

Planning Committee

**Council Chamber, Town Hall
12 June 2008 at 6:00pm**

This committee deals with

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

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Material Planning Considerations

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

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

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

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

Human Rights Implications

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

Community Safety Implications

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

COLCHESTER BOROUGH COUNCIL PLANNING COMMITTEE 12 June 2008 at 6:00pm

Members

Chairman : Councillor Gamble.
Deputy Chairman : Councillor Ford.
Councillors Chillingworth, Blandon, Chapman, Chuah, Cory, Elliott, Foster, Hall, Lewis and Offen.

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 Arnold, Barlow, Barton, Bentley, Bouckley, Cook, Dopson, Fairley-Crowe, P. Higgins, T. Higgins, Hunt, Lilley, Lissimore, Maclean, Manning, Martin, Pyman, Quarrie, Sykes, Tod, Turrell and 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. An amendment sheet is circulated at the meeting and members of the public should ask a member of staff 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 to 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

To confirm as a correct record the minutes of the meeting held on 29 May 2008

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. 080665 Maldon Road, Tiptree** **8 - 22**
(Tiptree)

Proposed residential development comprising of 3 no. 2 bed apartments, 1 no. 3 bed houses, 2 no. 4 bed houses, 6 no. 5 bed houses
- 2. 080824 Regal Works, Plummers Road, Fordham** **23 - 27**
(Fordham and Stour)

Application to regularise the erection of two business units to replace former fire damaged buildings
- 3. 080842 15 Fitzgilbert Road, Colchester** **28 - 32**
(Shrub End)

Demolition of existing bungalow and erection of 2 semi-detached houses
- 4. 080776 Fairstead, Tey Road, Earls Colne** **33 - 37**
(Great Tey)

Change of use and alteration of building formerly used in connection with commercial kennels for the purposes of a complementary health clinic with car parking area for 2 vehicles
- 5. 080895 8 The Parade, Queen Elizabeth Road, Colchester** **38 - 40**
(Berechurch)

Change of use from launderette to charity shop
- 8. Performance Monitoring Report // Planning Application Determination for year to 31 March 2008, Appeals Analysis for quarter to 31 March 2008, and Planning Agreement Update for year to 31 March 2008** **41 - 50**

See report by the Head of Planning, Protection and Licensing
- 9. Review of Trial 'Call-in' Procedure** **51 - 60**

See report by the Head of Planning, Protection and Licensing

10. Exclusion of the Public

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

PLANNING COMMITTEE

29 MAY 2008

Present:- Councillor Gamble* (Chairman)
Councillors Blandon*, Chapman*, Chillingworth*, Chuah*,
Cory, Elliott*, Lewis* and Offen*.

Substitute Members:- Councillor Barlow* for Councillor Hall,
Councillor Lilley for Councillor Ford and
Councillor Maclean for Councillor Foster.

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

26. Minutes

The minutes of the meetings held on 14 and 15 May 2008 were confirmed as a correct record.

Councillor Blandon, having declared a personal and prejudicial interest in one of the following applications, was not present for the determination of applications at minute nos. 27- 29, 31 and 34 - 38 all of which were determined under agenda item 7(a), en bloc decisions.

27. 080547 Birchwood Road, Dedham, Colchester

The Committee considered an application for a ninety-nine bedroom express hotel by Holiday Inn on land at the rear of the petrol filling station on the A12/Birchwood Road junction to the east of the southbound carriageway of the A12. It was formerly the site of the Birchwood Hotel which existed until the mid 1980s when it was destroyed by fire. Since that time planning permission had been granted for a 98 bedroom hotel and renewed on three occasions, most recently in 2003.

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

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

RESOLVED (UNANIMOUSLY) that –

(a) Consideration of the application be deferred for a response from the Trees and Landscape Section that there are no objections from the Tree Officer or to the revised landscape scheme.

(b) Upon receipt of a satisfactory response from the Trees and Landscape Section, the Head of Planning, Protection and Licensing be authorised grant consent with conditions and informatives as set out in the report.

Councillor Blandon (in respect of her friendship with one of the applicants) declared her personal interest in the following item which was also a prejudicial interest pursuant to the provisions of Meetings General Procedure Rule 7(10) and left the meeting during its consideration and determination.

28. 080795 Gablehays, Beech Hill, Colchester, CO3 4DU

The Committee considered an outline application for the erection of two detached houses on part of the rear garden of Gablehays. The matters for approval are access, scale and the layout; the appearance and landscaping are to be the subject of reserved matters.

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

RESOLVED (UNANIMOUSLY) that –

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

(b) Upon receipt of a satisfactory Unilateral Undertaking, the Head of Planning, Protection and Licensing be authorised grant consent with conditions and informatives as set out in the report, together with informative entitled 'Advisory Note for the Control of Pollution during Construction and Demolition Works'.

29. 080806 36 Chinook, Highwoods, Colchester, CO4 9SZ

The Committee considered an application for a first floor side and two storey rear extension providing a playroom and enlarged kitchen, bedrooms and bathroom. The application was a resubmission of 071730.

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

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

30. 072716 Land at Cannon Road/Cannon Street, Colchester, CO1 2EW

The Committee considered an application for the demolition of Cannon House and existing buildings on the scrap yard and the erection of eleven two-bedroomed houses with a new access to Cannon Street and the stopping up of the existing access onto Cannon Road. The application was a resubmission of 071707 including a revised design and layout, access road and parking.

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

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

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

Councillor T.Higgins attended and, with the consent of the Chairman, addressed the Committee expressing her concerns regarding the proposed loss of Cannon House and the

consequence for local residents of the road being widened as a consequence. This would lead to the loss of parking restrictions on both sides of Cannon Street which was likely to lead to the complete blocking of the road as a result of parked cars. Her preference was for Cannon House to be sympathetically restored thus retaining part of the heritage of New Town.

Members of the Committee also had concerns regarding the use of the street as a short cut by motorists and were of the view that representations should be made in order to seek the retention of parking restrictions on both sides of the road for this reason. Concerns were also expressed regarding the use of the street by construction traffic especially at peak times of the day.

It was explained that Cannon House was not considered to be of sufficient architectural value to be retained.

RESOLVED (UNANIMOUSLY) that –

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

- a contribution of £29,347.78 towards Open Space, Sport and Recreational Facilities in accordance with the Council's Supplementary Planning Document,
- a contribution of £8,500 towards community facilities, Hythe Community centre, and
- Highway Travel packs.

(b) Upon receipt of a satisfactory Section 106 legal agreement, the Head of Planning, Protection and Licensing be authorised grant consent with conditions and informatives as set out in the report, together with an additional condition requiring the submission of a scheme in respect of the construction restricting deliveries to such times as shall be agreed and specifically to avoid peak times and the submission of a request to the Highway Authority seeking their agreement to the restoration of parking restrictions in Cannon Street following the widening of the road and appropriate control measures to deter through traffic.

31. 072744 6 High Street, West Mersea, CO5 8QD

The Committee considered an application for the erection of a three bedroom dwelling and double garage on part of the rear garden of no. 6 High Street. The front entrance would be at first floor level with the building effectively appearing single storey from the front elevation. The ground falls away steeply to the rear resulting in two storeys towards the beach.

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

RESOLVED (UNANIMOUSLY) that –

(a) Consideration of the application be deferred for the dating of the submitted Unilateral Undertaking to provide a contribution towards Open Space, Sport and Recreational Facilities in accordance with the Council's Supplementary Planning Document and for the resolution of flood risk issues to the satisfaction of the Environment Agency

(b) Upon receipt of a satisfactorily dated Unilateral Undertaking and the satisfactory resolution of flood risk issues, the Head of Planning, Protection and Licensing be authorised grant consent with conditions and informatives as set out in the report.

32. 072831 Area H, The Sergeants Mess, Abbey Field Urban Village, Le Cateau Road, Colchester

The Committee considered an application for the conversion of the Sergeants Mess into eight townhouses and the conversion of the Education Building into four two-bedroom flats, two three-bedroom town houses and one four-bedroom town house, together with associated parking, access and public and private amenity space.

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

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

Alistair Day, Conservation and Design Officer, attended to assist the Committee in its deliberations.

Mr Taylor, on behalf of Taylor Wimpey Developments Limited, addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in support of the application. He confirmed that considerable negotiation had taken place in order to secure public access to the site of the Roman Circus but also bearing in mind the amenity of the sites' future residents.

Councillors T. Higgins and Hunt attended and, with the consent of the Chairman, addressed the Committee. Both Councillors were of the view that the number of days which had been agreed for public access to the Roman Circus was inadequate, bearing in mind its national archaeological importance. Councillor Hunt was of the view that the conversion of the building was sufficiently extensive as to warrant its treatment as a new build thus requiring its location more than ten metres from the site of the Roman Circus. He was also opposed to the garden area fronting the building being walled to prevent open access. Councillor T. Higgins was of the opinion that more should be done to keep the site of the Roman Circus in the public domain and was of the view that certain other consultations in relation to the Roman Circus Management Plan needed to take place prior to the determination of this application.

Members of the Committee were concerned regarding the apparently piecemeal approach being adopted in relation to the various elements of the Roman Circus. They were also of the view that large numbers of members of the public would wish to look and walk along the surface of the Circus but that two days a year for this purpose was inadequate.

It was explained that the garden fronting the former Officer's Mess was intended to be a walled communal area for residents, similar to a town square. English Heritage had not placed any particular requirements upon the scheme in respect of public access and, in any event a firm of consultants had recently been appointed by the Council to look at the wider interpretation of the Roman Circus as a whole.

RESOLVED (UNANIMOUSLY) that consideration of the application be deferred to enable further information to be presented regarding the Museum Services review of the Colchester Roman Circus Management Plan and further negotiations with a view to seeking the opening of the site to the public on more than two occasions each year.

33. 080339 34 Fingringhoe Road, Langenhoe, CO5 7LB

The Committee considered an application for three two-bedroom bungalows and seven three-bedroom bungalows with associated garaging. The site comprised the property known as 34 Fingringhoe Road together with parts of the rear gardens of nos. 30, 32, 36 and 38 Fingringhoe Road.

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

Alistair Day, Conservation and Design Officer, attended to assist the Committee in its deliberations.

Mr Groves addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in opposition to the application, explaining his concerns regarding drainage on the site and on adjacent sites. Mr Groves stated that existing problems existed regarding the ability of drains in the vicinity of this site to cope with periods of heavy rainfall and he expressed his surprise that Anglian Water had not commented on this issue as part of the usual consultation exercise.

It was confirmed that Anglian Water had not raised concerns regarding the application but that a scheme for surface water drainage was required to be submitted which may well take the existing flooding issues into account.

RESOLVED (TWO voted AGAINST) that –

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

(b) Upon receipt of a satisfactory dated Unilateral Undertaking, the Head of Planning, Protection and Licensing be authorised grant consent with conditions and informatives as set out in the report, together with informative entitled 'Advisory Note for the Control of Pollution during Construction and Demolition Works'.

34. 080770 Tesco Stores, Highwoods Square, Colchester, CO4 9ED

The Committee considered an application for an extension to the existing foodstore to provide optician and pharmacy facilities. There would be no division from the main food retail store and no external entrances serving the facility. On this basis the planning unit has not been subdivided and the use is considered to be ancillary, therefore, the application is for physical extensions and alterations to the existing store. The hours of use requested are midday to midnight from Monday to Friday, from midday to 8pm on Saturdays and from 10am to 4pm on Sundays.

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

RESOLVED that the application be approved with conditions and informatives as set out in the report, together with informative entitled 'Advisory Note for the Control of Pollution during Construction and Demolition Works'.

35. 080740 36 to 40 Crouch Street, Colchester

The Committee considered an application for a change of use of three retail units from A1 to A1 to A2 inclusive. The application is a resubmission of 072948. The application proposes the change of use from as yet unused A1 (retail units) to A2 (financial and professional services). The original proposal sought change of use to A3 (restaurant).

The Committee had before it a report in which all information was set out. The site is the former Cash Converters shop.

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

36. 080760 Seaview Holiday Park, Sea View Avenue, West Mersea, CO5 8DA

The Committee considered an application for a variation of Condition 8 of planning permission COL/93/0582 to allow for extended opening hours of the shop and snack bar to 8am to 9pm, May to September only.

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

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

37. 080793 Woolwich House, 8 Culver Street West, Colchester CO1 1JD

The Committee considered an application for a change of use of the former Woolwich Building Society premises to an adult gaming centre, otherwise known as an amusement arcade.

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

RESOLVED that the application be approved with conditions and informatives as set out in the report, subject to the deletion of Condition 3 and its replacement with the following:

“The proposed new shop front shall be subject to a separate planning application and the applicant is advised to liaise with Colchester Borough Council prior to submission of this application.”

38. 072543 East Donyland Shooting Club, High Street, Rowhedge, CO5 7ET

The Committee considered an application for the continued use for a further 3 years of a shooting range for full bore pistol, small bore rifle, pistol calibre rifle range for practice and shooting on Mondays to Sundays with air weapons on Sundays.

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

RESOLVED that –

(a) Consideration of the application be deferred to allow the expiry of the 21 day call-in period to commence after notification has been given to the Health and Safety Executive that the Council is minded to grant a further temporary permission.

(b) Upon expiration of the call-in period and subject to there being no adverse comments from the Health and Safety Executive, the Head of Planning, Protection and Licensing be authorised grant consent with conditions and informatives as set out in the report.

39. 072723 8 Grange Farm Road, Colchester

This application was withdrawn from consideration at this meeting by the applicant who no longer had an interest in the site.

40. Clarification of Legal Agreement // St Albrights, 1 London Road, Stanway

This report was withdrawn from consideration at this meeting by the Head of Planning, Protection and Licensing for further clarification; the matter would come back to Committee for its consideration at a future date.

41. Enforcement Action // Land at 25 Straight Road, Boxted

The Head of Planning, Protection and Licensing submitted a report seeking authorisation to take enforcement action for all storage use to cease and all plant, machinery and materials to be removed from the land and the bunds to be levelled. The Committee had before it a report in which all information was set out.

