

Planning Committee

Town Hall, Colchester
15 April 2010 at 6.00pm

This committee deals with

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

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

Information for Members of the Public

Access to information and meetings

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

Facilities

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

Evacuation Procedures

Evacuate the building using the nearest available exit. Make your way to the assembly area in the car park in St Runwald Street behind the Town Hall. Do not re-enter the building until the Town Hall staff advise you that it is safe to do so.

Colchester Borough Council, Angel Court, High Street, Colchester
telephone (01206) 282222 or textphone 18001 followed by the full number you wish
to call

e-mail: democratic.services@colchester.gov.uk

www.colchester.gov.uk

Material Planning Considerations

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

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

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

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

Human Rights Implications

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

Community Safety Implications

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

COLCHESTER BOROUGH COUNCIL
PLANNING COMMITTEE
15 April 2010 at 6:00pm

Members

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

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

Agenda - Part A

(open to the public including the media)

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

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

Pages

1. Welcome and Announcements

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

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

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

2. Have Your Say!

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

3. Substitutions

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

4. Urgent Items

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

5. Declarations of Interest

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

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

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

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

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

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

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

Councillors should consult paragraph 7 of the Meetings General

Procedure Rules for further guidance.

6. Minutes

The minutes of the meeting on 1 April 2010 will be submitted to a future meeting of the Committee.

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. 091651 Colne View, Colchester **1 - 12**
(St Andrew's)

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 floor risk assessment/strategy

2. 100302 Development Site, 1-4 Kingsland Beach, West Mersea **13 - 25**
(West Mersea)

Proposed redevelopment of no's 1-3 Kingsland Beach, together with a new first floor extension to no 4 Kingsland Beach, West Mersea. Resubmission of 090534.

3. 091092 The Rectory, Church Lane, Marks Tey **26 - 36**
(Marks Tey)

Construction of a four bedroom parsonage house with single garage and landscaping within the grounds of the existing rectory

4. 100317 East Road, West Mersea **37 - 40**
(West Mersea)

Reposition garage serving plot 54 on approved housing development Wellhouse Green (previously approved under no's F/COL/0465, 080500 and 091516) (Resubmission of application number 091516)

5. 100336 North Farm Barn, East Road, East Mersea **41 - 45**
(Pyefleet)

Installation of a wind turbine on a 15m mast and two sets of photovoltaic panels one located on an outbuilding roof and one at ground level

6. 100352 7 Francis Way, Colchester (St Anne's) **46 - 52**

Carry out child minding activities from home

7. 091360 Turkey Cock Lane, Stanway (Copford and West Stanway) **53 - 67**

Continued occupation on a permanent basis, variation of temporary condition to allow permanent use of gypsy caravan site comprising 2 mobile homes and 4 touring caravans

8. 091539 Land rear of 185 Shrub End Road, Colchester (Prettygate) **68 - 72**

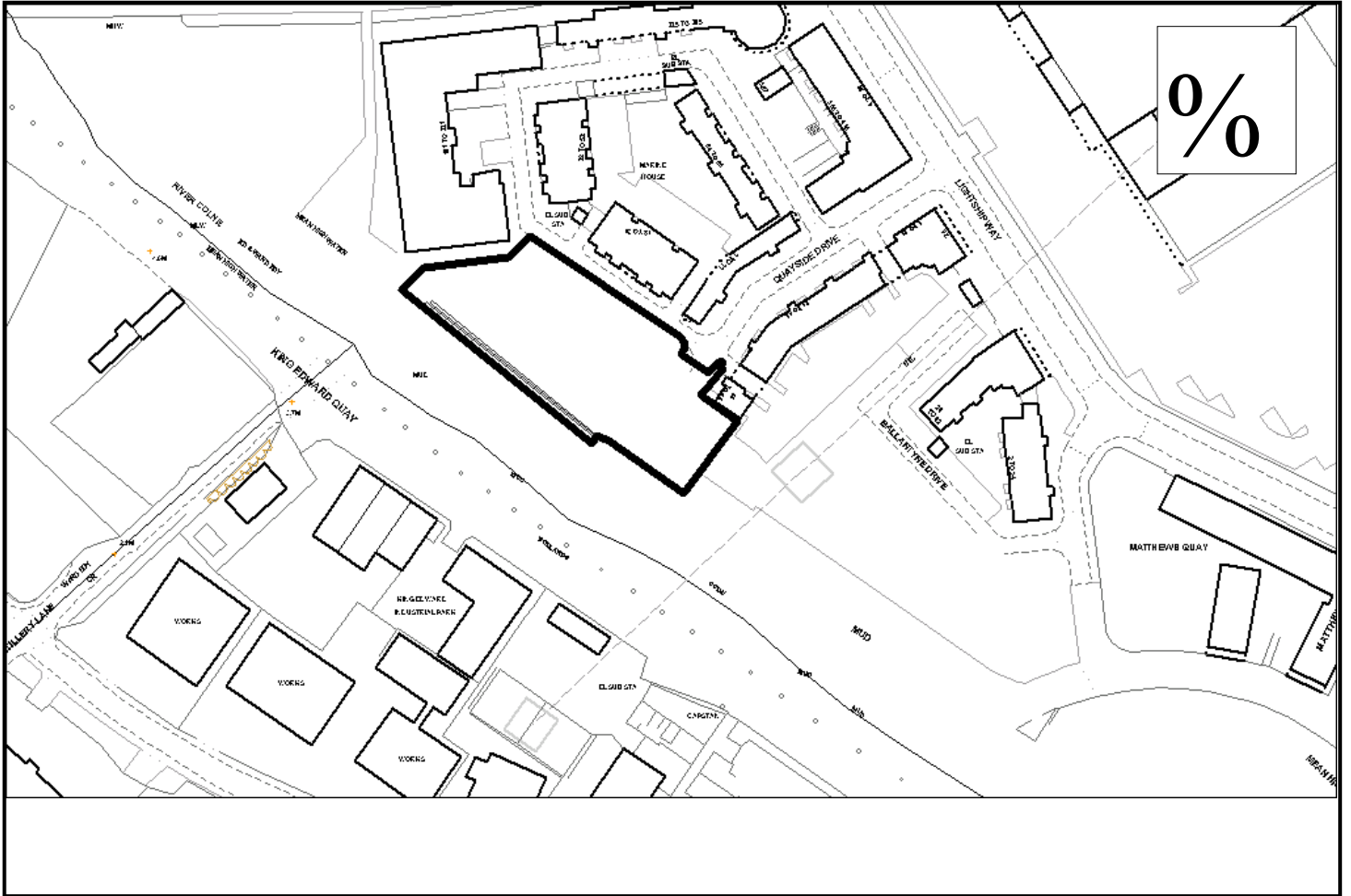
Change of use of log cabin (from ancillary residential use) to training room in connection with child care nursery.

9. 100161 Unit 3 St Ives Farm, St Ives Road, Peldon (Pyefleet) **73 - 82**

Removal of Condition 2 of Planning Permission 072151

8. Exclusion of the Public

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



Application No: 091651

Location: Moler Works (Building 5 & 5A), Colne View, Colchester, CO2 8GQ

Scale (approx): 1:1250

The Ordnance Survey map data included within this publication is provided by Colchester Borough Council of PO Box 884, Town Hall, Colchester CO1 1FR under licence from the Ordnance Survey in order to fulfil its public function to act as a planning authority. Persons viewing this mapping should contact Ordnance Survey copyright for advice where they wish to licence Ordnance Survey map data for their own use.

This map is reproduced from Ordnance Survey Material with the permission of Ordnance Survey on behalf of the Controller Of Her Majesty's Stationery Office © Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. Crown Copyright 100023706 2008



Committee Report

Agenda item

7

To the meeting of **Planning Committee**
on: **15 April 2010**
Report of: **Head of Environmental and Protective Services**
Title: **Planning Applications**

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

7.1 Case Officer: Bradly Heffer

EXPIRY DATE: 04/05/2010

MAJOR

Site: Colne View, Colchester, CO2 8GQ

Application No: 091651

Date Received: 2 February 2010

Applicant: Barratt Eastern Counties

Development: 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 floor risk assessment/strategy.

Ward: St Andrews

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

1.0 Planning Report Introduction

1.1 This planning application relates to the erection of a mixed residential and commercial development on land at the former Moler Brickworks at the Hythe Colchester, known as building 5/5A.

2.0 Site Description

- 2.1 Members will be aware that the former Moler Brickworks at the Hythe has been redeveloped for mainly residential use as part of the ongoing regeneration of East Colchester, which includes the ancient port area at the Hythe. The overall site has been mostly redeveloped, with two areas remaining – this current application site and a site immediately adjacent to the south-east.
- 2.2 The application site is a level piece of land with a given area of 0.44 hectares. It is currently contained by solid construction fencing – having last been utilised as the site office and materials storage area for building that has taken place elsewhere on the site. As well as surrounding buildings that comprise the remainder of the Moler Works development, the site is within close proximity to the University Quays student accommodation development to the east. To the south west the site fronts on to the River Colne and faces King Edward Quay which is an established commercial enclave within the former port area.

3.0 Description of Proposal

- 3.1 Under this planning application permission is sought for the erection of a four-storey building (building 5) that would contain 58 no. dwellings (comprising 28 one-bed units and 30 two-bed units). The scheme also proposes a detached single storey building immediately adjacent to the residential building that is identified for A3 (restaurant and café) use.
- 3.2 In terms of appearance the residential building would incorporate a variety of materials including brick, coloured panelling and boarding – examples of which may be found on existing buildings on the redeveloped Moler Works site. Members should note that the car parking to serve the site would be provided in a basement under the building and would consist of 50 spaces – a ratio of 0.86 spaces per unit. The parking provision reflects that found elsewhere on the Moler works development i.e. Building 2. Parking spaces for the commercial units would be provided at ground floor level.
- 3.3 The application is accompanied by a Design and Access Statement, the contents of which may be viewed on the Council's website. The following extract is included for Members information and is taken from the concluding section of the document:

'The proposal has been designed within the context of the development permitted and partially constructed on the site and the changing market requirements. That it follows the principles and outline proposals of the master plan. That it is a high quality design which has a modern contemporary style and also reflects the design and materials of the industrial heritage of the area and its waterside location and enhances the design of the already approved proposal and provides an attractive feature when viewed from the riverside. This proposal also addresses the singular concern of the Appeal Inspector and allows interaction between the podium level and riverside walk, thus ensuring that the podium functions as part of the public realm.'

4.0 Land Use Allocation

- 4.1 Regeneration Area as allocated in the Adopted Review Colchester Borough Local Plan.

DC0901MW 01/02

5.0 Relevant Planning History

- 5.1 O/COL/02/0763 – Erection of 212 residential units, 13 live/work units, 4 class A1 retail shops, a class A3 public house and a marine education centre. Approved 22nd July 2004 **(this permission covered the entire Moler Works site).**
- 5.2 RM/COL/04/1399 – Reserved matters approval granted in respect of buildings 1, 3 and 6 for the erection of 105 apartments and retail units.
- 5.3 F/COL/04/0947 - Residential development of 224 flats, arranged over 2-6 storeys, and 22no. 3 storey houses. 4 commercial units on ground floor of the development. 1 cafe building (5a) with landscaped terraces. Provision of riverside walk, new landscaping and quayside works. A pocket park, plus ancillary lighting, bicycle storage, refuse storage, car parking, roads and footpaths. Application approved 7th April 2006. **(This was the first application to approve details for buildings 5 and 5A. Under this permission building 5 contained 48 flats and was served by 48 car parking spaces.)**
- 5.4 081596 - Full application for 58 No. dwellings (Building 5) the elevation of building 5a, The Noodle Bar, by 2m and the construction of a flood risk evacuation route from building 5, 5a and 4. – Application refused via notice dated 5 December 2008. **(Members should note that this proposal sought permission for an additional 10 units in building 5 from the previously approved 48 units. Members are also advised that the refusal of this application was appealed and the appeal was subsequently dismissed by the Planning Inspectorate.)**

6.0 Principal Policies

- 6.1 Adopted Review Colchester Borough Local Plan - 2004
DC1 – General Development Control criteria
UEA11 – Design
UEA13 – Development, including extensions, adjoining existing or proposed residential property
P3 – Development in Floodplains and Washlands
ECH1 – Development in the Regeneration Area – General
ECH2 – Area 1 – The former Moler Works site
- 6.2 Local Development Framework Core Strategy - December 2008
SD1 – Sustainable Development Locations
SD2 – Delivering Facilities and Infrastructure
H1 – Housing Delivery
H2 – Housing Density
H3 – Housing Diversity
H4 – Affordable Housing
UR1 – Regeneration Areas
UR2 – Built Design and Character
PR2 – People-friendly streets

TA1 – Accessibility and Changing Travel Behaviour
TA2 – Walking and Cycling
TA3 – Public Transport
TA5 – Parking
ENV1 - Environment

7.0 Consultations

- 7.1 The application has been presented to the Council's Development Team for consideration in accordance with protocol. As a result it has been agreed that the range of elements to be included in a legal agreement (attached to a grant of planning permission) would be the same as those applicable to the previously-refused scheme (ref 081596). Details of the proposed agreement are included later in this report for Members information.
- 7.2 The Highway Authority has no objection to the scheme subject to securing a contribution towards highway/transportation improvements in the vicinity of the proposal site (calculated at £6 200) and the provision of travel packs for all dwellings.
- 7.3 Anglian Water has advised that a series of informatives should be attached to a grant of planning permission.
- 7.4 At the time this report was written comments from the Council's Environmental Control Team and the Environment Agency were had not been received. Any comments made prior to the Committee Meeting will be reported to Members.

8.0 Representations

- 8.1 As a result of notification locally at the time this report was written, five responses have been received in which the following summarised points are made:
- The noise generated by construction of the building could cause disturbance to night-workers and it is queried whether there would be compensation payable for those needing to relocate.
 - The site as it is has enough development and the provision of more buildings will create amenity issues and a cramped overdevelopment. The building will also adversely affect sunlight levels. Rubbish collection is a problem in the area.
 - Parking and access problems in the area are experienced at the moment and this will make matters worse.
 - The type of accommodation proposed will encourage letting to students.
 - The development suffers from inadequate bin collection areas and this will be exacerbated by the proposed development.
- 8.2 Colchester Cycling Campaign requests the provision of cycle parking.
- 8.3 The full text of the comments made is available to view on the Council's website.

9.0 Report

- 9.1 As mentioned previously the Moler Works site has been the subject of a series of applications for mainly residential development and it represents one of the key regeneration sites within the Hythe Area. It is important to bear in mind that this current application site does benefit from an extant permission for 48 units as granted under application no. F/COL/04/0947. As other buildings included in this permission have been built this approval for building 5 remains 'live'.
- 9.2 Members will also note that a previous application to increase the number of units within the building to 58 (ref. 081596) was subsequently refused by the Council. However, the reasons for refusal related to the design of the building and also (at the time of determination of the application) the lack of a legal agreement to secure a package of elements deemed necessary to mitigate the impact of the development. No objection was raised by the Council per se to the increase in units from the previously-approved 48 to 58.
- 9.3 It is also important to apprise Members of the outcome of the appeal proposal. In dismissing the appeal the Inspector did not agree with the Council's concerns over the design and stated '...In my view the form scale and design of the proposed building would reflect elements of the designs of other buildings within the Colne View development and would not appear out of place...' The Inspector did however consider the design of the plinth detail of the building submitted at that time to be unacceptable as it would effectively divorce the building from the adjacent walkway adjacent to the river. On this basis this submission seeks to revise the design of the plinth detail but the overall design reflects that submitted under the last application (ref. 081596). It is also noted that the terms of a legal agreement attached to a grant of planning permission were agreed prior to the appeal hearing for the previous application and these agreed terms are also proposed under this current scheme. For Members information the terms are as follows:
- £137 375 contribution towards affordable housing
 - £14 755 Public Open Space contribution
 - £6 200 transport contribution
 - Provision of travel packs for occupiers of the proposed dwelling.
- 9.4 Members will note that the submission of this application has given rise number of objections that have been summarised earlier. The following responses are made to the points raised:
- The noise generated by construction processes is an issue to be controlled under Environmental Control legislation. If a complaint of noise nuisance is raised this would be investigated by Environmental Control in the normal way.
 - The development of this site for residential and commercial purposes, as part of the overall Moler Works development, has been established through the approval of previous applications, which in themselves followed the establishment of an overall development master plan for the Moler Works site. Of course, it is fully appreciated that the occupiers of other buildings on this site may consider that the building would unacceptably impinge on their overall amenity. However, the submitted scheme represents an element in an overall plan for development that has been previously

- endorsed. On this basis it is felt that the reconsideration of developing this site in principle is not appropriate in planning terms.
- The amount of parking spaces available for the development is 50 spaces, to serve 58 units. While this amount equates to less than 1 space per unit it is noted that this provision was not objected to by the Council when the last application (ref. 081596) was refused. In mitigation the Design and Access Statement submitted with the application identifies that this standard has also been applied to other buildings on the Moler Works site. Further it is considered that the location could justifiably merit a lower parking provision on the basis that it is accessible and would benefit from good cycle and pedestrian links and is reasonably close to both bus routes and the recently improved Hythe railway station. Lastly it is noted that the Core Strategy policy TA5 – Parking contains the following statement:
 ‘Development should manage parking to accord with the accessibility of the location and to ensure people-friendly street environments. Within Centres and other accessible locations, car parking should be minimised and located underground, under deck and behind buildings...’
 It is your officer’s opinion that the parking arrangements accord with this adopted policy aim. This comment is made in recognition of the fact that revised parking standards have recently been adopted by the Borough Council (contained within the document entitled ‘Parking Standards – Design and Good Practice’ adopted September 2009). It is noted that this document states: ‘Reductions of the vehicle standard may be considered if there is development within an urban area (including town centre locations) that has good links to sustainable transport’ (page 64). It is considered that the site for this planning application falls within this type of location and therefore a reduction of standard would be acceptable.
- The possible future letting arrangements for the accommodation is outside the scope of elements to be considered under planning legislation per se. It is noted that the Council’s Development Team has previously endorsed a contribution to affordable housing as opposed to the provision of units within the building itself.

9.5 In summary, the issues raised by the provision of buildings on this particular part of the former Moler Works site have been considered by both the Council and also within an appeal forum. Whereas the Council saw fit to reject the last scheme on grounds of design it is clear that this view was not supported at appeal and the only issue that the last application failed on was the design of the plinth feature and its relationship with the river walk. Members are advised that the scheme put forward to Committee for formal determination incorporates a revised plinth detail that meets with the support of the Council’s Urban Design Officer. On this basis it is recommended that a conditional permission is granted for the development, following the completion of the necessary agreement as described.

10.0 Background Papers

10.1 CAA; HA; AW; NLR

Recommendation

Approve subject to the prior completion of a legal agreement under S106 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:-

- £137 375 contribution towards affordable housing.
- £14 755 Public Open Space contribution
- £6 200 transport contribution.
- Provision of travel packs for the occupiers of the proposed dwelling.

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 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

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

Reason: Insufficient information with regard to external materials is submitted with the application and the Local Planning Authority would wish to ensure that these are of a satisfactory standard in order to ensure that visual amenity in this location was maintained and improved.

3 - Non-Standard Condition

The development hereby permitted shall be implemented in all respects strictly in accordance with the revised drawings hereby returned stamped approved.

