

# Planning Committee

**Council Chamber, Town Hall  
16 October 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

### Access to information and meetings

You have the right to attend all meetings of the Council, its Committees and Cabinet. You also have the right to see the agenda, which is usually published 5 working days before the meeting, and minutes once they are published. Dates of the meetings are available at [www.colchester.gov.uk](http://www.colchester.gov.uk) or from Democratic Services.

### Have Your Say!

The Council values contributions from members of the public. Under the Council's Have Your Say! policy you can ask questions or express a view to meetings, with the exception of Standards Committee meetings. If you wish to speak at a meeting or wish to find out more, please pick up the leaflet called "Have Your Say" at Council offices and at [www.colchester.gov.uk](http://www.colchester.gov.uk).

### Private Sessions

Occasionally meetings will need to discuss issues in private. This can only happen on a limited range of issues, which are set by law. When a committee does so, you will be asked to leave the meeting.

### Mobile phones, pagers, cameras, audio recorders

Please ensure that all mobile phones and pagers are turned off before the meeting begins and note that photography or audio recording is not permitted.

### Access

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

### Facilities

Toilets are located on the second floor of the Town Hall, access via the lift. A vending machine selling hot and cold drinks is located on the ground floor.

### Evacuation Procedures

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

Colchester Borough Council, Angel Court, High Street, Colchester  
telephone (01206) 282222 or  
textphone 18001 followed by the full number that you wish to call  
e-mail: [democratic.services@colchester.gov.uk](mailto:democratic.services@colchester.gov.uk)  
[www.colchester.gov.uk](http://www.colchester.gov.uk)

## **Material Planning Considerations**

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

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

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

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

## **Human Rights Implications**

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

## **Community Safety Implications**

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

# COLCHESTER BOROUGH COUNCIL PLANNING COMMITTEE 16 October 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 2 October 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. 081203 33-37 London Road, Marks Tey** **10 - 24**  
(Marks Tey)

Demolition of existing garage and light industrial buildings for the development of 32 residential properties (including flats and houses) (Resubmission of 080068).
- 2. 081527 Homagen, Chappel Road, Great Tey** **25 - 28**  
(Great Tey)

Relocation of existing timber framed bungalow and conversion into barn.
- 3. 081563 18 Sir Isaacs Walk, Colchestser** **29 - 34**  
(Castle)

Change of use from A1 (shops) to A3 (restaurant and cafes).
- 4. 081564 18 Sir Isaacs Walk, Colchester**  
(Castle)

Erection of painted metal railing above existing rear garden wall. Removal of 1 no. interior wall opposite front entrance. Laying of new patio in rear garden. Installation of new mechanical extract vent in prep. area to replace existing air brick/vent.
- 5. 081572 Westwood Home Farm, London Road, Great Horkesley** **35 - 42**  
(Fordham and Stour)

Change of use of redundant agricultural buildings to Class B1 (offices).
- 6. 081576 Highwoods Square, Colchester** **43 - 47**  
(Highwoods)

Installation of a combined heat and power (CHP) unit to provide a sustainable method of powering the store.

- |            |  |                |
|------------|--|----------------|
| <b>7.</b>  | <b>081591 Land adjacent to The Stream, Layer Road, Kingsford, Colchester</b><br>(Shrub End)  | <b>48 - 52</b> |
|            | 3 temporary storage containers for a period of 12 months.  |                |
| <b>8.</b>  | <b>081624 Coast Road, West Mersea</b><br>(West Mersea)   | <b>53 - 56</b> |
|            | Retrospective application to retain galvanised bow top fence, under 1 metre high around 3/4 of perimeter of car park belonging to West Mersea Oyster Bar.  |                |
| <b>9.</b>  | <b>081634 Turkey Cock Lane, Eight Ash Green</b><br>(West Bergholt and Eight Ash Green)   | <b>57 - 63</b> |
|            | Variation of Condition no. 2 on application C/COL/03/0043 to read 'The building shall only be used for the sale of antiques and new and antique/second-hand furniture and sundry household items'.   |                |
| <b>10.</b> | <b>081630 Turkey Cock Lane, Eight Ash Green</b><br>(West Bergholt and Eight Ash Green)   |                |
|            | Variation of Condition no. 2 (removal of personal condition) and Condition no. 3 to read 'The building shall only be used for the sale of antiques and new and antique/second-hand furniture and sundry household items' of application COL.98/0838. |                |
| <b>11.</b> | <b>081420 131 High Street, Colchester</b><br>(Castle)  | <b>64 - 68</b> |
|            | Formation of terrace and part removal of existing roof within existing boundary line for use by public using nightclub as designated smoking area.   |                |
| <b>12.</b> | <b>080830 131 High Street, Colchester</b><br>(Castle)  |                |
|            | Formation of terrace and part removal of existing roof within existing boundary line for use by public using nightclub as designated smoking area.   |                |
| <b>13.</b> | <b>081264 67 Collingwood Road, Colchester</b><br>(Lexden)  | <b>69 - 75</b> |
|            | Change of use from Residential (C3) to Non Residential Institution (D1) - day centre.  |                |
| <b>14.</b> | <b>081522 111 High Street, Colchester</b><br>(Castle)  | <b>76 - 79</b> |

Variation of Condition 3 attached to planning permission F/COL/00/0871 to allow opening of the premises for customers between the hours of 0900 - 0130 (incorporating a 30 minute drinking up time) on Thursdays to Saturdays.

**8. Land Adjacent to The Stream, Layer Road, Colchester**

**80 - 82**

See report by the Head of Environmental and Protective Services

**9. 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

## 2 OCTOBER 2008

*Present:-* Councillor Gamble\* (Chairman)  
Councillors Blandon\*, Chillingworth\*, Cory\*, Elliott\*, Ford,  
Foster\*, Hall\*\* and Lewis\*.

*Substitute Members:-* Councillor Maclean\* for Councillor Chapman  
Councillor Cook\* for Councillor Chuah  
Councillor Manning for Councillor Offen

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

(\*\* Councillor Hall attended the site visit for the item at  
minute 115 only)

### 112. Minutes

The minutes of the meeting held on 18 September 2008 were confirmed as a correct record.

**Councillor Maclean (in respect of her knowledge of the applicant) declared her personal interest in the following item pursuant to the provisions of Meetings General Procedure Rule 7(3).**

### 113. 081254 Lodge Farm, Boxted Road, Great Horkesley, CO6 4AP

The Committee considered an application for a proposed agricultural chilled despatch building extension with loading docks and a new access road.

The Committee had before it a report in which all information was set out together with further information on the Amendment Sheet.

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

Mr Harris addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in opposition to the application. He argued that policy CO1 applied to the development. The development was in open countryside which should be protected for its own sake. The development should be viewed as an industrial rather than an agricultural enterprise, as was demonstrated by the fact that 30% of the produce processed was imported. If the development was classified as an industrial, it would be contrary to planning policies.

Mr Rix addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in support of the application. The site supported an expanding and sustainable business that employed a considerable number of local people and produced local food for local markets. All buildings were used for agricultural purposes and less than fourteen percent of onions processed were imported. The development was not the sole cause of traffic problems in Boxted Road, which was used as a rat run. A traffic survey completed at a peak time for the business demonstrated that less than 7% of the traffic on Boxted Road was related to the development.

Members of the Committee expressed support for the proposal and considered that this was a successful agricultural development. There were sound business reasons for the expansion and traffic problems would not be exacerbated if the application were approved.

*RESOLVED* (ELEVEN voted FOR and ONE ABSTAINED from voting) that –

(a) Consideration of the application be deferred for completion of a new Section 106 Agreement as referred to on the Amendment Sheet.

(b) Upon receipt of a satisfactory Section 106 Agreement prior to 10 October 2008, the Head of Environmental and Protective Services be authorised to grant planning permission with conditions and informatives as set out in the report and on the Amendment Sheet.

**114. 072831 Area H, The Sergeants Mess, Abbey Field Urban Village, Le Cateau Road, Colchester**

The Committee considered an application for the conversion of existing buildings in residential accommodation to create eleven town houses and four flats with associated demolition and including access, parking and provision of open space.

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

Alistair Day, Principal Planning Officer, attended to assist the Committee in its deliberations.

Mr Jephcott addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in opposition to the application. He considered that arrangements proposed for public access to the area of the Roman Circus starting gates was a poor deal for residents and tax payers of Colchester. The proposed option imposed a financial burden on the Council. Taylor Woodrow were aware of the possibility of archaeological remains when it purchased the site and were now trying to pass the costs of access to significant finds onto the Council. It would be preferable for the Council to own the land and lease it Taylor Woodrow with unlimited access rights for the public as a conditions of the lease. The Council did not fully appreciate the wealth creation opportunities provided by Colchester's historic remains.

Robert Taylor addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in support of the application. The existence of the Roman Circus was not suspected when the land was purchased. Taylor Woodrow had a track record of treating historically significant sites and listed buildings on the garrison site with sensitivity. The proposed access arrangements to the area of the Roman Circus starting gates were fair both to members of the public with an interest in the site and to future residents of the properties.

Councillor Theresa Higgins attended and, with the consent of the Chairman, addressed the Committee. The access arrangements to the Roman Circus starting gates negotiated as part of this scheme showed the Council did care about giving members of the public access to this important site. Whilst the Council purchasing the site was the ideal solution, it could not afford to do so. It would be sensible if the location of the Roman Circus was shown on all future plans for garrison sites submitted to the Planning Committee.

Members of the Committee considered that the arrangements proposed for access to the area of the Roman Circus starting gates were the best compromise that could be obtained. It was suggested that the level of use by the public be monitored and the access arrangements be revised with possibly a key to the site being held at Angel Court for responsible interested parties to use.

*RESOLVED* (TEN voted FOR and TWO ABSTAINED from voting) that –

(a) Consideration of the application be deferred for the following matters:-

- the completion of a Section 106 Agreement to secure the appropriate public access and interpretation of the Roman Circus, and
- the completion of a signed deed of variation to secure the redistribution of affordable housing across the garrison site.

(b) Upon receipt of a satisfactory Section 106 Agreement and Deed of Variation, the Head of Environmental and Protective Services be authorised to grant planning permission with appropriately worded conditions and informatives to cover the matters set out in the report.

**Councillor Lewis (in respect of her membership of the Officer’s Club) declared her personal interest in the following item pursuant to the provisions of Meetings General Procedure Rule 7(3).**

**115. 080710 Garrison Area B1b, Flagstaff Road, Colchester**  
**080712**  
**080713**  
**080716**  
**080717**

The Committee considered the following applications:-

- (i) a reserved matters application for the erection of forty-one 2 bedroom flats, relating to blocks B, D, K, L and M, together with a modified access road and public open space.
- (ii) an application for change of use and the conversion of existing buildings to create sixty 2 bedroomed flats and sixteen 1 bedroomed flats, relating to blocks A, G, H, J, I and N, together with a modified access road and public open space.
- (iii) a reserved matters application for the erection of B1 commercial accommodation of 680 square metres, including the provision of twenty-four car parking spaces, relating to blocks P and Q.
- (iv) an application for Conservation Area consent for the demolition of existing buildings.
- (v) an application for a change of use and conversion of existing buildings to create B1 commercial accommodation together with the provision of 116 car parking spaces, relating to blocks C, E, F and O.

The Committee had before it a report in which all information was set out together with further information on the amendment sheet.

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

Alistair Day, Principal Planning Officer, and Philip Wise, Heritage Manager, attended to assist the Committee in its deliberations.

Robert Taylor addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in support of the application. He considered that the suite of applications brought forward a high class, well thought out scheme. As little as possible was being demolished. The Roman Circus was being treated as sensitively as possible and arrangements were in place to ensure public access to the Circus.

Councillor Theresa Higgins attended and, with the consent of the Chairman, addressed the Committee. She welcomed the scheme and the arrangements for public access to Roman Circus.

*RESOLVED* (UNANIMOUSLY) that (subject to the contents of the Amendment Sheet) :-

(i) in respect of 080710:-

(a) Consideration of the application be deferred for completion of a deed of variation to secure the redistribution of affordable housing across the garrison site.

(b) Upon receipt of a satisfactory deed of variation, the Head of Environmental and Protective Services be authorised to grant planning permission with appropriately worded conditions and informatives to cover the matters set out in the report.

(ii) in respect of 080712:-

(a) Consideration of the application be deferred for completion of a deed of variation to secure the redistribution of affordable housing across the garrison site.

(b) Upon receipt of a satisfactory deed of variation, the Head of Environmental and Protective Services be authorised to grant planning permission with appropriately worded conditions and informatives to cover the matters set out in the report.

(iii) in respect of 080713:-

(a) Consideration of the application be deferred for completion of a deed of variation to secure the redistribution of affordable housing across the garrison site.

(b) Upon receipt of a satisfactory deed of variation, the Head of Environmental and Protective Services be authorised to grant planning permission with appropriately worded conditions and informatives to cover the matters set out in the report.

(iv) in respect of 080716:-

(a) the application for Conservation Area consent be approved with appropriately worded conditions and informatives as set out in the report.

(v) in respect of 080717:-

(a) Consideration of the application be deferred for completion of a deed of variation to secure the redistribution of affordable housing across the garrison site.

(b) Upon receipt of a satisfactory deed of variation, the Head of Environmental and Protective Services be authorised to grant planning permission for a change of use with appropriately worded conditions and informatives to cover the matters set out in the report.

**Councillor Lewis (in respect of her husband being the applicant) declared her personal interest in the following items 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.**

**Councillors Chillingworth, Elliott, Foster and Maclean (in respect of their knowledge of the applicant) declared their personal interest in the following item pursuant to the provisions of Meetings General Procedure Rule 7(3).**

**116. 081053      10 Williams Walk, Colchester, CO1 1TS  
081054**

The Committee considered planning application 081053 and listed building application 081054 for the demolition of an existing office extension and outbuildings, the conversion of an existing dwelling into two flats and the erection of six dwellings; application 081053 was a resubmission of application 071560.

The Committee had before it reports on each application in which all information was set out together with further information on the amendment sheet.

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

*RESOLVED* that –

In respect of planning application 081053:

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

In respect of listed building application 081054:

- (c) The application be approved with conditions and informatives as set out in the report.

**117. 081556      260 Coggeshall Road, Marks Tey, CO6 1HT**

The Committee considered an application for a first floor rear extension to provide an additional bedroom with en-suite together with a new stair access thereto.

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.

Dave Whybrow, Development Manager, attended to assist the Committee in its deliberations.

Ted Gittins, on behalf of the resident of the neighbouring property, addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in opposition to the application. The scale of the proposed extension and its proximity to the boundary would have

an overbearing effect on the neighbouring property. The extension would have a serious impact on the amenity of the neighbour as the main light to the main seating area in the living room was gained via north facing patio doors, which would lose light if the application were to be approved. Part of the southern part of the garden would be shaded as a result of the proximity of the extension. This would be particularly significant in winter. Concern was also expressed that this application had been reported to Committee in isolation when it was intrinsically linked to a similar application for No. 258 Coggeshall Road.

Christopher Percival addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in support of the application. He strongly disputed that the extension would have an overbearing impact on the neighbour's property. There would be no interruption to the northern outlook. The extension, which would only extend for five metres, could not have a significant shadowing effect on the neighbour's garden, which was approximately 50 metres long. The loss of light to the neighbour's area was disputed, as light to the living area was already blocked by a canopy of bushes and shrubs. The extension had been carefully planned to minimise its impact and was needed to create additional room for visiting family members.

Members of the Committee noted that the application breached the 45 degree rule and expressed support for the recommendation of refusal. The comments about light to the patio doors already been blocked by a pergola were noted, but if approved, the application would result in a permanent loss of light to the patio doors.

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

#### **118. 081414 Land to the side of 14 Rosebery Avenue, Colchester**

The Committee considered an application for the erection of a new two bedroom house which would infill the space to the right of the existing house. This application was a resubmission of application no. 072619.

The Committee had before it a report in which all information was set out together with further information on the Amendment Sheet.

*RESOLVED* that –

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

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

**Councillor Lewis (in respect of the agent for the applicant being retained by her spouse's company) declared her personal interest in the following items 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.**

#### **119. 081451 High Timbers, Malting Green, Layer de la Haye, CO2 0JE**

The Committee considered an application for the demolition of an existing house and the construction of two new detached houses with associated garages.

The Committee had before it a report in which all information was set out together with further information on the amendment sheet.

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

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

Jim Fowler addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in opposition to the application. He argued that the information on the sizes of the plots in the report were incorrect. If approved, the application would give a suburban feel to Malting Green. The proposed properties would be of modern design and therefore out of character. An additional property on the site would increase the risk to highway safety as the access to the site was on a dangerous bend. Great crested newts had previously been found on a neighbouring site and concern was expressed as to whether this was an appropriate time of year to conduct a survey.

Mr Gittins, agent for the applicant, addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in support of the application. This was a well designed scheme for two well proportioned dwellings. It was a good sized plot that that could comfortably hold the two proposed dwellings. The design would be of a high standard. The requisite survey for newts would be undertaken.

Councillor Bentley attended and, with the consent of the Chairman, addressed the Committee. This type of infill development was harming the rural character of Layer-de-la-Haye. Generating additional traffic at this site would increase the risk to highway safety and concern was expressed that the application had been brought forward to Committee before comments from the Highways Authority had been received. There was evidence of great crested newts elsewhere in the area and the if the Committee were not minded to refuse the application it should defer its consideration for a full ecology report.

It was explained that the Highways Authority had indicated verbally it had no objection to the scheme. The Committee considered whether it should defer the scheme for an ecology report and for sight of comments from the Highways Authority. However It was noted that the application would be refused if the outstanding highways and ecological matters could not be resolved satisfactorily.

*RESOLVED* (NINE voted FOR and TWO ABSTAINED from voting) that the application be deferred for the submission of an ecological study. If this issue was satisfactorily resolved before 14 October 2008 the application be determined under delegated powers subject to the conditions on the amendment sheet and additional conditions.

If it was not resolved, the application to be refused due to insufficient information to determine the impact of the development on a protected species.

**Councillor Lewis (in respect of having had acquaintance with the applicant some time ago) declared her personal interest in the following item pursuant to the provisions of Meetings General Procedure Rule 7(3).**

**120. 081325 Mythian, 4 Parsons Hill, Colchester, CO3 4DT**

The Committee considered an application for the demolition of an existing house and the erection of ten 2 bedroomed flats and one 1 bedroomed flat in two small blocks with semi basement parking. The application was a resubmission of 080502.

The Committee had before it a report in which all information was set out together with further information on the amendment sheet.

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

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

Major Murray Bligh addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in opposition to the application. The erection of two blocks of flats would be out of character in the area, which had a semi rural character. The footprint of the buildings would be eight times that of the existing building and would be an overdevelopment of the site. The proposals were contrary to Local Plan policies. If the scheme was approved, it would over-ride the existing Tree Protection Orders on the site and lead to the destruction of this small beautiful woodland. The excavation work for the underground car parks would be disruptive and would generate considerable traffic on unsuitable roads. It would also generate a large carbon footprint.

Mr Sumner addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in support of the application. The application had been based on principles agreed with planning officers. The application had been discussed with planning officers at every stage and all the requirements of planning officers had been met. The application would provide a small number of spacious apartments that were suitable for their location. The blocks were no larger than several residential properties in the area. The proposed refusal reasons were not relevant planning reasons.

Councillor Lissimore attended and, with the consent of the Chairman, addressed the Committee. If approved, the loss of trees from the site would have a negative impact on visual amenity. The impact of this would be considerable as this site could be viewed from Church Lane, Parsons Hill and Shakespeare Road. Neighbouring properties would be overlooked. It would also have an overbearing impact on neighbouring properties, as the footprint was eight times as large as the existing buildings on the site. The proposed buildings would appear to be squeezed onto the site. Excavation and construction works would require heavy vehicles which would cause noise and pollution and have to travel on inappropriate routes. Increasing the traffic at the junction at Parsons Hill and Church Lane would increase the risk to highway safety. Trees on the site contributed to the ambience of the site but a number of trees on the site had already been removed and the excavation works would damage the roots of other trees. The proposal conflicted with a number of Local Plan policies.

Councillor Hardy attended and, with the consent of the Chairman, addressed the Committee. He supported the previous representations made against the proposal. The proposal would also have considerable visual impact on residents of Home Farm.