David Whybrow, Planning Team Manager (Fast Track), attended to assist the Committee in its deliberations.

RESOLVED that an enforcement notice be served with a compliance period of two months requiring all storage use to cease and all plant, machinery and materials to be removed from the land and the bunds to be levelled.

42. Enforcement Action // 42 Peppers Lane, off Straight Road, Boxted

The Head of Planning, Protection and Licensing submitted a report seeking authorisation to serve an Enforcement Notice in respect of the unauthorised change of use of agricultural land to builders and reclamation yard and the unauthorised change of use of agricultural land to domestic curtilage. The Committee had before it a report in which all information was set out.

David Whybrow, Planning Team Manager (Fast Track), attended to assist the Committee in its deliberations.

It was explained that the amendment sheet contained further details submitted by the agent for the owner seeking consideration of an offer originally made in February 2008.

RESOLVED that an Enforcement Notice be served with a compliance period of three months in respect of fields to the north and to the south of Peppers Lane, Off Straight Road, Boxted for the cessation of the use for storage of building and reclaimed materials on the agricultural land, the removal of all domestic paraphernalia from the agricultural land, and the removal of all associated development, including hardstand, bund, the garden building and mobile home and the restoration of the land to grass.



Application No: 080665

Location: 20, 22 & Bokhara, Maldon Road, Tiptree, Colchester, CO5 0LL

Scale (approx): 1:1250

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Committee Report

Agenda item

7

To the meeting of **Planning Committee**
on: **12 June 2008**
Report of: **Head of Planning, Protection and Licensing**
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: Nick McKeever

EXPIRY DATE: 03/07/2008

MAJOR

Site: Maldon Road, Tiptree, Colchester, CO5 OLL

Application No: 080665

Date Received: 2nd April 2008

Agent: The Owen Partnership

Applicant: Mr & Mrs Maxwell , Mr & Mrs Field, Mr & Mrs Case

Development: Proposed residential development comprising of 3 no.2 bed apartments, 1 no.3 bed houses , 2 no.4 bed houses, 6 no.5 bed houses.

Ward: Tiptree

Summary of Recommendation: conditional Approval subject of signing of Unilateral Undertaking

1.0 Site Description

1.1 This 0.4 hectare site is comprised of three dwellings 20, 22 & Bokhara, Maldon Road, Tiptree. Number 20 & 22 are a pair of semi-detached, two storey dwellinghouses whilst Bokhara is a relatively large 5 bedroom bungalow. The site lies within a predominantly residential area of Tiptree to the south of the junction of the Maldon Road, Kelvedon Road, Church Road and Maypole Road.

- 1.2 The site is bounded on four sides with existing residential development forming Windmill View (North East), Queensway (North West), Vine Road (South) and Maldon Road itself (South East). The rear gardens of the three existing dwellings on the site all back onto Queensway.
- 1.3 The properties in Queensway are located at a higher ground level of up to 2 metres. The Agent has stated that this difference in ground level appears to be due to the use as a borrow pit some time in its history.
- 1.4 The properties Nos. 20 & 22 Maldon Road currently have a shared access from the Maldon Road, whilst Bokhara has its own independent vehicular access off the Maldon Road running parallel to the access to 20 & 22 Maldon Road.
- 1.5 The main part of the site is formed from the garden of Bokhara, which contains a number of trees and a small pond adjacent to the south western boundary. The remainder of the site, formed from the curtilages of 20 & 22 Maldon Road also contain a number of trees, mostly located along the northern Boundary.
- 1.6 The application proposes the demolition of the three existing dwellings and the erection of 12 residential units comprising:-
 - 3 x 2 bed apartments
 - 1 x 3 bed house
 - 2 x 4 bed houses
 - 6 x 5 bed houses
- 1.7 This gives an overall density of 30 dwellings per hectare, which is at the lower end of the density range until recently advocated by Planning Policy Statement 3 (i.e. between 30 - 50 dwellings per hectare).
- 1.8 The majority of these dwellings are grouped around a public square. Off this square a mews leads to three other units. The Design & Access Statement describes the units enclosing the square as being 2 storey with rooms in the roof. The units within the mews are smaller.
- 1.9 A new 4.8 metre wide access off the Maldon Road is to be formed, enclosed by brick walls with railings and piers and new planting behind. It will be surfaced with permeable concrete block paving thereby providing water for the existing trees as well as surface water drainage. A Type 3 turning head is to be provided at the proposed square. On site car parking is provided at 200%.
- 1.10 The application is accompanied by an Arboricultural Report containing a Tree Survey, a Tree Constraints Plan, and a Tree Protection Plan. Details are available on the Council website.
- 1.11 The current application is a re-submission following the withdrawal of application 080041 immediately prior to the current application being submitted.

2.0 Land Use Allocation

2.1 Residential

3.0 Relevant Planning History

3.1 080041 - Proposed residential development comprising of 3 No. 3 bed apartments, 1 No. 3 bed house, 2 No. 4 bed houses, 6 No. 5 bed houses. Withdrawn 2 April 2008.

4.0 Principal Policies

4.1 Adopted Review Borough Local Plan
Development Control Considerations - DC1
Design - UEA11& UEA13
Landscape Features - CO4

5.0 Consultations

5.1 The previous application was submitted to the Development Team which considered the following contributions would be required:-

1. £74,036 towards the provision of Open Space. This sum excludes any discount from the three existing properties; and
2. Community Facilities - £10,000 towards the Village Hall.
3. The provision of Travel Packs.

No contribution is required for the provision of educational facilities as the scheme falls below the relevant threshold, having due regard to the three existing dwellings on the site.

5.2 The Arboricultural Officer considers the submitted report to be satisfactory and is in agreement with the recommendations made therein. A full schedule of implementation and monitoring should be submitted. This requirement can be made a condition of any permission.

5.3 The Highway Authority has no objection subject to conditions. This recommendation is made without prejudice to the views of the Building Control service and Essex Fire and Rescue Service.

5.4 The Essex Fire and Rescue Service has been consulted and it is hoped to have their comments for presentation to the Committee.

5.5 Environmental Control recommends the inclusion of the standard advisory notes for the control of Pollution during construction & demolition works.

6.0 Parish Council's Views

6.1 Tiptree Parish Council objects on the grounds of overdevelopment, loss of amenity to existing residents, traffic impact on Maldon Road, contrary to Local Plan (Housing Section) and possibility of flooding. The Parish Council would also like to request that an ecological survey be undertaken to protect local wildlife.

6.2 Feering Parish Council objects on the basis of the potential increase in traffic from Tiptree through Feering and Kelvedon.

7.0 Representations

7.1 The following comments are a summary of the objections set out within letters from the occupiers of 5 Windmill View. This correspondence can be viewed in its entirety on the Council website along with the other letters received.

1. The development fails to meet many of the objectives and criteria of the Colchester Borough Local Plan:-
 - Local Plan strategy - promotes a balanced approach to transport (priority to pedestrians & cyclists). This is not evident given that there will be at least 27 vehicles at the development and site is within 100m of a busy double roundabout and virtually opposite Ransom Road, which is used as a "rat-run".
 - Contrary to overall development policy DC1 as it does not satisfy criteria (a), (b), (c), (d) & (g) in that the houses are not in keeping (3 storey), increased traffic and related highway safety issues & no indication of what services and amenities are to be provided in order to ease the existing demands on stretched services.
 - Contrary to UEA11 - Infill development, which the Council is anxious to avoid. The dwellings do not have adequate regard to their setting and the development does not preserve the spatial characteristics of the area. Application does not address issues relating to impact upon residential amenity (i.e. loss of daylight/sunlight due to oppressive and overbearing development and overlooking of private gardens).
 - Policy CF7 [Community facilities & infrastructure provision]. Community facilities are already stretched within Tiptree and the application does not address these existing problems but will only add to the existing pressures.
 - Housing development within villages. Development is acceptable in principle within village envelopes but should integrate well into the existing environment. Development does not satisfy this policy as the three storey units are not in keeping.
 - Tiptree policy. Policy of not allocating any further major housing sites due to existing problems of lack of public open space and playing fields. This policy has not been adhered to with housing developments at Windmill Green and the former Young's Garage site.
 - Green Space. Tiptree has seen a significant reduction in its green space areas most noticeably to the Grove Road development.

7.2 In addition 14 letters have been received from local occupiers. The objections contained therein are summarised as follows:-

- 1 Overdevelopment
2. Existence of two wells within the rear gardens of Nos. 20 & 22 Maldon Road and problems of flooding within the site and surface water runoff down the access. Ditches have been filled in over the years.
3. Site is a refuge for wildlife.
4. Three storey dwellings are not in keeping and will dominate the area, affect daylight and result in overshadowing.

5. The occupiers of Nos.10 & 12 Queensway (whose back gardens adjoin the rear of the site) are concerned about the difference in the ground levels, whereby the properties within Queensway are up to 2 metres higher. Their back gardens are contained by the existing bank and tree roots. The removal of the existing trees could cause further erosion of this bank. The developer should be required to construct a reinforced retaining wall. The impact upon the bank and existing hedge/trees is not addressed in the submitted tree survey.
 6. Concerns as to the impact of more housing development within Tiptree and the lack of additional services, together with the lack of public transport or improvements to the local road network.
 7. Lack of on-site car parking for the number of vehicles this development will attract.
 8. Additional risks to highway safety given the already high volume of traffic that uses Maldon Road.
 9. The relatively minor changes to the original scheme do not change the original objections.
- 7.3 A petition containing 62 signatures has been received. The petition does not stipulate the grounds for the objection to the proposed development.

8.0 Report

- 8.1 This site is located within the predominantly residential area of Tiptree as defined in the Adopted Review Colchester Borough Council Local Plan - Proposals Map Tiptree Inset. It does not form part of any Private or Public Open Space as shown on the Tiptree Inset to the Adopted Colchester Borough Local Plan nor is it of any other special designation. On this basis, and in accordance with current central government advice to make the best possible use of existing developed land within the built up areas, there can be no objection in terms of land use to the re-development of this 0.4 hectare site.
- 8.2 The development must, however, accord with the relevant Local Plan policies as set out in this report. In this context there have been numerous meetings between the Agent and your Urban Design Officer and Development Control Officer. As a result of these successive meetings the Council produced a Design Brief specifically for the future development of this site. A requirement of such a Brief is to set out and give due consideration to the relevant national and local policies and adopted supplementary guidance (i.e. Essex Design Guide, External Materials Guide for new development, Open Space, Sport & Leisure, Towards Better Street Design).
- 8.3 This Brief sets out the Site Context, its constraints, the development opportunities, the required financial contributions and the possible (i.e. Illustrative) layout for the development of the site.

8.4 The application that is now before Members has been submitted as a result of the consideration of all the aforementioned matters. In terms of the overall density and layout the proposed development accords with the Brief. The density is at the lower threshold advocated within Planning Policy Statement 3 (i.e a range of between 30 to 50 dwellings per hectare). This density is generally in keeping with the established residential development within the immediate vicinity. A higher density would not be appropriate, both in terms of the character of the site itself and the existing trees but also in terms of its impact upon the adjoining dwellings within Queensway, Vine Road and Maldon Road.

8.5 Overall the scheme manages to achieve its own sense of place, with the majority of the dwellings facing onto, and enclosing, a public square. The central square provides for a landscaped, shared amenity space. It also accommodates circulation space for emergency vehicles and visitor parking.

8.6 The development as originally submitted, deviated from the Brief in that:-

- (a) The Brief, in line with adopted guidance, advocates well proportioned structures with attention to building depth, roof pitch and a maximum building height of 2 1/2 storeys. The exception would be a focal architectural feature. The "architectural feature" in this instance is provided by the 3 storey building located at the entrance to the buildings and containing apartments. This 3 storey building serves to terminate the main access into the site.

The majority of the individual dwellings (Plots 3, 4,5,6, 10 11) however, tended to have wide spans in excess of 8 metres. These forms are not typical, or vernacular, to this part of Essex. Furthermore they result in the buildings having very high roofs, thereby effectively creating a full three storey range of dwellings.

In this respect, even allowing for the differences in the local topography, the dwellings were not in keeping with the dwellings that effectively enclose the site, the majority of these not being over two storey in height. The concerns expressed by local residents are thus acknowledged and appreciated.

8.7 In order to address this particular matter the application as now submitted has reduced the overall spans of the dwellings on the aforementioned plots to a maximum of 7 metres. As a consequence the overall ridge height of these buildings has been reduced from approximately 10.6 metres to a maximum of 9.55 metres. In the Essex Design Guide for Residential and Mixed Use Areas (EDG) two and a half storey type housing is around 9.6 metres in height. This takes into account the steep roof pitches in excess of 45 degrees that are typical of Essex vernacular. In this respect the scale and form of these particular dwellings accord with the indicative house types contained within the EDG and with the advice and recommendations of the Urban Design Officer.

8.8 The private amenity provision for the dwellings complies with, and generally exceeds, the Council's adopted standard of 100sq. m for three or more bedroom dwellings. In addition to this requirement, the dwellings all have adequate space around the buildings. The accepted minimum distance between a two storey building and its side boundary is one metre.

- 8.9 In the context of the low density, the compliance with the Council's required spatial standards, the scheme cannot be regarded as being an unacceptable over development of this 0.4 hectare site.
- 8.10 The Development Brief advocates a mix of dwelling types from 2 bed apartments to 4 bedroomed dwellinghouses. The submitted scheme provides a mix of units ranging from 3 no. 2 bedroom apartments, 1 no. 3 bedroom house, 2 no. 4 bed houses, but it also includes 6 no. 5 bedroom dwellings, of which there are a total of five. In this respect it is not strictly in accordance with the Design Brief. In general, however, this mix is considered to be acceptable.
- 8.11 It is, however, not within the remit of this brief to give detailed consideration of the amenity issues and material considerations raised as a result of the publicity of the application. This report will now proceed to consider these matters.

