear over dominant and, as the street scene illustrates, there is adequate spacing between the development and Millbank. A condition to remove permitted development rights for outbuildings is proposed and therefore if a larger garage is proposed at a future date an application will need to be submitted.**

Amenity Issues

Comments on original scheme

- 13.4 The application site has been viewed from both Millbank and Highview House by your Officer. The deletion of the garage from the scheme has removed the concerns expressed by the owner of Millbank regarding the impact on a side kitchen and utility area.
- 13.5 The impact of the development has been assessed to determine if it is in line with SPD "Extending Your House". Whilst this document is not primarily intended for new housing its guidance is a useful method of assessing the impact of such development on residential amenity. In particular the guidance seeks to ensure that new building does not impact on light to neighbouring dwellings or is overbearing. The proposed development accords with the guidance in the SPD. The projection to the rear of the neighbouring properties does not exceed the suggested limits and 45 degree lines drawn from the rear of the adjacent dwelling are not infringed. The proposed dwelling whilst significantly larger than the bungalow is a minimum of 4.7m's from the boundary of Highview House and 5.5m from Millbank.
- 13.6 The occupants of Highview House are concerned about the impact of the dwelling on the west side of the property. There are no windows (other than a bathroom roof light) in the side elevation of this property and the assessment already referred to suggests that the new dwelling will not have any undue impact on light to the kitchen diner which has windows to the south and north. There is an outside patio area adjacent to the driveway of the house and it is acknowledge that the house will have some impact on evening light. However on balance it is not considered that a refusal of planning permission on this issue could be sustained.
- 13.7 In order to ensure that the proposed dwelling is not any higher than detailed on the drawings the imposition of levels conditions is recommended.

Comments on revised drawings received 19.11.2010

- 13.8 **Since this application was previously considered by Committee 2 windows have been inserted in the west side boundary of Highview House. These are additional windows for the kitchen diner and the lounge.**
- 13.9 **The repositioning has resulted in the minimum distances between the new dwelling and the boundaries with neighbouring properties being 5.6m in relation to Millbank and 5.4m with regard to Highview House. This has not significantly altered the distance from Millbank but is an increase of 0.7 metres in the gap with Highview House. There will be a garage between the house and the boundary with Millbank but the garage is further from the boundary than an existing outbuilding of similar bulk.**

- 13.10** The development remains in line with SPD as detailed above. As the new house will be further forward there will be some improvement to evening light to the patio to the rear of Highview House's kitchen diner. There are windows at ground floor level in the east elevation which will face towards the new windows in the side elevation of Highview House and windows in the side elevation of the existing bungalow; the situation regarding overlooking will not be significantly different. The first floor windows in both side elevations are conditioned to require obscure glazing.
- 13.11** It is not considered that the amended positioning will significantly alter the impact of the development on the amenity of the adjacent dwellings.
- 13.12** Should the applicant wish to reposition the shed, which will be demolished in order to build the garage, elsewhere on the site the aforementioned removal of permitted development rights will retain control over its location.

Highway Issues

- 13.13** Research of the original planning permission for Highview House (COL/94/032) has established that there is a condition requiring the existing access to be retained for use by that property and Longacre. An ECC highways officer has met with the applicant and he has reported that ECC are prepared to accept the regularisation of the unauthorised access but require the existing shared access to be retained as required by the 1994 permission. The drawings have been amended in line with these discussions. Highways Officer comments on the revised arrangements are awaited and will be reported on the amendment sheet.

Comments on revised drawings received 19.11.2010

- 13.14** ECC Highways are not objecting to the proposal which includes the retention of an unauthorised access. The existing shared access with Highview House is to be retained as required by the original planning permission for that property. Conditions on this permission require that the access for the 2 properties to be at least 5.5m wide, that no gate shall be within 7.5m of the boundary sight splay dimensions are specified. An informative drawing the applicant's attention to these conditions is included.
- 13.15** Reference has been made to 'retained land' which it is understood is referred to in the deeds of the dwellings; this is not a planning matter.

Other Matters

- 13.16** It is not considered appropriate to seek to control planting in the rear garden. Any issues relating to possible future damage to adjacent property is not planning matter.
- 13.17** It is appreciated that when this application was previously considered by Planning Committee Members were suggesting that alongside the provision of a garage changes to the bulk and design of the dwelling should be explored. The applicant has advised that the changes that are made in the drawings currently under consideration are the extent to which they wish to revise the scheme.

14.0 Conclusion

14.1 It is considered that the proposed development represents a reasonable development in planning terms and a recommendation of approval is made, subject to the imposition of conditions as set out below.

15.0 Background Papers

15.1 PPS; Core Strategy; DPD; HH; HA; AO; HDU; PTC; NLR; CBC

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 - C3.1 Materials (general)

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

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

3 - A7.5 Rem of Perm Dev Extens Rel to Erect Bldngs et

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 as amended by the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 (or any Order revoking and re-enacting that Order with or without modification), no extensions shall be constructed (other than any expressly authorised by this permission or any other grant of express planning permission), or freestanding buildings erected on any part of the site or an access/hardstandings created without the prior written permission of the Local Planning Authority.

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

4 - Non-Standard Condition

The window to be provided above ground floor level in the side (east and west) facing elevations and the 2 roof lights shall be glazed in obscure glass with an obscuration level equivalent to scale 4 or 5 of the Pilkington Texture Glass scale of obscuration and shall be retained as such at all times thereafter.

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

5 - Non-Standard Condition

No new window or other openings shall be inserted above ground floor level in the side (east and west) facing elevations/roof slopes of the proposed building without the prior approval in writing of the Local Planning Authority.

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

6 - Non-Standard Condition

No development shall take place until cross sections of the site and adjoining land, including details of existing ground and buildings levels around the buildings extension hereby approved and any changes in levels proposed together with the proposed floor levels within the buildings have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with those approved cross sections and specified levels.

Reason: To ensure that the development is constructed at suitable levels in relation to its surroundings and to protect the amenity of the occupants of existing adjacent properties.

7 -Non-Standard Condition

Prior to occupation of the development, the accesses at their centre lines shall be provided with a clear to ground visibility splays with dimensions of 2.4 metres by 90 metres to the east and 2.4 metres by 90 metres to the west, as measured from and along the nearside edge of the carriageway and as far as is achievable within the site. Such vehicular visibility splays shall be provided before the access is first used by vehicular traffic and retained free of any obstruction at all times.

Reason: To provide adequate inter-visibility between vehicles using the access and those in the existing public highway in the interest of highway safety to ensure accordance with policy 1.1 of the Highways and Transportation Development Control policies.

8 - Non-Standard Condition

Prior to occupation of the development a 1.5 metre x 1.5 metre pedestrian visibility splay, as measured from and along the highway boundary, shall be provided on both sides of the vehicular access. Such visibility splays shall be retained free of any obstruction in perpetuity. These visibility splays must not form part of the vehicular surface of the access.

Reason: To provide adequate inter-visibility between the users of the access and pedestrians in the adjoining public highway in the interest of highway safety to ensure accordance with Policy 1.1 of the Highways and Transportation Development Control policies.

9 - 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: 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.

10 - Non-Standard Condition

The gradient of the proposed vehicular access shall be not steeper than 4% (1in 25) for the first 6 metres from the highway boundary and not steeper than 8% (1in 12.5) thereafter.

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

11 - Non-Standard Condition

Prior to commencement of the development details showing the means to prevent the discharge of surface water from the development onto the highway shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be carried out in its entirety prior to the access becoming operational and shall be retained at all times.

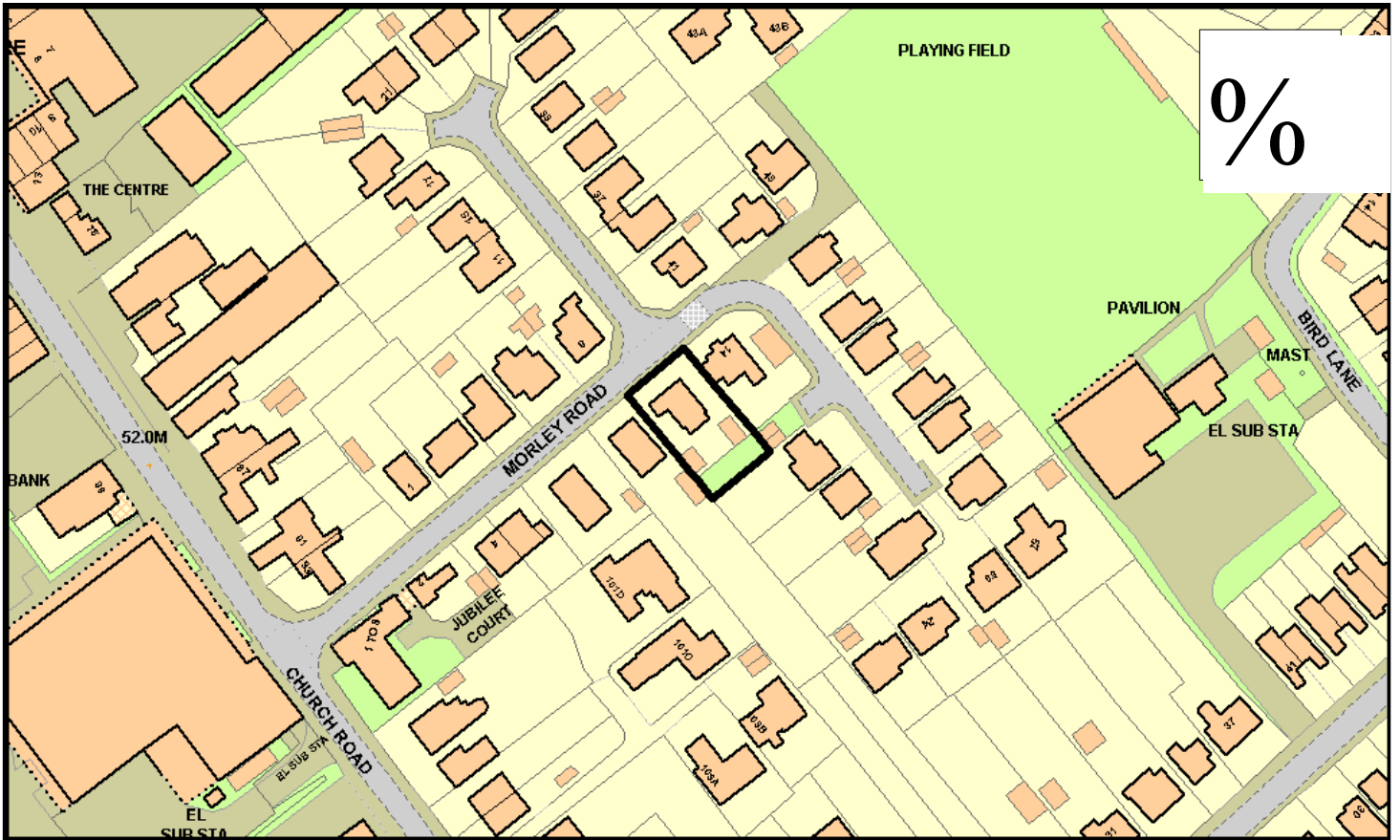
Reason: To prevent hazards caused by water flowing onto the highway and to avoid the formation of ice on the highway in the interest of highway safety to ensure accordance with Policy 1.1 of the Highways and Transportation Development Control policies.

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 should 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.

Your attention is drawn to Conditions 4 and 7 on planning permission COL/94/0324whcih relate to the retained shared access.



Application No: 102221

Location: 12 Morley Road, Tiptree, Colchester, CO5 0AA

Scale (approx): 1:1250

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7.3 Case Officer: Nick McKeever

MINOR

Site: 12 Morley Road, Tiptree, Colchester, CO5 0AA

Application No: 102221

Date Received: 27 October 2010

Agent: Melville Dunbar Associates

Applicant: Peter Cook

Development: Demolition of existing dwelling and redevelopment of site to provide 1 no. 3/4 bedroom 2 storey house with single storey rear projections.

Ward: Tiptree

Summary of Recommendation: Conditional Approval subject to the receipt of an amended floor plan

1.0 Planning Report Introduction

1.1 This application is referred to the Planning Committee because of an objection by the occupiers of 16 Morley Road, Tiptree

2.0 Synopsis

2.1 The application is for the demolition of the existing bungalow and the erection of a two story dwelling with associated parking. The development is in an established area of mixed character. The replacement dwelling is therefore acceptable in terms of the Core Strategy and DPD policies. The development satisfies the other relevant adopted policies in terms of its impact upon visual and residential amenity. Permission is recommended on this basis.

3.0 Site Description and Context

3.1 The site lies within a residential area of mixed character in terms of the types of dwellings (single storey, one-and-a-half storey and two storey), their size and architectural style and detail. There is a modern development at the junction of Morley Road and Church Road, which incorporates a three storey element.

3.2 The site is rectangular in shape, approximately 16 metres in width and 33 metres in depth. Located on this plot is a bungalow with a detached garage built up to the side boundary and located at the rear of the plot, which has been extended to include a conservatory at the rear. The frontage is enclosed by a hedge, as is the side boundary with No.14 Morley Road.

3.3 The property currently has two access points onto Morley Road, one at each end of the frontage.

- 3.4 The site backs onto the rear garden of No.16 Morley Road.
- 3.5 The property at No.10 Morley Road is a bungalow, whilst No. 14 Morley Road is a one-and-half storey dwelling, with a single storey building erected close to the boundary with No.12 Morley Road.

4.0 Description of the Proposal

- 4.1 The application proposes the demolition of the existing bungalow and garage and the erection of a two storey dwelling with a single storey element extending into the rear garden. In terms of the overall footprint, this is stated as being 247 square metres including the garage and sunroom. The habitable floor area is 212.8 square metres as compared to the existing 136.4 square metres.
- 4.2 This replacement dwelling will have four bedrooms, two provided on the ground floor and the remaining two on the first floor.
- 4.3 The private amenity space is stated as being 173 square metres and as having a southerly aspect.

5.0 Land Use Allocation

- 5.1 Residential

6.0 Relevant Planning History

- 6.1 74/0692 – Pair of semi-detached dwellings. Refused 12/08/1974
- 6.2 77/0218 – Enlargement of kitchen and raising of living room roof. Approved 21/03/1977
- 6.3 77/0604 – Domestic garage. Withdrawn. 14/07/1977
- 6.4 81/0078 – Erection of new brick face on front of bungalow. Approved 02/02/1981
- 6.5 85/1496 – Single storey side extension. Approved 25/11/1985

7.0 Principal Policies

- 7.1 The following national policies are relevant to this application:
Planning Policy Statement 1: Delivering Sustainable Development
Planning Policy Statement 3: Housing
- 7.2 In addition to the above national policies, the following policies from the adopted Colchester Borough Core Strategy (December 2008) are relevant:
SD1 - Sustainable Development Locations
SD2 - Delivering Facilities and Infrastructure
SD3 - Community Facilities
UR2 - Built Design and Character
TA5 - Parking

7.3 In addition, the following are relevant adopted Colchester Borough Development Policies (October 2010):
DP1 Design and Amenity
DP4 Community Facilities
DP19 Parking Standards

7.4 Regard should also be given to the following Supplementary Planning Guidance/Documents:
Vehicle Parking Standards
Extending your House
The Essex Design Guide
External Materials in New Developments

8.0 Consultations

8.1 The Highway Authority comments that Essex County Council policy precludes the use of two access points. The drawing should be amended to show the use of the existing eastern access only.

9.0 Parish Council's Views

9.1 Tiptree Parish Council has no objection.

10.10 Representations

10.1 The occupiers of 16 Morley Road object for the following reasons:-

- Overlooking of their garden and windows within the rear elevation;
- The two storey, Essex type dwelling, is out of keeping;
- The accommodation is for use of an elderly relative. The provision of first floor accommodation seems to be unnecessary under these circumstances; but
- No objection is raised to a larger, single storey dwelling.

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

11.0 Parking Provision

11.1 In order to comply with the adopted parking standards, two spaces are required, together with 0.25 (rounded up to the nearest whole figure) of a space for visitor parking. The scheme provides a single garage and one parking space immediately in the front of this garage. The garage should be a minimum of 7 metres x 3 metres and the parking space 5 metres x 2.9 metres. Whilst the parking space is compliant, the internal length of the garage is less than the required 7 metres. This is due to the internal partition to provide a store area. The Applicant is to submit an amended floor plan showing the deletion of this internal partition. With regard to the provision of the visitor space, the standard does permit this to be provided on the highway where there are no parking restrictions. This is the case here.

12.0 Open Space Provisions

- 12.1 There is no requirement for Open Space provision or a financial contribution towards this provision.

13.0 Report

- 13.1 There is no objection in principle to the replacement of this existing bungalow on the basis that it lies within the built-up, and predominantly residential area of Tiptree.
- 13.2 The main issues, therefore, relate to the scale, design and layout of the replacement building and the impact upon the amenity of other adjoining dwellings.
- 13.3 In terms of its scale, the existing dwellings within Morley Road are a mix of single storey, one and a half storey and two storey. Number 10 Morley Road is a bungalow but number 14 is a one-and-a-half storey dwelling. Given this mix of house types it is considered that the proposed two storey dwelling would not be out of keeping. It has been designed to form an 'end-stop' on approach from Morley Road where it branches off to the north west.
- 13.4 The design and form of the building, together with the proposed external finishes, reflects the Essex Vernacular.
- 13.5 The development complies with the Council's standards in terms of private amenity space (i.e. a minimum of 100 square metres and distances from the side boundaries (i.e. a minimum of one metre).
- 13.6 The other main issue is the impact of the new building upon the amenity of the adjoining dwellings:-

14 Morley Road – The main two storey element is generally aligned with the one-and-a-half storey part of this adjoining dwelling. The single storey rear wing does extend beyond the corresponding conservatory and single storey rear extension at No.14. However, there is a satisfactory distance between these single storey elements. In addition this part of the new dwelling is shown as being just over 1.8 metres from the common side boundary. Whilst there is one bedroom window at first floor level within the flank wall facing No.14, this window faces onto the garage and the gable end wall of this neighbouring dwelling. In this context it is considered that there is no prejudicial impact upon the amenity of this adjoining dwelling.