Members of the Committee expressed concern about a number of aspects of the proposal including the impact of the proposal on the character of the area, the loss of a site of individual character, the lack of useable amenity space and the impact on highway safety of additional traffic generated by the use. There had been a number of accidents in the vicinity of the site. Concern was also expressed about the steep gradient of the access onto the site.

It was explained that no objection had been received from the Highways Authority and so it was felt that a refusal on these grounds could not be justified and that the amenity provision was considered acceptable overall.



*RESOLVED* that the application be refused for reasons set out in the report and the amendment sheet. (ELEVEN voted FOR and ONE ABSTAINED from voting).

**Councillors Chillingworth, Elliott, Foster, Maclean and Lewis (in respect of their knowledge of the applicant) declared their personal interest in the following item pursuant to the provisions of Meetings General Procedure Rule 7(3).**

**121. 081547 Watercress Hall, Fossetts Lane, Fordham, CO6 3NY**

The Committee considered an application for a change of use of a narrow piece of land to the rear of Watercress Hall from agricultural land to domestic garden including the stopping up and diversion of a short length of footpath 21 Fordham to a new point, exiting approximately 12 metres north west onto Fossetts Lane.

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.

**The Chairman agreed, pursuant to the provisions of Section 100B(4)(b) of the Local Government Act 1972, to consider the following item at the meeting as a matter of urgency because the matter had been subject to considerable delay and there is a need for the work to be undertaken as quickly as possible to prevent further theft and damage.**

**122. 081157 Old Court Coffee House, 8 Church Street, Colchester, CO1 1NF**

The Committee considered an application for listed building consent to replace lead used on hips of roof with black clay ridge tiles to prevent further theft and damage.

The Committee had before it a report in which all information was set out together with further information on the Amendment Sheet.

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

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

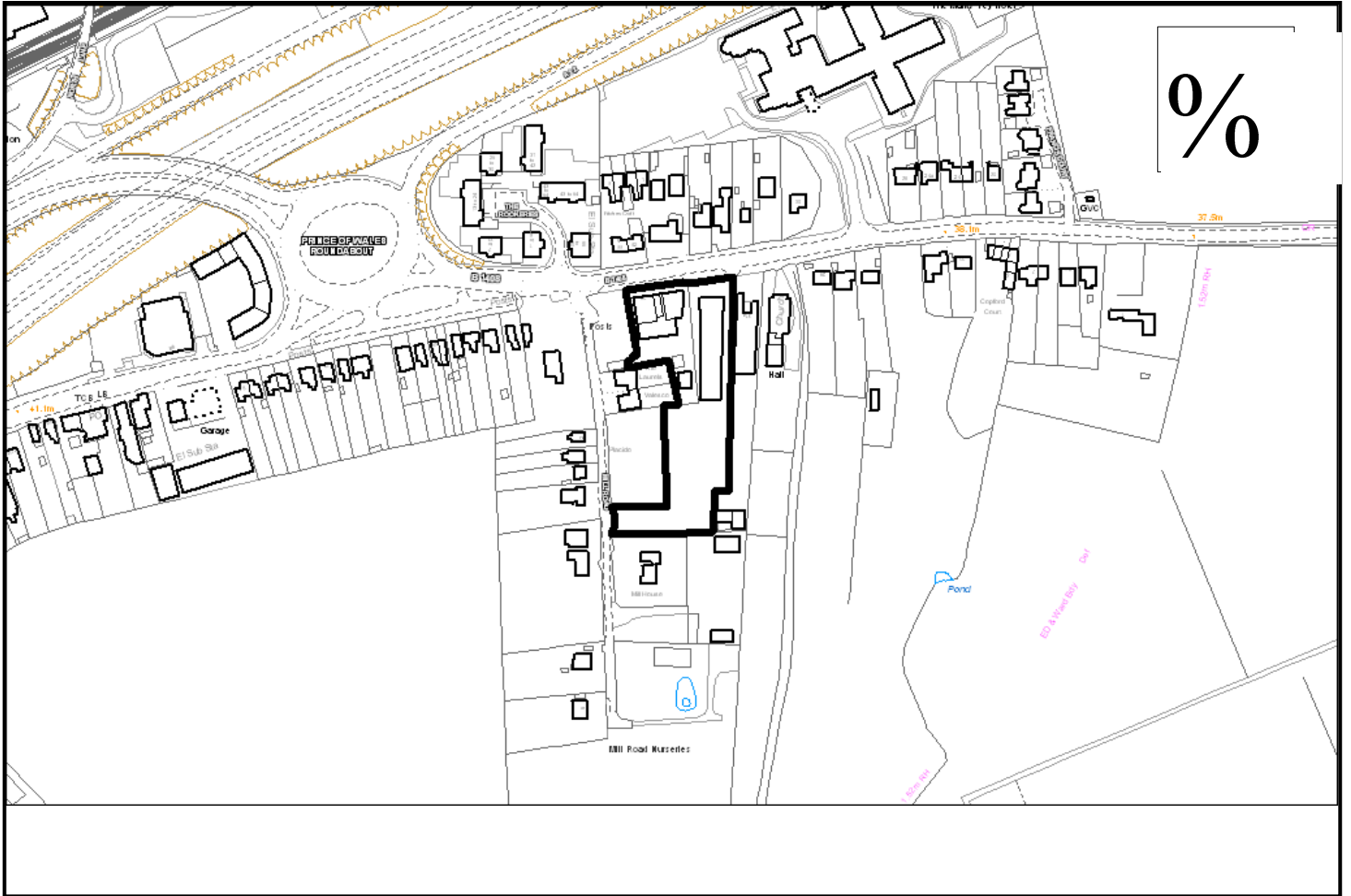
**123. Revised Planning Procedures Code of Practice**

The Head of Environmental and Protective Services and the Monitoring Officer submitted a joint report on a revision of the Planning Procedures Code of Practice together with a draft revised Planning Procedures Code of Practice to ensure the Code of Practice was up to date with for the Committee to approve and be incorporated into The Constitution.

David Whybrow, Development Manager, attended to assist the Committee in its deliberations.

Members of the Committee queried whether the protocol was sufficiently detailed in the terms of the role of the ward councillor. Officers agreed to review this.

*RESOLVED* that the revised Planning Procedures Code of Practice be approved for inclusion in The Constitution subject to the correction of a minor typographical error in section 7(5).



**Application No:** 081203

**Location:** 33-37 London Road, Marks Tey, Colchester

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

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

This map is reproduced from Ordnance Survey Material with the permission of Ordnance Survey on behalf of the Controller Of Her Majesty's Stationery Office © Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. Colchester Borough Council 100023706 2006



## Committee Report

Agenda item

**7**

To the meeting of **Planning Committee**  
on: **16 October 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: Simon Osborn**

**EXPIRY DATE: 07/11/2008**

**MAJOR**

**Site:** 33-37 London Road, Marks Tey, Colchester

**Application No:** 081203

**Date Received:** 7th August 2008

**Agent:** Fourthspace Limited

**Applicant:** Magri Builders Limited

**Development:** Demolition of existing garage and light industrial buildings for the development of 32 residential properties (inc. flats and houses) (resubmission of 080068)

**Ward:** Marks Tey

**Summary of Recommendation:** Conditional approval subject to signing of Agreement

### 1.0 Site Description

1.1 The application site relates to an irregular shaped parcel of land, previously used for commercial purposes, which lies within the village envelope of Marks Tey. The site has a frontage onto the London Road of 63.5m, a maximum depth of 140m and an overall area of 0.59ha.

1.2 The settlement of Marks Tey is configured into a number of distinct parts around the A12 and London to Norwich railway corridor. The majority of the houses in Marks Tey are within a segment of land to the north of the railway and south of the A120 Coggeshall Road. The portion of Marks Tey within which the site lies is on the line of the former A12 Trunk Road (now known as London Road). This part of the envelope contains a mix of residential and commercial properties, with a small shopping parade at its western end. The character of the surrounding area comprises a predominantly linear pattern of development. Most buildings are one or two-storey in nature, but there are also 3-storey flats at The Rookeries, to the north-west of the site. Two residential properties (The Laurels and Valesco) have rear garden boundaries adjoining the rear part of the application site; these two properties are accessed from Mill Road, a road with highway rights, but of poor quality.

## **2.0 Description of Proposal**

2.1 The application seeks to redevelop the site for a total of 32 residential units. These include 21 flats (11 nos. 1-beds, 9 nos. 2-beds, and 1 no. 3-beds) and 11 dwellings. The flats are proposed within three separate 3-storied buildings fronting onto the London Road. To the rear of the flats are a parking court and amenity areas for the flats; the amenity areas closest to the flats are cantilevered over part of this parking area. The dwellings are proposed within the rear portion of the site and include 2 nos. 3-bed bungalows, 4 nos. 3-bed houses and 5 nos. 2-bed houses. Vehicular access to the rear parking court for the flats and to the dwellings is to be provided by an access road that will run along the eastern boundary of the site and is to be shared with the occupier of the commercial unit at 31 London Road.

## **3.0 Land Use Allocation**

3.1 Village Envelope

## **4.0 Relevant Planning History**

4.1 In 2006 application F/COL/06/0539 was refused for 24 residential units - this related solely to 37 London Road, which has a frontage onto London Road of 34m, a maximum depth of 67m and an overall size of 0.1867ha (approx One-third of the site area of the current application).

4.2 A further application was submitted in 2006 relating solely to 37 London Road, application F/COL/06/1843. This was for 18 flats and was dismissed on appeal in August 2007.

4.3 A further application, 071608, for 16 flats relating solely to 37 London Road was submitted in 2007 and refused in August 2007.

4.4 An application 080068 was submitted in January 2008 for the current application site, 33-37 London. This was for a total of 37 units (24 flats and 11 dwellings). This was refused on grounds of design, highway safety and the lack of adequate contributions being secured to mitigate the impact of the development. This application is currently on appeal, being dealt with by the written representations procedure.

## **5.0 Principal Policies**

- 5.1 Adopted Review Colchester Borough Local Plan - 2004  
DC1 - Development Control Considerations  
UEA11 to 13 - Residential Design  
P1, P2 and P4 - Pollution, Lighting and Land Contamination  
CF1 - Infrastructure and Community Facilities Provision  
CF7 - New School Facility Provision  
L5 - Open Space Provision within New Residential Development  
T1, T2 and T9 - Pedestrian Networks, Cycle Parking and Car Parking  
H4 - Affordable Housing  
H7 - Development within Village Envelopes  
H13 - Housing Density
- 5.2 In addition to the Local Plan, the following documents have relevance to this appeal, and have been adopted by the Council as Supplementary Planning Documents or Supplementary Planning Guidance:
- The Essex Design Guide 1997 and 2005
  - Essex Planning Officers Association Vehicle Parking Standards, 2001
  - Affordable Housing SPG, 2004
  - Provision of Open Space, Sports and Recreational Facilities SPD, 2006
  - Community Facilities SPG, 2004
- 5.3 Essex County Council as the authority responsible for Education and Highways has adopted SPG for School Contributions from Residential Developments, 2004. Essex County Council has also published a Developers Guide to Infrastructure Contributions, which was subject of consultation in 2007 and approved as a County Policy Document.
- 5.4 In 2007, Planning Officers at the Council sought to produce a brief for the redevelopment of a wider area within the village envelope, in recognition that there were a number of sites within the vicinity that appeared to be ripe for redevelopment. The brief showed the proposed access at the eastern end of the site of the application site on the basis that there was an existing one at this point shared with the commercial occupier at 31 London Road. An indicative layout suggested that 3 storey flats could be accommodated on the London Road frontage with lower density development behind. The brief was produced in July 2007 and although not adopted as SPG by the Council was intended to provide a guide to prospective developers.

## **6.0 Consultations**

- 6.1 The Highway Authority stated that further to the formal recommendation of the 12th March 2008 (for application 080068), the Highway Authority would not wish to raise an objection subject to a suitable condition to achieve the following: Bollards of a design to be agreed with the Local Planning Authority shall be provided and positioned clear of the highway on all pedestrian routes which give access onto London Road.

- 6.2 Essex County Council Schools Service stated there should be sufficient provision of primary school places and early years and child care provision. There was however a shortage of secondary school provision and a contribution would be sought for this in line with their adopted SPG.
- 6.3 Environment Control recommended conditions relating to land contamination, internal noise criteria for new dwellings, and submission of details for a management company for communal storage areas. The standard construction and demolition informative was also recommended.
- 6.4 Housing stated that an affordable housing contribution would be expected from the developer and this was to be provided in line with adopted SPG and the Local Plan.
- 6.5 Leisure Services commented that there was little useable public open space for the residents of the development and an SPD contribution would be sought. They also commented that the open space for the flats was north facing and there could be some conflict between cyclists access a bike shed and users of part of the amenity area for the flats.
- 6.6 The Council's Development Team stated contributions to be sought for leisure (public open space, sports and recreation) £93,688; community facilities £26,400; education £67,432; highways £26,000 and travel packs; also the turning head to be redesigned to meet Highway requirements.

## **7.0 Parish Council's Views**

- 7.1 Marks Tey Parish Council stated it objected to this application on the grounds of the bulk and mass and its effect on the street scene.

## **8.0 Representations**

- 8.1 Nine letters were received (including one with a petition of 6 signatories). These raised the following matters:
1. Frontage flats appear too large and dominant in the street - will have a dark, overbearing presence - out of keeping with the surroundings - more appropriate to a waterfront or new town;
  2. Little provision for car parking;
  3. Too many dwellings in too small an area;
  4. There are bats in the area;
  5. Overlooking of neighbouring properties, including from balconies.

## 9.0 Report

### Background to Application

- 9.1 In 2007 planning officers sought to produce a development brief for the residential redevelopment of this part of Marks Tey. This followed two unsuccessful planning applications in 2006 for 37 London Road, which the Council felt left much to be desired in terms of: the relationship of this site with a wider area, access, and design. The development brief included an indicative housing arrangement that provided for relatively higher density development fronting onto London Road, in the form of discrete 3 storey blocks of flatted units, with lower density 1 and 2-storey dwellings at the rear, to reflect the edge of village setting. The brief that was produced was not adopted as SPG and so is not binding upon the Council but was intended for advisory purposes as a guide to prospective developers.
- 9.2 In January 2008 application 080068 was submitted for the redevelopment of 33-37 London Road. This application followed the principles recommended by the development brief in that it provided for lower density development at the rear of the site behind higher density development on the London Road frontage. The application was subject to prior discussions with the applicant regarding an appropriate form of development. Nonetheless the proposal as submitted did not achieve all that the planning officer sought. The application was refused under delegated powers on the grounds of design (in particular of the frontage units), road layout, and failure to secure an appropriate level of planning obligations required to mitigate the likely impact of the development on local services.
- 9.3 The main changes between the previous application (currently subject of appeal) and this one are: (a) a reduction in the number of units by 3; (b) providing a greater distance between each of the 3 blocks of flatted units on the London Road frontage; (c) modifications to the access road, particularly at the junction with the London Road; and (d) modifications to the design appearance of the frontage units.

### Density

- 9.4 Densities across the Borough are controlled by Policy H13 of the Local Plan. This states that new housing developments should achieve a density of between 30 and 50 units per hectare. The sub-text to this policy indicates that densities higher than 50 units per hectare will only be encouraged where the proposal is located within Colchester town centre or, where the proposal is located close to major public transport modes (including railway stations) or a main public transport corridor, such as a principal radial road.
- 9.5 The appeal site has an overall size of 0.59ha. With a proposed 32 residential units this equates to a density of 54 dwellings per hectare. This is of course on the high side of 50 per hectare.

- 9.6 The documents submitted with the planning application sought to justify the density of the development in terms of proximity to the railway station, local shopping facilities and road access to local educational facilities. The site is within walking distance of a parade of local shops, and within walking distance of the railway station (although pedestrian ease of access is hampered by having to cross a duelled section of road that links the A12 with the A120); however, the nearest primary school is approx 2kms away by road on the opposite side of the A12 and there is no secondary school within Marks Tey village.

#### Design and Massing Considerations

- 9.7 As part of the appeal for the 2006 application for 37 London Road, the Inspector noted that the existing character in the vicinity of the site was weak and that development at the site should bring new character and quality, with a housing development that created its own sense of place and had the potential to contribute positively to future development. In formulating the development brief it was considered that development up to 3-storeys in height, allied to good design, would help to create a stronger sense of place at this entrance to the village from the A12. Thus the indicative housing layout showed discrete 3-storey blocks on the London Road frontage; each block physically separate from the next to avoid buildings of overwhelming proportions and in reference to the generally small-scale nature of buildings elsewhere on London Road. At the rear of the site, the brief indicated that a lower density of 1 and 2-storey dwelling units would be more appropriate to reflect an edge of settlement location.
- 9.8 The scheme subject of this application proposes three blocks of 3-storey buildings. Each block is separated by a substantive gap, and each is well-articulated so as to provide visual interest. The buildings are of modern appearance and incorporate a wide palette of materials that includes Suffolk-white bricks, render and dark boarding to the walls and imitation slate to the roofing. The materials as now proposed are a modification of the earlier scheme, which had a black and white emphasis that was overwhelming.
- 9.9 The flats have shared amenity space at the rear amounting to 500 square metres; this exceeds the standard of 425 sqm that would normally be sought for 21 flats. This space is provided within 4 separate areas, 3 of which are cantilevered over part of the rear parking court.
- 9.10 Toward the rear of the site is a mixture of 1 and 2-storey dwellings. These include two 1-storey bungalows positioned immediately to the rear of The Laurels and Valesco and 2-storey dwellings elsewhere; of these, some face toward the rear garden of these existing properties, but the first floor windows are positioned so as to be 15m away from those gardens. The properties are provided with garden sizes varying 60 sqm and 80 sqm for the 2-bedroom properties and between 78 sqm and 148 sqm for the 3-bedroom properties.
- 9.11 It is recognized that the proposed frontage blocks do appear different from anything else in the vicinity, but it is inevitable that the character and appearance of this part of Marks Tey will change with residential development. The proposal is considered to be broadly in line with Policies UEA11 to 13 and H7 of the Local Plan.

#### Highway Considerations



- 9.12 The road access is proposed at the eastern edge of the site. This is considered the most practical arrangement as the commercial occupier of 31 London Road has access rights at this point and neither the Local Planning Authority nor the Highway Authority would want a multiplicity of vehicular access points onto the London Road.
- 9.13 The response of the Highway Authority to the previous application indicated they required amendments to be made in terms of the geometry of the new access road particularly at the junction with the London Road. The Highway Authority has indicated that it is satisfied with the amendments proposed by the new application, but that an adoptable turning head needed to be shown at the rear (southern) end of the site; amended plans have been sought in this respect.

#### Affordable Housing Provision

- 9.14 Policy H4 of the Local Plan requires 25% of the total residential provision (for all housing schemes of 25 units and above) to be affordable housing. The Council normally secures such an element of affordable housing, and its continued availability to people on lower incomes, through a Section 106 Agreement. The affordable housing to be provided should be pepper-potted throughout the site, with 80% of the units rented and up to 20% in shared ownership.
- 9.15 With regard to the proposal subject of this appeal, the Council would expect 8 of the 32 units to be provided as affordable units.

#### Neighbour Amenity Issues

- 9.16 Concerns have been raised regarding overlooking to neighbouring properties. The proposed flat will have balconies at their rear, but these are set at a distance of over 25m from the rear garden boundary of The Laurels. The windows at the front of the flats will face toward the fronts of two-storey properties, but these are on the opposite side of London Road at a distance of 15 to 20m away. There are two-storey dwellings proposed toward the rear of the site that will face toward the rear gardens of Valesco and The Laurels, but the first floor windows will be positioned 15m from the boundary with those properties. The two units that are closer than 15m are designed as single-storey units.
- 9.17 The Essex Design Guide refers to a back-to-back distance of 25m between 2-storey properties to safeguard the privacy of existing occupiers; however, there is no equivalent distance between the fronts of properties. It also refers to new houses not encroaching closer than 15m to existing rear boundaries. The proposal is therefore in line with the Essex Design Guide with regards to privacy.

## Other Material Considerations

- 9.18 Other issues raised by the responses include the provision of parking spaces on the site and the possibility of there being bats on the site. With regard to the first of these issues, a total of 24 spaces are provided for the flats and a minimum of 1 space within the curtilage of the proposed dwellings. Adopted SPG refers to the application of maximum parking standards; the provision of at least 1 space per unit is considered acceptable. With regard to the second of these issues, the only trees on the site are some small conifers and slender immature species that would not normally provide a natural habitat for bats. The buildings to be demolished are not ones for which retention could be justified. The protection of bats is governed by legislation other than planning and it is considered appropriate to deal with this by an Informative for the attention of the applicant/developer.