Highway Considerations

- 8.12 A concern common to all the objections, and in particular from the occupiers of 5 Windmill View, is the issue of the traffic generated by the development and the associated matters of highway safety.
- 8.13 Whilst these concerns are acknowledged, it is noted that the Highway Authority have recommended to this Authority that permission should be granted subject to appropriate conditions. These conditions are to ensure that the development is laid and completed in accordance with the current highway standards. Having regard to this recommendation it is considered that any objections made in terms of matters of highway safety could not be sustained.
- 8.14 Car parking provision is 2 spaces per unit with additional spaces for visitors. This level of provision accords with the Design Brief and is considered to be acceptable given the current requirement for minimum parking provision. Some other relatively recent housing schemes within the Tiptree area, and within the Borough in general, have less than the average 1.5 spaces per dwelling.
- 8.15 In general terms proposals for housing schemes that involve 10 or more units will require the provision of travel packs. The Highway Authority recommendation is conditional upon this provision.

Community Facilities

- 8.16 The relevant Local Plan policy CF1 states:-

"Planning permission will not be granted for any development unless provision is secured for all community benefits and other infrastructure which are directly related to the development proposal and where such provision is fairly and reasonably related in scale and kind to it".

- 8.17 In the context of this policy it is necessary to consider whether the required contribution is fairly and reasonably related in scale and kind to the proposed development and is reasonable in all other respects.

- 8.18 In order to put this proposed development in its context reference is made to other planning permissions that have been granted for major developments (i.e. over ten units). Particular reference is made to the Grove Road scheme of approximately 400 units. The Developers were not under any legal obligation to provide or fund any additional community facilities other than open space, cemetery extension and a contribution towards a village hall. A more recent scheme on the site of the former Kings Head P.H., Kelvedon Road, for 14 units allowed on appeal did not require any community facilities other than towards the provision of open space.
- 8.19 It is also noted that when the Development Team considered the previous scheme the only community contribution that was required was towards the provision of the community hall.
- 8.20 The concerns set out in the written representations are acknowledged and appreciated. It is considered, however, that any contributions towards the provision of community facilities other than that currently requested would not relate fairly or reasonably to the scale of the proposed development, particularly as the total net increase, taking into account the loss of the three existing dwellings, is only 9 units.

Housing Allocation

- 8.21 The supporting text to the Tiptree chapter within the Local Plan states that no new major housing site allocations in Tiptree other than previously committed (i.e. Grove Road & the former Gaffney's site in Newbridge Road). The site before Members is not one that has been allocated but represents a "windfall" site and as such should be considered upon its own particular merits. Furthermore, as it is effectively for only 9 additional dwellings, it may be deemed to fall beneath the 10 units that constitutes a major development.

Amenity issues

- 8.22 The Council's current adopted amenity standards are as contained within the Essex Design Guide for Residential and Mixed Use Areas (EDG) and the Local Plan policy UEA13, which is supported by the SPD "Extending your house? A Householder's Guide to the Residential Extensions Planning Policies and Standards of Colchester Borough Council.
- 8.23 The Essex Design Guide sets out the spatial standards that are required in order to protect the privacy of rear garden areas of existing dwellings. Where proposed dwellings are to be located parallel to the rear elevations of existing dwellings, privacy is safeguarded by:
1. A minimum "back to back" distance of 25 metres is required;
and
 2. The rear of new houses may not encroach any closer than 15 metres to an existing rear boundary.

These considerations would apply to Units 4, 5, 10, 11 & 12.

- 8.24 With the exception of Unit 4, all of the two/two and a half storey elements of the above units are located 15 metres or more from the rear boundaries. Unit 4 is shown as being 14 metres from the rear boundary. However the property to the rear of this plot (19 Stores Lane) is located in excess of 28 metres from the rear boundary. As such this relatively minor infringement of the 15 metre distance is not considered to significantly prejudice the amenity of the dwelling in question. There is some scope to move Unit 4 approximately one metre further from the rear boundary although this would affect the outlook from the front ground floor windows of this new dwelling.
- 8.25 All of the above units are situated more than 25 metres from the rear elevations of the existing dwellings where these are approximately parallel to the new units.
- 8.26 The Local Plan policy UEA13 and the SPD "Extending your house?" set out a number of spatial standards to prevent any new development from being overbearing upon, or result in a significant loss of daylight/sunlight to, adjoining dwellings. The proposed scheme has been designed to take account of, and complies with, these policy requirements.
- 8.27 Concern has been expressed as to the relationship of the house on Unit 3 to the adjoining dwellings in Queensway, and No.12 in particular. The Unit 3 does not face onto the rear elevation of 12 Queensway but is side onto it. All windows serving habitable rooms within the new dwelling face north-east and south-west and as such there are no privacy issues.
- 8.28 The EDG states that where new houses are at right angles to an existing dwelling, there are no windows in the flank end, the proximity can decrease down to one metre from the boundary. Unit 3 is approximately 5 metres from the boundary, whilst the dwelling at 12 Queensway is approximately 6 metres from its rear boundary. The physical separation between the two dwellings will, therefore, be in the region of 11 metres at the closest point.
- 8.29 The Agent has advised that, given the difference in land levels between the properties in Queensway adjacent to the site, the eaves height is approximately 2 metres lower than that of 12 Queensway. The ridge height is likely to be approximately 500mm higher but this is counter balanced by the hipped roof form.
- 8.30 The rear gardens of the properties in Queensway immediately adjacent to the site are East facing. Given all of the above considerations it is not considered that any significant overshadowing of the rear gardens of these existing dwellings such as to justify a refusal of planning permission.

Other considerations

- 8.31 The concerns of some of the residents of Queensway regarding the impact upon the stability of the trees and earth bank forming the western boundary are appreciated, given that the difference in ground level is approximately 2 metres. In order to ensure that development does not have any adverse impact upon the stability of this bank it is recommended that, if Members are minded to approve the development, it should be conditional upon the submission and approval of a detailed survey of the bank and the provision of all appropriate measures to ensure its future stability. The Agent has been advised accordingly and is prepared to accept such a condition.

- 8.32 The Agent has been advised by the pond owner and Applicant that there are only Common Newts that use this pond, and that this use does not occur every year. Common Newts are not a protected species. There is no evidence or reason to suspect that the site currently provides a habitat for other protected species.
- 8.33 Reference has been made to drainage problems and the presence of two wells on this site. The Agent has advised that it is the intention to confirm the position of the piped ditch prior to construction and any divergence that may be required should be subject to approval by the Council. The Applicant is prepared to accept a condition to this effect.
- 8.34 It is recommended that full details of the proposed drainage of the site should be submitted to and approved by the Council prior to the commencement of the development.
- 8.35 Local concerns relating to the existing trees within and around the site are appreciated. The application is accompanied a full tree survey in accordance with the Council's requirements for the site. The Arboricultural Officer has considered this report and his comments are acknowledged. Any consent should be subject to the conditions set out in his recommendation.

9.0 Conclusion

- 9.1 This site has to be regarded as a previously developed area of land within a predominantly residential part of Tiptree. Whilst it can be regarded as a backland development it is noted that a similar, albeit smaller scale, development exists immediately adjacent at Windmill View. This is a development of relatively large detached two storey dwellings.
- 9.2 The existing development within the area has no particular cohesive form to it but is rather more of an eclectic mix of dwelling types.
- 9.3 The proposed development is set at the lower end of the recommended density thresholds. In this respect it is compatible with the existing pattern of development. A higher density on this site would not be acceptable.
- 9.4 The scheme has been designed and laid out to reflect the principles enshrined within the Essex Design Guide and manages to achieve its own sense of place.
- 9.5 In terms of the built forms and their relationship to the existing and adjacent dwellings, the scheme has been designed to satisfy the Council's adopted spatial and amenity related policies.
- 9.6 Whilst the concerns of residents regarding parking and highway related matters are fully appreciated, the Highway Authority is satisfied that this development complies with current highway standards.
- 9.7 Overall the development complies with the Design Brief drawn up by the Council to ensure that the development of the site meets the relevant national and local standards and policies and associated Supplementary Planning Guidance/Documents.

10.0 Background Papers

10.1 ARC; Development Team; TL; HA; Essex Fire and Rescue Service; HH; PTC; FE; NLR

Recommendation

Permission is recommended subject to the satisfactory completion of a Unilateral Undertaking requiring the following contributions and the following conditions:-

- | | | |
|----|----------------------|---|
| 1. | Open Space | £ 54,693.14 |
| 2. | Community Facilities | £10,000 towards the provision of the Tiptree Community/Village Hall |

Conditions

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

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

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

2 - C3.4 Samples of Traditional Materials

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

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

3 - C12.3 Details of Walls and Fences as Plans

The [boundary/screen/walls/fences/railings/hedges etc] as indicated on the approved plans [ref no dated/returned herewith] shall be [erected/planted] before the [occupation of any building/commencement of the use hereby approved] and shall be retained thereafter.

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

4 - B8.1 Drainage Scheme Prior to Commencement of Work

Prior to the commencement of any work on site, a scheme of surface water and foul drainage shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be carried out prior to the occupation of the building/s hereby permitted.

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

5 - Non-Standard Condition

The details to be submitted pursuant to condition 04 shall include details of any existing drainage ditches and piping thereof, together with details of any divergence to any of these existing ditches.

Reason: To ensure that the drainage takes into account any existing drainage features.

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

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

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

7 - 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.

8 - C10.18 Tree and Hedgerow Protection: General

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

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

9 - C11.14 Tree / Shrub Planting

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

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

10 - C11.11 Landscape Design Proposals

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

These details shall include, as appropriate:

Existing and proposed finished contours and levels.

Means of enclosure.

Car parking layout.

Other vehicle and pedestrian access and circulation areas. Hard signage, lighting).

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

Retained historic landscape features and proposals for restoration.

Soft landscape details shall include:

Planting plans.

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

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

Planting area protection or decompaction proposals.

Implementation timetables.

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

11 - C11.12 Landscape Works Implementation

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

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

12 - Non-Standard Condition

The details to be submitted pursuant to Conditions 10 and 11 shall include the details set out in paragraph 1.5 of the Landscape Consultation No. 133/08/CON dated 4th April 2008, a copy of which is attached to the permission, unless otherwise agreed in writing by the Local Planning Authority.

Reason: For the avoidance of doubt as to the scope of this permission and to ensure that the Landscape details are satisfactory in the interest of visual amenity.

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

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order with or without modification), no development within Classes A to E of Part 1 of Schedule 2 of the Order (any extension, outbuilding, garage or enclosure) shall take place without the prior written permission of the Local Planning Authority.

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

14 - Non-Standard Condition

Prior to the commencement of the development hereby approved a full survey shall be carried out to the existing earth bank that forms the western boundary with the dwellings in Queensway, Tiptree, in order to assess the structural stability and the potential impact of the development upon this earth bank. Any remedial works that may be required as a result of this survey shall be carried out prior to the commencement of the development to the full satisfaction of the Council.

Reason: In order to assess the impact of the development upon the local environment and upon the amenity of the existing residential properties.

15 - Non-Standard Condition

The entry feature, 1.8m high walls and associated calming feature shall be provided in accordance with the detail shown on the approved drawings, unless otherwise agreed in writing by the Local Authority, prior to the occupation of any of the approved dwellings and shall thereafter be maintained to the satisfaction of this Authority.

Reason: In the interests of highway safety.

16 - Non-Standard Condition

1.5 metres x 1.5 metres visibility splays to each side of the junction with a line not less than 2 metres from the kerb line of Maldon Road, free of any obstruction exceeding a height of 600mm, shall be provided prior to the occupation of any of the approved dwellings and thereafter maintained.

Reason: In the interests of highway safety.

17 - Non-Standard Condition

A refuse bin collection point shall be provided and thereafter maintained within 25 metres of a highway.

Reason: In the interests of highway safety.

18 - Non-Standard Condition

A size 3 Turning Head shall be provided, and thereafter maintained, within the site prior to the occupation of any of the approved dwellings.

Reason: In the interests of highway safety.

19 - D4.5 Bicycle Parking (as approved plan)

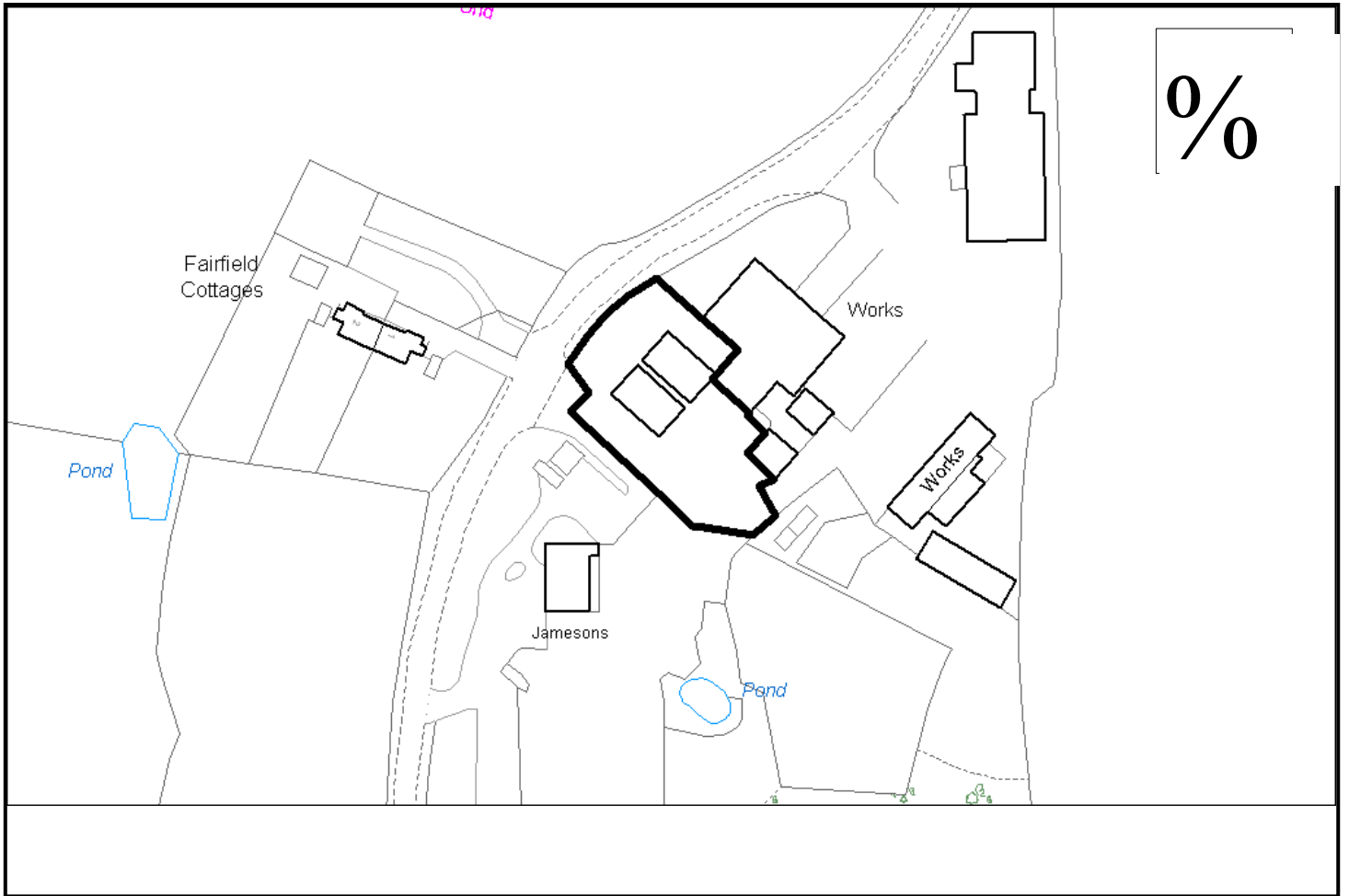
The bicycle parking facilities indicated on the approved plans returned herewith, shall be provided and made available to serve the development before any of the dwellings are occupied. These facilities shall thereafter be retained as such.