10 Morley Road – This is a detached bungalow, which extends beyond the two storey section of the new dwelling, but not as far as the single storey rear wing. However, given the physical separation between these two buildings, it is considered that the development will not have any overbearing impact. This neighbouring dwelling does however have windows within the side elevation facing onto the new building. One of these appears to be the sole source of daylight/sunlight to a habitable room. It was not clear from the originally submitted drawings whether the development would infringe a combined 45 degree plan and elevation line; any infringement may result in an unacceptable overshadowing impact. The Applicant has submitted additional drawings that clarify this matter and show that the development does not conflict with this policy requirement.

16 Morley Road – The proposed new dwelling faces onto the rear garden of this adjoining dwelling and not directly onto the rear elevation. In addition the first floor windows within the rear elevation of the new dwelling serve non-habitable rooms (en-suite & landing, both of which are high level, and stairs) and are also shown as being obscure glazed. The rear elevation of the two storey part of the new building is between 18.6 metres and 20 metres from the common boundary with number 16. As such privacy is not considered to be an issue in terms of the Council's adopted SPD. The new dwelling will not have any impact in terms of overshadowing or overbearing due to the relative distances between the two properties.

14.0 Conclusion

- 14.1 It is considered that, whilst the new building occupies a larger area of the site than the existing, it is acceptable in terms of its scale, layout, and reflects the Essex vernacular in terms of its design, form and use of external materials.
- 14.2 It is also acceptable in terms of its impact upon the adjoining dwellings at Nos. 14 and 16 Morley Road.
- 14.3 Subject to the amendments to the garage, the development will be compliant with the Council's adopted parking standards and the layout has been amended to exclude the existing vehicular access at the western part of the site frontage onto Morley Road.

15.0 Background Papers

- 15.1 PPS; Core Strategy; CBDP; SPG; HA; PTC; NLR

Recommendation

Permission is recommended, subject to the receipt of an amended floor plan, and subject to the following conditions.

Conditions

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

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

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

- 2 - Non-Standard Condition

The development shall be constructed in accordance with the approved drawing numbers 1383 – PLOC, POO1B, POO2A, POO3A, POO4, POO5A, POO6A, POO8, POO9, and 230810/54A

Reason: For the avoidance of doubt as to the scope of this permission and in the interest of proper planning.

3 - C3.2 Materials as Stated in Application

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

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

4 - A7.4 Removal of ALL Perm Devel Rights (residential

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 (or any Order revoking and re-enacting that Order with or without modification), no development within Classes A to E of the Schedule of the Order (any extension, outbuilding, garage or enclosure) shall take place without the prior written permission of the Local Planning Authority.

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

5 - Non-Standard Condition

The garage, together with the additional parking space, shall be provided prior to the occupation of the new dwelling and thereafter retained as such to serve the dwelling.

Reason: To ensure the provision and future retention of adequate on-site car parking in the interests of residential amenity and highway safety.

6 - Non-Standard Condition

The existing westernmost access shall be permanently and suitably closed prior to the occupation of the new dwelling hereby approved.

Reason: For the avoidance of doubt as to the scope of this permission and in the interests of highway safety.

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.



Application No: 102462

Location: 11 Vine Parade, Wivenhoe, Colchester, CO7 9HA

Scale (approx): 1:1250

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7.4 Case Officer: Corine Walsh

EXPIRY DATE: 24/01/2011

OTHER

Site: 11 Vine Parade, Wivenhoe, Colchester, CO7 9HA

Application No: 102462

Date Received: 29 November 2010

Applicant: Alliance/Boots

Development: Installation of AC condenser to flat room to the rear of building

Ward: Wivenhoe Cross

Summary of Recommendation: Conditional Approval

1.0 Planning Report Introduction

1.1 This application is referred to the Planning Committee due to representations from the Parish Council.

2.0 Synopsis

2.1 This application relates to the installation of an air conditioning unit to these existing retail premises. Planning permission is recommended, subject to the imposition of a planning condition seeking to regulate noise emission.

3.0 Site Description and Context

3.1 No.11 Vine Parade is the end unit in a row of single storey retail units within Vine Parade, a local shopping centre. No. 11 currently trades as a pharmacy. The parade has residential property to its side, rear and opposite. The nearest property is approximately 7 metres away.

4.0 Description of the Proposal

4.1 Planning permission is sought to install an external roof mounted condenser unit along the flat roof to the rear of the building. The proposed location for the unit is such that it should not be unduly visible from the adjacent public highway.

5.0 Land Use Allocation

5.1 Local Centre

6.0 Relevant Planning History

6.1 None

7.0 Principal Policies

- 7.1 The following national policies are relevant to this application:
Planning Policy Statement 1: Delivering Sustainable Development
Planning Policy Statement 4: Planning for Sustainable Economic Growth
Planning Policy Statement 22: Renewable Energy
Planning Policy Statement 23: Planning and Pollution Control
Planning Policy Guidance 24: Planning and Noise
- 7.2 In addition to the above national policies, the following policies from the adopted Colchester Borough Core Strategy (December 2008) are relevant:
- CE1 - Centres and Employment Classification and Hierarchy
 - CE2c - Local Centres
 - CE3 - Employment Zones
 - UR2 - Built Design and Character
 - ENV1 - Environment
 - ENV2 - Rural Communities
- 7.3 In addition, the following are relevant adopted Colchester Borough Development Policies (October 2010):
- DP1 Design and Amenity
 - DP4 Community Facilities
 - DP7 Local Centres and Individual Shops

8.0 Consultations

- 8.1 No objection from Environmental Control subject to conditions.

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

9.0 Town Council's Views

- 9.1 The Parish Council have stated that the proposal will be unsightly and generate noise pollution.

10.0 Representations

- 10.1 None received

11.0 Parking Provision

- 11.1 There are no parking issues raised by the proposal.

12.0 Open Space Provisions

- 12.1 Not applicable

13.0 Report

13.1 The main issues associated with this proposal are the visual impact of the plant and its potential to cause noise disturbance to neighbouring residential property. Policy DP1 seeks to protect public and residential amenity from adverse development, particularly with regard to noise and disturbance. The Town Council has expressed concerns that the proposal would appear unsightly and generate noise pollution to the detriment of adjacent neighbours. Whilst these reservations are appreciated, it is considered that the unit is modest in size and would neither appear unsightly nor unduly visible from the public views. The concerns of the Parish Council with regard to noise pollution are noted; however, the Environmental Control Team has assessed the proposal and is able to recommend approval, subject to a condition, which requires the applicant to provide technical details of the unit and a noise assessment prior to its installation. Provided the unit does not exceed 5dBA above the ambient noise level of the immediate locality, the Control Team will be satisfied with the equipment. The imposition of such a condition will safeguard the amenity of local residents, as the applicant must meet the appropriate noise emission level for the development to proceed.

14.0 Conclusion

14.1 Provided the further submissions required by the planning condition demonstrate a noise level that is no more than 5 dBA above the ambient level, it is considered that the proposed plant would comply with relevant policy and would not unduly impact upon the amenities of adjacent residents. In view of the protection afforded by the suggested planning condition, planning permission is recommended.

15.0 Background Papers

15.1 PPS; Core Strategy; DPD, HH, PTC

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.

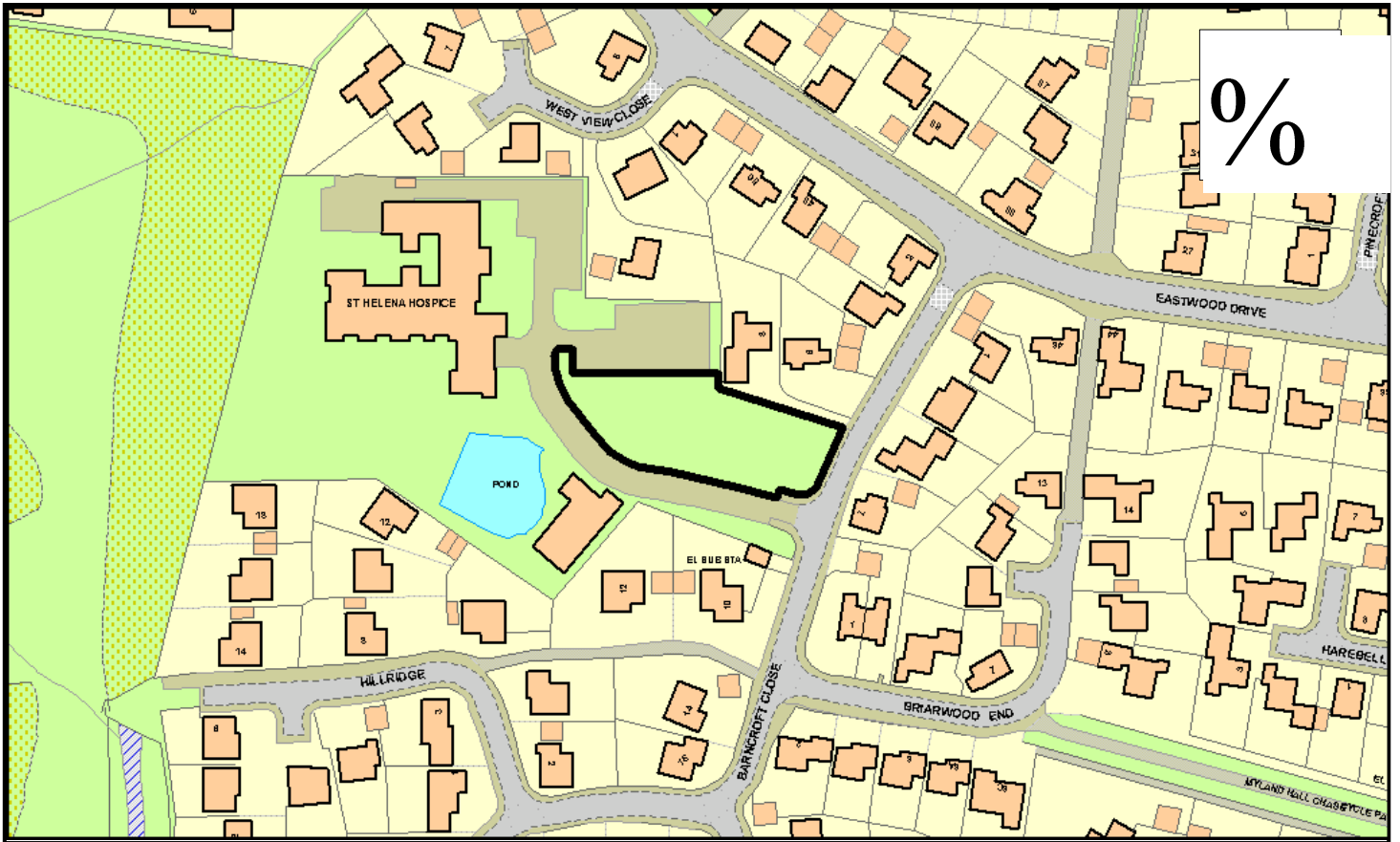
2 - Non-Standard Condition

Prior to any works commencing on the site in accordance with this permission, a noise assessment shall be carried out by a competent person in accordance with British Standard 4142 and shall be submitted to and approved in writing by the Local Planning Authority. The plant to be installed shall not emit noise levels that exceed 5dBA above the background ambient noise levels of the immediate area of the site and not have any one 1/3 octave band, which exceeds the two adjacent bands by more than 5 dBA as measured at all boundaries near to noise sensitive property. Once the submitted assessment has been approved, the plant shall be installed and maintained fully in accordance with the approved assessment in perpetuity.

Reason: To protect the amenity of adjacent residents.

Informatives

A competent person is defined as someone who holds a recognised qualification in acoustics and or can demonstrate relative experience.



Application No: 101361

Location: St Helena Hospice, Barncroft Close, Colchester, CO4 9JU

Scale (approx): 1:1250

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7.5 Case Officer: Simon Osborn

OTHER

Site: St Helena Hospice, Barncroft Close, Colchester, CO4 9JU

Application No: 101361

Date Received: 2 July 2010

Agent: Mr Stuart Farr

Applicant: St. Helena Hospice

Development: Proposed car park extension within the grassed area to the east of the site by the main entrance.

Ward: Highwoods

Summary of Recommendation: Conditional Approval

1.0 Planning Report Introduction

1.1 This application is referred to the Planning Committee because an objection was received to the proposal from a local resident.

2.0 Synopsis

2.1 The proposal seeks additional parking within the grounds of St Helena Hospice. It is understood that the proposal has been submitted arising from complaints to the Hospice that overspill parking on the surrounding residential streets was causing nuisance. The plans as originally submitted have been amended in order to reduce the impact of the parking on the pleasant landscaped setting of the Hospice and whilst some compromise has been accepted, the amended layout is considered to have an acceptable impact upon the character and amenity of the area. The proposal is recommended for approval.

3.0 Site Description and Context

3.1 The application site relates to part of the St Helena Hospice site. The Hospice comprises a grade II listed building which has been extensively developed in the past and the setting of the main historic building is now dominated for the most part by modern building and car parking. The current application relates to a landscaped area adjacent to an existing strip of parking on the north side of the access road into the site.

3.2 The Hospice is located within a predominantly residential area that has been developed since the 1980's.

4.0 Description of the Proposal

- 4.1 The application seeks planning permission to extend the area of car parking within a soft landscaped area to the north of the access drive into the site and close to the frontage of the grounds with Barncroft Close. The plans have been amended subsequent to the original submission to take into account Officer comments relating to the layout, the size of parking bays and associated landscaping.

5.0 Land Use Allocation

- 5.1 Predominantly residential area

6.0 Relevant Planning History

- 6.1 The Hospice has an extensive planning history, most of which is not relevant to this application. The most recent application previous to this one (100130) for a 2-storey extension was approved in March 2010.

7.0 Principal Policies

- 7.1 The following national policies are relevant to this application:
Planning Policy Statement 1: Delivering Sustainable Development
Planning Policy Statement 5: Planning for the Historic Environment
- 7.2 In addition to the above national policies, the following policies from the adopted Colchester Borough Core Strategy (December 2008) are relevant:
UR2 - Built Design and Character
TA5 - Parking
- 7.3 In addition, the following are relevant adopted Colchester Borough Development Policies (October 2010):
DP1 Design and Amenity
DP14 Historic Environment Assets
DP19 Parking Standards
- 7.4 Regard should also be given to the following Supplementary Planning Guidance/Documents:
Backland and Infill
Vehicle Parking Standards

8.0 Consultations

- 8.1 The Design and Heritage Unit stated the proposal to extend parking area immediately adjacent to the entrance will further compound the visual perception of the approach to the Hospice being dominated by parked cars. In terms of the setting of the listed building, however, the area car parking to be extended is located away from the historic range and is an area that is already dominated by parked cars; in view of this, it is considered that the current application will not have a significantly detrimental impact on the setting of the grade II listed building on this site.

- 8.2 The Arboricultural Officer was generally satisfied with the proposal subject to the use of the 'no-dig' construction method. Further comments from this Officer were awaited at the time of drafting this report.
- 8.3 The Landscape Officer was generally satisfied with the proposal subject to a condition requiring new tree and shrub planting.
- 8.4 The ECC Highway Authority noted that the layout as shown on the (original) submitted plans does not comply with current parking standards. In the interests of efficiency of movement, spaces are required to measure 5.5m x 2.9m each and should be separated by aisles measuring 6m wide. However, having regard to the fact that this application is an extension to an existing car park, should the Local Planning Authority be minded to recommend approval, no objection would be raised.

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

9.0 Representations

- 9.1 Two representations in support and one of objection were received. The proposal is also supported by the local Ward Councillor Gerard Oxford, who said that additional on-site parking would help to alleviate overspill parking in Barncroft Close. The representation objecting to the proposal raised the following matters:
1. This is a residential area and the additional parking amounts to commercial use;
 2. The conference centre previously approved clearly did not provide sufficient parking;
 3. Too much traffic is putting a strain on the Barncroft Close/Eastwood Drive junction and should not be encouraging further car use when the area is well served by public transport;
 4. The car park for the Country park located off Chanterelle Road should be used for Hospice overspill parking;
 5. A larger car park is likely to encourage commuter parking given easy access to the train station across the Country Park;
 6. A reduced proposal that allows for additional parking with attractive garden areas between should be considered.

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

10.0 Parking Provision

- 10.1 The SPD on Parking Standards advises that the vehicle standards for hospitals should be considered on a case by case basis. The preferred bay size for cars is 5.5m x 2.9m; the minimum bay size (only to be used in exceptional circumstances) is 5.0m x 2.5m.

10.2 The bay size proposed for the extended car park is the minimum bay size of 5.0 x 2.5m. In this instance it is recommended that the bay size proposed is accepted. This is because the full size space would severely constrain the number of additional spaces that could have been provided within this part of the Hospice grounds and/or would result in a higher take-up of land with less space for soft landscaping. The proposed spaces will in fact be slightly wider than the existing parking spaces at the Hospice, which were constructed in accordance with the previous standard of 2.4m width.

11.0 Open Space Provisions

11.1 There is no specific requirement for open space provision in connection with a Hospice.

12.0 Report

12.1 St Helena Hospice is a specialist care provider that provides medical, nursing and therapy care to adult patients. The complex has been significantly extended over time and provides two day centres and one inpatient unit plus an education centre.

12.2 The existing parking areas on-site are well used and the need for additional car parking spaces was drawn to the attention of the Hospice by a number of complaints from neighbours, which also involved the police and local Ward Councillors. Although parking on the streets nearby is unrestricted, complaints arose resulting from visitors parking poorly and overlapping neighbouring driveways. Additionally, visitors may require urgent access to the Hospice and parking needs to be as straightforward as possible for them. The Trustees therefore agreed to a proposal to increase the level of parking provision at the site, notwithstanding the financial pressures on the Hospice.

12.3 The scheme as originally submitted was not acceptable for a number of reasons: the size of individual parking bays was below adopted minimum standards, and, because of the impact of the layout on the landscaped and treed setting of the Hospice. Amended plans have been submitted, which take previous Officer concerns into account. The space available for additional parking is relatively constrained and some compromises have been accepted. Individual parking bays meet the minimum size now accepted, notwithstanding that slightly larger sized bays would normally be required (see section 10 of the report). The Landscape Officer had initially recommended additional hedge planting between the proposed new bays and the existing strip of parking; however, this was not practical due to the limited space on site and would have constrained the number of spaces that could be provided. The amended layout does however take the proposed parking further away from the existing trees and shrubs adjacent to Barncroft Close and proposes additional hedging at the front of the site.