## S106 Matters

- 9.19 The Council's Development Team has met to consider the appropriate contributions that would be required of the developer for this development, in accordance with the adopted guidance. The following contributions in the form of a planning obligation are expected:
- £93,688 toward public open space, sport and recreation facilities;
  - £26,400 toward community facilities (village hall);
  - £67,432 (index-linked) toward education;
  - £26,000 toward highways (bus-stop improvements) and travel packs.
- 9.20 These contributions and the provision of the affordable housing will require the developer to enter into an appropriate S106 Agreement with the Council.

## **Conclusion**

- 9.21 It is recognised that the overall density proposed by this scheme is just above the average level of 30 to 50 dwellings per hectare recommended by the Local Plan. However, whilst the density is on the high side, the scheme that has been proposed generally meets other planning criteria such as provision of amenity space and distance relationships with existing properties. As such the proposal is not considered to represent overdevelopment of the site. It has previously been accepted that the surrounding area lacks good contextual reference points and that development of this site needs to bring a new character and quality to the area. The architecture of the scheme is different, but has been toned-down from earlier submissions. It is considered that the scheme produced is visually interesting and will not unduly harm the amenity of neighbouring properties.
- 9.22 The Council require planning obligations to be included within the overall proposal, to provide 8 "affordable" units and contributions to mitigate the impact of the proposal on local services. The application is recommended for approval subject to a S106 Agreement as detailed above in the report.

## 10.0 Background Papers

10.1 ARC; HA; ECC; HH; HO; LS; Development Team; NLR; PTC

### Recommendation 1

Delegate to Head of Environmental and Protective Services to grant planning permission subject to: (i) the prior completion of a S106 legal agreement relating to the provision of affordable housing and the appropriate contributions towards public open space sports and recreation facilities; education; highways; and, community facilities; AND (ii) the following conditions:

#### Conditions

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

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

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

2 - Non-Standard Condition

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

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

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

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimized, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with Policy P4 in the adopted Local Plan.

### 3 - Non-Standard Condition

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

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimized, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with Policy P4 in the adopted Local Plan.

### 4 - Non-Standard Condition

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

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimized, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with Policy P4 in the adopted Local Plan.

### 5 - Non-Standard Condition

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

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimized, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with Policy P4 in the adopted Local Plan.

#### 6 - Non-Standard Condition

Prior to occupation of any property hereby permitted and the provision of any services the use hereby permitted commencing, the developer shall submit to the Local Planning Authority a signed certificate to confirm that the remediation works have been completed in accordance with the documents and plans detailed in Condition 4 above.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimized, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with Policy P4 in the adopted Local Plan.

#### 7 - Non-Standard Condition

No top soil shall be imported to the site until it has been tested for contamination and assessed for its suitability for the proposed development. A suitable methodology for testing this material should be submitted to and approved by the Local Planning Authority prior to the soils being imported onto site. The methodology should include the sampling frequency, testing schedules, criteria against which the analytical results will be assessed (as determined by risk assessment) and source material information. The analysis shall then be carried out and validatory evidence submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimized, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with Policy P4 in the adopted Local Plan.

#### 8 - Non-Standard Condition

All residential units shall be so designed so as to ensure that the following noise criteria figures (based on figures by the World health Authority Community Noise Guideline Values given below) are not exceeded:

- Dwellings indoors in daytime: 35 dBLAeq, 16 hours
- Outdoor living area in day time: 55 dBLAeq, 16 hours
- Inside bedrooms at night-time: 30 dBLAeq, 8 hours (45 dBLAmax)
- Outside bedrooms at night-time 45 dBLAeq, 8 hours ((60 dBLAmax).

Reason: To secure an appropriate living standard for occupiers of the proposed development.

#### 9 - Non-Standard Condition

Prior to the first occupation of any of the flats, the refuse storage facilities shown on the approved drawing shall be provided and thereafter retained. A management company shall be made responsible for the maintenance of the communal refuse storage areas and the developer shall notify the Local Planning Authority in writing of the management contact details as soon as these are known.

Reason: In the interest of local residential amenity.

#### 10 - Non-Standard Condition

Prior to the commencement of the development hereby permitted, full details of the proposed vehicle access crossing onto London Road shall be submitted to and agreed in writing by the Local Planning Authority (in consultation with the Highway Authority). Prior to the first occupation of any part of the development hereby permitted the means of vehicular access shall be constructed strictly in accordance with the details agreed.

Reason: In the interest of highway safety.

11 - Non-Standard Condition

Prior to the commencement of the development hereby permitted, full details of the covered bike stores and the bike lock-up facility shall be submitted to and agreed in writing by the Local Planning Authority. Prior to the first occupation of any of the flats, the bike stores and lock-up facility shall be constructed in accordance with the agreed details and these facilities shall thereafter be retained.

Reason: In the interests of local amenity and to encourage used of non-car based modes of transport.

12 - Non-Standard Condition

No flat or dwelling shall be occupied until its parking spaces have been provided in accordance with the approved plans, and these spaces shall thereafter be provided solely for parking purposes.

Reason: In the interest of local amenity.

13 - Non-Standard Condition

The access road shall be surfaced in clean, stable, free-draining materials in such a way as to ensure that no loose material will be carried, or surface water drained, onto the highway.

Reason: In the interests of highway safety.

14 - Non-Standard Condition

All bin collection facilities shall be provided within 25m of a highway.

Reason: In the interests of highway safety.

15 - Non-Standard Condition

A size 3 turning head shall be provided and made available at all times for vehicles entering the roadway.

Reason: In the interests of highway safety.

16 - Non-Standard Condition

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

Reason: To avoid unnecessary light pollution and in the interest of neighbour amenity.

17 - Non-Standard Condition

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

Reason: To harmonise with development in the surrounding area.

18 - Non-Standard Condition

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) (No. 2) (England) Order 1995 (or any Order revoking and re-enacting that Order with or without modification), no addition or extension above ground floor level (including any addition or extension to the roof) shall be carried out to the dwellings hereby permitted, without express planning permission from 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.

#### 19 - Non-Standard Condition

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

These details shall include, as appropriate:

Existing and proposed finished contours and levels.

Means of enclosure.

Car parking layout.

Other vehicle and pedestrian access and circulation areas.

Hard surfacing materials.

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

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

Retained historic landscape features and proposals for restoration.

Soft landscape details shall include:

Planting plans.

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

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

Planting area protection or decompaction proposals.

Implementation timetables.

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

#### 20 - Non-Standard Condition

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

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

#### 21 - Non-Standard Condition

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

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

#### 22 - Non-Standard Condition

Prior to the commencement of the development hereby permitted, details (including the position, height, design and materials) of all fences, walls, railings or other means of enclosure around the boundaries of the site and within the site, shall be submitted to and agreed in writing by the Local Planning Authority. The details as agreed shall be implemented prior to the first occupation of any of the flats or dwellings and thereafter retained in their approved form.

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

### 23 - Non-Standard Condition

Prior to the commencement of the development hereby permitted, details of the proposed cantilevered areas of amenity space for the flats (including sectional drawings, planting and means of enclosure) shall be submitted to and agreed in writing by the Local Planning Authority. The details as agreed shall be implemented prior to the first occupation of any of the flats or dwellings and thereafter retained in their approved form.

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

### 24 - Non-Standard Condition

Prior to the first occupation of the development hereby permitted, bollards shall be provided and positioned clear of the highway on all pedestrian routes which give access onto London Road in accordance with details which shall first have been submitted to and agreed in writing with the Local Planning Authority. The bollards shall thereafter be retained and maintained in accordance with the agreed scheme.

Reason: In the interest of highway safety and local amenity.

## **Informatives**

### Non-Standard Informative

1. Comments have been received that there may be bats roosting at the site. It is the responsibility of the developer to comply with the provisions of the Wildlife and Countryside Act.

### 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.

### Non-Standard Informative

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

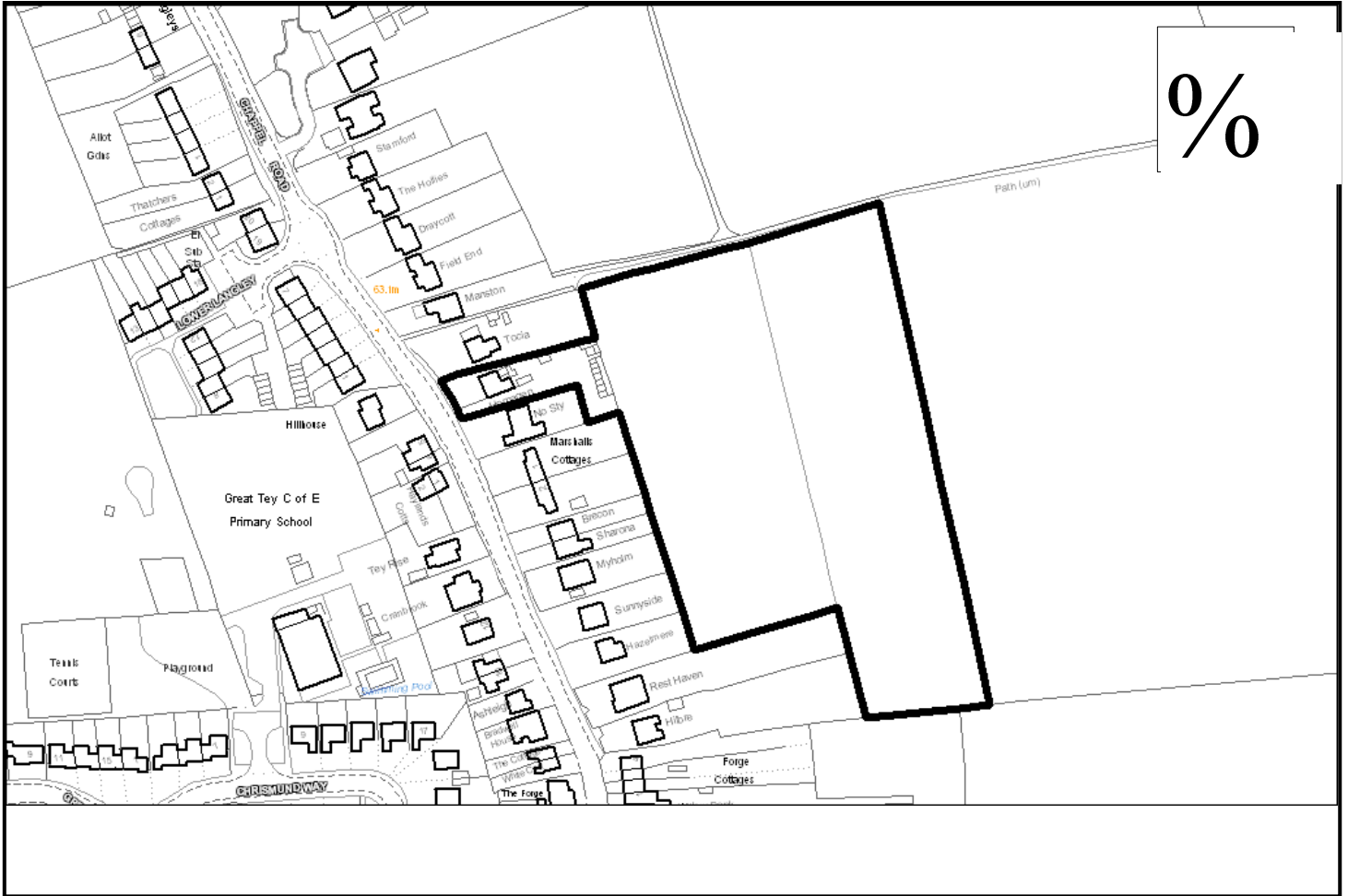
### Non-Standard Informative

4. The planning permission hereby granted is also subject to the terms of a S106 Legal Agreement.

## **Recommendation 2**

Should the applicant not be prepared to enter into the S106 in accordance with Recommendation 1 above, delegate to Head of Environment and Protective Services to refuse planning permission on the basis of failure to secure planning obligations that are appropriate to this scheme.





**Application No:** 081527

**Location:** Homagen, Chappel Road, Great Tey, Colchester, CO6 1JW

**Scale (approx):** Not to scale

The Ordnance Survey map data included within this publication is provided by Colchester Borough Council of PO Box 884, Town Hall, Colchester CO1 1FR under licence from the Ordnance Survey in order to fulfil its public function to act as a planning authority.

Persons viewing this mapping should contact Ordnance Survey copyright for advice where they wish to licence Ordnance Survey map data for their own use.

This map is reproduced from Ordnance Survey Material with the permission of Ordnance Survey on behalf of the Controller Of Her Majesty's Stationery Office © Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. Colchester Borough Council 100023706 2006

**7.2 Case Officer: Simon Osborn**

**EXPIRY DATE: 22/10/2008**

**MINOR**

**Site: Homagen, Chappel Road, Great Tey, Colchester, CO6 1JW**

**Application No: 081527**

**Date Received: 26th August 2008**

**Agent: Petro Design Ltd**

**Applicant: A J Palmby**

**Development: Relocation of existing timber framed bungalow and conversion into barn.**

**Ward: Great Tey**

**Summary of Recommendation: Conditional Approval**

## **1.0 Site Description**

1.1 The application site comprises a 1.6 hectare field, situated to the rear of a line of properties on the east side of Chappel Road in Great Tey. The barn subject of this application is proposed to be sited at the rear of two properties, Homagen and Nu Sty.

## **2.0 Description of Proposal**

2.1 Planning permission was recently granted for a replacement dwelling at Homagen. This application proposes to re-use the timber frame of the original bungalow to provide the proposed barn. The barn will have a floor area of 71 square metres and a maximum height to the ridge of 6.2 metres. External materials will be dark stained weatherboarding above brick plinth with a clay pantile roof. The position of the barn as proposed is immediately at the end of the garden of Homagen, in the adjacent field. The barn is to be used for tractor storage and agricultural tools.

## **3.0 Land Use Allocation**

3.1 The field where the barn is to be located is countryside.

## **4.0 Relevant Planning History**

4.1 080197 - demolition of existing bungalow and construction of new 4-bedroom house - approved March 2008.

## **5.0 Principal Policies**

5.1 Adopted Review Colchester Borough Local Plan - 2004  
DC1 - Development Control Considerations  
CO1 - Countryside Protection

## **6.0 Consultations**

6.1 No comments received

## **7.0 Parish Council's Views**

7.1 Great Tey objected to this application because it is outside the village envelope where it would need to be erected. The building is too similar to a residential home in appearance and the original application where the building presently sits was for demolition as part of the planning application. Neighbour's views should definitely be taken into account.

## **8.0 Representations**

8.1 One letter of objection was received from Mole End, 1 Marshalls Cottages, Chappel Road. The following points were made:

1. The proposal is in an open area of agricultural land, outside the village envelope;
2. Could result in subsequent conversion to a dwelling;
3. Will affect our view and privacy.

## **9.0 Report**

9.1 The proposal seeks to use the timber framework from the original bungalow for the proposed storage of a tractor and agricultural tools. The position chosen is immediately adjacent to the residential curtilage of Homagen, on the edge of the field it will serve. It will be sited approx 30m behind the proposed replacement dwelling of Homagen and the existing bungalow at Nu Sty. Comments have been received with regard to the proposal being outside the village envelope. However, a position within the village envelope would have a greater impact upon neighbouring gardens. The boundaries of this field are generally so a position further into the field would have a greater impact upon the open countryside.

9.2 The proposal as originally submitted showed a number of windows within the walls, which would have resulted in a rather domestic appearance. Amended plans have been received removing the windows from the proposed building. Subject to the building being tied to use in connection with agricultural purposes of the field, the proposal is recommended for approval.

### **Conclusion**

9.3 It is recognised that the proposed barn has the shell-like form of a domestic bungalow. This is because the applicant wishes to take the opportunity of re-using the framework of the bungalow to be demolished under the earlier planning permission 080197. Buildings to serve small agricultural units would not normally be located within a village envelope. Its position immediately adjacent to the rear boundary of Homagen is considered acceptable.

## **10.0 Background Papers**

### 10.1 ARC; PTC; NLR

#### **Recommendation - Conditional Approval**

##### **Conditions**

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

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

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

##### 2 - C3.4 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 does not prejudice the appearance of the locality.

##### 3 - Non-Standard Condition

The barn hereby permitted shall be used solely for agricultural storage purposes in connection with the field adjacent to Homagen, Chappel Road, Great Tey.

Reason: For the avoidance of doubt as to the scope of the permission hereby granted and in the interest of local amenity.

##### 4 - Non-Standard Condition

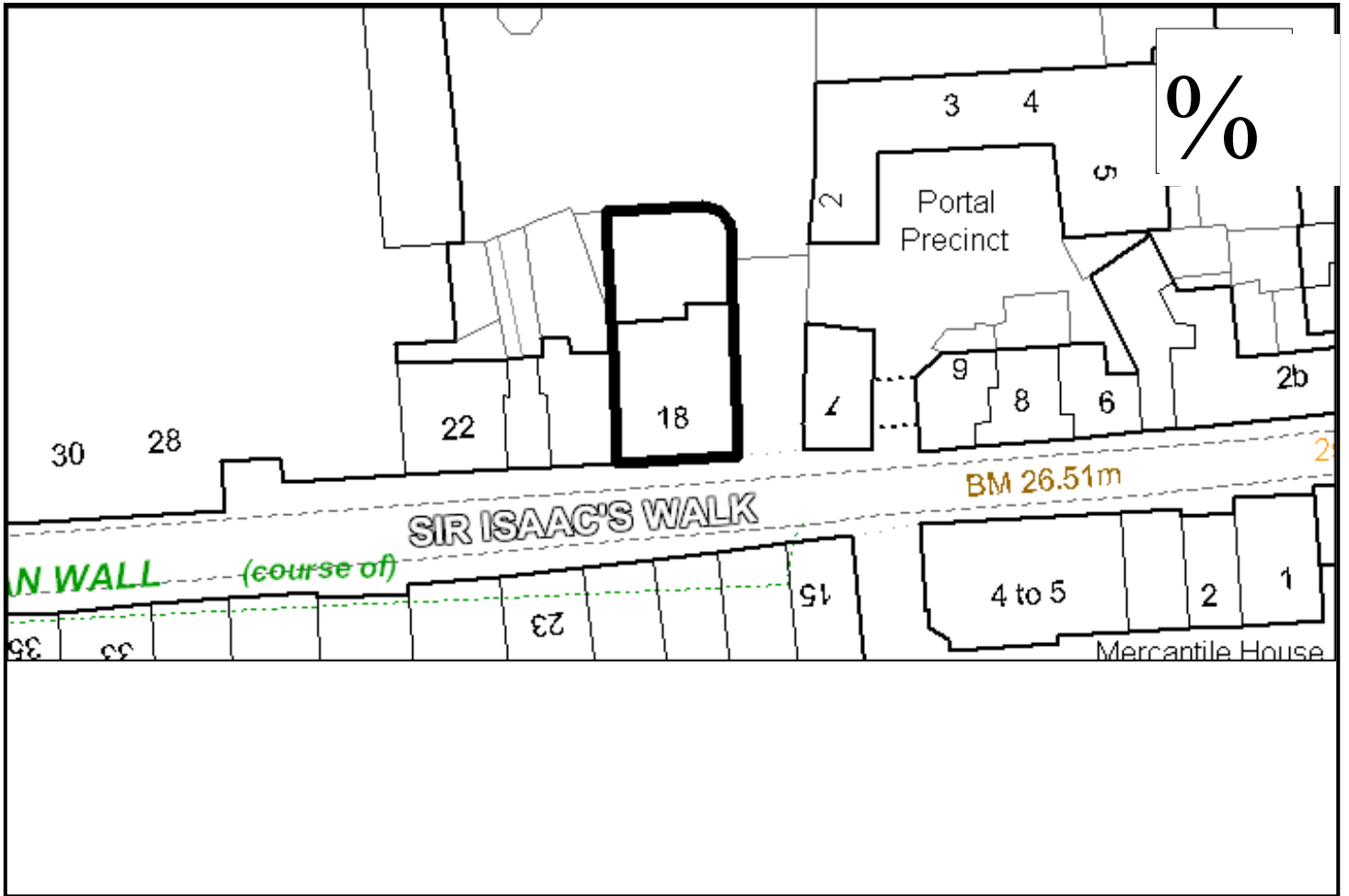
No alterations shall be made to the barn hereby permitted without the prior approval in writing of the Local Planning Authority.