Reason: To ensure that adequate provision is made for cycle parking in accordance with both local and national policy to encourage and facilitate cycling as an alternative mode of transport and in the interests of both the environment and highway safety.

Informatives

Non-Standard Informative

1. 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.



Application No: 080824

Location: Regal Works, Plummers Road, Fordham, Colchester

Scale (approx): 1:1250

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7.2 Case Officer: Simon Osborn

EXPIRY DATE: 19/06/2008

MINOR

Site: Regal Works, Plummers Road, Fordham, Colchester

Application No: 080824

Date Received: 23rd April 2008

Agent: Mr B Pooley

Applicant: W W Holdings

Development: Application to regularise the erection of two business units to replace former fire damaged buildings

Ward: Fordham & Stour

Summary of Recommendation: Conditional Approval

1.0 Site Description

- 1.1 The application site forms part of the Regal Works (Wormingford Airfield) Rural Business Site, on the eastern side of Plummers Road, approximately half way between the village envelopes of Fordham and Wormingford. The Rural Business Site includes a purpose brick built office complex in the northeast portion of the site, with a rather motley collection of sheds and buildings elsewhere on the site.
- 1.2 The 2 buildings subject of this planning application lie on the southwest part of the site. The upper part of the buildings are visible from the road, the bottom part being hidden by a 2m high perimeter wall. The two units would also be visible from Jamesons Care Home immediately to the south and 1 and 2 Fairfield Cottages on the opposite side of the road.

2.0 Description of Proposal

- 2.1 The buildings subject of the application each measure 15.2m x 9m and are just over 5 metres height (notwithstanding the application describing them as only 3.5m in height). They have a semi-circular shape, with a coated steel finish. They replace buildings that burnt down in October 2005, which were of brick and block construction within a Nissen-style semi-circular roof in corrugated-iron. The new buildings have already been erected and this application seeks to regularise the position.
- 2.2 One of the units is occupied by Foster Utilities, who use the site for the storage of materials used in utility installations, with the buildings being used for the storage and servicing of their own plant. The Company operates two transit vans. The second unit is used for the parking, servicing and maintenance of six concrete mixing vehicles. The units operate within the hours of 6.00am to 7.00pm Monday to Friday and 6.00am to 1.00pm on Saturday, with no working on Public Holidays or Sundays except in an emergency.

3.0 Land Use Allocation

3.1 Rural Business Site

4.0 Relevant Planning History

4.1 Regal Works was formerly part of the Wormingford Airfield base; it has an extensive planning history for various industrial uses.

5.0 Principal Policies

5.1 Adopted Review Colchester Borough Local Plan - 2004
DC1 - Development Control Considerations
EMP5 - Isolated Industrial Complexes
UEA11 to 13 - Design Considerations
P1 - Pollution

6.0 Consultations

6.1 The Highways Authority initially recommended refusal of the application on the grounds that the increase in floor space suggested an expansion of the business leading to an intensification of movements through the access onto this fast, busy link road. It subsequently changed this recommendation to no objection after the Agent submitted further information asserting that the buildings would not result in an increase in vehicle movements over and above that which could have been generated previously as this is part of an allocated Rural Business Site.

6.2 Environmental Control stated no objection in principle to the erection of these units. It pointed out that whilst on an industrial site, they are adjacent to a residential home and close to residential houses. Environmental Control recently received a complaint relating to noise generated by the cleaning out of cement-lorries at this site. It understands that the units have been operating from 0600 to 1900 hours Mons to Fri and 0600 to 1300 hours on Sats - if this had not been the case operating hours of 0700 to 1800 hours Mons to Fri and 0800 to 1300 on Sats would have been recommended. Environmental Control would be concerned at the granting of the hours applied for if it was a general industrial and storage use. However, it seems that apart from the complaint mentioned previously, the present tenants have operated generally without giving nuisance to the neighbours. It is therefore recommended that the use of the buildings be limited to the present uses and the hours applied for granted. It also recommended conditions relating to light pollution and requiring an oil interceptor.

7.0 Parish Council's Views

7.1 Fordham Parish Council stated:-

"This is a retrospective application and the council strongly object as they would not have agreed to a business accommodating the six lorries currently operating from these business units, and the subsequent vehicle movements in a rural setting. Further to this it is considered that the buildings are out of character with the rural setting."

8.0 Representations

8.1 One letter received from Fairfield Cottages queried the alleged height of 3.5 metres and made the following further points:

- Original units were parallel to the road and slightly less than 3m high - these units have a more unsightly profile
- The metallic finish does not blend in with the surroundings, especially on a sunny day
- The permitted hours for units 1 and 2 under COL/94/1415 were 8.00am to 6.00pm on weekdays and no work on Sunday or Bank Holidays, presumably for the benefit of the surrounding community.

9.0 Report

9.1 The application site is part an existing Rural Business Site as identified in the Local Plan. Policy EMP5 provides for the expansion and consolidation of existing authorised uses within such sites, subject to the uses and/or development being compatible with the character and scale of any nearby settlement and the surrounding rural areas.

Design

9.2 These two semi-circular buildings are clearly visible above the perimeter wall; however they are lower in height than an adjoining industrial building that is clad in corrugated sheet metal. Within the context of the surroundings of this Rural Business Site, which originated as part of the Wormingford Airfield base, the overall form of these two buildings is not considered to be inappropriate. They do however have a very shiny appearance. The Agent states that they will weather down, but it is not clear how long this will take. Such a shiny finish, which is visible from outside the site is unlikely to have been agreed if the application had not been retrospective. In the circumstances, it is considered appropriate that a condition is imposed requiring a painted finish to the buildings, such as a matt grey. The Agent has subsequently agreed to a goose grey matt finish.

Other Material Considerations

9.3 The neighbour representation referred to hours of use that had been applied under COL/94/1415. However, this related to the new Codair offices in the northern part of the site. The development on this part of the Business Site arose from it formerly being part of the WWII Wormingford Airfield base and does not appear to have been previously subject of hours of use conditions.

9.4 Environmental Control in its response recognised the premises were close to existing residential premises, but has not objected to the hours applied for (0600 to 1900 hours Mons to Fri and 0600 to 1300 hours on Sats) subject to the use being limited to the present uses.

10.0 Conclusion

10.1 The site forms part of an allocated Rural Business Site within the Local Plan and the use and buildings are considered acceptable in principle, subject to the conditions sought by Environmental Control and a matt colour finish being applied to the outer surface of the buildings.

11.0 Background Papers

11.1 ARC; 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 - Non-Standard Condition

The uses hereby permitted shall be limited to Foster Utilities for Unit 1 and Paul Lane Haulage for Unit 2 for the purposes described in the application form and shall be carried out only within the times of 0600 to 1900 hours on Mondays to Fridays and 0600 to 1300 hours on Saturdays, and at no times on Sundays, Bank and Public Holidays.

Reason: A general industrial and storage use is likely to be detrimental to the amenity of nearby residential properties, particularly at the beginning and end of each working day. Permission is granted for the hours proposed only on the basis that these uses have operated generally without causing nuisance to neighbours.

3 - Non-Standard Condition

Prior to being discharged into any watercourse, surface water sewer or soakaway, all surface water drainage shall be passed through an oil interceptor designed and constructed to have a capacity compatible with the site being drained.

Reason: To protect the groundwater quality in the area.

4 - B3.3 Light Pollution

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

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

5 - Non-Standard Condition

Within three months of the date of this permission, goose grey matt finish BS 4800 00 A 05 or similar colour as may be agreed in writing by the Local Planning Authority shall be applied to the external surfaces of the building. This colour finish shall thereafter be retained.

Reason: The existing shiny metallic finish is considered inappropriate and detrimental to the appearance of the locality.



Application No: 080842

Location: 15 Fitzgilbert Road, Colchester, CO2 7XB

Scale (approx): 1:1250

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Site: 15 Fitzgilbert Road, Colchester, CO2 7XB

Application No: 080842

Date Received: 25th April 2008

Agent: Inkpen Downie

Applicant: Mr Sean Smith

Development: Demolition of existing bungalow and erection of 2 semi-detached houses

Ward: Shrub End

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

1.0 Site Description

- 1.1 The site is a 0.05 hectare plot of land within this established residential street. The street contains a mix of detached and semi-detached, two storey dwellinghouses of various sizes and design. There are examples of more modern infill within an otherwise area of older properties. To the south west are tennis courts and Bowling Club. The site is otherwise surrounded by residential properties.
- 1.2 The site is currently occupied by a modestly proportioned, two bedroom bungalow. This is the only single storey dwelling within this part of Fitzgilbert Road. The site has a frontage onto Fitzgilbert Road of approximately 15.6 metres and an overall depth of 38 metres and backs onto the rear gardens of dwellings within Wavell Avenue.
- 1.3 The application proposes the demolition of this existing bungalow and the erection of two, 4 bedroom semi-detached, two storey dwellings. Two car parking spaces are provided on each of the frontages. Each of the dwellings has a total floor area of 154.9 square metres, inclusive of the attic floor area. House 1 has a private amenity area of 175 square metres and is set in approximately 2 metres from the side boundary. House 2 is shown as having a total of 150 square metres private amenity area and inset approximately 1 metre from the boundary with 17 Fitzgilbert Road.
- 1.4 Both dwellings are to be constructed in facing brick and render with synthetic slate or plain tiled roofs.

2.0 Land Use Allocation

- 2.1 Residential

3.0 Relevant Planning History

- 3.1 None

4.0 Principal Policies

- 4.1 Adopted Review Borough Local Plan
Development Control Considerations - DC1
Design - UEA11& UEA13

5.0 Consultations

- 5.1 The Highway Authority has no objection subject to conditions relating to the provision of 1.5m x 1.5m pedestrian visibility splays and the access being formed at right angles to the highway boundary.

6.0 Representations

- 6.1 The occupier of 19 Fitzgilbert Road objects on the basis that:-
1. There is not sufficient frontage and the buildings will appear squashed in;
 2. Increased people, cars & parking problems;
 3. Permission has already been granted to the same developer to build in Alport Avenue, which will only one metre from her garden.

7.0 Report

- 7.1 The submitted Design & Access Statement suggests that the discrepancy in the plot numbers of the existing dwellings indicates that the original intention was to develop the plot with two houses in keeping with those either side. In the event a single bungalow was built on the plot. Whilst this may or may not be the case, the existing bungalow appears slightly out of character with the two storey dwellings that predominate within this part of the road. There are two other bungalows at the beginning of the road, Nos 1 and 1A. Number 1A is a recently infill development.
- 7.2 In addition to this it is observed that the frontage of the site is very similar to that of the other dwellings. The two pairs of semi-detached houses at 17 & 19 and 21 & 23 Fitzgilbert Road both have combined frontages of approximately 15 metres. The plot at No.15 is approximately 15.6m. It is, therefore, comparable to these other two adjacent plots.
- 7.3 The submitted drawings show that the proposed development complies with the Council's adopted standards relating to private amenity areas and the provision of a minimum of 1 metre gap at the side boundary.
- 7.4 In addition the development accords with the requirements of the Local Plan policy UEA13 where this relates to the impact upon the amenity of the adjoining dwellings. At the present time the site backs onto rear gardens. Planning permission has been granted on appeal for the erection of a terrace of 4 dwellinghouses on this adjoining garden area. The dwellings within that scheme are to be located more than 25 metres from the rear elevation of the proposed two semi-detached dwellings. As such the privacy of the other new dwellings will be secured by design.

- 7.5 On this basis it is considered that the proposed development can be accommodated within this plot without appearing unduly cramped or without any loss of amenity to the existing dwellings.
- 7.6 The two semi-detached houses have been designed to reflect the form and appearance of the adjacent pairs of semi-detached houses at 17 & 19, 21 & 23 Fitzgilbert Road. Whilst some relatively minor modifications to the design have been requested, in general terms the proposed houses will not appear out of keeping. The amended drawings will be available for presentation at the Committee meeting.

8.0 Conclusion

- 8.1 The existing bungalow is of no particular architectural or historic interest and can be considered to be out of keeping with this street scene of two storey houses. The plot is comparable in size to that of others in this road and the dwellings have been designed to reflect the adjoining properties and to accord with the Council's adopted spatial standards. They also comply with policy UEA13, which takes into account the impact upon the amenity of existing and adjoining dwellings.
- 8.2 On this basis the development is considered to reach an acceptable standard for this site. Permission is recommended subject to the satisfactory completion of the required Unilateral Undertaking for a contribution towards the provision of Open Space, Sport and Recreation.