13.0 Conclusion

13.1 The amended layout will provide 16 extra parking spaces. Whilst the proposal will have some impact on the pleasant landscape setting for the Hospice, the trees and hedges that have the greatest amenity value including those at the front of the site are retained. It is recommended that planning

14.0 Background Papers

14.1 PPS; Core Strategy; DPD; SPG; DHU; AO; TL; HA; NLR

Recommendation - Conditional Approval

Conditions

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

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

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

2 – Non-Standard Condition

The development hereby permitted shall be constructed strictly in accordance with the amended drawing no. 210.03/C dated 06/01/11, unless otherwise agreed in writing by the Local Planning Authority.

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

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

No work shall commence on site until all trees, shrubs and other natural features not scheduled for removal on the approved plans, are safeguarded behind protective fencing to a standard to be agreed by the Local Planning Authority (see BS 5837). All agreed protective fencing shall be maintained during the course of all works on site. No access, works or placement of materials or soil shall take place within the protected area(s) without prior written consent from the Local Planning Authority.

Reason: To safeguard existing trees, shrubs and other natural features within and adjoining the site in the interest of amenity.

4 - C10.16 Tree & Natural Feature Protection: Entire Site

No burning or storage of materials shall take place where damage could be caused to any tree, shrub or other natural feature to be retained on the site or on adjoining land (see BS 5837).

Reason: To protect the health of trees, shrubs and other natural features to be retained in the interest of amenity.

5 - C10.18 Tree and Hedgerow Protection: General

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

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

6 – Non-Standard Condition

The construction shall take place solely in accordance with the terms of the Methodology Statement received, which forms part of this permission, and no other excavation works shall take place that would effect the trees unless otherwise agreed in writing by the Local Planning Authority.

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

7 -C11.14 Tree / Shrub Planting

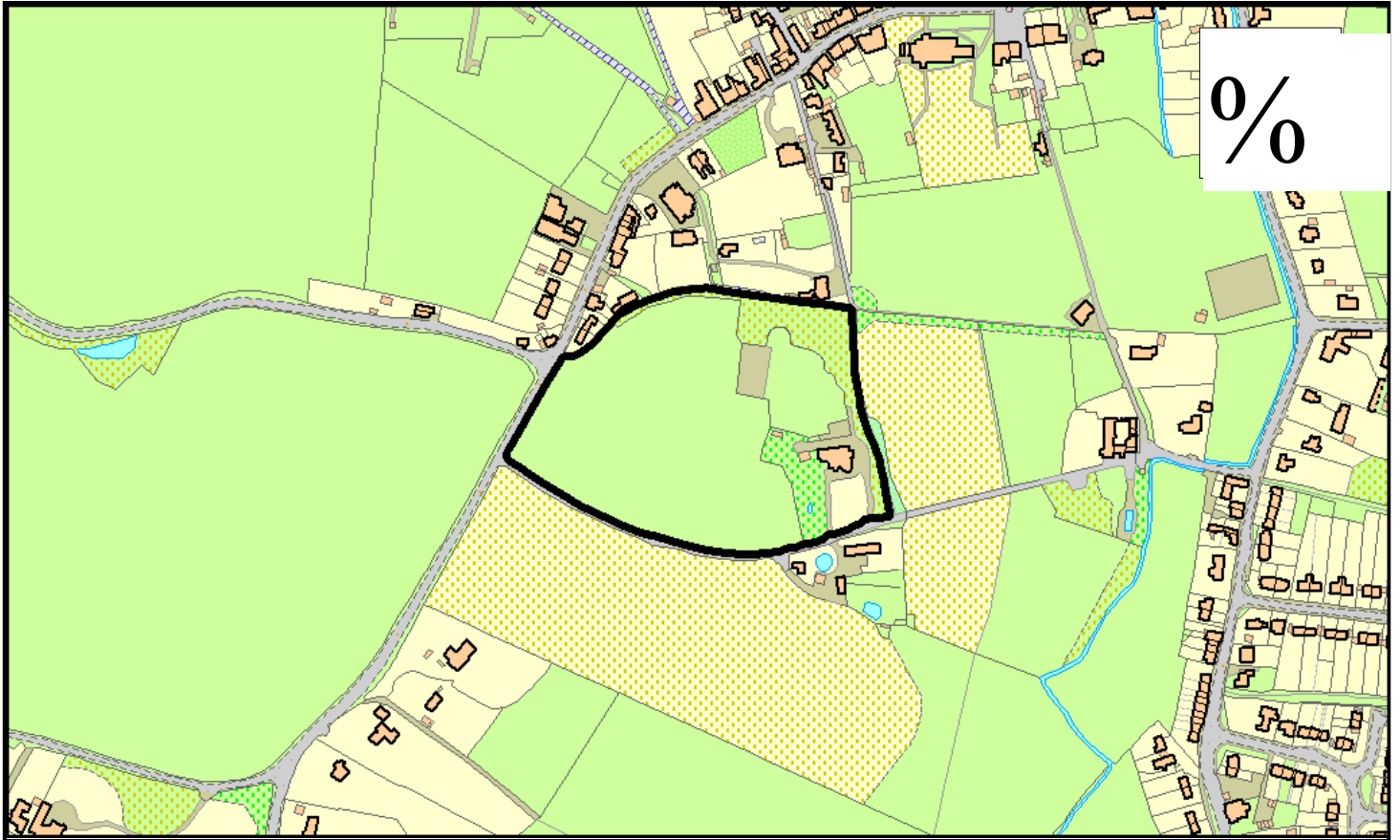
Before any works commence on site, details of tree and/or shrub planting and an implementation timetable shall be submitted to and approved in writing by the Local Planning Authority. This planting shall be maintained for at least five years following contractual practical completion of the approved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

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

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 should 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: 101541

Location: Lower Park, Colchester Road, Dedham, Colchester, CO7 6HG

Scale (approx): 1:1250

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7.6 Case Officer: Simon Osborn

OTHER

Site: Lower Park, Colchester Road, Dedham, Colchester, CO7 6HG

Application No: 101541

Date Received: 23 July 2010

Agent: Mr Bryn Jones

Applicant: Mrs Anne Fletcher

Development: Swimming pool, stables and replacement storage barn.

Ward: Dedham & Langham

Summary of Recommendation: Conditional Approval

1.0 Planning Report Introduction

1.1 This application is referred to the Planning Committee because objections have been received to the proposal.

2.0 Synopsis

2.1 The proposal is sited within a sensitive area, outside of the settlement boundary of Dedham, and within the Conservation Area and Dedham Vale AONB and close to a listed building. The architectural style of the proposed building is considered to be acceptable in its own right and having regard to this setting. The application is recommended for approval.

3.0 Site Description and Context

3.1 The application site comprises a very large listed house, constructed of Suffolk white bricks and slates, and grounds immediately adjacent to and partly within a distinctive parkland setting. The property is accessed from the Colchester Road by a long private drive, which also serves Park House and Lower Park Cottage (also listed or curtilage listed buildings), immediately to the south of the application site. The application site is within both the Dedham Conservation Area and the Dedham Vale AONB.

4.0 Description of the Proposal

- 4.1 The application seeks planning permission for the construction of a stable and storage building and an outdoor swimming pool. The proposed building has a reverse L-shaped form and will accommodate three horses within one side of the 'L', and a storage building for carts, trailers and hay within the other wing. The two wings are linked by an area that will provide changing facilities in association with the outdoor pool. The building is located partly within the domestic curtilage of the house and partly within the adjacent parkland. The proposed building faces outward, away from the house and 9m from the proposed pool, which will be located wholly within the domestic curtilage of the house. A courtyard is to be formed by the two wings of the building for use as a general yard area and wash down area adjacent to the stables. The three stables are to be formed within a single-storey wing constructed of natural brown feather-edged boarding under a slate roof. The storage building has a higher form (6.2m to the ridge) and will be constructed of black feather-edged boarding under a clay pantile roof. It is intended to store hay straw within the loft space with space beneath for carts/trailers and agricultural/garden machinery.
- 4.2 The courtyard to the proposed stable block/ storage building is to be accessed by extending an existing track from the driveway to the front of the house. The extension to the track will be within the parkland setting and around a small group of trees. This requires special precautions to ensure the root protection of these trees. An Arboricultural Assessment and Landscape Impact Assessment were submitted by the applicant. The proposal requires the removal of a line of small conifers and silver birches within the vicinity of the proposed building and around part of the boundary to the domestic curtilage. Some new planting within the adjacent parkland is also proposed as part of the application.
- 4.3 The proposal also includes the demolition of an almost derelict concrete block structure. Lower Park is a grade II listed building and as the proposal includes the removal of this pre-1948 structure, an application for listed building consent has also been made. This is the subject of the following Committee report.

5.0 Land Use Allocation

- 5.1 Conservation Area
Area of Outstanding Natural Beauty
Lower Park is a Grade II listed building
The site is outside the settlement boundary of Dedham.

6.0 Relevant Planning History

- 6.1 090661 – stable block with storage building and swimming pool, withdrawn 2009.

7.0 Principal Policies

- 7.1 The following national policies are relevant to this application:
Planning Policy Statement 1: Delivering Sustainable Development
Planning Policy Statement 5: Planning for the Historic Environment
Planning Policy Statement 7: Sustainable Development in Rural Areas

- 7.2 In addition to the above national policies, the following policies from the adopted Colchester Borough Core Strategy (December 2008) are relevant:
UR2 - Built Design and Character
ENV1 - Environment
ENV2 - Rural Communities
- 7.3 In addition, the following are relevant adopted Colchester Borough Development Policies (October 2010):
DP1 Design and Amenity
DP14 Historic Environment Assets
DP17 Accessibility and Access
DP19 Parking Standards
DP20 Flood Risk and Management of Surface Water Drainage
DP22 Dedham Vale Area of Outstanding Natural Beauty
DP24 Equestrian Activities
- 7.4 Regard should also be given to the following Supplementary Planning Guidance/Documents:
The Essex Design Guide
External Materials in New Developments

8.0 Consultations

- 8.1 English Heritage stated we do not consider it is necessary for this application to be notified to English Heritage.
- 8.2 The Environment Agency had no objections to the proposal subject to a planning condition with regard to a scheme being submitted to prevent pollution of the water environment.
- 8.3 The Dedham Vale Society stated the size of the building was excessive and does not make a positive contribution to the landscape as required by Policy DP20.
- 8.4 The Dedham Vale AONB and Stour Valley Project stated that a single storey building would more easily be integrated into the landscape. Little information was available on proposed exterior lighting and fencing. Any new planting should reflect the parkland quality of the landscape.
- 8.5 The National Trust stated its concern regarding the visual impact of the building on the AONB and the setting of the listed buildings, loss of trees, and the impact of lighting and fencing.
- 8.6 The Council's Design and Heritage Unit considered that the proposal would appear as an appropriate building in the context of a large rural house and the architectural style would not be detrimental to the location or the setting of the listed building. Appropriate hard and soft landscape conditions should be imposed.

- 8.7 The Council's Tree Officer agreed to the arboricultural content of the proposal subject to the retention of an arboricultural consultant to monitor the works and to appropriate conditions.

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

9.0 Parish Council's Views

- 9.1 The Parish Council have stated that:

"The scale and appearance of the proposed building has been reduced as requested in the previous application no. 090661 and the whole unit is now more compact; however this proposal still intrudes into the park land as previously stated. The applicant has moved the proposal somewhat into the garden area but we feel it could go further minimising the impact into the park. With regard to screening of this proposed property a fuller screening proposal we feel would be more appropriate."

10.0 Representations

- 10.1 Five representations in support of this application were received and four objections. The following issues were raised by the objectors:

1. The proposed building is too large and out of keeping with the character of the area and the setting of the three listed buildings;
2. The proposed building will be visible from the road and footpaths;
3. Loss of trees;
4. Smells from horse manure;
5. Impact of lighting in the countryside;
6. Question validity of justifying barn on basis of demolishing the concrete block structure;
7. Waste water from the pool and stables should not discharge into neighbouring drainage system;
8. The building could easily be converted to residential/staff/holiday accommodation if it becomes redundant;
9. Pool house and pool should be located behind the main house.

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

11.0 Parking Provision

- 11.1 The existing house has a large area available for off-street parking, which is not visible from outside the site. The proposed facilities are to be constructed in association with the existing house and the proposal raises no parking provision issues.

12.0 Open Space Provisions

- 12.1 These facilities are proposed in association with an existing house, which has a large domestic curtilage, and the proposal raises no open space provision issues.

13.0 Report

- 13.1 Policy DP22 of the Development Policies DPD states that development will only be supported in the AONB where it makes a positive contribution to the special landscape character and qualities of the AONB and does not adversely affect the character, quality views and distinctiveness of the area. Policy DP24 on equestrian development seeks to ensure that it is related to an existing dwelling in the countryside, is of an appropriate scale, and will not result in sporadic development in the countryside.
- 13.2 The Council's DHU Team has commented that 'the proposed facilities appear in an appropriate place within the site. The architectural style of the building would not be detrimental in this location and would appear as an appropriate building in the context of a large rural house'. The existing house is barely visible from the Colchester Road and the surrounding footpaths, particularly in the summer months owing to the fall of the land from the Colchester Road and existing trees and shrubbery belts along the east, north and west boundaries of the application site. Whilst, a line of conifers and small birch trees are to be removed within the vicinity of the proposed new building, these do not form part of these belts of boundary vegetation referred to above. The proposed building will not be prominent from a public perspective and whilst there will be glimpses of it, particularly in the winter months, it is considered that it will appear as an appropriate building within its setting.
- 13.3 The Council's Arboricultural Officer is satisfied the proposed works will not cause significant harm to the trees to be retained. The line of conifers and silver birches to be removed to make way for the proposed building are not particularly appropriate for the parkland setting. Additional planting is to be provided within 4 locations within the adjacent parkland. The DHU Team are happy for these to be secured by planning condition.
- 13.4 A number of the concerns raised relate to infrastructure often associated with the keeping of horses, such as lighting, fencing and jumps. The applicant has confirmed no additional paddock fencing is intended to that shown on the drawing, nor is it intended to install jumps on the adjacent parkland. Lighting is to be limited to low wattage bulkhead type fittings located under the walkway of the stables at ceiling level to down light over the doors and the storage building is to have two 150 watt external fittings, mounted under the eaves with a covered top. These are all matters that can be controlled by planning condition. Planning conditions can also be used to secure the control of muck and water run-off.
- 13.5 The application has generated a significant level of public interest and it is recommended that Members undertake a site visit prior to determining the application.

14.0 Conclusion

- 14.1 The proposed building and the outdoor swimming pool are considered to be acceptable in terms of design and their relationship to the setting of the nearby listed buildings. The proposed structure will not appear as a prominent structure from a public perspective and it is considered that the proposal will not adversely affect the character, quality views and distinctiveness of the AONB. The application is therefore recommended for approval.

15.0 Background Papers

15.1 PPS; Core Strategy; DPD; SPG; EH; NR; DVS; OTH; DHU; AO; 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 - Non-Standard Condition

The development hereby permitted shall be constructed strictly in accordance with the approved plan nos. 1712-2, 5192/03M, 5192/08E, 5192/09E and 5192/10D received on 23rd July 2010 and drawing nos. 5192/03/TEMP/N and 5192/03/LAND/N received on 6th December 2010, unless otherwise agreed in writing by the Local Planning Authority.

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

3 - Non-Standard Condition

Prior to the commencement of the development hereby permitted, a scheme for the provision and implementation of pollution control to the water environment shall be submitted to and agreed in writing by the Local Planning Authority. The scheme shall be constructed and completed in accordance with the approved plans/ specification in accordance with the times specified in the approved scheme.

Reason: To avoid pollution of the water environment.

4 - Non-Standard Condition

Prior to the commencement of the development hereby permitted, a surface water management scheme shall be submitted to and agreed in writing by the Local Planning Authority. The scheme as approved shall be implemented prior to the first use of the development.

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

5 - A4.5 Stables - Scheme for Manure Storage and Disposal

Prior to the commencement of any work on site a detailed scheme for the storage of manure within the site and its subsequent disposal shall be submitted to and approved by the Local Planning Authority. The storage and disposal of manure shall be carried out in accordance with the approved scheme.

Reason: To ensure satisfactory provision is made for the storage and disposal of manure.

6 - A4.3 Stables (domestic use only)

The building/s hereby permitted shall be used solely for the stabling of horses and storage of associated equipment and foodstuffs in connection with and for the private and personal enjoyment of the occupants of the application property. No commercial uses including a livery, riding school, industrial or other storage uses shall take place whatsoever.

Reason: For the avoidance of doubt as to the scope of this permission and to ensure that the use does not cause harm to the amenity of the surrounding area.

7 -A4.4 Stables-Not to be Used as a Riding Establishment

The stables hereby permitted shall not be used for the purposes of a riding establishment within the meaning of the Riding Establishments Act 1964 or for any type of commercial livery use.

Reason: For the avoidance of doubt as to the scope of this permission and to ensure that the use does not cause harm to the amenity of the surrounding area.

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

No work shall commence on site until all trees, shrubs and other natural features not scheduled for removal on the approved plans, are safeguarded behind protective fencing to a standard to be agreed by the Local Planning Authority (see BS 5837). All agreed protective fencing shall be maintained during the course of all works on site. No access, works or placement of materials or soil shall take place within the protected area(s) without prior written consent from the Local Planning Authority.

Reason: To safeguard existing trees, shrubs and other natural features within and adjoining the site in the interest of amenity.

9 - C10.16 Tree & Natural Feature Protection: Entire Site

No burning or storage of materials shall take place where damage could be caused to any tree, shrub or other natural feature to be retained on the site or on adjoining land (see BS 5837).

Reason: To protect the health of trees, shrubs and other natural features to be retained in the interest of amenity.

10 - C10.18 Tree and Hedgerow Protection: General

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

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

11 - Non-Standard Condition

The construction shall take place solely in accordance with the terms of the methodology Statement received, which forms part of this permission, and no other works shall take place that would affect the trees unless otherwise agreed in writing by the Local Planning Authority.

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

12 - C11.14 Tree / Shrub Planting

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

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

13 - C3.4 Samples of Traditional Materials

Samples of all materials to be used in the external construction and finishes of all parts of the proposed development, shall be selected from the local range of traditional vernacular building and finishing materials and shall be submitted to and agreed in writing by the Local Planning Authority before the development commences. The development shall be implemented in accordance with agreed details.

Reason: To harmonise with the character of existing development in the area.

14 - Non-Standard Condition

The development shall take place except in accordance with full details of the hard landscaping proposals, which shall first have been submitted to and approved in writing by the Local Planning Authority. The details to be submitted shall include the proposed fencing and surface treatment for the new access, the stable courtyard, and paving areas associated with the pool, shown in principle on drawing no. 5192/03/TEMP/N.