Reason: In the interest of rural amenity.

##### 5 – Non Standard Condition

This approval relates to the amended plan and drawing no. 11D received on 2 October 2008.

Reason: For the avoidance of doubt.



**Application No:** 081563 & 081564

**Location:** 18 Sir Isaacs Walk, Colchester, CO1 1JL

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

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

This map is reproduced from Ordnance Survey Material with the permission of Ordnance Survey on behalf of the Controller Of Her Majesty's Stationery Office © Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. Colchester Borough Council 100023706 2006

**7.3 Case Officer: Mark Russell**

**EXPIRY DATE: 31/10/2008**

**OTHER**

**Site:** 18 Sir Isaacs Walk, Colchester, CO1 1JL

**Application No:** 081563

**Date Received:** 4th September 2008

**Agent:** Stanley Bragg Partnership Limited

**Applicant:** Witnesham Ventures Ltd

**Development:** Change of use from A1 (Shops) to A3 (Restaurants and Cafes)

**Ward:** Castle

**Summary of Recommendation:** Conditional Approval

**7.4 Case Officer: Mark Russell**

**EXPIRY DATE: 31/10/2008**

**OTHER**

**Site:** 18 Sir Isaacs Walk, Colchester, CO1 1JL

**Application No:** 081564

**Date Received:** 4th September 2008

**Agent:** Stanley Bragg Partnership Limited

**Applicant:** Witnesham Ventures Ltd

**Development:** Erection of painted metal railing above existing rear garden wall. Removal of 1 no. interior wall opposite front entrance. Laying of new patio in rear garden. Installation of new mechanical extract vent in prep. area to replace existing air brick/vent.

**Ward:** Castle

**Summary of Recommendation:** Listed Building Consent

## **1.0 Site Description**

- 1.1 18 Sir Isaacs Walk is a Grade II Listed Building in the outer core of Colchester town centre and in the heart of its Conservation Area. It is the end unit of three which are all Listed and stand in front of 11 Trinity Street which is a large, pink rendered, house with an extensive lawned front garden. Together these form a highly prominent and attractive group of buildings. The site was formerly the Scrutton Bland building and currently has permission for change of use from A2 (financial and professional services) to A1 (retail).

## **2.0 Description of Proposal**

- 2.1 The proposal is for Change of use from A1 (Shops) to A3 (Restaurants and Cafes), whilst the Listed Building application seeks to erect painted metal railing above the existing rear garden wall, and to remove an interior wall. Installation of an mechanical extract vent is also proposed.

## **3.0 Land Use Allocation**

- 3.1 Outer Core, Colchester Conservation Area 1.

## **4.0 Relevant Planning History**

- 4.1 F/COL/06/1709 - Alterations to existing building (glazed screen to front and infill wall at rear) - Approved 22nd December 2006;
- 4.2 LB/COL/06/1731 - Creation of 3 no. A1 retail units. New service yard to rear and internal remodelling - Approved 22nd December 2006;
- 4.3 071741 - Change of use to residential - part demolition – conversion to 6no. 1 bedroom flats, 2no. 3 bedroom houses and 4no. 2 bedroom houses. Approved 2nd November 2007;
- 4.4 071743 - Change of use from offices to residential use. Part demolition and conversion of properties to flats and 2 storey house units with car parking (Listed Building Application). Approved 2nd November 2007;
- 4.5 073091 - Change of use from A2 (offices) to A3 (Restaurant ). Refused 19th February 2008;
- 4.6 080020 - Change of use from A2 (offices) to A3 (Restaurant ) (Listed Building Application). Refused 19th February 2008;
- 4.7 080686 - Change of use from A1 retail to A3 restaurant/cafe use. Refused 9th June 2008;
- 4.8 080687 - Internal alterations and change of use from A1 to A3 use. Refused 9th June 2008.

## **5.0 Principal Policies**

- 5.1 Adopted Review Colchester Local Plan:  
DC1- Development Control considerations;  
TCS4 - Inner Core/Outer Core;  
UEA1 - Conservation Areas;  
UEA2 - Conservation Areas - Buildings;  
UEA5 - Listed Buildings

## **6.0 Consultations**

- 6.1 Environmental Control requested conditions relating to noise, fumes and odours and grease traps.

## **7.0 Representations**

- 7.1 One letter of objection was received from the nearby Tea Rose Café as follows:

"....I would like to point out that in Sir Isaacs Walk in the last twelve months, Club Sandwich bar and My Juice Bar have both closed down due to lack of business. Six weeks ago Jackpots Café in Lion Walk closed down, bankrupt! Yet we still see the Council giving permission for more cafes and coffee bars opening. What chance do I and other small catering outlets have, so yes I do object to this proposal.

Also, how is it that you write to me asking if I have any objections to the interior wall being knocked down, giving me 21 days to reply. The wall was knocked down the day after I received your letter!

When you have a spare hour take a walk around the town and count how many cafes and food outlets there are, they are starting to outnumber the amount of visitors seen in the town each day. I know this letter makes no difference to your decision, but please take in to consideration the small business type person like myself who pay very high Council tax to stay open in your town."

## **8.0 Report**

- 8.1 The principle of A3 use cannot be opposed on policy grounds as the last use was A2 (financial and professional services). Even though an A1 permission has been granted this has never been implemented on this unit, and thus there is no loss of A1 and no conflict with policy TCS4.
- 8.2 Two previous applications have been refused as insufficient information was supplied in reference to proposed fluework/vents etc. This information has now been supplied and it appears that the proposal suggests very minimal intervention in the fabric of the Listed Building.
- 8.3 The comments of the objector are noted, but concerns over competition are not a reason for refusal.
- 8.4 Regarding the comments about the wall already having been knocked down, these works were already granted consent under LB/COL/06/1731 and have obviously been recently undertaken.



8.5 The railings are acceptable in principle, and details of these can be agreed by condition.

### Conclusion

8.6 In conclusion the proposal is held to be acceptable and Members are requested to approve these applications.

## **9.0 Background Papers**

9.1 ARC; NLR

### **Recommendation for 081563 - 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

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

Reason: To avoid any unnecessary noise pollution.

3 - Non-Standard Condition

Any plant, equipment or machinery on the premises shall be constructed, installed and maintained so as to comply with the initial noise condition. The noise generated by such equipment shall not have any one 1/3 octave band which exceeds the two adjacent bands by more than 5dB as measured at all boundaries near to noise-sensitive premises.

Reason: To avoid any unnecessary noise pollution.

4 - Non-Standard Condition

The use hereby permitted shall not commence until there has been submitted to and approved in writing by the local planning authority a scheme for the control of fumes and odours. This shall be in accordance with Colchester Borough Council's Guidance Note for Odour Extraction and Control Systems. Such fume/odour control measures as shall have been approved shall be installed prior to the use hereby permitted commencing and thereafter be retained and maintained to the agreed specification and working order.

Reason: To prevent unnecessary fumes.

5 - Non-Standard Condition

Foul water drains serving the kitchen shall be fitted with grease traps maintained in accordance with the manufacturer's instructions prior to the use hereby permitted commencing. Such equipment as shall have been installed shall be retained and maintained to the agreed specification and in good working order.

Reason: To adequately dispose of any grease.

#### 6 - Non-Standard Condition

Prior to the commencement of development the applicant shall submit details of the proposed railings and patio to the Local Planning Authority for approval. The development shall be completed in accordance with the agreed details.

Reason: In the interests of visual amenity in this Listed Building.

### **Recommendation for 081564 - Listed Building Consent**

#### **Conditions**

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

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

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

2 - Non-Standard Condition

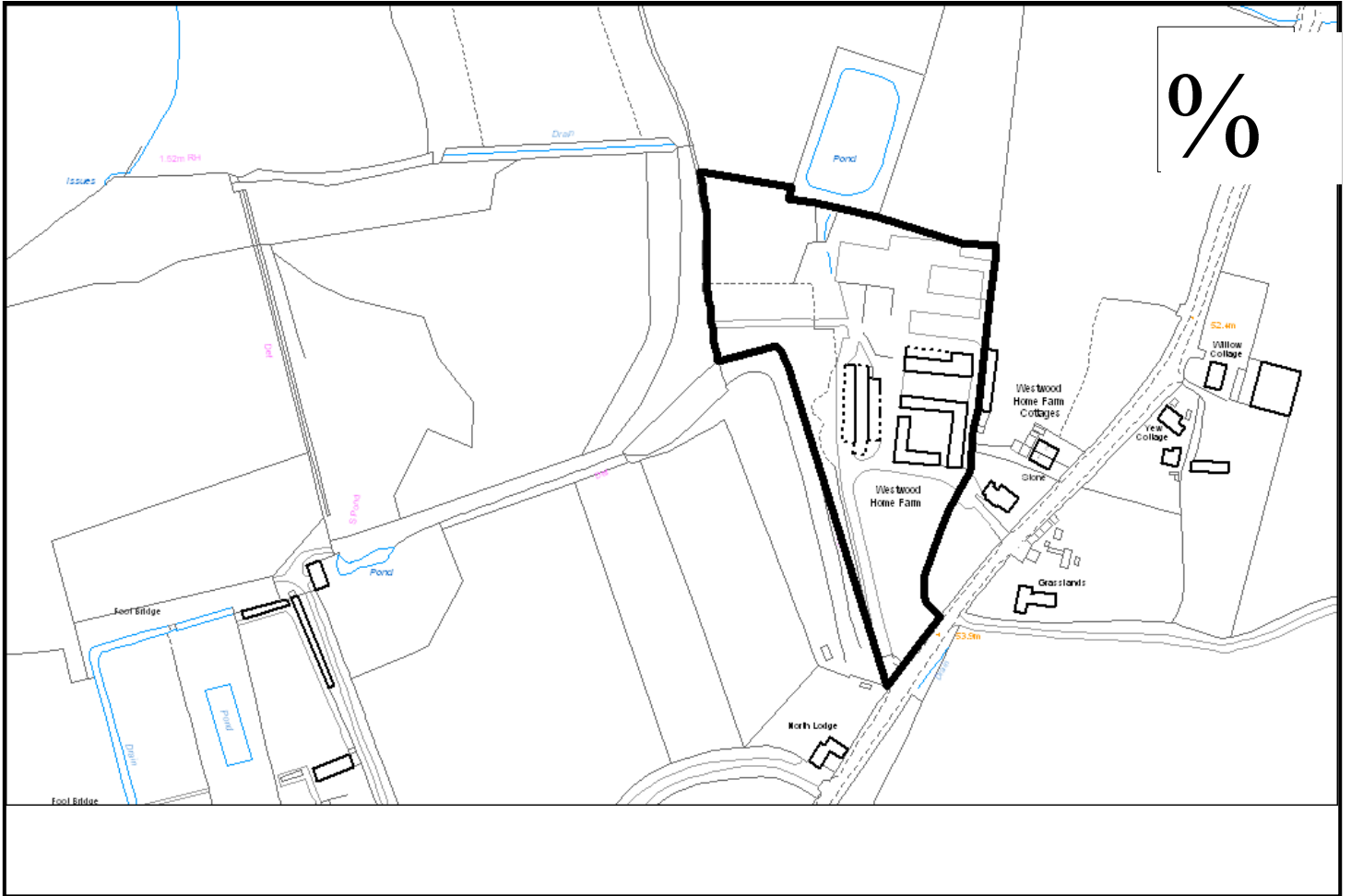
Prior to the commencement of development the applicant shall submit details of the proposed railings and patio to the Local Planning Authority for approval. The development shall be completed in accordance with the agreed details.

Reason: In the interests of visual amenity in this Listed Building.

#### **Informatives**

##### Non-Standard Informative

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



**Application No:** 081572

**Location:** Westwood Home Farm, London Road, Great Horkesley, Colchester, CO6 3SE

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

The Ordnance Survey map data included within this publication is provided by Colchester Borough Council of PO Box 884, Town Hall, Colchester CO1 1FR under licence from the Ordnance Survey in order to fulfil its public function to act as a planning authority.

Persons viewing this mapping should contact Ordnance Survey copyright for advice where they wish to licence Ordnance Survey map data for their own use.

This map is reproduced from Ordnance Survey Material with the permission of Ordnance Survey on behalf of the Controller Of Her Majesty's Stationery Office © Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. Colchester Borough Council 100023706 2006

**7.5 Case Officer: John Davies**

**EXPIRY DATE: 22/10/2008**

**OTHER**

**Site:** Westwood Home Farm, London Road, Great Horkesley, Colchester, CO6 3SE

**Application No:** 081572

**Date Received:** 26th August 2008

**Applicant:** Mr Stephen Bunting

**Development:** Change of use of redundant agricultural buildings to class B1 (offices)

**Ward:** Fordham & Stour

**Summary of Recommendation:** Conditional Approval

## **1.0 Site of Description**

- 1.1 The application site is on the western side of London Road, close to Westwood Park. Currently the site supports a number of agricultural buildings previously utilised for dairy farming. It is proposed to retain the more traditional structures which are of brick and/or timber construction and are thought to have been erected as a model farm in the early 20th Century. The more modern structures, which include a cattle yard and silage clamps, have already been removed.
- 1.2 The buildings are currently used for the keeping of Suffolk Punch horses by Bunting and Sons. This use commenced since the original planning permission was granted for employment use. Officers are considering whether the keeping of horses on the site constitutes a change of use which may require separate planning permission.
- 1.3 The site is surrounded by a residential use on its southern boundary and by fields to the west. To the north are small former farm dwellings and fields. There are individual houses along London Road.

## **2.0 Description of Proposal**

- 2.1 This application is a re-submission for planning permission of proposals which were previously approved in September 2003. The proposals are largely unchanged from those previously approved and comprise the change of use and conversion of former farm buildings to office (Class B1) use together with two small extensions and provision of car parking at the western end of the site and improvements to the existing vehicular access onto London Road. The only variation to the approved scheme is the 'like-for-like' replacement of an existing open-sided hay barn towards the centre of the site with a new oak-framed building to the same footprint and scale and 'lean-to' structures to the west and north of quadrangle buildings. These changes were agreed by Officers as a minor amendment after the permission was granted.

### **3.0 Land Use Allocation**

3.1 Countryside Conservation Area

### **4.0 Relevant Planning History**

4.1 C/COL/01/1468 - Change of use of redundant farm buildings to B1 Use - Withdrawn 14 January 2002.

4.2 F/COL/03/0166- Change of use of redundant agricultural buildings to Class B1 (Offices) use- Approved 2 December 2003

### **5.0 Principal Policies**

5.1 Adopted Review Colchester Borough Local Plan-March 2004

DC1- Development Control considerations

C02 - Countryside Conservation Areas

C03 - Landscape features

EMP4 - Employment uses in the countryside

P1 - Pollution

P2 - Light pollution

### **6.0 Consultations**

6.1 Highways Authority raise no objection subject to suitable conditions relating to provision and maintenance of satisfactory vehicle to vehicle and pedestrian visibility splays at the access, turning space, surface finish at the access, bicycle parking and a travel plan.

6.2 Environmental Control have no comments.

### **7.0 Parish Council's Views**

7.1 No response received

### **8.0 Representations**

8.1 One letter received from occupier of Yew Cottage in London Road stating the following points:

- Existing uses of buildings( keeping of Suffolk Punches, rare breed farm animals and farm machinery) more appropriate in rural area than office use
- Office use lead to much increased car trips on rural roads
- London Road is narrow and contains number of bends and already serves as 'rat run' for vehicles heading for A12, schools in Stanway and other destinations and many at speeds in excess of 60mph limit.

## **9.0 Report**

- 9.1 This is a an application to renew planning permission and therefore the main consideration is whether during the passage of time from the original approval there are any changed policy circumstances to warrant a different decision. If not, the application should be approved.
- 9.2 In this case the same policy considerations apply now as in 2003 particularly with regard to issues of employment-related development in the countryside. Policy EMP4 and associated Hierarchy of Employment Location (Table 4) sets out in a sequential fashion those sites suitable for employment development with greatest priority to sites within existing villages and built up areas/ complexes where they are most accessibly located. For sites such as West wood Farm policy restricts development to changes of use of existing buildings with limited scope for new or replacement buildings subject to providing visual benefit and being of a design and scale appropriate to their rural surroundings. Your Officers consider that the proposed development satisfies this policy insofar as it involves predominantly re-use of existing buildings, a reduction in buildings on the site and a development considered appropriate in character to its rural context.
- 9.3 With regard to impact on trees and vegetation a previously submitted arboricultural report stated that the scheme would not result in the loss of any trees and that the only impact on vegetation was loss of some hedgerow on the road frontage to secure the required visibility splays. Conditions on tree protection and landscaping are recommended as before. The proposed site plan shows considerable new planting on the site in order to provide greater natural enclosure of the site and particularly the retained buildings and parking areas.
- 9.4 The Highway Authority have raised no objection to the proposed use. Car parking provision is proposed towards the rear of the site although it is not clear how many spaces are proposed. The application states that parking provision will be in accordance with standards which on the basis of the proposed floorspace would be a maximum of 48 spaces. There is sufficient space to accommodate this level of provision and it is recommended that this is dealt with by condition.
- 9.5 In summary this application is recommended for approval as it is a renewal of a permission for a scheme largely the same as previously approved. There are no changed circumstances to warrant an alternative view and detailed landscape and highway matters can be resolved by conditions.

## **10.0 Background Papers**

- 10.1 ARC; HA; HH; NLR

## **Recommendation - Conditional Approval**

### **Conditions**

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

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

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

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

Prior to the commencement of development full details of all extensions and alterations to the buildings hereby granted change of use and the replacement building shall be submitted to and approved by the Local Planning Authority. The development shall be implemented as approved.

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

#### **3 - 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 the use of an appropriate choice of materials having regard to the prominence of this site in the countryside and to ensure that the choice of materials will harmonise with the character of the surrounding area.

#### **4 - Non-Standard Condition**

The premises shall be used for offices within Class B1 and for no other purpose (including any other purpose in Class B of the Schedule of the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that class in any statutory instrument revoking or re-enacting that Order, with or without modification.

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

#### **5 - Non-Standard Condition**

The use hereby permitted B1 (office use) shall only be carried out on Monday-Friday inclusive between 07:00 hours and 17:00 hours, on Saturdays between 07:00 hours and 13:00 hours and at no time on Sundays or Bank Holidays.

Reason: In order to protect residential amenity.

#### **6 - Non-Standard Condition**

Prior to the commencement of the hereby approved development full details of the proposed fencing, gates and all hardsurfacing shall be submitted for the written approval of the Local Planning Authority and shall be implemented and retained as approved.

Reason: In the interests of visual amenity.

#### **7 - Non-Standard Condition**

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

Reason: To protect the amenities of adjoining residents and in the interests of protecting the rural nature of the locality.

#### 8 - Non-Standard Condition

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 protect the amenities of adjoining residents and in the interests of protecting the rural nature of the locality.

#### 9 - Non-Standard Condition

There shall be no discharge of foul or contaminated drainage from the site into either the groundwater or any surface waters, whether direct or via soakaways.

Reason: To prevent pollution of the water environment.

#### 10 - Non-Standard Condition

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

Reason: To prevent pollution of the water environment.

#### 11 - Non-Standard Condition

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 foul and surface water drainage.

#### 12 - 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.

#### 13 - C10.19 Tree and Hedgerow Protection: Excavations

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

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

#### 14 - 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.

#### 15 - 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.

#### 16 - D2.6 (Car Parking – Outline)

The development hereby approved shall not commence until details of car parking/servicing/vehicle turning arrangements within the site have been submitted to and approved in writing by the Local Planning Authority and development shall not take place other than in accordance with those approved details.

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

#### 17 - Non-Standard Condition

Prior to occupation of the development visibility splays with dimensions of 4.5 metres by 90 metres as measured from and along the nearside edge of the carriageway shall be provided on both sides of the access. The area within each splay shall be kept clear of any obstruction exceeding 600mm in height at all times.

Reason: To provide adequate intervisibility between the users of the access and the existing public highway for the safety and convenience of users of the highway and of the access having regard to Policy 1.1 in Appendix G to the Local Transport Plan.