9.0 Background Papers

- 9.1 ARC; HA; NLR

Recommendation

Conditional approval is recommended subject to the satisfactory completion of the required Unilateral Undertaking for a contribution towards the provision of Open Space, Sport and Recreation.

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 - C12.2 Details of Walls or Fences

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

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

4 - Non-Standard Condition

The proposed new vehicular access shall be provided with 1.5m x 1.5m pedestrian visibility splays on both sides relative to the highway boundary and containing no obstruction exceeding 0.6m in height. The splays must not form part of the vehicular surface of the access.

Reason: To provide adequate intervisibility between the pedestrians and users of the access and the existing highway for the safety and convenience of users of the highway and of the access.

5 - Non-Standard Condition

The proposed means of access shall be formed at right angles to the highway boundary and shall be provided with an appropriate dropped kerb connection.

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

6 - Non-Standard Condition

No unbound materials should be used in the surface finish of the proposed private drive within 6m of the highway boundary.

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

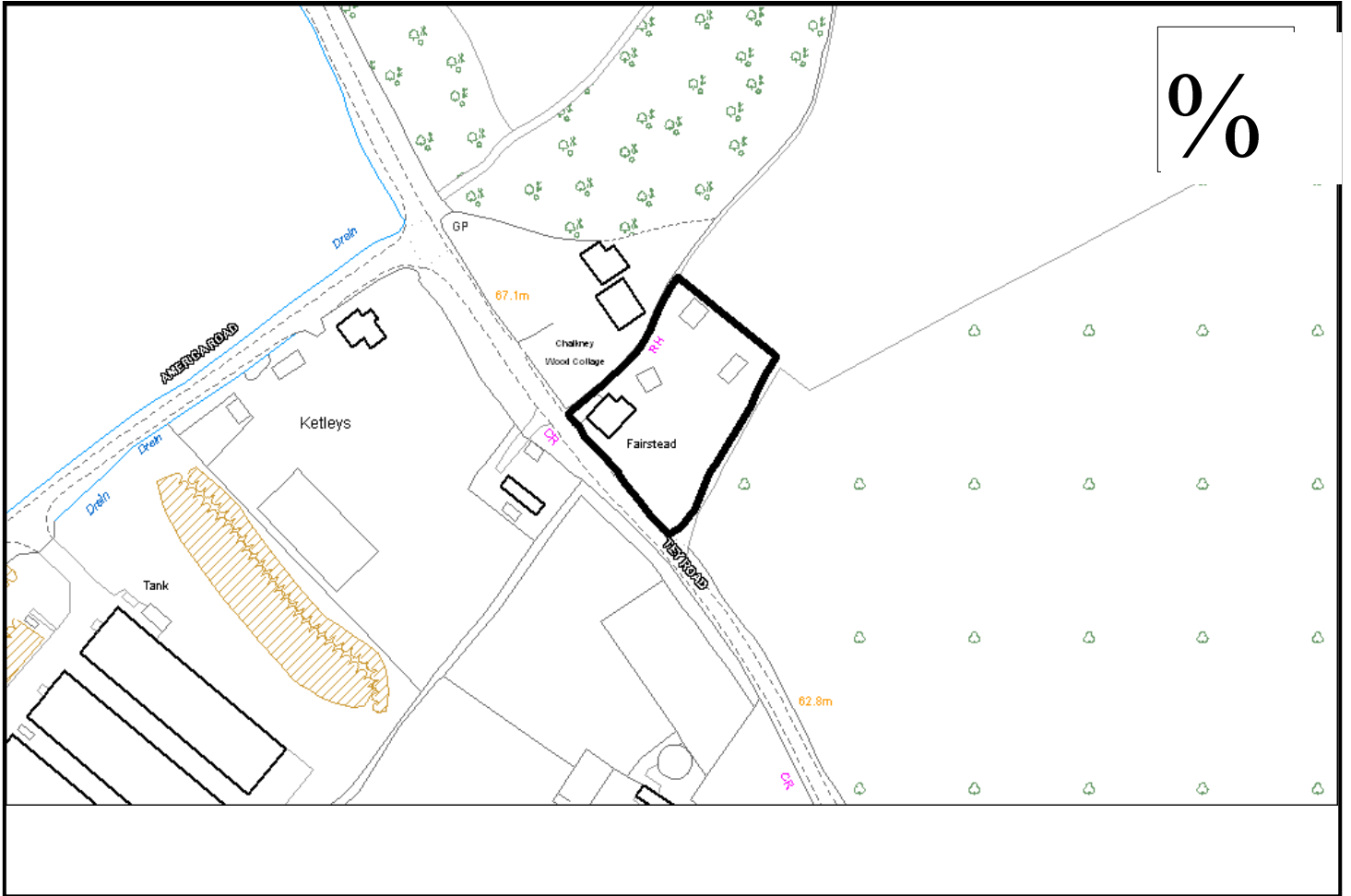
Informatives

Non-Standard Informative

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

Non-Standard Informative

2. 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.



Application No: 080776

Location: Fairstead, Tey Road, Earls Colne, Colchester, CO6 2LD

Scale (approx): 1:1250

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Site: Fairstead, Tey Road, Earls Colne, Colchester, CO6 2LD**Application No:** 080776

Date Received: 17th April 2008

Applicant: Mrs Karen Coy

Development: Change of use and alteration of building formerly used in connection with commercial kennels for the purposes of a complementary health clinic with car parking area for 2 vehicles**Ward:** Great Tey

1.0 Site Description

1.1 This site at Fairstead, Tey Road, Great Tey falls within a rural area, part of a Countryside Conservation Area, in the extreme western part of the Borough. It lies alongside the Borough boundary and abuts the woodland at Chalkney Wood with arable land to the north east and south east.

2.0 Description of Proposal

2.1 Change of use and alteration of building, formerly used in connection with a commercial kennels, for the purposes of a complementary health clinic. Use of the site as a kennels ceased some time ago and appears to have lapsed.

2.2 Additional information submitted with the application indicates:-

1. The clinic currently operates from Earls Colne village, but needs a quieter environment, free from traffic noise, allowing patients to relax in peace and quiet.
2. These are first floor properties not suited to treatment of people with disabilities.
3. At present 80% of patients visit the clinic using their own transport and not public transport. Most are village based but travel up to 30 miles to attend.
4. An appointment system is operated so that visits do not overlap.
5. 12-15 patients are treated a week during the following sessions:-
Tuesday - 9am - 7pm
Wednesday - 1pm - 5pm
Thursday - 9am - 7pm
Friday - 1pm - 5pm
Saturday - 9am - 2pm
6. Further details of the treatments and procedures offered may be inspected on the CBC website.
7. It is hoped to increase numbers of patients to 20 by making it accessible for disabled use.

2.3 The building to be altered is in timber boarding and painted blockwork. It has a flat roof. The proposals involve installation of new door and windows and repair of the roof.

3.0 Land Use Allocation

3.1 Countryside Conservation Area
Footpath 24 Earls Colne traverses the site.

4.0 Relevant Planning History

None

5.0 Principal Policies

5.1 Adopted Review Borough Local Plan
CO1/CO3 - Rural resources/Countryside Conservation Areas
DC1 - General Development control considerations

6.0 Consultations

6.1 Environmental Control have no comment.

6.2 The Highway Authority recommend refusal and offer the following explanation:-

"The line of Public Footpath 1 Great Tey, being a moiety path with public Footpath 24, Earls Colne, as shown on the Definitive Map of Public Rights of Way, appears to be obstructed by the building which is the subject of this application. Further investigation of this matter is required and the Highway Authority would request an extension of two weeks be granted during which time appropriate investigations will be carried out. Irrespective of the above investigations, the previous use of the building as a commercial kennels ceased 25 years ago and therefore this authority does not recognise an associated level of traffic servicing the residential property. In this regard the proposal seeks to intensify the use of a sub standard access by reason of insufficient sight splays to the detriment of highway safety and efficiency."

6.3 At the time of writing this report discussions on these issues were taking place, the applicant having indicated that "the public footpath that runs down the side of our property will not be affected in any way by the building that I wish to use. In the 18 years we have lived at Fairhead we have not erected or taken down any structure. The footpath has been 'inspected' over the years by suitable authorities and no comments have ever been made about any building in our garden obstructing it."

7.0 Parish Council's Views

7.1 Great Tey Parish Council have no objection subject to neighbours' views.

7.2 Earls Colne Parish Council has no objections provided that the public footpath is maintained and Essex County Council are satisfied that the access arrangements are acceptable.

8.0 Representations

8.1 None received

9.0 Report

9.1 The alterations to the building are considered modest and unobjectionable. This report will therefore proceed to consider the change of use in terms of its impact on the amenity of the area and having regard to sustainable transport objectives.

9.2 In the countryside new uses are not generally permitted where a rural location is not necessary. Furthermore, sustainable transport considerations suggest that locations not accessible by a variety of modes of transport should not be encouraged. In this case however the applicant argues that a tranquil, rural location is most appropriate for the type of therapeutic treatments her clients seek and those clients are unlikely to use public transport or alternatives to the car even if available. The level of use, with a maximum of 4-5 patients per day will have little or no impact on local amenity.

9.3 Should Members wish to support the proposal a temporary and "personal" consent is recommended, enabling the effects of the use to be monitored and reviewed after a period of, say, 3 years.

9.4 As previously indicated, the concerns of the Highway Authority were being discussed while this report was being drafted and the Public Rights of Way Officer had been involved. Any further developments arising from those discussions will be reported at the meeting. It is clear that planning permission in this case will not affect the status quo and if permission is granted a condition safeguarding the rights of footpath users is recommended.

10.0 Background Papers

10.1 ARC; HA; HH; PTC

Recommendation - Temporary Consent

Conditions

1 - A3.7 Named Person Only

The use hereby permitted shall be carried on only by Karen Coy and shall be for a limited period being the period of 3 years from the date of this letter or the period during which the premises are occupied by Karen Coy whichever is the shorter.

Reason: For the avoidance of doubt as to the scope of the permission as approval would not normally have been granted in this case but for the particular circumstances of the applicant and the specific use proposed.

2 - Non-Standard Condition

A minimum of 2 car parking spaces shall be maintained within the site for use by patients at all times that the use is in operation.

Reason: To ensure that vehicles visiting the site can park off the highway.

3 - A3.2 Premises Only to be Re-used for the Permitted

Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 the premises as permitted shall only be used for the activity hereby permitted and shall not be converted to any separate storage or warehouse use unconnected to the permitted activity, unless otherwise agreed in writing with the Local Planning Authority. The use shall only be carried out in accordance with those details submitted with the application documents as regards numbers of patients, times of sessions and treatments provided.

Reason: For the avoidance of doubt as to the scope of the permission as approval would not normally have been granted in this case but for the particular circumstances of the applicant and the specific use proposed.

4 - C3.2 Materials as Stated in Application

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

Reason: To ensure that the development harmonises with the appearance of the existing building and the character of the area.

5 - Non-Standard Condition

The public's rights and ease of access over Public Footpath 24 Earls Colne shall be maintained free of obstruction at all times.

Reason: In order to maintain the integrity of the public right of way.

6 - Non-Standard Condition

Any additional condition(s) recommended by the Highway Authority.



Application No: 080895

Location: 8 The Parade, Queen Elizabeth Way, Colchester, CO2 8LY

Scale (approx): 1:1250

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7.5 Case Officer: Bradly Heffer

EXPIRY DATE: 05/07/2008

OTHER

Site: 8 The Parade, Queen Elizabeth Way, Colchester, CO2 8LY

Application No: 080895

Date Received: 9th May 2008

Applicant: Colchester Borough Council

Development: Change of use from Launderette to Charity Shop

Ward: Berechurch

Summary of Recommendation: Conditional Approval

1.0 Site Description

1.1 This planning application seeks permission for a change of use of No. 8 The Parade, Queen Elizabeth Way, Colchester from a launderette to an A1 (retail) use. No. 8 The Parade is one of a number of units forming a local shopping facility on this part of the Monkwick housing estate. The proposed new use of the unit is for a charity shop.

1.2 The application is brought to Committee as the unit is owned by Colchester Borough Council.

2.0 Land Use Allocation

2.1 Local Shopping Centre as allocated in the adopted Review Borough Local Plan.

3.0 Relevant Planning History

3.1 None

4.0 Principal Policies

4.1 Adopted Review Borough Local Plan
DC1 - General Development Control criteria
TCS12 - Rural, district and Local Shopping Centres

5.0 Consultations

5.1 None

6.0 Representations

6.1 None

7.0 Report

7.1 It is considered that the proposed change of use to an A1 (retail) use is wholly in accordance with the land use allocation for this property. No planning objection is raised.

8.0 Background Papers

8.1 ARC

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

12 June 2008

Report of	Head of Planning, Protection and Licensing	Author	Vincent Pearce (01206) 282452
Title	Planning application determination performance monitoring for the period 1 April 2007 – 31 March 2008, quarterly (1 January 2008 – 31 March 2008) appeals analysis, and an annual planning agreement performance update (1 April 2007 – 31 March 2008).		
Wards affected	All		

This report provides details of the performance of the Planning Service. It highlights the critical fact that performance in all 3 categories of the most important indicator (BV109 - now National Indicator 157) exceeded the Government's specified targets. It also provides a detailed breakdown of the £6.5 millions of financial contributions from S106 Agreements received in the year 1 April 2007 – 31 March 2008 along with an analysis of appeals where the Council lost the case.

1.0 Decision Required

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

PERFORMANCE

2.0 Summary of performance report (Headlines)

- ❖ 'Major' performance NI157 (formerly BV109a) exceeded the Government target in 2007-2008.
- ❖ 'Minor' and 'other' performance also exceeded the relevant Government targets NI157 (formerly BV109 b & c) in 2007-2008.
- ❖ Appeals record poor (formerly BV204) and giving cause for concern.
- ❖ Delegated decision rate has improved. For the first time annual performance levels were within less than 5% of the Government target of 90% (formerly BV188).
- ❖ £6.54 millions received in S106 financial contributions in the year 1 April 2007 – 31 March 2008 of which £292,529.74 is in respect of SPD open space/sport/recreation facilities within wards.