Reason: To safeguard the setting of the listed building and the Conservation Area.

15 - 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 additional paddock fencing or jumps shall be constructed or provided within the application site, without the prior approval in writing of the Local Planning Authority.

Reason: To safeguard the setting of the listed building and the Conservation Area.

16 - B3.3 Light Pollution

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

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

17 - Non-Standard Condition

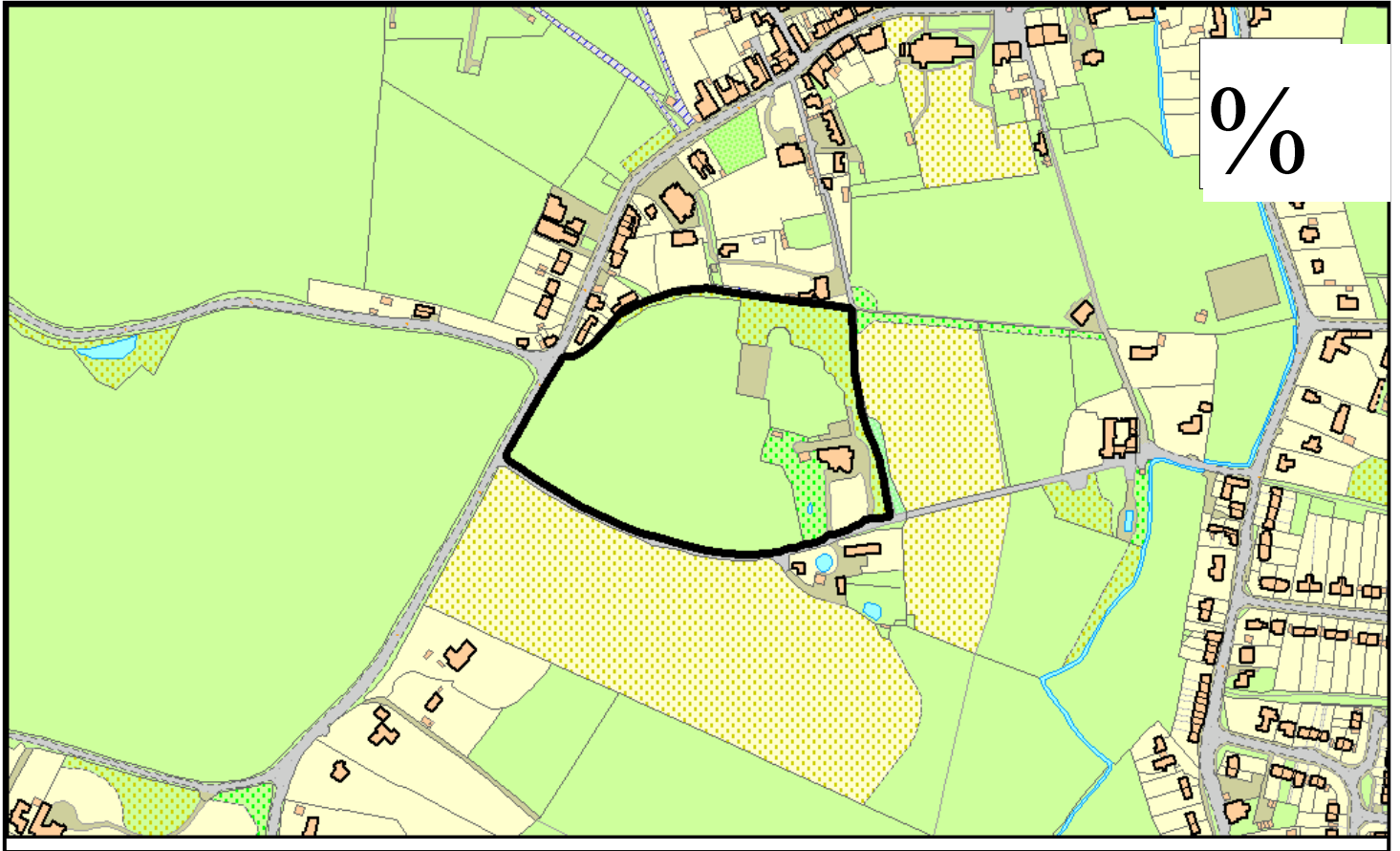
Prior to the first use of the development hereby permitted the existing block building (shown by dotted lines on drawing no. 5192/03/M) shall be demolished and removed from the site.

Reason: To safeguard the setting of the listed building and the Conservation Area.

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 should 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: 101543

Location: Lower Park, Colchester Road, Dedham, Colchester, CO7 6HG

Scale (approx): 1:1250

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7.7 Case Officer: Simon Osborn

OTHER

Site: Lower Park, Colchester Road, Dedham, Colchester, CO7 6HG

Application No: 101543

Date Received: 23 July 2010

Agent: Mr Bryn Jones

Applicant: Mrs Anne Fletcher

Development: Listed building application for swimming pool, stables and replacement storage barn.

Ward: Dedham & Langham

Summary of Recommendation: Listed Building Consent

1.0 Planning Report Introduction

1.1 This application is for listed building consent to demolish a pre-1948 curtilage building within the grounds of Lower Park and relates to the proposal for planning permission (101541) referred to by the previous report. The application is brought to the Planning Committee because objections have been received to the proposal.

2.0 Synopsis

2.1 The proposal is sited within a sensitive area, outside of the settlement boundary of Dedham, and within the Conservation Area and Dedham Vale AONB and close to a listed building. The removal of the remains of a concrete outbuilding is wholly acceptable and the application is recommended for approval.

3.0 Site Description and Context

3.1 The application site comprises a very large listed house, constructed of Suffolk white bricks and slates, and grounds immediately adjacent to and partly within a distinctive parkland setting. The property is accessed from the Colchester Road by a long private drive, which also serves Park House and Lower Park Cottage (also listed, or curtilage listed buildings), immediately to the south of the application site. The application site is within both the Dedham Conservation Area and the Dedham Vale AONB.

4.0 Description of the Proposal

4.1 The part of the proposal relating to the listed building consent application is the proposal to remove the remains of a concrete block detached outbuilding, which is said to be of pre-1948 construction.

5.0 Land Use Allocation

- 5.1 Conservation Area
Area of Outstanding Natural Beauty
Lower Park is a Grade II listed building
The site is outside the settlement boundary of Dedham.

6.0 Relevant Planning History

- 6.1 090661 – stable block with storage building and swimming pool, withdrawn 2009
- 6.2 101541 - stable block with storage building and swimming pool, pending.

7.0 Principal Policies

- 7.1 The following national policies are relevant to this application:
Planning Policy Statement 5: Planning for the Historic Environment
- 7.2 In addition to the above national policies, the following policies from the adopted Colchester Borough Core Strategy (December 2008) are relevant:
UR2 - Built Design and Character
- 7.3 In addition, the following are relevant adopted Colchester Borough Development Policies (October 2010):
DP14 Historic Environment Assets

8.0 Consultations

- 8.1 English Heritage stated we do not consider it is necessary for this application to be notified to English Heritage.
- 8.2 The Environment Agency had no objections to the proposal subject to a planning condition with regard to a scheme being submitted to prevent pollution of the water environment.
- 8.3 The Dedham Vale Society stated the size of the building was excessive and does not make a positive contribution to the landscape as required by Policy DP20.
- 8.4 The Dedham Vale AONB and Stour Valley Project stated that a single storey building would more easily be integrated into the landscape. Little information was available on proposed exterior lighting and fencing. Any new planting should reflect the parkland quality of the landscape.
- 8.5 The National Trust stated its concern regarding the visual impact of the building on the AONB and the setting of the listed buildings, loss of trees, and the impact of lighting and fencing.
- 8.6 The Council's Design and Heritage Unit considered that the proposal would appear as an appropriate building in the context of a large rural house and the architectural style would not be detrimental to the location or the setting of the listed building. Appropriate hard and soft landscape conditions should be imposed.

- 8.7 The Council's Tree Officer agreed to the arboricultural content of the proposal subject to the retention of an arboricultural consultant to monitor the works and to appropriate conditions.

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

9.0 Parish Council's Views

- 9.1 The Parish Council have stated that:

"The scale and appearance of the proposed building has been reduced as requested in the previous application no. 090661 and the whole unit is now more compact; however this proposal still intrudes into the park land as previously stated. The applicant has moved the proposal somewhat into the garden area but we feel it could go further minimising the impact into the park. With regard to screening of this proposed property a fuller screening proposal we feel would be more appropriate."

10.0 Representations

- 10.1 Five representations in support of this application were received and four objections. The following issues were raised by the objectors:

1. The proposed building is too large and out of keeping with the character of the area and the setting of the three listed buildings;
2. The proposed building will be visible from the road and footpaths;
3. Loss of trees;
4. Smells from horse manure;
5. Impact of lighting in the countryside;
6. Question validity of justifying barn on basis of demolishing the concrete block structure;
7. Waste water from the pool and stables should not discharge into neighbouring drainage system;
8. The building could easily be converted to residential/staff/holiday accommodation if it becomes redundant;
9. Pool house and pool should be located behind the main house.

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

11.0 Parking Provision

- 11.1 The existing house has a large area available for off-street parking, which is not visible from outside the site. The proposed facilities are to be constructed in association with the existing house and the proposal raises no parking provision issues.

12.0 Open Space Provisions

- 12.1 These facilities are proposed in association with an existing house, which has a large domestic curtilage, and the proposal raises no open space provision issues.

13.0 Report

- 13.1 The previous report for 101541 relates to the planning considerations with regard to the proposed swimming pool, stables and storage barn.
- 13.2 The remains of a concrete block detached outbuilding, which is said to be of pre-1948 construction are situated within the domestic curtilage of Lower Park. This has a footprint of 12m by 6m. Only part of the lower walls are intact and it has no viable use or visual merit; rather it is more of an eyesore. There is no objection to its removal; indeed one of the proposed conditions for the related planning application is that the structure is removed if the development subject of the planning permission is implemented.

14.0 Conclusion

- 14.1 The remains of this outbuilding have no merit and there is no objection to its removal

15.0 Background Papers

- 15.1 PPS; Core Strategy; DPD; EH; NR; DVS; OTH; NT; DHU; AO; PTC; NLR

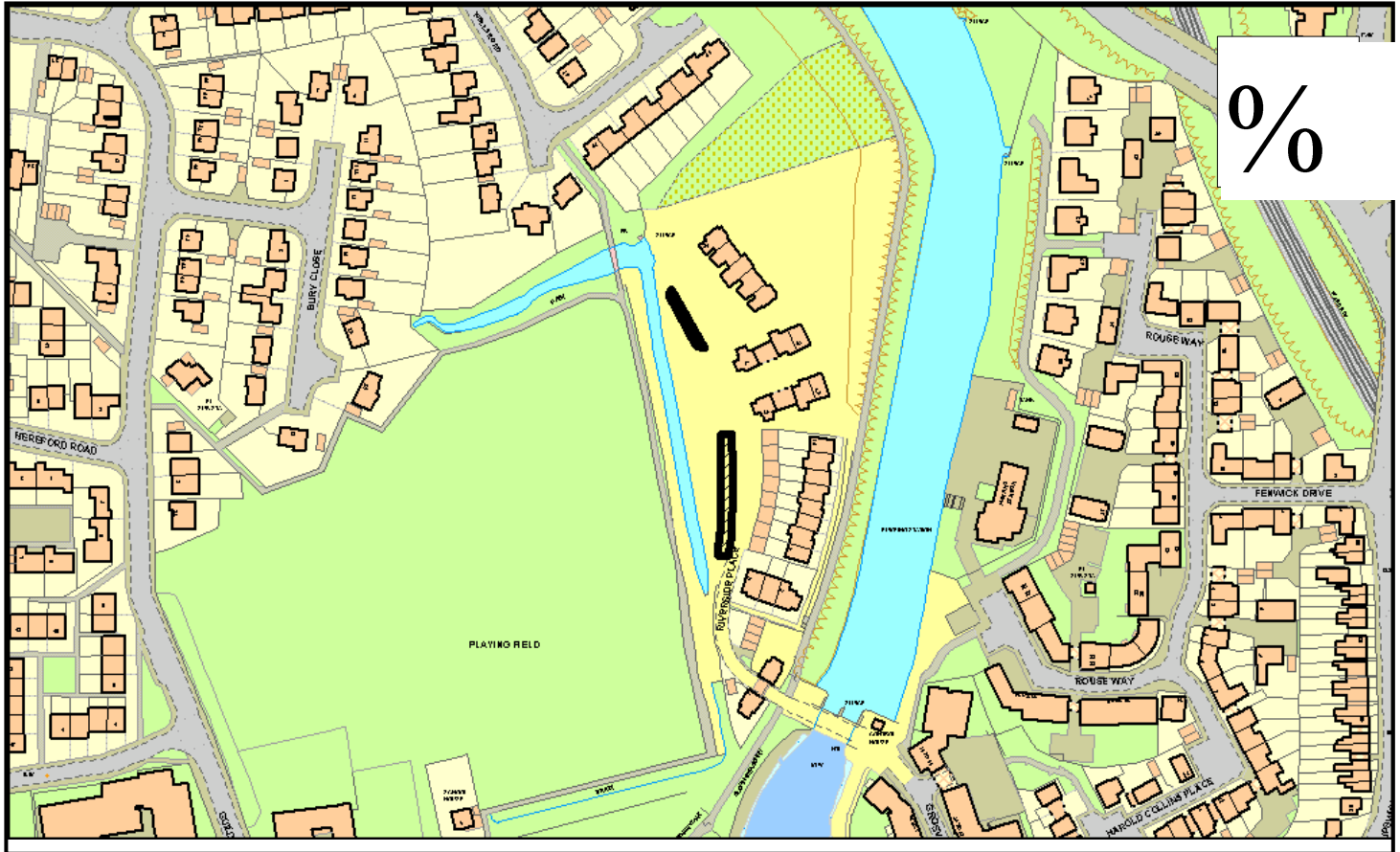
Recommendation - Listed Building Consent

Conditions

1 - A1.6 LBs & Con Area Consents-time lim for comm of development

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

Reason: In order to comply with the requirements of Section 18(1) of the Planning (Listed Buildings & Conservation Areas) Act 1990, as amended by the Planning & Compulsory Purchase Act 2004.



Application No: 101476

Location: Land at former Mill Hotel, East Street, Colchester

Scale (approx): 1:1250

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7.8 Case Officer: Mr John More

OTHER

Site: Land at former Mill Hotel, East Street, Colchester

Application No: 101476

Date Received: 3 August 2010

Agent: KLH Architects

Applicant: Harding Homes

Development: 16no. hard landscaped parking spaces and associated soft landscaping.

Ward: Castle

Summary of Recommendation: Conditional approval subject to legal agreement

1.0 Planning Report Introduction

1.1 This application is referred to the Planning Committee because 1 letter of objection has been received and the application is recommended for approval. In addition to this, the proposal requires a variation to the S106 agreement attached to the original planning permission for the site to show the proposed parking spaces.

2.0 Synopsis

2.1 The application proposes 16 additional car parking spaces on land which was to be soft landscaped as open space and transferred to the Council as part of a wider residential development. 1 letter of objection has been received listing a number of objections mainly concerning the allocation of the parking. It is not considered the proposal would result in harm to existing residents' amenity. The design and layout is considered acceptable as is the impact on the surrounding area. The proposal would provide additional car parking for residents of the development giving a level of parking more in keeping with the current adopted parking standards.

3.0 Site Description and Context

3.1 The site is an area of land measuring approximately 286 sq metres adjacent to the access road serving the residential development.

3.2 The site is part of a development of 23 town houses and garages by Harding Homes for which planning permission was granted in May 2006. The development is partially completed and occupied.

3.4 The site is on the opposite side of the access road to the garages, to the rear of plots 5 – 12 and 19 – 22. The area of land to be occupied by the proposed car parking spaces was originally intended to be landscaped as Open Space.

3.5 Access to the site is off East Street through the Mill site over the River Colne via an existing river bridge. A distinctive 3-storey building provides an attractive gateway feature at the site entrance.

4.0 Description of the Proposal

4.1 The application is for the creation of 16 additional car parking spaces adjacent to the site access road on land which was originally designated to be soft landscaped as public open space.

4.2 13 spaces would be set at 90 degrees to the access road to the rear of plots 5 – 12 while 3 spaces would be parallel to the access road to the rear of plots 19 – 22.

5.0 Land Use Allocation

5.1 The land is currently designated in the Development Plan as predominantly residential surrounded by public open space.

6.0 Relevant Planning History

6.1 F/COL/04/1273 - Erection of 23 town houses and garages. Planning permission granted in May 2006.

6.2 O/COL/02/0423 - Revised application for 24 residential units comprising 7 town houses, 2 houses, 10 flats, 4 maisonettes and 2 mews flats, including garages, open space, riverside path/cycleway with access through existing car park from East Street. Planning permission granted June 2003. (This application although outline included detailed layout and elevation drawings which form part of the planning approval.)

7.0 Principal Policies

7.1 The following national policies are relevant to this application:
Planning Policy Statement 1: Delivering Sustainable Development
Planning Policy Statement 3: Housing
Planning Policy Guidance 13: Transport
Planning Policy Guidance 17: Planning for Open Space, Sport and Recreation
Planning Policy Statement 25: Development and Flood Risk

7.2 In addition to the above national policies, the following policies from the adopted Colchester Borough Core Strategy (December 2008) are relevant:

UR2 - Built Design and Character
PR1 - Open Space
TA5 - Parking

- 7.3 In addition, the following are relevant adopted Colchester Borough Development Policies (October 2010):
DP1 Design and Amenity
DP15 Retention of Open Space and Indoor Sports Facilities
DP16 Private Amenity Space and Open Space Provision for New Residential Development
DP19 Parking Standards
DP20 Flood Risk and Management of Surface Water Drainage
- 7.4 Regard should also be given to the following Supplementary Planning Guidance/Documents:
Vehicle Parking Standards
The Essex Design Guide

8.0 Consultations

- 8.1 The Landscape Planning Officer is satisfied with the content of the proposal and recommends agreement to the landscape aspect of the application subject to conditions to cover landscape design, works implementation and management plan.
- 8.2 The Highway Authority has no objection to the proposal subject to conditions covering the size of the parking spaces and the surface material.