#### 18 - Non-Standard Condition

Prior to occupation of the development a 1.5 metre x 1.5 metre pedestrian visibility sight splay as measured from the highway boundary shall be provided on both sides of the vehicular access. There shall be no obstruction above a height of 600mm as measured from the finished surface of the access within the area of the visibility sight splays thereafter.

Reason: To provide adequate intervisibility between the pedestrians and users of the access and the existing public highway for the safety and convenience of users of the highway and of the access having regard to Policy 1.1 in Appendix G to the Local Transport Plan.

#### 19 - Non-Standard Condition

Prior to occupation of the development hereby permitted the turning space and parking areas shall be constructed, surfaced and made available for use and shall be retained for that sole purpose.

Reason: To ensure appropriate parking and turning facilities are provided so that vehicles can enter and leave the highway in a safe and controlled manner in accordance with Policy 1.1 in Appendix G to the Local Transport Plan.

#### 20 - Non-Standard Condition

No unbound material shall be used in the surface finish of the driveway within 6 metres of the highway boundary of the site.

Reason: To avoid displacement of loose material onto the highway in the interests of highway safety and in accordance with Policy 1.1 in Appendix G to the Local Transport Plan.

#### 21 - Non-Standard Condition

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

Reason: To ensure appropriate bicycle parking is provided in accordance with Policy 3.3 in Appendix G to the Local Transport Plan.

#### 22 - Non-Standard Condition

Prior to occupation of the development a Travel Plan which shall include monitoring shall be submitted to and approved in writing by the Local Planning Authority. The provision of the Travel Plan shall be adhered to at all times unless otherwise approved in writing by the Local Planning Authority.

Reason: In the interests of sustainable development in accordance with Policies 4 and 6 in Appendix G to the Local Transport Plan.

### **Informatives**

#### Non-Standard Informative

1. The requested condition concerning the imposition of a travel plan would be required where the development leads to fifty or more employees being present on site.

#### Non-Standard Informative

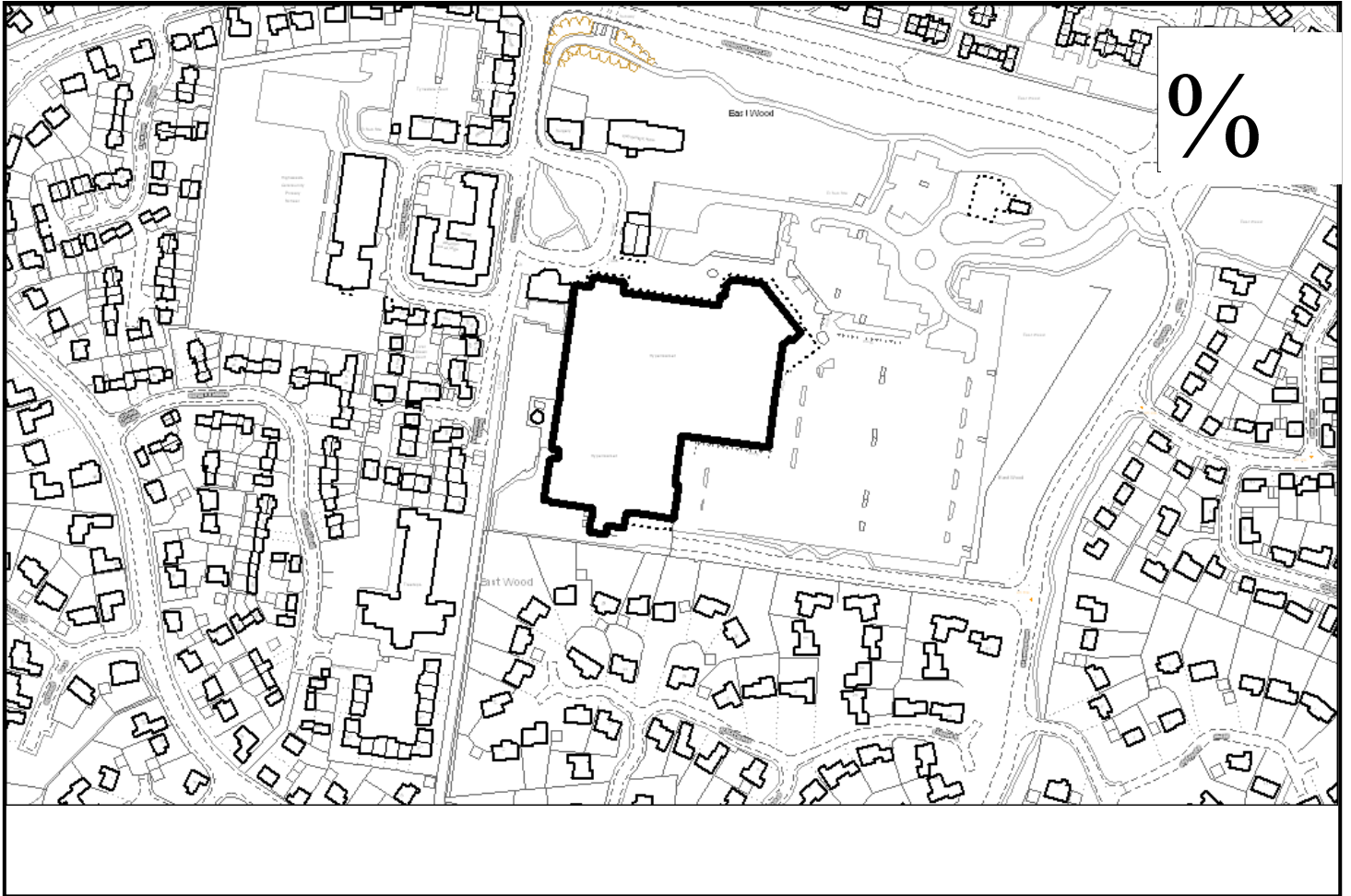
2. The above is required to ensure the proposal complies with the County Council's Highways and Transportation Development Control Policies as originally contained in Appendix G to the Local Transport Plan 2006/2011 and refreshed by Cabinet Member decision dated 19 October 2007.

#### Non-Standard Informative

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

#### Non-Standard Informative

4. 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:** 081576

**Location:** Tesco Stores Ltd, Highwoods Square, Colchester, CO4 9ED

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

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

This map is reproduced from Ordnance Survey Material with the permission of Ordnance Survey on behalf of the Controller Of Her Majesty's Stationery Office © Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. Colchester Borough Council 100023706 2006

**7.6 Case Officer: Andrew Tyrrell**

**EXPIRY DATE: 23/10/2008**

**OTHER**

**Site:** Highwoods Square, Colchester, CO4 9ED

**Application No:** 081576

**Date Received:** 27th August 2008

**Agent:** Miss S Smith

**Applicant:** Tesco Store Limited

**Development:** Installation of a combined heat and power (CHP) unit to provide a sustainable method of powering the store

**Ward:** Highwoods

**Summary of Recommendation:** Conditional Approval

## **1.0 Planning Report Introduction**

1.1 This application is presented to the committee as a consequence of the objection received, when officers recommend approval. This is in accordance with the scheme of delegation.

## **2.0 Site Description**

2.1 The site is the Tesco store in Highwoods. This site is within the area of the former Highwoods Country Park, and is surrounded by numerous trees. The store itself is of a typical 1980s supermarket design. There is a large car parking area to the front of the site, to the east of the store building.

2.2. The specific area relating to this application is to the rear of the store, in the southwest corner of the site. The rear boundary is bound by a 2m high close boarded fence and there are several mature trees and other vegetation in this vicinity. Beyond the site boundary is a footpath and cycle way, which runs north to south along the western boundary and separates the site from the closest residential properties.

### **3.0 Description of Proposal**

- 3.1 The proposal is for a Combined Heat and Power (CHP) unit, which consists of one plantroom. CHP is the simultaneous generation of usable heat and power in a single process and is usually a highly efficient way to use fuels in a sustainable manner. The heat produced during power generation is recovered, usually in a heat recovery boiler and can be used for a number of industrial processes, i.e. hot water, heating, or cooling. Because CHP systems make extensive use of the heat produced during the electricity generation process they can achieve overall efficiencies in excess of 70% at the point of use, in contrast to around 40-50% efficiency achieved by standard energy sources such as the national grid. For commercial buildings and small industrial uses custom CHP systems can be most appropriate as a source of energy, especially for uses that need a lot of energy and operate around the clock such as Tesco. Therefore, the proposal forms a sustainable energy proposal.

### **4.0 Land Use Allocation**

- 4.1 Residential  
Local Shopping

### **5.0 Relevant Planning History**

- 5.1 There are 42 applications registered against this site. Most significantly, the main superstore was approved in 1979.

Since then applications have reflected changes to the shopping trends, including changes to the openings hours and (earlier this year) extensions for the opticians and pharmacy services. None of the other applications have any particular significance to this proposal.

### **6.0 Principal Policies**

- 6.1 Adopted Review Borough Local Plan  
DC1 - Development Control Considerations  
CO4 - Landscape Features  
UEA11 - Design  
P1 - Pollution  
P7 - Energy Efficiency

### **7.0 Consultations**

- 7.1 Environmental Control were consulted upon this proposal. Their comments state that the proposed unit should have a high performance acoustic enclosure, attenuated air intake and discharge openings and residential related flue silencers.

Environmental Control have also requested that conditions related to site boundary noise levels not exceeding 5dBA above background levels and to secure sound insulation be applied to any permission.

- 7.2 The Tree Officer has requested some more information about the flues, although this can be conditioned if it is not supplied.

## **8.0 Representations**

- 8.1 One letter of objection was received from a local resident. To summarise, they have said that they are concerned about noise levels. They state that the current background noise level from the store is estimated from a hand-held reader to be 40-45dBA and higher when delivery vehicles arrive. The indicated noise level for the unit proposed is 65dBA at 1m distance and 46dBA at 10m distance, therefore they feel that there will be an unacceptable noise increase. They also seek assurances about flue positions and potential pollution vented in any position close to trees if this would have a damaging impact on them.

## **9.0 Report**

### Design and Visual Impact

- 9.1 The building is of a standard design. It is 3.2 metres in length and has a height of approximately 2.8 metres. The structure is confined within the walled servicing area to the rear of the store. This area is also hidden from public view by numerous surrounding trees between the servicing area and the site boundary and footpath. This sufficiently screens the development so that there would be no adverse visual impact outside the site. Therefore, the main issues are the impact on residential amenities and trees.

### Noise

- 9.2 The noise issue is being explored in more detail by the applicant and a noise assessment should be available prior to the committee meeting. However, the issue of noise is one that can be conditioned in any case. Environmental Control currently have no objection to the development subject to suitable sound insulation and noise control measures being accommodated by condition. Therefore, regardless of the further information it can be ascertained that the noise impact will not be significant enough to warrant a refusal. A further consultation will be sought when the noise assessment is delivered in order to reassess the recommended conditions that would be required on any approval.
- 9.3 CPH buildings are commonly constructed with sound insulation measures in any case so this requirement should not be problematic. Conditions as requested by Environmental Control have been applied to this report but might be superseded on the amendment sheet if further information necessitates it.

### Impact on Trees

- 9.4 The heat generation can be high, at around 120 degrees at the point where excess heat escapes from the ventilation. There are a number of trees of varying species, ages and heights around the site boundaries. There are two trees close to the siting of the CHP unit and the vent is currently shown as being on the corner of the building closest to these trees. This would need to be relocated via condition because at temperatures of 120 Degrees Celsius any air flowing out towards the trees in question could seriously harm them.

9.5 Initially, this point was not pursued because the location was to be amended. However, the amended plans have now been received and the location is not significantly different. It is therefore suggested that a condition be imposed to limit the position of any ventilation to a location to be agreed by the Local Planning Authority.

### Conclusion

9.6 To summarise, the two main issues to be considered are the impact of the CHP unit on noise pollution and heat loss in close proximity to trees. Both of these issues can be conditioned so that there are no significant concerns over them. On this basis, the application is recommended to the committee for approval.

## **10.0 Background Papers**

10.1 ARC; HH; TL; 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

Notwithstanding the details shown on the submitted plans, no development shall commence until the positions and details relating to any vents, flues or other ventilation openings are agreed, in writing, by the Local Planning Authority. The development shall then take place solely in accordance with the agreed details and shall be retained in the approved form thereafter.

Reason: To avoid any heat loss having an adverse impact on trees in an area that was formerly a Country Park and where there is a Tree Preservation Order in place.

3 - Non-Standard Condition

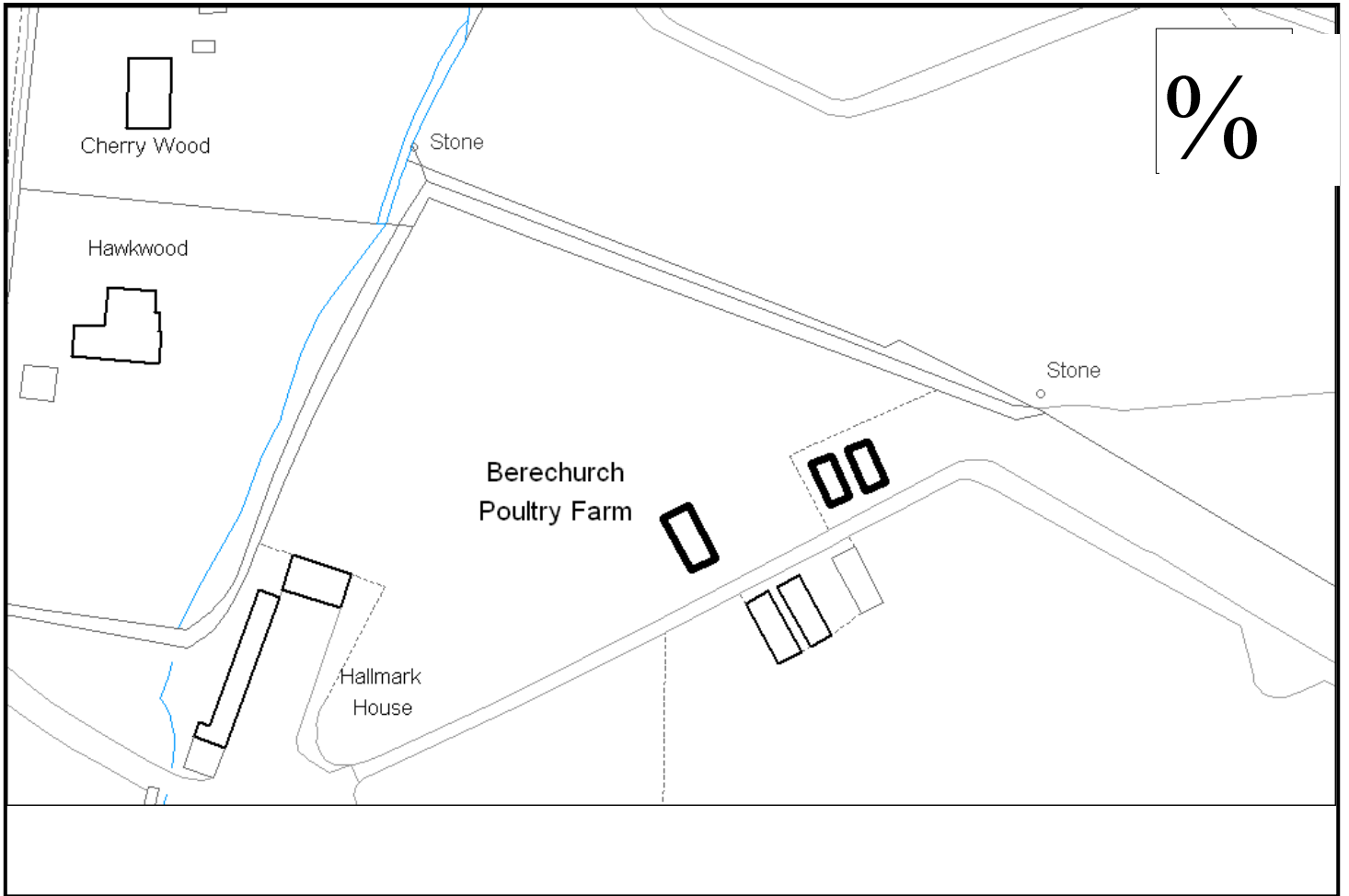
The level of noise emitted from the site shall not exceed 5dBA above the background. The assessment shall be made in accordance with the current version of British Standard 4142. The noise levels shall be determined at all boundaries near to noise sensitive properties. All subsequent condition shall comply with that standard.

Reason: To ensure that there is no adverse impact from noise pollution to nearby residents.

4 - Non-Standard Condition

Any plant, equipment or machinery on the premises shall be constructed, installed and maintained so as to comply with the initial noise condition. The noise generated by such equipment shall not have any one 1/3octave band which exceeds the two adjacent bands by more than 5 dB as measured at all boundaries near to noise sensitive properties.

Reason: To ensure that there is no adverse impact from noise pollution to nearby residents.



**Application No:** 081591

**Location:** Land Adjacent to, The Stream, Layer Road, Kingsford, Colchester, CO2 0HT

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

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

This map is reproduced from Ordnance Survey Material with the permission of Ordnance Survey on behalf of the Controller Of Her Majesty's Stationery Office © Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. Colchester Borough Council 100023706 2006



**7.7 Case Officer: Mark Russell**

**EXPIRY DATE: 25/10/2008**

**OTHER**

**Site:** Land adjacent to The Stream, Layer Road, Kingsford, Colchester, CO2 0HT

**Application No:** 081591

**Date Received:** 29th August 2008

**Applicant:** Mr Michael Wheeler

**Development:** 3 Temporary storage containers for a period of 12 months

**Ward:** Shrub End

**Summary of Recommendation:** Refusal

## **1.0 Planning Report Introduction**

1.1 This application has been called in by Councillor Hazell. Members are advised that a request for an Enforcement Notice is also being presented tonight to bring about the removal of these unauthorised containers.

## **2.0 Site Description**

2.1 The site comprises land which formerly belonged to the house known as The Stream, and has also been referred to as Berechurch Poultry Farm. Ownership was severed when the former owner of The Stream moved to a rented property in West Mersea earlier this year. The two sites are served by a combined access with automatic gates off Layer Road. The application site has a grouping of old farm buildings to the front. To the rear are some old garage buildings which are due to be demolished as part of another permission. The unauthorised containers are situated near to these latter buildings. The site is generally surrounded by dense woodland, and a public footpath runs around to the north and east from which the containers are clearly visible.

## **3.0 Description of Proposal**

3.1 The proposal is to retain three unauthorised blue metal containers which the applicant claims hold household effects and furniture.

## **4.0 Land Use Allocation**

4.1 Countryside Conservation Area

## **5.0 Relevant Planning History**

5.1 95/0666 - Application for Certificate of Lawfulness for use of outbuilding as a single dwelling house. Granted 14th September 1995;

- 5.2 K/COL/04/0823 Application for Certificate of Lawfulness relating to the use of Unit A2 (otherwise known as Unit 2) for a vehicle restoration, repair, maintenance and valeting workshop together with the ancillary use of land for vehicle parking. Granted 17th June 2004;
- 5.3 COL/04/0854 - Continuation of use of units A1, A3 & B for Class B1 light industry and unit C for Class B1 office and formation of new access. Approved 28th June 2004;
- 5.4 F/COL/06/0474 - Removal of personal condition (application no. COL/04/0854 – Condition 3) and change of use of garage/store to Class B1 Office use. Approved 12th September 2006;
- 5.5 070940 - Outline application for rural business centre (Use Class B1(a) offices only) and car park. Withdrawn 15th May 2007;
- 5.6 071868 - Outline application for rural business centre (Use Class B1(a) offices only) and relocated car park as replacement for 3 commercial units to be demolished. (resubmission of 070940). Approved subject to legal agreement 17th April 2008;
- 5.7 072561 - Removal of condition 7 of planning permission F/COL/04/0854 (The existing access shall be physically and permanently closed, in accordance with details to be agreed in writing with the Local Planning Authority, upon the new access becoming operational and the verge crossing reinstated as grass). Refused 7th December 2007;

## **6.0 Principal Policies**

- 6.1 Adopted Review Colchester Local Plan:  
DC1- Development Control considerations;  
CO1 - Countryside  
CO3 - Countryside Conservation Areas

## **7.0 Consultations**

- 7.1 None

## **8.0 Representations**

- 8.1 A letter of objection was received from a neighbouring property regarding the visual intrusion.