Reason: For the avoidance of doubt as to the scope of the permission hereby granted and because the originally submitted plans included an unsatisfactory plinth design.

4 - 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.

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.).

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.

5 - 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.

6 - Non-Standard Condition

A landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, 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.

7 -Non-Standard Condition

Additional drawings that show details of all architectural features such as windows (including window reveals and glazing systems), doors, door cases, shop fronts, eaves, verges, cills, copings, plinths, parapets, string courses, lintels, balconies, balustrades, render type colour and texture, brick bond mortar colour and pointing, flues, extract equipment and external plant and support structures and roof features, at a scale of between 1:20 and 1.1 as appropriate, shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of the development. The development shall be carried out in accordance with the approved details.

Reason: The application as submitted does not give sufficient detail regarding these elements and the Local Planning Authority would wish to agree the details in order to ensure a satisfactory appearance in the interests of visual amenity.

8 - Non-Standard Condition

Any lighting of the development shall be located, designed and directed or screened so that it does not cause avoidable intrusion to adjacent residential properties/ constitute a traffic hazard/cause unnecessary light pollution outside the site boundary. "Avoidable intrusion" means contrary to the Code of Practice for the Reduction of Light Pollution issued by the Institute of Lighting Engineers.

Reason: In order to protect the amenity of the occupiers of adjoining and nearby residential properties and in the interests of highway safety.

9 - Non-Standard Condition

No dwelling or commercial unit shall be occupied until space has been laid out within the site in accordance with drawing Nos PL-02 Rev C (Site Layout Plan) for 5no. cars and PL-05 Rev A (Basement Parking Plan) for 50no. cars to be parked and for vehicles to turn so that they may enter and leave the site in forward gear.

Reason: In order to ensure that car parking is provided on the site in accordance with the submitted plans.

10 - Non-Standard Condition

No dwelling shall be occupied until space has been laid out within the site in accordance with drawing Nos. PL – 02 Rev C and PL-05 Rev A for bicycle parking facilities. These facilities shall thereafter be retained as such and not used for any other purpose.

Reason: In order to ensure that bicycle parking is provided on the site in accordance with the submitted plans.

11 - Non-Standard Condition

Prior to building 5A intended for A3 restaurant and café use being brought into use for the purposes hereby approved, bicycle parking facilities for patrons of the premises shall be provided in a practical and visually satisfactory manner within the site, which comply with the Local Planning Authority's current cycle parking standards and are in accordance with a scheme, indicating the number, location and design of such facilities, which shall have previously been submitted to and approved in writing by the Local Planning Authority. The approved facilities shall thereafter be retained to serve development.

Reason: In order to ensure that bicycle parking is provided on the site in accordance with the Council's adopted standards in order to ensure a satisfactory form of development.

12 - Non-Standard Condition

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

Reason: To ensure that sufficient facilities are available for the storage of refuse and materials to be recycled, in the interests of securing a satisfactory form of development.

13 - Non-Standard Condition

Prior to the A3 (Restaurants and Cafes) use (in building 5A) being commenced it shall be insulated against internally generated noise in accordance with a scheme that shall previously have been submitted to and approved in writing by the Local Planning Authority.

Reason: In order to ensure that the amenity of adjoining and nearby residents is not adversely impacted by noise generated by equipment and apparatus required in connection with the permitted A3 (Restaurants and Cafes) use.

14 - Non-Standard Condition

The proposed A3 use (in building 5A) shall be limited to a restaurant or cafe/tea room.

Reason: For the avoidance of doubt as to the scope of the permission hereby granted and in order to protect the amenity of adjoining and nearby residents.

15 - Non-Standard Condition

The A3 use (in building 5A) shall not open to the public outside the hours of 07.30hrs to 23.30hrs unless otherwise agreed in writing by the Local Planning Authority.

Reason: In order to avoid the potential for noise nuisance and disturbance by customers being caused to adjoining and nearby residents.

16 - Non-Standard Condition

Deliveries to and collection of goods from the commercial units hereby permitted (including the A3 use in building 5A) shall not take place outside the hours of 07.30hrs to 18.00hrs Mondays to Fridays, 07.30hrs to 13.00hrs Saturdays nor at any times on Sundays or Bank Holidays.

Reason: In order to avoid the potential for noise nuisance and disturbance being caused to adjoining and nearby residents.

17 - Non-Standard Condition

The A3 use (in Building 5A) shall not commence until there has been submitted to and approved in writing by the Local Planning Authority full details of equipment to be installed in the building for the extraction and control of fumes and odours together with a code of practice for future operation of that equipment. The use hereby permitted shall not take place other than in accordance with the approved details.

Reason: In order to avoid the potential for odour nuisance being caused to adjoining and nearby residents.

18 - Non-Standard Condition

Prior to the commencement of development, a scheme for the provision and implementation of surface water drainage shall be submitted and agreed, in writing, with the Local Planning Authority. The scheme shall be constructed and completed before occupancy of any part of the proposed development.

Reason: In order to ensure that satisfactory arrangements are in place to address surface water drainage resulting from the development hereby approved.

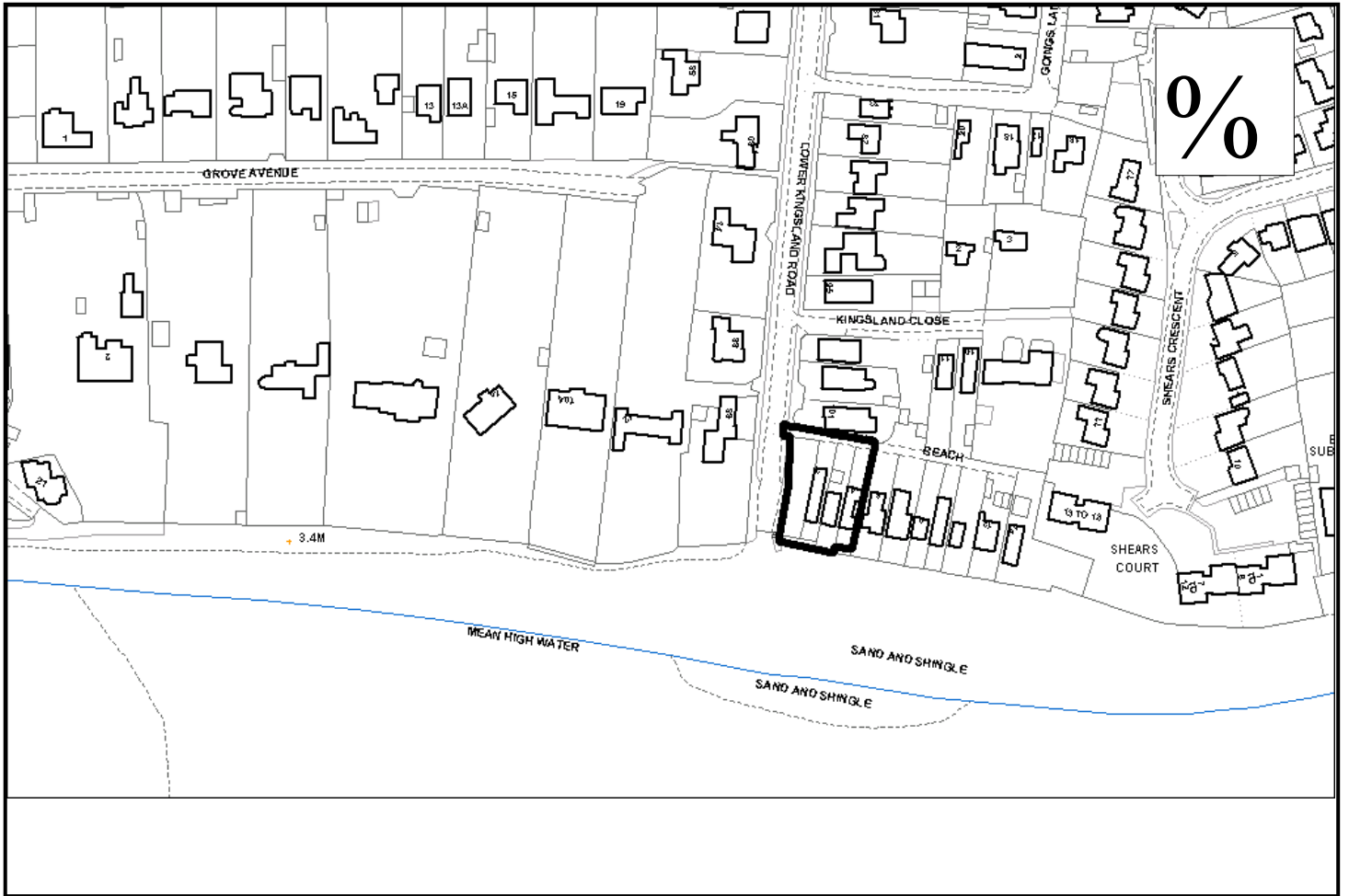
19 - Non-Standard Condition

Measures shall be provided to ensure no mud and/or debris is deposited on the public highway by any vehicle associated with construction of the proposal. The detailed measures shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development and shall be carried out to the satisfaction of the Local Planning Authority (in consultation with the Highway Authority) for the duration of the construction works.

Reason: To ensure that mud and/or debris is cleared from the public highway in the interests of highway safety.

Informatives

Plus informatives as required by the Highway Authority and Anglian Water Services Ltd.



Application No: 100302

Location: Development Site, 1-4 Kingsland Beach, West Mersea, Colchester

Scale (approx): 1:1250

The Ordnance Survey map data included within this publication is provided by Colchester Borough Council of PO Box 884, Town Hall, Colchester CO1 1FR under licence from the Ordnance Survey in order to fulfil its public function to act as a planning authority. Persons viewing this mapping should contact Ordnance Survey copyright for advice where they wish to licence Ordnance Survey map data for their own use.

This map is reproduced from Ordnance Survey Material with the permission of Ordnance Survey on behalf of the Controller Of Her Majesty's Stationery Office © Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. Crown Copyright 100023706 2008

7.2 Case Officer: Nick McKeever

EXPIRY DATE: 16/04/2010

MINOR

Site: Development Site, 1-4 Kingsland Beach, West Mersea, Colchester

Application No: 100302

Date Received: 19 February 2010

Agent: Mr John Lawson

Applicant: Whiteacre Property Development

Development: Proposed redevelopment of no's 1-3 Kingsland Beach, together with a new first floor extension to no 4 Kingsland Beach, West Mersea. Resubmission of 090534.

Ward: West Mersea

Summary of Recommendation: Conditional Approval subject to signing of Unilateral Undertaking

1.0 Planning Report Introduction

1.1 This application follows a refusal of planning application 090534, which was rejected in August 2009 for the following reasons:-

1. The Adopted Review Colchester Borough Local Plan March 2004, in common with Planning Policy Statement 1 (PPS1), seeks to ensure that the layout and design of new housing retains local distinctiveness, meets the highest standards in terms of visual appearance, treatment of the external environment and respects or enhances local character. The saved Local Plan policies DC1 (b) and UEA11 require a high standard of design in the layout of an area and of a building itself and that the buildings should have adequate regard to their setting and should be based upon a proper assessment of the surrounding built and natural environment. The Local Plan policy UEA12 requires that, where the character of existing residential development makes a positive contribution to the area, infilling and minor extensions shall reflect that character. The development of buildings as proposed containing six apartments is of a density, massing, form, scale and design which is out of keeping with the existing development to which it will relate. Having regard to the character of this area, the Council consider that this proposal represents an undesirable and unsatisfactory overdevelopment of this site, which occupies a prominent position in terms of the adjacent beach area and public views. The development is therefore contrary to the aforementioned saved Local Plan policies.
2. The site lies within tidal Flood Zone 3. The Environment Agency has advised the Council that the Flood Risk Assessment (FRA) submitted with this application does not comply with the requirements set out in paragraph E3 of Annex E to Planning Policy Statement 25 (PPS25). Therefore, the submitted

FRA does not provide a suitable basis for assessment to be made of the flood risks arising from the proposed development. In particular, the submitted FRA has failed to:

- Consider the vulnerability of those that could occupy and use the development, in particular the safety of the ground floor apartments:
- Consider the effects of a range of events, including 'extreme' events, on people and property:
- Fully demonstrate how the ability of water to soak into the ground may change with the proposed development.

1.2 In order to address these reasons for refusal the revised application incorporates the following main changes:-

- The number of units has been reduced from 6 to 5 apartments with the redevelopment of nos. 1 – 3 now comprising 1 x 1 bed and 4 x 2 bed apartments (a net increase of 3 dwellings on the site). The previous scheme was for 2 x 1 bed and 4 x 2 bed units.
- Improvements to the design and use of external materials.
- An amended Flood Risk Assessment (FRA) to comply with the requirements of PPS25 and the Environment Agency's requirements (a small part of the site frontage being within Flood Zone 2).

1.3 The following description of the proposed development is taken from the supporting Design & Access Statement (D & AS).

- The proposals involve the demolition of the existing single storey dwellings at Nos. 2 & 3 Kingsland Beach and erection of a two storey building containing 5 self contained apartments comprising 1 x 1 bed and 4 x 2 bed units.
- In line with Environment Agency recommendations for residential developments close to flood risk assessments, a refuge area has been incorporated at first floor level on the Kingsland Beach frontage of the proposed building.
- Private garden areas are provided on the beach frontage of the proposed development to serve the ground floor units and balconies are to be provided for the apartments at first floor level.

1.4 8 car parking spaces (1 per unit plus 3 visitor spaces), covered and secure cycle parking and designated storage areas for each apartment, are to be provided within a landscaped area to the rear of the new building, with access off Kingsland Beach.

1.5 The application also includes a first floor extension to No.4 Kingsland Beach to create one additional bedroom, a bathroom and a second living room with a balcony fronting the beach. The eaves height is to increase from 2.3m to 4.3m and the ridge height from 4.2m to 7.4m.

1.6 The use of external materials (weatherboarding, red brick plinths and roof tiles) is to reflect nearby examples and the vernacular on Mersea and the Essex coastal areas.

1.7 The D & AS, together with the supporting FRA, can be viewed in full on the Council website.

1.8 The application includes a Unilateral Undertaking in respect of the required Open Space & Community Facilities contributions.

2.0 Site Description

2.1 This 0.09 ha site fronts onto the beach area. To the rear (i.e. to the north), lies Kingsland Beach, which is an un-made private road serving the existing dwellings that face onto the beach, together with some other dwellings that lie to the immediate north. Residential properties lie to the west, to the north along Kingsland Road and Kingsland Close, and to the east in Shears Crescent. The site is on an elevated position relative to the beach area.

2.2 Immediately to the north of the site is a detached bungalow, No.101 Kingsland Road.

2.3 The site contains two vacant single story dwellings, known as Nos. 2 & 3 Kingsland Beach. The D& AS suggests that the dwelling that once stood at No.1 Kingsland beach was destroyed in the 1987 storm and that the plot has remained vacant since that time.

2.4 No.4 Kingsland beach is a single storey, 2 bedroom dwelling.

2.5 The development along Kingsland Beach and within the immediate vicinity is an eclectic mix of dwellings exhibiting a wide variety of house types, architectural styles and ages.

3.0 Land Use Allocation

3.1 Residential
Countryside Conservation Area
Open Space
Flood Risk Zone 2 & 3

3.2 Relevant Planning History

3.3 090534 – Proposed redevelopment of nos. 1 – 3 Kingsland Beach, together with a new first floor extension to no. 4 Kingsland Beach, West Mersea. Refused 20 August 2009.

4.0 Principal Policies

4.1 Adopted Review Borough Local Plan
Development Control Considerations - DC1
Design – UEA11
Infill & Backland development – UEA12
Development adjacent to existing dwellings – UEA13
Flood Risk – CE2

- 4.2 Core Strategy
SD1 – Sustainable development Locations
H2 – Housing Density
UR2 – Built Design & Character
TA5 – Parking
ENV1 - Environment

5.0 Consultations

- 5.1 The Highway Authority raises no objection subject to conditions being imposed relating to the provision of properly constructed vehicular crossings of the footway, details of bicycle parking and provision of a communal bin/refuse collection point. The Highway Authority also notes that the parking provision falls below the current parking standards.
- 5.2 Environmental Control recommends the inclusion of the standard advisory notes in respect of Demolition & Construction.
- 5.3 The Environment Agency confirms that the submitted FRA, together with the suggested design mitigations, is acceptable and that it is encouraging to see that the developer is seeking to apply a sequential approach by positioning the habitable accommodation in parts of the site at the lowest risk of flooding and has looked at how sea level rise could impact upon the site over a 100 year development lifetime. The Agency confirms that it has no objection subject to conditions to include a minimum finished floor level of 5.732m AOD, ground floor flats having a freely available and direct internal access to a first floor refuge area, scheme for the provision & implementation of flood resilience measures, provision & implementation of surface water drainage incorporating wherever possible sustainable drainage principles, scheme for the provision and implementation of water, energy & resource efficiency measures.

6.0 Parish Council's Views

- 6.1 West Mersea Town Council recommends refusal as the proposed development is out of keeping with surrounding properties and is on a flood plain.

7.0 Representations

- 7.1 4 letters of objection have been received. Whilst these letters can be viewed in full on the Council website, the objections contained within them are summarised as follows:-
- The development significantly reduces and narrows long established public view along Kingsland Road towards the beach and the Blackwater Estuary. The flats will be a dominating building. The development is not a replacing 'like for like' basis. Kingsland Beach is an area of single detached dwellings, built on 20 – 30 feet wide plots. The flats are on a 60 foot plot, or 80 foot with the inclusion of No.4.
 - Discrepancy between the ground levels and the ridge heights. The ground level on the western side of No. 4 Kingsland Beach is 1.1 metres lower than the western side of the proposed flats. The ridge is still shown as at the same height as the proposed flats even though it is built on lower ground level. The ground floor of the flats will be level with a position over half way up No. 4 Kingsland Beach and this is not shown this way on the drawings. No.8 Kingsland Beach (The White House) is

also about the same height from DPC as is proposed for No. 4 and the proposed flats. The ground at No. 8 Kingsland Beach is about a metre lower than No. 4 Kingsland Beach, but the ridge is still shown as the same height as the proposed flats. The ridge of the flats will be about 2 metres higher than No. 8 Kingsland Beach.

- Unsatisfactory appearance, particularly the west flank wall. The flats mainly address the beach.
- Overall the roof height is little different from a previous application.
- Loss of light to the garden, lounge & bedroom of No. 101 Kingsland Road
- The Planning Department has in the past sought to restrict development to single storey within this area.
- The development of 1 – 3 & No.4 Kingsland Beach are two totally separate projects and there may be no intention to undertake the extension of No.4. This means that the “artist impressions” give an unrealistic impression. If permission is granted for the flats it should be a condition that the extension to No.4 is completed before the flats are occupied.
- The area at the end of Kingsland Road (adjacent to the beach) is of limited area. The addition of 8 resident’s cars would be an additional hazard.
- The flats are small and are more likely to be used as holiday/weekend accommodation, which is out of character. Holiday flats can create problems with refuse bags being left and prone to scavenging animals such as foxes, cats & dogs.