3.0 Reasons for Decision

- 3.1 This report is presented as part of the Service's ongoing commitment to comprehensive performance management and in response to Members' desires to monitor the

performance of the Planning Service as judged against key Government Best Value Performance Indicators.

4.0 Alternative Options

4.1 Not applicable

5.0 Supporting Information

5.1 None

6.0 Performance Assessment

6.1 This report will review performance against the following former Best Value Performance Indicators:-

- BV109 (8 and 13 week performance) **now NI157**
- BV188 (delegated decisions)
- BV204 (appeals upheld)

■ former BV109 (8 and 13 week performance)

Application type	Total no. of decisions	% in 8 weeks	Total no. of decisions	% in 13 weeks	Govt target
Major			64	67.1	60% EXCEEDED
Minor	543	69.2			65% EXCEEDED
Householder	1218	89.1			-
Other (incl. householder)	1648	84.4			80% EXCEEDED
All (incl. majors)	2255	80.3			-

Figure 1: BV109 performance 1st April 2007 – 31st March 2008

6.2 The 'end of year' picture in respect of BV109 (as then was) was an excellent one. Performance in all three key categories exceeded the Government's relevant targets. The dip in cumulative performance announced in the performance report that covered the period from 1st October – 31 December 2007 was successfully addressed by the introduction of a regime of even stronger performance management in early 2008. The rallying of performance levels reflects this. These techniques, including intense weekly case reviews with all staff, will continue and will now become part of normal routine practice.

- 6.3 Members should note that in the coming two months a number of older applications containing complex draft S106 Agreements will be coming before the Planning Committee and these once determined will have an immediate and detrimental impact on 'major' performance. It is expected that this adverse impact will however be softened and offset by ensuring that recent less complex 'major' applications are determined within 13 weeks.
- 6.4 That said it remains vital to meet or exceed the relevant National Indicators because:-
- The CAA (Comprehensive Area Assessment), formerly CPA (Comprehensive Performance Assessment) made of the Council will have regard to planning performance
 - The Council's reputation to deliver and so attract external funding is in a large part dependent upon our reputation for delivering growth and encouraging development to proceed quickly through effective and efficient operation of the planning system
 - The former Planning Delivery Grant (PDG) made to Councils for improved planning performance (which attracted some £1.2 millions to Colchester Borough Council) is to be replaced with a new grant system – The Housing and Planning Delivery Grant. It is highly likely that excellent planning performance will be one of the measures of success for securing the grant as will a record for encouraging the delivery of new housing.

■ former BV. 188 (Delegated decisions)

- 6.4 During the period 1st April 2007 - 31st March 2008 the overall level of delegated decision making was 85.1%. This was up on previous years (when the figure had been known to languish below 80%). The Government's target is however 90%. That figure has been identified as indicating effective and efficient decision making.

■ former BV. 204 (Appeals 'Upheld') (between 1st April 2007 and 31st March 2008)

- 6.5 In the period 1st April 2007 – 31st March 2008 thirty-six planning appeal decisions were received (7 appeals were withdrawn during this period and have therefore not been included). Of these only fifteen were dismissed (ie the Council's case was supported and the decision to refuse was endorsed by the Inspector) and twenty-one were upheld (ie. The Council's case was rejected and the application at appeal was granted permission by the Inspector). **The Council's success rate was therefore 41.6%. This is significantly worse than the national average which tends to sit in the mid 60's%.**
- 6.6 This performance indicator (former BV204) measures the number of 'upheld' appeals against the total number of appeal decisions expressed as a percentage. The Government is seeking to ensure that planning authorities do not raise their BV109 performance simply by unreasonably refusing applications within the target time of 8 or 13 weeks. **Our 'upheld' rate of 58.4% over the year 1st April 2007 – 31st March 2008 is poor.** Analysis of all decisions over the period is currently underway to establish if there are any trends that suggest procedural or policy weaknesses as being contributory factor towards this poor figure.
- 6.7 In previous years BV204 performance had an impact on the level of Planning Delivery Grant (PDG) awarded to Planning Authorities in that poor performance was penalised. Indeed the Council had its PDG reduced in one case to the tune of

£36000 for having a poor appeal record. Now that the PDG has ceased it is not clear whether the Department for Communities and Local Government (DCLG) will hold the Council to account for having an abnormally low record of success at appeal.

- 6.8 As is customary this report will now analyse those appeal decisions that went against the Council to report the key issues and conclusions

■ **former BV. 204 (Appeals ‘Upheld’) (between 1st January 2008 and 31st March 2008)**

- 6.9 The January 2008 – March 2008 quarter saw the Council record a particularly bad level of performance. Of eight appeal decisions made in the quarter the Council lost six cases. A success rate of just 25%. This is unacceptable. The ‘appeal record’ review currently being undertaken will feed learning points back to Councillors on the Planning Committee through Member training sessions being planned for the coming months. In the interim the appropriate management steps will be taken to ensure that the appeal record improves.

■ **Summary of Upheld Appeal Decisions : 1st January 2008 – 31st March 2008 (former BV 204)**

For Members information a summary of and commentary on decisions ‘upheld’ is given below:-

1.

Reference: 071522 (delegated decision)

Address: 80 Magdalen Street, Colchester

Proposal: Redevelopment for two B1 units, 12 flats and associated parking

Summary of Inspector’s Letter (decision 8 January 2008)

Main Issue

The Inspector noted that the main issue was “whether the scheme should include an element of affordable housing having regard to local planning policy and national guidance”. This decision is important for a number of reasons and so this performance report will explore in greater detail than usual the Inspector’s reasoning.

Considerations

- He noted that the application comprising 12 residential units on a site of 0.09ha fell below the Council’s SPD threshold for delivery of 25% affordable housing in schemes of 25+ units or a site area of 1+ha.
- He noted that at the time of the appeal the Regional Plan requirement of 35% affordable housing was still only a draft proposal and in any event local planning authorities in setting affordable housing targets are required to have regard to an assessment of:- local need, appropriate socially rented:intermediate housing ratio target and local market conditions.
- He did have regard to the Council’s Adopted Affordable Housing SPD where it states:- “The Council will apply policy H4 (affordable housing) proportionally where sites have been subdivided, form part of a larger development in the area or are specifically designed to fall under the threshold. Where this is the case the Council will consider such sites in their totality when applying the policy”.

- The Inspector also noted that the Magdalen Street Planning brief also reflected the SPD principle of cumulative numbers contributing to the totality of development
- In commenting on the latter two points he noted that PPS3 describes a national indicative threshold of 15 dwellings 9ie higher than the proposed development of 12 units)

In considering the above factors and other material considerations he was of the view that:-

- The reduction in threshold from 25 units (to in this case 12 units) was arbitrary and the Council was effectively trying to use the SPD to amend its adopted policy. This he concluded was not a proper use of supplementary guidance. That said it was acknowledged that the direction in which the Council might which to move in terms of reducing its current thresholds might not be inappropriate. (given the appropriate clear and robust evidence, consultation and engagement).
- He also concluded that the Magdalen Street brief did not carry sufficient weight to outweigh the provisions and thresholds set out in H4.
- Whilst the Inspector was not satisfied that either side had demonstrated that the scheme was viable or not with the inclusion of affordable housing he felt this secondary issue was not material in this case because of his view on thresholds.
- The inclusion of B1 space at ground floor and the proposed footpath link were considered important considerations as they encouraged welcomed mixed use and improved permeability respectively. This together with the provision of open market housing on a brownfield site within reach of a regeneration area all contributed to making the scheme acceptable.

Since that decision the Regional Plan has been adopted with an affordable housing target of 35%. That said the Council's affordable housing strategy and policies will continue to emerge as part of the LDF process and so until the Council formally has any new policy agreed as being in 'conformity' with the Regional Plan the Inspector's comments in respect of 80 Magdalen Street will continue to be an important consideration for the Council.

COSTS

It should be noted that the Inspector made a partial award of costs against the Council.

In conclusion he stated:-

"11. Overall, I have come to the conclusion that in all of the circumstances the Council's decision was not entirely reasonable, but that, given the appellant's apparent reluctance to consider the possibility of any form or level of affordable housing, despite the adopted SPG and SPD linked to the adopted local plan policies, an appeal was probably unavoidable. But the lack of full transparency in the Council's case, including the late submission of related evidence, is such that a partial award of costs is justified. As a result I conclude that an award of half the appellant's professional cost in bringing the appeal is warranted."

Clearly the submission of evidence to the appeal within the timescales set is something within the Council's control. The fact that additional evidence had to be gathered suggests that the Planning Service should have prepared itself better at the time of refusing the application by having access to robust supporting evidence to justify the Council's stance that in this case the circumstances warranted a move away from the Council's adopted policy H4. The lesson learned here will now be taken and shared with

the Council's Development Team and particularly colleagues from Planning Policy and Housing.

In addition the planning service has responded to this case by moving to a case conference approach on the more complex appeals whereby all contributing services help build the Council's case with the relevant planning officer. (An approach first pioneered with the Crouch Street Odeon appeal)

The amount of costs payable has yet to be agreed between parties.

2.

Reference: 071555

Address: Park Farm House, Inworth

Proposal: First floor extension

Summary of Inspector's Letter (decision 12 February 2008)

Main issue

The effect that the proposal would have on the character and appearance of the existing dwelling and upon the surrounding area.

Considerations

The Inspector took the view that as the extension overlooked a rear yard with oil storage tanks and was itself enclosed by ancillary buildings views of the extension would be limited to those from the rear of the house and the adjacent commercial yard. As a result the impact of the extension would not be harmful.

3.

Reference: 071074

Address: The Annexe, 40 The Crescent, Gt. Horkesley

Proposal: Removal of condition requiring extension to be used only as an annexe to the existing dwelling

Summary of Inspector's Letter (decision 19 February 2008)

Main issue

Highway safety

Considerations

The Inspector took the view that as the original permission was for an extension the 'annexe use' condition was unnecessary as were the owner to want to create a separate unit of accommodation that would be development requiring planning permission.

He was of the opinion that the site is large enough and the cul-de-sac wide enough to accommodate vehicles from the appeal site without posing a highway hazard. He therefore allowed the appeal and also dropped condition 2 requiring off site garaging to be provided.

4.

Reference: F/COL/07/0048

Address: 17, Hill sleigh Mews, Colchester

Proposal: Splitting of two storey apartment into two residential units

Summary of Inspector's Letter (decision dated 27th February 2008)

Main Issues

The effect of sub-dividing the existing unit on the living conditions to the neighbouring flat in terms of noise and whether there would be adequate off street-parking.

Considerations

The Inspector having seen the existing sound insulation measures in the gap between the subject floor and ceiling of the unit below would comply with part E of the Building Regulations and he was therefore satisfied that any noise would be minimised and would be no different to that already experienced by the neighbouring flat.

The Inspector noted that the proposed off-street parking arrangements were better than currently existed and as the site was a town centre location these would be adequate. He noted that area was within a controlled parking zone and that on-street parking was already controlled and would be an enforcement issue outside of the planning arena. He went on to stress that any issues arising around haphazard parking within the site were a matter not for the planning authority but were rather matters for proper site management.

5.

Reference: 071361

Address 208, Maldon Road, Tiptree

Proposal: two-storey rear extension

Summary of Inspector's Letter (decision dated 4th March 2008)

Main Issues

Impact on neighbouring property in terms of loss of outlook, daylight and sunlight

Considerations

The Inspector was of the view that the site geography, orientation of properties, design and siting of the extension were such that there would be no serious infringement of amenity to neighbouring properties.

6.

Reference: 071974

Address : Ivydene, Layer Breton Hill, Layer Breton

Proposal: Access & egress to rear

Summary of Inspector's Letter (decision 27 March 2008)

Main Issue

Highway safety

Considerations

The Inspector was satisfied that adequate sight splays existed across verges for safety. He did however accept that a turning space should be provided within the site to allow access and egress in forward gear as reversing off the highway or onto the highway was not desirable. Consequently he conditioned the provision of a turning area within the site before the access be used.

7.0 News

7.1 In line with all planning authorities in England the Council has, from 6th May, been rejecting any planning application not submitted on the new national planning application forms (known as 1APP).

- 7.2 Members will be pleased to note that the Planning Service had earlier organised and delivered training workshops for agents who regularly submit planning applications in Colchester in order to prepare them for the procedural change now in place.
- 7.3 The Government's objective is to standardise application forms in order to make the process of submitting planning applications simpler for agents and developers who work all over the country. The new system is also e-enabled and the Government is looking to encourage the majority of applications to be made on-line. (in order to improve access to information over the internet)
- 7.4 It is interesting to note that there is now clear evidence that the number of electronic submissions is increasing albeit from a very low base.