## **9.0 Report**

- 9.1 The site known as "Berechurch Poultry Farm" and the larger site known as "The Stream" have a long history of enforcement action and Certificates of Lawfulness to regularise long-standing breaches of planning control.

- 9.2 Under application 071868 the applicant was granted permission to unify some of these issues and to establish a small grouping of office/light industrial units towards the front of the site. This was mainly allowed as the buildings were considered to be attractive enough to be retained as they contributed to the visual amenity of this rural area. As a consequence, and via a legal agreement, the unsightly garage buildings to the rear were to be demolished and the land made good to enhance the visual amenity of that part of the site which was close to the woodland and the public footpath.
- 9.3 In this context the appearance of three large blue metal containers is entirely unacceptable.
- 9.4 Their very presence is in direct conflict with policies relating to uses in the countryside and to visual amenity of a countryside location which is also within a Countryside Conservation Area. Whilst not visible from the highway, they are visible from just inside the site, and highly visible from the public footpath, especially during the winter months when the neighbouring deciduous trees have shed their leaves.
- 9.5 The applicant has not claimed any special circumstances during this application, but during correspondence with our Enforcement team the site-owner claimed the reason for this on-site storage was so that it was "quicker, safer and less moving for our belongings to store them in our own containers on site where we could visit them frequently and monitor their condition. Also, we could easily remove these items from the containers as and when necessary." Full details are included within the file.
- 9.6 With all due respect to the applicant the arguments that he has used hold little credibility, as exactly the same would have been true if he had used a commercial self-storage unit, of which there are several in the Borough.
- 9.7 Given the long history of planning breaches on this site, some of which have led to Certificates of Lawfulness because of established use, it would be a risky strategy to give any form of permission, temporary or otherwise, for storage on this site as this could also become an established use which would be acceptable neither visually nor in principle.

### Conclusion

- 9.8 In conclusion the proposal is held to be totally unacceptable in principle and for issues of visual amenity, for this reason refusal is recommended.

## **10.0 Background Papers**

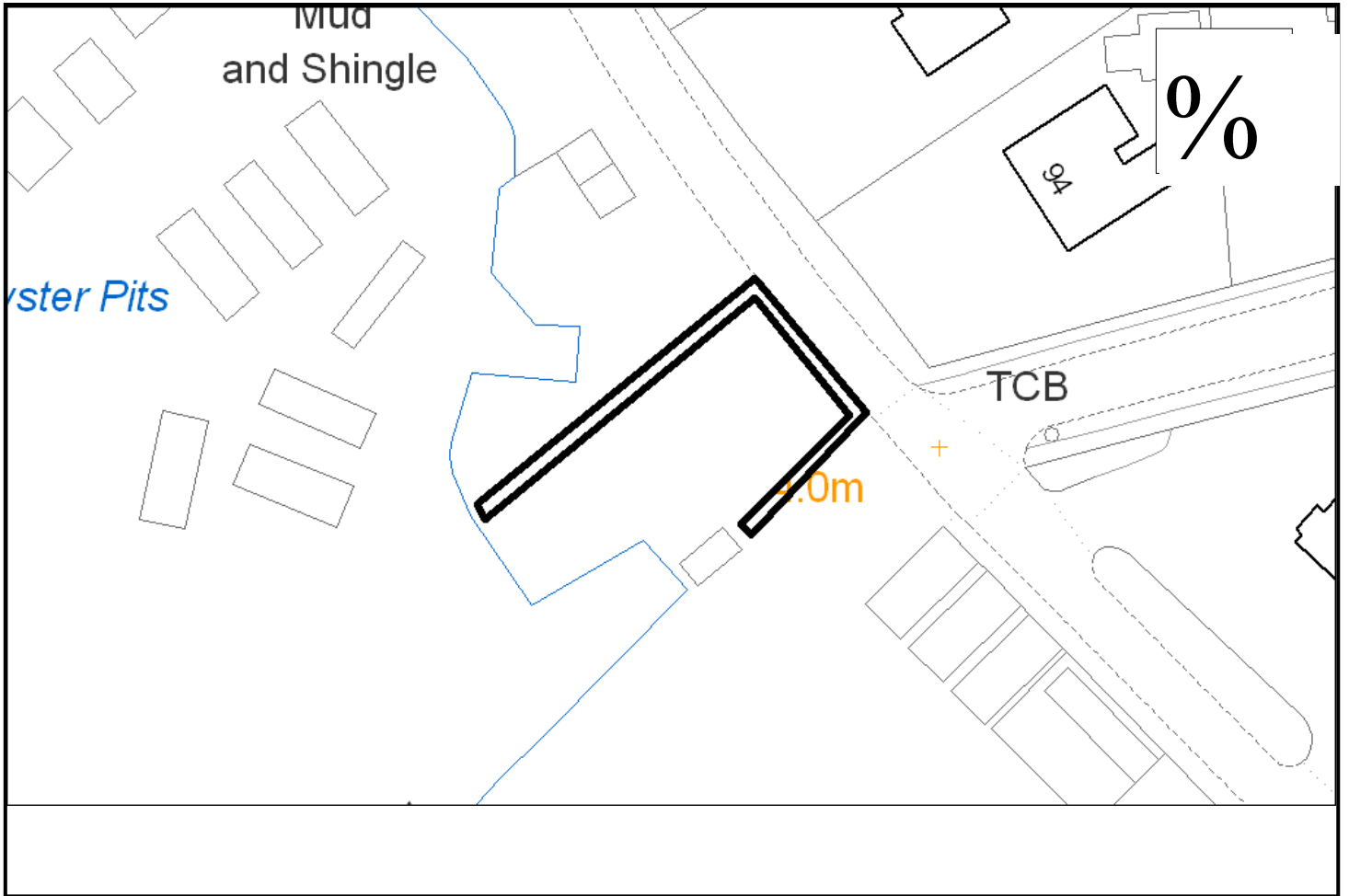
- 10.1 ARC; NLR

## **Recommendation - Refusal**

### **Reasons for Refusal**

#### **1 - Non-Standard Refusal Reason**

The use of land in this rural location for the storage of domestic or other items is unacceptable in principle, is contrary to policy CO1 of Adopted Review Borough Local Plan and does not comply with PPS7. The appearance of the metal containers, as seen from the public footpath and from within the site, is visually unacceptable and detracts from the enjoyment of the countryside in this Countryside Conservation Area. This is also contrary to policies CO1 and CO3 of Adopted Review Colchester Borough Local Plan and PPS7.



**Application No:** 081624

**Location:** West Mersea Oyster Bar, Coast Road, West Mersea, Colchester, CO5 8PA

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

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

This map is reproduced from Ordnance Survey Material with the permission of Ordnance Survey on behalf of the Controller Of Her Majesty's Stationery Office © Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. Colchester Borough Council 100023706 2006

**7.8 Case Officer: Andrew Huntley**

**EXPIRY DATE: 04/11/2008**

**OTHER**

**Site:** Coast Road, West Mersea, Colchester, CO5 8PA

**Application No:** 081624

**Date Received:** 8th September 2008

**Applicant:** Mr Michael Dawson

**Development:** Retrospective application to retain galvanised bow top fence, under 1 metre high around 3/4 of perimeter of car park belonging to West Mersea Oyster Bar.

**Ward:** West Mersea

**Summary of Recommendation:** Refusal

## **1.0 Planning Report Introduction**

1.1 This retrospective application has been called in by Councillor Jowers for the consideration by the Planning Committee as he considers the proposal is acceptable. The main considerations with this application are:

- Design and Character
- Other Considerations

## **2.0 Site Description**

2.1 The site is located on the south western side of Coast Road. The site forms three quarters to the perimeter of the Oyster Bar car park and outside seating area. The site has a galvanised fence which bounds the car park at about one metre high. Whilst the applicant describes the proposal as a galvanised bow top fence it actually relates to a metal railing.

## **3.0 Description of Proposal**

3.1 Retrospective application to retain galvanised bow top fence, under 1metre high around three quarters of the perimeter of car park belonging to West Mersea Oyster Bar.

## **4.0 Land Use Allocation**

4.1 Area of Special Character, Conservation Area, Article 4, Flood Zone, SAC, SPA.

## **5.0 Relevant Planning History**

5.1 None

## **6.0 Principal Policies**

- 6.1 Adopted Review Colchester Local Plan:
  - DC1- Development Control considerations
  - UEA1 - Character of Conservation Areas
  - UEA2 - Building within Conservation Areas
  - UEA21 - Area of Special Character
  - CE10 - West Mersea
  - Planning Policy Statement 1
  - Planning Policy Guidance 15

## **7.0 Consultations**

- 7.1 ECC Highways: Whilst the Highway Authority does not wish to object to the proposals as submitted, pedestrian visibility at the access onto Coast Road has been obstructed by excessive signage, this must be repositioned clear of a 1.5m x 1.5m splay relative to the highway boundary on the west side of the access.

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

- 8.1 Recommend refusal as the fence is out of keeping with the streetscene being in a conservation area.

## **9.0 Representations**

- 9.1 One letter received stating that they have no objection to the fence and that it contributes to road safety.

## **10.0 Report**

### Design and Character

- 10.1 Policies DC1, UEA1, UEA2, UEA21 and CE10 of the adopted Review Colchester Borough Local Plan (2004) and PPG15 (1994) seek to ensure that development within conservation areas preserve or enhance the character of the conservation area. Planning Policy Statement 1 (2005) states that "planning authorities should strive to achieve high quality and inclusive designs for all development, including individual buildings, and that design that is inappropriate in its context, or that fails to improve the character and quality of an area should not be accepted."
- 10.2 The existing fence is made of galvanised metal with a silver/grey colour. This does not reflect the nautical character or appearance of this part of West Mersea. Even though the fence could be painted a different colour, it's the metal fence itself, which is out keeping. As such, it is considered that the retention of the fence would harm the character and appearance of the conservation area and area of special character.
- 10.3 It is considered that a more appropriately designed means of enclosure using suitable materials could be acceptable providing it preserved or enhanced the character and appearance of the area.

## Other Considerations

- 10.4 One letter stating they have no objection has been received. The Highway Authority comments regarding advertisements in the sight splays can not be considered as they do not relate to the application proposal, which is for the retention of a fence only. The applicant has stated that the reason for erecting the fence was stop children climbing over the low rope fence and climbing onto boats, the old fence was being vandalised and dog walkers were letting their dogs foul in the car park. However, these reasons do not overcome the harm to the character and appearance of the conservation area and area of special character.

## Conclusion

- 10.5 In conclusion, the proposed retention of the galvanised fence within the conservation area and area of special character is unacceptable due to its design and materials. As such, the retention of the fence would not preserve or enhance the character or appearance of the area. Members are requested to refuse this application.

## **11.0 Background Papers**

- 11.1 ARC; HA; PTC; NLR

## **Recommendation - Refusal**

### **Reasons for Refusal**

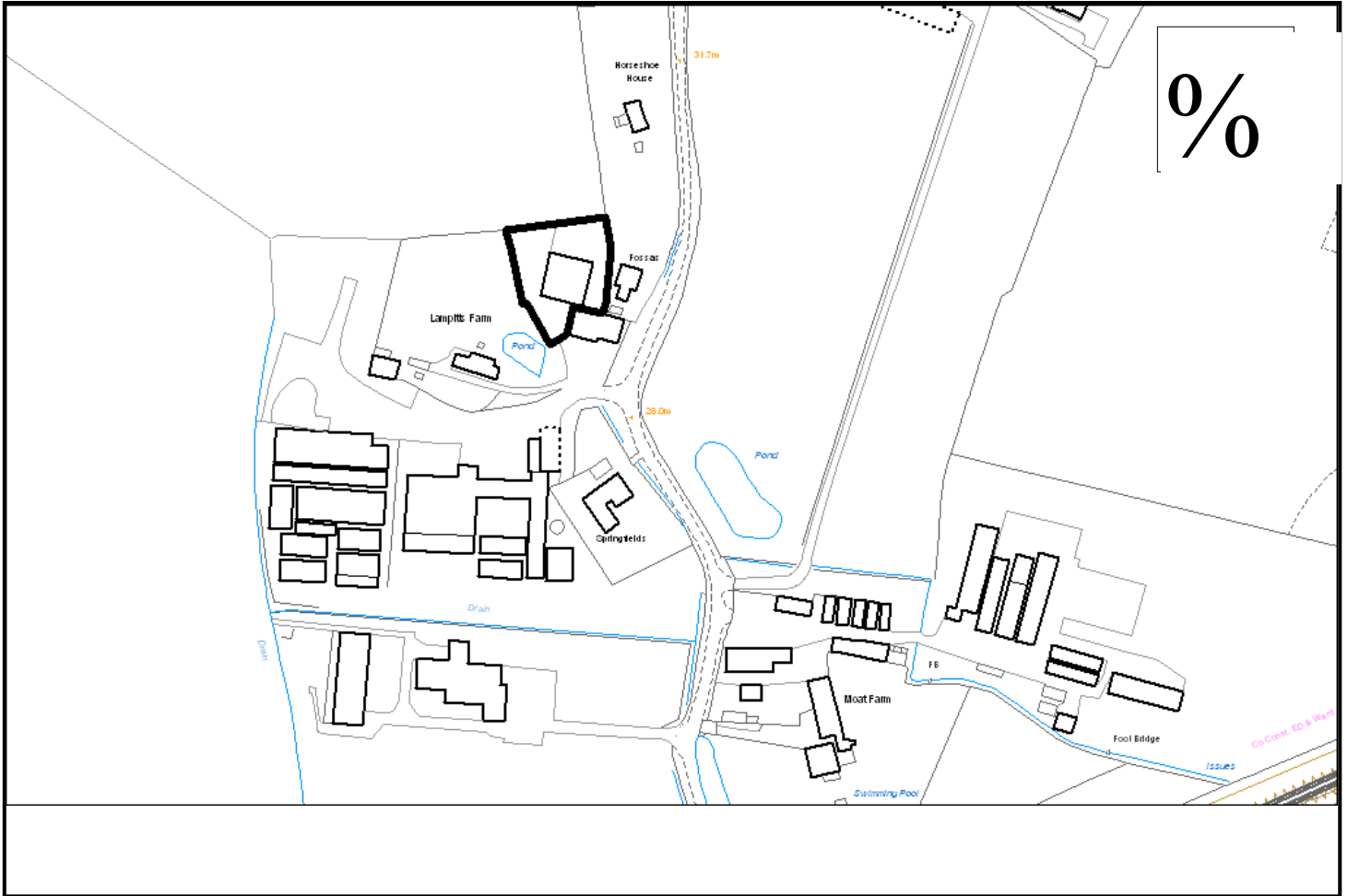
#### 1 - Non-Standard Refusal Reason

Policies DC1, UEA1, UEA2, UEA21 and CE10 of the adopted Review Colchester Borough Local Plan (2004) and PPG15 (1994) seek to ensure that development within conservation areas preserve or enhance the character of the conservation area. Planning Policy Statement 1 (2005) states that "planning authorities should strive to achieve high quality and inclusive designs for all development, including individual buildings, and that design that is inappropriate in its context, or that fails to improve the character and quality of an area should not be accepted."

In this instance, the proposed metal fence is not typical of the areas historic nature and detracts from the quality of the conservation area and area of special character. The fence does not reflect the nautical character or appearance of this part of West Mersea. Even though the fence could be painted a different colour, it's the metal fence itself, which is out keeping. The retention of the fence would harm the character and appearance of the conservation area and area of special character. Furthermore, the fence is publicly visible from Coast Road. The high visibility of the fence only exacerbates the harm caused.

Consequently, the proposed development is considered contrary to the objectives of the above development plan policies and government guidance as the proposal would fail to preserve or enhance the character of the conservation area and area of special character.





**Application No:** 081630 & 081634

**Location:** Lampitts Farm, Turkey Cock Lane, Eight Ash Green, Colchester, CO3 5ND

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

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

This map is reproduced from Ordnance Survey Material with the permission of Ordnance Survey on behalf of the Controller Of Her Majesty's Stationery Office © Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. Colchester Borough Council 100023706 2006

**7.9 Case Officer: Jane Seeley**

**EXPIRY DATE: 04/11/2008**

**OTHER**

**Site:** Turkey Cock Lane, Eight Ash Green, Colchester, CO3 5ND

**Application No:** 081630

**Date Received:** 8th September 2008

**Agent:** Edward Gittins & Associates

**Applicant:** The Furniture Zone

**Development:** Variation of Condition No. 2 on application C/COL/03/0043 to read 'The building shall only be used for the sale of antiques and new and antique/second-hand furniture and sundry household items'.

**Ward:** W. Bergholt & Eight Ash Green

**Summary of Recommendation:** Conditional Approval

**7.10 Case Officer: Jane Seeley**

**EXPIRY DATE: 04/11/2008**

**MINOR**

**Site:** Turkey Cock Lane, Eight Ash Green, Colchester, CO3 5ND

**Application No:** 081634

**Date Received:** 8th September 2008

**Agent:** Edward Gittins & Associates

**Applicant:** The Furniture Zone

**Development:** Variation of Condition No. 2 (removal of personal condition) and Condition No. 3 to read 'The building shall only be used for the sale of antiques and new and antique/second-hand furniture and sundry household items' of application COL/98/0838.

**Ward:** W. Bergholt & Eight Ash Green

**Summary of Recommendation:** Conditional Approval

## **1.0 Site Description**

1.1 The application site is located to the west of Turkey Cock Lane adjacent to Barn Plants Nursery. It supports 2 former agricultural buildings: a traditional barn and a single storey breeze block former piggery building that was previously used for storage and manufacture. Both buildings have permission for retail purposes. Conditions on the planning permissions restrict retail in the barn to antiques, pine and used furniture (COL/93/0552); and retail in the other building to antique and second hand furniture

COL/03/0043). There is also a personal condition for the use of the barn. (COL/93/552), but not on the other building.

- 1.2 The buildings are currently occupied by a business known as The Furniture Zone. The furniture retailed from the site is predominantly new. There is also a breach of the personal planning permission. These applications seek to regularise the existing use and user. Application 081634 is to remove the personal planning permission and to vary condition 3 of COL/93/0552 to allow the sale of new furniture pine and household sundries. Application 081630 is to vary condition 2 of C/COL/03/0043 to allow the sale of new furniture and sundry household items.

## **2.0 Land Use Allocation**

- 2.1 No notation

## **3.0 Relevant Planning History**

### **3.1 Former Piggery Building:**

03/0043 - Change of Use of general industrial workshop to display and retail of antique and second hand furniture – Approved 4 March 2003

### **3.2 Barn:**

98/0838 - Continued use of barn for sale of furniture, pine and sundry sales (non compliance to Condition 01 of COL/93/0552) - Approved 28 July 1998

92/0355 - Use for sale of antique and second furniture and pine from the barn – Approved 24 April 1992

93/0552 - Continued use for sale of antiques, pine and used furniture - Approved 24 June 1993

## **4.0 Principal Policies**

- 4.1 Adopted Review Borough Local Plan  
DC1 - Development Control considerations  
CO1 - Rural resources  
TCS1 - Protecting the vitality and viability of Colchester Town Centre  
TCS11 - Retail development outside Colchester Town Centre  
TSC13 - Shopping in villages and the countryside

## **5.0 Consultations**

- 5.1 None

## **6.0 Parish Council's Views**

- 6.1 No comments received

## 7.0 Representations received

7.1 1 letter of objection (full text of letter is available via the Council's web site)

7.2 General comments:

- Initially the barn was used for second hand and antique furniture sales. The former piggery was granted planning permission for similar retail use in 2003. The current occupier started operating from the site in 2002 in breach of a personal condition. The premises have turned into a large retail business selling new furniture. Initially the business attracted only cars and small vans. The expansion into new furniture has led to an increase in the size and number of vehicles.
- Adverts indicate that the business has expanded into kitchen units, white goods, work tops and sink unit.