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

9.0 Representations

- 9.1 1 letter of objection has been received which has been signed by 7 residents from 7 to 13 Riverside Place. The planning issues raised can be summarised as follows:
- Feel misled by developer.
 - Feel this land belongs to the houses.
 - Detrimental effect on the quality of life of residents of plots 5 – 12 whose garages face onto the proposed road and parking area.
 - It would be unworkable for residents not to have parking behind our garages.
 - Spaces should not be allocated to houses in the next phase of development
 - It is just a money making scheme for the house builder.
 - Propose Harding Homes move the access road to allow space to park outside our garages.
 - If the road is not moved there will be nowhere for plots 5 – 12 to leave a car outside their own garages for any length of time.
 - The access road is an emergency route for the whole development and we would not want to see the road blocked.
 - As a compromise, Harding Homes should allocate a space behind their garage for each of the 8 houses affected, this would leave 8 spaces, 4 of which should be for visitors and four for the next phase.

Officer comment: Many of the issues raised above are not material planning considerations. The land affected by this development, adjacent the access road, is currently required by the S106 agreement to be transferred to the Council before the occupation of the nineteenth dwelling. It was not planned to be used by or transferred to the owners of the nearby properties for parking.

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

10.0 Parking Provision

- 10.1 The current adopted parking standards for residential properties require 2 car spaces per dwelling, with the addition of 0.25 visitor spaces per dwelling rounded up to the nearest whole number. The original planning permission for the site was granted under the previous adopted parking standards which set a maximum number of spaces per dwelling.
- 10.2 The partially completed development for 23 town houses provides the following:
- Plot 1 - single garage
 - Plots 2 to 4a - single garage each with an additional block paved space to the front of all but one garage which has a space to the side
 - Plots 5 to 12 - double garage each
 - Plots 13 to 18 - block paved courtyard to the fronts of the dwellings with one undercroft parking space per unit.
 - 19 to 23 - double garage each
- 10.3 None of the garages would meet the current adopted standard in terms of their internal size.
- 10.4 The proposal provides an additional 16 car parking spaces above those approved under the original planning permission.

11.0 Open Space Provisions

- 11.1 The car parking spaces would sit within an area which was to be soft landscaped as open space. This land was to be transferred to the Council before the occupation of the nineteenth dwelling under the S106 agreement. This proposal therefore reduces the open space for this development by 286 sq metres.
- 11.2 The Council's Parks and Recreation Manager does not object to the proposal for the additional 16 car parking spaces. He states that where there is insufficient car parking this often leads to people parking on open space causing damage to soft landscaping and any barriers. It would be better to provide sufficient car parking in the first instance.

12.0 Report

12.1 The main issues in this case not already discussed above are considered to be:

- Design and Layout
- Impact on the Surrounding Area
- Amenity
- Other Matters

Design and Layout

12.2 The design and layout of the proposed parking spaces would integrate well with the approved layout and is considered acceptable on its own merit.

Impact on the surrounding area

12.3 In terms of impact on the surrounding area, an area which was previously to be soft landscaped would be hard landscaped to provide additional parking. While this could be seen to have a negative visual impact in principle, uncontrolled ad-hoc parking could be far more visually harmful to the surroundings area, not to mention the difficulties it can cause with access. It is considered far more desirable to have properly designed and laid out parking spaces to cope with demand.

Amenity

12.4 The proposed parking spaces are set well away from the existing dwellings on the opposite side of the access road and with a row of garages in between. On this basis it is not considered the proposal would be unduly harmful to the amenity of nearby residents.

Other matters

12.5 In response to the letter of objection received, the applicants have responded stating that “the existing owners of the garages each own a portion of the Estate Road subject to all other owners on the Estate having a vehicular right of way over the portions. They do not own any part of the area proposed for parking. The objectors were not granted formal rights to park on any other areas. ... There are no contractual arrangements to grant additional parking rights. ... In any event these are private matters as against public/planning matters that need not be taken into account by the Planning Authority when considering your Planning Application i.e. it is of no concern to the Planning Authority whether or not you can implement the Planning Consent if granted.”

- 12.6 The applicants have not given any indication as to how these spaces would be allocated to individual plots. It is therefore considered necessary to insert a condition to any permission granted to restrict the use of the parking bays to serve the dwellings within the development known as Waterside Place, as outlined in blue on drawing number 1963/59A. The reason for this is to ensure adequate parking is provided for the dwellings within the development. The land was originally planned to be open space serving this development. The development proposed is only considered acceptable as it would serve the dwellings which would have benefitted from the open space. Users unrelated to the residential properties would cause unnecessary vehicle movements within the development.
- 12.7 Moving the access road to provide parking spaces to the front of the garages as suggested in the letter of objection would result in the loss of a larger area of open space which is not considered desirable and that is not the proposal before us now.

S106 matters

- 12.8 The application requires a variation to the original legal agreement for the site to amend the public open space plan to take account of the proposed car parking spaces. This requires a change to the drawing number in the definitions section in paragraph 1.1 of that agreement and an amended public open space plan to be inserted in the appendix.

13.0 Conclusion

- 13.1 In summary, while the concerns of the objectors are noted, many of the issues raised are not material planning considerations. It is not considered the proposal would result in harm to existing residents' amenity. The design and layout is considered acceptable as is the impact on the surrounding area. The proposal would provide additional car parking for residents of the development giving a level of parking more in keeping with the adopted parking standards.

14.0 Background Papers

- 14.1 PPS; Core Strategy; DPD; SPG; TL; HA; NLR

Recommendation

APPROVE subject to the prior completion of a legal agreement under Section 106 of the Town and Country Planning Act 1990. The Head of Environmental and Protective Services to be authorised to complete the agreement to provide the following:

- Variation to the original legal agreement for the site to amend the public open space plan to take account of the proposed car parking spaces. This requires a change to the drawing number in the definitions section in paragraph 1.1 and an amended public open space plan to be inserted in the appendix.

On completion of the legal agreement, the Head of Environmental and Protective Services be authorised to grant planning permission subject to the following conditions:

Conditions

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

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

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

2 - Non-Standard Condition

The development shall be implemented in all respects strictly in accordance with the submitted plans as hereby approved, unless otherwise subsequently agreed, in writing, by the Local Planning Authority. These plans include drawing numbers 1963/59A, 1963/34B.

Reason: For the avoidance of doubt as to the scope of this permission and in the interests of proper planning.

3 - Non-Standard Condition

The vehicular hardstandings shall have minimum dimensions of 2.9m x 5.5m for perpendicularly/adjacent spaces and 2.9m x 6m for parallel bays.

Reason: To ensure adequate space is provided for parking off the highway in the interests of highway safety in accordance with Policy 7 of the Highways and Transportation Development Control Policies and the adopted Parking Standards.

4 - Non-Standard Condition

The parking bays hereby approved shall only serve the dwellings within the development known as Waterside Place, outlined in blue on drawing number 1963/59A.

Reason: To ensure adequate parking is provided for the dwellings within the development. The development proposed is only considered acceptable as it would serve these dwellings. The land was originally planned to be public open space serving this development. Its use for parking by other would not be considered acceptable in planning terms. Further, use by unrelated users could cause unnecessary vehicle movements within the development.

5 - C11.11 Landscape Design Proposals

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

Existing and proposed finished contours and levels.

Means of enclosure.

Car parking layout.

Other vehicle and pedestrian access and circulation areas.

Hard surfacing materials.

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

Soft landscape details shall include:

Planting plans.

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

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

Planting area protection or decompaction proposals.

Implementation timetables.

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

6 - C11.12 Landscape Works Implementation

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

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

7 -C11.17 Landscape Management Plan

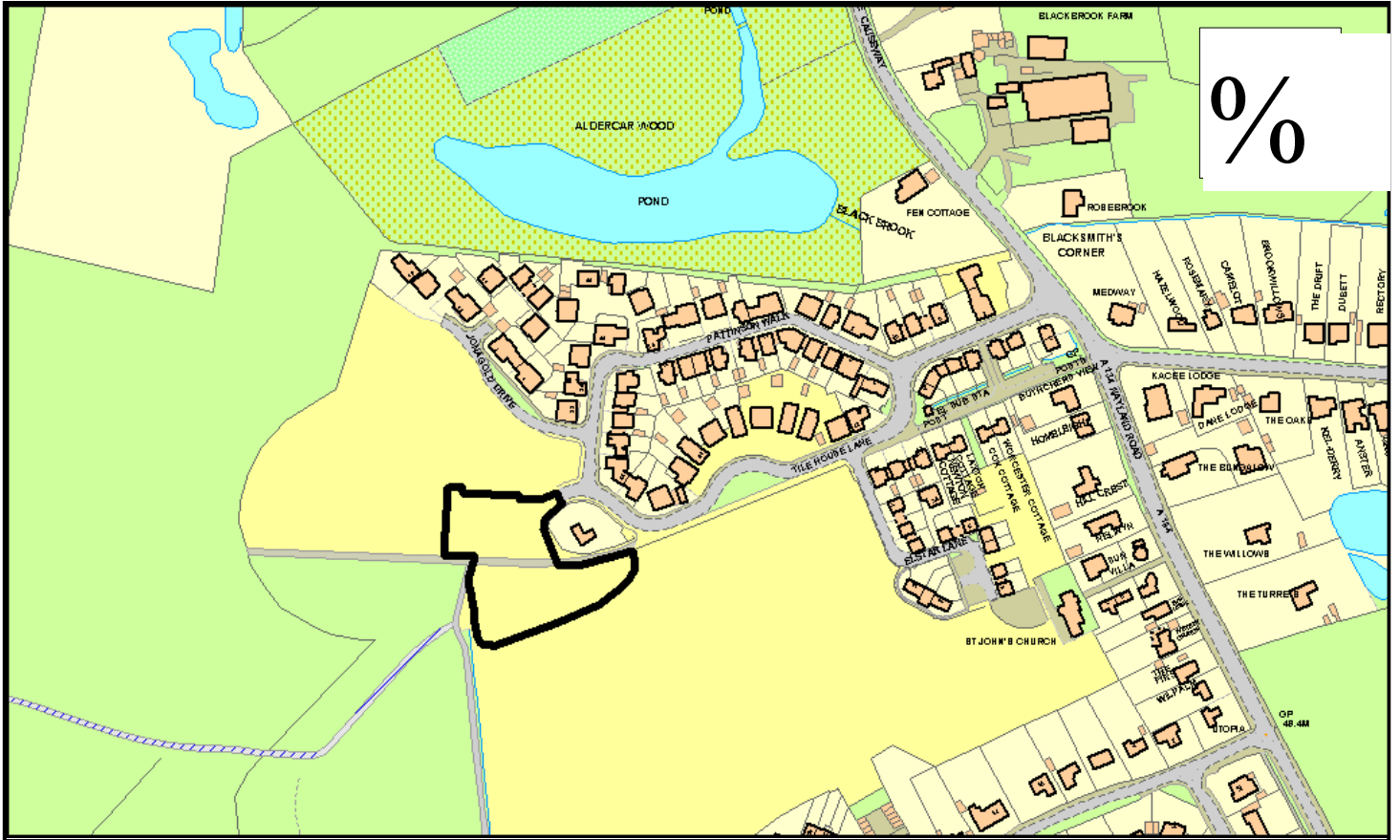
A landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, other than privately owned domestic gardens, shall be submitted to and approved by the Local Planning Authority prior to any occupation of the development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

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

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 should 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: 102326

Location: Land Adjacent, Tile House, Tile House Lane, Great Horkelesy, Colchester, CO6 4EP

Scale (approx): 1:1250

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7.9 Case Officer: David Whybrow

MINOR

Site: Tile House, Tile House Lane, Great Horkesley, Colchester, CO6 4EP

Application No: 102326

Date Received: 11 November 2010

Agent: WPP Architects

Applicant: Great Horkesley Parish Council

Development: Proposed community centre (resubmission 100491)

Ward: Fordham & Stour

Summary of Recommendation: Conditional Approval

1.0 Planning Report Introduction/Synopsis

1.1 This application is reported to Members as it is recommended for approval, but has attracted a large number of letters of objection.

1.2 An earlier application 100491 for a similar scheme was withdrawn. The scheme now proposed is reduced in scale and has been submitted to attempt to address concerns expressed in connection with that scheme. The report sets out a description of the site and its surroundings and a detailed description of the proposal. Consultation responses and matters raised in the representations are then considered before making the recommendation for approval.

2.0 Site Description

2.1 The application site is currently greenfield land at the western end of Tile House Lane, used in part as a temporary builders' compound. The Grade 2 listed, Tile House Farm, lies immediately to the north-east. Its curtilage is enclosed by 1.8m timber fencing and evergreen hedging. Farm buildings formerly occupied the site of the proposed hall.

2.2 To the north-east the new estate development off Tile House Lane and Jonagold Drive consists of 2 storey detached and semi-detached houses.

2.3 Footpath 36 bisects the site and runs in an East-West direction.

- 2.4 For Members' information, the Tile House Farm development, comprising 149 houses, access to St Johns Church, church car park and change of use of 6 ha of farmland to public open space, was approved in February 2006. The total site area is 12.17 ha and was formerly in agricultural use. The development was underpinned by a Development Brief adopted in 2005, the main focus of which was to provide a village green and community centre, shown indicatively on part of the present site with playground to the south and main area of public space and playing area extending to the south west.

3.0 Description of Proposal

- 3.1 The community hall consists of a main hall of 180 sq.m. area with ancillary kitchen/bar, clubroom, storage area and WCs and a limited amount of first floor space used as a meeting room and further storage. In the main the ancillary accommodation is provided in single storey accretions and the building overall has an L-shaped plan. It is barn-like in appearance and external materials are timber effect boarding over a soft red brick plinth and pantiled roofs. A landscaped car park with 27 spaces is proposed to the west of Tile House Farm.
- 3.2 The application is accompanied by a Design and Access Statement (DAS) incorporating a planning statement and noise impact assessment which may be inspected on the Council's website. Key issues raised by the planning statement are:-
1. The Parish Council in 1995 set out to address the chronic lack of community facilities in Great Horkeley and embarked on a village appraisal exercise to determine the needs of the village. This was delivered to all 857 homes in the village at that time.
 2. Further consultation has been carried out by the Parish Council at workshops and public events, culminating in the inclusion of the proposal in the 2003 Consultation Draft of the Colchester Borough Local Plan. This was accepted by the Inspector at Local Inquiry and subsequently a Development Brief was adopted by CBC in June 2005.
 3. The DAS indicates that the Centre is intended to appeal to use by local groups and organisations as well as specific functions such as wedding receptions and social gatherings. The multi-use hall has a capacity of 250 persons, the meeting room 31 and club room 18. Changing and shower facilities are also proposed to serve outdoor team activities.
 4. The building is primarily single storey and its height determined by providing generous ceiling heights to the main hall to enable flexibility in its use. It is relatively isolated. The nearest building, Tile House Farm, was once associated with large agricultural buildings, demolished to facilitate the housing development. Its form and external finishes take reference from traditional agricultural architecture.
 5. Parking is provided for 27 cars, including 3 disabled bays, 13 cycles and 2 coaches, assessed in accordance with adopted ECC standards.

4.0 Land Use Allocation

- 4.1 Part Village Envelope; part open space (car park)
Public Footpath 36 crosses the site.
Tile House Farm is listed, Grade 2.

5.0 Relevant Planning History

- 5.1 F/COL/05/1807 - Erection of 149 houses, garages, access roads and change of use from farmland to public open space - Approved February 2006.
- 5.2 100491 - Proposed community centre - Withdrawn November 2010

6.0 Principal Policies

- 6.1 The following national policies are relevant to this application:-
Planning Policy Statement 1: Delivering Sustainable Development
- 6.2 In addition, the following policies from the adopted Colchester Borough Core Strategy (December 2008) are also relevant:
SD2 - Delivering Facilities and Infrastructure
SD3 - Community Facilities
UR2 - Built Design and Character
PR1 - Open Space
TA1 - Accessibility and Changing Travel Behaviour
TA2 - Walking and Cycling
TA4 - Roads and Traffic
- 6.3 In addition, the following are relevant adopted Colchester Borough Development Policies (October 2010):
DP1 - Design and Amenity
DP10 - Tourism, Leisure and Culture
DP14 - Environment Assets
DP15 - Retention of Open space and Indoor Sports Facilities
DP16 - Private Amenity Space and Open Space Provision for New Residential Development
DP17 - Accessibility and Access
DP19 - Parking Standards
- 6.4 Regard should also be given to the following Supplementary Planning Guidance/Documents:
Community Facilities
Vehicle Parking Standards
External Materials in New Developments

7.0 Consultations

- 7.1 The Environment Agency have assessed the application as having a low environmental risk and have no objection.
- 7.2 Environmental Control have no objections, in principle, and recommend approval with conditions. They have specific comments in respect of noise issues and seek additional sound attenuation to the car park and noise limiting devices to the doors opening onto the patio on the building's south elevation. These issues will be returned to later in the report.
- 7.3 The Highway Authority have no objections.

7.4 The Design and Heritage Unit made a number of comments in respect of the original submission and were concerned that revisions to the scheme were necessary to:-

1. Update the Design and Access Statement to reflect recent changes to the scheme.
2. Create a more organic form to the car park in order to complement the listed building's setting and be better integrated with the wider open space. The interface between the site and the adjacent play area/playing field is also considered unsatisfactory and lacks continuity with established landscape features.
3. Resolve the layout of access paths and again create a more organic feel, reflecting desire lines and creating a sense of arrival by giving greater emphasis to the main entrance from the car park.
4. Amend detailed elevational treatment to emulate the traditional structure of a barn, and, improve surface treatments of car park.

These matters have been discussed with the applicants and architect and amended plans have been submitted. Further consultation has been undertaken with local residents.

8.0 Parish Council's Views

8.1 Great Horkesley Parish Council, as applicants, have no further comments.

9.0 Representations

9.1 42 letters and e-mails have been received raising objections to the scheme. Full details of these and consultation responses may be inspected on the Council's website. The following is a summary of the chief concerns expressed:-

1. A smaller building sited closer to the school would be a greater benefit to the community, centralising amenities and giving a "heart" to the village.
2. Plans are out of place in both scale and design for surrounding area. The Hall is disproportionately large given the population of Great Horkesley and the fact that the facilities of Colchester are only a short distance away. It is designed to attract revenue from outside the area and should be called a sports/leisure centre. Is it sustainable?
3. This is a commercial venture rather than a village hall to meet village's social needs. A building 50% of the proposed size would be more appropriate.
4. The nearest building to the Hall is our listed building. We consider it unreasonable to build a large, non-residential building so close.
5. The plans show no thought as to ongoing costs for maintenance of building and grounds, staffing, security etc. Such costs may ultimately fall on the community.
6. Increased traffic and any overflow car parking as a result of inadequate on site parking space will make access for residents, coaches and emergency vehicles, difficult.
7. Significantly increased traffic flows in narrow estate roads will result in hazards, especially to children playing in the area, and noise. The access to the site from The Causeway is not geared for large traffic volumes or size of vehicles.