8.0 Report

- 8.1 The site lies with the residential area of West Mersea and on a site which originally contained three small single storey dwellings, one of which was demolished some years ago. On this basis the use for residential purposes is acceptable in principle and is in a sustainable location relative to the existing facilities provided within the centre of West Mersea.
- 8.2 In this context the main issues are the density of the development, the layout and design, and the impact upon the residential and amenity of this residential area.
- 8.3 With regard to the density of the development, the Core Strategy policy H2 seeks housing densities that make efficient use of land and relate to the context. The supporting Table H2a (Indicative Housing Densities) provides guidance on appropriate densities that relate to the accessibility of a location. In this table West Mersea is classified as having moderate accessibility and the appropriate indicative housing density being over 40 dwelling units per hectare (du/ha). The erection of the 5 flats on this site achieves a density of 55 du/ha. This is slightly less than the previously refused scheme.
- 8.4 Whilst this reduction in overall density is in itself an improvement, it is the combination of this together with the improvements to the detailed form and design which has addressed your Officers concerns with the redevelopment of this prominent site along the beach front.
- 8.5 The revised scheme that is now before Members for their consideration is a result of continued negotiations with the Applicant, their Agent and the Council’s Urban Design Officer since the previous refusal back in August 2009.

- 8.6 The main consideration in terms of the scale, mass and design elements, was the need for the development to relate in a visually satisfactory manner to the existing development along Kingsland Beach that fronts onto the beach. It was important that any scheme was sympathetic to the rhythm of these existing dwellings.
- 8.7 In this respect, there is a considerable variation in the height, form, design and use of external materials. If there is a common element it is the steep pitched roofs on the majority of the gable fronted, existing dwellings, although there are some flat- roof two storey and three storey buildings, and the use of black/white finished weatherboarding. Apart from the flats located to the east (Shears Court), the dwellings are detached properties. Taken together this group of dwellings has a distinctive feel and character.
- 8.8 The reduction in the number of proposed units has given a degree of flexibility to achieve a form and standard of design that is desirable for this site.
- 8.9 In terms of the design, the submitted D & AS sums up one of the principle approaches to the scheme :-
- 4.28 “...The use of strong gable elements (with the first floor extending into the roof space) reflects a design theme which has been employed on several other properties along the beach front and which is in turn inspired by traditional forms common in the historic parts of West Mersea.
- 4.29 The use of materials for the development – boarding, red brick plinths and tiled roofing is again a reference both to nearby examples and to traditional building types on Mersea and the Essex coast area.
- 4.30 The scheme’s approach to design detail generally aims to be crisp and contemporary, while the use of materials ‘anchors’ the scheme within the established environment and local precedent”.
- 8.10 The flats are to be housed within one larger building. This is the main feature that is different to the other group of buildings along this part of the beach frontage, apart from the group of flats at Shears Court to the east. However, in terms of the visual impact the two strong end gables incorporating large areas of fenestration, are the dominant feature, with the linking area between them being set back from the front gables and having a much lower ridge line.
- 8.11 The front gables have been reduced in width from the original scheme. This together with their steep pitched roofs has given a vertical emphasis to the development compared to the refused scheme. With their large glazed areas and white finished weatherboarding, the beach elevation achieves a light and contemporary feel.
- 8.12 The site has three aspects to it – the beach frontage, the relationship to Kingsland Road and the relationship to the un-adopted road Kingsland Beach. The submitted scheme presents some architectural interest to Kingsland Road by way of the use of a projecting bay, the use of contrasting materials and the incorporation of windows within this elevation. The elevation to Kingsland Beach has a more subdued treatment but also includes large glazed features within the two gables as well as the use of contrasting external materials. The two gables are again the dominant feature.

- 8.13 Taken together as a single package, this scheme has addressed the previous design-based reasons for refusing the previous application. It will improve and enhance the current street scene and in this respect it accords with current Government guidance (PPS1) and the relevant policies set out in the Adopted Local Plan and the Core Strategy.
- 8.14 The concerns expressed regarding the ground levels and ridge heights are acknowledged.
- 8.15 The Applicant has provided the following information in response to this objection:-
- "I attach, hereto, an extract from the land survey and noted thereon the DPC level which the Environmental Agency have sought for us to achieve, having regard to the latest flood risk requirements. You will note that we are less than 600mm higher than the DPC level of No. 4 (Mr King refers to 1.1 metres). Our ridge height will be around 750mm higher than that of No. 8 Kingsland Beach (Mr King refers to 2 metres) and I believe this accords with the general fall in an easterly direction of Kingsland Beach. The submission drawings reflect these levels as described."
- 8.16 The extract from the land survey that is referred to in this response is reproduced as an Appendix.
- 8.17 In terms of the impact upon residential amenity, the property that could be affected is the detached bungalow to the north i.e. No. 101 Kingsland Road. At its nearest point from the new building this property is located approximately 22 metres away. Whilst there are windows within the south facing flank wall of No.101 Kingsland Road, there will be no significant loss of daylight or sunlight to this property, nor will it have an unacceptable overbearing impact, in terms of the relevant Local Plan policy UEA13. This new building will not directly overlook the private garden area of this adjacent dwelling.
- 8.18 The Essex Design Guide normally seeks to provide private amenity space of 25 sq. m for each flat. This provision of balconies can form part of this standard. In the case of the new building an area of private space on the frontage is provided for the ground floor units and balconies for the front elevation to serve the first floor units. Whilst the overall amenity space is below the 25sq.m per flat, this is balanced by the beach front location, giving the residents access to this large area of open space. Under this particular and exceptional circumstance the level of private amenity space for the proposed flats is considered to be acceptable.
- 8.19 The comments made by the Highway Authority, and in particular the level of parking provision, are acknowledged. The recently adopted parking standard for residential development is 1 space per one bedroom units and 2 spaces for two or more bedroomed dwellings, together with 0.25 visitor spaces per dwelling.

- 8.20 On this basis the new building providing 1 bedroom flat and 4 x 2 bedroom flats would require 8 parking spaces for the occupants and 1 visitor space. The submitted scheme makes provision for 8 car parking spaces on the rear part of the site. It also makes provision for 6 covered cycle parking spaces. This deficit of one parking space is considered to be acceptable having regard to the location of the site within comfortable walking distance of the local shopping facilities in West Mersea as well as access to the bus stops in Kingsland Road and Yorick Road.
- 8.21 This parking area is described in the D & AS as having a permeable block paved surface and as such accords with sustainable drainage objectives.
- 8.22 The secondary reason for the refusal of the previous application 090534 related to the failure of the submitted FRA to address in a satisfactory manner the fact that part of the site frontage is within a Flood Risk 2. The Applicant/Agent undertook further discussions and meetings with the Environment Agency and ultimately satisfied the Agency that the revised scheme was acceptable.
- 8.23 It is noted that no objections have been received in respect of the impact, scale or design of the proposed extension to No.4 Beachland Road. This extension is acceptable in terms of the Local Plan policy UEA13 and in terms of its relationship to the other existing dwellings along Kingsland Beach as well as the character of this area in general.

9.0 Background Papers

9.1 ARC; HA; PTC; HH; NLR; NR

Recommendation

That subject to the completion of a signed Unilateral Undertaking the Head of Environmental and Protective Surfaces be authorised under delegated powers to grant planning permission 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 - 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 has a satisfactory appearance in the interests of visual amenity and helps to reinforce local character and identity.

3 - Non-Standard Condition

The existing vehicular access to Kingsland Beach shall be provided with properly constructed vehicular crossing of the footway prior to the proposed dwellings being permitted to be occupied.

Reason: To ensure that vehicles using the site do so in a controlled manner, in the interest of highway safety.

4 - Non-Standard Condition

Prior to the commencement of the development the details of the number, location and design of bicycle parking facilities shall be submitted to and approved in writing by the Local Planning Authority. The approved facilities shall be provided before occupation and retained at all times.

Reason: To ensure appropriate powered two wheeler and bicycle parking is provided in accordance with the Council's adopted parking standards.

5 - Non-Standard Condition

Prior to occupation of the proposed development, a communal bin/refuse collection point shall be provided adjacent to the highway boundary and additionally clear of all visibility splays at the access.

Reason: To minimise the length of time a refuse vehicle is required to wait within and cause obstruction of the highway, in the interests of highway safety.

6 - Non-Standard Condition

The development hereby approved shall be constructed with a minimum finished floor level of 5.732m AOD.

Reason: To ensure that ground floor levels are set above the predicted 1 in 200 year probability tidal flood level taking into account estimated sea level rise over the development's lifetime.

7 -Non-Standard Condition

Ground floor flats in the development hereby approved shall be designed to have a freely available and direct internal access to a first floor refuge area.

Reason: To ensure that in the event of an extreme flood, residents of ground floor flats are able to quickly access upper floor refuge areas without the need to leave the building.

8 - Non-Standard Condition

The Flood Response Plan forming part of Appendix K of the Flood Risk Assessment Revision A dated 12 February 2010 accompanying this planning application shall be made available to future residents and arrangements shall be made by the developer to ensure the ongoing future communication of the plan at the time that occupancies of properties change.

Reason: To ensure that there are arrangements for the future communication of site information relating to Flood Awareness, Flood Warning, available evacuation routes and the availability of safe sheltering areas within the building to future occupants throughout the lifetime of the development.

9 - Non-Standard Condition

Prior to the commencement of development, a scheme for the provision and implementation of flood resilience measures shall be submitted to and agreed, in writing, with the Local Planning Authority. The scheme shall be carried out in its entirety before the development is first occupied and constructed and completed in accordance with the approved plans and in line with the CLG publication "Flood Resilient Construction: Improving the flood performance of new buildings."

Reason: To ensure that design measures are incorporated within the development to facilitate the quick recovery of the buildings should the development be subjected to an extreme flood at a point within its design lifetime.

10 - Non-Standard Condition

Prior to the commencement of development, a scheme for the provision and implementation of surface water drainage, incorporating, wherever possible, sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, shall be submitted and agreed, in writing, with the Local Planning Authority. The scheme shall be constructed and completed in accordance with the approved plans and prior to the occupancy of any part of the proposed development.

Reason: To ensure that the development is served by the adequate surface water drainage infrastructure.

11 - Non-Standard Condition

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

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

12 – 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.

13 - 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.

14 – Non Standard Condition

The car parking spaces shall be provided in accordance with the approved drawings prior to the occupation of any of the approved flats and thereafter retained in perpetuity to serve the development.

Reason: In the interests of highway safety by ensuring sufficient on site parking spaces are available to serve the development hereby approved and in order to protect the amenity of adjoining residential properties.

Informatives

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

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

New Building
Height above Ridge
of No 8

5.732

7.400

13.132

12.390

0.742 M

last No 8

No 10
DPC 4.35
RIDGE 11.54

No 9
DPC 4.13
RIDGE 7.50
EAVES 6.07

EAVES 9.54

EAVES 8.73

RIDGE 10.92

No 8
DPC 4.72

EAVES 8.70

RIDGE 10.71

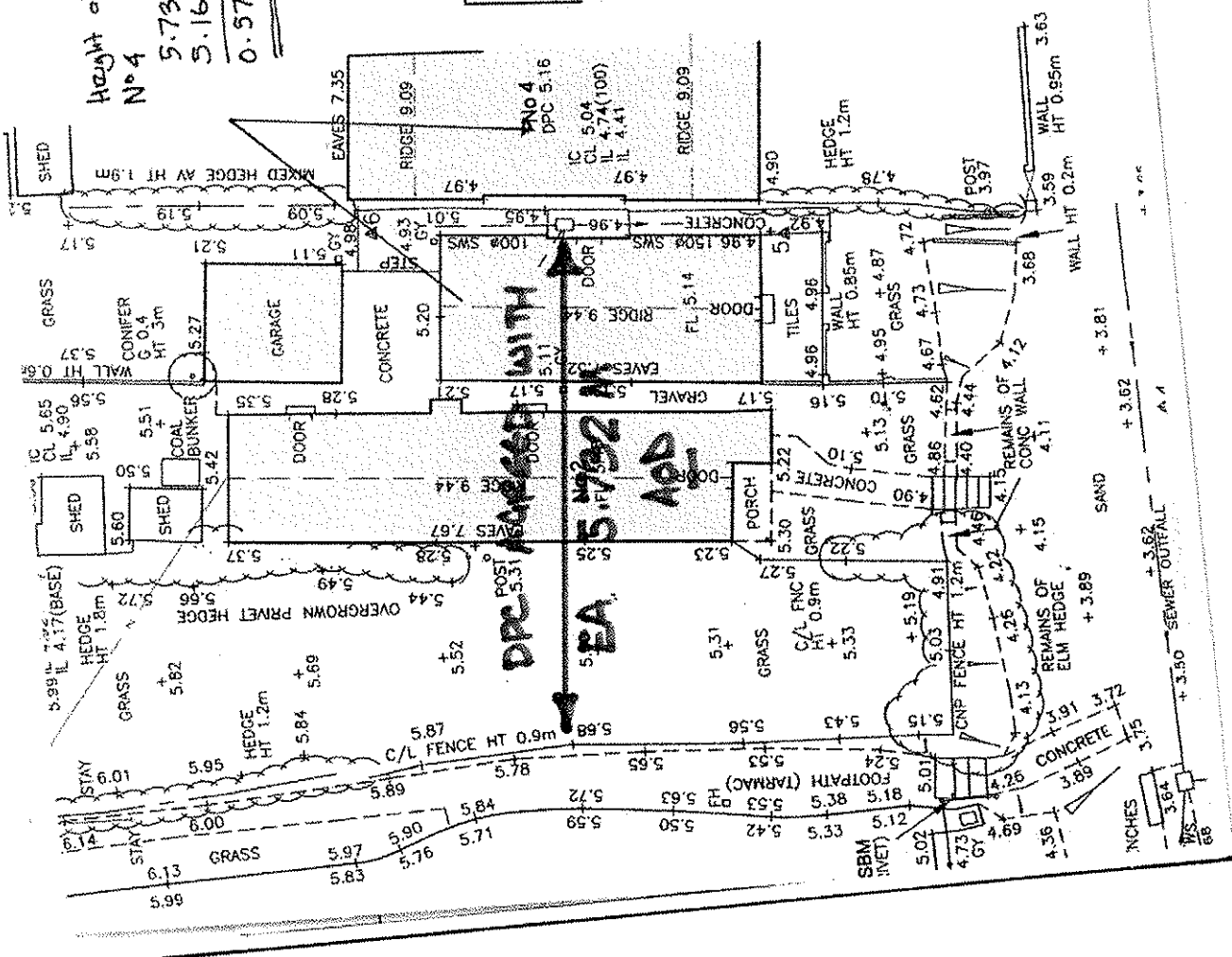
RIDGE 9.45

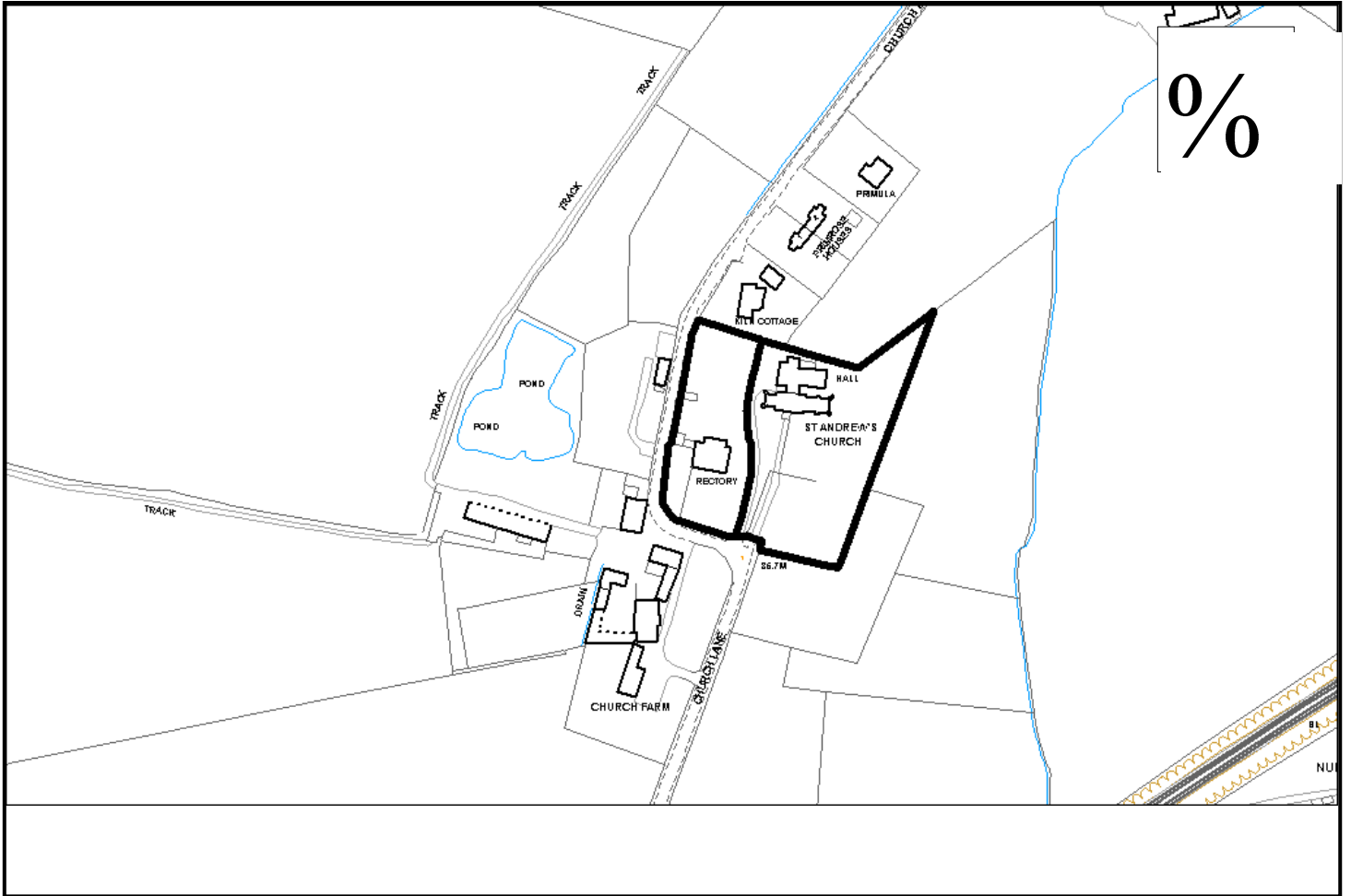
No 6
DPC 5.09

RIDGE 9.42

EAVES 7.34

Height above
No 4
5.732
5.160
0.572 M





Application No: 091092

Location: The Rectory, Church Lane, Marks Tey, Colchester, CO6 1LW

Scale (approx): 1:1250

The Ordnance Survey map data included within this publication is provided by Colchester Borough Council of PO Box 884, Town Hall, Colchester CO1 1FR under licence from the Ordnance Survey in order to fulfil its public function to act as a planning authority. Persons viewing this mapping should contact Ordnance Survey copyright for advice where they wish to licence Ordnance Survey map data for their own use.