7.3 Application 081634:

- The applicant has not made any justification as to why this condition should be varied.
- The condition could have been imposed to ensure control of the retail business. The initial use was small scale; the current operation is a furniture store in a rural location which is contrary to Development Plan policies

7.4 Application 081630 :

- Condition 2 of 03/0043 was only considered necessary to prevent any permitted change of use within Class A1. This application seeks to vary the substantive planning permission and therefore the correct procedure must be through a full planning application not a variation of condition
- The removal of the condition would change the nature of the permission, case law has concluded that such changes cannot be considered as a variation of condition.
- It would be unlawful for the Council to determine that application favourably. A Judicial Review could be considered should the application be determined as submitted.
- When granting 03/0043 Condition 2 control the type of goods that could be sold. We object to the proposed changes.
- It is evident from the applicant's website and advertisements that the business is selling new furniture and the retail sale of pine and oak to the trade and public, kitchen appliances (white goods, worktops, sinks with limited antique and second-hand furniture. This is contrary to planning policy. The business is expanding and developing new elements. Granting planning permission would allow significant intensification of the site and would result in additional vehicular movements
- The existing business is already having a negative impact on the residential amenity of our clients who live at the property known as Fossas,

## 8.0 Report

8.1 Planning history dating from 1992 indicates that the barn was originally used for low key antique and second hand furniture sales. Council records suggest that from 1992 to 1998 when the planning permission for the barn was made permanent, that the retail only occurred at weekends. However no conditions were imposed to restrict sales to weekends.

8.2 Planning permission was granted in 2003 for change of use of the piggery from general industrial use to retail. Whilst contrary to retail policies the application was considered to be an acceptable expansion of the existing retail from the barn. Factors that influenced the decision included: the existence of the retail use at the adjacent horticultural nursery/garden centre and that the use would not compete with existing retail uses in the locality and that additional traffic generation would not be significant. It was also considered that the use would have a less adverse impact on the adjacent residential properties than the general industrial use it replaced.

8.3 Existing retail from both buildings is predominantly new furniture. A site visit revealed that there was only a very few items of antique or second hand furniture available. There were also a limited amount of sundries; these were pictures, lamps and clocks. No kitchen units, worktops, sinks or white goods were evident. The applicant's agent has advised that such items are not sold from the premises and he is not intending to expand into this field.

### 8.4 Application 081634 - removal of Condition 02 of 98/0383 (personal condition)

It is acknowledged that the applicants have provided no justification as to why this condition should be removed. The Council have been aware since 2003 that there has been a breach of this condition. In the report to Committee for 03/0043 the breach is acknowledged but it is stated that the matter is not contentious. No such condition was imposed on the retail use of the piggery. It is not considered that personal condition for the barn serves any useful planning purpose.

### 8.5 Application 081643 - variation of Condition 3 of 98/0383 and Application 081630 - variation of Condition 2 of 03/0043

8.6 Condition 3 of 98/0383 states that:

'The building shall be used only for the sale of antiques, pine and used furniture and for no other purpose (including any other purpose within Class A1 of the Schedule of the Town and Country Planning (Use Classes) Order 1987.....'

8.7 Whilst Condition 2 of 03/0043 states:

'The premises shall be used for the display and retail of antique and second hand furniture and for no other purpose (including and other purpose with in Class A1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987.....'

8.8 Both conditions control the types of goods to be sold to antique and second hand furniture. In addition the barn can be used for antiques. The wording of Condition 3 of 98/0383 suggests that the sale of new pine furniture would be permitted.

- 8.9 The applicant is predominately retailing new furniture. The assessment has to be made as to whether there is any significant difference in the sale of new and old furniture. In addition, with regard to 98/0383 whether there is any difference between the retailing of new furniture made of pine or any other wood. With regard to this latter point your officer's view is that the type of wood is not material.
- 8.10 Initially the retail sales from the barn would appear to have been a low key week end only concern. Whilst this was the case at this site in the 1990's it cannot simply be concluded that antique and second hand furniture retail is inevitably conducted in this manner. Bringing furniture to the site, its display and retail is not different whether it is antique, second hand or new. The Use Classes Order does not make any differentiation between the retail of old and new furniture. Accordingly it is not considered that a refusal of planning permission can be justified.
- 8.11 The above conditions do not permit the sale of household sundries from either building. The level of such sales is so limited at present as to be de minimus. Undefined sundry sales as proposed by the application could include any household items from floor covering and soft furnishing to white goods. This could significantly change the nature of the business and therefore should be excluded. It is proposed that conditions are imposed prohibiting sales of sundries. Application 081630 also proposes the sale of antiques from the piggery building which is not permitted by 03/0043. This is not seen as a contentious issue and has the benefit of regularising the use in both buildings.
- 8.12 Validity of application 081630
- 8.13 The objector's agent has queried the validity of this application. Advice from the Council's Planning Solicitor is that whilst the Courts have held that where the variation of a condition has the effect of modifying a planning permission to such an extent that a new permission is fundamentally different from the original this was unlawful. Her initial view is that the applicant is seeking to regularise the permission by varying the condition rather than having it removed and the original permission would in effect remain unchanged. Accordingly the application can be entertained.
- 8.14 Further discussion regarding this matter is required; any update will be reported on the amendment sheet.

## **9.0 Background Papers**

- 9.1 ARC; NLR

**Recommendation for 081630**

Subject to appropriate legal advice grant planning permission for variation of Condition 02 of C/COL/03/0043

**Conditions**

1 – Non Standard Condition

The building shall only be used for the sale of antiques and new antique and second hand furniture and no other purpose (including any other purpose within Class A1).

Reason: For the avoidance of doubt and to enable the Council to control the use of the site in the interests of the amenity of the area.

**Informatives**

Non Standard Informative

1. You are advised that the conditions imposed by C/COL/03/0043 (other than Condition 2) remain relevant and enforceable.

**Recommendation for 081634**

Grant planning permission for Variation of Condition No 2 (removal of personal condition) and variation of condition No 3.

**Conditions**

1 – Non Standard Condition

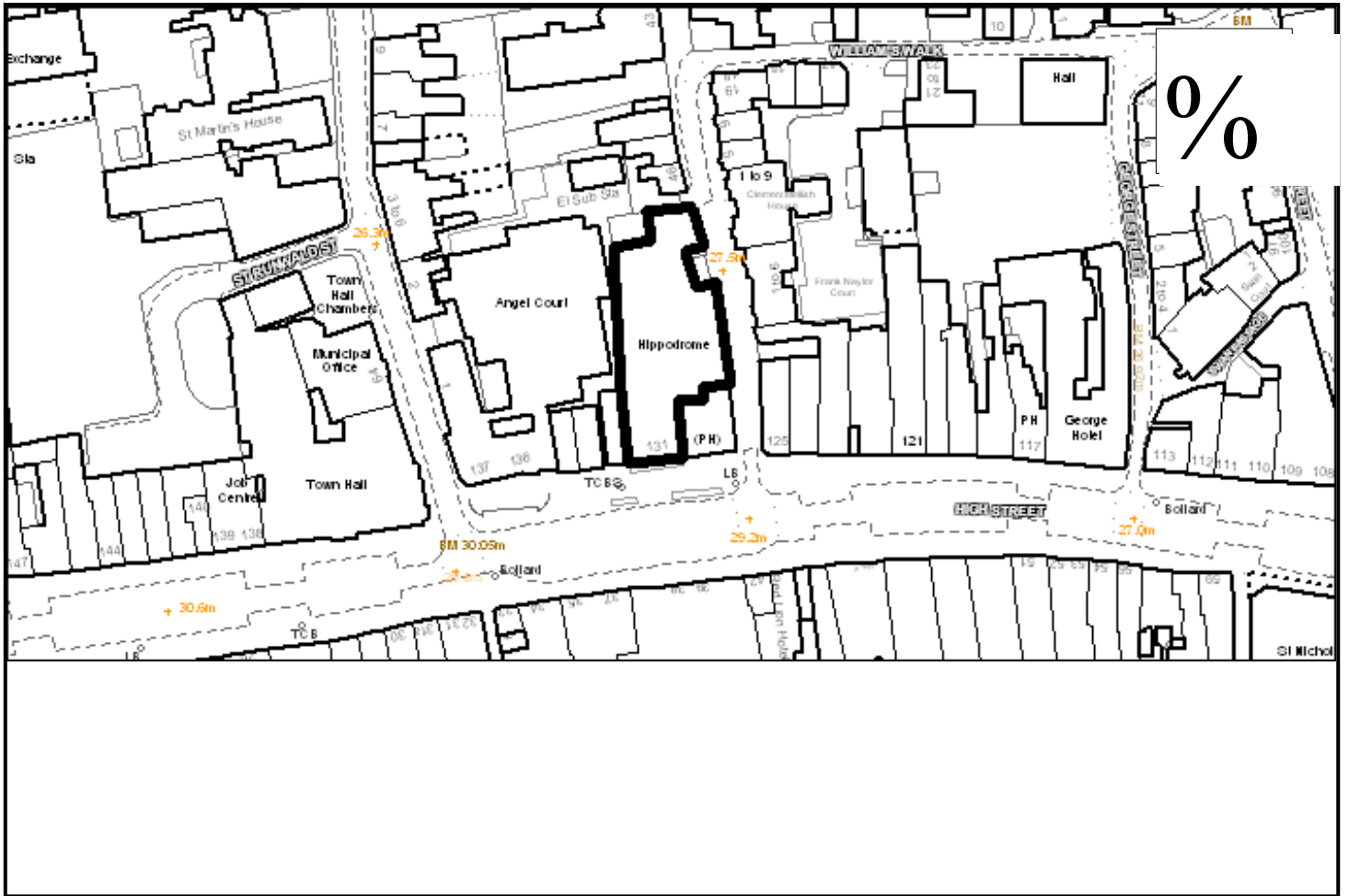
The building shall only be used for the sale of antiques and new antique and second hand furniture and no other purpose (including any other purpose within Class A1).

Reason: For the avoidance of doubt and to enable the Council to control the use of the site in the interests of the amenity of the area.

**Informatives**

Non Standard Informative

1. You are advised that the conditions imposed by COL/98/0838 (other than Conditions 2 and 3) remain relevant and enforceable



**Application No:** 081420 & 080830

**Location:** Liquid/Envy, 131 High Street, Colchester, CO1 1SP

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

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

This map is reproduced from Ordnance Survey Material with the permission of Ordnance Survey on behalf of the Controller Of Her Majesty's Stationery Office © Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. Colchester Borough Council 100023706 2006



**7.11 Case Officer: Mark Russell**

**OTHER**

**Site:** 131 High Street, Colchester, CO1 1SP

**Application No:** 081420

Date Received: 28th July 2008

Agent: Design At Source

Applicant: Luminar Leisure

Development: Formation of terrace and part removal of existing roof within existing boundary line for use by public using nightclub as designated smoking area.

Ward: Castle

**7.12 Case Officer: Mark Russell**

**OTHER**

**Site:** 131 High Street, Colchester, CO1 1SP

**Application No:** 080830

Date Received: 23rd April 2008

Agent: Design At Source

Applicant: Luminar Leisure

Development: Formation of terrace and part removal of existing roof within existing boundary line for use by public using nightclub as designated smoking area.

Ward: Castle

## **1.0 Site Description**

1.1 131 High Street, now known as the Liquid/Envy nightclub, and formerly the Hippodrome, is a prominent Grade II Listed Building on the north side of Colchester High Street. The works in question are principally along the West Stockwell Street (eastern) elevation. Many of the surrounding properties are residential.

## **2.0 Description of Proposal**

2.1 The proposal is to remove a section of roof and to install a terrace as a smoking area. This would be surrounded by a glazed section of 2.5m in height.

### **3.0 Land Use Allocation**

- 3.1 Listed Building Sui Generis nightclub in mixed use area A, Colchester Conservation Area 1.

### **4.0 Relevant Planning History**

- 4.1 080301 - Formation of a smoking terrace by removing part of existing roof within existing boundary line for use by patrons of the nightclub only. Refused 15th April 2008;
- 4.2 5080334 - Cosmetic refurbishment. Approved 17th April 2008;
- 4.3 080829 - Formation of terrace and part removal of existing roof within existing boundary line for use by public using nightclub as designated smoking area. Resubmission of 080298. Refused 19th June 2008.

### **5.0 Principal Policies**

- 5.1 Adopted Review Colchester Local Plan:  
DC1- Development Control considerations;  
UEA1 - Conservation Areas;  
UEA2 - Buildings in Conservation Areas;  
UEA5 - Listed Buildings;  
P1 - Pollution

### **6.0 Consultations**

#### **081420**

- 6.1 Environmental Control did not object to the application on the basis of the SRL report which was submitted.
- 6.2 Comments are awaited from Essex Police Authority.

#### **080330**

- 6.3 English Heritage had no objection to the application;
- 6.4 The Theatres Trust had no objection to the application.

### **7.0 Representations**

- 7.1 Four objections were received from nearby residents, the Dutch Quarter Residents' Association and the Colchester Civic Society. These were on the basis of residential amenity being unduly affected due to late night noise coming from the terrace.

## **8.0 Report**

- 8.1 The applicant wishes to provide on-site outdoor smoking facilities for its customers, this has come about because of the smoking ban of 2007. The building has only a very limited rear curtilage, so instead smokers have had to use the pavement to the front. This has resulted in an area of pavement being screened by ropes to provide an area for smokers.
- 8.2 The application before Members is the third attempt by the applicant to secure planning permission for the roof terrace. The previous two were refused under delegated powers as the information provided did not convince your Officers that there would be no noise nuisance from the proposal. This is a heavily populated residential area immediately adjacent to the town centre, an unusual situation for a town the size of Colchester, and no risks should be taken that a nuisance is being allowed to establish itself to nearby residences.
- 8.3 Your Environmental Control Manager and colleagues have held meetings with the applicant, and have requested further information and clarifications in respect of noise breakout, and are now happy that the proposal will not result in nuisance. With this key concern addressed, the planning application can be supported.
- 8.4 Regarding the Listed Building application, neither English Heritage nor The Theatres Trust have raised concerns about the fabric of the building, nor in the former's case about the effect on the roof-scape. Members will note that the altered roof is not visible from the public domain and arguably can only be seen from the higher floors of nearby buildings.
- 8.5 The applications are, therefore, deemed to be acceptable and approval is recommended.

## **9.0 Background Papers**

- 9.1 ARC; NLR; HH; English Heritage; Theatres Trust

### **Recommendation for 081420 - Conditional Approval**

#### **Conditions**

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

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

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

2 - Non-Standard Condition

The development shall be carried out and retained in accordance with the SRL report dated 2 July 2008 which was submitted as part of this application.

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

3 - Non-Standard Condition

Prior to the terrace being brought into use, a validation certificate shall be submitted from SRL to Colchester Borough Council stating SRL is happy that the construction of the roof terrace meets with its recommendations.

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

4 - Non-Standard Condition

Prior to the commencement of development, material finishes shall be agreed in writing with Colchester Borough Council. These shall be used and kept in place at all times thereafter.

Reason: In the interests of visual amenity.

5 - Non-Standard Condition

The development shall be completed in accordance with the details shown on Drawing No. 21 received on 25 July 2008.

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

6 – Plus any conditions required by the Essex Police Authority

**Recommendation for 080830 - Listed Building Consent**

**Conditions**

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

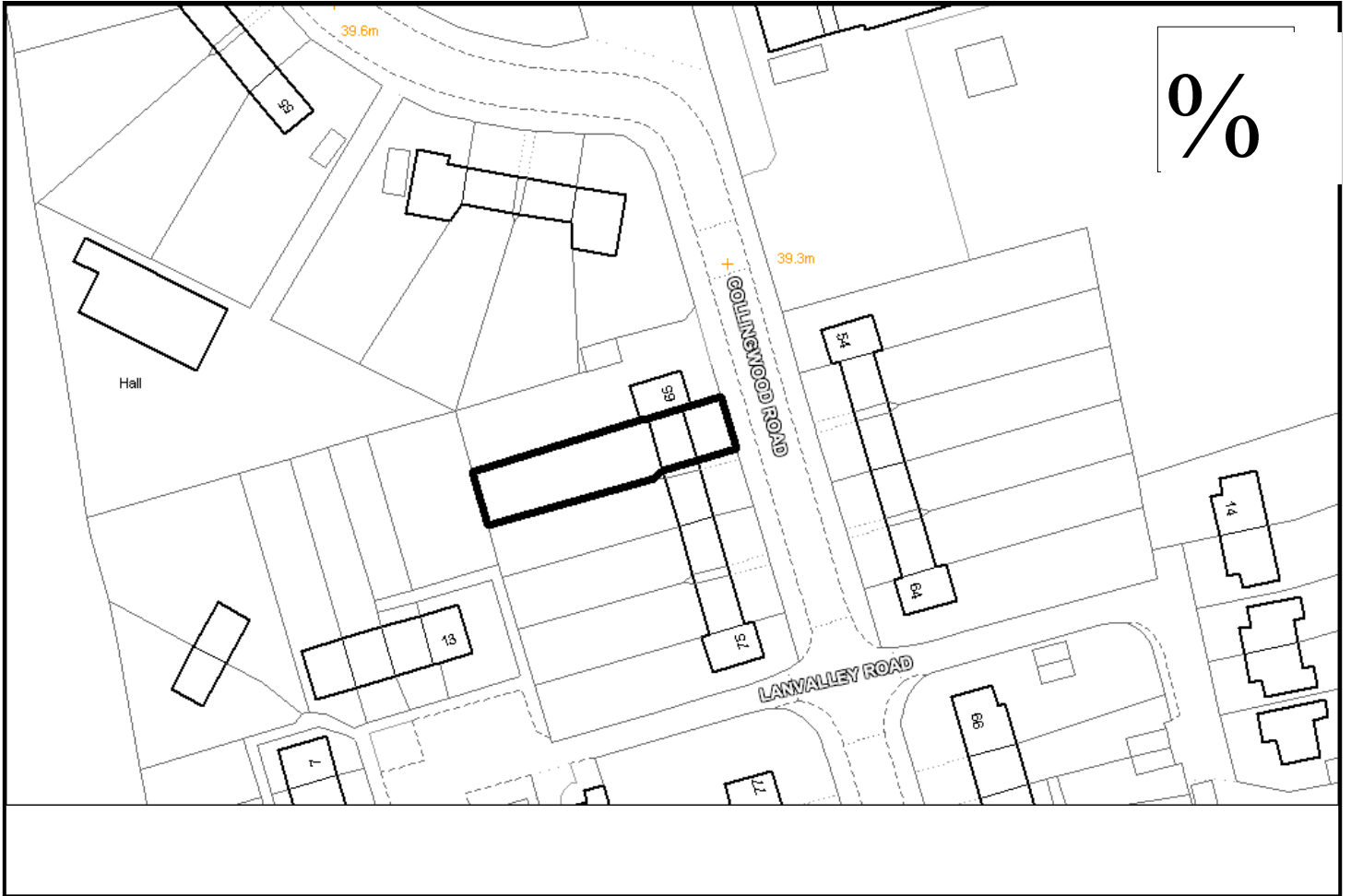
The works to which this consent relates shall be begun before the expiration of three years from the date of this consent.

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

2 - Non-Standard Condition

Prior to the commencement of development, material finishes shall be agreed in writing with Colchester Borough Council. These shall be used and kept in place at all times thereafter.

Reason: In the interests of visual amenity on this Listed Building.



**Application No:** 081264

**Location:** 67 Collingwood Road, Colchester, CO3 9AY

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

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

This map is reproduced from Ordnance Survey Material with the permission of Ordnance Survey on behalf of the Controller Of Her Majesty's Stationery Office © Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. Colchester Borough Council 100023706 2006

**7.13 Case Officer: Simon Osborn**

**OTHER**

**Site:** 67 Collingwood Road, Colchester, CO3 9AY

**Application No:** 081264

**Date Received:** 18<sup>th</sup> July 2008

**Applicant:** Mr Brian Middleton

**Development:** Change of use from Residential (C3) to Non Residential Institution (D1)-day centre.

**Ward:** Lexden

**Summary of Recommendation:** Approve Conditional

## **1.0 Introduction**

**1.1 This application was deferred on 4<sup>th</sup> September 2008 for the following information:-**

- **Whether that type of mid-terrace property was capable of being soundproofed to a suitable extent and what soundproofing standards would be required by Environmental Control;**
- **The applicant to indicate the potential level of noise produced by these proposals;**
- **Officers to consider a 2-year temporary consent and complete fencing of rear garden with 6-foot close board fencing;**
- **Whether the premises needed to be licensed by Social Services and what the requirements were.**

**Amendments to the original Officer-report are produced in bold format.**

## **2.0 Site Description**

**2.1 The application site comprises a mid-terraced property, within a predominantly residential area.**

### **3.0 Description of Proposal**

- 3.1 The application seeks change of use from a Class C3 dwelling to a Class D1 non-residential day-centre for people with learning disabilities. The applicants, who live close to the application site, are a qualified social worker and a registered nurse and have previously rented-out the application property to residential tenants. The supporting statement indicates that the applicants will run the service themselves and will offer it to approx five people on any given day. Days of operation are indicated as Monday to Friday, with core hours from 9.00am to 5.00pm. However, a rider is added that emergency respite care may be offered from 5.00pm to 9.00pm in the evenings and throughout the weekend period from Friday evening to Monday morning. The house will be used as a base for making trips into the wider community, or for activities such as board games and watching films. The applicants intend to pick-up and drop-off the individuals to reduce car movements to the premises.