8. Will create unacceptable noise from late night revellers. The centre may close at midnight but people will hang around in streets outside dwellings awaiting taxis etc.
9. Functions will generate noise up to midnight, disturbing a quiet neighbourhood, especially as a bar is proposed and patio doors could be left open.
10. A barn type structure is inappropriate. Its excessive size and overwhelming height are unsympathetic to its surroundings and detrimental to residents' views.
11. The car park must be locked when the hall is not in use and the screening is inadequate. A large number of trees will need to be planted.
12. Will involve an increased risk of anti-social behaviour and litter.
13. Blackboarded walls with large areas of glazing are inappropriate and fail to blend into the environment.
14. We already have a village hall that is underused. What will become of it when the new one is built?
15. Lack of meaningful consultation from Parish Council and concern over failure of the centre in the long term due to absence of a business plan.
16. The application lacks information concerning landscaping and the DAS is factually incorrect.
17. The building is laid out in an inflexible fashion, cannot be used by smaller local groups and would exclude community groups like the Scouts by insufficient storage space, excessive costs etc.
18. There are already plenty of sports and social facilities in the area, mostly under-utilised.
19. Adverse effect on the environment and wildlife. Rabbits have been exterminated, toads and bats have been seen in the locality but no ecological study has been submitted.

9.2 In addition a further letter has been received from Mersea Homes Ltd., the developers of the surrounding housing area. They have considered the proposals, along with ADP Architects who produced the original Development Brief. Under the terms of the 2006 S106 agreement Mersea Homes are obliged to agree the Community Hall specification prior to the first occupation of the housing development. This was duly agreed with CBC in July 2007. That building was a smaller structure of 230 sq.m. (main hall 102 sq.m.) based on a value of £450,000 but the S106 provides a mechanism for the Parish Council to make proposals for a larger hall if funds are made available. The original specification did not initially provide all the facilities identified in the Development Brief and the building now proposed has a larger floor area of 430 sq.m. (main hall 180 sq.m.).

9.3 In relation to the building itself, Mersea Homes comments:-

1. Could the hall be constructed in phases with initial hall providing more modest facilities which could be increased as and when demand arises?
2. As a predominantly single storey building, a "raised tie" roof could have reduced its height.
3. We have concerns over the appearance of the building and query whether scale, design and materials are suitable for setting.
4. Size and location of bin stores do not seem to be well related to the function of the building and kitchen area.
5. If car park is undersized, coaches and cars would overflow into surrounding roads. A travel plan would seem sensible.

6. Residents need to be protected from internally generated noise and noise from car park and the acoustic report must be considered carefully. Landscaping should be used to optimise sound attenuation.

9.4 10 further e-mails and letters have been received in response to the amended proposals maintaining objections to the development on the grounds that these do not address the original objections. Specific concerns are expressed regarding:-

- The excessive scale of the building and its suitability for small group users.
- Inappropriate design.
- Limited storage facilities for community groups.
- Limited parking space.
- Increased noise.

10.0 Parking Provision

10.1 D2 uses (Assembly and Leisure) are subject to a MAXIMUM parking standard of 1 space per 20 sq.m. of building floor area and 10 cycle spaces for every 10 vehicle spaces. The proposed building has a gross internal floorspace of 488 sq.m. and the scheme is compliant with the standard. The DAS indicates that as the facility serves local residents and has direct links with the established footpath network, people will be encouraged to arrive on foot and bicycle.

11.0 Open Space Provision

11.1 No specific open space provision is made in connection with this proposal but the Community Hall will stand alongside extensive open space areas including sports fields and a childrens' play area.

12.0 Report

12.1 The adopted Development Brief indicated that the Community Centre should provide a large hall suitable for village meetings, theatrical productions and indoor sports; changing rooms for internal and external sports; committee room for use as a Council Chamber and other formal meetings; toilet, kitchen and clubroom with bar facilities.

12.2 The S106 Agreement accompanying the 2006 planning permission required the new building (and associated parking to accommodate 30 cars plus cycles) of an approximate size and shape providing similar facilities to these shown on a "Community Hall Indicative Drawing". As indicated by Mersea Homes, a Community Hall specification was agreed in 2007 although this was for a considerably smaller hall.

12.3 There is no reason why the Parish Council should not propose a larger hall should additional funding be available. As such there are no basic grounds to object to this proposal which is in broad conformity with the adopted Development Brief and legal agreement. The report will now consider the proposals in detail in terms of the building's design and layout, the impact of the use on the surrounding area, including neighbouring properties and highways factors.

Design and Layout

- 12.4 Due to its size and prominent position within an open space area, it is acknowledged that the building and car park will have a tendency to dominate the landscape and create a landmark building. The proximity of the listed building, Tilehouse Farm, must also be taken into account. The building structure has to accommodate a deep plan, double-height space and has been designed as a traditional farmstead building of a scale similar to agricultural buildings typically found in the locality. Provided this simple barn character is maintained through the detailed elevational treatment, the relationship with the listed building is considered acceptable in the context of a farmstead building located alongside the original farmhouse.
- 12.5 The amended proposals have been negotiated with involvement by the Urban Designer, in order to simplify the overall appearance of the building and give definition to the main structure and create better proportions and balanced forms to the lesser, single-storey outshots so as to reinforce its traditional character.
- 12.6 The revised scheme has also been requested in order to reduce the impact of a formerly over-rigid car parking layout and use earth bunding and soft landscaping in a more organic fashion to better assimilate it into the wider landscape. It has been possible to reorientate the building and rationalise the pedestrian approaches to the building so as to achieve a greater sense of arrival from the car park and acknowledge desire lines when approaching the building from the south. It is considered that these amendments have resulted in a scheme that satisfactorily responds to the site and its setting within an extensive area of open space.

Effect on Local Residents

- 12.7 It is clear that those residents alongside the main vehicular approach to the site via Tile House Lane will be affected by greater traffic movement, including traffic generated by evening functions. Given that the Community Hall has been agreed, in principle, the Environmental Control team accept that although Tilehouse Farm and other properties are likely to experience some additional late night noise, there is little in the way of mitigation for this type of traffic-related noise. They go on to recommend further screening of the car park as incorporated into the amended plans and any further views received will be reported at the Meeting.
- 12.8 Members may also appreciate that the application of maximum car parking standards here will deter excessive levels of car parking and associated traffic movements with inducement given to access the community facility on foot or bicycle.

- 12.9 The Environmental Control team recommend various conditions relating to sound insulation of the building and any external plant or equipment, hours of use, restriction of amplification of music and external lighting in order to safeguard local amenity. They particularly draw attention to the doors to the rear south of the building open onto a patio, which whilst desirable for many of the activities that will take place will not be suitable for functions that have amplified sound (other than ambient background music). Activities may include keep-fit type classes as well as private functions. The open ground at the rear of the building will offer little protection from the sound that will escape to the residential properties that are located approximately 150m to the rear of the hall. It would of course be possible to install acoustically treated doors which can be kept closed (and possibly alarmed) when there is a function; however, realistically this would prove difficult to enforce.
- 12.10 Again, additional earth bunding has been incorporated into the scheme to help mitigate this effect while the submitted noise report includes the installation of automatic noise limiting equipment when these doors are opened, also to be covered by condition attached to any consent granted.

Highways Issues

- 12.11 No objections are raised to the proposal by the Highway Authority in respect of highway capacity and safety. As previously indicated the proposal is compliant with adopted car parking standards.

13.0 Conclusions

- 13.1 Although this application has attracted a considerable number of objections, the use of this land as a community centre must be acceptable in land use terms given the planning history of the site, the relevant Development Brief and legal agreement. The application before Members represents the cumulation of a long term project by the Parish Council.
- 13.2 Adopted community facilities policies support this form of multi-purpose provision which should be located in centres and other accessible locations to maximise community access and build a sense of local community identity.
- 13.3 As indicated above, your officers have concluded that the design approach is appropriate to the site and setting and that specific concerns by the local population concerning noise of on-site activity or related traffic movements, other environmental nuisance, the adequacy of the car parking facilities and landscaping etc., can be adequately mitigated through the imposition of appropriate conditions or have been addressed through the submitted revised drawings.

14.0 Background Papers

- 15.1 ACS; DPD; PTC; NLR; HA; HH; DHU; NR; OTH

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 - C3.4 Samples of Traditional Materials

Samples of all materials to be used in the external construction and finishes of all parts of the proposed development, shall be selected from the local range of traditional vernacular building and finishing materials and be substantially as indicated in the submitted application documents and shall be submitted to and agreed in writing by the Local Planning Authority before the development commences. The development shall be implemented in accordance with agreed details.

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

3 - C3.21 Hard Surfacing

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

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

4 - A2.2 Development to Accord With Revised Plans

The development hereby permitted shall be implemented in all respects strictly in accordance with the revised drawing as returned herewith, stamped approved.

Reason: For the avoidance of doubt and to ensure satisfactory development.

5 - D2.5 Non Residential Development

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

Reason: To ensure adequate parking provision so that the development does not prejudice the free flow of traffic or the general safety along the adjacent highway or the convenience and amenities of local residents.

6 - C11.11 Landscape Design Proposals

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

Existing and proposed finished contours and levels.

Means of enclosure.

Car parking layout.

Other vehicle and pedestrian access and circulation areas.

Hard surfacing materials.

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

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

Retained historic landscape features and proposals for restoration.

Soft landscape details shall include:

Planting plans.

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

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

Planting area protection or decompaction proposals.

Implementation timetables.

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

7 -C11.12 Landscape Works Implementation

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

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

8 - B1.2 Sound Insulation: Any Building

The use hereby approved shall not commence until the building has been modified to provide sound insulation against internally generated noise in accordance with a scheme approved in writing by the Local Planning Authority. The building shall be maintained in accordance with the approved scheme thereafter.

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

9 - Non-Standard Condition

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

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

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

10 - Non-Standard Condition

The use hereby permitted shall not operate/be open to customers outside of the following times:-

09.00 - 22.30 hours Monday to Friday;

09.00 - 12 midnight Saturdays and

09.00 - 22.00 hours Sundays and Bank Holidays.

Reason: To protect the amenities of adjoining residents.

11 - Non-Standard Condition

In order for the building hereby approved to be used for the permitted purpose, the level of internal amplified sound shall be restricted by the installation and use of a noise-limiting device. Details of the device shall be submitted to and approved by the Local Planning Authority and thereafter installed in compliance with the agreed details prior to the commencement of any activities involving the emission of amplified sound. Thereafter such devices shall be retained and operated in accordance with the approved specification and working order.

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

12 - Non-Standard Condition

Any lighting of the development shall fully comply with the figures specified in the current 'Institution of Lighting Engineers Guidance Notes for the Reduction of Obtrusive Light' for zone E2 - rural, small villages or dark urban areas. This shall include sky glow, light trespass into windows of any property, source intensity and building luminance.

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

13 - Non-Standard Condition

Prior to the development hereby approved being brought into use, refuse storage and recycling facilities shall be provided in accordance with a scheme which shall have previously been submitted to and approved in writing by the Local Planning Authority. In the case of communal storage areas, a management company shall be made responsible for the maintenance of such areas. Such detail as shall have been installed shall be retained and maintained in good working order. The developer shall notify the Local Planning Authority of the management company contact details as soon as these are known.

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

14 - Non-Standard Condition

The use hereby permitted shall not commence until provision, in accordance with details agreed in writing with the Local Planning Authority, has been made within the site and in the vicinity of the site for the disposal and collection of litter resulting from its use. Such equipment, arrangements and facilities as shall have been installed/provided shall thereafter be retained and maintained in good order.

Reason: To ensure that adequate facilities are provided for refuse storage and collection in the interests of the amenity of nearby properties.

Informatives

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



Planning Committee

Item

8

3 February 2011

Report of

Head of Environmental and Protective Services

Author

Vincent Pearce
01206 282452

Title

Planning application determination performance monitoring, and an appeals analysis updated for the period 1 October – 31 December 2010

Wards affected

All

This report provides:- details of the performance of the Planning Service judged against Government National Indicators and local indicators and summarises the details of 'allowed' appeals for the period 1st October 2010 – 31st December 2010

1.0 Decision Required

1.1 Members to note the performance record of the Planning Committee and Planning Service.

2.0 Summary of performance report (Headlines)

- ◆ 'Major' application performance was below the Government target in the period. X
- ◆ 'Minor' and 'other' application performance exceeded the relevant Government targets in the same period. ✓
- ◆ The number of planning applications in 2010 is significantly up (16.6%) on those for the same period in 2009. ✓
- ◆ The delegated decision rate was just below the 90% target ✓
- ◆ Appeals record (formerly BV204) was worse than the national average X

3.0 Reasons for Decision

3.1 This report is presented as part of the Service's ongoing commitment to comprehensive performance management and in response to Members' desires to monitor the performance of the Planning Service as judged against key National Indicators (NI's) and important local indicators.

4.0 Alternative Options

4.1 Not applicable

5.0 Supporting Information

5.1 None

6.0 Performance Assessment

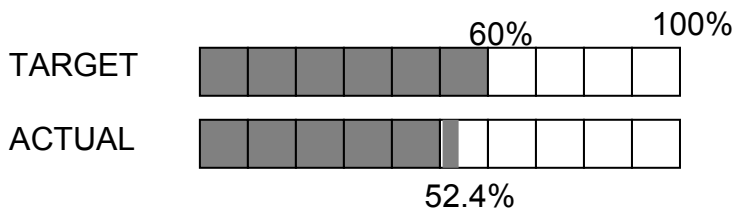
6.1 This report will review performance against the following performance indicators

- NI157 (8 and 13 week performance)
- Former BV188 (delegated decisions)
- Former BV204 (appeals upheld)

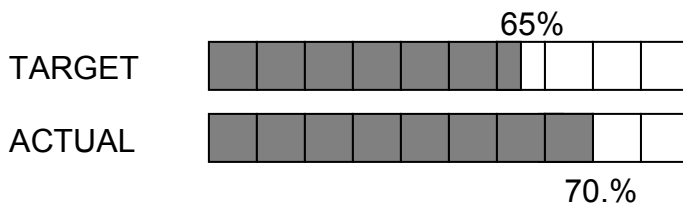
■ NI 157 (8 and 13 week performance)

6.2 Performance levels for the period 1 October 2010 – 31 December 2010 were as described below:-

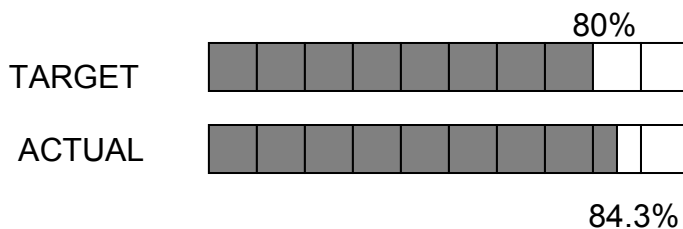
MAJOR application performance (national target against actual)



MINOR application performance



OTHER application performance



HOUSEHOLDER application performance



FIGURE 1: NI 157 by type (1 October 2010 – 31 December 2010)

(note: there is no national target for householder applications (part of others) but this is a useful indicator as to how quickly the majority of users get a decision, as householder applications form the largest proportion of all applications)

6.3 The good news for the period is that performance in the 'Major' category has been sustained over the quarter but is currently below the NI157 of 60%. Members will recall that the initial quarter (1 April 2010 – 30 June 2010) saw a very poor level of performance achieved in the 'major' category at just 25% as a result of significant carry over of out of time applications from the previous year. (1 April 2009 – 31 March 2010). The managed recovery of performance (especially 'majors') within the Service continues to be a high priority and everything is being done to increase the rate of improvement so that the year end figure at 31 March meets or exceeds the national target. To some degree the outcome will depend on the number of new applications received between now and then, when they are subsequently determined and how this impacts and off-sets the cumulative position that has arisen over the previous three quarters.

6.4 Performance in the 'Minor' and 'other' category was good and exceeded NI157 targets

■ Delegated decision making

6.5 87.8% of all the decisions made during the period 1 October 2010 – 31 December 2010 were delegated.

■ Upheld appeals

6.6 In the period under review the Council lost 4 appeals from a total of 9 determined

6.7 The appeal upheld rate was therefore 44.4% which is worse than the national average of some 36%. The figure for the last quarter was 45%.

6.8 This suggests that the Planning Inspectorate is taking a different view of what constitutes material harm than the Council and that we may be out of step with other authorities across the country in overly rigidly interpreting policies.

6.9 It could mean certain policies are now weak.

6.10 It could mean that the Council is unnecessarily refusing applications to boost its NI157 performance figures.

6.11 This report will now consider the summarised detail of the upheld decisions to see if a clear trend can be identified.

1.

Reference: 090902

Address: **1B Winnock Road, Colchester**

Proposal: Demolition of shop and erection of 3 x 2 bedroom houses.

- Committee decision contrary to recommendation

Summary of Inspector's Letter (decision dated 29th September 2010).

Inspector : Stephen Job MA. Dip TP. MRTPI

Main Issue

The Inspector identified the main issues to be whether the rear gardens would be of an adequate size.

Considerations

The Inspector was of the view that whilst the gardens were below the Council's standard of 50sq.m. they were not so small as to be unusable. He also noted that some existing gardens in the locality within the conservation area were similarly small. He also had regard to the site's current unattractive appearance and took the view that the proposed development would enhance the character of the conservation area. The Inspector considered the fact that no off-street parking was included in the scheme and felt that the site's central location and access to good public transport meant that the absence of on-site parking did not justify a refusal.

2.

Reference: 091651

Address: **Colne View, Colchester**

Proposal: Full application for the erection of new building (known as Building 5) containing 58no. dwellings. Revised application for Building 5a to incorporate raised levels and raised walkway to accord with flood risk assessment/strategy.

- Committee decision contrary to officer recommendation
- Costs award made against the Council

Summary of Inspector's Letter (decision dated 7 December 2010).