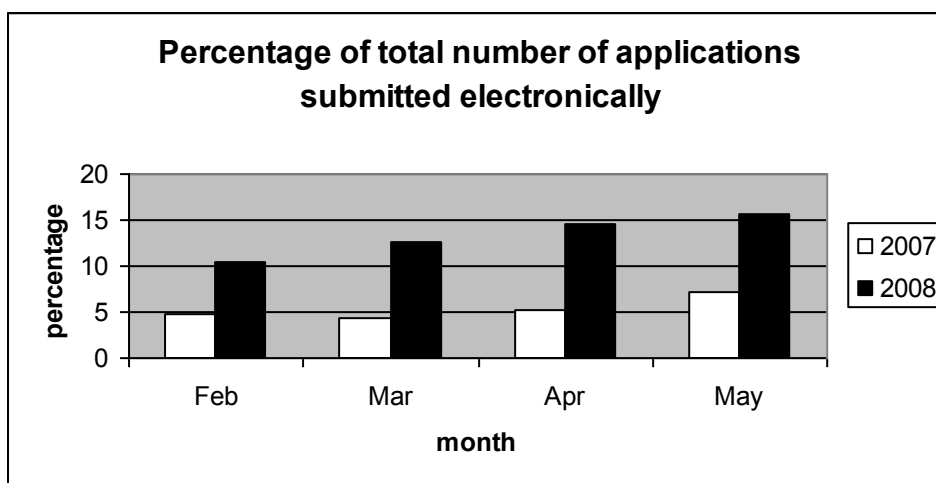


Figure 2: trends in the submission of electronic applications

8.0. Section 106 Agreement monitoring

- 8.1 This report will now look at how the current crop of S106 Agreements are being harvested for the benefit of the community. Since the Council introduced its robust monitoring regime the service has been recognised as operating best practice. Indeed the Council now trains other authorities from all over England and holds national s106 workshops.
- 8.2 Members will of course recall that S106 obligations are legally binding on all parties. As a result the Council operates a rigid audit process to ensure that any money received is spent for the stated purpose. The Head of Planning, Protection and Licensing is required to authorise S106 expenditure by other services in order to ensure strict compliance with the terms of the Agreement and in order to maintain financial probity and to ensure that the Council as a responsible community champion does not act in an '*ultra vires*' manner.
- 8.3 **£6,538,079.25 (£6.5million)** was received through development via from S106 contributions triggered during the period 1 April 2007 – 31 March 2008.
- 8.4 The spending areas benefitting from these community payments are detailed in the following graph.

8.5 Smaller residential developments contributed **£450,045.75** towards open space, sport and recreation facility provision in accordance with the Council's Open Space, Sports and Recreational Facilities SPD (Supplementary Planning Document). (£292,529.74 within wards and £157,516.01 outside wards for shared facilities). These figures are included within the overall figure quoted in 8.1 above.

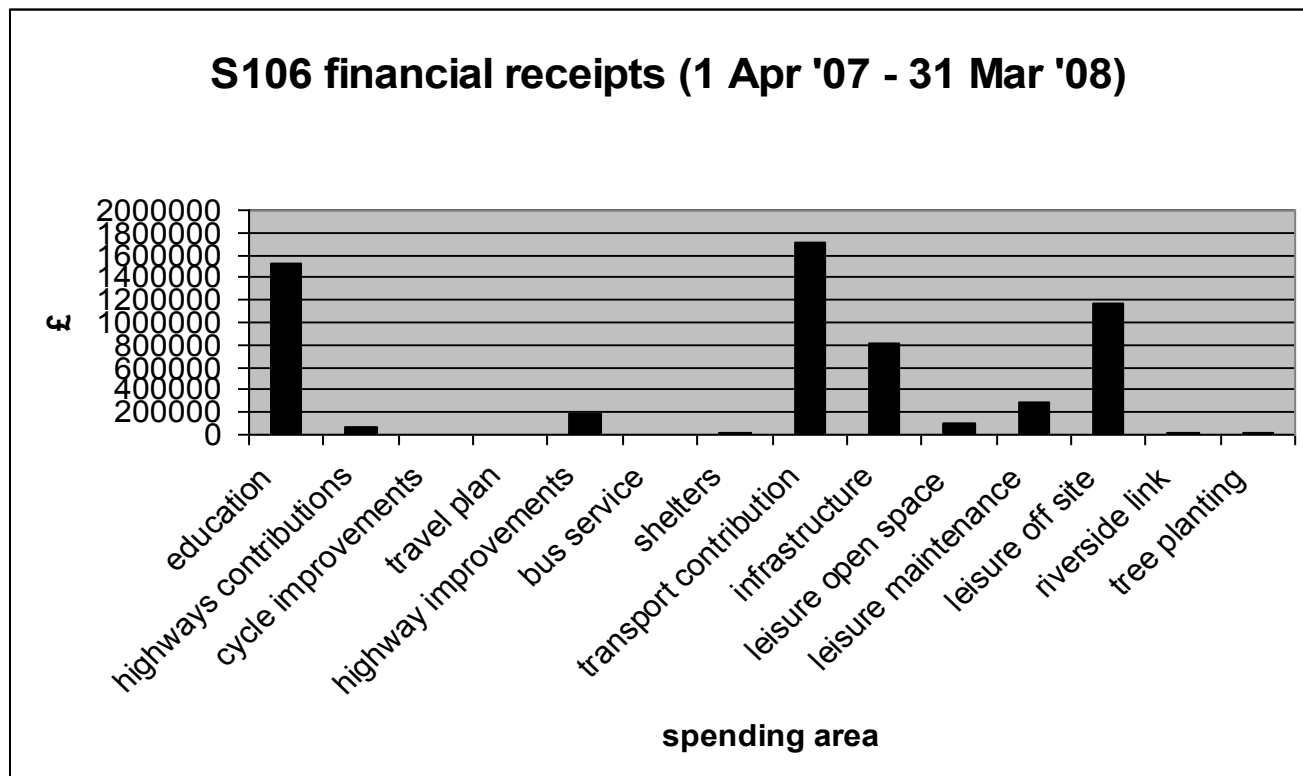


Figure 3: S106 Financial receipts by spending area 2007 - 2008

Ward	£
Birch & Winstree	8741.8
Castle	46656.07
Christchurch	6296.66
Dedham & Langham	13564.38
Fordham & Stour	12104.87
Harbour	3133.67
Lexden	18425.56
Mile End	7229.6
New town	10485.43
Pyefleet	4841.02
St Andrews	2655.69
St Annes	24056.58
Shrub End	3057.98
Stanway	45348.69
Tiptree	32879.42
West Bergholt & Eight Ash Green	12785.65
West Mersea	31035.02
Wivenhoe Quay	3034.83

Figure 4: Open Space, Sport & recreation facility contributions by ward 2007 - 2008 (after shared facilities contribution (35%) deducted)

9.0 Financial implications

9.1 The £6.5m of S106 financial contributions will continue to have a significant impact on the Borough Council's and County Council's ability to deliver infrastructure for the people of Colchester.

9.2 Not unexpectedly those engaged in the development industry in Colchester are, like those anywhere else in the country, anxious that the 'credit crunch' will have a detrimental impact on the buoyancy of the residential market. Colchester has fared better than most up until now as a result of having good transport links to London, being an attractive place to live with good facilities and house prices being cheaper than settlements closer to the capital such as Chelmsford. Any slow down in the build-out rate is likely to slow down the rate of receipt of S106 payments as it will take longer for developers to reach key trigger dates.

(eg: for the sake of this example assume a developer is required to make a £1million community hall contribution payment on occupation of the 100th residential unit in a 300 unit development. If the market is buoyant and it only takes 1 year for the developer to build and sell 100 units and for them to be occupied the Council and local community would expect the £1million contribution to be received within 12 months of commencement of the development. If however the market slows right down and the developer is only able to sell 34 units per year then the Council and local community would have to wait 3 years for the same contribution).

9.3 The costs award made against the Council in respect of the appeal at 80 Magdalen Street will have an impact on the Planning Service's budget as there is nothing built into the budget for such payments. The size of the final award is as yet unknown.

10.0 Strategic Plan References

10.1 Improving the performance of the Planning Service (Development Control) is identified as a priority within the Strategic Plan and the Service's performance contributes, amongst other things, to the broad objectives of raising the performance/reputation of the Council, contributing towards making the Borough clean and green, promoting economic prosperity, tackling deprivation and making Colchester the prestige town of East Anglia.

11.0 Risk Management

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

12.0 Publicity Considerations

12.1 None

13.0 Human Rights Implications

13.1 None.

14.0 Community Safety Implications

14.1 None.

15.0 Health and Safety Implications 15.1 None.

12 June 2008

Report of	Head of Planning, Protection and Licensing	Author	Vincent Pearce (01206) 282452
Title	Review of Trial Planning Committee 'call-in' procedure* *this allows Members to request that an item that would normally be dealt with under delegated power is referred to Committee instead.		
Wards affected	All		

This report recommends that the trial Planning Committee 'call-in' procedure as agreed on 6 January 2006 and extended on 15 June 2006 be adopted as a permanent procedure and that the appropriate amendments be made to the Constitution by the Monitoring Officer.

1.0 Decision required

- 1.1 To agree that the trial 'call-in' procedure be adopted by the Committee as a permanent procedure with immediate effect and that the Constitution be amended accordingly. Figure 1 at the end of this report details the procedure as a process map.

2.0 Reason for decision

- 2.1 In order to determine whether the trial operation of the 'call-in' procedure explained below should be incorporated permanently into the Constitution in the interest of good government.

3.0 Alternative options

- 3.1 The Committee could decide not to ratify the trial arrangements and revert back to pre-January 2006 procedure. This report will argue that the trial has worked successfully and that there is no pressing reason to abandon the current trial practice.

4.0 Considerations

- 4.1 On 15 June 2006 the Planning Committee agreed to extend the period of a series of trial changes to the 'call-in' procedure. The 'call-in' procedure makes provision for applications that would normally be dealt with under delegated powers being determined by the Planning Committee. A copy of the original report is reproduced at appendix to this Agenda.

- 4.2 The official minute from the meeting of 15th June 2006 records that:-

“50. Members “Call in” Procedure

The Committee considered a report from the Head of Planning, Protection and Licensing proposing changes to the members “call in” procedure as set out in the Scheme of Delegation. The Committee also had before it the additional comments on Amendment Sheet 1.

In view of the need to improve levels of delegated decision making, the Committee stressed the importance of ensuring that 'call-ins' were made for valid planning reasons. Whilst it was noted that this could at times conflict with a member's wish to ensure an application as be considered by a Committee, it was important to balance such wishes with the need to ensure that government targets were met, given the stringent financial penalties that could result. The Committee considered that in order for this process to work there was a need to educate both members and members of the public about what were valid planning reasons. A short summary of material planning considerations would be a useful addition to the Agenda. There was some concern about some elements of the scheme - in particular having only two days for the Chairman and Group spokespersons to notify caseworker of their views. The Committee considered that it would be appropriate to continue to trial the new system for a further six months and then review again.

RESOLVED that:-

- (a) The changes to the members "call in" procedure set out in section 5 of the report be approved and the procedure be continued on a trial basis;
- (b) The Scheme of Delegation from the Planning Committee to the Head of Planning, Protection and Licensing be amended accordingly;
- (c) The new procedures be reviewed by the Planning Committee in six months.
- (d) The procedures be publicised to members and consideration be given to providing members and members of the public with information about material planning considerations.

4.3 Members are advised that the requirements contained in part 9(d) of the minute were complied with and an explanation of the process will be included in any subsequent training module on the working of the Planning Committee.

4.4 The key issues at the time included the fact that:-

- The Council had a very low 'delegated' planning decision making rate compared to the Governments target of 90% and most other authorities in Essex. This the Government deemed as being inefficient.
- Agendas tended to be long and there was a concern that the quality of decision making might be diminished by meetings that were running on to 11.00 on some occasions.
- There was increasing concern from some Members that larger controversial applications were not getting the attention they warranted because of the length of agendas.
- A concern that a number of items were being unnecessarily being delayed by having to go to Committee at a time when the Council had been identified as a poor performer (ie was not achieving the Government's planning performance targets BV109 as was – now National performance Indicator NI157) and was on a planning standard (ie: had been identified as requiring support and scrutiny from Government Office to drive up performance. Being identified as a poor performing Council adversely affected the level of Planning Delivery Grant the Council received and impacted on the Council's overall rating). On occasion reports had to be written for Committee only to find that there were no speakers for or against and the Councillor requesting the call-in spoke in support of the recommendation. Members felt this was unacceptable.

- 4.5 Whilst the trial was originally intended to run for 6 months the procedure has in effect been running since June 2006 without being reviewed or being adopted as a permanent arrangement or rejected.
- 4.6 From Figure 2 at the end of this report it is clear that the average number of applications going to Committee has reduced slightly in 2007-2008 as compared to the previous year.
- 4.7 As reported in the annual/quarterly performance report also on this agenda the delegated decision rate has increased and is contributing to higher overall performance.
- 4.8 No complaints about the operation of the system have been received since the second trial commenced.
- 4.9 In view of the fact that the arrangements have been working well and have delivered some of the expected benefits without generating complaint it is considered appropriate to permanently agree the protocol as previously described and currently operated.

5.0 Strategic Plan References

- 5.1 Improving the performance of the Planning Service (Development Control) is identified as a priority within the Strategic Plan and the Service's performance contributes, amongst other things, to the broad objectives of raising the performance/reputation of the Council, contributing towards making the Borough clean and green, promoting economic prosperity, tackling deprivation and making Colchester the prestige town of East Anglia.

6.0 Financial implications

- 6.1 Whilst there are no direct financial implications arising from recommendation any initiative designed to improve the performance of the Planning g service judged against National Performance indicators is likely to enhance the chances of securing a good Housing and Planning grant award.

7.0 Risk Management

- 7.1 There are no risk management issues to report other than the fact that poor performance could have an adverse impact on any Housing and Planning Grant award.

8.0 Publicity Considerations

- 8.1 None.

9.0 Human Rights Implications

- 9.1 None.

10.0 Community Safety Implications

- 10.1 None.

11.0 Health and Safety Implications

- 11.1 None.