This map is reproduced from Ordnance Survey Material with the permission of Ordnance Survey on behalf of the Controller Of Her Majesty's Stationery Office © Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. Crown Copyright 100023706 2008

7.3 Case Officer: John Davies

MINOR

Site: The Rectory, Church Lane, Marks Tey, Colchester, CO6 1LW

Application No: 091092

Date Received: 16 September 2009

Agent: Mr Richard Smith

Applicant: Chelmsford Diocesan Board Of Finance

Development: Construction of a four bedroom parsonage house with single garage and landscaping within the grounds of the existing rectory

Ward: Marks Tey

Summary of Recommendation: Conditional Approval subject to signing of Unilateral Undertaking

1.0 Planning Report Introduction

1.1 This application is presented to Committee as there have been objections and the proposals raise important policy issues regarding development in the countryside.

2.0 Site Description

2.1 The application site comprises part of the rear garden of the existing Rectory of St Andrews Church and Hall. The existing Rectory comprises a two storey detached Georgian style house with a large rear garden. It has three main rooms on the ground floor and six bedrooms on the first floor and has a gross floorspace of 400 square metres. The front part of the building dates from 1830-1840 and the rear part was built in 1939. There is quite a contrast in architectural form and style between the front and back parts of the building. In contrast to the symmetrical and elegant Georgian proportions of the front range the rear part has an asymmetrical façade with flat roofed elements and metal framed windows. It is vacant having last been occupied by a Rector in August 2008.

2.2 The Church is Grade I Listed of Norman period and together with the hall are located to the north-east of the Rectory. The hall itself is of more modern construction dating from the 1960s with red brick and a flat roof section facing the Rectory garden.

2.3 The Church premises as a whole are outside any development designation in the Development Plan and are therefore deemed to be within the countryside.

2.4 In the surrounding area there is a dwelling to the north of the site known as Kiln Cottage, open land to the west on the other side of Church Lane and various dwellings to the south fronting Church Lane.

3.0 Description of Proposal

3.1 The proposal is for the erection of a new dwelling to be occupied as a parsonage house in the grounds of the existing rectory. The existing rectory is argued to be too large and uneconomic for the incumbent to heat and therefore they are seeking a smaller building to be used as a rectory and would dispose of the existing building.

3.2 The main case put forward by the applicant in support of the application is as follows:

- Cost of heating the existing house (over £3000) too high for clergy on salary of £22,000 and is a major factor in trying to find a new Rector
- Existing house is too large for the average clergy comprising couple with no children- require property of between 181-190 square metres in area
- The existing building has a SAP (energy efficiency) rating of only 41 with potential to increase to only 45 with improvements. This represents an E rating on a scale of A (best) to G (worst) in the energy efficient rating scale.
- Layout of building does not lend itself to sub-division
- Listed status of building is constraint on conversion
- Canon Law requires provision of dwelling for vicar or rector in every parish.
- Since the 1986 refusal the applicants have looked at many other properties within the parish to find a replacement but none have been suitable
- The Parsonage Design Guide recommends the Rectory be within walking distance of the Church

3.3 The application is supported by a DAS and a Tree Survey and Arboricultural Implication Assessment. A signed Unilateral Undertaking for a contribution to POS has also been submitted.

3.4 A letter of support has also been submitted by the Archdeacon of Colchester who writes:

- The rectory is very expensive to heat- last occupier spent £3000 per annum on a salary of £22,480.
- The existing rectory does not provide adequate separation of work and living space
- The building does not lend itself to sub-division
- It is customary for a parish priest to live in the benefice/parish which they serve
- The provision of a satisfactory home for the new rector will support the efforts of the Parochial Church Council to serve and support the local community.

3.5 The proposals have been amended since first submission by the re-orientation of the frontage of the house from a position where it originally faced to wards the rear of the Rectory to one where it faces eastwards to the Church and hall.

3.6 More details on the application are available on the Council's web site.

4.0 Land Use Allocation

4.1 No notation
Listed Building

5.0 Relevant Planning History

- 5.1 86/0337- Outline application for the erection of new parsonage house.-Refused 30.6.86
- 5.2 82/1354- Outline application for erection of Parsonage dwelling- Refused 24.1.1983
- 5.3 Both of the above decisions were based on policies resisting new development in the countryside and, in addition, the 1986 refusal was on the grounds of adverse impact of development in the Rectory Garden on the setting of the existing Rectory and the Church itself.

6.0 Principal Policies

- 6.1 Adopted Review Colchester Borough Local Plan-March 2004
DC1- Development Control considerations
CE1 - The Open and Undeveloped Countryside
CO1- Rural resources
CO3 - Countryside Conservation Area
UEA5 - Altering Listed Buildings
UEA11 - Design
UEA 12 - Backland development
UEA13 - Development, including Extensions, Adjoining Existing or Proposed Residential Property
CF1 - Infrastructure and Community Facilities Provision
- 6.2 Adopted LDF Core Strategy- December 2008
SD1 - Sustainable Development Locations
SD2 - Delivering Facilities and Infrastructure
CE1 - Centres and Employment Classification and Hierarchy
CE2b - District Centres
UR2 - Built Design and Character
ENV1 - Environment
ENV2 - Rural Communities

7.0 Consultations

- 7.1 English Heritage were notified of the application in respect of its impact on the Grade I Listed Church. They have advised that the application should be determined in accordance with national and local policy guidance and on the basis of our specialist conservation advice. Any comments on the revised proposals will be reported.
- 7.2 Tree Officer is in agreement with the conclusions of the Trees Survey and AIA report and notes that proposals do not require loss of any significant trees. However requests that the position of the proposed oil tank should be moved to outside the root protection area of Tree T003 (yew). In the revised proposals conditions are recommended requiring the AIA to be updated to cover the amended layout.

7.3 Environmental Control Team - The site has flagged up as potentially contaminated because it is recorded as a cemetery (in historic ordnance survey map editions from 1897 and 1923 (1:2500)). Whilst I do not have any particular concerns about this former use with reference to the proposed new use, you might like to consider an informative to the applicant.

7.4 The Design and Heritage Unit has been involved in negotiations on the design and siting of the building and consider it to be acceptable.

8.0 Parish Council's Views

8.1 Marks Tey have no objection.

9.0 Representations

9.1 Councillor Elizabeth Blundell supports the application, however, notes comments from nearby building and requests that measures are taken to overcome overlooking from the windows in the new building.

9.2 Colchester Civic Society are unconvinced by the reasoning for an additional dwelling.

9.3 Occupiers of Kiln Cottage objected to the original proposals on the grounds:

- Due to orientation of house west-east there will be 5 upper floor windows facing our property
- House will sit on ground higher than land to north and will dominate the landscape.

9.4 The neighbours have considered the revised proposals and have indicated that “they offer a softer elevation to both the existing rectory and ourselves at Kiln Cottage; the dummy windows on the first floor provide a greater degree of privacy”. However they maintain an objection on the grounds that the proximity and height of the proposed dwelling will still dominate the skyline in that direction.

10.0 Report

10.1 The main issues to consider are:

- Principle of residential development
- Layout and design
- Highways issues
- Trees and landscape issues
- Impact on amenity of neighbours

Principle of residential development

10.2 The site is outwith the built up area of Colchester and outside of any Village Envelope designation. There is therefore a presumption against new development for housing unless it is required in connection with an agricultural or forestry operation. The applicants are therefore requesting that this be treated as an exception to policy based on the special needs of the applicant and in particular Canon Law.

10.3 There have been two previous proposals for a new Rectory on this land, both of which were refused on grounds primarily of unjustified development in the countryside.

10.4 In support of this application the applicants have provided evidence to support an exception to policy. This case is set out as follows:

- There has been an on-going search for alternative premises since 1983, which has been focussed within the Marks Tey Parish. However, it appears over this time that none of the houses have proved suitable due to size, location or type.
- The existing property is not capable of satisfactory sub-division due to its configuration with a single central staircase and large rooms in the front range. The listed status of the building also constrains the scope for alteration where the existing plan form is desirable to be retained as it is.
- Canon Law stipulates that the incumbent resides within the parish boundaries and ideally within a 10 minute walk of the Church.
- Canon Law is a material consideration to be taken into account in the determination of such applications. Two appeal decisions dating from 2002 have been submitted involving proposals for a replacement rectory in other parts of the country.
 - o A new vicarage dwelling was allowed at Curry Rivel in Somerset in a decision in which the Inspector considered there was an exceptional case for a rector's dwelling which was otherwise contrary to the normal policy to resist development in the countryside. The Inspector acknowledged that Canon law, whereby the Bishop of the Diocese had responsibility for the provision of accommodation for incumbents obliged to live within their parishes, is a material consideration. In this case the Inspector was satisfied that there was no other suitable accommodation available, that the existing vicarage was unsuitable for continued use because of its uneconomic size and was not suitable for sub-division. The appeal was allowed.
 - o A replacement vicarage dwelling was allowed at Penshurst in Kent within the Green belt as a replacement for a much larger and more costly existing accommodation within a listed house. It was accepted by the Inspector that Canon Law was a material consideration. The Inspector accepted that sub-division was not appropriate and that alternative suitable accommodation was not available. The appeal was allowed.

10.5 The above case law indicates the types of issues that appeal Inspectors have considered in assessing proposals for replacement dwellings in circumstances where the proposals were contrary to restrictive countryside protection policies. It is noteworthy, in particular, that Canon Law is a material consideration sufficient to justify proposals which would otherwise be contrary to such policies.

- 10.6 In this case the applicants argue that they have been unable to find alternative suitable accommodation either within the parish or ideally within a 10m walk of the Church and that the existing building is both unsuitable in its present condition and incapable of being satisfactorily sub-divided. It is evident that the search for alternative available accommodation has not been continuous over the years and probably not carried out in earnest at times when the house was occupied. The property is not been vacant for a long period having been last occupied in 2008. However, your Officers concur with these submissions and consider in principle a case has been made for an exception to established policy.

Layout and design

- 10.7 The proposed building is to be sited at the northern end of the garden close to the boundary with Kiln Cottage and facing the Church Hall. It has been designed with a rectangular plan and in a Georgian formal symmetrical style which pays tribute to the main Rectory building. The design characteristics are buff brickwork, a shallow Welsh slate roof, painted timber sash windows and cast iron rainwater goods. The main frontage would be towards the Church together with a detached garage. Access would be from the existing shingle drive with no new access provided onto Church Lane.
- 10.8 The siting of the dwelling in the garden raised issues regarding the impact of the development on the setting of the Church. Officers had at first considered that the building should be oriented with its principal and longest elevation facing south so that views of the Church from Church lane would be least obscured. Following concerns about the impact of windows in the long elevations both towards the old rectory garden and Kiln Cottage to the north it was considered that the building should be turned through 90 degrees to face the Church. This has overcome the amenity issues but also presents a greater amount of building in front of the Church reducing views from Church Lane. However, this impact is mainly to views from the north and north-west of Church Lane and one of the benefits of the revised position of the house is that it blocks views of the Church hall which is of more modern construction and of limited architectural worth. It is therefore not considered that the revised siting would unduly harm the setting of the Church.
- 10.9 The proposed building is considered to be an attractive and high quality design which complements the setting of both the Church and the existing Rectory.

Highways issues

- 10.10 The proposals raise no significant highway issues. The development would be served by an existing access which already serves the Church and hall. A single garage is proposed and together with space on the driveway is capable of accommodating at least 3 cars on the site in accordance with adopted parking policies.

Trees and landscape issues

- 10.11 The only trees of any significance on the site are two yew trees within the north-east corner and in the grounds of the Church hall. There is also a group of fruit trees along the north boundary which provide some boundary screening. A Tree survey and arboricultural assessment submitted with the application set out the root protection areas (RPA) for these trees and recommended use of 'no dig' construction techniques for any works within the RPA. The revised plan has respected these tree constraints. A condition is recommended seeking an updated AIA.

Impact on amenity of neighbours

- 10.12 The only neighbours affected by the proposed house are the occupiers of Kiln House to the north of the site. They originally objected to overlooking from first floor north facing windows in the original scheme. In the revised scheme there are no windows facing north as this is now the flank elevation. It is therefore considered that issues of overlooking have been resolved. The occupiers still object to the scale of development and concern that the development will dominate the landscape. This is not considered to be an objection on the grounds of loss of amenity as it is not considered that the proposed house would have an overbearing or overly intrusive impact on the outlook of these neighbours. The building would not project forward of their rear building line. The issue of the impact of the building on the visual amenity of the area has been considered elsewhere in this report.

11.0 Conclusions

- 11.1 The proposal has to be considered in the context of policies which protect the countryside and in the light of previous refusals of planning permission for accommodation for occupation by the rector of the Church. The case put forward by the applicants is based on the need under Canon law to provide accommodation within the Parish for the incumbent to occupy and ideally this should be close to the Church. The existing Rectory is too large, too expensive to maintain and inappropriate to sub-divide for such use. The Church Authorities have not found suitable alternatives in the area. The proposed house is of a satisfactory design which relates well to the setting of the listed Church and the realignment of its siting has addressed neighbour concerns on loss of privacy. In consideration of all these matters your Officers recommend approval.

12.0 Background Papers

- 12.1 ARC; Core Strategy; EH; TL; HH; PTC; NLR

Recommendation

Subject to the dating of the submitted Unilateral Undertaking approve the application 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 - C3.3 Samples to be Submitted

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

Reason: To ensure the use of an appropriate choice of materials having regard to the prominence of this site in [the countryside] and to ensure that the choice of materials will harmonise with the character of the [surrounding area].

3 – Non-Standard Condition

The occupation of the Rectory hereby permitted shall be limited to the incumbent of the Parish of Marks Tey and spouse or a dependent of the incumbent residing with him or her.

Reason: Permission for a new dwelling in the countryside contrary to countryside protection policies has only been granted in the light of the special needs of the applicant under Canon Law to provide suitable accommodation for the Rector of the Parish.

4 - C3.11 Rainwater Goods to be Cast Iron/Aluminium

All new rainwater goods shall be of cast iron, or cast aluminium and painted black unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure the use of an appropriate choice of materials having regard to the prominence of this site in the countryside and to ensure that the choice of materials will harmonise with the character of the surrounding area.

5 - C3.13 External Joinery to be Painted Timber

All external joinery shall be of painted timber, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure the use of an appropriate choice of materials having regard to the prominence of this site in the countryside and to ensure that the choice of materials will harmonise with the character of the surrounding area.

6 - 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.

7 -C10.19 Tree and Hedgerow Protection: Excavations

No works shall start on site until an Arboricultural Implications Assessment, Arboricultural Method Statement and Tree Protection Plan in accordance with BS 5837, have been submitted to and approved in writing by the Local Planning Authority (LPA). The details shall include the retention of an Arboricultural Consultant to monitor and periodically report to the LPA, the status of all tree works, tree protection measures, and any other arboricultural issues arising during the course of development. The development shall then be carried out strictly in accordance with the approved method statement.

Reason: To adequately safeguard the continuity afforded by existing trees.

8 - C12.2 Details of Walls or Fences

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

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

9 - B4.5 No Additional Windows in Walls/Roof Slope

No new window or other openings shall be inserted above ground floor level in the north and south facing flank elevation of the proposed building/without the prior approval in writing of the Local Planning Authority.

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

10 - 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 development within Class B of Part 1 of Schedule 2 of the Order (i.e. additions or alterations to the roof) shall take place without the prior written permission of the local planning authority.

Reason: To control alterations and extensions to the roof of the dwelling which might be harmful to the appearance of the building and the setting of the Listed Church.

11 - C3.20 Surfacing Materials to be Agreed

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

Reason: To ensure that the development does not harm the character or appearance of the Listed Building on the adjacent site.

Informatives

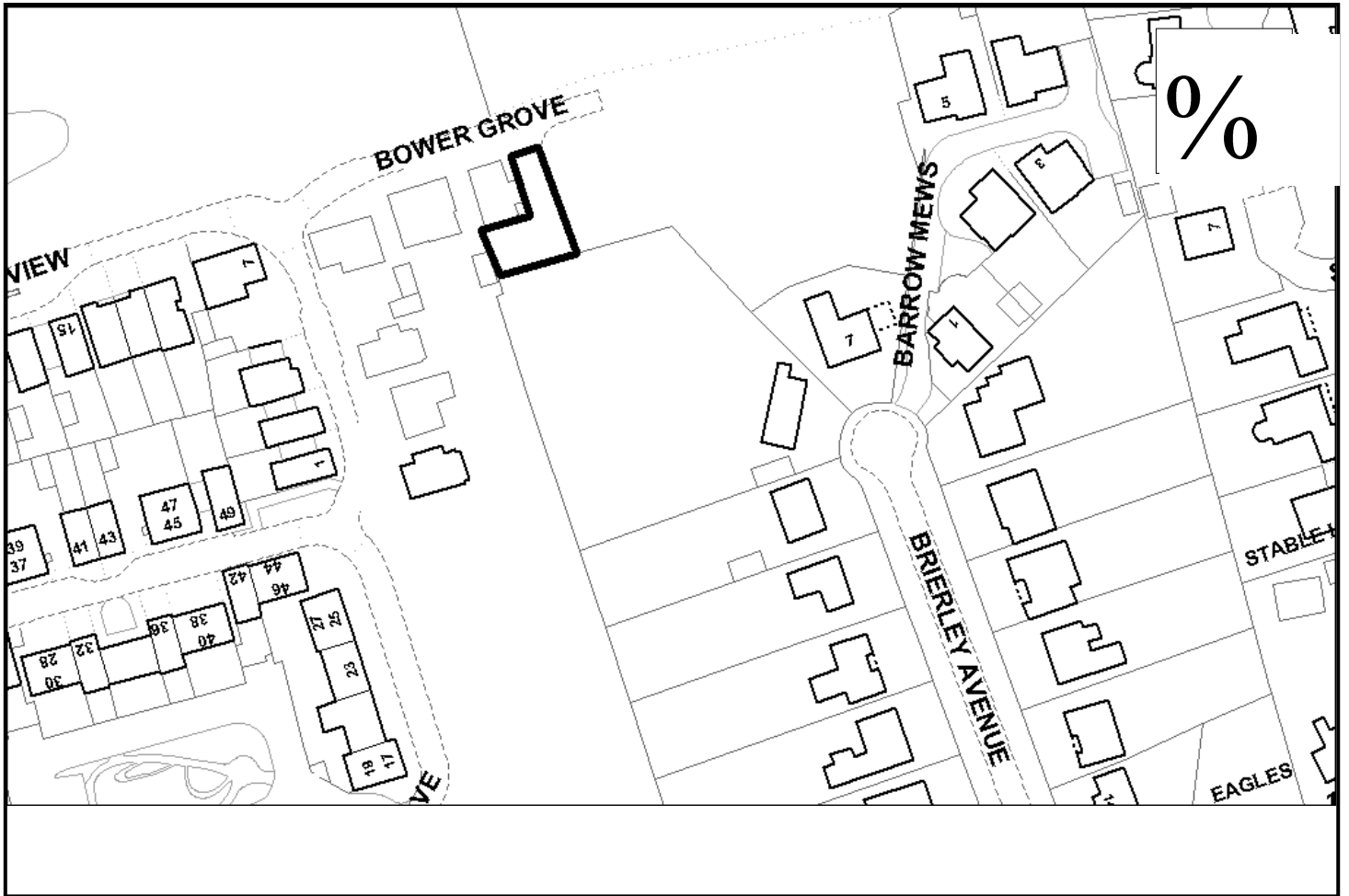
The developer is referred to the attached advisory note Advisory Notes for the Control of Pollution during Construction & Demolition Works for the avoidance of pollution during the demolition and construction works. Should the applicant require any further guidance they should contact Environmental Control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

The applicant is advised that the site to which this planning permission relates is recorded by Colchester Borough Council as being on or adjacent to land used for a cemetery.