Inspector : Peter J Golder Dip TP MRTPI

Main Issue

The Inspector identified the main issues to be whether the proposal would cause unacceptable levels of parking within adjoining and nearby roads giving rise highways dangers and being harmful to the character and appearance of the locality.

Considerations

The Inspector in reaching his decision had significant regard to the planning history of the site and he particularly noted:-

“

4. Building 5 and 5a form one of the final phases of Colne View; a large development within the East Colchester and Hythe regeneration area. The scheme was first granted outline planning permission in 2004 and provided for in excess of 200 flats, town houses and a mix of other uses including retail units and café. Building 5 has permission for 48 flats with 48 parking spaces.
5. A similar scheme to that presently at appeal was refused, and dismissed on appeal, for grounds other than car parking provision in July 2009. The Council's case in the current appeal focuses solely upon the implications of the proposed parking provision; no concerns being raised in respect of those matters resulting in the previous appeal being dismissed. My understanding is that the present proposal satisfactorily addresses those matters; this is confirmed by the officer's report to committee. I find nothing in the appeal

papers to suggest that parking provision was a matter raised at the previous appeal hearing; either in terms of the proposed on-site provision or the evolution of the revised parking standards prepared by Essex County Council. “

He noted that from its inception the Colne View development has been planned on the basis of parking restraint and improvements to public transport and that the latest proposal followed those principles. He then turns to considered the Councils amended parking standards in its latest SPD. I quote in full:-

“

11. It appears that the revision of the standards has been significantly influenced by taking into account the role which parking plays in place shaping as well as promoting travel choice. This is broadly consistent with the guidance in *PPS3 – Housing* about taking a design-led approach to the provision of car parking space and is informed by an acknowledgement that limiting parking availability at trip origins ie residential parking does not necessarily discourage car ownership. There is recognition in the revised standards however that there may well be occasions where local circumstances dictate a more appropriate level of provision.
12. The Council do not provide any specific evidence to support their contention that parking demand exceeds supply and that this is causing on-street parking problems in the area. Nor is there any specific evidence supporting the view that to allow a development which does not comply with the more recent standards will exacerbate any existing problems and result in congestion and traffic hazards in the locality. Indeed I note that in a statement of common ground by the highway authority and the appellant that, subject to a contribution towards transportation improvements and the provision of travel packs to new residents, the highway authority does not raise any objection to the parking provision proposed. It seems to me that this is in line with the caveats attached to the revised standards about having regard to particular local circumstances.
13. In large measure the Council appears to rely upon the photographic evidence provided by a third party. On both of my visits to the site; firstly during the day and secondly in the late evening, I do not find the situation highlighted in the representation made borne out by my observations. It appears that many of the parking facilities are allocated specifically to numbered apartments. During the day I saw that a considerable number of these spaces throughout the development as a whole were vacant and that other than in the vicinity of the hair and beauty salon at the base of the rotunda building there was no evidence of any parking stress. In this latter area there were a few cars parked which did appear to be in designated spaces, although the roadways were kept clear. I also noted an odd vehicle parked on the wide paved verge along the Lightship Way frontage. During my visit refuse collection was in progress and general deliveries were being made within the development. Neither activity was impeded by parked vehicles to any noticeable degree.
14. I found the situation much the same in the evening when although fewer parking spaces were vacant a large number remained unused. I observed a few vehicles not using designated spaces near the front of building 7 and on an unpaved strip of land alongside the road opposite building 2 but my observations did not point to there being an excess of demand over supply of parking provision or that the limited degree of parking in undesignated places is causing any highway dangers. Lightship Way is the subject of long-term

parking restrictions and I observed no abuse of those regulations nor did I see other than a few vehicles in the nearby B&Q car park which is not locked.

15. I have been provided with and indeed saw little, if any, evidence of parking stress within the Colne View development or in the surrounding roads nor did I form the impression that existing parking provision was undermining the objective of a people friendly street environment within the scheme. The proposed development would comprise small dwellings with a large proportion (28 units) having one-bedroom. I find nothing compelling which leads me to conclude that this would present circumstances, particularly in terms of car ownership and usage, materially different from that presently experienced. If there are difficulties here it seems to me that they may well arise from some parking by people outside the Colne View development and possible by some inflexibility in the management and allocation of parking spaces. The appellant has offered to prepare and introduce a parking management to provide greater control over such matters and I consider this would be of significant benefit in ensuring that any potential for parking stress does not lead to highway dangers or difficulties for emergency vehicles and that the quality of the residential environment, in particular its character and appearance, is maintained.
16. In conclusion it is my judgement that the proposal accords with local and national planning policy and is acceptable. “

Costs award

The Inspector summarised his decision to award costs thus:-

“In summary the Council’s evidence amounts to little more than assertion. Firstly that parking demand exceeds supply and that this has led to parking problems in the area. Secondly that the adopted approach to influencing parking and travel patterns has not worked and that further development would exacerbate an existing unsatisfactory situation. None of the assertion is supported by evidence demonstrating existing or anticipated problems or why the development cannot be permitted. The Council’s decision seems heavily influenced by anecdotal evidence and un-investigated reports of difficulties. In any circumstances this amounts to unreasonable behaviour; given the importance of the regeneration project all the more so. In my view it is an approach which falls well short of the key test in Circular 3/2009 of providing a respectable basis for the Council’s stance.

For these reasons I consider that the Council have behaved unreasonable and in doing so have caused the appellant unnecessary and wasted expenditure. Therefore I have decided that a full award of costs should be made.”

The appellants have already submitted their claim for costs to the Council and the exceptionally high claim will be challenged as unreasonable.

3.

Reference: 100446

Address: **88 & 90 Mersea Road, Colchester**

Proposal: 2 semi-detached houses.

- Delegated decision

Summary of Inspector’s Letter (decision dated 5 October 2010).

Inspector : Stephen Job MA. Dip TP. MRTPI

Main Issue

The Inspector identified the main issue to be the impact of the development on the character of area

Considerations

The Inspector was of the view that the development was in keeping with its surroundings, would not cause amenity problems for neighbours and whilst trees would be lost this was not an overriding reason to refuse the application.

4.

Reference: 100571

Address: **42 Halstead Road, Colchester**

Proposal: two storey rear extension

- Delegated decision

Summary of Inspector's Letter (decision dated 14 October 2010).

Inspector : R. C. Shrimplin MA (Cantab) Dip Arch. RIBA. FRTPI. FCI Arb. MIL.

Main Issue

The Inspector identified the main issue to be the impact of the development on the amenity of neighbouring properties and the harm that might be caused by overbearing nature and overshadowing.

Considerations

The Inspector was of the opinion that whilst the proposed extension failed to pass the Councils guidance for extensions he could not identify sufficient harm to amenity with reference particularly to shadowing of neighbouring windows or harm to outlook as to justify a refusal.

- 6.12 Having briefing analysed the decisions it is hard to spot a common trend in that the nature of the proposals was quite diverse. However what is clear is that Inspectors are reinforcing the long-standing message that local planning authorities when refusing applications must not just be able to identify the harm but they must also provide robust evidence to support the claim made by the Council.
- 6.13 These and recent decisions have reinforced the fact that in refusing applications the Council must carefully craft each reason for refusal and must specifically identify the harm likely to be caused. Reliance on generic or woolly reasons for refusal will not suffice.

■ Planning applications received

- 6.16 As can be seen from figure 2 below the number of planning applications received in the 2010 reporting period is 16.6% higher than the equivalent period in 2009 and this represents a significant increase in workload. The figure for 2010 now also exceeds that for the equivalent period in 2008.

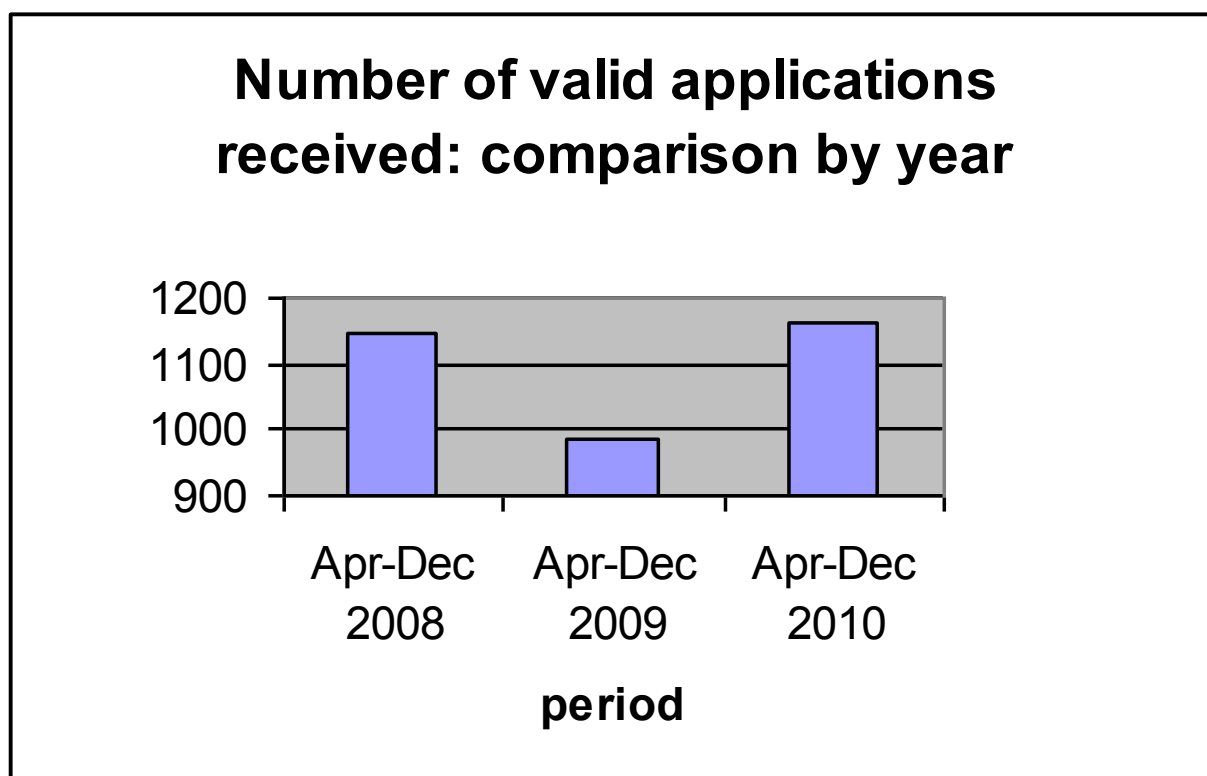


FIGURE 2: Comparative graph showing applications received (by three-quarter year)

■ Planning Performance Agreements (PPA's)

6.17 Since 1 April 2010 the Planning Service has entered into five Planning Performance Agreements (PPA) relating to significant 'major' proposals:-

- St Albrights, Stanway - residential redevelopment
- Rowhedge Port, Rowhedge – mixed use redevelopment
- Part Severalls Hospital, Colchester – Child & Adolescent Unit
- Angel Court, Town Centre – mixed use conversion
- London Road, Stanway

6.18 Currently a further 4 PPA's are under negotiation

6.19 Members will be aware that any planning application that is the subject of a PPA is then excluded from NI157 calculations which in the case of the schemes above should be beneficial as each is likely to take more than 13 weeks to determine because of their complexity. (& possible need for S106 Agreements).

8.0 Significant events during quarter

- 21 October 2010: Committee agreed changes to scheme of delegation to officers report
- 1 December 2010: New scheme of delegation to officers came into effect

- 1 January 2011: New fees & charges regime for pre-application planning advice came into effect. Web site details and internal processes amended during December 2010. Agents advised and workshop held.
- Consultation response to DCLG (Department for Communities & Local Government) Consultation Paper 'Changes to Planning Application Fees' prepared in December and sent 6 January 2011.
- Bid for 'Front-Runner' Authority status prepared in respect of Community Infrastructure Levy (CIL) with Policy Team during December 2010. Outcome awaited.
- Amended S106 Agreement on Severalls Hospital successfully concluded

9.0 Financial implications

9.1 None beyond the outstanding costs claim

10.0 Strategic Plan References

10.1 Further improving the performance of the Planning Service (Development Management) has been identified within the Service as a priority. The Planning Service contributes to all of the Councils key objectives.

11.0 Risk Management

11.1 There are no risk management issues to report this quarter.

12.0 Publicity Considerations

12.1 None

13.0 Human Rights Implications

13.1 None.

14.0 Community Safety Implications

14.1 None.

15.0 Health and Safety Implications

15.1 None.

Background papers.

Appeal decision notices relating to the appeals quoted in the report



Planning Committee

Item

9

3 February 2011

Report of	Head of Environmental and Protective Services	Author	Vincent Pearce 01206 282452
Title	Enforcement Performance Monitoring for the period 1 October – 31 December 2010		
Wards affected	All		

This report provides:- details of the performance of the Planning Service's Enforcement Team for the period 1st October 2010 – 31st December 2010 and identifies new initiatives

1.0 Decision Required

1.1 Members to note the performance record of the Enforcement Team.

2.0 Reasons for Decision

2.1 This report is presented as part of the Service's ongoing commitment to comprehensive performance management and in response to Members' desires to ensure that the Planning Enforcement Strategy is fully pursued.

3.0 Alternative Options

3.1 Not applicable

4.0 Supporting Information (none) and information on reporting a enforcement complaint

4.1 The Council's preferred method for the public reporting of concerns about a possible 'breach of planning control' (ie development activity occurring without an appropriate planning permission wheresuch a permission is required) is via its enforcement webpage.

4.2 In order to help the Enforcement Team understand the nature of the alleged breach of planning control, carry out preliminary research into the planning history of the site, decide how quickly a site visit is required and identify and find the right location the Planning Service has devised a standard e-complaint form on its web site. Once the necessary information is entered and the form sent it reaches the Enforcement Team automatically. This means that the system is very efficient and helps the team to quickly target its investigations without having to go back to the complainant for additional information.

4.3 The site is easily accessed via:-

www.colchester.gov.uk > Planning and Building > Planning investigations and enforcement > Breach of Planning Controls & Planning complaints . [Online Complaint Form](#)

4.4 The screen shot below shows the link to the Online Complaint Form



All complaints should be submitted by using our online complaint form:
[Online Complaint Form](#)

5.0 Performance Assessment

5.1 This is the second report since the introduction of the new Planning Enforcement Strategy in July 2010. At the time of writing, liaison is ongoing between the Enforcement Team and IT Support to establish a reporting framework within enforcement software used (Civica Authority) which will enable performance against the specific targets set out in the Strategy to be analysed. This work is scheduled to be completed shortly, and it is anticipated the next quarterly report will include specific information relating to the new targets, including comparison between 'pre' and 'post' Strategy performance. The performance targets set out in the Strategy are shown at Appendix A.

5.2 Members will have been pleased to note the success of the first 'pro-active' campaign following the adoption of the Strategy, which sought to address the unauthorised display of estate agents' boards in the Borough. Enforcement of other aspects of the Advertisement Regulations have resulted in at least 1,500 square metres of illegal advertising being removed from the Town Centre, with a further estimated 2,000 square metres removed in other parts of the Borough. This enforcement action has been achieved with only one prosecution pending. It should further be noted that these removal figures have peaked and work will now need to be focused around monitoring and ensuring compliance in order to keep control of the current situation.

5.3 The Planning Enforcement Team is now actively and successfully using available enforcement tools, most notably through "Direct Action". This approach enables Officers to 'contract out' the work required to resolve a breach of control where the person/s who have carried out that unauthorised development have failed to remedy the situation as required. This approach can be cheaper and (most importantly) more effective in securing a satisfactory result. The resultant costs are then passed on to and recovered from the owner of the offending site or subsequent owners (if it is sold on) by means of a land charge.

- 5.4 The Enforcement Team is also playing their part in re-instating the Town's heritage by issuing "Discontinuance Notices" where historic adverts without express consent conflict with current policies and cause harm to the heritage of Colchester. The outcome of pending action is awaited to determine the effectiveness of this approach.
- 5.5 Consideration is also being given to the possibility of The Council, as planning authority undertaking a new planning enforcement campaign in respect of 'A' boards and this prospect is currently being discussed with Essex County Council as Highway Authority.
- 5.6 Furthermore, the Enforcement Team hopes to seek clarification on, and subsequently tackle the regularisation of Houseboats throughout the Borough, with the Coast Road site at West Mersea being a particular area for potential action.
- 5.7 Members will be pleased to note that a range of Enforcement Registers are now available to the general public within the 'Planning' area of the CBC website. The Registers display comprehensive information in respect of complaints received and notices served, and will be updated at the beginning of every calendar month. Preliminary feedback from the Contact Centre on the usefulness of these registers has been very positive.
- 5.8 Another area of improvement of interest to Members is that of cross-service protocols. The Planning Enforcement Team has met with managers from Legal Services and Street Services to establish areas of common concern and investigate possible joint working initiatives. A new prosecutions protocol has already been established with the legal section to support the new Enforcement Strategy.
- 5.9 Inter-service management liaison has also improved, which enables earlier recognition and resolution of issues and areas for improvement. Meetings have recently been held with colleagues from the Professional Support Unit to tighten up the administrative aspects of dealing with enforcement complaints and to agree action on the scanning of historic records.
- 5.10 A particularly pleasing statistic to note is the drop in the number of complaints received against Enforcement Officers.
- 5.11 The Planning Enforcement Team now meets on a monthly basis, and has established a robust monthly reporting system which aims to show performance outputs, outcomes and trends. Comparative performance information for the six month periods prior and subsequent to the introduction of the Enforcement Strategy in July 2010 are shown at Appendix B.