### **4.0 Land Use Allocation**

- 4.1 Residential.

### **5.0 Relevant Planning History**

- 5.1 None.

### **6.0 Principal Policies**

- 6.1 Adopted Review Colchester Borough Local Plan - 2004  
DC1 - Development Control Considerations  
P1 - Pollution

### **7.0 Consultations**

- 7.1 Environmental Control had no objection to the proposal.  
7.2 Comments of Highway Authority to be reported.

### **8.0 Representations**

- 8.1 A letter of objection with a petition of signatures from 18 properties in the vicinity and letters from one other resident were received, which raised the following objections to the proposal:
1. The property is only suitable as a family home.
  2. This is a terraced house with no soundproofing.
  3. Concerned at prospective evening and weekend use; emergency use may become more frequent once permission is granted.
  4. The property is poorly maintained - fencing not replaced and a bees nest not removed.

## 9.0 Report

- 9.1 The premises are situated within a predominantly residential area, and the responses received clearly indicate a concern that a commercial use would not be appropriate to the area. Whilst it is likely that many commercial uses would result in an intensity of use that would not be appropriate to a close-knit residential area, other commercial uses need not necessarily intensify the use above that from the use of a property as a family house.
- 9.2 The supporting statement that accompanies the application indicates that the core hours of this facility will be Monday to Friday, between the hours of 9.00am and 5.00pm, with clients collected and returned by the applicants each day. It is considered that this level of use is not sufficiently different from the level of use of a family dwelling and is also during the hours when many residents would be at work.
- 9.3 A level of uncertainty has been raised by the statement that the premises could be used for emergency respite care during evenings and weekends. These are the times when most residents would expect to enjoy peace and quiet in their homes. The lack of clarity as to how the premises will be used at these times is an understandable cause of concern. The applicant has since clarified that this facility would be offered for a maximum of one client with one carer. It is considered that such use would not be significantly different from use of the property as a family home.
- 9.4 The application is recommended for approval subject to conditions that it be for a maximum of five clients during core hours and one client outside these times. It is also recommended that the permission is made personal to the applicant and granted for a temporary period initially of 1 year in order that the impact of the use on neighbour amenity can be considered further if a further application is submitted.

## 10.0 Further Report

### 10.1 At the previous meeting of the Planning Committee the following information was sought:-

- **Whether that type of mid-terrace property was capable of being soundproofed to a suitable extent and what soundproofing standards would be required by Environmental Control – Environmental Control has stated they do not have such standards and, if they do receive complaints from neighbours once the house has planning permission, they cannot serve a noise abatement notice because the residents of the care home would be behaving in the only way they know how.**
- **The applicant to indicate the potential level of noise produced by these proposals – The applicant stated “they are baffled as to the need for soundproofing of 67 Collingwood Road as this is not an issue raised by either of the direct neighbours. There seems to be an assumption that five adults with learning disabilities will be making excess noise when compared with a *'normal family of five'* and therefore the property will need to be made sound proof. This we do not understand and feel that a group of people with the proposed moderate learning disability will make no more noise than a group of five nurses or social**



workers or planning officers or a family of five. Indeed, one of the neighbours families consist of 6 people, 4 of whom are young children who with respect to them, we are sure would make noise the same as any family might, although they are not required to sound proof their home. Both myself and my wife would be present and so would be able to quickly deal with any excess noise issues. Further to this point we have previously spoken to both of the direct neighbours neither of whom raised any concerns about any proposed noise. We did, however, request they let us know if our service disturbs them in any way - they agreed to do this as you might with any neighbour. In response to your question of noise pollution there will be gardening noise e.g. lawn cutting, digging etc as the garden will need to be maintained; cooking noise as we will be preparing meals, music and television noises, talking, possibly laughing and even maybe the occasional argument - as there would be in any space occupied by a group of adults or a family. We hope that the time we spend in the house will be a relaxing time in between or following accessing the community. We will not be banging musical instruments, playing loud music, singing karaoke, shouting, screaming or making any loud noises. If it is deemed there should be a testing period with a return for permanent permission either in 1 or 2 years maybe the issue of noise pollution could be reviewed at that time. This would be more appropriate than making an assumption that there will be noise levels higher than a family living in the house. There is no basis for that assumption other than a belief that people with Learning Disabilities will make more noise - we do not agree with this as it is a vague generalisation.”

- Officers to consider a 2-year temporary consent and complete fencing of rear garden with 6-foot close board fencing – This has been addressed by amended condition 2 and a new condition 6 in the recommendation.
- Whether the premises needed to be licensed by Social Services and what the requirements were – The applicant has stated they would not be linked to Social Services. Service users would make payment by way of their own funds, individualised payments or a direct payment, the latter two involves Social Services giving service users their own budgets to do with as they wish to meet their own care needs. CSCI (Commission for Social Care Inspection) has confirmed that at present day care is an unregulated service with no regulatory body.

**10.2** The applicant has also requested that condition 4 is amended to include carers other than the applicant and his wife. This is because “they hope to include our immediate family in this venture as relief to us. For certain weeks of the year we hope to have a family holiday or even short breaks which would also necessitate different staff. This condition would render the service unusable in the weeks we are not here - through sickness, holidays etc. We feel that no business of this nature should be expected to close down and stop trading for this purpose. Also should we have a female service user accessing the out of hours emergency service we could not expect Mr Middleton to be solely in her company as this would leave them both in a vulnerable position. Mrs Middleton cannot solely work for 24 hours providing care for a service user and so we may need to seek outside support in these instances.” This condition has been amended accordingly.

## **11.0 Background Papers**

11.1 ARC; SDD; PTC; NLR; HA; HH.

### **Recommendation – Approve Conditional.**

#### **Conditions**

1 - Non-Standard Condition

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 use hereby permitted shall be discontinued **two years** after it commences, unless a further application is submitted to and approved by the Local Planning Authority.

Reason: To enable the Local Planning Authority to judge the effect of the use on local amenities.

3 - Non-Standard Condition

The premises shall be used only for the purposes described within the documents submitted with the application (as a centre for up to a maximum of five persons with learning disabilities) and not for any other purpose (including any other purpose within Class D1 of the Schedule to the Town and Country Planning (Use Classes) (Amendment) Order 2005, or in any provision equivalent to that class in any statutory instrument revoking or re-enacting that Order, with or without modification).

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

4 - Non-Standard Condition

The use hereby permitted shall be carried out only by the applicant and his wife (**and any other carers within their employment**) .

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

#### 5 - Non-Standard Condition

The use hereby permitted (as a centre for up to a maximum of five persons with learning disabilities) shall only be carried out during the times of 9.00am to 5.00pm on Mondays to Fridays, except that outside of these times the premises may also be used to provide respite care for **a maximum of 2 persons with learning difficulties.**

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

#### 6 – Non Standard Condition

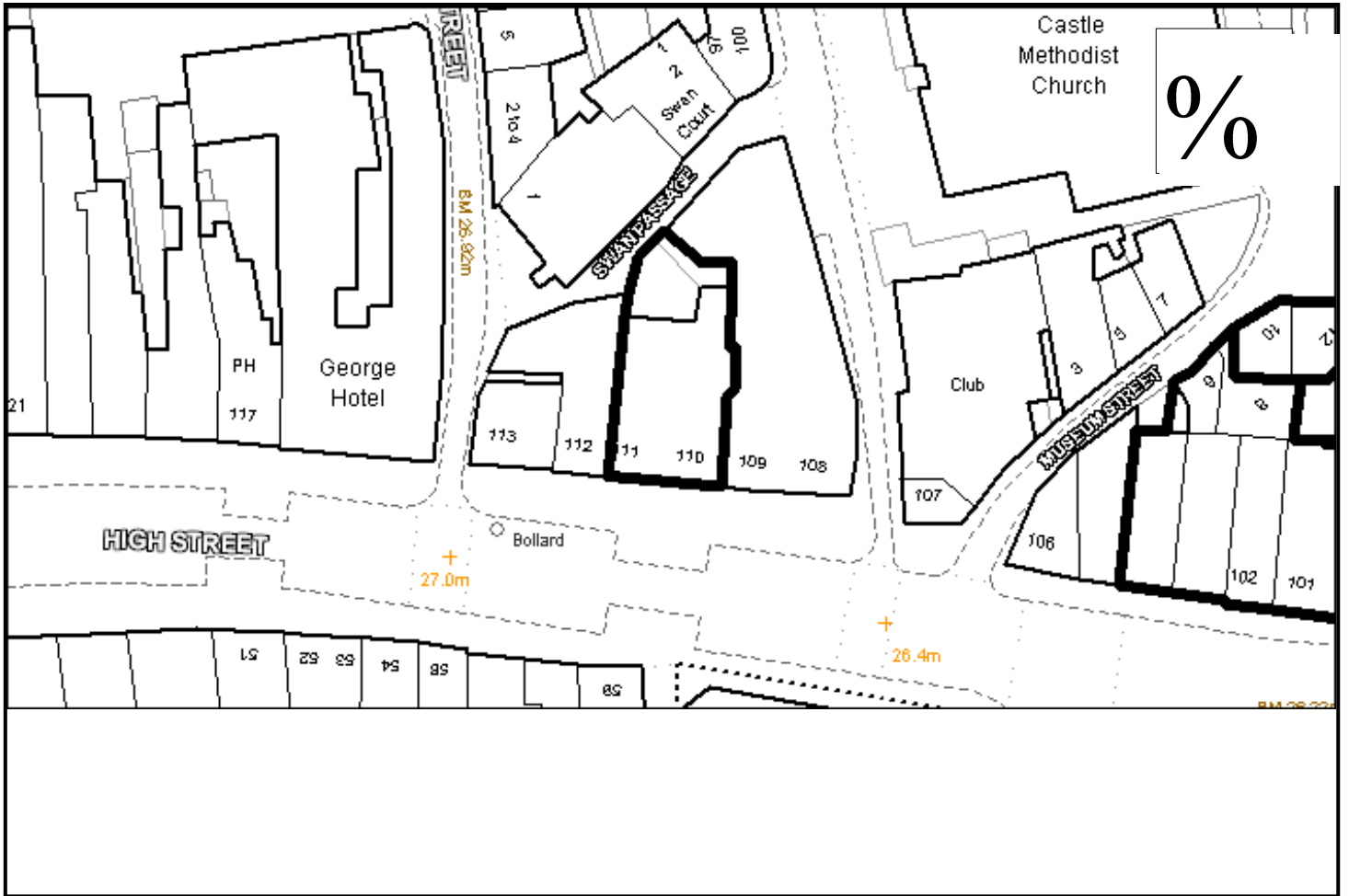
**Prior to the commencement of the use hereby permitted, 1.8m high close boarded fences shall be installed around the rear garden of the application site, and these shall thereafter be retained and maintained as such.**

Reason: In the interest of neighbour amenity.

### 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:** 081522

**Location:** Slug & Lettuce, 111 High Street, Colchester, CO1 1TB

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

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

This map is reproduced from Ordnance Survey Material with the permission of Ordnance Survey on behalf of the Controller Of Her Majesty's Stationery Office © Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. Colchester Borough Council 100023706 2006

**7.14 Case Officer: Mark Russell****OTHER****Site:** 111 High Street, Colchester, CO1 1TB**Application No:** 081522**Date Received:** 14th August 2008**Agent:** Jwpc Limited**Applicant:** Bay Restaurant Group**Development:** Variation of Condition 3 attached to planning permission F/COL/00/0871 to allow opening of the premises for customers between the hours of 0900 - 0130 (incorporating a 30 minute drinking up time) on Thursdays to Saturdays.**Ward:** Castle**Summary of Recommendation:** Conditional Approval**1.0 Site Description**

1.1 111 High Street (The Slug and Lettuce) is a public house on the north side of High Street between Maidenburgh Street and George Street, with Swan Passage to the rear. The prevailing pattern of use in the area is commercial, but there are residences to the rear, including Swan Passage itself.

**2.0 Description of Proposal**

2.1 The proposal is to allow opening of the premises for customers between the hours of 0900 - 0130 (incorporating a 30 minute drinking up time) on Thursdays to Saturdays. This is an additional hour for each of those days.

**3.0 Land Use Allocation**

3.1 Mixed Use Area 2  
Colchester Conservation Area 1.

**4.0 Relevant Planning History**

4.1 C/COL/99/1687 Change of use from A2 (Financial and Professional Services) to A3 (Food and Drink). Approved 6th January 2000.

4.2 F/COL/00/0871. Removal of condition 02 of Planning Permission COL/99/1687 to allow opening until 11.00pm Monday to Saturday and 10.30pm on Sunday. Approved 24th July 2000;

4.3 F/COL/05/1189 - Variation of condition 2 attached to planning permission F/COL/00/0871 to allow opening until 00.30 hours.. Approved 28th September 2005;

## **5.0 Principal Policies**

- 5.1 Adopted Review Colchester Local Plan:  
DC1- Development Control considerations;  
P1 - Pollution  
TSC10 - Seasonal usage  
UEA1 - Conservation Areas;

## **6.0 Consultations**

- 6.1 Environmental Control offered no comments;
- 6.2 Licensing replied as follows:

"The Licensing Authority would welcome the application that has been made to correlate the operating hours of the premises Thursdays to Saturdays inclusive, to the hours that have already been granted for the premises licence issued in accordance with the Licensing Act 2003. Therefore there are no implications in regards to the Council's Statement of Licensing Policy as a result of this Planning application. Neither am I aware of any alcohol related crime and disorder or public nuisance problems specifically associated with the premises that would require comment."

## **7.0 Representations**

- 7.1 One letter of objection was received from the owners of numbers 1 and 2 Swan Court as follows:

"Since the opening of the Slug and Lettuce (formerly Ha Ha) our lives have been made a misery and our health has been affected resulting in us having to complain directly to the restaurant about late night noise and to the Environmental Health Services about the accumulation of food scraps from the overflowing waste skips in Swan Passage behind the Slug and Lettuce.  
...we have to make regular visits to Swan Passage to sweep the area of rubbish  
...complaints from our tenants have included:  
Bottle disposal - often after 11pm and as late as 3am Loud music - the rear doors are often left open allowing customers and staff to stand by the rubbish skips to smoke and talk loudly."

The letter also complained that not more neighbours had been informed of the application.

## **8.0 Report**

- 8.1 The principle of A4 (formerly A3) has been accepted and this use has been in place for nearly nine years. The application in question merely wishes to extend usage by one hour on Thursdays, Fridays and Saturdays. Clearly the owners of Swan Court have experienced problems, but the hours sought here are acceptable to the Licensing Authority which does ultimately have the power to review a licence should the operators be found to be not acting responsibly.

- 8.2 It should also be noted that most public houses in the town centre have no hours of use condition as their permissions are long-established, and it is unusual for such a condition to be in place. The Food and Safety Team are aware of the neighbour's concerns about refuse storage. This has been an occasional issue and is not a regular occurrence. This is a communal storage area used by several business premises. The area was visited on 6 October 2008 and the storage area was acceptable. Environmental Control has been sent a copy of the neighbour's objection and any additional comments will be reported at the meeting.
- 8.3 Regarding the comments about notification, these are noted, but all neighbouring properties (commercial and residential) were indeed notified.

#### Conclusion

- 8.4 In conclusion the proposal is held to be acceptable, and Members are requested to approve this application.

### **9.0 Background Papers**

- 9.1 ARC; HH; NLR; Licensing

### **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

No customers shall enter the premises before 09.00 on any day and no customers shall remain on the premises after 00:30 a.m. on Mondays, Tuesdays, Wednesdays or Thursdays or after 02.00 a.m. on Fridays, Saturdays or Sundays, nor shall food be provided to customers off the premises after these times.

Reason: In the interests of residential amenity.

3 – Non Standard Condition

No bottles or other glass shall be removed from the building for disposal/storage after 11.00 p.m.

Reason: To protect the amenity of adjoining residents.



## Planning Committee

Item  
**8**

16 October 2008

<b>Report of</b>	<b>Head of Environmental &amp; Protective Services</b>	<b>Author</b>	<b>Sarah Hayes</b> ☎ 01206 282445
<b>Title</b>	<b>Land adjacent to The Stream, Layer Road, Colchester</b>		
<b>Wards affected</b>	<b>Shrub End</b>		

**This report concerns use of three large metal containers being used for domestic storage**

### 1.0 Decision(s) Required

- 1.1 This report should be considered in connection with the report on the application to retain the storage containers on the land. If Members are minded to refuse permission for this application, they may wish to authorise the issue of an enforcement notice requiring the containers to be removed from the land.
- 1.2 If enforcement action is authorised, a period of 28 days is proposed for the compliance period.

### 2.0 Reasons for Decision(s)

- 2.1 The associated application for planning permission sets out the policy background and relevant history of the site. The same considerations are relevant to this report, in that there is no particular reason why this land should be used for domestic storage.
- 2.2 The owner has advised that the containers are being used to store furniture and personal effects while he is living in rented accommodation following the sale of his house. These articles could be quickly removed into a commercial storage facility and 28 days is therefore considered a reasonable period for compliance.

### 3.0 Alternative Options

- 3.1 Members could approve the associated planning application and grant permission for this use for a temporary period permission
- 3.2 The 'no action' option. If no action is taken siting of the containers would eventually become lawful and no action could be taken to require them to be removed.

### 4.0 Supporting Information

- 4.1 In May 2008 a complaint was received that three containers were being kept on this site. Investigations were carried out and it was established that the containers contained personal effects belonging to the owner of this site who had previously lived in The Steam, the adjacent house. The owner was living in rented accommodation while searching for a house to buy.



- 4.2 The owner was advised that there had been a change of use of the land requiring permission and that this use was contrary to planning policies and the containers should be removed.
- 4.3 Three Councillors intervened to see if it was possible to resolve this situation without removing the containers. It was explained that although a planning application could be submitted, as the use would be contrary to planning policies the application would be recommended for refusal under delegated powers. It was explained that if a Councillor called in the application for consideration by the Planning Committee, Members could then take any special circumstances into account when determining the application.
- 4.4 The associated planning report sets out the relevant policies. In addition when deciding whether enforcement action should be taken, consideration has to be given to what harm is being caused. Situations regularly occur where there is a breach of planning control, but the matter is so minor that it would not be expedient to take enforcement action. In this case, the harm is one of principle in upholding the policies in the Borough Plan.
- 4.5 Consideration should also be given to the enforcement history of the site. On two occasions Certificates of Lawfulness have been approved for unauthorised uses which have existed at the site. Should the containers remain on the site, after either four or ten years, the use would become lawful. Whether the four or ten year rule would apply would depend on the exact circumstances of the case as there have been various different legal decisions on this point.

## **5.0 Proposals**

- 5.1 If Members resolve to approve the application, then naturally no enforcement action will be taken.
- 5.2 However, should the application be refused, consideration should be given to whether enforcement action should be taken. Members could resolve not to take enforcement action, but this would be a risky strategy as after a period they would become lawful.

## **6.0 Strategic Plan References**

- 6.1 Planning Enforcement is an integral part of the planning development control service which is identified as a priority within the Strategic Plan.

## **7.0 Human Rights Issues**

- 7.1 In the consideration of the action's impact on Human Rights, particularly, but not exclusively, to:

Article 8 - The right to respect for private and family life,  
Article 1 of The First Protocol (Protection of Property) - The right to peaceful enjoyment of possessions, it is considered that:

The proposal would have an impact on an individual's human rights, but having considered the level of impact and in the general interest of the public and in accordance with planning law, the proposal is considered to be reasonable.

## **8.0 Standard References**

- 8.1 There are no particular references to the publicity or consultation considerations; or financial; equality, diversity, community safety; health and safety or risk management implications

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](mailto:democratic.services@colchester.gov.uk)  
website: [www.colchester.gov.uk](http://www.colchester.gov.uk)