Prior to the commencement of the permitted development, the applicant is advised to undertake a suitable and sufficient site investigation and any necessary risk assessment to ensure the land is free from significant levels of contamination. The LPA should be given prior notification of any proposed remediation scheme. The applicant is advised that this must be conducted in accordance with current official guidance, including Approved Document C of the Building Regulations, DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and the Essex Contaminated Land Consortium's 'Land Affected by Contamination: Technical Guidance for Applicants and Developers'.

This informative should not be read as indicating that there is any known danger from the use of the site as a cemetery in this locality.

The Local Planning Authority has determined the application on the basis of the information available to it, but this does not mean that the land is free from contamination.



Application No: 100317

Location: Land to North Of, East Road, West Mersea, Colchester

Scale (approx): 1:1250

The Ordnance Survey map data included within this publication is provided by Colchester Borough Council of PO Box 884, Town Hall, Colchester CO1 1FR under licence from the Ordnance Survey in order to fulfil its public function to act as a planning authority. Persons viewing this mapping should contact Ordnance Survey copyright for advice where they wish to licence Ordnance Survey map data for their own use.

This map is reproduced from Ordnance Survey Material with the permission of Ordnance Survey on behalf of the Controller Of Her Majesty's Stationery Office © Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. Crown Copyright 100023706 2008

7.4 Case Officer: Simon Osborn

EXPIRY DATE: 19/04/2010

OTHER

Site: East Road, West Mersea, Colchester

Application No: 100317

Date Received: 22 February 2010

Agent: Adp Limited

Applicant: Mersea Homes Ltd

Development: Reposition garage serving plot 54 on approved housing development Wellhouse Green (previously approved under no's F/COL/0465, 080500 and 091516) (Resubmission of application number 091516)

Ward: West Mersea

Summary of Recommendation: Conditional Approval

1.0 Site Description

1.1 The application site relates to a parcel of land to the rear of properties currently being constructed as part of a new residential area within the northern edge of the settlement of West Mersea.

2.0 Description of Proposal

2.1 The application seeks to amend the position of one of the garages, at the rear of plot 54.

3.0 Land Use Allocation

3.1 Residential

4.0 Relevant Planning History

4.1 F/COL/05/0465 – residential development and construction of new access road approved 2005

4.2 080500 – amendments to plots 49-56 approved 2008.

4.3 091526 – amendments to the siting of garages serving plots 53 and 54 on the Wellhouse Green development, approved January 2010.

5.0 Principal Policies

5.1 Local Development Framework

Core Strategy:

SD1 - Sustainable Development Locations

UR2 - Built Design and Character

5.2 Adopted Review Colchester Local Plan 2004 saved policies:

DC1- Development Control considerations

UEA11 - Design

UEA 12 - Backland development

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

6.0 Consultations

6.1 Highway Authority stated no objection.

7.0 Town Council's Views

7.1 West Mersea Town Council recommend consent is granted.

8.0 Representations

8.1 Comments received from 6 Glebe View (plot 57 Wellhouse Green) stating that this is apparently to allow a road through to the property in Brierley Avenue, which is to be developed with houses/bungalows, which would be overdevelopment. The Wellhouse Green cannot cope with extra vehicular traffic.

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

9.0 Report

9.1 Planning permission was granted in 2005 for the development of just over 100 properties within this part of West Mersea. The application as originally approved showed a pair of garages to the rear of plots 53 and 54 at the end of a turning head between these two properties.

9.2 In November 2009, an amendment was sought to the position of these two garages, placing them away from the turning head to the rear of the respective houses (application 091516). This plot is adjacent to a large rear garden associated with No. 6 Brierley Avenue. No objections were received to this application and it was approved under delegated powers. The Officer's delegated report noted that if approval was granted, it could result in an application at a future date for development on this other parcel of land. If such an application were made, it would have to be dealt with on its own merits, having regard to adopted policies and to the recently adopted SPD on Backland and Infill Development.

- 9.3 The proposal subject of the current application proposes a minor change to the position of one of the garages previously approved by application 091516, moving it approx 2.5m further away from the rear of plot 54. The proposal does not make it any easier to access the land to the rear of 6 Brierley Avenue than the amendment previously approved. In any case, it is not the role of the planning profession to sterilise potential development within existing urban areas where it complies with relevant policy and/or SPD. Were such an application to be received at a future date it would be assessed in accordance with these policies and guidance.
- 9.4 It is considered that the proposal has no significant impact upon the character of the area or upon the amenity of neighbouring properties. The application is therefore recommended for approval.

10.0 Background Papers

10.1 ARC; Core Strategy; HA; 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

This permission varies the siting of the garage serving plot 54 previously approved under applications F/COL/05/0465, 080500 and 091516. All other terms and conditions of these permissions otherwise remain in force, applicable and extant.

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

Informatives

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

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



Application No: 100336

Location: North Farm Barn, East Road, East Mersea, Colchester, CO5 8UN

Scale (approx): NOT TO SCALE

The Ordnance Survey map data included within this publication is provided by Colchester Borough Council of PO Box 884, Town Hall, Colchester CO1 1FR under licence from the Ordnance Survey in order to fulfil its public function to act as a planning authority. Persons viewing this mapping should contact Ordnance Survey copyright for advice where they wish to licence Ordnance Survey map data for their own use.

This map is reproduced from Ordnance Survey Material with the permission of Ordnance Survey on behalf of the Controller Of Her Majesty's Stationery Office © Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. Crown Copyright 100023706 2008

7.5 Case Officer: Bradly Heffer

EXPIRY DATE: 22/04/2010

OTHER

Site: North Farm Barn, East Road, East Mersea, Colchester, CO5 8UN

Application No: 100336

Date Received: 25 February 2010

Agent: Mr Howard Payne - Rio Micropower Ltd

Applicant: Mr Howard Payne

Development: Installation of a wind turbine on a 15m mast and two sets of photovoltaic panels one located on an outbuilding roof and one at ground level.

Ward: Pyefleet

Summary of Recommendation: Conditional Approval

1.0 Site Description

1.1 This site relates to development within the curtilage of North Farm Barn, East Road, East Mersea. The site itself is a large area of level land that contains a converted, listed (grade 2) barn and outbuildings at its northern end. The barn, outbuildings and immediate curtilage area is separated from the remainder of the site (which extends southwards) by fencing. The site contains a number of established trees and hedges. Vehicular access to the site is taken via an unmade track leading northwards from East Road. Directly to the east is a property known as 'North Farm' while to the south lies an enclave of established residential development that faces on to East Road. The track serving this application site extends northwards and terminates at the Colchester Oyster Fishery.

2.0 Description of Proposal

2.1 The submitted planning application seeks permission for the erection of a wind turbine on a 15 metre mast, and the provision of two sets of photovoltaic energy cells. In terms of the turbine the mast would be located at the north-western corner of the field area, outside of the fenced area around the residential buildings. It would consist of a 15 metre high pole, incorporating a hydraulic system to enable the pole to be raised and lowered to facilitate access and maintenance to the turbine. The turbine itself would consist of three blades and it would incorporate a swivel facility in order to react to varying wind direction. With the turbine in place the overall height of the mast would be approximately 17 metres above ground level.

2.2 As regards the photovoltaic cells, these would consist of two banks of 6no. units having individual dimensions of 60 cms x 1.2 metres. One group of cells would be located on the roof of an outbuilding adjacent to the barn building, and the other would be located in the field area to the south, approximately 45 metres south-east of the proposed location for the mast.

- 2.3 As part of the planning application supporting information has been submitted that may be viewed on the Council's website. For Members' information the following extracts are included in this report:

'...the turbine...abuts the western boundary of the North Barn property approximately 75m from the house. The adjacent property to the west is open agricultural land used for the last few years for silage production. The nearest occupied housing to the proposed turbine is 125 m to the east and 120 m to the northeast respectively. The nearest road is East Mersea Road at 120m and the nearest public right of way is a footpath to the south of the turbine also at 120m away. In all instances the view from properties, roads and footpaths are (sic) obscured by young deciduous and coniferous trees as can be illustrated by the attached photographs where a balloon is positioned at 15m height. Obviously the turbine and mast will be finished in such a way as to minimise its visual impact.'

- 2.4 It is advised that the cells would be mounted in a 6 units wide by 2 units high configuration.

3.0 Land Use Allocation

- 3.1 The site for this proposal falls within a Countryside Conservation Area as designated in the Adopted Review Borough Local Plan.
- 3.2 The site also falls within the Mersea Island Coastal Farmland area as designated in the Borough's Landscape Character Assessment.

4.0 Relevant Planning History

- 4.1 The conversion of the barn to create a dwelling was approved under planning and listed building application refs. 86/0803 and 86/0804.

5.0 Principal Policies

- 5.1 Adopted Review Colchester Borough Local Plan-March 2004
DC1- Development Control considerations
P6 – Renewable Energy
- 5.2 Local Development Framework Core Strategy
ENV1 – Environment
UR2 – Built Design and Character
ER1 – Energy, Resources, Waste, Water and Recycling

6.0 Consultations

- 6.1 The views of Environmental Control will be reported at the Committee meeting.
- 6.2 English Heritage has no comment to make on the application.
- 6.3 National Air Traffic Services has no objection to the proposal.

7.0 Parish Council's Views

7.1 The following comment has been received:

'The Parish Council wish to object to this planning application due to the disturbance that it will cause to neighbours in regard to the flickering visual effect caused by the blades and to the noise that the turbine may generate.'

8.0 Representations

8.1 As a result of notification two letters of objection and one letter of support have been received. The points of objection may be summarised as follows:

- The wind turbine would be unsightly and very noisy. There is no objection to the solar panels.

8.2 The letter of support states that the development will not be of detriment to residents of East Mersea or visitors and would not be harmful in the landscape.

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

9.0 Report

9.1 The provision of a mast and turbine on this site will have an impact on visual and residential amenity and the key issue is whether this impact is acceptable, given the characteristics of the site and the surrounding area.

9.2 The height of the mast to support the turbine would be 15 metres above ground level and the turbine itself would increase the overall height to approximately 17 metres. Potentially therefore the apparatus would be a prominent new feature in the landscape, in what is a rural location – notwithstanding the established residential development in the vicinity. It is noted from inspection that the site does benefit from a number of established trees that would assist in filtering views of the mast and turbine. This is considered to be particularly important in visual amenity terms as long distance views of the site are available from publically-accessible locations, particularly from the south where there is a public footpath (along the southern boundary). Photographs submitted with the application show the height of the proposed mast in relation to the surrounding vegetation and this successfully demonstrates, in your officer's opinion, that the overall impact of the turbine and its support apparatus would not be harmful to visual amenity. The bulk of the mast would be screened by trees and hedging, and the projecting element of the turbine would not be overly prominent even though it would project above the height of surrounding trees. Additionally, the location of the turbine apparatus away from the barn would mean that the setting of this listed building, which is another important planning consideration, would not be impaired. The same view is taken on the photovoltaic cells which would not be overly visually prominent elements in the landscape.

- 9.3 As regards noise issues, and related disturbances, the views of the Environmental Control division were not available at the time this report was drafted. Any response received will be reported to Members at the Committee meeting. The following comments are made in the supporting statement on the issues of blade flicker and noise:

'Flicker from the shadow of the turbine blades is mainly evident when the sun is low in the east and west. As the nearest houses are about 120m away and obscured from a direct view by trees this is not considered to be a problem'

'The Antaris 5.0 kW wind turbine is designed and constructed with noise limitation as a critical factor. Motor bearings are specially selected for the application and the turbine blades are fitted with winglets to reduce wind noise...the turbine produces less noise than that produced by the wind passing nearby buildings or in fully leafed trees. The rotor blades are mounted upwind of the mast so there is no interaction between the two as one passes the other. Any rotor braking is carried out electrically rather than mechanically and thus produces no noise.'

- 9.4 On the basis of the above it is considered that reasonable steps have been taken to mitigate the potential for noise nuisance etc. to local residents. Again it should be borne in mind that the apparatus itself would be relatively remote from neighbouring properties which would further assist in a reduction in overall noise disturbances. In summary, the proposed development will undoubtedly have an impact on amenity in this location. However, the factors outlined in this report would, it is felt, successfully mitigate the impact and on this basis a recommendation of approval is made to Members.

10.0 Background Papers

- 10.1 PTC; NLR; EH; National Air Traffic Services (NATS)

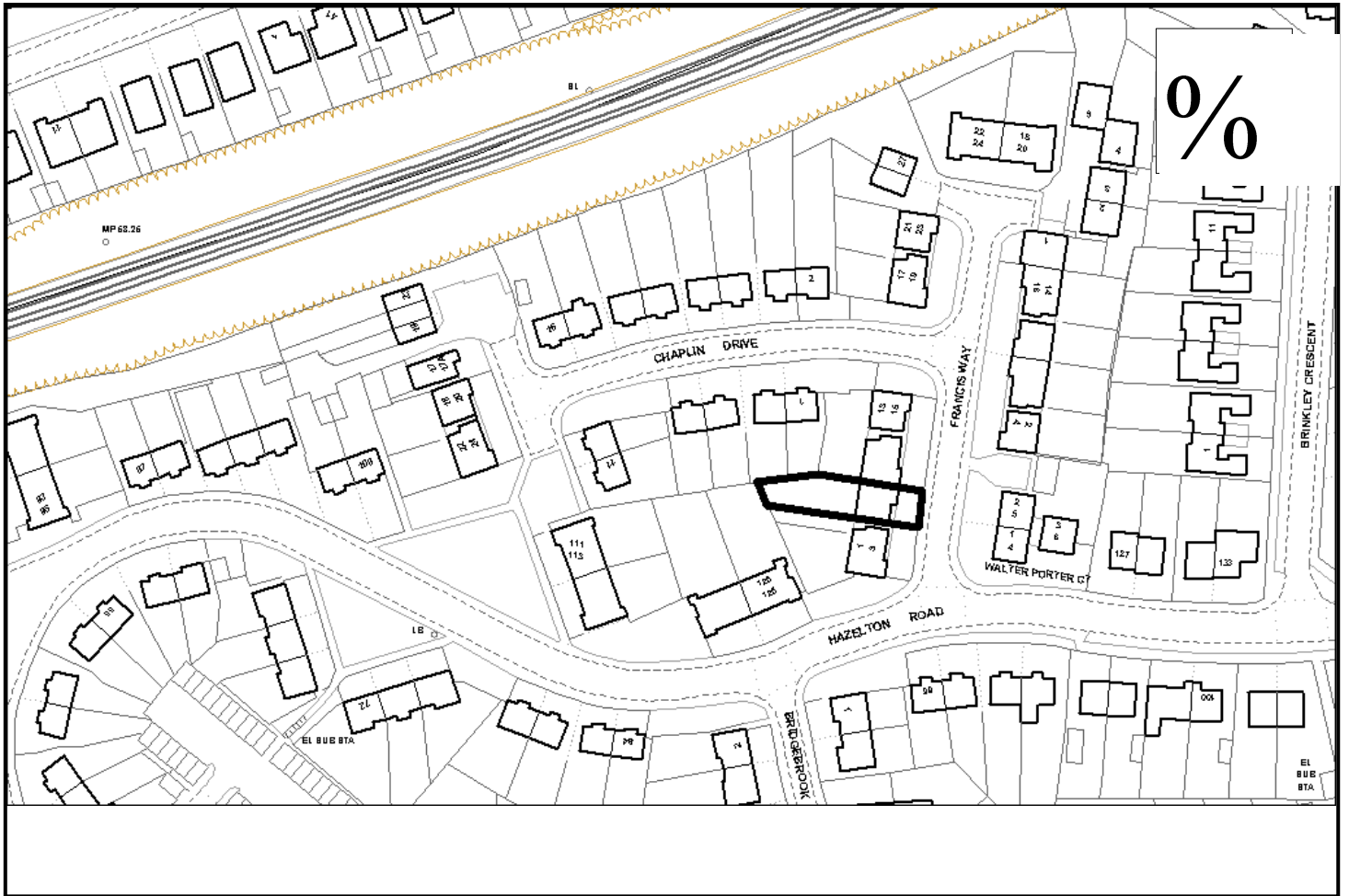
Recommendation - Conditional Approval

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



Application No: 100352

Location: Lawrence and Myers Childminding, 7 Francis Way, Colchester, CO4 3DZ

Scale (approx): 1:1250

The Ordnance Survey map data included within this publication is provided by Colchester Borough Council of PO Box 884, Town Hall, Colchester CO1 1FR under licence from the Ordnance Survey in order to fulfil its public function to act as a planning authority. Persons viewing this mapping should contact Ordnance Survey copyright for advice where they wish to licence Ordnance Survey map data for their own use.

This map is reproduced from Ordnance Survey Material with the permission of Ordnance Survey on behalf of the Controller Of Her Majesty's Stationery Office © Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. Crown Copyright 100023706 2008

7.6 Case Officer: Sue Jackson

EXPIRY DATE: 21/04/2010

OTHER

Site: 7 Francis Way, Colchester, CO4 3DZ

Application No: 100352

Date Received: 24 February 2010

Applicant: Mrs Lorraine Lawrence

Development: To carry out child minding activities from home.

Ward: St Annes

Summary of Recommendation: Conditional Approval

1.0 Planning Report Introduction

1.1 This retrospective application relates to the use of 7 Francis Way as a childminders. It is reported to Members as objections have been received and permission is recommended.

2.0 Report Summary

2.1 The following report describes the use, the objections received and assesses its impact on residential amenity.

3.0 Site Description

3.1 No. 7 Francis way is a mid terrace property in the residential area of St Annes. There is parking for 2 vehicles to the front. The property also has an integral garage. Above the garage is a first floor flat in separate ownership, the flat also extends above part of the ground floor accommodation of No. 7. This flat (and others) appear to be part of the original design of this development.

4.0 Description of Proposal

4.1 The application involves the use of the property as a childminders.

4.2 The applicant has submitted supporting information including an Ofsted Certification of Regulation and Public Liability Insurance. These documents are available on the Council's website but are summarised below:-

"I am the registered childminder and I work with an assistant. This also happens to be my mother. We are both here every day to work with the children. She usually arrives around 7.15 am and usually departs around 6.00 p.m. This is dependant on the children. If the first child is arriving at 8.00 am them my mother will arrive half an hour before this to give us time to set up and get ready for the day. She will leave after the last child has gone and we have cleaned and tidied up.

We both park on my drive leaving the road clear for other residents and parent arriving and collecting.

I have always tried to stagger the arrival and departure times of the children and parents to try and keep the traffic flow moving and avoiding 3 cars arriving all at the same time. Obviously this usually works but there are times when it does not.

I have spoken to the parents about leaving car engines running when entering my house and as far as I am aware this is no longer a problem. I have also talked to them about opening and closing the doors quietly. I have also reminded them which is my drive and when they turn round could they not use the neighbours drive although they all claim they don't use it. We also have a note on the door reminding them this is a residential area and to respect that when arriving and collecting."

"We are an established business and have been trading since July 2004.

To my knowledge this is the first and only complaint you have had of this nature.

We help provide wrap around care for parents with children at the local school.

We are accredited and are in receipt of the government funding for three year olds.