FIGURE 1: The 'call-in' process mapped

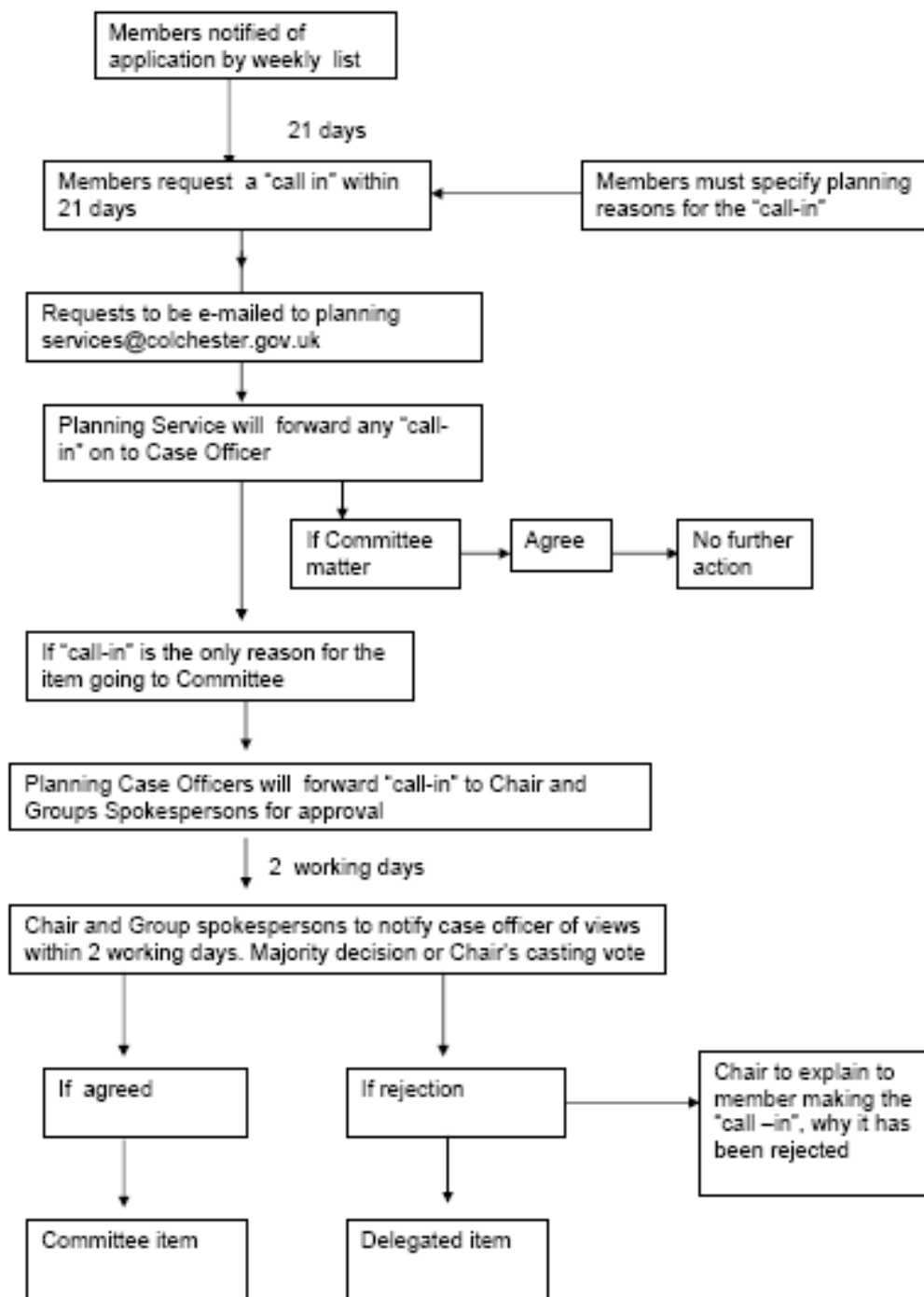


FIGURE 2: Committee activity 2007-2008 (compared to 2006-2007)

Date of Committee	No. of Applications	No of Apps deferred by Committee	No of Apps overturned at Committee	No of Apps called in by Councillors
2006 - 2007				
TOTAL 06 - 07	329	37	26	33
Av. per committee	13	1.5	1	1.3
2007 – 2008				
12 April 2007	10	0	0	0
26 April 2007	7	0	0	0
17 May 2007	11	1	0	2
31 May 2007	9	1	1	4
14 June 2007	11	4	1	0
28 June 2007	12	1	1	0
12 July 2007	9	0	1	0
26 July 2007	17	4	0	1
9 August 2007	10	0	2	2
23 August 2007	21	3	0	3
6 September 2007	12	1	0	0
20 September 2007	9	2	1	0
4 October 2007	18	3	2	1
18 October 2007	18	2	0	0
1 November 2007	17	0	0	0
15 November 2007	15	2	0	0
13 December 2007	13	1	0	0
3 January 2008	9	0	0	0
17 January 2008	4	0	0	1
31 January 2008	12	1	0	0
14 February 2008	11	1	0	1
28 February 2008	14	1	0	1
13 March 2008	24	2	0	3
27 March 2008	12	0	0	2
TOTAL 07 - 08	305	30	9	21
Av. Per committee	12.7	1.25	0.4	0.9
2008 - 2009				
10 April 2008	10	0	3	0
24 April 2008	18	1	0	0
15 May 2008	18	0	0	0
TOTAL 08 - 09	46	1	3	0
Av. Per committee	15.3	0.3	1	0



Planning Committee

Item

15 June 2006

Report of	Head of Planning, Protection and Licensing	Author	Vincent Pearce% 282452
Title	Members 'Call-in' Procedure		
Wards affected	All		

This report proposes changes to the trial Members 'Call-in' Procedure, as currently set out in the Scheme of Delegation to the Head of Planning, Protection and Licensing.

1. Decision(s) Required

- 1.1 To agree the changes to the members 'call-in' procedure as set out in Section 5 of this report.
- 1.2 To amend the scheme of delegation from the Planning Committee to the Head of Planning, Protection and Licensing to reflect the suggested further amended call -in system.
- 1.3 The committee is required to review the trial procedure in the light of its operation.

2. Reasons for Decision(s)

- 2.1 The changed procedure was being trialled as a result of concerns being raised over the number of Member 'call-ins' that were being triggered and the fact that the Council's decision making levels had consequently dropped to below 80%. (The government target being 90%).

3. Alternative Options

- 3.1 Continue as present and ratify the trial procedure
- 3.2 Reintroduce the previous system.
- 3.3 Introduce a further amendment

4. Supporting Information

- 4.1 The previous scheme of delegation to the Head of Planning, Protection and Licensing specified:

"1(c) which any Councillor requests in writing to the Head of Planning, Protection and Licensing Services within 21 days of the date of the weekly list circulating details of the application, should be the subject of consideration by the Committee."

- 4.2 In reality Members were triggering the 'call-in' procedure after the 21 day cut off and in some cases this was many weeks after. Applications that were poised for a delegated decision then had to be presented to Committee and a full report prepared.
- 4.3 Planning Committee on 15 December 2005 considered a performance monitoring report, during which it was noted that there had been a drop in the number of decisions determined under delegated powers. For the period 1 April to 30 September only 79% of applications had been determined under delegated powers, compared with a government target of 90%, and previous year's figure of 82%.
- 4.4 The Committee noted that this could be due to a high level of 'call-ins' and asked that consideration be given to a system whereby the reasons for all 'call-ins' were scrutinised by the Chairman, group spokespersons and the Head of Fast Track Team to ensure that valid planning reasons were given.
- 4.5 On 19th January 2006 the committee considered a report presented by the Head of service on the issue of changes to the 'call-in' procedure and agreed a 3 month trial arrangement.
- 4.6 As with the previous procedure (which was often ignored), the trial procedure required the Member requesting a 'call-in' was to specify a valid planning reason for the call-in.
- 4.7 The Chair and Group Spoke persons had a two working day period in which to make the decision, as to whether the call in should be allowed or rejected.
- 4.8 In cases, where the call-in was rejected, the Chair was required to explain the reason to the Member requesting the call-in.
- 4.9 Appendix 1 attached to this report illustrates how the trial procedure was intended to work.
- 4.10 It was proposed to review this procedure after the first three months. This is the first opportunity for the Committee to undertake such a review.

5. Results

- 5.1 During the trial period (from 2nd February 2006 – 27th April 2006) a total of 13 applications over 7 meetings were 'called – in' without triggering the trial procedure (an average of 1.8 per meeting). It is believed that only 3 applications triggered the trial procedure. Some difficulty arose where those required to input on a decision couldn't agree and the decision was taken that a recommendation had to be unanimous. Not all spokespersons were readily available when required to comment and this also caused some difficulty.
- 5.2 Before the trial procedure some meetings were considering 4 or 5 'call-ins' at one meeting. It isn't entirely clear from the short trial whether the more rigid procedure was discouraging spurious 'call-ins' or whether it was just an unconnected turn of events.

5.3 **As the number of ‘call-ins’ that triggered the procedure was so small it is considered appropriate to continue with the trial set-up but on a permanent basis. However in order to avoid the problems that arose with the one case in question it is suggested that all Members of the Council be advised of the procedure and how it is intended to work. It is suggested that for a ‘call-in’ outside of the 21 day period to be accepted all Members contacted in line with the procedure (Chair and Group Spokespersons), if they respond have to be in accord with the recommended course of action. A non response will be taken to go with any unanimous recommendation from those responding. Any report presented as a result of a late ‘call-in’ must set out the fact that it was a ‘late’ ‘call-in’ and give details as to why the ‘call-in’ was accepted.**

5.4 It is not recommended that the previous lax 21 day procedure be restored as it has been demonstrated that performance suffers from excessive ‘call-ins’ and that potentially less time is available to Members to consider more complex applications. The level of delegation is currently significantly below what is considered appropriate by the government.

5.5 If the previous 21 day procedure was enforced rigorously and the 21 day cut-off was adhered to then the number of call-ins would be reduced and the level of delegation was be likely to increase. However members may feel that such a rigid system fails to have regard to exceptional circumstances that may arise to the detriment of the democratic process.

5.6 The suggested way forward offers the flexibility to cater for such eventualities but means that routine late ‘call-ins’ are less likely. (or if they occur the reasoning behind them is completely transparent.)

5.7 Members will still be required to state the reason for a ‘call-in’ even if the request is within the allowed automatic 21 day period and this will be enforced. Failure to provide a valid planning reason will mean the ‘call-in’ cannot be accepted. The reason for this is to ensure that the process is transparent. All reports where a ‘call-in’ has been triggered will set out the reason given.

6. Strategic Plan References

6.1 The Strategic Plan identifies Planning (Development Control) as an area where an improvement in performance is being sought.

7. Consultation

7.1 None

8. Publicity Considerations

8.1 None

9. Financial implications

9.1 A reduction in the number of applications considered by Planning Committee will result in a saving in terms of member and officer time.

10. Human Rights Implications

10.1 None

11. Community Safety Implications

11.1 None

12. Health and Safety Implications

12.1 None

13. Risk Management Implications

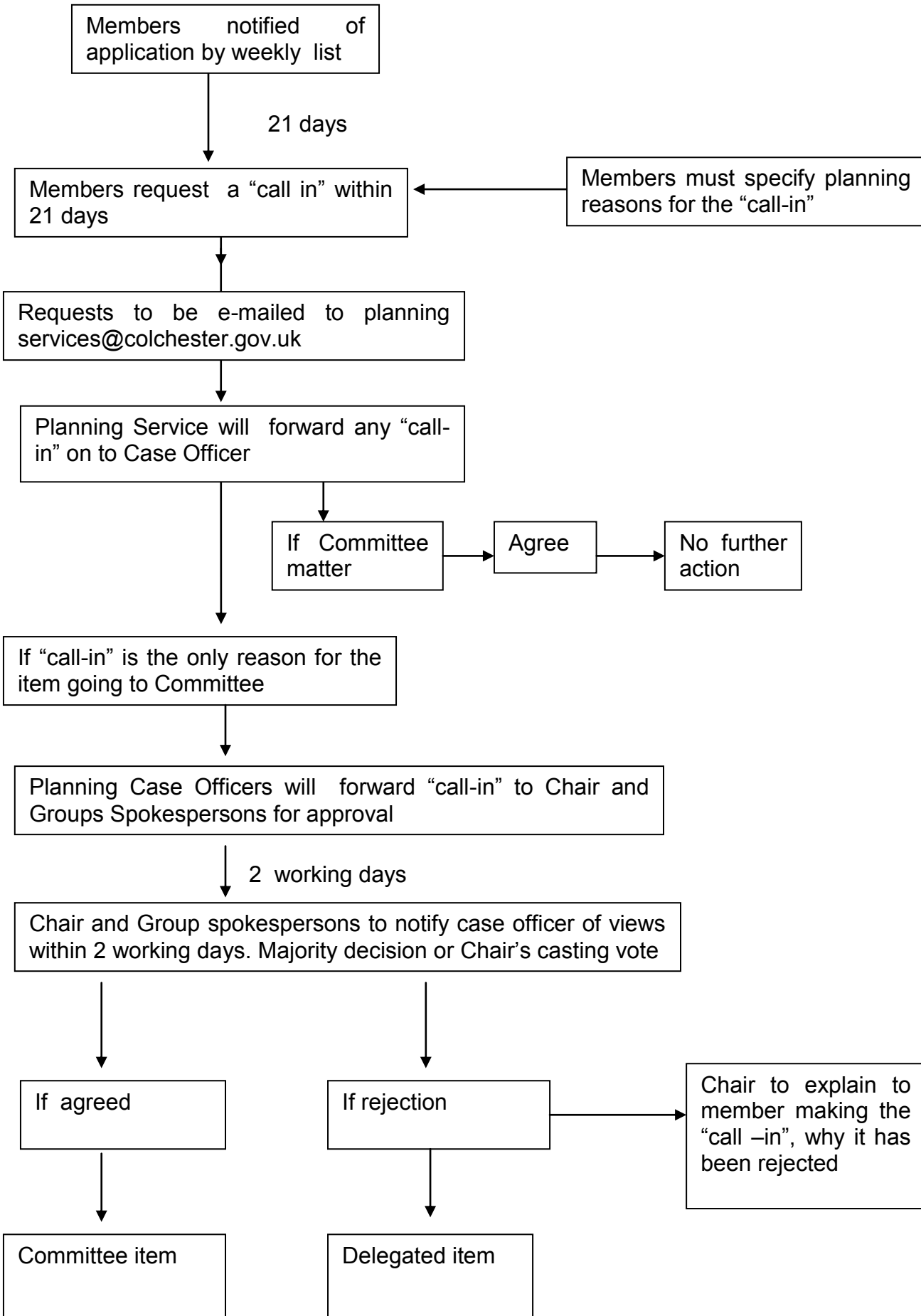
13.1 None

Background Papers

None

Appendix 1 – Proposed Members ‘Call-in’ Procedure

MEMBERS CALL IN PROCEDURE



Our vision is for Colchester to develop as a prestigious regional centre

Our goal is to be a high performing Council

Our corporate objectives for 2006-2009 are:



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