6.0 Action Update

- 6.1 The progress of cases where some form of action has been instigated following a site visit and identification of a serious breach of planning control is shown at Appendix C.
- 6.2 As previously reported, a fresh update will be provided each quarter- therefore some of the cases will drop off the list as breaches are satisfactorily resolved, and new cases will appear. It is intended that this style of reporting will enable Members to see how every case that has triggered a Notice of whatever kind has, or is being, handled

6.3 The types of notices described will fall into one of the following categories:-

BCN (Breach of Condition Notice)	Used where a planning condition on a planning permission has not been complied with
PCN (Planning Contravention Notice)	Issued to requisition information prior to serving an Enforcement Notice)
S330 Notice	To requisition information in respect of a listed building prior to serving an Enforcement Notice
S215 Notice	Relates to the tidying-up of an untidy site
EN (Enforcement Notice)	Requires specific remedial action to be taken within a prescribed timescale
DN (Discontinuance Notice)	The planning authority is authorised to take discontinuance action against any advertisement, or the use of any advertisement site, which normally has the benefit of any of the categories of deemed consent. Action to serve a 'discontinuance notice' may be taken only if the planning authority are satisfied it is necessary to do so to remedy a substantial injury to the amenity of the locality or a danger to members of the public.
INJ (Injunction)	Via the Courts to tackle immediate and serious harm where a quick response is needed in the public interest
Stop Notice	To stop unauthorised activity
Direct Action	Where the Council uses its enforcement powers to carry out remedial works in default and then charges all costs to the owner

7.0 Financial implications

7.1 None

8.0 Strategic Plan References

8.1 Shifting resources, listening.

9.0 Risk Management

9.1 There are no risk management issues to report.

10.0 Publicity Considerations

10.1 None

11.0 Human Rights Implications

11.1 None.

12.0 Community Safety Implications

12.1 None.

13.0 Health and Safety Implications

13.1 None.

Appendix A

Enforcement Strategy - Performance Targets

Action	Target
Acknowledge all enforcement complaints	Within 3 working days of receipt
Undertake a site visit for Priority One complaints within 0 to 2 working days of receipt	100%
Undertake a site visit for Priority Two complaints within 5 working days of receipt	90%
Undertake a site visit for Priority Three complaints within 10 working days of receipt	90%
Undertake a site visit for Priority Four complaints within 15 working days of receipt	90%
Resolution of enforcement complaints within 3 months of receipt of initial complaint	80%
Notify all parties to a complaint of the Councils decision (whether or not to enforce) within 10 working days of making the decision	100%

Appendix B

General Performance Statistics – Comparative Pre and Post Introduction of Enforcement Strategy

	1 January 2010 to 30 June 2010	1 July to 30 December 2010
Number of new reports (Of which were adverts)	185 (24)	253 (70)
Cases closed down (Of which were adverts)	198 (25)	447 (104)
Number of notices opened (of which were actually served)	21 (8)	12 (3)
	PCN	8 (5)
	EN	2 (1)
	BCN	0 (0)
	S215	2 (1)
	S330	0 (0)
	S38	2 (1)
	DCN	1 (0)
	0 (0)	1 (1)
Appeals lodged	1 (Subsequently dismissed by Planning Inspector)	1 (Pending)
Prosecutions commenced (successful/ dismissed/pending)	0	5 (2 successful, 2 pending, 1 withdrawn)
PACE cautions issued	0	6

² Further details on all notices served can be seen at Appendix C or accessed via the Enforcement Registers on the CBC website

Appendix C

Progress report on enforcement action (to 31 December 2010)

<u>Refno</u>	<u>Officer</u>	<u>Type</u>	<u>served on</u>	<u>Status</u>	<u>start date</u>	<u>expiry date</u>	<u>premises address</u>	<u>No further action</u>
2776	CH	EN	Mr Cowling	Notice Served	26/03/10	26./09/10	The Smallholding, Colchester Road, Mt Bures	At appeal
2851	SH	EN	Mr N Buckland	Compliance due	26/06/10	26/10/10	Stableview, Newbridge Road, Tiptree	Warning then prosecution
2859	DK	S330	Mr J Brown	Notice Served	01/04/10	22/04/10	Chapel Road, Boxted, Colchester	No further action
2870	CH	PCN	Mr and Mrs T Apps	Work in Progress	17/06/10	08/07/10	43 Peppers Lane, Boxted, Colchester, CO4 5HL	Complied with
2875	CH	PCN	Mr P Fairs	Notice Served	15/05/10	05/06/10	Elm Farm, Elm Lane, Marks Tey, Colchester, CO6 1HU	Complied with
2877	DK	S330	Mr Simon F Wakefield	Notice Served	18/05/10	15/06/10	Essex & Suffolk Lettings, 15-19 Headgate, Colchester, CO3 3BT	Complied with
2887	SH	PCN	Mr and Mrs Moore	Notice Served	26/05/10	17/06/10	The Barn, Haynes Green Road, Layer Marney, Colchester, CO5 9UF	Complied with
2907	DK	DN	J C Decaux UK Limited	Notice Served	23/12/10	17/02/11	Advertising Hoarding on Roman Wall, Middleborough, Colchester	Work in progress
2910	CH	PCN	Mr Smith	Notice Served	18/06/2010	09/07/10	Mr Smith, 2 Hope Cottages, Straight Road, Boxted, Colchester, CO4 5QW	Complied with
2911	SH	PCN	Mr Brian Edwards	Complied With	16/06/2010	08/07/10	Mr Brian Edwards, Officers Club, St Johns Green, Colchester	Complied with
2927	DK	EN					Gun Hill Garage Site, Ipswich Road, Dedham, Colchester	Pending action
2930	SH	EN		Action Authorised	See 2932 below		Pantile Farm, Peldon Road, Abberton, Colchester, CO5 7PD	Action authorised
2931	DK	PCN	Mr Steven Deane (Branch Manager)	Notice Served	28/06/2010	26/07/10	Gun Hill Garage Site, Ipswich Road, Dedham, Colchester	Complied with

Appendix C cont...

Progress report on enforcement action (to 31 December 2010)

<u>Refno</u>	<u>Officer</u>	<u>Type</u>	<u>served on</u>	<u>Status</u>	<u>start date</u>	<u>expiry date</u>	<u>premises address</u>	<u>progress</u>
2932	SH	EN		Action Authorised	Committee agreed to be allowed	Application submitted	Pantile Farm, Peldon Road, Abberton, Colchester, CO5 7PD	Application under consideration
2935	SH	BCN	Charles Day & Co Ltd	Notice Served	03/08/10	03/11/10	33 North Hill, Colchester, CO1 1QR	Planning officer negotiating an improved scheme - prosecute if unsuccessful
2944	SH	EN	Mr G Rampling	Notice Served	11/10/10	11/04/11	Ramplings Plant, Church Lane, East Mersea, Colchester	Expiry date 11/4/11
2945	CH	PCN	Mrs C Payne de Gramilly	Notice Served	23/07/10	13/08/10	The Railway Sleeper, 172 Bergholt Road, Colchester, CO4 5AJ	Complied with
2948	SH	EN	Mr and Mrs G Moore	Notice served	Suspended as at appeal	Suspended as at appeal	The Chicken Shed, Meeting Lane, East Mersea, Colchester, CO5 8TE	At appeal
2949	SH	PCN	MR P Callaghan	Notice Served	03/08/10		Mr P Callaghan, 1 Gate Cottage, Mersea Road, Langenhoe, Colchester, CO5 7LW	Complied with
2953	DK	PCN	Mr William Paul Venner	Notice Issued	26/08/10	16/09/10	Land Adjacent To, Brook House, 115 Bromley Road, Colchester, CO4 3JG	Complied with
2956	CH	PCN	N R Powell Developments Ltd	Notice Served	06/09/10	27/09/10	Plots 8 & 9, Jubilee Meadow, Halstead Road, Eight Ash Green, Colchester	Complied with
2961	SH	PCN	The Company Secretary	Notice Served	17/09/10	08/10/10	Land At, The Bugle Horn, Barrack Street, Colchester, CO1 2LJ	Complied with
2963	CH	EN	Trustees of E Browning Smith	Notice served	13/12/10	25/05/11	Elm Farm, Elm Lane, Marks Tey, Colchester, CO6 1HU	Complied with

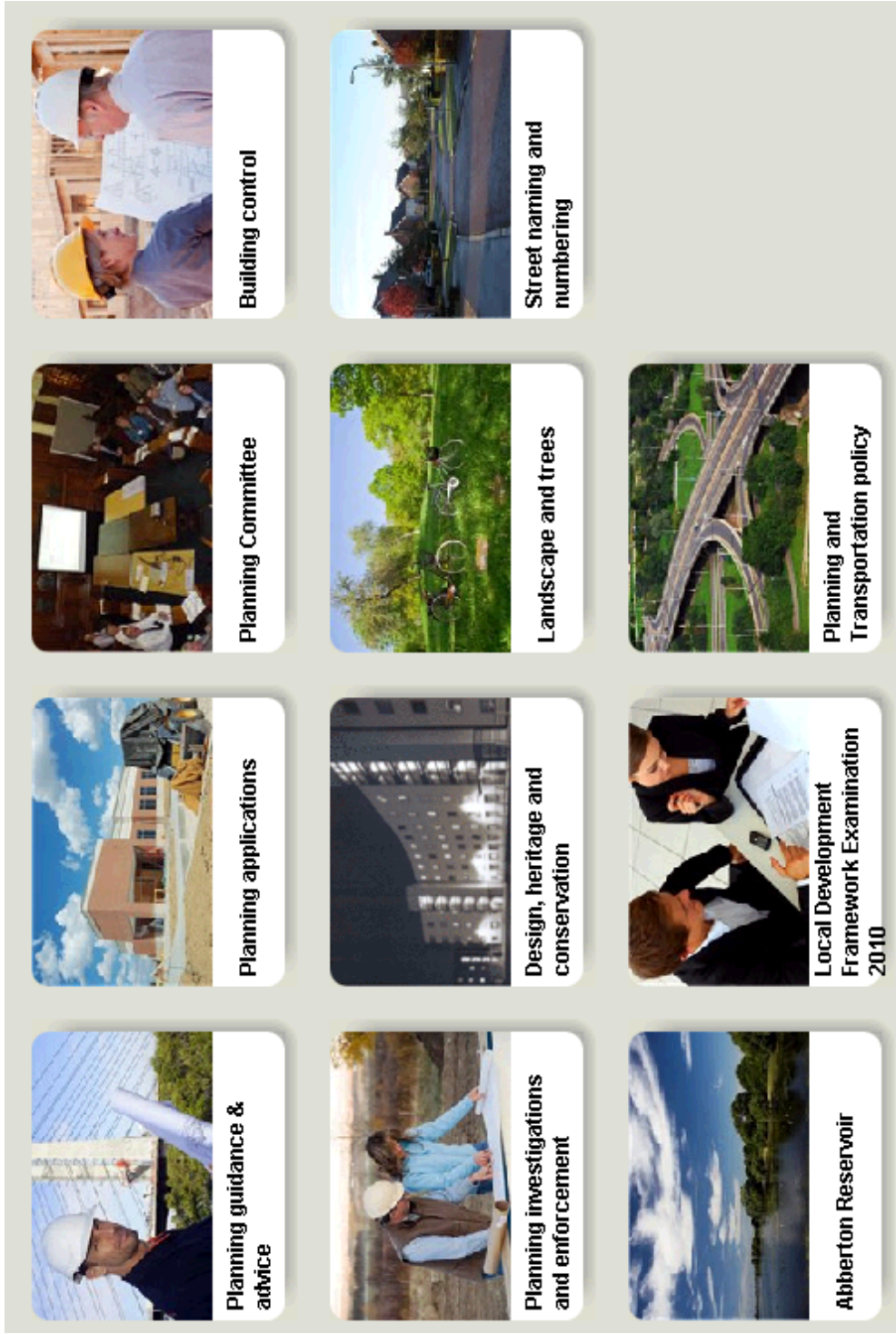
Appendix C cont...

Progress report on enforcement action (to 31 December 2010)

<u>Refno</u>	<u>Officer</u>	<u>Type</u>	<u>served on</u>	<u>Status</u>	<u>start date</u>	<u>expiry date</u>	<u>premises address</u>	<u>No further action</u>
2964	CH	EN	The Company Secretary	Notice served	22/09/10	25/11/10	PLOT 9, Jubilee Meadow, Eight Ash Green, Colchester	Complied with
2965	CH	EN	The Company Secretary	Notice served	22/09/10	25/11/10	6 Jubilee Meadow, Eight Ash Green, Colchester, CO6 3HQ	Complied with
2978	SH	EN	Ms Potter Mr S Soormally	Notice served	30/11/10	06/04/11	11 St Botolphs Street, Colchester	
2983	SH	PCN	Mr/s G Moore	Notice served	15/11/10	07/12/10	The Chicken Shed, Meeting Lane, East Mersea	Complied with
2987	DK	PCN	Mr Malcolm Minns	Notice Served	17/11/10	8/12/10	Cavendish House, Coggeshall Road, Dedham, CO7 6ET	Complied with
2988	SH	EN	Mrs K Renton-Taylor	Notice served	01/02/11	01/04/11	Tudor Cottage, Church Rd, Fingringhoe	
2991	DK	PCN	Mrs Amanda Wilton	Notice Served	25/11/10	16/12/10	32 Abbey Field View, Colchester, CO2 7US	Complied with
2993	DK	S330	Mr & Mrs Anderson	Notice served	01/12/10	22/12/10	59-61 Bromley Road, Colchester, CO4 3JF	Work in progress
2995	SH	PCN	Mr T Hill	Notice served	15/12/10	05/01/11	Land at Butterfly Lodge Farm, Mersea Rd, Abberton	Complied with
2996	DK	PCN	Ms I Stevens	Notice served	13/12/10	17/12/10	4 Dale Close, Colchester	Complied with
3002	SH	PCN	Mrs Howard	Notice served	21/12/10	11/01/11	23 Gladstone Road, Colchester	Complied with

Appendix D

Screen shots of new enforcement content on Planning Service web-site
http://www.colchester.gov.uk/service/landing_level_1.asp?sec_id=2934





Planning investigations and enforcement

The Planning Enforcement Team investigate possible breaches of planning control and aims to resolve these using the most appropriate means or action. We aim to deal with enquiries and complaints as quickly and efficiently as possible. Enforcement action can only be taken where there has been harm caused to public amenity. In general it is not a criminal offence to carry out development, which should have first been the subject of planning permission.



Enforcement Strategy



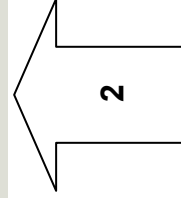
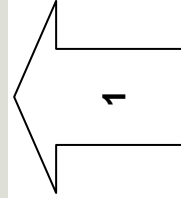
Breach of Planning Control & Planning complaints



Planning Enforcement Registers



High hedges



Colchester

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Home > Planning and Building > Planning investigations and enforcement > Breach of Planning Control & Planning complaints > Overview

Breach of Planning Control and Planning Complaints
Date Published: 1 September 2010

What is a breach of Planning Control?

A breach of planning control is defined in the Town and Country Planning Act 1990 as "the carrying out of a development without the required planning permission, or failing to comply with any condition or limitation subject to which planning permission has been granted". Examples of breaches of planning control:

- Building work, engineering operations and material changes of use, which are carried out without planning permission
- Development that has planning permission but is not carried out in accordance with the approved plans
- Failure to comply with conditions or the terms of a legal agreement attached to a permission or consent
- Demolition in conservation areas, without conservation area consent
- Works carried out to a "listed" building, without listed building consent being granted
- Removal of, or works carried out, to protected trees and hedgerows without consent being granted or written notification given

Related Documents

- Appeals Decided Dec 2010
- Appeals Lodged Dec 2010
- Decided w/e 27 Aug 2010 (Date Order)
- Decided w/e 27 Aug 2010 (Ward Order)
- Registered w/e 27 Aug 2010 (Date Order)

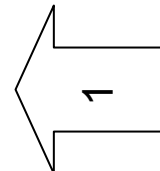
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Do it now

- Apply for Planning Permission
- Check Planning Applications
- Comment on a planning application

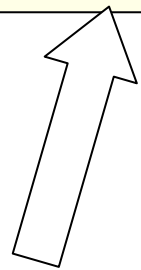
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A place where people want to live, work and visit



This part of the site describes how enforcement works and includes the link to report a incident that may be a breach of planning control

Scroll down the screen to the reporting an incident link



Who can complain?

Complaints can be received from anyone in the community including residents, businesses, Councillors, Parish and Town Councils. However anonymous complaints will not normally be investigated.

All complaints should be submitted by using our online complaint form:

[Online Complaint Form](#)

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Planning and Building

Planning guidance & advice

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Building control

Planning investigations and enforcement

Enforcement Strategy

Home > **Planning and Building** > **Planning investigations and enforcement** > **Planning Enforcement Registers** > **Overview**

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Planning Enforcement Registers

Date Published: 6 January 2011

Colchester Borough Council's planning enforcement registers can be viewed by clicking on the links below:-

Current Planning Complaints	Planning Enforcement Register	Listed Building Enforcement Notices	Discontinuance Notices	Breach of Condition Notice Register
Link	Link	Link	Link	Link

Current Planning Complaints

This register shows the current cases under investigation by the planning enforcement team, the date they were reported, the actual complaint and the current status of the complaint; this register also includes adverts and untidy sites.

Enforcement Notice

An enforcement notice is a notice served on an owner or interested party/parties which specifies what the planning authority considers to be a breach of planning control. An enforcement notice also specifies the remedial action that must be taken by the developer to remedy the breach of control by a deadline as specified by the planning authority, which must be no less than 28 days. According to planning law, the notice may require such steps to be taken as are required to: remedy the breach by making the development comply with the terms of a planning permission, by discontinuing any use or by restoring the land to its condition before the breach took place; or remedy any injury to amenity which has been caused by the breach. Failure to comply

Do it now

- [Apply for Planning Permission](#)
- [Check Planning Applications](#)
- [Comment on a planning application](#)

Related Documents

- [Appeals Decided Dec 2010](#)
- [Appeals Lodged Dec 2010](#)
- [Decided w/e 27 Aug 2010 \(Date Order\)](#)
- [Decided w/e 27 Aug 2010 \(Ward Order\)](#)
- [Registered w/e 27 Aug 2010 \(Date Order\)](#)

[Show more](#)

Related Articles

- [Background Information to the Local Development Framework](#)
- [Breach of Planning Control and Planning](#)

This part of the site provides direct links to current and historic information about enforcement action where notices have been concerned and logs all current investigation activity



Colchester Borough Council Development Control

Advisory Note on Parking Standards

The following information is intended as guidance for applicants/developers.

A parking space should measure 2.9 metres by 5.5 metres. A smaller size of 2.5 metres by 5 metres is acceptable in special circumstances.

A garage should have an internal space of 7 metres by 3 metres. Smaller garages do not count towards the parking allocation.

The residential parking standard for two bedroom flats and houses is two spaces per unit. The residential parking standard for one bedroom units is one space per unit. One visitor space must be provided for every four units.

Residential parking standards can be relaxed in areas suitable for higher density development.



Colchester Borough Council Environmental Control

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

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

Best Practice for Construction Sites

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

Noise Control

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

Emission Control

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

Best Practice for Demolition Sites

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

Noise Control

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

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

Emission Control

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