We are NMCA members and are part of the quality assurance scheme they offer.

We were also prepared to take part in the Essex trial for the government funding for two year olds but didn't have any parents that fitted the criteria.

We have had contracts with the Colchester Institute, Sure Start and have had several placements from the care to learn project.

We cater for parents wide various jobs and working hours including nurses, teachers, police officers, students and local business owners."

"The maximum numbers of children I can have on the property at any one time is 12. They are divided by ages as follows: 6 children under 8 years old of which no more than 2 can be under 1 year and no more than 6 can be under 5 years old. This is when I am working with an assistant which I do all the time. In addition to this I can have up to 6 more children over 8 years old. Having tried this once I have set a limit on us of no more than 9 children in the house at any one time the 12 is not manageable. The registration certificate and insurance certificate are included so you can see the ratios. We do not use the garden as much as I would like - this is because I have always been mindful of the neighbours. We try to go on outings as much as we can. Having said this there is plenty of equipment in the garden so when we do go out the children are occupied and therefore not being too much of a nuisance to the neighbours. During the summer months we usually go out in the garden after school and have a picnic tea whenever possible so yes then the children would all be in the garden at the same time. We do take the smaller ones out in the garden during the day. I cannot give a time for this it depends on the weather, sleep times and such but would usually be after the school run and before lunch so any time between 9.15 am and 12.30 pm. During the school holidays if the weather is fine enough to be outside then we go out for the day - Castle Park, Mersea Beach, Highwoods Country Park, Mistley Environmental Centre. Hyde Hall etc. To say we never use the garden would be a lie but we certainly do not use it to its full potential."

4.3 Information has also been provided which sets out the hours the children attend. Currently the applicant has a total of 14 children during term time and 9 during holidays. Not all the children attend every day or complete days. The following examples will give Members an idea of times:-

Child 1 - 8 -5 Monday to Friday

Child 2 - 8 -6 Monday, 8-3 Tues-Thurs, 8-5 Friday

Child 3 - 8.30 - 1.30 Monday - Friday

Child 4 - 3.15 - 5.15 Monday, Wednesday, Thursday, Friday

Child 5 & 6 - Any 2 days 8-6 different days each week.

Child 7 - 7.30 - 4.30 or 12.30 - 4.30 Monday, Tuesday and Wednesday

5.0 Land Use Allocation

5.1 Residential

6.0 Relevant Planning History

6.1 None

7.0 Principal Policies

7.1 Adopted Review Borough Local Plan
DC1 - Development Control considerations
P1 - Pollution

8.0 Consultations

8.1 County Highways would not wish to raise an objection.

8.2 Environmental Control comment:-

"Although there has been a complaint of noise of parents arriving early in the morning and chatting loudly on the doorstep, Environmental Control has received no further evidence of nuisance. Therefore Environmental Control has no comments on this application."

9.0 Representations

9.1 Councillor Hogg comments as follows:-

"Whilst I would not normally comment on an application of this type, various concerns have been drawn to my attention.

They are as follows - noise disturbance from children being picked up and dropped off at the premises and slamming of car doors, along with inconsiderate parking across driveways, and an internal boiler causing disturbance and fumes.

I would therefore ask that the concerns raised with myself be addressed by yourselves and the relevant agencies who are asked to comment on this application so as to resolve and mitigate these concerns raised."

9.2 Two letters have been received from (A) 5 the resident in the flat above the applicant's garage and (B) No. 1 Francis Way.

9.3 (A) Copies of letters to Councillor Hogg and Councillor Higgins have been included together with a letter of objection. The full text is available on the Council's website but the main objections are summarised below:-

1. The nursery is ruining the quiet enjoyment of my residential property - cars left running and doors slamming some of the cars reversing onto neighbours' property.
2. The stairs to the first floor toilet run up the side of my flat with the transfer of noise.
3. The noise nuisance will get worse during spring and summer.
4. Environmental Health have said they can do nothing about cars outside my front window because it is a public highway.
5. The cars clog up and obstruct the cul de sac, sometimes 4-5 arrive at the same time.
6. The submitted plan is inaccurate as No. 5 is directly over the rear garden at No. 7. Similarly the garage and drive of No. 7 is directly below the main lounge area of No. 5.
7. Comment has also been made about the applicant's boiler but the Investigation Officer confirms Transco have visited the premises and investigated this matter.

9.4 The neighbour has suggested the following conditions if permission is granted:-

1. Operate from 8.45 - 17.30.
2. Drop off - pick up from Hazelton Road.
3. White 'H' bars painted on the highway outside Nos. 1, 3, & 5 with signage saying no reversing.
4. No congregation of visitors on doorstep of No. 7.
5. The gas boiler to be safety certified and sound proofed.
6. A good neighbour policy to be followed to respect the residential amenity of Francis Way.

9.5 (B) This resident writes:-

"I did oppose this before it opened in August 2004 and still oppose it on the grounds that in my opinion the house is not big enough to carry out the child minding activities. My grounds were that in the summer it would be very noisy although Mrs Lawrence has since erected a fence which helps. Cars bringing the children do reverse up my drive and sometimes actually park in front of my drive."

10.0 Report

10.1 The main issue in determining this application is the impact of the use on residential amenity.

- 10.2 Childminders generally operate from residential properties with residential areas and provide a useful and convenient service to the local community. This use has operated since 2004 and has only recently given rise to complaint. The use has operated to capacity since approximately 2005 and the complaint is not due to any increase in numbers.
- 10.3 The objections raised by neighbours and Councillor Hogg in respect of parked vehicles, vehicles reversing and blocking drives and people chattering on the doorstep relates to peoples behaviour and are not matters that can be dealt with by planning conditions. Environmental Control have received one complaint but have raised no objection. The information submitted by the applicant indicates she is aware of these issues and has sought to remind parents to behave in a neighbourly manner. However if members consider the activity outside the dwelling generated by the use is unacceptable the application should be refused permission.
- 10.4 The comments about the boiler are also not a planning matter but the boiler has been inspected by Transco and no issues were raised.
- 10.5 In terms of the volume of traffic the staggered hours the children attend the property indicate that it is unlikely all the parents arrive at the same time and it is considered the number of additional vehicles visiting the premises is, in itself, unlikely to cause an unacceptable loss of residential amenity.
- 10.6 Neighbours also refer to outside play. Whilst the applicant has indicated this does not take place very often circumstances could change. It is probable that Ofsted requires a certain amount of outside play and your officer is seeking clarification on the precise requirement. This information will be available at the Committee meeting with a recommendation whether a condition restricting outside play is appropriate.
- 10.7 Whilst the applicant is able to have 12 children at the premises at any one time in practice, 9 is the maximum and a condition restricting the use to that number is recommended.
- 10.8 The reduced hours suggested by the neighbour would not satisfy the parents' requirements for this service. Your officer has considered imposing a condition restricting hours but it would not be possible to word a condition which reflects the flexible way this use operates for example the applicant has indicated that occasionally a child may be at the property until 7.30 p.m. There is also the issue of enforcing the condition if parents are delayed and unable to pick up their children before the specified time the condition would be breached which could lead to complaints and a requirement for enforcement action . If Members consider the hours are unacceptable planning permission should be refused.

11.0 Conclusions

- 11.1 Due to the nature of this business the operating times and number of children vary as children leave and new ones are registered, and as parents' have different requirements. Currently the use operates with children arriving and leaving at staggered times and it is considered this is unlikely to change. Outside play could be a source of nuisance and further information will be provided on this aspect.

11.2 Subject to a condition restricting the number of children permission is recommended.

12.0 Background Papers

12.1 ARC; Core Strategy; EAA; NLR; HH; HA

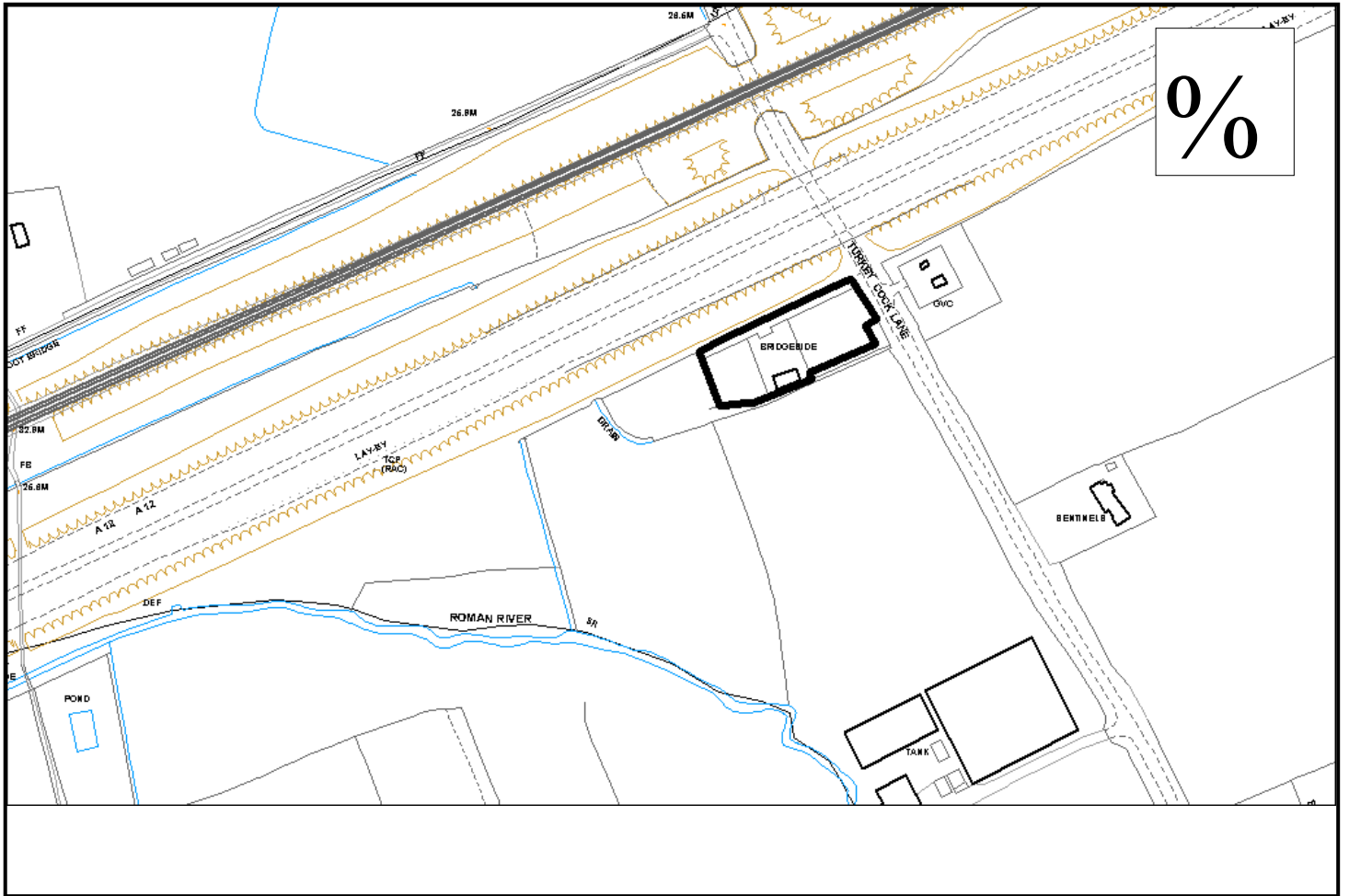
Recommendation - Conditional Approval

Conditions

1 - Non-Standard Condition

There shall be a maximum of 9 children at the premises at any one time in connection with the childminding use.

Reason: To protect the amenity of adjoining residents.



Application No: 091360

Location: Bridge Side, Turkey Cock Lane, Stanway, Colchester

Scale (approx): 1:1250

The Ordnance Survey map data included within this publication is provided by Colchester Borough Council of PO Box 884, Town Hall, Colchester CO1 1FR under licence from the Ordnance Survey in order to fulfil its public function to act as a planning authority. Persons viewing this mapping should contact Ordnance Survey copyright for advice where they wish to licence Ordnance Survey map data for their own use.

This map is reproduced from Ordnance Survey Material with the permission of Ordnance Survey on behalf of the Controller Of Her Majesty's Stationery Office © Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. Crown Copyright 100023706 2008

7.7 Case Officer: John More

OTHER

Site: Turkey Cock Lane, Stanway, Colchester

Application No: 091360

Date Received: 22 October 2009

Agent: Mrs A Heine

Applicant: Mr & Mrs Lee/Mr & Mrs Brown

Development: Continued occupation on a permanent basis, variation of temporary condition to allow permanent use of gypsy caravan site comprising 2 mobile homes and 4 touring caravans.

Ward: Copford & West Stanway

Summary of Recommendation: Conditional Approval

1.0 Planning Report Introduction

1.1 The application has been referred to the Planning Committee as letters both supporting and objecting to the proposal have been received and the application is recommended for approval.

2.0 Site Description

2.1 The site, known as Bridgeside, is an area of land immediately adjacent to the southern embankment of the A12 trunk road, which is on a raised embankment and lies on the western side of Turkey Cock Lane. The site itself is around 120m in length, and approximately 34m in width, but narrowing at its western edge where it has a curved boundary following the line of an existing ditch. Between the northern boundary of the site and the embankment to the A12 there is a path which links to Footpath No. 11, whilst there is an open field to the south and wooded land to the west and south west. Directly opposite the site, on the other side of Turkey Cock Lane, there is a Transco Compound.

3.0 Description of Proposal

3.1 The application seeks to vary condition 1 of planning permission F/COL/07/0221 to allow the continued occupation on a permanent basis of the gypsy caravan site currently comprising 2 mobile homes and 4 touring caravans. The application also seeks to remove the personal nature of the permission to allow the site to be occupied by any gypsies and travellers as defined in paragraph 15 of Circular 01/2006.

3.2 Condition 1 of F/COL/07/0221 and the reason for the condition is set out below:

"The use hereby permitted shall be carried on only by Mr and Mrs N Lee and Mr and Mrs T Brown and their dependants and shall be for a limited period being the period 2 years from the date of this letter or the period during which the premises are occupied by Mr and Mrs N Lee and Mr and Mrs T Brown and their dependants whichever is the shorter.

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

3.3 The full decision notice for F/COL/07/0221 is attached for member's information.

4.0 Land Use Allocation

4.1 The site for this proposal lies in an area of no notation i.e. white land as allocated in the Adopted Review Colchester Borough Local Plan 2004. The site lies outside any defined settlement boundary and is therefore deemed to be in the countryside.

5.0 Relevant Planning History

5.1 78/1759 - Outline application for erection of one dwelling - application refused.

5.2 79/0363 - Outline application for erection of bungalow – application refused.

5.3 80/1513 - Change of use of grazing land to lorry parking for maximum of six lorries. Construction of hardstanding - application refused.

5.4 C/COL/04/1336 - Change of use of land for use as a travellers site comprising the creation of hardstanding for 6 no. caravans for the travelling families together with the erection of two toilet/shower blocks on the site and use of existing access from Turkey Cock Lane - application refused. A subsequent appeal against the Council's refusal of planning permission was dismissed following a public inquiry, however, the appeal against the enforcement notice was allowed and the period for compliance was extended to fifteen months.

5.5 COL/07/0221 - Change of use to residential, stationing of two mobile homes and three touring caravans - Two year temporary permission granted which expired on 22 October 2009.

5.6 081275 - Variation of condition 5 of COL/07/0221 to permit stationing of 4no. caravans on plot 2 (6no. residential caravans in total) – Temporary personal permission for Mr Othey Lee and his dependants which expired on 22 October 2009.

6.0 Principal Policies

6.1 East of England Plan
H3 - Provision for Gypsies and Travellers

6.2 Local Development Framework
Core Strategy:
H5 - Gypsies, Travellers, and Travelling Showpeople
ENV1 - Environment

- 6.3 Adopted Review Colchester Local Plan 2004 saved policies:
DC1- Development Control considerations
- 6.4 Site Allocations Submission document
Policy SA H2
- 6.5 General Central Government advice regarding gypsy matters is contained in Circular 1/2006 - 'Planning for Gypsy and Traveller Caravan Sites' - February 2006
- 6.6 Planning Policy Statement 7: Sustainable Development in Rural Areas

7.0 Consultations

- 7.1 Planning Policy recommends approval; their comments are repeated in full below as they are a key consideration.

“Adopted Core Strategy Policy H5 (Gypsies, Travellers, and Travelling Showpeople) provides criteria to assist in the determination of planning applications. The application site appears to generally conform to the requirements of Policy H5.

East of England Plan Policy H3 (Provision for Gypsies and Travellers) (July 2009) requires Colchester to have a total provision of 30 pitches in the Borough by 2011. Work undertaken for the Site Allocations Submission document indicates there are currently 7 sites in the borough with permanent planning permission that currently provide Gypsy and Traveller accommodation. This provision totals 16 caravans on 10 pitches. The site at Severalls Lane, Colchester, also has planning permission and is planned to provide an additional 12 caravans on 12 pitches. There is also a historic site where lawful use is considered to exist for 2 caravans on 1 pitch. As this provision does not currently meet the 30 pitches required by 2011 there is a need to identify further suitable sites within the Borough in order to meet the requirements of East of England Plan Policy H3.

Policy SA H2 of the Site Allocations Submission document identifies the application site as suitable for a permanent provision of 3 pitches. This policy should be considered a material consideration in the determination of the application although as it has not yet completed public examination it may be given only limited weight.

The level of use proposed in the application appears to be a continuation of that currently permitted on the site under temporary planning permissions. The site plan indicates the layout of the site. Plot 1 would include 2 caravans and is considered to provide 1 pitch. Plot 2 is larger and includes 4 caravans and a utility building. Plot 2 is therefore considered to provide 2 pitches. The total provision of 3 pitches from this site therefore accords with the Site Allocations Submission Document which identifies the site as suitable for 3 pitches.

Given that the site is proposed to be allocated for permanent Gypsy and Traveller accommodation through the Site Allocations Submission Document, it is not considered necessary to maintain a personal permission on the site. Any future significant changes in the use or layout of the site would likely require further planning permission and could therefore be controlled through the planning application process.”

- 7.2 Environmental Control recommend the inclusion of a condition regarding lighting of the site. They also note that the drainage meets the approval of the Environment Agency.

7.3 The Environment Agency has no objection to the permanent siting of the two mobile homes and four touring caravans.

7.4 The Highway Authority has no objection to the proposals submitted.

8.0 Parish Council's Views

8.1 Stanway Parish Council objects to this application for the following reasons. Stanway Parish Council has consistently opposed the use of this site. All previous applications for development of any sort have been refused. The site is in a semi-rural area and lies alongside and below the A12 making it unsuitable for habitation. Although the Parish Council is not aware of any problems related to the temporary occupation of the site, it is concerned that, should permanent permission be granted, the site has potential for a change of occupier and possible expansion onto adjoining land. This would result in a loss of amenity and increased traffic for existing residents on what is a narrow, winding lane. If Colchester Borough Council is minded to grant consent to this proposal, Stanway Parish Council requests that the permission be personal to the applicants.

9.0 Representations

9.1 Councillor J Maclean, the local Ward member, made the following comments:-

"I am opposed to this travellers site being given permanent permission for use of gypsy caravan site comprising 2 mobile homes and 4 touring caravans.

There are great concerns if this site is sold on it could become a transit site for any travellers.

I feel the way this came about through eviction notices which have never been followed through, then temporary permission was granted due to family issues, this is the wrong way to go about getting permanent planning permission.

This site should be given temporary permission for a further two years which I feel is fair for the residents in this area, Turkey Cock Lane should not have had any developments as it is outside of the local development boundary for Colchester, and this particular site is in a conservation area.

I feel I cannot support this application."

9.2 As a result of the notification 9 letters of objections and 6 letters of support have been received. The comments made by the objectors may be summarised as follows:-

- Site too close to the A12 and the Railway, noise, CO2 pollution and potential accidents a threat to their well being.
- The existing families are ok but others can be very disruptive.
- Trading of second hand caravans has been seen twice on the site and of deep concern.
- To grant permission would be contrary to appeal decision App/A/1530/C/05/200286-7.
- The public enquiry Inspector rejected the original application stating the site is an 'encroachment on the open countryside' and 'harmed the character and appearance of the area'.
- The reasons for objection to previous applications are as valid today as they have always been.

- To grant permission would open the flood gates for anyone to camp.
- A reasonable length of time has been given to the travellers to find another suitable site.
- Money does not seem to be a problem for them.
- If conditions are lifted the site will deteriorate.
- As residents we have been tolerant, why have a minority group trodden over our legal rights.
- Please protect the countryside.
- The historic Roman River runs close to the site and become contaminated by less considerate travellers.
- There is a steep sided culvert drain close to the site which is the drainage outlet for the north side of the A12, this could become blocked and cause flooding.
- There may be a shortfall in pitches in Colchester but this is no reason to ride roughshod over the previous reasons for dismissal.
- This is the next step in the long term plan for permanent occupation of this land.
- Regularly seen 8 caravans on the site demonstrating contempt for planning process and future development ambitions.
- Still no mains drainage on the site which could lead to pollution of the Roman River.
- Flooding occurs on the site.
- There is no room to expand on the site as families grow due to the flood plain cutting across the site.
- A further temporary permission would be a fairer solution.
- Many letters comment that while they do not object a further temporary permission for the existing families they would object to permanent permission and strongly object to an open permission with no personal restrictions as the site could become a transit site.

9.3 The comments made in support may be summarised as follows:-

- The current occupiers have been good neighbours.
- They may have started off on the wrong foot but have proved their worth admirably.
- The applicants have shown that small sites can be incorporated into local communities.

9.4 One of the letters of support considers that any permission should remain personal to the applicants.

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

10.0 Report

Background

- 10.1 Members will note that the original application for a travellers site on the subject land was refused by the Council, and a subsequent appeal dismissed following a public inquiry. The second application (COL/07/0221) was approved by the Council following advice obtained from Counsel on gypsy matters - particularly in the light of the publication of Circular 1/2006 'Planning for Gypsy and Traveller Caravan Sites'. It is important to note that the publication of this circular was subsequent to the appeal decision following the refusal of Application C/COL/04/1336.
- 10.2 Advice from Counsel identified central government's expectation that Councils would have to take on a far more active role in providing sites for gypsies, and also that with the lack of approved sites, the use of 'private' sites would become far more prevalent. It was in recognition of this advice that a temporary planning permission was granted for the location of 5 caravans on the Turkey Cock Lane site - for a period of two years.

Policy context

- 10.3 The consideration of this application clearly has to acknowledge the advice in Circular 01/2006. Additionally, East of England Plan Policy H3 for Provision for Gypsies and Travellers and Core Strategy policy H5 for Gypsies, Travellers, and Travelling Showpeople are relevant.
- 10.4 Circular 01/2006 states that local landscape and local nature conservation designations should not be used in themselves to refuse planning permission for gypsy and traveller sites. Sites on the outskirts of built-up areas may be appropriate. Sites may also be found in rural or semi-rural settings. More importantly the Circular states: 'Rural settings, where not subject to special planning constraints, are acceptable in principle.' In assessing the suitability of such sites, local authorities should be realistic about the availability, or likely availability, of alternatives to the car in assessing local services. Sites should respect the scale of, and not dominate, the nearest settled community. Other considerations for gypsy and traveller site applications are likely to include the likely impact on the surrounding area, the existing level of provision and need for sites in the area, the availability (or lack of) alternative accommodation for the applicants and other personal circumstances.
- 10.5 East of England Plan Policy H3 requires Colchester to have a total provision of 30 pitches in the Borough by 2011. There are currently 7 sites in the borough with permanent planning permission that currently provide Gypsy and Traveller accommodation in the form of 16 caravans on 10 pitches. The site at Severalls Lane, Colchester, also has planning permission and is planned to provide an additional 12 caravans on 12 pitches. There is also a historic site where lawful use is considered to exist for 2 caravans on 1 pitch. This provision does not currently meet the 30 pitches required by 2011 so there is a need to identify further suitable sites within the Borough in order to meet the requirements of East of England Plan Policy H3.

- 10.6 Adopted Core Strategy Policy H5 provides criteria to assist in the determination of planning applications. This site appears to generally conform to these requirements and so would be considered favourably. Policy SA H2 of the Site Allocations Submission document identifies the application site as suitable for a permanent provision of 3 pitches. This policy should be considered a material consideration in the determination of the application although as it has not yet completed public examination it may only be given limited weight at this time. The site is currently considered to provide a total of 3 pitches which accords with the Site Allocations Submission Document.
- 10.7 Given that the site is proposed to be allocated for permanent Gypsy and Traveller accommodation through the Site Allocations Submission Document, it is not considered reasonable or necessary to maintain a personal permission on the site.

Other material considerations

- 10.8 The provision of accommodation for gypsy families is very emotive, as can be seen by the objections received from local residents. With regard to the comments made, the following responses are made.
- 10.9 A repeated comment made by objectors is that this matter has previously been through both application and appeal and subsequently refused, therefore there is no valid reason to allow this current proposal. Your officer fully acknowledges and appreciates this view. Nevertheless, the fact that central government advice in relation to gypsy matters has been updated subsequent to the previous application and appeal, with more recent regional and local policy changes to reflect this advice, means that proper consideration must be given to the current application in light of current planning policies.
- 10.10 Bearing this in mind it is noted that the previous appeal turned on the issues of impact in the countryside and need, when the Inspector's comments are examined. It is noted that the site falls in a rural area, but without any specific designation. Importantly, circular 01/2006 advises at paragraph 53:-

"...local landscape and local nature conservation designation should not be used in themselves to refuse planning permission for gypsy and traveller sites."

- 10.11 Furthermore, at paragraph 54 the following is stated:-

"...sites may also be found in rural or semi-rural settings. Rural settings, when not subject to special planning constraints are acceptable in principle."

- 10.12 These elements within the circular are considered to effectively compromise a refusal of planning permission based on protecting the countryside for its own sake. Importantly, it is felt that the views of the Inspector at the time of the Inquiry could not now be justified in the light of the above paragraphs of circular 01/2006.

10.13 Additionally, regarding the issue of need, Paragraph 62 of circular 01/2006 comments as follows:-

"Local planning authorities should not refuse private applications solely because the applicant has no local connection."

10.14 Again, this issue was considered fully at the last appeal and the Inspector concluded there was not a clear need for the applicants to reside in the area. However, the circular clearly advises that the refusal of an application cannot be justified on lack of need alone. The circular advice therefore substantially affects how the main issues considered at the last appeal would now be considered.

10.15 The site is affected by the A12 trunk road but this amenity impact is not considered so detrimental as to require refusal of this proposal. The Environmental Control Section did not raise an amenity objection under this or previous applications.

10.16 The Environment Agency has not objected on flooding or pollution grounds. It is noted that the occupied part of the site falls within Flood Zone 1 where development is acceptable. Any future significant changes in the use or layout of the site which could potentially result in pollution would require further planning permission and could therefore be controlled through the planning application process.

10.17 Officers note the point that other residential development is not acceptable in the countryside. However, each development must be treated on the merits of the case in question and in accordance with the policies, both local and national, which apply to it. There are circumstances where residential development is acceptable in the countryside and in relation to development proposals by the gypsy and traveller community, Circular 1/06 is a material consideration of considerable weight.

10.18 Given that the recommendation does not turn on the personal circumstances of the applicants or their families, coupled with the fact that the site is proposed to be allocated for permanent Gypsy and Traveller accommodation through the Site Allocations Submission Document, it is not considered reasonable or necessary to maintain a personal permission on the site.

11.0 Conclusion

11.1 In summary, it is considered the site would contribute to the pitch requirements for Colchester as set out in the East of England Plan Policy H3. Further the site would be in general conformity with Adopted Core Strategy Policy H5 and is proposed to be an allocated site in the Policy SA H2 of the Site Allocations Submission document, bearing in mind the limited weight the later document currently carries. While the concerns of the objectors are noted, as stated above, it is not considered a refusal on the grounds listed could be justified.

12.0 Background Papers

12.1 East of England Plan, Core Strategy, Local Plan, Planning Policy Statement 7: Sustainable Development in Rural Areas, ODPM Circular 01/2006 Planning for Gypsy and Traveller Caravan Sites

Recommendation

Approval is granted and condition 1 of planning permission be varied to read as follows:

Conditions**1 - Non-Standard Condition**

The site shall not be permanently occupied by any persons other than gypsies and travellers as defined in paragraph 15 of ODPM Circular 01/2006.

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

Informatives

This approval only relates to condition 1 of Planning Permission F/COL/07/0221, all other conditions of Planning Permission F/COL/07/0221 remain extant and in effect.



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/07/0221

APPLICATION DATE: 9th February 2007

PROPOSAL: Change of use to residential, stationing of two mobile homes and three touring caravans

LOCATION: Land Off, Turkey Cock Lane, Stanway, Colchester

APPLICANT: N Lee & T Brown C/O Agent

- 1 - The use hereby permitted shall be carried on only by Mr and Mrs N Lee and Mr and Mrs T Brown and their dependants and shall be for a limited period being the period 2 years from the date of this letter or the period during which the premises are occupied by Mr and Mrs N Lee and Mr and Mrs T Brown and their dependants whichever is the shorter.

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

IMPORTANT – ATTENTION IS DRAWN TO THE NOTES ATTACHED

- 2 - Within 28 days of the date of the permission hereby granted detailed plans shall be submitted to the Local Planning Authority showing the following details:
- a) The provision of a properly constructed verge crossing.
 - b) The first 10 metres of the access road being constructed in clean, stable, free-draining materials.
 - c) The provision of a turning facility for vehicles within the site.
- Following written approval of the details by the Local Planning Authority (in liason with the Highway Authority) the agreed scheme shall be carried out to the satisfaction of the Council within 56 days of the date of approval of the scheme and maintained as such thereafter.
- Reason: In the interests of highway safety.
- 3 - Within 28 days of the date of the permission hereby granted a scheme for the provision and implementation of foul water drainage shall be submitted to the Local Planning Authority. Following written approval of the agreed scheme by the Local Planning Authority it shall be carried out to the satisfaction of the Council within 56 days of the date of the approval of the scheme and retained as such thereafter.
- Reason: To prevent the increased risk of pollution to the water environment.
- 4 - The permission hereby granted relates solely to the development as shown and described on the submitted drawing entitled 'Bridgeside, Turkey Cock Lane, Colchester: site Plan' produced by the applicants' agent, Mrs Heine and received 9 May 2007.
- Reason: For the avoidance of doubt as to the scope of the permission hereby granted and to restrict the development on this site to that shown on the submitted plan.
- 5 - No more than 5 caravans as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968 shall be stationed on the site at any time (and for the avoidance of doubt, shall exclude the stationing of any static caravan(s) or mobile home(s) on the site at any time).
- Reason: For the avoidance of doubt as to the scope of the permission hereby granted.
- 6 - No caravans shall be stationed within flood zone 2 as shown on the Environment Agency's Flood Zone maps.
- Reason: To ensure that caravans are not subject to flood risk on the site.
- 7 - Within 28 days of the date of the permission hereby granted a scheme showing details of all external lighting to be provided on the site shall be submitted to and approved by the Local Planning Authority. Following written approval of the agreed scheme by the Local Planning Authority it shall be carried out to the satisfaction of the Council within 56 days of the date of the approval of the scheme and retained as such thereafter.
- Reason: To reduce the undesirable effects of light pollution on the amenity of the area, nearby residential property and traffic using the A12 trunk road to the north of the application site.

- 8 - Within 28 days of the date of the permission hereby granted a scheme showing details of tree and/or shrub planting and an implementation timetable shall be submitted to and approved in writing by the Local Planning Authority. 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, they shall be replaced during the first planting season thereafter to specifications agreed in writing with the Local Planning Authority. Following written approval of the agreed scheme by the Local Planning Authority it shall be carried out to the satisfaction of the Council within a previously agreed timescale and retained as such thereafter.
Reason: In order to improve screening of the site in the interests of visual amenity.

Informatives

Non-Standard Informative

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

Date: 22nd October 2007

Signed:

Nicola George

Head of Planning, Protection and Licensing



In determining this application the Council has taken into account the following policies:
Essex and Southend-on-Sea Replacement Structure Plan (April 2001) H6 - Accommodation for Gypsies.

Adopted Review Colchester Borough Local Plan
DC1 - General Development Control Criteria
H6 - Gypsy Caravan Sites.

Reasons for granting permission

- (1) The Planning Committee having considered the recommendation contained in the officer's report was of the opinion that the proposal does comply with the relevant policies in the Statutory Development Plan
- (2) 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.

Notes to Accompany Decision Notices

Appeals to the Secretary of State

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 **SIX MONTHS** of the date of the decision notice, (eight weeks in respect of Advertisement applications). 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: 091539

Location: Land rear of 185 Shrub End Road, Colchester, CO3 4RG

Scale (approx): 1:1250

The Ordnance Survey map data included within this publication is provided by Colchester Borough Council of PO Box 884, Town Hall, Colchester CO1 1FR under licence from the Ordnance Survey in order to fulfil its public function to act as a planning authority. Persons viewing this mapping should contact Ordnance Survey copyright for advice where they wish to licence Ordnance Survey map data for their own use.

This map is reproduced from Ordnance Survey Material with the permission of Ordnance Survey on behalf of the Controller Of Her Majesty's Stationery Office © Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. Crown Copyright 100023706 2008

7.8 Case Officer: Andrew Huntley

OTHER

Site: Land rear of 185 Shrub End Road, Colchester, CO3 4RG

Application No: 091539

Date Received: 27 November 2009

Agent: Mr Raymond Stemp

Applicant: Miss Catherine House

Development: Change of use of log cabin (from ancillary residential use) to training room in connection with child care nursery.

Ward: Prettygate

Summary of Recommendation: Conditional Approval

1.0 Site Description

1.1 The application site is located on the northern side of Shrub End Road. The area is residential in character with a mix of property types and styles. The application site covers the end of the garden of 185 Shrub End Road, which is a detached bungalow. Immediately to the north of the site lies a detached two-storey dwelling close to the boundary. To the west lies a chalet bungalow, which is used as a children's nursery.

2.0 Description of Proposal

2.1 Change of use of log cabin (from ancillary residential use) to training room in connection with child care nursery.

3.0 Land Use Allocation

3.1 Residential

4.0 Relevant Planning History

4.1 C/COL/00/1304 - Change of use to provide children's nursery. Approved 21st November 2000.

4.2 072169 - Change of use of premises as a training room for Springlands Nursery. Withdrawn.

5.0 Principal Policies

5.1 Adopted Review Borough Local Plan
DC1 – Development Control considerations
UEA13 – Development

- 5.2 Core Strategy
SD1 – Sustainable Development Locations
UR2 – Built Design and Character
TA1 – Accessibility and Changing Travel Behaviour
TA5 - Parking

5.3 Planning Policy Statement 1

6.0 Consultations

6.0 Environmental Control comment as follows:

“I have read the plans and the log cabin will be used for training of adults only so there will be no children in the cabin. This was my main concern, that children will be playing inside the cabin and the noise associated with this as I doubt the cabin is sound proof. As the cabin will be used for training staff I very much doubt this will cause a noise nuisance. I think the main problem is the ‘look’ of the cabin which neighbours have a problem with and how close it is to their fence.

7.0 Representations

7.1 An objection has been received from the Ward Councillor. The objection relates to the lack of private amenity space provision and car parking.

7.2 Four objections have been received in regard to this application. The summary of the objections received are as follows:

- Residential area so business use not appropriate.
- Health and Safety risk, including fire risk.
- Cabin’s design, size and its impact on the character of the area.
- Impact on sunlight/daylight, privacy and views.
- Increase in noise and disturbance.
- Impact on property value.

8.0 Report

Introduction

8.1 This application has come to committee due to the number of objections received, which could not be overcome by condition. These objections are covered later in the report.

Background

- 8.2 The log cabin was erected within the application site in 2008. The agent has stated that this was built under residential permitted development rights. It is a matter of fact that the size and location of the log cabin did fall within residential permitted development rights. While there may have been issues regarding whether the log cabin was built for ancillary residential purposes (i.e. permitted development) or whether planning permission was required as it was used for a training room for the adjacent nursery, is not a matter for consideration within this change of use application.
- 8.3 It is clear that while the cabin has been used for nursery purposes at some stage and the use of the cabin was reverted back to ancillary residential use as indicated by the email from one of the Council's enforcement officers included within the application documents. While the history of the erection and subsequent use of the cabin is less than satisfactory, the matters for consideration within this application relate solely to the appropriateness of its proposed use and not its physical being.
- 8.4 Therefore, the main consideration that needs to be addressed within this application is the proposal's impact on residential amenity.

Residential Amenity

- 8.5 While the proposal would have some impact in terms of noise, it is considered that this would not be excessive as the room would be for the training of staff and other training events as stated within the supporting documents. The application does not state that the proposed use of the cabin would be for the use by the children of the nursery, which could have a greater impact on residential amenity. In addition, the Council's Environmental Control department has raised no objections to the proposed use of the log cabin.
- 8.6 Overall, the proposal's impact on residential amenity is considered to fall within acceptable tolerances. It is however, considered necessary, in light of concerns over noise, that a condition be attached to ensure the hours of use of the cabin and ensuring that it is not used as a classroom/playroom for the children attending the nursery.

Other Considerations

- 8.7 Four objections have been received in regard to this application. The summary of the objections received are as follows:
- Residential area so business use not appropriate.
 - Health and Safety risk, including fire risk.
 - Cabin's design, size and its impact on the character of the area.
 - Impact on sunlight/daylight, privacy and views.
 - Increase in noise and disturbance.
 - Impact on property value.

8.8 The proposal's impact on residential amenity has already been considered earlier in the report in regard to its change of use. The cabin's design and impact on the character of the area or physical impact on amenity are not issues that can be considered within this change of use application. As such, they are not reasons to refuse this application. The issues raised in regard to health and safety (fire) are issues for building regulations and other safety bodies. These are not planning considerations that would warrant the refusal of planning permission. Nor is the building's impact or the impact of its potential use on property values a reason to refuse permission for planning permission. The use in conjunction with the adjacent established childcare nursery is not considered to be inappropriate.

8.9 A further letter has been received from the agent in regard to the issues raised by local residents. This letter points out the proposal is for a change of use and not the building itself. It also states that the use of the building is for training purposes only and will be used within nursery hours.

9.0 Conclusion

9.1 The only matters that can reasonably be considered within this change of use application relate to the proposed use of the cabin. The proposed use for staff and nursery training purposes is unlikely to cause undue disturbance and noise to neighbouring properties. Therefore, it is considered that there is no planning reason to refuse this application.

10.0 Background Papers

10.1 ARC; Core Strategy; HH; NLR

Recommendation – Conditional Approval

Conditions

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

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

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

2 – Non Standard Condition

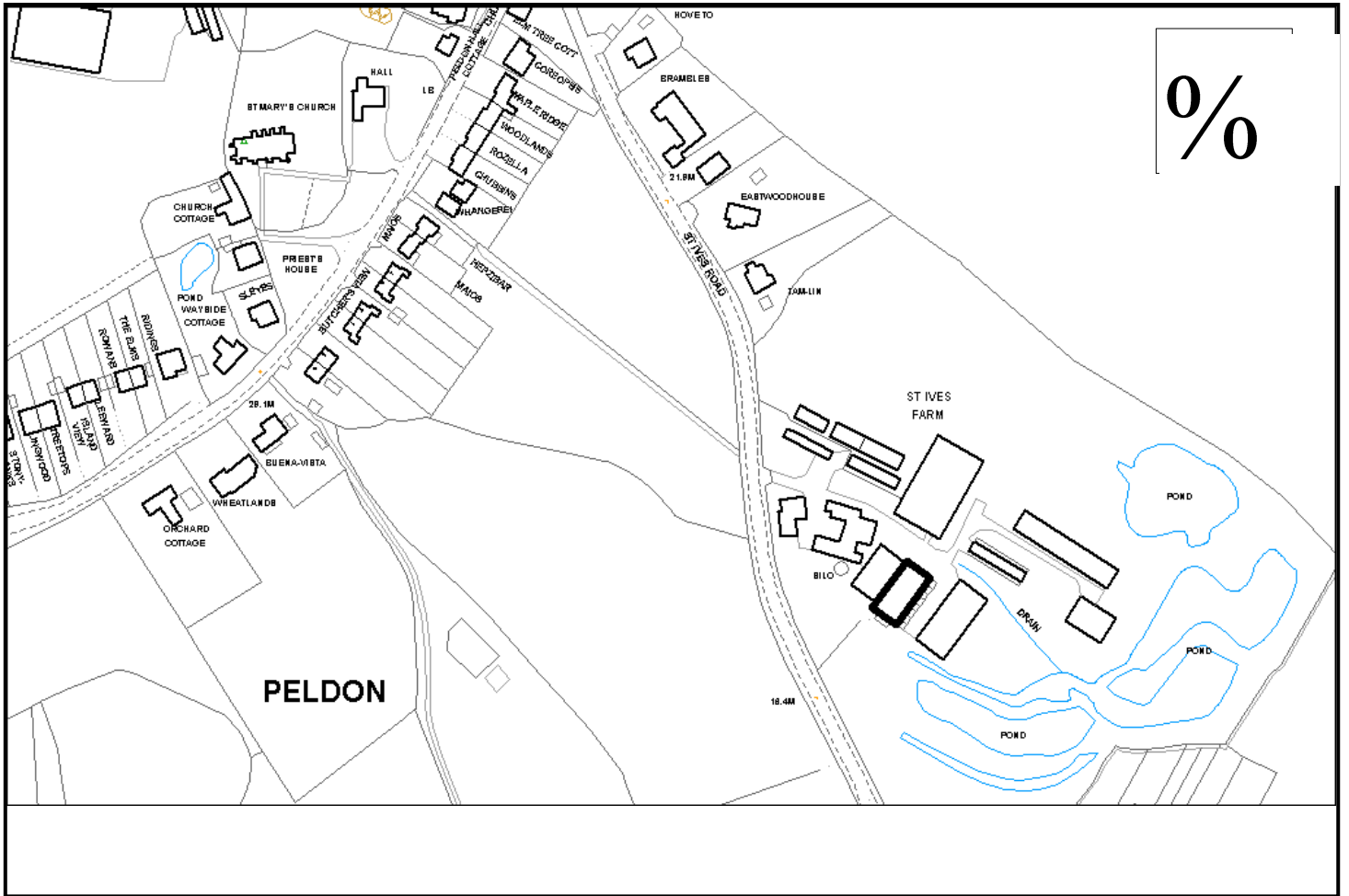
The building shall not be used as a classroom or playroom for children attending the nursery.

Reason: To safeguard the amenities of nearby residential properties.

3 – Non Standard Condition

The hours of use of the building hereby approved shall not be other than between the hours of 8.30 a.m. – 6.00 p.m. on Mondays to Fridays and it shall not be used on Saturdays, Sundays or Bank/Public Holidays.

Reason: To safeguard the amenities of nearby residential properties.



Application No: 100161

Location: HOS Plant Limited, Unit 3 St Ives Farm, St Ives Road, Peldon, Colchester, CO5 7QD

Scale (approx): 1:1250

The Ordnance Survey map data included within this publication is provided by Colchester Borough Council of PO Box 884, Town Hall, Colchester CO1 1FR under licence from the Ordnance Survey in order to fulfil its public function to act as a planning authority. Persons viewing this mapping should contact Ordnance Survey copyright for advice where they wish to licence Ordnance Survey map data for their own use.

This map is reproduced from Ordnance Survey Material with the permission of Ordnance Survey on behalf of the Controller Of Her Majesty's Stationery Office © Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. Crown Copyright 100023706 2008

7.9 Case Officer: Nick McKeever

OTHER

Site: Unit 3 St Ives Farm, St Ives Road, Peldon, Colchester, CO5 7QD

Application No: 100161

Date Received: 3 February 2010

Agent: Gordon Parker

Applicant: Hosplant Ltd

Development: Removal of condition 2 of planning permission 072151.

Ward: Pyefleet

Summary of Recommendation: Conditional Approval

1.0 Planning Report Introduction

1.1 Planning permission 072151 was granted on 12th October 2007 for the redevelopment of a disused livestock farm site at St Ives Farm, St Ives Road, Peldon to form a new construction plant hire and agricultural sales and maintenance complex. The proposed occupiers of the site were Hosplant, a company which at that time had outgrown their site in Langham, and were actively seeking alternative premises within the Borough.

1.2 The permission included the formation of a new access onto St Ives Hill, Peldon, and the improvement of two existing agricultural barns, together with the erection of 2 buildings to replace two other agricultural buildings already on the site.

1.3 Condition 02 of the permission 072151 stated that:-

“The premises shall be used for the overhaul and repair, sale and maintenance of contractors plant, sale of associated spare parts and associated offices, all as stated in the application and for no other purpose in Class B1 of the Schedule to the Town and Country Planning (Use Classes) (Amendment) Order 2005, or in any provision equivalent to that class in any statutory instrument revoking or re-enacting that Order, with or without modification unless otherwise agreed in writing by the Local Planning Authority.

Reason: The site lies within a rural area where development other than for agricultural purposes is not normally permitted. The Council has however, had regard to the particular merits of the application and in so doing would wish to avoid any doubt as to the scope of the permission hereby granted”.

1.4 The application now before Members seeks to remove this condition as far as it relates only to one of the approved new buildings within the site. This particular building is shown on the approved drawings as ‘New Office Building 3’. It is located within the front part of the site facing onto St Ives Hill and immediately to the east of St Ives Farmhouse, the original farmhouse and now a separate dwelling.

- 1.5 The approved drawings show this as a single storey building, clad in black timber featheredge boarding and having a terra-cotta profile cladding roof. The floor plans show two offices, two meeting rooms and a reception area.
- 1.6 The Agent, Gordon H Parker LLP, has advised that it is almost certain that the restrictive condition could not be implemented. A single user (Hosplant) would not require two office complexes. Also the possibility of other users covered by the condition occupying any of the remaining 3 buildings not currently occupied by Hosplant is remote. The site owners/occupiers are established in Building 1 (one of the two larger buildings within the site) and are not likely to permit competitors to operate from the site. This situation would result in buildings standing empty when they could be providing employment for local people.

2.0 Site Description

- 2.1 The site is an irregular shaped parcel of land located on the eastern side of St Ives Hill, Peldon and was originally a livestock farm and associated agricultural buildings and some agricultural lagoons. There are existing residential properties to the north, to the south and to the south west (Lower Road).
- 2.2 There are currently 3 commercial buildings within the site:-
- (1) - Building 1. This is the largest of the three portal framed buildings currently erected on the site. It is occupied by Hosplant, who own the whole of the site.
 - (2) – Building 2. This is one of the original agricultural buildings which has been renovated and re-clad. The present tenant uses this building for his boat repair and maintenance business. This use is unauthorised and is in breach of condition 02 of the permission 072151.
 - (3) – The third building. This is a replacement of the original agricultural building and referred to as 'Building 4' on the submitted layout plan. The tenant of this building currently runs a steel frame fabrication business. This use is also unauthorised.
- 2.3 The submitted site layout drawing shows an area marked for open storage immediately to the east of Building 2.

3.0 Land Use Allocation

- 3.1 Countryside Conservation Area

4.0 Relevant Planning History

- 4.1 071178 - Conversion of existing agricultural buildings and erection of new industrial buildings and offices - Withdrawn 19 June 2007
- 4.2 072151 - Conversion of existing agricultural buildings and erection of new industrial buildings and offices - Resubmission of Application No. 071178 - Approved 12 October 2007

- 4.3 79/1275 - Erection of two storey extension, renovation and alterations - Approved 5 November 1979
- 4.4 79/1984 - Erection of pig fattening hours and midden dungstore - Approved 19 May 1980
- 4.5 81/1604 - Erection of 3 car garage with first floor storage area - Approved 15 December 1981
- 4.6 90/0163 - Outline application for provision of rural amenity and erection of village housing - Appeal dismissed 31 October 1990
- 4.7 91/1390 - Outline application for erection of 3 no. houses – Refused 24 February 1992
- 4.8 93/1228 - Replacement of existing piggeries destroyed by fire. Complete removal of others - Approved 6 January 1994
- 4.9 F/COL/02/0375 - Application for local needs housing, change of use of land and existing buildings to community/employment and change of use of land to public open space - Withdrawn 10 November 2006
- 4.10 F/COL/94/1383 - Closure of existing field entrance and the formation of a new access to St Ives Farm - Approved 19 October 2004

5.0 Principal Policies

- 5.1 Adopted Review Borough Local Plan
Development Control Considerations - DC1
Countryside Conservation Areas - CO3
Design - UEA11
Development adjacent to existing dwellings - UEA13
Employment Uses in the Countryside - EMP4
Isolated Industrial Complexes - EMP5
- 5.2 Core Strategy
ENV1 - Environment
ENV2 - Rural Communities
UR2 - Built design and character

6.0 Consultations

- 6.1 The Highway Authority has no objections.
- 6.2 Environmental Control has no comment to make.
- 6.3 Spatial Policy has been consulted but no response has been received. It is hoped to have their comments available at the Committee Meeting.

7.0 Parish Council's Views

- 7.1 Winstred Hundred Parish Council support any office based use of Building 3 from 7:30am to 7:00 pm Mondays – Fridays and on Saturday mornings.

8.0 Representations

8.1 The occupier of 'Tamlin', St Ives Hill, comment that these buildings should be allowed to fulfil a useful and profitable purpose within this rural village location. The owners of this site, Hosplant, have always been sensitive to this rural environment as well as being helpful and considerate to the community. To avoid any complications with an unrestricted use a personal permission would be appropriate.

8.2 The occupier of Bluebell Cottage, Mersea Road, Peldon objects for the following reasons:-

- The original permission was for light industrial use. During 2009 Building 4 was occupied by a company that manufactures heavy metal products and creates considerable noise. This has not been helped by the occupiers leaving open the two large roller shutter doors.
- When he brought Bluebell Cottage in 2007 no objections were raised to the proposed use of the site. A potential industrial estate carrying out heavy industrial works on this site would have an adverse impact on the value of the surrounding houses and the general appearance of the village.

8.3 The occupier of Pintails, Mersea Road, Peldon, raises the following concerns:-

- Removal of this condition will allow more development including change of use. There has been a notable increase in traffic, especially large and heavy plant vehicles going to and from St Ives Hill, which is not suitable for further development and is totally out of character with the village.
- Landscaping on the site as part of the original permission 072151, and shown on the approved plans, has not happened. The site, with lorries, boats and skips clearly visible, looks untidy.

9.0 Report

9.1 The original planning permission 072151 for the re-development of this redundant agricultural site was granted having regard to the fact that the then applicant, Hosplant, was the only intended occupier and commercial user of the site. This is an established Colchester based company that had effectively outgrown its rented premises in Langham and wanted to remain within the Borough but needed to relocate to a larger site. In addition the proposed St Ives Hill site contained two large redundant agricultural buildings that were capable of being adapted for their specific use, as well as a range of other agricultural buildings that could be removed and/or replaced.

9.2 The proposal gained the support of Planning Policy on the basis that:-

- Hosplant had demonstrated to their satisfaction that other sites had been investigated and that they were not able to find a suitable location within an Employment Zone. In addition no suitable rural business sites as identified in the Colchester Employment Land Study were available at that point in time.
- The removal of derelict buildings along with the contaminated waste and asbestos would improve the site and bring it back into use.

- The use would have a minimal impact on site where the majority of the business would be conducted off site, whilst repairs were to take place within the large buildings on the site.
- On this basis the use met and satisfied the relevant Local Plan policy EMP4.
- There could be an issue if Hosplant vacated the site such that any use should be restricted to a B1 use in order to prevent any detrimental impact upon the location.

- 9.3 In this context the use of the Building 3 independent of Hosplant, the main user of the entire site, is clearly a step beyond the use that was originally intended for this site. It is recognised, however, that in comparison to the other buildings that have been approved, this particular building is the smallest. This will clearly restrict the level of use. On this basis alone the proposed use is not in itself likely to generate significant volumes of traffic.
- 9.4 It is clear from the original floor plans of Building 1, occupied by Hosplant as their centre of operations within the site, contained office accommodation and that there is no realistic need for any additional office accommodation. On this basis Building 3 as an office building is surplus to their requirements. Whilst this building has not been erected, it would provide additional employment opportunities within this rural area.
- 9.5 The other main consideration is that an office use within Use Class B1 is, by definition, a use that can be carried out within a residential area without detriment by way of noise or other forms of environmental pollution. If Members are minded to approve this application it is recommended that the condition 2 should be replaced by a condition restricting the use to Class B1.
- 9.6 Local concerns regarding other unauthorised uses within the site (i.e metal portal frame construction in Building 4 and boat repairs within Building 2) are acknowledged. This has been the subject of on-going enforcement action by the Council's Investigation Team. The present users of these buildings intend to submit retrospective applications for the continued use. These applications will have to be considered upon their own particular merits.
- 9.7 Hosplant has been reminded of the need to provide a landscaping scheme under the original permission. This should also be a requirement of any new permission for this building and site.
- 9.8 The submitted drawings also show within the site edged red an area of outside storage for Units 1, 2 & 3. This is located immediately adjacent to the east elevation of Building 2. On the approved plan this is shown as a new area of shrub planting. A 3m high landscaped bund is to be constructed to the south-east of the storage area and the existing lagoon. This will screen the storage area for the Mersea Road and Lower Road but there will be views from the access point onto St Ives Hill. Subject to additional screen and a restriction on the height of materials to be stored, this is considered to be acceptable.

10.0 Background Papers

- 10.1 ARC; Core Strategy; HA; HH; 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 - A3.1 Premises Only to be Used for a Specific Use

The premises shall be used for office use within Class B1 purposes only as defined in the Use Class Order] and for no other purpose (including any other purpose in Class B1 of the Schedule to the Town and Country Planning (Use Classes) (Amendment) Order 2005, or in any provision equivalent to that class in any statutory instrument revoking or re-enacting that Order, with or without modification.

Reason: For the avoidance of doubt as to the scope of the permission and to protect the amenities of the surrounding area.

3 - Non-Standard Condition

There shall be no outdoor storage of any materials, goods, equipment, plant, machinery or vehicles of any description on any of the site other than the area shown on the approved drawing without the prior consent of the Local Planning Authority. Any material stored within this approved area shall not be stacked or deposited to a height exceeding 2 metres above ground level without the prior written consent of the Local Planning Authority.

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

4 - Non-Standard Condition

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

Reason: To ensure the use of an appropriate choice of materials having regard to the prominence of this site in the countryside and to ensure that the choice of materials will harmonise with the character of the surrounding area.

5 - Non-Standard Condition

All external boarding to the development hereby approved shall be timber, featheredged, weatherboarding, finished in black tar varnish unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure the use of an appropriate choice of materials having regard to the prominence of this site in the countryside and to ensure that the choice of materials will harmonise with the character of the surrounding area.

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 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 - Non-Standard Condition

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 - Non-Standard Condition

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

Prior to first occupation of the development details shall be approved in writing by the Local Planning Authority showing the means to prevent the discharge of surface water from the development onto the highway. The approved scheme shall be carried out in its entirety before the access is first used and shall be retained at all times.

Reason: To prevent hazards caused by flowing water or ice on the highway.

12 - Non-Standard Condition

Any lighting of the development shall fully comply with the figures specified in the current 'Institution of Lighting Engineers Notes for the Reduction of Obstructive Light'. This shall include sky glow, light trespass into windows of any property, source intensity and building luminance. Upon completion of the development and prior to the use hereby permitted commencing a validation report undertaken by competent persons that demonstrates compliance with the above shall be submitted to the Local Planning Authority for approval. Having been approved any installation shall thereafter be retained and maintained to the standard agreed.

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

13 - Non-Standard Condition

All surface water generated on the site will be directed initially to Lagoon Number 2 (Area 4010m²) and then attenuated using a 225mm diameter pipe. This must provide attenuation with a maximum flow of 41.74 litres/sec to the receiving watercourse, or as otherwise agreed in writing by the Local Planning Authority in liaison with the Environment Agency.

Reason: To minimize the pre-development run-off rate in order to manage flood risk.

14 - 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 extensions or alterations shall be carried out (other than those expressly authorised by this or any other express permission) on any part of the site, whether externally or internally, without the prior written permission of the Local Planning Authority.

Reason: To safeguard the visual amenity of this rural site which forms part of the Coast and Mersea Island Countryside Conservation Area.

15 - Non-Standard Condition

The owners of the site, HOS Plant, and their successors will be responsible for the management/maintenance of the surface water drainage system and all ditches, lagoons and outfall pipes associated with that system, in perpetuity.

Reason: To manage potential flood risk.

16 - Non-Standard Condition

Prior to the commencement of development, a scheme for the provision and implementation of surface water drainage shall be submitted to and agreed in writing with the Local Planning Authority. The scheme shall be constructed and completed before occupancy of any part of the proposed development.

Reason: To ensure a satisfactory method of surface water drainage.

Informatives

Your attention is drawn to the Environment Agency letter dated 29th June 2007, and in particular to the advice set out therein. A copy of this letter is attached.

INDEX TO PLANNING APPLICATIONS CODES

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

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

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

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

INTERNAL CONSULTEES

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

REPRESENTATIONS ETC

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

EXTERNAL CONSULTEES (2 character codes)

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



Colchester Borough Council Environmental Control

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

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

Best Practice for Construction Sites

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

Noise Control

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

Emission Control

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

Best Practice for Demolition Sites

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

Noise Control

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

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

Emission Control

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